Case Negs S-Z

SEC HSS

Economy Advantage

Transition Inevitable

China rise means transition is inevitable – no hard power

Colby and Lettow, 14

(Elbridge and Paul, 7-3-14, *Robert M. Gates fellow at the Center for a New American Security, policy advisor to the Secretary of Defense's Representative for the follow-on to the Strategic Arms Reduction Treaty, expert advisor to the Congressional Strategic Posture Commission staff member on the President's WMD Commission, **Senior director for strategic planning on the U.S. National Security Council, Senior Director for Strategic Planning and Institutional Reform, Senior Adviser to the Under Secretary of State for Democracy and Global Affairs, "HAVE WE HIT PEAK AMERICA? THE SOURCES OF U.S. POWER AND THE PATH TO NATIONAL RENAISSANCE", http://www.foreignpolicy.com/articles/2014/07/03/have_we_hit_peak_america, ak.)

THE RELATIVE ECONOMIC DECLINE OF THE UNITED STATES IS A FACT. For the first time in 200 years, most growth is occurring in the developing world, and the speed with which that shift -- a function of globalization -- has occurred is hard to fathom. Whereas in 1990 just 14 percent of cross-border flows of goods, services, and finances originated in emerging economies, today nearly 40 percent do. As recently as 2000, the GDP of China was one-tenth that of the United States; just 14 years later, the two economies are equal (at least in terms of purchasing power parity). This shift reorders what was, in some sense, a historical anomaly: the transatlantic dominance of the past 150 years. As illustrated by the map below, it wasn't until the Industrial Revolution took hold in the 19th century that the world's "economic center of gravity" decisively moved toward Europe and the United States, which have since been the primary engines of growth. Today, however, the economic center of gravity is headed back toward Asia, and it is doing so with unique historical speed. This trend will persist even though emerging economies are hitting roadblocks to growth, such as pervasive corruption in India and demographic challenges and serious distortions in the banking system in China. For instance, according to the asset-management firm BlackRock and the Organization for Economic Cooperation and Development (OECD), consumption in emerging markets has already eclipsed that in the United States, and spending by the middle classes in Asia-Pacific nations is on track to exceed middle-class spending in North America by a factor of nearly six by 2030. U.S. wealth is not shrinking in absolute terms -- and it continues to benefit from economic globalization -- but the United States and its allies are losing might compared with potential rivals. Although Europe and Japan have been responsible for much of the developed world's lost relative economic power, the U.S. economy has also slowed from its traditional rates of expansion over the past several decades. Worsening productivity growth has played a particularly large role in the U.S. slowdown, dropping to around 0.5 percent annually, which the Financial Times has referred to as a "productivity crisis." A range of factors are responsible, including a decline in the skill level of the American workforce and a drop in resources allocated to **r**esearch **and d**evelopment. Overall, the U.S. economy has become less competitive. The McKinsey Global Institute, for instance, has measured the relative attractiveness of the United States across a range of metrics, such as national spending on research and development and foreign direct investment as a percentage of GDP. It found that U.S. business attractiveness relative to that of competitors fell across 14 of 20 key metrics from 2000 to 2010 -- and improved in none. And according to the Harvard Business Review, U.S. exports' global market share dropped across the board from 1999 to 2009 and suffered particularly sharp falls in cutting-edge fields such as aerospace. This shift in economic growth toward the developing world is going to have strategic consequences. Military power ultimately derives from wealth. It is often noted that the United States spends more on defense than the next 10 countries combined. But growth in military spending correlates with GDP growth, so as other economies grow, those countries will likely spend more on defense, reducing the relative military power of the United States. Already, trends in global

defense spending show a rapid and marked shift from the United States and its allies toward emerging economies, especially China. In 2011, the United States and its partners accounted for approximately 80 percent of the military spending by the 15 countries with the largest defense budgets. But, according to a McKinsey study, that share could fall significantly over the next eight years -- perhaps to as low as 55 percent. The resulting deterioration in American military superiority has already begun, as the countries benefiting most rapidly from globalization are using their newfound wealth to build military capacity, especially in high-tech weaponry. As Robert Work and Shawn Brimley of the Center for a New American Security wrote this year: "[T]he dominance enjoyed by the United States in the late 1990s/early 2000s in the areas of high-end sensors, guided weaponry, battle networking, space and cyberspace systems, and stealth technology has started to erode. Moreover, this erosion is now occurring at an accelerated rate." (Work has since been confirmed as deputy secretary of defense.) China, in particular, is acquiring higher-end capabilities and working to establish "no-go zones" in its near abroad in the hopes of denying U.S. forces the ability to operate in the Western Pacific. China's declared defense budget grew 12 percent this year -- and has grown at least ninefold since 2000 -- and most experts think its real defense spending is considerably larger. The International Institute for Strategic Studies has judged that Beijing will spend as much on defense as Washington does by the late 2020s or early 2030s. Meanwhile, regional powers like Iran -- and even nonstate actors like Hezbollah -- are becoming more militarily formidable as it becomes easier to obtain precision-guided munitions and thus threaten U.S. power-projection capabilities.

Alt Causes

Deficit and a litany of fiscal constraints that the aff can’t resolve

Colby and Lettow, 14

(Elbridge and Paul, 7-3-14, *Robert M. Gates fellow at the Center for a New American Security, policy advisor to the Secretary of Defense’s Representative for the follow-on to the Strategic Arms Reduction Treaty, expert advisor to the Congressional Strategic Posture Commission staff member on the President’s WMD Commission, **Senior director for strategic planning on the U.S. National Security Council, Senior Director for Strategic Planning and Institutional Reform, Senior Adviser to the Under Secretary of State for Democracy and Global Affairs, “HAVE WE HIT PEAK AMERICA? THE SOURCES OF U.S. POWER AND THE PATH TO NATIONAL RENAISSANCE”, http://www.foreignpolicy.com/articles/2014/07/03/have_we_hit_peak_america, ak.)

Simultaneously, the United States is slashing its defense spending while allocating its remaining funds less strategically. Not only has the Defense Department estimated that it has already cut almost $600 billion from its budget plans for the next decade, but if current trends continue, by 2021 nearly half of the Pentagon's budget will go to personnel-related costs, rather than procurement, training, research and development, or operations. The U.S. National Intelligence Council recently projected the future distribution of global power using two distinct methodologies that incorporated a range of "hard" and "soft" factors. By both estimates, the U.S. share of global power will fall dramatically, from around 25 percent in 2010 to around 15 percent in 2050. The National Intelligence Council predicted that over the same period, the relative power of the European Union and Japan will fall significantly as well. The United States is worsening this problem by refusing to confront its federal debt and deficits. Unsustainable fiscal policy will limit U.S. competitiveness and freedom of action in the world with a severity and alacrity not remotely appreciated in today's U.S. foreign-policy debates. The total federal debt currently held by the public, which includes foreign creditors, is approximately $13 trillion. That is almost three-quarters of U.S. GDP, the highest it has ever been except for a brief period during and after World War II. Moreover, the drivers of the debt are entitlement programs that will impose enormous costs indefinitely. Today, well over 60 percent of federal revenue is consumed by spending on Social Security, the major

health-care programs (including Medicare, Medicaid, and subsidies under the Affordable Care Act), and interest payments on the federal debt. By 2043, spending on entitlements and net interest payments will consume all federal revenue, according to the Congressional Budget Office. Every dollar the U.S. government spends on anything else -- defense, intelligence, foreign affairs, the federal justice system, infrastructure, science and technology, education, the space program -- will be borrowed. And by that time, the total federal debt held by the public will far exceed U.S. GDP. Recent attempts to address the problem have only resulted in fiasco. The "sequester" imposed automatic, arbitrary, across-the-board cuts to discretionary spending -- precisely the spending that is not causing the fiscal problem -- with the heaviest burden falling on defense. Most spending for entitlements was untouched. One could hardly imagine an outcome more likely to reduce American power, and quickly. The unwillingness to choose a sustainable fiscal path is forcing the United States to forgo the investments necessary to sustain the domestic sources of its power, and it is already eroding its strength abroad. Among allies, adversaries, and swing states alike, U.S. fiscal policy is increasingly calling into question America's ability to lead globally.

Growth now – housing boom

Bartash, 7/19

(Jeffry Bartash is a reporter for MarketWatch in Washington, "Housing boomlet furnishes U.S. economy with fresh source of growth", http://www.marketwatch.com/story/housing-boomlet-furnishes-us-economy-with-fresh-source-of-growth-2015-07-19, July 19, 2015, ak.)

The U.S. economy has reached halftime in 2015 and it's been a low-scoring affair. But the second half of the year could show more razzle-dazzle. After contracting 0.2% in the first three months of 2015, the economy is on track to grow a solid 2.5% or a bit higher in the second quarter stretching from April to June. And economists polled by MarketWatch predict comfortable 3% growth in the remaining two quarters of the year. If that's going to happen, the U.S. housing market probably has to keep setting postrecession highs. Construction of new homes in June was almost 27% higher compared with a year earlier and permits to build additional properties hit an eight-year peak. "The housing market rebound is showing no signs of slowing down," said Scott Anderson, chief economist of Bank of the West. "Home builders are in the catbird seat right now." Fresh sales figures this week on new and previously owned homes in June will shed more light on the health of the housing industry. The market continues to recover from its worse bust in modern times, with sales still far below their prerecession high. The current mini-boomlet, if you can call it that, has been driven by a combination of rising urban demand for rental units such as townhouses and apartments and as well as a drop in national vacancy rates to a two-decade low. Younger millennials have gravitated toward cities and many prefer to rent instead of owning their own homes, a trend hastened in part by tighter mortgage-lending standards. They are also forming more families to create additional demand for housing. At the same time, strong job creation over the past few years that has shrunk the unemployment rate has allowed more people to set out on their own. Many young people, for example, were forced by financial circumstances to move back in with their parents after the Great Recession. Only recently has the so-called boomerang trend started to reverse. The benefits of a robust housing market are widespread. Home buyers and renters have to furnish their new living spaces with couches, TVs, beds and the like. Suppliers of building materials such as brick, wood and tiles see an uptick in demand. And home builders, lured by the prospect of higher profits, have to hire more workers. It's a virtuous cycle. "Residential construction will provide a big boost to GDP growth in the second quarter, and through the rest of 2015," said Stuart Hoffman, chief economist at PNC Financial Services.

Alt cause – income inequality

Cynamon and Fazzari, 15

(*Barry Z. Cynamon is a visiting scholar at the Center for Household Financial Stability at the Federal Reserve Bank of St. Louis. His research focuses on the intersection between household finance, including balance sheet health and the distribution of income, and economic growth. Recent efforts supported by the Institute for New Economic Thinking have included contributions

to the measurement of consumption across the U.S. income distribution and alignment of the U.S. national accounts to match household survey data, **Steven Fazzari is a professor of economics at Washington University in St. Louis. His research explores two main areas: the link between macroeconomic activity and finance, particularly the financial determinants of investment spending, and the foundations of Keynesian macroeconomics. His perspectives on the causes and consequences of the Great Recession, the macroeconomic effects of rising income inequality, financial instability, deficit reduction and capital gains taxation have been highlighted in the national and international press, "**Rising Inequality Is Holding Back the U.S. Economy**", London School of Economics, http://www.newsweek.com/rising-inequality-holding-back-us-economy-354777, July 17, 2015, ak.)

Why has the U.S. economy been so sluggish to return to growth in the aftermath of the Great Recession of the late 2000s? In new research, Barry Z. Cynamon and Steven M. Fazzari find that the current level of household demand is more than 17 percent lower than its pre-recession trend, preventing a stronger recovery. They argue that in the lead-up to the Great Recession, households compensated for rising inequality and stagnant wages by borrowing more, something that became unsustainable when the financial crisis hit. For the U.S. to achieve robust growth rates once again, the gap in demand that opened with the collapse of household spending in the Great Recession will have to be closed, preferably through wage growth across the board. In announcing his run for the presidency last month, Jeb Bush has set an ambitious goal of 4 percent real growth in gross domestic product. This goal has been greeted with substantial skepticism from parts of the economics establishment, while some economists have praised it as a "worthy and viable aspiration" that could be achieved with growth-oriented policies (see the op-ed by Glenn Hubbard and Kevin Warsh, for example). Our recent research implies that a 4 percent growth goal for first term of the next president is not only possible but is what we should strive to achieve. Like Hubbard and Warsh, we agree that the U.S. needs policies that raise labor force participation, accelerate productivity growth and improve expectations. **Where we part ways is the tactics**. Their recommendations focus on supply-side policies, such as tax reform, **regulatory reform**, reduced trade friction and education and training. Our research implies that a weak demand side explains the sluggish recovery from the Great Recession, with the rise of income inequality as a central factor. Consequently, our policy prescriptions revolve around increasing the take-home pay of the majority of American households. The Great Recession, which began in December 2007, was the most severe American economic downturn in three-quarters of a century. Most economists did not anticipate ahead of time that this kind of thing could happen, although we warned that "it could get ugly out there" in October 2007. But as the severity of the recession became apparent in the dark days of late 2008 and early 2009, many economists predicted a swift bounce-back, reasoning from historical evidence that deep downturns are followed by rapid recoveries. Sadly, that prediction was also incorrect. The growth path following the Great Recession has been historically sluggish. Our recent research, supported by the Institute for New Economic Thinking, helps explain why: **The economic drag from decades of rising income inequality has held back consumer spending**. Our work studies the link between rising income inequality and U.S. household demand over the past several decades. From the middle 1980s until the middle 2000s, American consumers spent liberally despite the fact that income growth stagnated for most of the population. We show that the annual growth rate of household income slowed markedly in 1980 for the bottom 95 percent of the income distribution, while income growth for the top 5 percent accelerated at the same time. The result was the widely discussed rise of income inequality. It is also well known that household debt grew rapidly during this period. Our work points out that the buildup of debt relative to income was concentrated in the bottom 95 percent of the income distribution. Debt to income for the top 5 percent bounced around with little clear trend: When the financial crisis hit, our work shows that the bottom 95 percent of Americans could no longer get the rising debt they needed to continue to spend along the trend they established in the years leading up to the crisis. The result was a sharp cutback in household demand relative to income that caused the collapse of the Great Recession, shown by the arrow in Figure 2: What about the recovery? Figure 3 shows the path of our measure of real household demand and compares it to the trend it followed from the peak of the business cycle that ended in 2000 to its peak in 2006 prior to the Great Recession: Household demand in 2013 (the most recent observation we have because our computations incorporate data that are released with a lag and are available at an annual frequency only) was a stunning 17.5 percent below its pre-recession trend, with no sign of recovering back toward the trend. What happened? Our research implies that the cutoff of credit for the group of households falling behind as income inequality rose prevented their spending from recovering to its pre-recession path. While there is no reason to

necessarily expect that consumer spending will follow a constant trend over long periods of time, the practical reality is that the U.S. economy needed the pre-recession trend of demand to maintain adequate growth and at least a rough approximation of full employment prior to 2007. In the middle 2000s, there was no sign of excess demand in the U.S. economy. Inflation was tame and interest rates low. Wage growth was stagnant. Although some gradual slowing in long-term U.S. growth might have been predicted as the large baby-boom generation ages, the overall labor force participation rate was actually rising prior to the recession, so there was no reason to expect any significant decline in labor resources in the years immediately following 2007. Yes, the way many Americans were financing their demand was unsustainable, but there is no indication that businesses could not sustainably continue to produce along the pre-recession trend if they had been able to sell the output. Our interpretation of the evidence is that the demand drag that could be expected as the result of rising inequality is, after a delay of a quarter-century, finally constraining the U.S. economy. Intuition, theory and evidence predict that high-income people spend, on average, a smaller share of their income than everyone else does. So as a higher share of income goes into the pockets of the well-to-do, the household sector as a whole is likely to recycle less of its income back into spending, which slows the path of demand growth. A possible problem with this prediction for the U.S. in recent years is that income inequality began to rise in the early 1980s, but household demand remained strong through 2006. Our argument is that the demand drag from rising inequality was postponed by the buildup of debt: The bottom 95 percent borrowed rather than cut back their spending when their income growth slowed. But as the crisis hit, lending to households collapsed, and the trend of rising debt could not continue. The effect of rising inequality has come home to roost, hitting the economy hard. As a result, today's economy is underperforming. No one can know precisely how much of the stagnation in household demand is due to the rise of inequality, but our estimates imply that the current path of total demand in the economy is at least 10 percent below where it would have been with the income distribution of the early 1980s. **Where demand goes, so follows output and employment**. This analysis links to the call for 4 percent growth. Considering conventional estimates of the long-term trend growth of the economy, a 4 percent growth rate through the next U.S. president's first term would go a long way toward closing the gap in output that opened with the collapse of household spending in the Great Recession and has yet to be filled. How can we move toward this goal? Our research strongly implies that the main problem is on the demand side, not the supply side. The U.S. needs to find a way to boost demand growth by arresting, and hopefully reversing, the dramatic rise of inequality. The basic argument is exceedingly simple: The economy continues to be held back by insufficient household spending, and if the income share of Americans outside of the top sliver rises, household spending will increase. Policies that raise the minimum wage and reduce the tax burden of low- and middle income-households would help. In our view, however, the best method to achieve this objective would be to restore wage growth across the income distribution as occurred in the decades after World War II. Meeting this objective is challenging for a variety of reasons, including the fact that there remains no clear consensus about what has caused the rise of American economic inequality. But the need to address inequality is not just a matter of social justice; it also is important to get the economy back on the right track after more than seven years of stagnation. We can do better.

FDI Not Key

No impact – investment bounces back and foreign investors aren't key

Jackson 9 (James, specialist in International Trade and Finance for the Congressional Research Service, "Foreign Investment In US Securities: CRS Report for Congress", research.policyarchive.org/2110_Previous_Version_2009-11-18.pdf)

Over the long run, the economic and financial effects of a foreign withdrawal from U.S. financial markets **would be limited** because those factors which allowed foreigners to withdraw **would attract other foreign investors** to the U.S. markets. As U.S. interest rates rose in response to the selling of securities, other investors likely would **be attracted** to the higher returns of the assets, which would curb the decline in the prices in the securities. Also, the rise in U.S. interest rates would attract foreign capital, which would limit the rise in interest rates. A decline in the value of the dollar against other currencies would also improve the international price competitiveness of U.S. goods. As a result, U.S. exports would increase, likely narrowing the gap between the earnings on U.S. exports and the amount Americans spend on imports, thereby reducing the amount of foreign capital the U.S. economy would need. Furthermore, those foreign investors who are successful in withdrawing their funds from the U.S. markets **would have to find suitable alternatives**. Even if they did not reinvest their finds in the United States, the infusion of capital **back into foreign capital markets** likely would have **spillover effects** on the United States and on U.S. securities.

FDI does not have a significant impact on economic growth

Alfaro 03 (Laura, the Warren Alpert Professor of Business Administration at Harvard, She is also a Faculty Research Associate in the National Bureau of Economic Research's International Macroeconomics and Finance Program, Member of the Latin-American Financial Regulatory Committee (CLAAF), Faculty Associate at Harvard's Weatherhead Center for International Affairs, and member of the David Rockefeller Center for Latin American Studies' (DRCLAS) policy committee, "Foreign Direct Investment and Growth: Does the Sector Matter?," Harvard Business School, April 2003, http://www.people.hbs.edu/lalfaro/fdisectorial.pdf)//kjz

Attitudes and government policies towards FDI as well its characteristics have varied considerably over time.18 From 1880 and until the first decades of the twentieth century, for example, FDI grew exponentially and became heavily concentrated in the exploitation of natural resources. World War I and the nationalization of foreign property in Russia in 1917 dealt heavy blows to FDI, but it was the onset of the Great Depression in 1929 that marked the end of its golden era. Between the 1930s and the 1970s, there was a worldwide growth in restrictions because governments became more concerned about the impact FDI had on their economies. After decades of skepticism, in the 1980s international events reshaped the attitude towards FDI as the debt crisis severed developing countries' access to credit and portfolio investment. In addition, there was a shift in the industries in which foreign firms were active compared to the post war period, which involved mostly the exploitation of oil and natural resources, towards manufacturing, services, and high technology. Governments began to ease restrictions on FDI and increasingly offer incentives in an effort to attract investment. During the 1990s, FDI soared, growing more than 20% per year. This recent surge of FDI had its own distinctive characteristics: more than 50% of new investments were in the service sector. This paper finds that FDI flows into the different sectors of the economy (namely primary, manufacturing, and services) exert different effects on economic growth. FDI inflows into the primary sector tend to have a negative effect on growth, whereas FDI inflows in the manufacturing sector a positive one. Evidence from the foreign investments in the service sector is ambiguous. Despite the limitations of the data used, the results are robust to the inclusion of other growth determinants, such as income, human capita measures, domestic financial development, institutional quality, different samples, and the use of lagged values of FDI. One can conjecture that these investments, given their nature — agriculture and mining — have little spillover potential for the host economy. FDI flows to manufacturing seem to have a positive 13 effect on growth. Indeed, most of the theoretical work on the benefits associated with FDI tends to be related to the manufacturing-industry sector. Foreign investment in the service sector has an ambiguous effect. The macroeconomic literature had focused on total FDI inflows or stocks, in part due to data limitations. This work suggests that not all forms of foreign investment seem to be beneficial to host economies. A priori, this might suggest differentiated efforts towards attracting different forms of FDI flows and even negative incentives to certain types, in particular investment in natural re sources. In effect, countries have recently begun to pursue targeted policies towards attracting foreign direct investment. Evidence that countries might want to target certain sectors needs to be weighed against bureaucratic costs and increased potential for the corruption of differentiated schemes. The economic nature of the host country is also an important determinant. More work in this area is warranted, in particular, in terms of better data sets that will support exploiting the time variation in the data.

FDI High

Foreign investment is high now – even with regulatory uncertainty, the US is still perceived as safe

Shah 13 (Neil, covers the U.S. economy and demographics for the WSJ, "For U.S., Big Foreign Investment Is a Mixed Blessing", http://www.wsj.com/articles/SB10001424127887323466204578384704161999108)

Foreign investment in the U.S. dwarfed American investment abroad by the **biggest margin on record** for much of last year, leaving the U.S. economy more vulnerable to external shocks but also suggesting the nation **remains a magnet** for foreign funds after the financial crisis. America's "international investment position" in 2012—how much the value of foreign investments in the U.S. exceeded U.S. investments abroad—**jumped to $4.7 trillion** in the second and third quarters of last year before falling to $4.4 trillion by year's end, up from $4.0 trillion at the end of 2011, the Commerce Department said in a report Tuesday that provided quarterly data for the first time. The $4.7 trillion gap in the second and third quarters was the biggest since the government began tracking the figures in 1976, according to the report. The report suggests foreign investors and companies are playing a much **bigger role in U.S. financial markets** and the economy. That worries some observers, since it makes the U.S. economy more

vulnerable to sharp turns in the global environment. Yet it also **suggests America remains a beacon for foreign investment**. "The U.S. is still the largest market in the world and **despite some of our dysfunction**, by comparison, we look like a **pretty good investment**," said Nancy McLernon, chief executive of the Organization for International Investment, a Washington, D.C., group representing major foreign investors in the U.S.

Foreign investment is high and rising now

Cox 13 (Jeff, finance editor with CNBC, "Foreign Holdings of US Securities Have Exploded", http://www.cnbc.com/id/100695176)

Foreigners now hold more than $13 trillion in American securities, **a record set** as the U.S. seeks to assert itself as the safest port in troubled global waters. China and Japan combined owned more than $3.4 trillion, including $2.4 trillion in debt, a number that has grown since the data set was compiled. The total value of U.S. stocks and bonds under foreign ownership **rose 6.5 percent** in 2012, with stocks actually rising more on a percentage basis, according to the most recent data from the U.S. Treasury. **Foreign holdings have more than doubled since 2005** and are getting close to the $15 trillion total size of the U.S. economy.

FDI high now, even with regulations, the US is till once of the most open economics

Pasha, 11 – Manager, Business Retention and Expansion at Select USA and is responsible for outreach to U.S. state, regional, and local economic development agencies, foreign governments and investors. Formerly served as the Global Markets Investment Manager at the Ohio Department of Development. Former Special Assistant for Economic Development for Lt. Governor Lee Fisher. In 2003 she served as a legislative aid to the Labor Party in the English Parliament and assisted in the administration's defense and foreign policy as a Hansard Scholar at the London School of Economics and Political Science. MBA at the Fisher College of Business, The Ohio State University and a Bachelor's degree from Wells College. (Tazeem, "Invest in America", ICOSA, 8/02/11, http://www.icosamedia.com/2011/08/foreign-direct-investment/)//KTC

Foreign direct investment (FDI) is a key source of capital, job creation, innovation, and U.S. exports. Firms invest in the United States to balance business growth and sustainability with global economic pressures to raise productivity and lower operating costs. Their investments contribute to the overall economic strength and competitiveness of the United States. Businesses worldwide recognize the longstanding, unequivocal U.S. policy of openness to foreign direct investment (FDI). They invest in the United States to access the world's largest, most innovative single-country economy with an annual GDP (gross domestic product) of approximately $14 trillion and a population of about 310 million, representing 42 percent of the global consumer goods market. The United States is the world's largest recipient of FDI, and these investments are a sign of U.S. economic strength. Companies invest in the United States because our economy is stable, our workforce is reliable, and our climate of innovation and access to global markets can help achieve unparalleled success. Even through the global economic volatility in recent years, FDI in the United States has remained steady. Preliminary data from the U.S. Bureau of Economic Analysis (BEA) shows that approximately $190 billion in FDI flowed into the United States in 2010, almost a 30 percent increase from 2009. Overall, the $2.3 trillion stock of FDI in the United States is nearly 16 percent of our total GDP. In numerous confidence indices, the U.S. is consistently ranked among the top. A.T. Kearney ranks the U.S. as second in FDI confidence, and the World Economic Forum has ranked the U.S. fourth in global manufacturing competitiveness. Meanwhile, the World Bank names the United States fifth in its "ease of doing business" index. Given the sheer size and industrial diversity of the U.S. economy, it is impressive to secure uniformly high rankings in business benchmarks. In addition to new capital, foreign direct investment contributes to the U.S. economy through employment of U.S. workers. In 2009, sSubsidiaries of foreign-owned firms directly employ over 5.2 million U.S. workers, paying almost $408 billion in annual salaries and wages in 2009. Multinational firms value the quality of U.S. education and training. Their U.S. operations are often in specialized functions, leading to job creation in highly skilled sectors. They want the best workers in the world and are willing to pay a premium for U.S. talent. Recent statistics show that nearly 40 percent of U.S. jobs created through FDI are in

manufacturing. On average, U.S. employees of foreign-owned firms earn 25 percent higher wages than the U.S. private sector average wage.

FDI is high now – R&D and IPR ensures investment

Pasha, 11 – Manager, Business Retention and Expansion at Select USA and is responsible for outreach to U.S. state, regional, and local economic development agencies, foreign governments and investors. Formerly served as the Global Markets Investment Manager at the Ohio Department of Development. Former Special Assistant for Economic Development for Lt. Governor Lee Fisher. In 2003 she served as a legislative aid to the Labor Party in the English Parliament and assisted in the administration's defense and foreign policy as a Hansard Scholar at the London School of Economics and Political Science. MBA at the Fisher College of Business, The Ohio State University and a Bachelor's degree from Wells College. (Tazeem, "Invest in America", ICOSA, 8/02/11, http://www.icosamedia.com/2011/08/foreign-direct-investment/)//KTC

Another significant impact of FDI on the U.S. economy is the continued growth of its assets in research and development (R&D) and innovation. Already a world leader in R&D, the U.S. is further enhanced by FDI occurring in this sector. In 2008, over $40 billion was spent on R&D by U.S. subsidiaries of foreign firms. Recently, the National Science Foundation (NSF) collected business data gathered by the NSF, the U.S. Census Bureau, and the U.S. Bureau of Economic Analysis to find that U.S. affiliates of foreign firms have a growing share of R&D investments in the United States. Firms recognize the hospitable climate the U.S. provides for product research and development, intellectual property rights protection, and commercialization. Not only does the United States excel in R&D, but we also safeguard new inventions and innovations through a robust intellectual property protection rights (IPR) system. Last year, 34 percent of all R&D in the world took place in the United States with almost half of the developed world's researchers working here. This research yields to impressive results, including the research of 45 percent of all Nobel Prize winners in the fields of chemistry, medicine and physics being completed in the United States. Further contributing to our competitiveness, the U.S. has a clear global advantage in the ability of firms to commercialize their technologies while relying on IPR protection. As the Global Manufacturing Index published by Deloitte and the U.S. Council on Competitiveness notes, "Strong intellectual (property) protection not only encourages innovation, it provides a level of confidence in an economy needed to attract FDI and spur technology transfer." Multinational companies have choices, and they choose to invest in the United States for its supportive environment for their research, development, and commercialization. FDI's impact on the U.S. economy transcends its borders. In addition to introduction of new capital, creation of new jobs and strengthening U.S. competitiveness in R&D, U.S. affiliates of foreign-owned firms account for almost 19 percent of total U.S. exports. In recent years, the steady rise in the proportion of U.S. exports originating from these firms is evidence that multinational companies establish themselves not only to service the U.S. market but to utilize our business climate as an export platform, as well. After all, the United States nearly doubles its market access through strategic trade agreements representing 610 million consumers worldwide. Growing this trend is integral to the success of the President's National Export Initiative to double U.S. exports over a five-year period.

FBI Advantage

1NC—Stem Frontline

[Regulations solve fraud from fraud DA]

[Self-regulation causes fraud from fraud DA]

The trade-off is non-unique—the FBI is already understaffed

CAIR, '12, ("FBI Counterterrorism Division 'Inexcusably Understaffed'" July 16, 2012, Council on American Islamic Relations, http://www.cair.com/press-center/cair-in-the-news/10850-fbi-counterterrorism-division-inexcusably-understaffed.html)//erg
The Federal Bureau of Investigation (FBI) is battling a real “good news — bad news” situation within their ranks. Bad news first: The FBI’s highest-ranking Arab-American agent told a congressional panel this week that he is not being allowed to work on important counterterrorism assignments, despite a shortage of agents who speak Arabic. The good news — for the FBI, not the nation — is that senior Bush Administration officials apparently ignored warnings from the FBI over interrogation techniques used at Guantanamo Bay and in Iraq and Afghanistan, according to a new US government report. Bassem Youssef, chief of the communications analysis unit of the FBI’s counterterrorism division, said the bureau’s International Terrorism Operations Sections (ITOS) — which include those that track Al-Qaeda terrorists — are “**; inexcusably understaffed**.” Egyptian-born Youssef, who has been an agent with the FBI since 1988, said only 62 percent of posts were filled in the counterterrorism unit. In other words, more than one out of every three positions in an elite FBI division that tracks Al-Qaeda terrorists is vacant. This was confirmed this week by another source, when an internal FBI document was leaked to the press. The FBI’s counterterrorism section is too badly organized and too understaffed to be able to protect the United States effectively against attack, Youssef told lawmakers. This chronic staff shortage forced the FBI to recruit staff with no relevant experience, specifically with Middle Eastern counterterrorism, possibly lacking pertinent language skills and cultural understanding.

No investigation trade-off—that was Bush

Kiel, '08, (Paul, consumer finance expert, "The End of FBI's Terror Trade-Off?" ProPublica, Oct. 20, 2008, http://www.propublica.org/article/the-end-of-fbis-terror-trade-off-1020)//erg
The Bush administration made a choice in the wake of 9/11. The FBI needed to dramatically increase its counterterrorism capabilities. To do that, it needed agents. Most of those agents came from FBI priorities now deemed less important – like white-collar crime. The ramifications, as the Seattle Post –Intelligencer documented in a multi-part series last year, "The Terrorism Trade-Off," were plenty and apparent. Among them was a dramatic drop in financial crime investigations like fraud and embezzlement cases. But now that the nation is in the midst of a market crisis, the FBI is scrambling to regain lost ground, the New York Times reported this weekend. Since 2001, the FBI reassigned about one third of the 1,700 agents who had been working white-collar crime cases. Now the FBI, "struggling" to find the resources to respond to the financial crisis, is "planning to double the number of agents working financial crimes by reassigning several hundred agents amid a mood of national alarm." Even a few months ago, the White House had reiterated the wisdom of shifting agents from the white-collar crime. When the administration's 2009 budget again contained no new funding to boost the number of agents in the FBI's crime-fighting squads, a White House official responded to criticism by saying "The assumption that how it was pre-9/11 is how it ought to be for all time is not the correct premise." The Times points to another possible reason for the FBI's diminished performance in combating white-collar crime: concern from the administration that the recent high-profile investigations of Enron, WorldCom and others had gone too far. Several "former law enforcement officials" told the paper that "senior administration officials, particularly at the White House and the Treasury Department, had made clear to them that they were concerned the Justice Department and the F.B.I. were taking an anti-business attitude that could chill corporate risk taking." With the credit market nearly frozen, chilling corporate risk-taking is unlikely still a problem, and politically, **the terrorism trade-off appears to no longer be acceptable**. On an almost daily basis, news has leaked that the FBI is investigating one of the major financial institutions at the center of the crisis: Fannie Mae and Freddie Mac, AIG, Lehman Brothers, Washington Mutual, Countrywide. At last count, the FBI says it's investigating 26 national corporations related to the crisis. It seems the philosophy has been to jump first and scramble for resources later. When the U.S. Attorney for Seattle announced that his office was investigating WaMu, he was candid about the reasons: "intense public interest" in the largest bank collapse in U.S. history.

Exts. Regulations Solve

Look at fraud DA

Exts. Self-Regulation Fails

Look at fraud DA

Exts. Trade-Off Non-Unique

Counterterror resources are inadequate now

Meek 15 - James Gordon Meek is an award-winning investigative journalist and former Senior Counterterrorism Advisor and Investigator for the House Committee on Homeland Security. ("Officials: 'Inadequate' Government Efforts to Prevent US Terrorist Radicalization," http://abcnews.go.com/International/officials-inadequate-government-efforts-prevent-us-terrorist-radicalization/story?id=32472382 7/15/2015) STRYKER

The Obama administration's approach to combating terrorist radicalization inside the U.S. has been "**inadequate**" while ISIS has found extraordinary success at inspiring many to commit violence, current and former officials said at a congressional hearing today. So far this year, the FBI has arrested 48 suspects in the U.S. accused of attempting to support ISIS or act violently in the name of the Islamist extremist group – and yet in all of the U.S. government, only half that number of U.S. officials are devoted to Countering Violent Extremism (CVE) programs, according to Rep. Michael McCaul, Chairman of the House Homeland Security Committee. "In the high-threat environment we are in today, **this is unacceptable**," McCaul said. But current and former officials have told ABC News the numbers are even worse and that many of those officials counted in the number the administration provided to McCaul split their time between CVE and other duties. Those inside the government solely focused on CVE at the Department of Homeland Security, Department of Justice and National Counterterrorism Center number approximately eight, these officials said. "**Resources devoted to CVE have been highly inadequate**, and CVE units within each relevant agency **remain understaffed**," Seamus Hughes, who recently left the National Counterterrorism Center, told the House Committee on Homeland Security. Before leaving NCTC, Hughes was one of the officials responsible for such CVE efforts over the past three years.

1NC—Terrorism Frontline

Counterterrorism fails and the affirmative can't make it better—reject their insider evidence

Brooks 15 - Rosa Brooks is a law professor at Georgetown University and a Schwartz senior fellow at the New America Foundation. She served as a counselor to the U.S. defense undersecretary for policy from 2009 to 2011 and previously served as a senior advisor at the U.S. State Department. ("U.S. Counterterrorism Strategy Is the Definition of Insanity," http://foreignpolicy.com/2015/06/24/u-s-counterterrorism-strategy-is-the-definition-of-insanity/ 6/24/2015) STRYKER

Show me someone who publicly insists that the United States has an effective counterterrorism strategy, and **I'll show you someone who draws a paycheck from the U.S. government**. "This week we have seen success across a broad spectrum," Pentagon spokesman Col. Steve Warren told reporters on June 16, commenting on the death of Yemeni al Qaeda leader Nasir al-Wuhayshi, reportedly killed as a result of a U.S. drone strike. "Any time a terrorist is removed from the battlefield, is killed or captured, I think the net gain outweighs any potential loss." Loyalty to your employer is a fine thing, especially in a press spokesman, but outside the ranks of officials in President Barack Obama's administration, experts are far more dubious about the heavy U.S. reliance on air power and targeted strikes. "The tactical, whack-a-mole approach is **not having the desired effect**," my Foreign Policy colleague Micah Zenko told the New York Times. "Not having the desired effect" was a polite circumlocution: As Zenko recently noted for FP, State Department figures show a substantial recent uptick in global terrorism. In 2014, terrorist attacks increased 39 percent over the previous year, while the number of fatalities caused by terrorist attacks went up 83 percent. In Yemen, which the administration inexplicably continues to tout as a counterterrorism "success," **U.S. policy in in shambles**. "If you're looking for logic here, you're not going to find much," Stephen Seche, a former U.S. ambassador to Yemen, told the New York Times. In mid-June, the Washington Post reported that "[al]-Qaeda affiliates are significantly expanding their footholds" in both Yemen and Syria. And the Islamic State also continues to gain ground in both countries. Meanwhile, in Libya, it's "utter chaos," former U.N. advisor Dirk

Vandewalle told the Times: The Islamic State and al Qaeda-linked groups are vying for power, and a recent U.S. drone strike against al Qaeda operative Mokhtar Belmokhtar "shows that we're still relying on ad hoc measures." In Iraq, Somalia, and Afghanistan, it's the same story. The United States continues to rely heavily on airstrikes and targeted killings, while terrorist groups continue to cause mayhem and gain adherents. Even some of those who do get paid by Uncle Sam have grown more openly skeptical of U.S. counterterrorism policy. Capt. Robert Newson, a Navy SEAL who served as director of the Joint Interagency Task Force-Counter Terrorism, told an interviewer at West Point's Combating Terrorism Center that "drone strikes, manned airstrikes, and special operations raids ... buy space and time. But by themselves they are only a delaying action, and everywhere I have been, in Iraq, Afghanistan, Yemen, every military person up and down the chain of command acknowledges this. This 'CT concept' — the solution that some people champion where the main or whole effort is drone strikes and special operations raids — is a fantasy." Like Newson, I haven't encountered many defenders of U.S. counterterrorism strikes. Last year, I co-chaired a Stimson Center commission on U.S. drone policy with retired Gen. John Abizaid. The commission, which included former senior military and intelligence officials from both Obama's and George W. Bush's administrations, concluded in June 2014 that "the Obama administration's heavy reliance on targeted killings as a pillar of **US counterterrorism strategy** rests on questionable assumptions, and **risks increasing instability and escalating conflicts**. While tactical strikes may have helped keep the homeland free of major terrorist attacks, existing evidence indicates that both Sunni and Shia Islamic extremist groups have grown in scope, lethality and influence in the broader area of operations in the Middle East, Africa and South Asia." In dozens of interviews and conversations with national security experts since June 2014, I have yet to find anyone who won't admit, off the record, that U.S. counterterrorism policy is flailing badly. So here's the question: If no one except administration press flacks thinks the whack-a-mole approach to counterterrorism is working, why are we still using it? To me, that's one of the unsolved mysteries of the universe, right up there with "what is dark matter?" and "why do we yawn?" Why do smart people like Obama and his top advisors continue to rely on counterterrorism policies that aren't working? I can think of a few possibilities. 1. They know something we don't. This is the most generous hypothesis I can come up with. Maybe there's secret intelligence information showing that, contrary to all appearances, al Qaeda, the Islamic State, al-Shabab, Boko Haram, and other major terrorist groups have all been fatally weakened and peace on Earth is right around the corner. Maybe. But not very likely. 2. We know something they don't. Back in 2003, many of us were skeptical of the Bush administration's claims about Iraqi weapons of mass destruction, but told ourselves that senior officials probably knew something we didn't. Not so, as it turned out. Internal and external critics were ignored or silenced, and everyone from Defense Secretary Donald Rumsfeld to Secretary of State Colin Powell convinced themselves that dubious intelligence was the gospel truth. Had they paid more attention to critics, the United States might never have launched its misguided war in Iraq — the same war that became an inspiration and training ground for many of the terrorist leaders who continue to plague the region today. The critics were right. There's no particular reason to think that today's senior U.S. officials are any less prone to self-delusional groupthink. Maybe they're trapped in their own little bubble; maybe they've started to believe their own hype. 3. They don't know what they don't know. Or maybe they don't — and can't — know that they don't know what the rest of us know. Maybe no one draws their attention to critical reports. Maybe the internal critics — of whom there are clearly many — censor themselves when they're around the president and his inner circle. I sometimes think that the U.S. government is a giant machine designed to prevent senior decision-makers from every getting any useful information. For one thing, it's a vast and sprawling bureaucracy, and the right hand is frequently oblivious to the machinations of the left hand. In a sense, there's just no "there" there: The State Department doesn't always share important information with the Defense Department, the Defense Department doesn't always share important information with Department of Homeland Security, and the intelligence community generally doesn't share important information with anyone. Within agencies, it's no different. Central Command doesn't necessarily know what Special Operations Command knows, and Africa Command may not know what either knows. Military intelligence and surveillance assets are concentrated in the Central Command area or responsibility, leaving commanders elsewhere with less ability to monitor and understand what's going on. Meanwhile, the CIA's shift toward paramilitary operations has left it less able to gain vital human intelligence. Put all this together, and you get a situation in which U.S. officials can see millions of trees, but almost no one can spot any forests. Add to this the natural desire to bring good news rather than bad news to the boss — and combine it with a bureaucratic culture that insists that everything be boiled down to a few slides or a page of bullet points before it goes to senior officials. Maybe, at the end of the day, Obama can't be expected to know whether his approach to counterterrorism is succeeding or failing, because the structure and incentives of the players in his own government make it impossible for him to know. 4. They don't want to know. Maybe that's too generous. Bush used to boast that he never read the newspaper. Maybe Obama has stopped reading the news too. Or maybe he skips articles that look critical or negative and goes straight to the sports section. It will be many years before current intelligence assessments are declassified, but so far, journalistic reports of leaked documents and comments by former officials suggest that there's **no shortage of internal evidence that U.S. counterterrorism policy is failing**. According to the BBC, leaked CIA reports concluded that targeting killings of Taliban leaders were ineffective, for instance. Other internal documents reportedly acknowledge that U.S. officials are often uncertain whom they're killing in the first place. But maybe senior officials find reasons to avoid reading such reports. Taking such information fully on board — or

grappling with the full implications of the recent rise in global terrorism — would require senior officials to admit (to themselves, even if not to the general public) that a counterterrorism strategy centered on air power and targeted killings isn't working. Not fun. 5. They know, but don't care. Perhaps I'm still being too generous. Maybe senior administration officials know perfectly well that their approach to counterterrorism is failing, but simply have **no incentive to change it**. Why bother? In less than two years, this administration will be gone, and the next crew will have to clean up the mess — which won't be easy, since no one has any magic solutions. In the meantime, politics trumps policy. The experts, analysts, and pundits can yap all they want, but airstrikes and targeted killings scratch the itch to "do something" and look tough while doing it. The long-term efficacy of this approach is immaterial. 6. They're just really conflicted and confused. It's definitely possible. In May 2013, Obama told an audience at the National Defense University that counterterrorist drone strikes raise "profound questions" and that "the use of force must be seen as part of a larger discussion we need to have about a comprehensive counterterrorism strategy." In May 2014, he repeated his commitment to having that discussion and added, "I also believe we must be more transparent about both the basis of our counterterrorism actions and the manner in which they are carried out.... When we cannot explain our efforts clearly and publicly, we face terrorist propaganda and international suspicion." In September 2014, he admitted, "We don't have a strategy yet" for dealing with the rise of the Islamic State." A few weeks ago, he amended this to "we don't yet have a complete strategy." **It shows**.

[Terminal impact defense]

Exts. Counterterrorism Fails

Counterterrorism is ineffective and inefficient—the DHS is an alt cause

Inserra 15 - David Inserra is a Research Associate for Homeland Security and Cyber Security in the Douglas and Sarah Allison Center for Foreign and National Security Policy, of the Kathryn and Shelby Cullom Davis Institute for National Security and Foreign Policy, at The Heritage Foundation. ("Time to Reform the U.S. Counterterrorism Enterprise—Now," http://www.heritage.org/research/reports/2015/04/time-to-reform-the-us-counterterrorism-enterprisenow 4/15/2015) STRYKER
Imperfect Intelligence Sharing In the aftermath of 9/11, DHS was created to ensure that silos of information are broken down, and that counterterrorism agents are able to use the best intelligence proactively. While great strides have been made in this direction, DHS's role in the intelligence and information-sharing arenas remain limited. In 2012, the Senate Homeland Security and Government Affairs Committee found that fusion centers "often produced irrelevant, useless or inappropriate intelligence reporting to DHS and many produced no intelligence reporting whatsoever." It also provided multiple assessments and examples that show fusion centers were not meaningfully contributing to counterterrorism measures and **may have even been harming efforts**.[1] More recent reports also show fusion centers to have mixed results.[2] Meant to serve as hubs of sharing between federal, state, and local officials, the 78 fusion centers often serve cities or regions already covered by 104 FBI Joint Terrorism Task Forces (JTTFs) and 56 Field Intelligence Groups (FIGs), which play a similar role to that of fusion centers.[3] This broad duplication of efforts results in an inefficient and counterproductive use of counterterrorism funds. In 2013, the DHS Inspector General (IG) reported that DHS's Homeland Security Information Network (HSIN)—designed to share sensitive but not classified information with federal, state, local government, and private-sector partners—was only being used by a small percentage of all potential partners. State and local officials stated that one reason for not using HSIN was that "**the system content was not useful**."[4] Since the IG report came out, however, HSIN has successfully migrated to an updated system and is seeking to add desired content from DHS components.[5] At around 40,000 active users at the end of 2013, HSIN is far short of its 2015 objective of 130,000.[6] Furthermore, a RAND report sponsored by DHS found that HSIN was only a somewhat useful source of information.[7] Other DHS intelligence products and efforts also had mixed results. In 2013, the Senate Select Committee on Intelligence found that DHS's Office of Intelligence and Analysis (I&A) had more analysts than reports.[8] In 2014, Government Accountability Office (GAO) surveys found that private-sector, intelligence-community, and DHS-component customers of DHS's intelligence products generally found them not useful, although the primary customers, DHS headquarters and state and local law enforcement partners, found them helpful.[9] Combined with low morale—I&A was rated the third-worst office to work for in the federal government in 2014—DHS's intelligence operations are far from where they should be.[10] Of course, **DHS is not alone in its shortfalls** in the intelligence and counterterrorism sphere. While the FBI has made progress in its intelligence activities and sharing information with state and local law enforcement or private-sector partners, the recent report by the FBI's 9/11 Review Commission found that there is "still room for improvement"[11] as partners often view the FBI as "a one way street."[12] The report also found **substantial problems in the FBI's larger intelligence endeavor**, finding "a significant gap between the articulated principles of the Bureau's

intelligence programs and their effectiveness in practice."[13] While the National Security Branch and newly established Intelligence Branch, together with other substantial endeavors to build intelligence structures and programs, are steps in the right direction, intelligence analysts need more resources and opportunities to train, develop, and advance professionally, and the uneven integration of intelligence with law enforcement activities must be fixed by further elevating the role of intelligence in the FBI.[14] As a result, both DHS and the FBI remain works in progress in the analysis, sharing, and use of intelligence. Proactively Defending the U.S. Homeland DHS and the FBI stand at the center of many of the U.S.'s efforts to combat terrorism. Despite the importance of its positions, its efforts are often **plagued by inefficiencies and ineffectiveness**. To better protect the U.S. from terrorism, Congress should:

Counter-terror is already ineffective

SCHMITT and SHANKER, '10, (ERIC, Pulitzer Prize–winning American journalist who writes for the New York Times and THOM, "Hurdles Hinder Counterterrorism Center," New York Times, February 22, 2010, http://www.nytimes.com/2010/02/23/us/politics/23center.html?_r=0)//erg

WASHINGTON — The nation's main counterterrorism center, created in response to the intelligence failures in the years before Sept. 11, is struggling because of flawed staffing and internal cultural clashes, according to a new study financed by Congress. Related Documents Document: Project on National Security Reform Study (pdf) The result, the study concludes, is a lack of coordination and communication among the agencies that are supposed to take the lead in planning the fight against terrorism, including the C.I.A. and the State Department. The findings come just weeks after the National Counterterrorism Center was criticized for missing clear warning signs that a 23-year-old Nigerian man was said to be plotting to blow up a Detroit-bound commercial airliner on Dec. 25. The counterterrorism center's mission is to gather information from across the government, pull it all together and assess terrorist threats facing the United States, then develop a plan for the government to combat them. But the new report found that the center's planning arm did not have enough authority to do its main job of coordinating the White House's counterterrorism priorities. The center's planning operation is supposed to be staffed by representatives of various agencies, but not all of them send their best and brightest, the report said. It also cited examples in which the C.I.A. and the State Department did not even participate in some plans developed by the center that were later criticized for lacking important insights those agencies could offer. As a result, the center's planning arm "has been forced to develop national plans without the expertise of some of the most important players," the report determined. The counterterrorism center was part of the overhaul of the government after Sept. 11, including the creation of the director of national intelligence. Now, years after the attacks, the entire reorganization is coming under scrutiny, raising fundamental questions about who is in charge of the nation's counterterrorism policy and its execution. "The fluid nature of modern terrorism necessitates an agile and integrated response," the report concluded. "Yet our national security system is organized along functional lines (diplomatic, military, intelligence, law enforcement, etc.) with weak and cumbersome integrating mechanisms across these functions." The 196-page report is the result of an eight-month study by the Project on National Security Reform, a nonpartisan research and policy organization in Washington. It was financed by Congress and draws on more than 60 interviews with current and former government and Congressional officials, including nearly a dozen officials at the counterterrorism center. The study is scheduled to be made public this week. The authors provided a copy to The New York Times.

1NC—Money Laundering Frontline

Anti-money laundering fails—it is an ineffective approach

Rahn, 2014 (Richard W. Rahn, senior fellow at the Cato Institute and chairman of the Institute for Global Economic Growth. "Anti-Money Laundering Surveillance Hurts Banking Services" http://www.cato.org/publications/commentary/anti-money-laundering-surveillance-hurts-banking-services) // IL

For the last several decades, global liberty-haters have dreamt that all financial privacy would be eliminated. They have sought out a variety of excuses to act as Peeping Toms peering into your bank accounts. In the 1980s, their big push was to enact "anti-money laundering" legislation, with the claim that it would make catching drug dealers and other assorted criminals easier. The United States passed its first anti-money laundering law in 1986 — despite the fact that no one could objectively define money laundering, because it is not an action but an "intent" to act unlawfully. The whole global anti-money laundering regime makes no economic sense, is unworkable, and is morally repugnant." In 1989, at the G-7 summit in Paris (before Russia joined and made it the G-8), it was decided to create an

international organization dedicated to combating money laundering — duplicating the efforts of the International Monetary Fund (IMF) and the Organization for Economic Cooperation and Development (OECD) which already had the responsibility. The new organization was called the Financial Action Task Force on Money Laundering (FATF). Over time, the task force expanded its membership to include some corrupt governments such as Russia (which is alleged to engage in money laundering). By the way, a Russian government official, Vladimir Nechaev, is now president of the task force. As a result of all the global anti-money laundering regulations, total compliance costs for financial institutions are now in the hundreds of billions of dollars. Basic banking and other financial services have been reduced and even eliminated for tens of millions of people around the world. Have all of these regulatory costs done any good? In an effort to answer that basic question, the Center for Law and Globalization (a partnership of the University of Illinois College of Law and the American Bar Association) published a report in January, "Global Surveillance of Dirty Money." The authors had the full cooperation of the IMF and FATF, yet the conclusions were damning. One of the authors of the report, Terence Halliday, stated: "We find that the current system is pervasive and highly intrusive but without any evidence of tangible effect." The authors were quoted in The Wall Street Journal as saying the IMF and FATF have built a "Potemkin village" and a "paper reality" based on "a plausible folk theory," rather than data and evidence of what works.

Turn—anti-money laundering hurts banks

Mitchell, 2012 (Dan J. Mitchell, Daniel J. Mitchell is a top expert on fiscal policy issues such as tax reform, the economic impact of government spending, and supply-side tax policy. Mitchell is a strong advocate of a flat tax and international tax competition. Prior to joining Cato, Mitchell was a senior fellow with The Heritage Foundation, and an economist for Senator Bob Packwood and the Senate Finance Committee. He also served on the 1988 Bush/Quayle transition team and was Director of Tax and Budget Policy for Citizens for a Sound Economy. His articles can be found in such publications as the Wall Street Journal, New York Times, Investor's Business Daily, and Washington Times. He is a frequent guest on radio and television and a popular speaker on the lecture circuit. Mitchell holds bachelor's and master's degrees in economics from the University of Georgia and a Ph.D. in economics from George Mason University. "World Bank Study Shows How Anti-Money Laundering Rules Hurt the Poor" https://danieljmitchell.wordpress.com/2012/04/19/world-bank-study-shows-how-anti-money-laundering-rules-hurt-the-poor/) // IL

I've complained many times about the pointless nature of anti-money laundering laws. They impose very high costs and force banks to spy on their customers, but they are utterly ineffective as a weapon against criminal activity. Yet politicians and bureaucrats keep making a bad system worse, and the latest development is a silly scheme to ban $100 bills! It also seems that poor people are the main victims of these expensive and intrusive laws. According to a new World Bank study, half of all adults do not have a bank account, with 18 percent of those people (click on nearby chart for more info) citing documentation requirements – generally imposed as part of anti-money laundering rules – as a reason for being unable to participate in the financial system. But this understates the impact on the poor. Of those without bank accounts, 25 percent said cost was a factor, as seen in the chart below. But one of the reasons that costs are high is that banks incur regulatory expenses for every customer, in large part because of anti-money laundering requirements, and then pass those on to consumers. Here are some of the key points in the World Bank report. "The data show that 50 percent of adults worldwide have an account at a formal financial institution… Although half of adults around the world remain unbanked, at least 35 percent of them report barriers to account use that might be addressed by public policy. …The Global Findex survey, by asking more than 70,000 adults without a formal account why they do not have one, provides insights into where policy makers might begin to make inroads in improving financial inclusion. …Documentation requirements for opening an account may exclude workers in the rural or informal sector, who are less likely to have wage slips or formal proof of domicile. …Analysis shows a significant relationship between subjective and objective measures of documentation requirements as a barrier to account use, even after accounting for GDP per capita (figure 1.14). Indeed, the Financial Action Task Force, recognizing that overly cautious Anti-Money Laundering and Terrorist Financing (AML/CFT) safeguards can have the unintended consequence of excluding legitimate businesses and consumers from the financial system, has emphasized the need to ensure that such safeguards also support financial inclusion."

[Terminal impact defense]

Exts. AML Fails

AML fails—the US catches 0.2% of money laundered

Pymnts 15 - Pymnts is an online media channel reporting on the payments and commerce sectors. ("THE GLOBAL COST OF ANTI-MONEY-LAUNDERING EFFORTS," http://www.pymnts.com/news/2015/the-global-cost-of-anti-money-laundering-efforts/#.Va6UchNVjxc 2/24/2015) STRYKER

Global efforts to prevent money laundering are both **ineffective and incredibly expensive** to maintain — and poor countries are the ones hit hardest by that cost, according to a commentary for Bloomberg. At best, the global anti-money-laundering (AML) system "snares just a fraction of 1 percent of criminal income flows," wrote Charles Kenny, a senior fellow at the Center for Global Development. Citing numbers from a 2006 study,

Kenny said global money-laundering transactions are at least 2 percent of global GDP, or roughly $1.5 trillion. Actual money laundering convictions worldwide involve at most hundreds of millions of dollars, and in the U.S., the amounts seized in AML efforts is **less than 0.2 percent** of all laundered money. "A system that misses all but a fraction of a percent of criminal financial flows is almost guaranteed to miss terrorism finance in particular, which involves very small sums," Kenny wrote, noting that no known AML prosecutions have involved terror financing. But AML efforts still cost money: an estimated $7 billion annually in the U.S. alone for implementing AML regulations from the international Financial Action Task Force (FATF). The cost is disproportionately more in smaller countries such as Mauritius, which has 1.3 million people and 25 government officials working on AML implementation — more AML bureaucrats than the country has opticians — and that's not counting bank staff who carry out customer investigations.

International jurisdiction problems makes prosecution impossible

IMF 15 - International Monetary Fund ("The IMF and the Fight Against Money Laundering and the Financing of Terrorism," https://www.imf.org/external/np/exr/facts/aml.htm 3/27/2015) STRYKER
The international community has made the fight against money laundering and terrorist financing a priority. The IMF is especially concerned about the possible consequences money laundering, terrorist financing, and related crimes have on the integrity and stability of the financial sector and the broader economy. These activities can undermine the integrity and stability of financial institutions and systems, discourage foreign investment, and distort international capital flows. They may have negative consequences for a country's financial stability and macroeconomic performance, resulting in welfare losses, draining resources from more productive economic activities, and even have destabilizing spillover effects on the economies of other countries. In an increasingly interconnected world, the negative effects of these activities are global, and their impact on the financial integrity and stability of countries is widely recognized.
Money launderers and terrorist financiers **exploit** both the complexity inherent in the global financial system as well as differences between national AML/CFT laws and systems, and they are especially attracted to jurisdictions with **weak or ineffective** controls where they can more easily move their funds without detection. Moreover, problems in one country can quickly spread to other countries in the region or in other parts of the world.

AML surveillance is wasteful

Lavine, Giacomini, Messina, Thomas, and Iacono, 2010 (Jeff Lavine, Partner in the Financial Services Regulatory practice of PricewaterhouseCoopers, resident in Washington, D.C. Jeff advises US and international banks, non-bank financial institutions, and regulatory agencies on optimizing controls, compliance, supervision, examination and audit effectiveness, and anti-money laundering matters. Patrick Giacomini, Partner at PricewaterhouseCoopers. Thomas Messina, Compliance Director, Global KYC at Citigroup. Nathan Thomas, sales at PwC. Marco Iacono, associate at PwC. "From source to surveillance: the hidden risk in AML monitoring system optimization" http://www.pwc.com/en_US/us/anti-money-laundering/publications/assets/aml-monitoring-system-risks.pdf) // IL
As the financial crisis levels off, regulators are now refocusing their efforts on anti- money laundering (AML) and terrorist financing enforcement. This increase in regulatory scrutiny is compelling many financial institutions to take a closer look at their AML operations as they seek innovative ways to meet regulator expectations and reduce costs in an uncooperative economic environment. Considering the regulatory complexity and high costs associated with AML transaction monitoring, institutions often start with improving the effectiveness and efficiency of their automated AML transaction monitoring alert engines. When properly configured, these systems can help institutions detect patterns of activity that may indicate money- laundering or terrorist-financing activities. Poorly defined alert engine parameters and thresholds, however, may raise flags unnecessarily or even miss significant money laundering activity. PricewaterhouseCoopers (PwC) analysis indicates that 90 percent to 95 percent of all alerts generated by AML alert engines are false positives. These high false-positive rates lead to significant monitoring costs but more disconcerting are the false negatives, or the cases of money laundering that are not detected. Unlike false positives, these are hidden, are harder to quantify, and can have significant negative impact. Both of these issues can be addressed if institutions refine their rule set thresholds. But tuning without first tackling AML data quality can lead to skewed and misrepresented thresholds. By the time the data is discovered to be inaccurate or incomplete, a threshold change may have already been implemented, leading to costly rework and the potential for a regulator- mandated transaction lookback. Many institutions are caught in a cycle of tuning, rework, lookback, tuning, rework, lookback, etc., because data quality issues are addressed haphazardly instead of systematically. The quality of data clearly affects the quality of the alerts generated by a transaction monitoring system. Active management of monitoring data is paramount to improving data quality. When AML transaction monitoring systems were initially implemented, the accuracy of the transaction code data and rules that determined what qualified as an exception may have been established and vetted. Since the original implementation, however, many institutions have not reassessed and verified whether the transaction codes and data that feed their AML monitoring systems remain at initial quality levels. Despite this, many institutions have still spent time and money tuning monitoring rules using outdated, inaccurate, and incomplete transaction reference data. This reliance on a one-

time assessment of data ignores an institution's dynamic fiscal landscape as it introduces new products, consolidates financial entities, and its IT infrastructure evolves.

Small Business Add-On

2NC AT Add-on

Not Unique—SOX has been around for more than a decade

Small Biotech Startups are doing fine now and larger companies solve—squo solves

Thomas 12 [David, currently Senior Director of Industry Research and Analysis at BIO in Washington, DC. In this role, he is responsible for financial statistics and analysis of the biotechnology sector and contributes to BIO's policy activities as well as programming for BIO's investor conferences, "Small Companies, Big Returns", 12/07/2012, http://www.biotech-now.org/business-and-investments/inside-bio-ia/2012/12/small-companies-big-returns] alla

The **broader biotech indices are up more than 30 percent this year and have reached levels not seen since the peak of March 2000**. Larger biotechs account for much of the index returns, as we have described previously, and have helped the sector outperform the S&P 500 by two fold. But how have smaller biotech companies been performing? As of Nov 30, 27 companies that started the year under $1 billion in market capitalization have jumped 100 percent or more. That is a little more than the top decile for the category. When compared to the small cap returns across other industries, only 72 of 1730 (4.2 percent) had 2x returns. Consider the returns this year for the top 20 performing companies under $1B: (source: Factset) Finding positive outliers, with 2x, 3x, or even 5x returns can have a big effect on a concentrated portfolio. A small 1 percent position with a 5x return can move an entire portfolio 4 percent. Of course, in biotech, picking these winners requires more than a glance at burn rates and cash on hand. It takes a detailed understanding of the company's leading pipeline assets – a drug's market potential, its competition (on the market and in the pipeline), likelihood of clinical success (which in turn depends on safety profile, modality and novelty of mechanism of action), the potential regulatory scrutiny, and the drug's probability of achieving reimbursement – just to name a few items. But the hard work can pay off. Small cap biotech is one segment of the overall market where skilled investors with deep industry knowledge can outperform equal weight and market cap weighted baskets of securities. Specialist hedge fund managers have been able to spot small cap winners and beat the average returns listed above. One fund manager that has been able to do to just that is Peter Kolchinsky whose fund RA Capital has been able to beat the average returns by a wide margin over the last ten years. In his words: "Smaller, development-stage companies cannot be understood through their financial statements the way larger profitable companies can be. You have to differentiate between good and bad science, data, trial design, and target markets, all on borrowed time as cash burns down. We have a great team dedicated to dissecting the fundamental basis for everything these companies do and we try to anticipate the chess game that companies play in competitive fields. That's helped us make some good investments. But we always appreciate a little luck." Kolchinsky is one of hundreds of biotech investors that will be attending BIO's next investor event, the BIO CEO Conference in February. As the world's only independent conference focused on publically traded biotechs, it is the essential event for scouting next year's winners at therapeutic panels, business roundtables, and company presentations.

This Card takes out the aff—specifically is internal link D to SOX hurting small companies

Hanna 14 [Julia, an associate editor of the HBS Alumni Bulletin, "The Costs And Benefits Of Sarbanes-Oxley", Forbes, 3/10/2014, http://www.forbes.com/sites/hbsworkingknowledge/2014/03/10/the-costs-and-benefits-of-sarbanes-oxley/] alla

Widely deemed the most important piece of security legislation since formation of the Securities and Exchange Commission in 1934, the landmark Sarbanes-Oxley Act of 2002 was born into a climate still reeling from the burst of the high-tech bubble and fraud scandals at Enron and WorldCom. Its intent was to improve corporate governance and restore the faith of investors, but many in the business world spoke out against SOX, viewing it as a politically motivated over-correction that would lead to a loss of risk-taking and competitiveness. HBS Associate Professor Suraj Srinivasan and Harvard Law School Professor John C. Coates leverage the benefit of hindsight to assess research findings from over

120 papers in accounting, finance, and law to evaluate the act's impact and establish takeaways to guide the creation of future legislation. While current measurement systems are insufficient to make an unambiguous, overarching judgment of the act's net benefits, Srinivasan and Coates isolate a few clear findings and make a case for flexibility and experimentation to guide future laws and reforms in the financial arena. One thing is clear: Despite severe criticism, the act and the institutions it created have survived almost intact since enactment. But so have condemnations. It's a puzzle, say the authors, that "on the one hand, the law continues to be fiercely and relentlessly attacked in the US" while those most affected by the act as implemented express "acquiescence or even mild praise." The paper, SOX after Ten Years: A Multidisciplinary Review, is scheduled to be published later this year in Accounting Horizons. "We took a cost/benefit approach when considering SOX," explains Srinivasan. The most worrisome part of the act on the business side was the mandate that required public companies to obtain an independent audit of their internal control practices. The cost of this requirement, he says, was felt most acutely by smaller companies, although it was ultimately deferred for companies with market caps of less than $75 million and made permanent in the Dodd-Frank Act. **Audit standards also were modified in 2007, a change that reportedly reduced costs for many firms by 25 percent or more per year**. "**That aspect of flexibility—being able to exempt some smaller companies from the mandate and make it easier for others to implement—is an important quality to keep in mind when we discuss future regulation,**" says Srinivasan, who also cites the important role of the Public Company Accounting Oversight Board (PCAOB), a nonprofit private corporation created by SOX that oversees auditors of SEC-registered companies. MARKETS HAVE BENEFITTED **Despite high initial costs of the internal control mandate, evidence shows that it has proved beneficial**. "Markets have been able to use the information to assess companies more effectively, managers have improved internal processes, and the internal control testing has become more cost-effective over time," according to Srinivasan. The research does not support the fear that SOX would reduce levels of risk-taking and investment in research and growth. Another concern that the act would shrink the number of IPOs has not been borne out either; in fact, the pricing of IPOs post-SOX became less uncertain. The cost of being a publicly traded company did cause some firms to go private, but research shows these were primarily organizations that were smaller, less liquid, and more fraud-prone. **"Yes, SOX may have cut off public market financing to these companies, but the question is whether it was appropriate for them to be in public markets in the first place," Srinivasan says. "That is a value judgment, to be sure. But it may not be a bad thing if certain companies are restricted in their access to financing, simply because loss of trust in public capital markets has big consequences for the entire economy**." A 2005 survey by the Financial Executives Research Foundation found that 83 percent of large company CFOs agreed that SOX had increased investor confidence, with 33 percent agreeing that it had reduced fraud. And yet—the financial crisis of 2008 still happened. "The big, unanswered question is whether SOX-related changes had any impact in the lead-up to the financial crisis. Did it make things better or worse?" says Srinivasan. "We don't know the answer to that. We only know that there were benefits in terms of financial reporting and corporate governance; that costs of implementation were higher for smaller companies; and that concerns about risk-taking and investment haven't come to bear. One of the big takeaways from this paper is how difficult it is to measure costs and benefits of regulation in a systematic way." COSTS AND BENEFITS Building flexibility into new policymaking that allows for more experimentation and measurement is helpful, he notes, as is **avoiding a one-size-fits-all approach**. "The costs of regulation are more direct and easier to comprehend than the benefits, which are mostly indirect. So there will always be upfront concerns about regulation, which leads back to the importance of building in opportunities to measure the costs and benefits.

No Brink to when extinction level volcanoes erupt or when asteroids hit the earth

No Impact—too many alt causes—and GM Ag cannot be perfect

Mayer 2K [Dr. Sue Mayer is director of GeneWatch UK, an independent policy research group which monitors developments in genetic technologies, "A modified crop could prevent starvation. But is it the only way?, Last Modified: 19 December 2000, http://www.theguardian.com/science/2000/mar/31/gm.food] alla

Dr Sue Mayer: GM "super rice" could play a major role in tackling world hunger, we are told. Genetically modified for improved photosynthetic ability, its yields could be increased by a massive 35%. Surely this is the end to starvation and we should hang out the banners. However, some awkward questions remain. First, what are the major causes of hunger? And can a new rice variety solve them? There seems to be agreement that poverty and inequality, war and economic instability are the major causes of malnutrition. **There are enough calories to go round but they are not distributed properly. Education and sanitation are often inadequate, and tackling them can make dramatic differences**. Thailand has seen falls of 90% in maternal death rates and a reduction in the proportion of underweight children from 50% in 1982 to 10% in 1996 through political and social commitments to ending undernutrition, largely through community-based initiatives. Some of the improvements are threatened by the financial insecurity of south-east Asia, and that will not be cured by super rice. Second, could there be any problems with the rice itself? If a GM crop is intended for mass consumption, most people would agree it will have to face some serious safety assessments. At the recent OECD conference in Edinburgh, debate focused on the need to find adequate safety testing mechanisms for unintentional changes, and the need to develop such systems is urgent. There are also environmental and agricultural issues that need to be addressed. If the genes for increased photosynthetic ability are passed to weedy rice varieties (which exist in close proximity to paddy fields and can cross freely with rice) and they get a 35% boost in growth, super weeds will be a reality and any benefits may be short-lived And because this is obviously a major change to the way in which the rice behaves, it could make the rice crop itself more weedy. Excitement must therefore be tempered with caution. This raises a question about how this new rice variety will be marketed? Even though it was developed in the public sector, the biotechnology industry in the developed world is desperate to get some good PR, and super rice will now be promoted around the world. Having nothing beneficial to offer consumers in the north, the industry has been forced to use poverty and malnutrition as a justification for its continued existence. All the major multinationals are investigating systems of controlling - and gaining maximum profit from - their patented crops, through the linked use of a chemical supplied by the same company. They are prospecting for useful genes in the south to patent and use in the north. There is active development of GM crops in the north to create substitutes for crops such as palm oil and cocoa, which are traditionally grown in the developing world. This has the potential to threaten the export markets of these countries and cause serious economic hardship. While we are told about the advantages that super rice may bring, little mention is made of other GM crop developments which may increase inequalities and threaten food security, not improve it. Genetic modification is not the only way to increase yields in rice. Other recent reports showed how crossing a cultivated rice with a weedy rice caused similar dramatic increases in yields. Changes in cultivation practice can also make a big difference. GM super rice **is clearly not the only solution available**. So super rice is unlikely to save the world. Its role, if any, is likely to be minor, as underlying inequalities can only be addressed by a shift in political and social attitudes. Finding solutions at a local level, consulting with communities and letting them determine the best way to a balanced diet is crucial. Let's not use the horrors of malnutrition to justify a whole technology.

Topicality

1NC—Topicality (Intelligence Gathering)

"Domestic surveillance" is a form of intelligence gathering

Small 8 — Matthew L. Small, Presidential Fellow at the Center for the Study of the Presidency, Student at the United States Air Force Academy, now serves as an Operational Analyst at the United States Air Force, 2008 ("His Eyes are Watching You: Domestic Surveillance, Civil Liberties and Executive Power During Times of National Crisis," Paper Published by the Center for the Study of the Presidency, Available Online at http://cspc.nonprofitsoapbox.com/storage/documents/Fellows2008/Small.pdf, Accessed 07-11-2015, p. 2-3)

Before one can make any sort of assessment of domestic surveillance policies, it is first necessary to **narrow the scope of the term** "domestic surveillance." Domestic surveillance is **a subset of intelligence gathering**. Intelligence, as it is to be understood in this context, is "information that meets the stated or understood needs of policy makers and has been collected, processed and narrowed to meet those needs" (Lowenthal 2006, 2). In essence, domestic surveillance is **a means to an end**; the end being **intelligence**. The intelligence community best understands domestic surveillance as the acquisition of nonpublic information concerning United States persons (Executive Order 12333 (3.4) (i)). With this definition domestic surveillance remains an overly broad concept.

This paper's analysis, in terms of President Bush's policies, focuses on electronic surveillance; specifically, wiretapping phone lines and obtaining caller information from phone companies. Section f of the USA Patriot Act of 2001 defines electronic surveillance as:

> [T]he acquisition by an electronic, mechanical, or other surveillance device of the contents of any wire or radio communication sent by or intended to be received by a particular, known United States person who is in the United States, if the contents are acquired by intentionally targeting that United States person, under circumstances in which a person has a reasonable expectation of privacy and a warrant would be required for law enforcement purposes;

Adhering to the above definition allows for a **focused analysis** of one part of President Bush's domestic surveillance policy as its implementation relates to the executive's ability to abridge certain civil liberties. However, since electronic surveillance did not become an issue of public concern until the 1920s, there would seem to be a problem with the proposed analysis.

Considering an American citizen's claim to a right to privacy, the proposed analysis is not limited to electronic surveillance alone but rather includes those actions that would seek, or at least appear, to abridge a civil liberty. The previously [end page 2] presented definition of electronic surveillance itself implies an infringement into a person's expected right, in this case the right is to privacy. Acknowledging the intrusion **inherent in the definition**, the question of how far the president can push this intrusion becomes even more poignant. As such, President Bush's policies are not the sole subject of scrutiny, but rather his supposed power to abridge civil liberties in the interest of national security. The first part of the analysis, then, turns to a time where the national security of the United States was most at jeopardy, during its fight for independence.

The plan is not intelligence gathering because its purpose is not identifying and disrupting a future security threat. That is distinct from traditional law enforcement like the SEC

Jackson 9 — Brian A. Jackson, Senior Physical Scientist and Director of the Safety and Justice Program at the RAND Corporation, holds a Ph.D. in Bioinorganic Chemistry from the California Institute of Technology and an M.A. in Science, Technology, and Public Policy from George Washington University, 2009 ("Introduction," *Considering the Creation of a Domestic Intelligence Agency in the United States: Lessons from the Experiences of Australia, Canada, France, Germany, and the United Kingdom*, Report Prepared for the Department of Homeland Security and Published by the RAND Corporation, ISBN 9780833046178, Available Online at http://www.rand.org/content/dam/rand/pubs/monographs/2009/RAND_MG805.epub , Accessed 07-11-2015, p. 34-38)

Defining Domestic Intelligence

What do we mean by the term domestic intelligence? The term intelligence sparks a range of associations, many of which stem from intelligence's connection with the secret activities of governments seeking to advance their interests in international affairs. In recent years, the term intelligence has been integrated into domestic law enforcement and public safety agencies as part of the phrase intelligence-led policing. Definitions of intelligence-led policing vary, but common elements include the use of information-gathering capabilities and the analysis and application of resulting information in crime prevention and response activities in addition to their more traditional use in the prosecution of past [end page 34] criminal acts (see, e.g., Weisburd and Braga, 2006; Milligan, Clemente, and Schader, 2006; Ratcliffe, 2002; Peterson, 2005). Use of the term intelligence has also spread beyond government organizations into private-sector organizations and elsewhere.1 To some, the term is most closely associated with the collection of information; others see intelligence as a more general category that includes a much broader range of activities. Such variety in the use and understanding of these terms **complicates policy debate**, and the lack of standard definitions for intelligence activities focused on homeland security and domestic counterterrorism (CT) efforts has been cited as a **significant impediment** to designing and assessing policy in this area (Masse, 2003, 2006).

To guide the work reported in this volume, we define domestic intelligence as efforts by government organizations to **gather**, **assess**, and **act on** information about individuals or organizations in the United States or U.S. persons elsewhere2 that are **not related** to the investigation of a known past criminal act or specific planned criminal activity.3

It is often the case that an individual or organization that carries out a terrorist attack—or has specific plans to do so (e.g., the attacker has conspired [end page 35] to acquire weapons for a future attack)—has committed one or more specific crimes. In these cases, traditional law enforcement approaches for investigating and prosecuting these crimes apply. The major difference between intelligence approaches and those used during traditional law enforcement stems from the former's emphasis on **preventing future events**—i.e., on acting when the individuals or organizations planning an attack may **not yet have committed** any prosecutable criminal offenses. Intelligence activities can be **investigative** in nature and may resemble law enforcement activities. However, they do not have to satisfy the same legal requirements that constrain the initiation of a law enforcement investigation. An example of such an intelligence activity is investigating a tip about the suspected terrorist behavior of an unknown group to

determine whether the tip is credible and, if it is, acting to prevent the attack. However, given substantial concern about the ability of even a single individual working alone to plan and execute acts of terrorist violence, investigative follow-up may not be enough to address the threat of terrorism. As a result, another type of intelligence effort can be more **explorative** in character, seeking proactively to (1) identify individuals or groups that might be [end page 36] planning violent actions and (2) gather information that might indicate changes in the nature of the threat to the country more broadly (see, e.g., DeRosa, 2004). Such explorative activity inherently involves gathering a broader spectrum of data about a greater number of individuals and organizations who are unlikely to pose any threat of terrorist activity.

Our definition of domestic intelligence parallels those that appear in the academic literature that has examined U.S. policy in this area over the past several decades (see, e.g., Morgan, 1980). However, it is **narrower than more-general definitions** that seek to capture the full breadth of intelligence requirements associated with homeland security or homeland defense.4 Our focus on the collection and use of information about individuals and organizations means that we have focused on the **tactical threat-identification** and **threat-disruption** parts of homeland security intelligence. Thus, we do not consider activities such as analyses designed to identify societal vulnerabilities or map the threat to those identified vulnerabilities to guide broader homeland security policies.5 Others have noted that the boundary between intelligence and law enforcement activities has blurred over time, particularly [end page 37] in response to transnational threats such as drug trafficking and terrorism. This blurring of the boundary between the two complicates an examination focused largely on the CT mission.6

Vote negative to endorse a limited topic.

First, the link: intelligence gathering is sufficiently broad to allow affirmative flexibility but narrow enough to ensure predictable, in-depth debates. The aff justifies an unmanageably large number of plans that curtail monitoring in sectors like *agriculture*, *banking*, *education*, *environment*, *finance*, *health care*, *housing*, *transportation*, and *welfare*.

Second, the impact: this prevents rigorous preparation and focused analysis because it shifts debates away from the core controversy about balancing security and civil liberties. This won't get stale thanks to the Snowden revelations, but no one will debate it if affs are given less controversial options that skirt the controversy. Broad interpretations sabotage clash and subvert topic education.

2NC—Interpretation

"Domestic surveillance" is focused on the prevention of future attacks, not the prosecution of ordinary crimes. This is from an authoritative Supreme Court decision.

Powell 72 — Lewis Franklin Powell, Jr., Associate Justice of the United States Supreme Court (succeeded by Anthony Kennedy), 1972 (United States Supreme Court Majority Decision in United States v. United States District Court, Number 70-153, June 19th, Available Online at http://caselaw.findlaw.com/us-supreme-court/407/297.html, Accessed 07-05-2015)

We emphasize, before concluding this opinion, the scope of our decision. As stated at the outset, this case involves only the domestic aspects of national security. We have not addressed, and express no opinion [407 U.S. 297, 322] as to, the issues which may be involved with respect to activities of foreign powers or their agents. 20 Nor does our decision rest on the language of 2511 (3) or any other section of Title III of the Omnibus Crime Control and Safe Streets Act of 1968. That Act does not attempt to define or delineate the powers of the President to meet domestic threats to the national security.

Moreover, we do not hold that the same type of standards and procedures prescribed by Title III are necessarily applicable to this case. We recognize that domestic security surveillance may involve **different policy and practical considerations** from the surveillance of "ordinary crime." The gathering of security intelligence is often **long range** and involves the interrelation of various sources and types of information. The exact targets of such surveillance may be more difficult to identify than in surveillance operations against many types of crime specified in Title III. Often, too, the emphasis of domestic intelligence gathering is on **the prevention of unlawful activity** or the enhancement of the Government's **preparedness for some possible future crisis or emergency**. Thus, the focus of domestic surveillance may be **less precise** than that directed against more conventional types of crime.

2NC—Violation

SEC enforcement surveillance is *law enforcement*, not intelligence gathering

Investopedia No Date ("Division Of Enforcement," http://www.investopedia.com/terms/d/division-of-enforcement.asp No Date) STRYKER

INVESTOPEDIA EXPLAINS 'DIVISION OF ENFORCEMENT' The Division of Enforcement is **somewhat like the police force for the SEC**. Since the **chief goal of the SEC is securities law enforcement**, this division is central to accomplishing its mandate. According to the SEC website, common securities law violations include manipulation of market prices, stealing a customer's fund or securities, insider trading, violating the broker-dealers' responsibility to treat customers fairly, and misrepresentation or omission of material facts relating to securities.

PCAOB CP

1NC—Reform Counterplan

The United States federal government should

-require reauthorization of the Public Company Accounting Oversight Board

-include the PCAOB in SEC accountability reviews

-create an expedited appeal process for PCAOB audit decisions

-eliminate PCAOB exemptions from public right-to-know laws

The counterplan solves – creates effective oversight of the SEC and incorporates small businesses into legislative processes – here's the solvency advocate

Coates 7 (John, Professor of Law and Economics at Harvard Law School, "The Goals and Promise of the Sarbanes-Oxley Act", The Journal of Economic Perspectives, Vol. 21, No. 1 (Winter, 2007), http://faculty.wwu.edu/dunnc3/rprnts.GoalsPromiseSOX.pdf)

If or when Congress revisits the Sarbanes-Oxley legislation, it could improve upon the design of the **P**ublic **C**ompany **A**ccounting **O**versight **B**oard in several ways. First, Congress should require that PCAOB be reauthorized after some number of years of operation (Clark, forthcoming). Such reauthorization would force an evaluation of PCAOB's performance and effectiveness, and would provide an opportunity for Congress to alter the institution if (for example) it has been captured by the auditing industry or has shown signs of bureaucratic empirebuilding. While a near-term reauthorization would face a political risk that the law might not be approved absent headline-grabbing scandals, a reauthorization after, say, a decade would give PCAOB sufficient time to build political relationships so that reauthorization would be likely, absent a strong showing by PCAOB critics that the agency had been ineffective or unresponsive to legitimate concerns. Second, rather than giving **the SEC alone** the task of ensuring ongoing accountability at PCAOB, it might be better to involve PCAOB's constituencies in its governance. For example, the PCAOB could be required to **obtain and respond to evaluations** by specified advisory groups-including investors, auditing firms, finance executives, and **representatives of small business**-giving those groups **a permanent and substantive role** in its deliberations. A process similar to this operates at the Financial Accounting Standards Board, which consults with a 34-member Financial Accounting Standards Advisory Committee made up of top corporate executives, audit firm partners, accounting academics, officers of selfregulatory organizations (such as the New York Stock Exchange), and financial analysts. Third, audit **clients that are unhappy** about audit firm's judgments-particularly regarding control system weaknesses-should have a prompt and effective way to appeal the judgment to PCAOB staff. The SEC should monitor such appeals to verify that PCAOB is restraining the audit firms from imposing costs on public companies. Fourth, while PCAOB's reports disclose problems found with past audits, Sarbanes-Oxley prohibits PCAOB from releasing portions of inspection reports that criticize an audit firm's control systems unless the audit firm fails to address the criticisms within 12 months of the report. As a result, the market and client firms will not know about and will not be able to react to those criticisms. Increased disclosure by PCAOB would be appropriate. Fifth, PCAOB's exemptions from public-right-to-know laws, while defensible in its start-up phase, should be revisited as its power and influence grows.

1NC—Politics Net Benefit

the CP's popular – avoids politics

Hamilton 13 (James, Principal Analyst at Wolters Kluwer Law & Business, a leading provider of corporate and securities information. Hamilton has been tracking, analyzing and explaining securities law and regulation for over 30 years as an analyst for Wolters Kluwer Law & Business. He has written and spoken extensively on federal securities law and is cited as an authority in the Senate Banking Committee Report (S. 111-176) of the Dodd-Frank Act. "Prospects for Securities and Financial Legislation in the 113th Congress", a white paper published by Wolters Kluwer, http://www.wklawbusiness.com/media/wk/lnb/pdf/securities/whitepapers/briefing_prospects-for-securities-and-financial-legislation%20_01-13_draft3.pdf)

Another piece of legislation that appears to have **strong bipartisan support** would reform PCAOB procedures. The PCAOB has asked Congress for legislation **amending the Sarbanes-Oxley Act** so that Board disciplinary hearings against individual auditors and accounting firms will be public. From the initiation of the PCAOB disciplinary proceeding through the SEC decision to let the sanctions commence, the entire proceeding currently take place behind closed doors, which is in sharp contrast to similar SEC proceedings against auditors. In the 112th Congress, Senators Jack Reed (D-RI) and Charles Grassley (R-Iowa) introduced legislation making PCAOB disciplinary proceedings public to bring auditing deficiencies at the audit firms or the companies they audit to light in a timely manner and help deter violations. The PCAOB Enforcement Transparency Act, S. 1907, would make hearings by the PCAOB, and all related notices, orders, and motions, open and available to the public unless otherwise ordered by the Board. The Board procedure would then be similar to the SEC's Rules of Practice for similar matters, where hearings and related notices, orders, and motions are open and available to the public. The draft legislation would also retain the Board's flexibility to order non-public proceedings in appropriate cases. It is expected that this legislation will be re-introduced in the 113th Congress. Senators Reed and Grassley will have key oversight roles in the 113th Congress and the PCAOB continues to support the legislation. The PCAOB is responsible for setting auditing standards for auditors of public companies, for examining the quality of audits performed by public company auditors and, where necessary, for imposing disciplinary sanctions on registered auditors and auditing firms. The Board's ability to commence proceedings to determine whether there have been violations of its auditing standards or rules of professional practice is an important component of its oversight.

2NC—Solvency

the counterplan solves without outright repeal – this is the best option

-also avoids politics – it's pragmatic and is seen as a compromise on financial legislation

Coates 7 (John, Professor of Law and Economics at Harvard Law School, "The Goals and Promise of the Sarbanes-Oxley Act", The Journal of Economic Perspectives, Vol. 21, No. 1 (Winter, 2007), http://faculty.wwu.edu/dunnc3/rprnts.GoalsPromiseSOX.pdf)

The process by which Sarbanes-Oxley was enacted has been criticized for being rushed and for ignoring relevant research (Butler and Ribstein, 2006; Romano, 2005; Zingales, 2004). Neither criticism is fair. The core ideas behind Sarbanes-Oxley had developed for years. Federal bills to create an auditing oversight body date to 1978, after hearings and reports prompted by auditing failures in the market downturn of the early 1970s. Similar legislation was debated again in 1995. In the run-up to Sarbanes-Oxley, Congress heard scores of witnesses debate in detail how auditing should be regulated. In a number of other controversial areas-executive compensation and stock options, audit firm rotation, general design of accounting rules-Congress showed a willingness to choose further study over either regulation or delegation (Bratton, 2003). Congress acted no differently in passing Sarbanes-Oxley than it does in passing most significant legislation. In fact, perhaps the most important component of Sarbanes-Oxley was precisely to delegate power to PCAOB, so that it could customize rules and respond to feedback much more rapidly than Congress could do on its own. Professional **lobbyists**, of course, may seek the outright repeal of Sarbanes-Oxley as a bargaining tactic while planning to settle on regulatory reform **as a**

compromise, but academics, **policymakers**, and the public would do well to see those tactics for what they are and recognize Sarbanes-Oxley, like many regulatory institutions, **as a work in progress**. Rather than **pushing for repeal** of SarbanesOxley, a more **cost-effective approach** is to push for the SEC and PCAOB to use their authority to **exempt or curtail requirements or prohibitions that are unnecessarily costly.**

FBI Advantage Counterplan

1NC—FBI Counterplan

Text: As outlined in our Inserra evidence, the United States federal government should:

- **streamline United States fusion centers**
- **refocus the Department of Homeland Security's intelligence capabilities**
- **push the Federal Bureau of Investigation toward being more effectively driven by intelligence**
- **and ensure that the Federal Bureau of Investigation more readily and regularly shares information with state and local law enforcement.**

The counterplan is both *necessary* and *sufficient* to effective resource allocation

Inserra 15 - David Inserra is a Research Associate for Homeland Security and Cyber Security in the Douglas and Sarah Allison Center for Foreign and National Security Policy, of the Kathryn and Shelby Cullom Davis Institute for National Security and Foreign Policy, at The Heritage Foundation. ("Time to Reform the U.S. Counterterrorism Enterprise—Now," http://www.heritage.org/research/reports/2015/04/time-to-reform-the-us-counterterrorism-enterprisenow 4/15/2015) STRYKER

Proactively Defending the U.S. Homeland DHS and the FBI stand at the center of many of the U.S.'s efforts to combat terrorism. Despite the importance of its positions, its efforts are often plagued by inefficiencies and ineffectiveness. To better protect the U.S. from terrorism, **Congress should**:

Streamline U.S. fusion centers. Congress should limit fusion centers to the approximately 30 areas with the greatest level of risk as identified by the Urban Area Security Initiative (UASI). Some exceptions might exist, such as certain fusion centers that are leading cybersecurity or other important topical efforts. The remaining centers should then be fully funded and resourced by UASI.

Refocus DHS's intelligence capabilities. Intelligence and information is critical to stopping terrorist attacks before they occur. Instead of allowing DHS to continue to struggle with its role as an intelligence producer, Congress should consider **redirecting DHS efforts toward information sharing and coordinating** proper roles and responsibilities for federal, state, and local counterterrorism.

Push the FBI toward being more effectively driven by intelligence. While the FBI has made high-level changes to its mission and organizational structure, the bureau is still working to integrate intelligence and law enforcement activities. This will require overcoming cultural barriers and **providing FBI intelligence personnel with resources**, opportunities, and the stature they need to become a more effective and integral part of the FBI.

Ensure that the FBI more readily and regularly shares information with state and local law enforcement, treating state and local partners as critical actors in the fight against terrorism. State, local, and private-sector partners must send and receive timely information from the FBI. DHS should play a role in supporting these partners' efforts, by acting as a source or conduit for information to partners and coordinating information sharing between the FBI and its partners.

Focusing on Security With lone wolf and homegrown terrorists an increasing concern, Congress simply has to get serious about reforming the counterterrorism enterprise. This means refocusing DHS on its original mission and improving the coordination between DHS and other agencies, such as the FBI, and with state and local partners. Failure to do so leaves America at risk.

AT//DHS Bad

The counterplan solves—it relieves DHS's problems

Inserra 15 - David Inserra is a Research Associate for Homeland Security and Cyber Security in the Douglas and Sarah Allison Center for Foreign and National Security Policy, of the Kathryn and Shelby Cullom Davis Institute for National Security and Foreign Policy, at The Heritage Foundation. ("Time to Reform the U.S. Counterterrorism Enterprise—Now," http://www.heritage.org/research/reports/2015/04/time-to-reform-the-us-counterterrorism-enterprisenow 4/15/2015) STRYKER

Several months ago, President Obama announced that the Department of Homeland Security (DHS) would provide work authorization and protection from deportation to as many as 5 million unlawful immigrants. While The Heritage Foundation has written extensively on the harm done to the U.S. immigration system and the rule of law, another serious side effect of Obama's executive action on immigration is the harmful redirection of attention and resources away from other pressing homeland security issues, ranging from terrorism to emergency preparedness to institutional reform at DHS. In order to implement the President's sweeping order, Secretary of Homeland Security Jeh Johnson and other leaders at DHS will simply not have the time, money, manpower, or trust of Congress to make important reforms to these other areas of critical importance. **It falls to Congress to correct these misplaced priorities**. Created in the aftermath of 9/11, combatting terrorism is the central mission of DHS. **Major problems with DHS's counterterrorism enterprise**, however, continue more than a decade after the department's creation. Specifically, problems with the production and dissemination of intelligence and information continue to undermine U.S. security.

Regulations Good

1NC—Regulations Good

Corporate regulations good – empirics and societal shifts – star this card lol

Eisinger, 12

(Jesse Eisinger is a senior reporter at ProPublica, covering Wall Street and finance, In April 2011, he and Jake Bernstein were awarded the Pulitzer Prize for National Reporting for a series of stories on questionable Wall Street practices that helped make the financial crisis the worst since the Great Depression. He has also twice been a finalist for the Goldsmith Prize for Investigative Reporting, "The SOX Win: How Financial Regulation Can Work", http://www.propublica.org/thetrade/item/the-sox-win-how-financial-regulation-can-work, February 8, 2012, ak.)

As fears mount that Dodd-Frank, the financial overhaul law, is about to be emasculated, it's worth reflecting on the 10-year anniversary of a major regulatory success. I'm speaking of the mocked, patronized and vilified Sarbanes-Oxley, the law that cleaned up American corporate accounting. SOX, as it's known, was a response to an epidemic in corporate accounting fraud that swept American business in the late 1990s and early 2000s. Because the 2008 financial crisis dwarfs that earlier round of scandal, it's easy to forget how rotten things were, said Broc Romanek, editor of TheCorporateCounsel.net, a site devoted to securities law and corporate governance. "Everyone had lost faith in the numbers put out by big public companies," he said. Cast your mind back. The scandals erupted in some of the purportedly best, most recognizable companies in America. Enron and WorldCom were the two biggest names and the two biggest failures. Tyco and Adelphia were in the second tier. But there were appalling accounting disgraces at HealthSouth, Rite Aid and Sunbeam. Waste Management and Xerox barely survived theirs. Today, there are certainly debates about stocks and their valuations — and some questionable accounting — but no company that finds itself under scrutiny now is anywhere near as large, respected or publicized as those were then. Something else characterized those dark days: the frauds often lasted and lasted. Investors known as short-sellers, who make money when stocks collapse, waged battles for years over certain companies. Today, accounting disputes are finished before they start. An accounting scandal at Groupon, the online coupon company, came and went in a matter of weeks back in the fall — resolved by the regulators before the company went public. When SOX was passed, it was attacked — almost exactly like Dodd-Frank is today. Sarbanes-Oxley got "horrible press," said Jack T. Ciesielski, who edits the Analyst's Accounting Observer. People mocked it for requiring companies "to flow chart the keys to the executive washroom," he said. But the result is that **accounting at American companies is much cleaner today**. The main criticisms of the law haven't panned out. Corporate earnings have soared, and no company has ever missed a quarterly estimate because it was spending too much on its accounting and internal controls. Critics railed that it would cost small companies too much, which it may have, though the evidence is debated. They also argued that it would hurt initial public offerings, which it didn't. Yet, there remains vestigial criticism from the right; Newt Gingrich called for its repeal the other day on the campaign trail. Is Sarbanes-Oxley perfect? Of course not. The financial crisis included accounting problems. The books of the American International Group, Lehman Brothers and Merrill Lynch misrepresented the true state of the companies. The auditors have managed to skirt blame — even more so than other gatekeepers, like the ratings agencies, have. But at its heart, the financial crisis wasn't an accounting scandal. It was a bubble, albeit one exacerbated by some book-cooking. But the evidence in SOX's favor is that one big dog didn't bark. Even as the financial panic turned into the Great Recession, **corporate America weathered the worst of the downturn without a series of major accounting frauds**. SOX required that chief executives and chief financial officers personally sign off on their companies' financial statements. That seems minor. No doubt a Madoff wouldn't be deterred by a little dissembling signature. But blackhearts aren't the typical accounting fraudsters. At huge corporations, corruption usually develops slowly, incrementally, starting with a minor crossing of the line. At the

end of a quarter, a sale is booked before it was actually ordered — to make the numbers for Wall Street. Over time, the fraud builds on itself and it's easier to keep the game going than to clean it up. Requiring a step where the top dogs actually have to mark the books as their own territory halts that process. It steels their concentration and improves the culture, **preventing those initial halting steps toward fraud**. The accounting industry has been improved as well. The new SOX-created industry overseer, the Public Company Accounting Oversight Board, has made inroads. Accountants have done a better job, remembering the devastating collapse of the accounting firm Arthur Andersen in the wake of the Enron debacle. SOX wasn't the only factor in this cleanup, of course. **The accounting trials of the early 2000s made a cultural mark**. Kenneth L. Lay and Jeffrey K. Skilling of Enron, the Tyco fraudsters L. Dennis Kozlowski and Mark H. Swartz and Bernard J. Ebbers of WorldCom all had their day in court. All the world, including their executive peers, watched them go from their mansions to the big house. Is there a lesson to draw here for the prospects of Dodd-Frank? The new law is more sweeping, more pilloried and more complicated. It is concentrated on one industry, which allows for a more unified opposition. Importantly, a round of perp walks and prison terms didn't accompany the law. Quite the contrary, the people responsible for the greatest economic collapse since 1929 have all danced away untouched. But for all of the criticisms of Dodd-Frank, there has been **a societal change in our views**. Few can sustain an argument in favor of a gigantic, self-serving and rapacious financial sector. Some kind of financial reform law was — and still is — needed. If lawmakers don't gut Dodd-Frank, then 10 years from now we just might be reflecting on how safe our financial system is.

2NC—Framing

It's been over a decade since SOX was passed – businesses have adapted

Stanton 12 (Sara, Audit Staff at Deloitte, CPA, "SOX TURNS 10: EVALUATING THE RELEVANCY OF THE SARBANES-OXLEY ACT IN 2012", https://digital.library.txstate.edu/bitstream/handle/10877/4179/StantonSara.pdf?sequence=1)

Ten years after Sarbanes-Oxley was enacted, most companies have **come to accept it**. The high initial **costs of compliance have decreased** as businesses set up internal controls (and systems to document them). However, today's economy is markedly different from that of the early 2000s, and the nation's changing needs have led some to question whether or not Sarbanes-Oxley is still relevant in today's financial environment. Even Representative Michael Oxley has recognized that Sarbanes-Oxley may need some changes in order to stay relevant, saying that "we didn't write [the Act] in stone…I think it's highly likely and probably a good thing that you'd have some revisions" (Rosen 2011).

2NC—General

The link turn assumes 404 – studies prove SOX is on-balance good

Eyden 12 (Terri, contributor to AccountingWeb, Lead Marketing Editor at Western CPE in Colorado – Western CPE is a professional traning program that teaches people about investments and the financial market, "SOX Has Restored Investors' Confidence", http://www.accountingweb.com/practice/practice-excellence/sox-has-restored-investors-confidence)

While portions of the legislation - **such as Section 404** - have been criticized, **many of these concerns have been addressed through a series of regulatory and legislative actions**. As a whole, the Ernst & Young report indicates that SOX has afforded substantial benefit to investors and U.S. capital markets: Audit quality has been improved by stronger alignment of independent auditors, independent audit committees, independent audit oversight authorities, and public company shareholders. In a 2008 audit committee survey reported by the Center for Audit quality, **90 percent of audit committee members** surveyed said that "they work more closely with the independent auditor" post-SOX. Audit quality has improved because of PCAOB inspections and standard setting. As of December 31, 2011, over 2,000 audit firms from more than 80 countries were registered with the PCAOB. In 2011, the organization conducted inspections of 213 registered audit firms, and initiated an interim inspection program for broker-dealers. More audit committees have financial experts. In 2003, only a small number of audit committee members were financial experts. Today, **almost half of all audit committee members** are identified through proxy statement disclosure as meeting the definition of a financial expert. Companies that comply with all of the internal control provisions in SOX **are less likely to issue financial restatements**. A November 2009 study published by Audit Analytics found the rate of financial restatements was 46 percent higher for companies that did not comply with all of the SOX internal control provisions. **Corporate governance is stronger.** Prior to SOX, the process for the selection and assessment of the independent auditor typically was controlled by management. Audit committees now play an essential role in corporate governance framework by overseeing the quality and integrity of company financial statements. Ernst & Young believes that achieving and maintaining audit quality requires a process of continuous improvement. Moving forward, the firm reaffirms its commitment to build on the foundation established by SOX by working with the PCAOB, independent audit committees, and shareholders.

Section 404 is great – more studies

Singer and You 11 (Zvi, prof of Accounting at McGill, holds a PhD in accounting from UC Berkeley, and Haifeng, prof of accounting at the Hong Kong University of Science and Technology, "The Effect of Section 404 of the Sarbanes-Oxley Act on Earnings Quality", SAGE Journals, http://jaf.sagepub.com/content/26/3/556.full.pdf+html)

In this article, we study the effect of Section 404 of SOX on earnings quality in terms of reliability and relevance. **We examine all affected firms** instead of only those remediating their internal control weaknesses because we believe that the benefits of the regulations are not limited to those firms. Moreover, evaluation of the changes in earnings quality of all affected firms provides more complete evidence on the effectiveness of the regulation. Using a group of U.S.-listed Canadian firms not required to comply with Section 404 as a control sample, we find that complying firms **improved their earnings** quality in the post- 404 period more than the control firms. Specifically, we show that complying firms exhibited **significantly larger improvement** in earnings reliability as evidenced by a reduction in the absolute value of discretionary accruals. Our results also suggest that the regulation helped to reduce intentional misstatements, as the asymmetry between the use of negative and positive special items declined more for complying firms. We also find a decrease in the asymmetry between reported earnings that slightly beat analysts' forecasts and those that slightly miss the forecasts for both groups. The improvement in earnings reliability, if achieved at the expense of earnings relevance, may actually jeopardize the usefulness of earnings to investors. We therefore also test the impact of the regulation on earnings relevance as measured by the predictive power of earnings over future cash flows and future earnings. Our test results show a **significantly larger improvement** in the predictive power for the complying firms, suggesting that Section 404 not only improved the reliability of earnings **but also improved the relevance or usefulness of earnings in predicting future fundamentals.** As earnings quality of complying firms improved, investors reacted more strongly

to earnings surprises of those firms compared to those of the control firms. Taken together, **we provide evidence that the implementation of Section 404 helped to achieve SOX's main goal of protecting investors by improving the accuracy and reliability of corporate disclosure.**

SOX is good – it created broader transparency, boosted investor confidence, and improved audit quality

Eyden 12 (Terri, contributor to AccountingWeb, Lead Marketing Editor at Western CPE in Colorado – Western CPE is a professional traning program that teaches people about investments and the financial market, "SOX Has Restored Investors' Confidence", http://www.accountingweb.com/practice/practice-excellence/sox-has-restored-investors-confidence)

The passage of the Sarbanes-Oxley Act (SOX) ten years ago **dramatically transformed** U.S. financial reporting by improving audit quality and strengthening corporate governance. Ernst & Young LLP released a report July 11, 2012 - The Sarbanes-Oxley Act at 10 - that considers the legislation, discusses what it was designed to do, and analyzes its impact. SOX ended more than 100 years of self-regulation and established the independent oversight of public company audits by the Public Company Accounting Oversight Board (PCAOB). Designed to enhance the reliability of financial reporting and to improve audit quality, the SOX shifted responsibility for the external auditor relationship away from corporate management to independent audit committees, **which are responsible to shareholders**. "At this anniversary, it is important to acknowledge one of the **greatest successes** of Sarbanes-Oxley: the alignment of the **interests of shareholders**, with **independent audit committees**, audit oversight authorities and auditors," said Steve Howe, the Americas managing partner for the global Ernst & Young organization. "Increased **transparency** is critical to improving audit quality, **maintaining investor confidence**, **and ensuring the strength and competitiveness of U.S. capital markets**."

SOX is awesome – it massively increased market efficiency – all predicted consequences have proven to be flat-out wrong

Hanna 14 (Julie, Associate Publishing Editor at Harvard Business School, contributor to Forbes on financial issues, citing Suraj Srinivasan, HBS Associate Professor and John Coates, Harvard Law prof, "The Costs And Benefits Of Sarbanes-Oxley", http://www.forbes.com/sites/hbsworkingknowledge/2014/03/10/the-costs-and-benefits-of-sarbanes-oxley/)

Despite high initial costs of the internal control mandate, **evidence shows that it has proved beneficial.** "Markets have been able to use the information to **assess companies more effectively**, managers have **improved internal processes**, and the internal control testing has become more cost-effective over time," according to Srinivasan. The research **does not support** the fear that SOX would reduce levels of risk-taking and investment in research and growth. Another concern that the act would shrink the number of IPOs **has not been borne out** either; in fact, the pricing of IPOs post-SOX became less uncertain. The cost of being a publicly traded company did cause some firms to go private, but research shows these were **primarily** organizations that were **smaller**, **less liquid**, and more **fraud-prone**. "Yes, SOX may have cut off public market financing to these companies, but **the question is whether it was appropriate for them to be in public markets in the first place**," Srinivasan says. "That is a value judgment, to be sure. But it may not be a bad thing if certain companies are restricted in their access to financing, simply because loss of trust in public capital markets has big consequences for the entire economy." A 2005 survey

by the Financial Executives Research Foundation **found that 83 percent of large company CFOs agreed that SOX had increased investor confidence**, with 33 percent agreeing that it had reduced fraud.

Even private companies voluntarily consent to be held to SOX – whistleblower protections

Dewey 12 (Charlsie, Grand Rapids Business Journal staff reporter who covers law, manufacturing, travel and tourism, transportation, advertising, marketing and PR and sustainability, "Sarbanes-Oxley Act impacts privately held companies", http://www.grbj.com/articles/74764-sarbanes-oxley-act-impacts-privately-held-companies)

2002's Sarbanes-Oxley Act **doesn't apply to privately held companies**, yet many are starting to take up some of its provisions **voluntarily.** That's because of the best practices resulting from the Act's implementation by publicly held companies, according to Jeff Ott, partner at law firm Warner Norcross & Judd. SOX was adopted by the U.S. Congress in response to a handful of large-scale accounting frauds that occurred at publicly held companies in the late 1990s and early 2000s, including Enron and WorldCom. Its purpose is to protect outside investors in these companies, which is why nearly all the provisions included within the Act apply only to publicly held companies. "Essentially, it was an attempt to impose tighter controls on the financial reporting, **to try and provide more transparency** in financial reporting and to hold people accountable in the financial reporting," Ott explained. SOX does contain one provision that directly applies to privately held companies: its provision on whistle blowers. "They changed the United States criminal code, that basically made it illegal to retaliate against a whistleblower," Ott said. "So, basically, it says it's illegal for anybody to retaliate against someone who provides truthful information to any law enforcement officer relating to the commission or possible commission of a federal offense. "That's why you see a lot of private companies have adopted whistle-blower policies, and, frankly, a lot of nonprofits and other organizations have adopted whistle-blower policies because of that provision in Sarbanes-Oxley." Ott said another provision in the Act could potentially impact privately held companies: the changes to federal sentencing guidelines. "Basically, **it's tied to the code of ethics**," Ott said. "If you have a code of ethics in place, **it can reduce the sentence that a company could receive** under the federal sentencing guidelines if there is some sort of financial wrongdoing that is discovered. From that perspective, you will see private companies that adopt codes of ethics for their financial officers." Now a decade old, SOX has begun to permeate the walls of privately held companies a little more deeply. "What public companies do often will become considered to be best practices," Ott said. "When companies are out there looking at what are best practices for corporate governance, they are going to see all the things that public companies do and, to the extent that these become considered best practices, those will have a trickle-down effect on private companies that are looking to implement best practices." Ott pointed to audit standards and the procedures public companies use in terms of internal controls as an example of how SOX might indirectly impact privately held companies. "The fact of the matter is that private companies will look now and say, 'Well, all these public companies have their CEO and CFO certify the financials; perhaps we should have our CEO and CFO at least certify the financials to the board so that we have this accountability,'" he said. Ott believes that larger, **privately held companies may very well benefit from some of the best practices that have come out of SOX.**

2NC—Investor Confidence

SOX boosts investor confidence – increased accountability

Turley and Howe 13 (James, Former Global Chairman and CEO of Ernst and Young, an international corporate law firm, and Steve, Americas Managing Partner and Managing Partner of the US Firm, "The Sarbanes-Oxley Act at 10 Enhancing the reliability of financial reporting and audit quality", http://www.ey.com/Publication/vwLUAssets/The_Sarbanes-Oxley_Act_at_10_-_Enhancing_the_reliability_of_financial_reporting_and_audit_quality/$FILE/JJ0003.pdf)

One of the core elements of Sarbanes-Oxley was to **clearly define and place responsibility** for a company's financial statements with its cchief executive officer (CEO) and chief financial officer (CFO), SOX mandated that these executives certify the following items (among others) for each annual and quarterly report: • They have reviewed the report • Based on their knowledge, the financial information included in the report is fairly presented • Based on their knowledge, the report does not contain any untrue statement of material fact or omit a material fact that would make the financial statements misleading • They acknowledge their responsibility for establishing and maintaining internal controls over financial reporting and other disclosures • They have evaluated the effectiveness of these controls, presented their conclusion as to effectiveness and disclosed any material changes in the company's controls By making management executives **fully accountable** for their companies' financial statements, Sarbanes-Oxley set a clear tone for corporate responsibility and helped restore investors' confidence in financial statements. To enhance the significance of these certifications, SOX mandated **stiff penalties** for executive officers who certify that financial reports comply with the various regulatory requirements while knowing that they do not. Such penalties include potential SEC enforcement action, forfeiture of bonuses and profits, or criminal penalties such as fines or imprisonment.13 As a further step to **help restore investor confidence** in corporate financial statements, SOX required companies to have an auditor attest to the effectiveness of the company's internal controls over financial reporting. To supplement the financial relief available to victims of securities fraud, SOX also established the "Fair Funds" program at the SEC. This program allows the SEC to add monetary penalties paid by those who commit securities fraud to the funds available for distribution to wronged investors.14

Long term benefits of SOX outweigh short terms costs – overall increase in investor confidence

Lowenbrug, 05 –Ph.D. in Economics and Finance and adjunct faculty member in the School of Professional Studies and Business Education at Johns Hopkins University. Manager in the Network Industries Strategies group of the FTI Economic Consulting practice (Paul, "The Impact Of Sarbanes Oxley On Companies, Investors, & Financial Markets", Sarbanes-Oxley Compliance Journal, 12/6/05, http://www.s-ox.com/dsp_getFeaturesDetails.cfm?CID=1141)//KTC

SHORT & LONG RUN IMPACT OF COSTS The costs of SOX compliance negatively affect companies, markets, investors, and economic growth in the short run. So what can we expect in the long run? If rising costs persuade large numbers of companies to exit the public markets to sidestep SEC regulation, two distinct problems are created. First, the overall economy could suffer because corporations limit investment projects due to the higher-cost sources of capital to fund potentially new operations. Second, financially stressed companies that "go dark" are the very companies shareholders need to monitor and where transparency is most important. Ironically if Enron had gone dark, shareholders would not be funding them by purchasing their stock. Although the U.S. markets and economy are currently suffering, evidence suggests this may only be a temporary glitch. For example, there has been a recent resurgence in the IPO market and foreign countries have started adopting and applying various parts of SOX to companies under their jurisdiction. If costs of compliance fall or stabilize over time, and international markets adopt a similar version of SOX, U.S. markets could potentially create even more wealth and productivity for the U.S. economy and surpass levels of the late 1990s. The primary goal of SOX was to help investor confidence in the public marketplace. Investors had lost faith that their investments in American companies were safe. This lack of faith resulted in the decline of stock values. Investors also believe that most of the scandals could have been prevented if the accounting misconducts could have been better monitored and thus deterred by regulatory agencies. The critics correctly assert that complying with SOX is not sufficient to restore faith in America's financial markets. Indeed, additional steps are necessary because, by itself, SOX simply

cannot address one of the driving causes of the accounting failures' the short-term thinking of corporate managers who want to increase the current stock price without appropriate regard for the long-term cost and ethical issues. However, by embracing the spirit of SOX, managers can improve their internal controls, board performance, and increase disclosure and reduce costs. Yes, costs can likely be reduced over time. A company with good communication, a more involved board of directors, more robust audits by external auditors, enhanced internal audit resources and performance, higher quality financial statements, fewer restatements of financials and improved operational efficiency will clearly be more attractive to investors. Companies that adhere to the minimum necessary for compliance will realize little in the way of benefits of SOX. Not only are they wasting an important opportunity; but investors, lenders, insurance companies may question whether such companies are sincere in establishing a culture of ethics, transparency, and a commitment to reliable financial reporting. As more companies exceed mandatory compliance, competitors will need to conform otherwise they will find themselves at a competitive disadvantage.

Increased transparency makes companies more trustworthy due to compliance with SOX

Lowenbrug, 05 –Ph.D. in Economics and Finance and adjunct faculty member in the School of Professional Studies and Business Education at Johns Hopkins University. Manager in the Network Industries Strategies group of the FTI Economic Consulting practice (Paul, "The Impact Of Sarbanes Oxley On Companies, Investors, & Financial Markets", Sarbanes-Oxley Compliance Journal, 12/6/05, http://www.s-ox.com/dsp_getFeaturesDetails.cfm?CID=1141)//KTC

In the long run, companies that invest in appropriate internal controls are not only more likely to have more reliable financial statements, but also will benefit from better management information structures. Other improvements include the reconciliation and segregation of duties, and enhancement of IT. Companies that have more confidence in their control structure and are evaluating accounting risks should enable investors to have more confidence in the reliability of unaudited data furnished to the securities' market. Thus, better information and internal controls lead to too greater operational efficiency and better long-term performance. Risk management, reduced fraud risk, enhanced governance, and strengthened controls resulting from implementation of SOX will strengthen investor confidence. This in turn reflects positively on the U.S. economy, and the intangible benefits should hopefully outweigh the calculable costs to public corporations of compliance with SOX. Initial spending on compliance will divert funds that could have been used to boost earnings and dividends. In the short-term, valuations may shift downward. However, if SOX helps to restore investor faith in the honesty and transparency of public companies, these downward valuations may become positive valuations in the long run.

2NC—Foreign Investment

Foreign investment has drastically increased post SOX – companies care about accountability

Abdiglua et. al, 15 – Works for Balikesir University in Business Administration, Behavioral Economics and Financial Economics (Nida, Vassiliki Bamiatzib, S.Tamer Cavusgilc, Arif Khurshedd,Konstantinos Stathopoulosd, "Information asymmetry, disclosure and foreign institutional investment: An empirical investigation of the impact of the Sarbanes-Oxley Act", International Business Review, Received 5/11/14 and Last Revised before publishing 1/7/15, http://www.sciencedirect.com/science/article/pii/S096959311500061Xhttp://www.sciencedirect.com/science/article/pii/S096959311500061X)//KTC

Using information on the holdings of institutional investors from 18 foreign countries, we find that the change in the information environment of U.S. firms has indeed positively impacted on foreign institutional investment levels. Consistent with our first hypothesis, we observe that FIO has increased subsequent to the enactment of SOX. We argue that this positive relationship is, ceteris paribus, a result of the enhanced corporate disclosure and the ensuing reduction in information asymmetry. Foreign investors are particularly sensitive to information asymmetries aggravated by governance problems and/or

expropriation by insiders (Leuz et al., 2010). However, the better internal accountability and monitoring control mechanisms induced by SOX in U.S. firms reduce information asymmetries and lessen investors' evaluation (agency) costs, perceived risks and biases. The overall level of trust in U.S. firms is elevated, and the prospect of investing in them becomes more attractive (Forbes, 2010 and Healy et al., 1999). This result affirms the initial expectations from the SOX enactment; the implementation of the act has been successful in achieving one of its objectives – reduction in information asymmetry. It further strongly denotes the critical role of corporate disclosure policies in FII investment.

SOX increases passive foreign investment

Abdiglua et. al, 15 – Works for Balikesir University in Business Administration, Behavioral Economics and Financial Economics (Nida, Vassiliki Bamiatzib, S.Tamer Cavusgilc, Arif Khurshedd,Konstantinos Stathopoulosd, "Information asymmetry, disclosure and foreign institutional investment: An empirical investigation of the impact of the Sarbanes-Oxley Act", International Business Review, Received 5/11/14 and Last Revised before publishing 1/7/15, http://www.sciencedirect.com/science/article/pii/S096959311500061Xhttp://www.sciencedirect.com/science/article/pii/S096959311500061X)//KTC

Interestingly, we not only find an increase in foreign institutional investment, post-SOX, but also changes in FII investment preferences. We document two intriguing results. First, post-SOX, FII exhibit a shift in their investment behavior toward less prudent stocks. Contrary to the 'prudent man' rule according to which we would anticipate institutional investors investing in the most reliable firms – large firms with high turnover, high liquidity and typically global exposure (Badrinath et al., 1989 and Del Guercio, 1996) – we find that post-SOX, FII have increased their investment in smaller firms, firms with lower dividend yields, and firms with higher leverage. We therefore conclude that the investment shortcomings foreign investors typically associate with riskier firms can be subdued with increased information disclosure induced by the enactment of SOX. Second, in line with Hypotheses 3 and 4, we discover that the increase in passive FIO has been larger than that of active FIO, post-SOX. We argue that this is driven by a reduction in the value of private information, post-SOX. Passive investors incur high costs of monitoring their investments; hence they rationally abstain from monitoring (Brickley et al., 1988). As a result they do not collect private information. On the contrary, active investors' competitive advantage lies on their efficiency in collecting private information (Almazan et al., 2005). Better disclosure results in a reduction in the value of private information. Hence SOX provides high gains for passive investors and potentially a loss of competitive advantage for the active ones. Our results strongly support this line of reasoning; we uncover that not only passive foreign investment has increased more than active foreign investment post-SOX, but also that this trend is pronounced in stocks with high levels of private information.

AT: Foreign Indirect Investment

SOX creates more foreign *in*direct investment in overlooked firms- evens the market

Abdiglua et. al, 15 – Works for Balikesir University in Business Administration, Behavioral Economics and Financial Economics (Nida, Vassiliki Bamiatzib, S.Tamer Cavusgilc, Arif Khurshedd,Konstantinos Stathopoulosd, "Information asymmetry, disclosure and foreign institutional investment: An empirical investigation of the impact of the Sarbanes-Oxley Act", International Business Review, Received 5/11/14 and Last Revised before publishing 1/7/15, http://www.sciencedirect.com/science/article/pii/S096959311500061Xhttp://www.sciencedirect.com/science/article/pii/S096959311500061X)//KTC

Overall, our study makes a unique contribution in two distinct ways. First, we provide a theoretical explanation (information symmetry framework) as well as empirical evidence on the SOX consequences so far and their implications. Second, from a policy perspective, we directly respond to the question of whether SOX has been effective and in what extent, and offer judgments in terms of investor benefits and market mechanism. The results particularly highlight a positive effect of the enactment of SOX, namely higher foreign institutional investment in U.S. firms. Further, firms that were traditionally overlooked by foreign institutional investors are now attracting their attention, resulting in a more evenly distribution of investment among small and large firms. Future research should investigate the potential implications of this trend.

AT: Lowenbrug

Lowenbrug concludes neg – negative effects are due to implementation problems and don't justify repeal

Our Author, Lowenbrug, 05 –Ph.D. in Economics and Finance and adjunct faculty member in the School of Professional Studies and Business Education at Johns Hopkins University. Manager in the Network Industries Strategies group of the FTI Economic Consulting practice (Paul, "The Impact Of Sarbanes Oxley On Companies, Investors, & Financial Markets", Sarbanes-Oxley Compliance Journal, 12/6/05, http://www.s-ox.com/dsp_getFeaturesDetails.cfm?CID=1141)//KTC

CONCLUSION Clearly, SOX has both positive and negative effects. However, the implementation problems of the past three years do not provide sufficient reason to weaken or eliminate SOX requirements or to adopt significant exemptions based on company size. This would be premature and could seriously damage important reforms that are helping to restore confidence in the U.S. capital markets. Three years is not enough time to fully measure SOX's ongoing costs and benefits. This is not to suggest that investors will tolerate unnecessary costs or gouging by audit firms related to internal control certification. Rather that we must exercise patience. In time, corporate America and the U.S. government will be able to produce a more accurate cost/benefit analysis. Then and only then will we know if this "reactionary" Congressional Act has a predominating positive effect of increased investor confidence in the market or a prohibitory cost that results in lowered productivity of public companies and dilution of the dominant U.S. financial services market.

Fraud Link Turn

Uniqueness

SOX is increasing the discovery of fraud now

Bhasin, 13- KIMEP University, Almaty, Republic of Kazakhstan, (Madan Lal, "Corporate Accounting Scandal at Satyam: A Case Study of India's Enron", Research Gate, April 2013, pdf)//KTC

The wave of financial scandals at the turn of the 21st century elevated the awareness of fraud and the auditor's responsibilities for detecting it. The frequency of financial statement fraud has not seemed to decline since the passage of the Sarbanes-Oxley Act in July 2002 (Hogan et al., 2008). For example, The 4th Biennial Global Economic Crime Survey (2007) of more than 3,000 corporate officers in 34 countries conducted by PricewaterhouseCoopers (PwC) reveals that "in the post-Sarbanes-Oxley era, more financial statement frauds have been discovered and reported, as evidenced by a 140% increase in the discovered number of financial misrepresentations (from 10% of companies reporting financial misrepresentation in the 2003 survey to 24% in the 2005 survey). The increase in fraud discoveries may be due to an increase in the amount of fraud being committed and/or also due to more stringent controls and risk management systems being implemented," (PricewaterhouseCoopers 2005). The high incidence of fraud is a serious concern for investors as fraudulent financial reports can have a substantial negative impact on a company's existence as well as market value. For instance, the lost market capitalization of 30 high-profile financial scandals caused by fraud from 1997 to 2004 is more than $900 billion, which represents a loss of 77% of market value for these firms, while recognizing that the initial market values were likely inflated as a result of the financial statement fraud.

SOX regulation has caused fraud to no longer go undetected- continued regulation is necessary

Bhasin, 13- KIMEP University, Almaty, Republic of Kazakhstan, (Madan Lal, "Corporate Accounting Scandal at Satyam: A Case Study of India's Enron", Research Gate, April 2013, pdf)//KTC

No doubt, recent corporate accounting scandals and the resultant outcry for transparency and honesty in reporting have given rise to two disparate yet logical outcomes. First, 'forensic' accounting skills have become crucial in untangling the complicated accounting maneuvers that have obfuscated financial statements. Second, public demand for change and subsequent regulatory action has transformed 'corporate governance' (henceforth, CG) scenario. Therefore, more and more company officers and directors are under ethical and legal scrutiny. In fact, both these trends have "the common goal of addressing the investors' concerns about the transparent financial reporting system." The failure of the corporate communication structure has made the financial community realize that there is a great need for 'skilled' professionals that can identify, expose, and prevent 'structural' weaknesses in three key areas: poor CG, flawed internal controls, and fraudulent financial statements. "Forensic accounting skills are becoming increasingly relied upon within a corporate reporting system that emphasizes its accountability and responsibility to stakeholders" (Bhasin, 2008). Following the legislative and regulatory reforms of corporate America, resulting from the Sarbanes-Oxley Act of 2002, reforms were also initiated worldwide. Largely in response to the Enron and WorldCom scandals, Congress passed the Sarbanes-Oxley Act (SOX) in July 2002. SOX, in part, sought to provide whistle-blowers greater legal protection. As Bowen et al. (2010) states, "Notable anecdotal evidence suggests that whistle-blowers can make a difference. For example, two whistle-blowers, Cynthia Cooper and Sherron Watkins, played significant roles in exposing accounting frauds at WorldCom and Enron, respectively, and were named as the 2002 persons of the year by Time magazine." Given the current state of the economy and recent corporate scandals, fraud is still a top concern for corporate executives. In fact, the sweeping regulations of Sarbanes-Oxley, designed to help prevent and detect corporate fraud, have exposed fraudulent practices that previously may have gone undetected. Additionally, more corporate executives are paying fines and serving prison time than ever before. No industry is immune to fraudulent situations and the negative publicity that swirls

around them. The implications for management are clear: every organization is vulnerable to fraud, and managers must know how to detect it, or at least, when to suspect it.

SOX has decreased the magnitude of fraud incidents

Eisinger 12 (Jesse, an American journalist, currently a financial reporter for ProPublica, won the Pulitzer Prize for National Reporting in 2011, "The SOX Win: How Financial Regulation Can Work," ProPublica, 2/8/12, https://www.propublica.org/thetrade/item/the-sox-win-how-financial-regulation-can-work)//kjz

As fears mount that Dodd-Frank, the financial overhaul law, is about to be emasculated, it's worth reflecting on the 10-year anniversary of a major regulatory success. I'm speaking of the mocked, patronized and vilified Sarbanes-Oxley, the law that cleaned up American corporate accounting. Jesse Eisinger About The Trade In this column, co-published with New York Times' DealBook, I monitor the financial markets to hold companies, executives and government officials accountable for their actions. Tips? Praise? Contact me at jesse@propublica.org SOX, as it's known, was a response to an epidemic in corporate accounting fraud that swept American business in the late 1990s and early 2000s. Because the 2008 financial crisis dwarfs that earlier round of scandal, it's easy to forget how rotten things were, said Broc Romanek, editor of TheCorporateCounsel.net, a site devoted to securities law and corporate governance. "Everyone had lost faith in the numbers put out by big public companies," he said. Cast your mind back. The scandals erupted in some of the purportedly best, most recognizable companies in America. Enron and WorldCom were the two biggest names and the two biggest failures. Tyco and Adelphia were in the second tier. But there were appalling accounting disgraces at HealthSouth, Rite Aid and Sunbeam. Waste Management and Xerox barely survived theirs. Today, there are certainly debates about stocks and their valuations — and some questionable accounting — but no company that finds itself under scrutiny now is anywhere near as large, respected or publicized as those were then. Something else characterized those dark days: the frauds often lasted and lasted. Investors known as short-sellers, who make money when stocks collapse, waged battles for years over certain companies. Today, accounting disputes are finished before they start. An accounting scandal at Groupon, the online coupon company, came and went in a matter of weeks back in the fall — resolved by the regulators before the company went public. When SOX was passed, it was attacked — almost exactly like Dodd-Frank is today. Sarbanes-Oxley got "horrible press," said Jack T. Ciesielski, who edits the Analyst's Accounting Observer. People mocked it for requiring companies "to flow chart the keys to the executive washroom," he said. But the result is that accounting at American companies is much cleaner today. The main criticisms of the law haven't panned out. Corporate earnings have soared, and no company has ever missed a quarterly estimate because it was spending too much on its accounting and internal controls. Critics railed that it would cost small companies too much, which it may have, though the evidence is debated. They also argued that it would hurt initial public offerings, which it didn't. Yet, there remains vestigial criticism from the right; Newt Gingrich called for its repeal the other day on the campaign trail. Is Sarbanes-Oxley perfect? Of course not. The financial crisis included accounting problems. The books of the American International Group, Lehman Brothers and Merrill Lynch misrepresented the true state of the companies. The auditors have managed to skirt blame — even more so than other gatekeepers, like the ratings agencies, have. But at its heart, the financial crisis wasn't an accounting scandal. It was a bubble, albeit one exacerbated by some book-cooking. But the evidence in SOX's favor is that one big dog didn't bark. Even as the financial panic turned into the Great Recession, corporate America weathered the worst of the downturn without a series of major accounting frauds. SOX required that chief executives and chief financial officers personally sign off on their companies' financial statements. That seems minor. No doubt a Madoff wouldn't be deterred by a little dissembling signature. But blackhearts aren't the typical accounting fraudsters. At huge corporations, corruption usually develops slowly, incrementally, starting with a minor crossing of the line. At the end of a quarter, a sale is booked before it was actually ordered — to make the numbers for Wall Street. Over time, the fraud builds on itself and it's easier to keep the game going than to clean it up. Requiring a step where the top dogs actually have to mark the books as their own territory halts that process. It steels their concentration and improves the culture, preventing those initial halting steps toward fraud. The accounting industry has been improved as well. The new SOX-created industry overseer, the Public Company Accounting Oversight Board, has made inroads. Accountants have done a better job, remembering the devastating collapse of the accounting firm Arthur Andersen in the wake of the Enron debacle. SOX wasn't the only factor in this cleanup, of course. The accounting trials of the early 2000s made a cultural mark. Kenneth L. Lay and Jeffrey K. Skilling of Enron, the Tyco fraudsters L. Dennis Kozlowski and Mark H. Swartz and Bernard J. Ebbers of WorldCom all had their day in court. All the world, including their executive peers, watched them go from their mansions to the big house.

SOX solves Fraud

SOX prevents fraud – forces compliant and active corporate management

Thompson, 04 – In 2004 he served as Senior Fellow with the Brookings Institution. Served on the University Of Georgia School Of Law's faculty as the holder of the John A. Sibley Chair of Corporate and Business Law since 2011, in 2001, Thompson was confirmed by the U.S. Senate as deputy attorney general of the United States. As deputy attorney general, Attorney General John Ashcroft named Thompson in 2002 to lead the Department of Justice's National Security Coordination Council. President George W. Bush named Thompson to head the government-wide Corporate Fraud Task Force. In 2000, he was selected by the U.S. Congress to chair the bi-partisan Judicial Review Commission on Foreign Asset Control. Thompson is an elected Fellow of the American Board of Criminal Lawyers (Larry D., "The Corporate Scandals, Why They Happened And Why They May Not Happen Again", Speech, Brookings Institute, 7/13/104, http://www.brookings.edu/research/speeches/2004/07/13business-thompson)//KTC

Sarbanes-Oxley has brought about much needed improvements in transparency and accountability in the books and records of public companies. Tough criminal enforcement will send a much needed message of deterrence for anyone contemplating self-dealing and financial fraud. But this will not be enough as we all know. For we all know that crooks will always be amongst us. There are, however, two developments in the area of corporate governance that I believe are significant and may go a long way toward preventing the type of scandals we have just experienced from reoccurring. At the very least, these developments will minimize the likelihood of these scandals happening again. Section 406 of the Sarbanes-Oxley Act and the implementing rules by the SEC call for a code of ethics for the CEOs and chief financial officers of public companies. This concept has been embraced and greatly expanded upon by the revised guidelines for organizations recently published by the influential U. S. Sentencing Commission. Although the guidelines technically apply only when an organization is being sentenced for violating a criminal law, the guidelines have, over the years, greatly influenced the design, implementation and administration of corporate compliance programs. The guidelines are scheduled to go into effect on November 1, 2004. The main theme of the revised guidelines is a greater emphasis on ethics as opposed to mere compliance with the law. The guidelines encourage companies to promote "an organizational culture that encourages ethical conduct and a commitment to compliance with the law." The revised guidelines give specific directions to companies as to how an effective ethical environment can be accomplished. High level corporate officials and boards of directors will be required to take an active leadership role in the operation of ethics and compliance programs. Senior management and the board of directors will now be expected to understand the major risks of unlawful conduct facing their companies and how their companies' ethics and compliance programs are to work to counteract those risks. The Board of Directors and Senior Management can no longer simply delegate the ethics and compliance function to officials lower in the organization. They must understand what is going on and what problems and vulnerabilities their companies may have from a compliance standpoint.Companies will now also be required to evaluate the overall effectiveness of their compliance programs by undertaking periodic risk assessments to determine the scope and nature of risks of violations of law associated with a company's business. These requirements make certain that ethics and compliance programs will be real; they can no longer exist on paper only. What they will require companies to do is actively and seriously investigate allegations of wrong doing. They will require education and training programs of substance and, most importantly, the corporations' problems and vulnerabilities will go directly to the board of directors. When this happens, the board cannot afford to bury its head in the sand. Under legal standard and case law in existence before the revised guidelines, the board could escape liability for corporate wrongdoing by showing simply that it had attempted in good faith to ensure that an adequate corporate information gathering and reporting system was in place. Now, board members will be required to get "their hands dirty" and become knowledgeable about a company's compliance problems and vulnerabilities.

Section 806 whistle blower protections prevent fraud

Thompson, 04 – In 2004 he served as Senior Fellow with the Brookings Institution. Served on the University Of Georgia School Of Law's faculty as the holder of the John A. Sibley Chair of Corporate and Business Law since 2011, in 2001, Thompson was confirmed by the U.S. Senate as deputy attorney general of the United States. As deputy attorney general, Attorney General John Ashcroft named Thompson in 2002 to lead the Department of Justice's National Security Coordination Council. President George W. Bush named Thompson to head the government-wide Corporate Fraud Task Force. In 2000, he was selected by the U.S. Congress to

chair the bi-partisan Judicial Review Commission on Foreign Asset Control. Thompson is an elected Fellow of the American Board of Criminal Lawyers (Larry D., "The Corporate Scandals, Why They Happened And Why They May Not Happen Again", Speech, Brookings Institute, 7/13/104, http://www.brookings.edu/research/speeches/2004/07/13business-thompson)//KTC

But the most important development in terms of preventing the reoccurrence of the corporate fraud we have experienced comes from a little known provision of the Sarbanes-Oxley Act. Section 806 of the Act establishes a new federal cause of action to protect whistleblowers who are employees of public companies who provide information to the authorities that they believe constitutes a violation of federal securities laws or involves other types of corporate criminal conduct. The provision is designed to shield these whistleblower employees from retaliation by the corporate employer. An employee claiming retaliation because he or she uncovered corporate fraud can file a complaint with the Department of Labor which will investigate the claim unless the employer can show that it would have taken adverse employment action despite the employee's allegations of corporate fraud. From a purely practical standpoint, this will be a very difficult proposition for an employer. In today's environment there will be a presumption, albeit informal or subjective, in favor of at least investigating the claim. Employees who prevail in whistleblower cases are entitled to relief which may include reinstatement, back pay, interest, litigation costs, and relief that will make any good plaintiff's attorney interested in the case, compensatory damages. The provision does not provide for punitive damages, but the statue does not preempt existing state of federal law. So an employee aggrieved under the whistleblower provision can file multiple claims and let the Department of Labor, with its resources and authority, investigate claims and use the results as a hammer in other cases. Whistleblower provisions have been very effective in defense procurement and healthcare fraud cases. The possibility of whistleblower suits has, I believe, encouraged effective compliance efforts in these industries. I believe the Sarbanes-Oxley whistle blower provisions can have a positive impact on the prevention of corporate fraud.

Title IX of SOX will continue to prevent fraud – personal deterrent

Kennedy, 12 – Writing for Senior Honors Thesis in Accounting (Kristin A., "An Analysis of Fraud: Causes, Prevention, and Notable Cases", University of New Hampshire Scholar's Repository, Fall 2012, pdf)//KTC

Title IX, entitled White-Collar Crime Penalty Enhancements, aims to increase penalties handed down to perpetrators of fraud. Section 902 involves individuals who attempt or conspire to commit mail, wire, or securities fraud. Under this section, these individuals will get the same punishment as others who actually commit these acts. It is intended to defer people from even considering committing fraud, as if it the plan is revealed, they will be punished even if they decided not to proceed with the fraud. Section 903 increases the maximum possible jail sentence for mail and wire fraud from five to 20 years (SOX 61). Section 905 lists amendments to the sentencing guidelines that the United States Sentencing Commission should make. Section 906 goes along with Section 302 and 404 in that it is increasing the accountability of CEOs and CFOs. This section adds the criminal punishments for those who intentionally certify misstated financial filings to the SEC. In circumstances where the individual "knowingly certifies" the misstated financial statements, they may face a fine of up to $1,000,000 and imprisonment of up to 10 years, or both. When the individual "willfully" certifies the misstated financial statements, they may face a fine of up to $5,000,000 and imprisonment of up to 20 years, or both (Prentice 68). Title IX imposes very severe punishments on perpetrators of fraud, which could have been very effective at preventing some of the fraud scandals that happened in the early 2000s. The maximum sentence for mail and wire fraud was increased by four times from five to 20 years. That is a very significant difference. If someone was weighing the risks of getting caught, 33 five years in prison is very different than 20 years in prison, so that would be a very strong deterrent. Also, imprisonment can now be handed down for not only committing fraud, but also conspiring to do so. This could have resulted in less people considering committing fraud and therefore, even less people actually committing it. Furthermore, the fines and maximum imprisonment for executive officers who knowingly certify or willingly certify misstated financial statements have also been increased significantly. This could have prevented many of the top executives during the early 2000s from committing the fraud that they did. Greater personal risk is also a strong deterrent from bad behavior.

Title XIII deters fraud

Kennedy, 12 – Writing for Senior Honors Thesis in Accounting (Kristin A., "An Analysis of Fraud: Causes, Prevention, and Notable Cases", University of New Hampshire Scholar's Repository, Fall 2012, pdf)//KTC

Title XIII has certain elements that could have been effective at preventing fraud. Tampering with evidence can now carry a prison sentence of up to 20 years. Although this may not necessarily have prevented fraud, it could have if accounting firms acted properly knowing that they could not just destroy evidence that showed they had overlooked certain facts. At the very least, it may have prevented public accounting firms such as Arthur Andersen in the Enron scandal from shredding documents. The same also holds true because work papers now must be 32 held for seven years or a ten year imprisonment could be faced. Title XIII also has a whistleblower section to protect those who come forward. This could have prevented such disastrous results from occurring because whistleblowers would have been encouraged to come forward sooner than was actually happening.

Title XI deters fraud

Kennedy, 12 – Writing for Senior Honors Thesis in Accounting (Kristin A., "An Analysis of Fraud: Causes, Prevention, and Notable Cases", University of New Hampshire Scholar's Repository, Fall 2012, pdf)//KTC

In Title XI, specifically Corporate Fraud and Accountability, other criminal provisions are added in order to limit obstruction of justice. Section 1102 involves tampering with records and impending official investigations. Anyone who corruptly "alters, destroys, mutilates, or conceals a record, document, or other object, or attempts to do so, with the intent to impair the object's integrity or availability for us in an official proceeding" or "otherwise obstructs, influences, or impedes any official proceeding, or attempts to do so" will be fined or face up to 20 years in prison, or both (SOX 63). Section 1103 give the SEC the authority to temporarily freeze the funds of a company if it appears that, during an investigation, those funds are likely to be paid as bonuses or other to directors, officers, or other individuals within the company (Prentice 71). Section 1105 authorizes the SEC to permanently or temporarily bad individuals from serving as officers or directors of public companies. Section 1106 increased penalties for individuals intentionally violating sections of the Securities Exchange Act of 1934 from $1 million to $5 million and from a maximum sentence of 10 years to a maximum of 20 years. For 34 corporations in violation, the maximum fines were increased from $2.5 million to $25 million (Prentice 72). Section 1107 makes it unlawful to retaliate, or cause other harmful actions against, a person who provides any truthful information to law enforcement regarding the commission of any Federal offense. The perpetrator of the retaliation may face fines and up to 10 years imprisonment (Prentice 72). Title XI contains some sections similar to others within SOX. Section 1102 involves tampering with records, which being similar to tampering with evidence, carries a maximum prison sentence of 20 years. This could have reduced fraud if accounting firms were prevented from allowing tainted records to exist in the first place. Section 1107 goes along with the increased protection for whistleblowers by making it unlawful to retaliate against such individuals and therefore encouraging them to come forward. This could have prevented such large losses from being incurred if the whistleblowers had come forward sooner

SOX key to fraud prevention and internal controls fail

Clark 12 (Kiersten N., wrote a Senior Thesis submitted in partial fulfillment of the requirements for graduation in the Honors Program, "The Effects of Sarbanes Oxley on Current Financial Reporting Standards," Liberty University, 2012, http://digitalcommons.liberty.edu/cgi/viewcontent.cgi?article=1303&context=honors)//kjz

Section 404. The reporting requirements of SOX section 404 first became applicable to accelerated filers in 2004. This particular section of the Sarbanes-Oxley Act THE EFFECTS OF SOX 15 mandates that company management and their external auditors testify concerning the efficiency of internal controls over financial reporting (Moffett, et al., 2011). Section 404 also requires the firms to file their report on internal controls with the SEC in order to divulge any noteworthy control deficiencies and material control weaknesses (Moffett, et al., 2011). It is necessary to specify that only material weaknesses need be divulged. Those that are not considered material are assumed to have little importance (Thevenot, et al., 2011). Fraud prevention. Because of all the uncertainty Enron's meltdown caused, many employees of companies in the United States were afraid to come forward to reveal fraudulent practices because they feared losing their jobs. In April of 2003, the U.S. Securities and Exchange Commission published an addition to Section 301 of SOX (Rulemaking, 2009). This addition provided protection to employees who would come forward and disclose pertinent information. One of the primary purposes of a company having internal controls in place is to prevent fraud. Without the presence of effective and strong internal controls, companies are extremely susceptible to fraudulent activities (Moffett, et al., 2011). Weaknesses. A major weakness of internal control systems surprisingly comes from the management of the company. Management has the ability to damage or reinforce these systems by the way they interact with the company and the employees (Moffett, et al., 2011). According to an article published in Internal Auditing by Ryan Moffett and Gerry Grant, management override and collusion with the other individuals employed at the firm have proven to be the largest danger (2011). In research conducted by Maya Thevenot and Linda Hall, certain deficiencies in internal controls have been THE EFFECTS OF SOX 16 linked to poor accrual quality, poor board and audit committee quality, firm risk, and the cost of equity capital (2011). Furthermore, many firms with serious control flaws have a tendency to be smaller, less monetarily sound, have more involved operations and smaller amounts of resources (Thevenot, et al., 2011). These firms are unable to invest the proper funding into creating a secure system of internal controls, which causes them to be less confident. There are two types of weaknesses: account-specific and entity-level deficiencies. Those that are considered account-specific are regarded as less severe because they are linked to specific financial statement accounts, such as inventory, receivables, and intangibles (Thevenot, et al.). On the other hand, entity-level weaknesses have a far-reaching impact on the firm. They affect larger areas, such as "recognition and segregation of duties" and tend to be a sign of company-wide weak control environment (Thevenot, et al., para. 14). Corporate Fraud and Accountability Many companies that experience fraud on any level are typically searching for ways to lessen the potential for fraud. Title XI of the Sarbanes-Oxley Act, Corporate Fraud and Accountability, seeks to alleviate the longevity of the search (SOX, 2002). This particular section contains severe consequences for both individuals and companies alike who engage in fraudulent practices. One such consequence applies to any individual who attempts to tamper with documents or official proceeding. These individuals would be subject to a fine or placed in prison for up to twenty years (SOX). Title XI contains six applicable sections with penalties and regulations: tampering with a record or otherwise impeding an official proceeding (1102), temporary freeze authority for the SEC (1103), amendment to the federal sentencing guidelines (1104), authority of the commission to THE EFFECTS OF SOX 17 prohibit persons from serving as officers or directors (1105), increased criminal penalties under Securities Exchange Act of 1934 (1106), and retaliation against informants (1107) (SOX, 2002). Each of these sections was meant to instill a particular emotion so as to decrease the desire to commit such practices. Section 1107 specifically states what actions would be taken against informants: Whoever knowingly, with the intent to retaliate, takes any action harmful to any person, including interference with the lawful employment or livelihood of any person, for providing to a law enforcement officer any truthful information relating to the commission or possible commission of any Federal offense, shall be fined under this title or imprisoned not more than ten years, or both. (SOX, p. 65) Recent research provides evidence of the specific types of individuals who would take the chance to inform the authorities of fraudulent practices. Such individuals have been identified as (a) employees of the company, (b) industry regulators, (c) press journalists, (d) equity holders and their analysts, (e) securities regulators, and (f) auditors (Bolt-Lee, Farber, & Moehrle, 2011). As is evident by the variety of individuals who have been categorized as informants, one need not be an employee of a company to discover fraudulent information.

Perception Link - SOX is increasing investor confidence in fraud prevention

Hanna 14 (Julia Hanna – an associate editor of the HBS Alumni Bulletin, 3/10/14, Forbes, "The Costs and Benefits of Sarbanes-Oxley" http://www.forbes.com/sites/hbsworkingknowledge/2014/03/10/the-costs-and-benefits-of-sarbanes-oxley/) CW

Despite high initial costs of the internal control mandate, evidence shows that it has proved beneficial. "Markets have been able to use the information to assess companies more effectively, managers have improved internal processes, and the internal control testing has become more cost-effective over time," according to Srinivasan. The research does not support the fear that SOX would reduce levels of risk-taking and investment in research and growth. Another concern that the act would shrink the number of IPOs has not been borne out either; in fact, the pricing

of IPOs post-SOX became less uncertain. The cost of being a publicly traded company did cause some firms to go private, but research shows these were primarily organizations that were smaller, less liquid, and more fraud-prone. "Yes, SOX may have cut off public market financing to these companies, but the question is whether it was appropriate for them to be in public markets in the first place," Srinivasan says. "That is a value judgment, to be sure. But it may not be a bad thing if certain companies are restricted in their access to financing, simply because loss of trust in public capital markets has big consequences for the entire economy." **A 2005 survey by the Financial Executives Research Foundation found that 83 percent of large company CFOs agreed that SOX had increased investor confidence, with 33 percent agreeing that it had reduced fraud.**

SOX solves fraud

Dittmar and Wagner 6 (Stephen Wagner is the managing partner of the U.S. Center for Corporate Governance at Deloitte & Touche and Lee Dittmar leads the Enterprise Governance Consulting practice at Deloitte Consulting and serves as coleader of the organization's Sarbanes-Oxley practice. Wagner is based in Boston; Dittmar, in Philadelphia, April 2006, "The Unexpected Benefits of Sarbanes-Oxley" Harvard Business Review, https://hbr.org/2006/04/the-unexpected-benefits-of-sarbanes-oxley) CW

After more than a decade of Sarbanes-Oxley governance, the increased oversight of corporate financial management is paying off when it comes to fraud controls. And, while organizations pay a bit more every year to comply, the costs are manageable, according to the 2013 Sarbanes-Oxley Compliance Survey by the Protiviti consulting firm. Nearly 300 chief audit and financial officers at companies ranging from less than $100 million to more than $20 billion were surveyed. A full 80 percent of respondents said they have seen improvement in internal controls over financial reporting, with 26 percent reporting that internal controls had significantly improved. Of financial executives at larger corporations, 87 said percent they had seen an improvement. Enacted in July 2002, the Sarbanes-Oxley Act was drafted in response to a number of high profile corporate scandals, including Enron. The legislation increased the independence of external auditors, increased the oversight role of boards of directors and required top management to individually certify the accuracy of financial information. In addition, penalties for fraudulent financial activity were made much more severe. More than one-third of financial executives surveyed reported that SOX compliance costs had increased during the previous year, but overall most executives said the costs "remain at a manageable level." Ten percent had a decrease in costs and 52 percent stayed the same. Automating controls is an area of increased focus, with 90 percent of executives saying they have plans to automate IT processes and controls for SOX compliance, up from 83 percent the previous year. The study found that more companies are adjusting their compliance efforts to focus on high-risk processes and walkthroughs. "To continue to improve their SOX compliance efforts, companies need to intensify their scrutiny of high-risk processes such as financial reporting, accrual processes, stock options and equity, and taxes," said Brian Christensen, Protiviti's executive vice president for global internal audit. "The study shows that companies are beginning to adjust in that direction and the shift aligns with guidance from the SEC and PCAOB." The survey also asked about which area within an organization should oversee SOX compliance. The internal auditing department led at 45 percent of companies (up 15 percent from the previous year), with only 10 percent now placing the function in the project management office (down 15 percent from the previous year). The reason given for the shift toward the internal audit department is the willingness of external auditors to rely on the work of internal audit departments rather than other functions.

SOX is being modeled – that solves overall market fraud

Accounting Web 15 (AccountingWeb – leading blog for information affecting accounting, originally posted: 8/19/08 Last update: June 1, 2015, "Before and after Sarbanes-Oxley - learning to live with change" http://www.accountingweb.com/practice/practice-excellence/before-and-after-sarbanes-oxley-learning-to-live-with-change) CW

SOX extended the statute of limitations on securities fraud. Auditors are required under the law to maintain "all audit or review work papers" for five years and employees of issuers and accounting firms are extended "whistleblower protection." Forensic accounting is a growing specialty in the accounting profession. In June, the SEC agreed to provide small businesses with an additional one-year

extension to comply with the Sarbanes-Oxley Section 404(b) auditor attestation requirements. Senator Olympia Snowe, a member of the Senate Committee on Small Business, applauded the decision but asked for further study. "I am also pleased that the SEC will complete a study on the costs and benefits of applying the law to small businesses. The SEC should refrain from implementing any new regulations until such an evaluation is complete." The influence of SOX has extended to private companies and to nonprofits. Private companies adopted Sarbanes-Oxley provisions either primarily as a "best business practice" or because they were hoping to go public or have hopes of being bought by a public company. These companies have to think ahead to get their internal controls in place, which can take two years by some estimates, the Sacramento Business Journal reports. Although it does not apply to nonprofits, SOX is serving as a model for higher education and laws that affect nonprofit governance, University Business reports. In 2004 California's legislature passed SB 1262, the Nonprofit Integrity Act, which requires nonprofits with more than $2 million in revenue, chartered or doing business in the state, to have an annual audit and an independent audit committee on the board. Other nonprofits have adopted governance provisions of Sarbanes as a best practice. A greater emphasis on accountability and transparency followed some of the problems the larger organizations faced after Hurricane Katrina. "We're heavily reliant on donors to entrust us with the good stewardship of their resources," Jeff Amburgey, vice president of finance at Berea College (KY) told University Business. So the staff and board members at Berea College try to stay in front of governance issues.

SOX solves fraud

Cohen 13 (Tracey Coehen – seasoned forensic accountant and fraud investigator, June 2013, "FRAUD PREVENTION", http://www.fraudessentials.com/fraud-prevention/)

The Sarbanes-Oxley Act of 2002 (SOX) generally applies to U.S. public companies and their auditors, but numerous multinational public companies and private companies are complying with the regulations voluntarily. SOX generally requires: Management to assess the effectiveness of the company's internal control structure over financial reporting. Are the controls effective at ensuring that the financial statements will be presented accurately? An auditor's report on management's assessment. Do the auditors believe that management's assessment of the internal controls is accurate? New auditing standards and rules for auditing firms with public clients. Auditors of public companies are limited in the other services that they may provide to their clients, in order to ensure their independence. Other broad requirements of SOX include whistleblower provisions, under which companies must establish a confidential, anonymous reporting mechanism for employees. This is most often accomplished with an anonymous hotline; this can be set up through a vendor, which guarantees anonymity for callers. The company must also disclose whether a Code of Ethics has been established for executives and make it available to the public. SOX defines conflicts of interest and prohibits certain actions, such as personal loans to executive officers or directors. SOX does not specify a particular set of internal controls that must be in place in companies. There are certain elements of internal controls that are required, such as the whistleblower provisions and management's evaluation of the internal controls, but the regulation does not specify a large set of controls that must be put into place. Understanding what SOX does not require of companies may be even more important than knowing what is required. Many individuals and investors do not understand that SOX actually requires very little in the way of substantive improvement to the internal controls of a company. As long as management is willing to admit publicly that its controls are not good, the company is not forced to improve the internal controls.

Self regulation fails

Self-regulation fails, the top will be corrupt without any checks

Kennedy, 12 – Writing for Senior Honors Thesis in Accounting (Kristin A., "An Analysis of Fraud: Causes, Prevention, and Notable Cases", University of New Hampshire Scholar's Repository, Fall 2012, pdf)//KTC

As all of the cases discussed have shown, it is typically the highest individuals in an organization that have the power to commit the most damaging fraud. Internal controls cannot be effective if the executives in

charge have to power to override them. The tone from the top within an organization needs to be positive and even the top employees need to be overseen. It appears true that more accountability and increased responsibility for these top executives of public companies is a successful way of preventing fraud, at least at the highest levels of an organization. Personal risk is typically a great deterrent from bad behavior. With the exception of the Bernie Madoff scandal, accounting fraud seems to be declining since the early 2000s. It appears that recent accounting legislation, namely the Sarbanes-Oxley Act and Dodd Frank Act, is heading in the right direction, but more can be done to prevent fraud. As 45 accounting standards within the United States converge with IFRS, there is the potential that fraud can be reduced even more. With the rules-based accounting laid out in U.S. G.A.A.P., individuals are expected to follow exactly what is laid out. If there is not a specific rule about something, it can be argued that it was not clear what should have been done, even if an action was clearly immoral. Under a principle-based system such as IFRS, more discretion in decision making is placed on the individual. Therefore, moral actions are expected to be chosen, often leading to less fraud. Overall, accounting in the United States seems to be heading in the right direction, even if fraud will never really vanish entirely.

Politics

1NC—Link

Zero political backing for repealing SOX – it's overwhelmingly popular

Ames 9 (Marius, attorney and political writer for SCW, a blog on Congressional politics and finance, "SARBANES-OXLEY: THE GREAT REPUBLICAN OVERREACH BEGINS", http://acandidworld.com/2009/09/09/sarbanes-oxley-the-great-republican-overreach-begins/)

Every movement reaches a point where, emboldened by temporary success, it oversteps its victories, and finally loses the public — an Icarus moment. For the Republicans, though, hubris kicked in early. Health care is stalled, sure, but it's coming back, and Obama's approval still hovers in the low 50's, with no sign of dipping lower. This, apparently, passes for victory, because Newt Gingrich is moving on. Now's he has designs on repealing the Sarbanes-Oxley Act, the intensely complicated regulatory regime passed in the wake of the Enron/WorldComm scandals, to stop future scandals before they come, by ensuring disinterested boards, and incentivizing whistleblowing, among others. Lest we forget, Soxley, as it's affectionately known, is the very **definition of bipartisan reform** — it passed with a **supermajority in the House**, and an astonishing **99-0 vote** in the Senate, making it **more popular** at its passage **than the PATRIOT Act**. There are academic questions to to whether Soxley is the cheapest way to solve the problems it was drafted towards, but there has **never been a question** about the need for it, or similar reforms. It takes an academic to question Sarbanes-Oxley's effectiveness — but **it takes a fool to wish for its repeal**, with nothing else waiting.

SP1 XO 12333 UTNIF

Advantage 1 – Cybersecurity

1NC

Executive Orders lack the exposure and durability to solve.

Schlanger 15 Margo, Henry M. Butzel Professor of Law, University of Michigan. "Intelligence Legalism and the National Security Agency's Civil Liberties Gap," Harvard National Security Journal. 6:112

Efforts to implement most of the Church Committee's substantive recommendations as statutory law failed; they entered American law instead as part of Executive Order 12,333. As already quoted, the Executive Order does expressly state (in language unchanged from its 1981 promulgation): "Set forth below are certain general principles that, in addition to and consistent with applicable laws, are intended to achieve the proper balance between the acquisition of essential information and protection of individual interests." n301 That is, one of 12,333's purposes is to fill the civil liberties gap left by constitutional and statutory law.

But 12,333 cannot live up to that goal. For one thing, the rules' status as part of an executive order renders them both less visible and more easily weakened. The 2008 amendments to 12,333, for example, for the first time allowed inter-agency sharing of signals intelligence "for purposes of allowing the recipient agency to determine whether the information is [*181] relevant to its responsibilities and can be retained by it," pursuant to potential "procedures established by the Director in coordination with the Secretary of Defense and approved by the Attorney General." n302 This change received no attention by non-governmental commentators. n303

More important, even if Executive Order 12,333 adequately covered civil liberties interests in 1980, it--along with its associated AG Guidelines--has grown out-of-date in subsequent decades. Unsurprisingly, given the generally low visibility of intelligence matters, there was little appetite to update either Executive Order 12,333 or other sources of executive self-regulation to address new challenges to liberty, until the Snowden disclosures. Thus notwithstanding the enormous changes that have taken place in the scope of surveillance since 1980 and the advent of "big data" methods, there have been no substantive liberty-protective changes ever made to the Executive Order. Some procedural protections have been added, n304and notable efforts to weaken the protection of U.S. Person information were fended off. n305 But whatever further substantive protection might be useful in light of technological or other changes, all that has been added since 1980 is new hortatory language swearing fealty to (already binding) other laws: "The United States Government has a solemn obligation, and shall continue in the conduct of intelligence activities under this order, to protect fully the legal rights of all United States persons, including freedoms, civil liberties, and privacy rights guaranteed by Federal law." n306

No cyberterror

empirics, hollow threats, no capabilities, no motive, disincentives, and focus on other strategies

Healey '11 Director of the Cyber Statecraft Initiative at the Atlantic Council of the United States (Jason, "Cyberterror is Aspirational Blather," http://www.acus.org/new_atlanticist/cyberterror-aspirational-blather10/3/11)

The Atlantic Council's Cyber Statecraft Initiative recently hosted a conference call to discuss the terrorist use of the Internet and how it has evolved in the ten years since 9/11. The call featured Matt Devost of FusionX, Neal Pollard of PriceWaterhouseCooper and Rick Howard of VeriSign/iDefense – who have been tracking this and many other online threats for years. While this conversation was off

the record, this blog attempts to capture the spirit. Terms such as "cyber 9/11" and "cyber terrorism" have been used frequently to describe the security threats posed by terrorists online. Cyber technologies, like any other, enable terrorist groups to do their terrorizing more effectively and efficiently. In the past few years it is increasingly common for them to use the Internet for propaganda, fundraising, general support, and convergence. Videos and anonymous discussion forums allow for the dissemination of training information and the call to arms for more individuals to participate and join groups. Importantly, the panelists agreed that these groups have not yet used cyber attack capabilities in any significant way to cause casualties or actually terrorize anyone. While Ibrahim Samudra or Irahabi 007 hacked to raise funds through credit-card fraud, this is a traditional support activity, not "cyber terror". The US government was a relatively early advocate of a strict definition of cyber terrorism, as nearly a decade ago they were calling it as "a criminal act perpetrated through computers resulting in violence, death and/or destruction, and creating terror for the purpose of coercing a government to change its policies." Not defacing a webpage, not flooding a website (even of the South Korean president) and not stealing credit card information. Some terrorists groups may talk about waging an e-Jihad, but such talk remains, for now, aspirational blather. For decades, the rule of thumb for intelligence analysts has been that adversaries with motives for damaging cyber attacks do not have the capabilities, while those with the capabilities do not yet have the motives. A large-scale cyber attacks is more difficult than is generally believed and few adversaries have both the motive and capability. Additionally, terrorist groups have many disincentives for pursing cyber capabilities. For example, their leadership tends to be conservative and they tend to stick with what they know will work – suicide bombers, road-side bombs, and kinetic assaults. These actually kill and terrorize people which, as yet, no cyber attack has accomplished. The Congressional Research Service summed this up as "lower risk, but less drama."

Backdoors good, if we don't do it other countries will

Wittes 6/12 [Benjamin, Senior Fellow in Governance Studies at the Brookings Institution and member of the Hoover Institution's Task Force on National Security and Law. "Thoughts on Encryption and Going Dark: Part I," Lawfare: Hard National Security Choices. http://www.lawfareblog.com/thoughts-encryption-and-going-dark-part-ii-debate-merits#]

Let me start by breaking the encryption debate into two distinct sets of questions: One is the conceptual question of whether a world of end-to-end strong encryption is an attractive idea. The other is whether—assuming it is not an attractive idea and that one wants to ensure that authorities retain the ability to intercept decrypted signal—an extraordinary access scheme is technically possible without eroding other essential security and privacy objectives. These questions often get mashed together, both because tech companies are keen to market themselves as the defenders of their users' privacy interests and because of the libertarian ethos of the tech community more generally. But the questions are not the same, and it's worth considering them separately. Consider the conceptual question first. Would it be a good idea to have a world-wide communications infrastructure that is, as Bruce Schneier has aptly put it, secure from all attackers? That is, if we could snap our fingers and make all device-to-device communications perfectly secure against interception from the Chinese, from hackers, from the FSB but also from the FBI even wielding lawful process, would that be desirable? Or, in the alternative, do we want to create an internet as secure as possible from everyone except government investigators exercising their legal authorities with the understanding that other countries may do the same? Conceptually speaking, I am with Comey on this question—and the matter does not seem to me an especially close call. The belief in principle in creating a giant world-wide network on which surveillance is technically impossible is really an argument for the creation of the world's largest ungoverned space. I understand why techno-anarchists find this idea so appealing. I can't imagine for moment, however, why anyone else would. Consider the comparable argument in physical space: the creation of a city in which authorities are entirely dependent on citizen reporting of bad

conduct but have no direct visibility onto what happens on the streets and no ability to conduct search warrants (even with court orders) or to patrol parks or street corners. Would you want to live in that city? The idea that ungoverned spaces really suck is not controversial when you're talking about Yemen or Somalia. I see nothing more attractive about the creation of a worldwide architecture in which it is technically impossible to intercept and read ISIS communications with followers or to follow child predators into chatrooms where they go after kids.

Other countries will access data regardless of what the U.S. does.

Wittes 6/12 [Benjamin, Senior Fellow in Governance Studies at the Brookings Institution and member of the Hoover Institution's Task Force on National Security and Law. "Thoughts on Encryption and Going Dark: Part I," Lawfare: Hard National Security Choices. http://www.lawfareblog.com/thoughts-encryption-and-going-dark-part-ii-debate-merits#]

I am certain that the computer scientists are correct that foreign governments will move in this direction, but I think they are misreading the consequences of this. China and Britain will do this irrespective of what the United States does, and that fact may well create potential opportunity for the U.S. After all, if China and Britain are going to force U.S. companies to think through the problem of how to provide extraordinary access without compromising general security, perhaps the need to do business in those countries will provide much of the incentive to think through the hard problems of how to do it. Perhaps countries far less solicitous than ours of the plight of technology companies or the privacy interests of their users will force the research that Comey can only hypothesize. Will Apple then take the view that it can offer phones to users in China which can be decrypted for Chinese authorities when they require it but that it's technically impossible to do so in the United States? There's a final, non-legal factor that may push companies to work this problem as energetically as they are now moving toward end-to-end encryption: politics. We are at very particular moment in the cryptography debate, a moment in which law enforcement sees a major problem as having arrived but the tech companies see that problem as part of the solution to the problems the Snowden revelations created for them. That is, we have an end-to-end encryption issue, in significant part, because companies are trying to assure customers worldwide that they have their backs privacy-wise and are not simply tools of NSA. I think those politics are likely to change. If Comey is right and we start seeing law enforcement and intelligence agencies blind in investigating and preventing horrible crimes and significant threats, the pressure on the companies is going to shift. And it may shift fast and hard. Whereas the companies now feel intense pressure to assure customers that their data is safe from NSA, the kidnapped kid with the encrypted iPhone is going to generate a very different sort of political response. In extraordinary circumstances, extraordinary access may well seem reasonable. And people will wonder why it doesn't exist.

2NC Cyber Attacks

The risk of a cyber attack is EXTREMELY over-hyped: by the government to get bills passed, by companies to get funding, and by the media

Thomas **Rid**, a Reader in War Studies at King's college Longon and a non-resident fellow at the Center for Transatlantic Relations in the School for Advanced International Studies Johns Hopkins University and worked at the Woodrow Wilson Center, **3/13**/13, "The Great Cyberscare" http://www.foreignpolicy.com/articles/2013/03/13/the_great_cyberscare

The White House likes a bit of threat. In his State of the Union address, Barack Obama wanted to nudge Congress yet again into passing meaningful legislation. The president emphasized that America's enemies are "seeking the ability to sabotage our power grid, our financial institutions, and our air traffic control systems." After two failed attempts to pass a cybersecurity act in the past two years, he added swiftly: "We cannot look back years from now and wonder why we did nothing in the face of real threats to our security and our economy." Fair enough. A bit of threat to prompt needed action is one thing. Fear-mongering is something else: counterproductive. Yet too many a participant in the cybersecurity debate reckons that puffery pays off.¶ The Pentagon, no doubt, is the master of razzmatazz. Leon Panetta set the tone by warning again and again of an impending "cyber Pearl Harbor." Just before he left the Pentagon, the Defense Science Board delivered a remarkable report, Resilient Military Systems and the Advanced Cyber Threat. The paper seemed obsessed with making yet more drastic historical comparisons: "The cyber threat is serious," the task force wrote, "with potential consequences similar to the nuclear threat of the Cold War." The manifestations of an all-out nuclear war would be different from cyberattack, the Pentagon scientists helpfully acknowledged. But then they added, gravely, that "in the end, the existential impact on the United States is the same."¶ A reminder is in order: The world has yet to witness a single casualty, let alone fatality, as a result of a computer attack. Such statements are a plain insult to survivors of Hiroshima. Some sections of the Pentagon document offer such eye-wateringly shoddy analysis that they would not have passed as an MA dissertation in a self-respecting political science department. But in the current debate it seemed to make sense. After all a bit of fear helps to claim -- or keep -- scarce resources when austerity and cutting seems out-of-control. The report recommended allocating the stout sum of $2.5 billion for its top two priorities alone, protecting nuclear weapons against cyberattacks and determining the mix of weapons necessary to punish all-out cyber-aggressors.¶ Then there are private computer security companies. Such firms, naturally, are keen to pocket some of the government's money earmarked for cybersecurity. And hype is the means to that end. Mandiant's much-noted report linking a coordinated and coherent campaign of espionage attacks dubbed Advanced Persistent Threat 1, or "APT1," to a unit of the Chinese military is a case in point: The firm offered far more details on attributing attacks to the Chinese than the intelligence community has ever done, and the company should be commended for making the report public. But instead of using cocky and over-confident language, Mandiant's analysts should have used Words of Estimative Probability, as professional intelligence analysts would have done.¶ An example is the report's conclusion, which describes APT1's work: "Although they control systems in dozens of countries, their attacks originate from four large networks in Shanghai -- two of which are allocated directly to the Pudong New Area," the report found. Unit 61398 of the People's Liberation Army is also in Pudong. Therefore, Mandiant's computer security specialists concluded, the two were identical: "Given the mission, resourcing, and location of PLA Unit 61398, we conclude that PLA Unit 61398 is APT1." But the report conspicuously does not mention that Pudong is not a small neighborhood ("right outside of Unit 61398's gates") but in fact a vast city landscape twice the size of Chicago. Mandiant's report was useful and many attacks indeed originate in China. But the company should have been more careful in its overall assessment of the available evidence, as the computer security expert Jeffrey Carr and others have pointed out. The firm made it too easy for Beijing to dismiss the report. My class in cybersecurity at King's College London started poking holes into the report after 15 minutes of red-teaming it -- the New York Times didn't.¶ Which leads to the next point: The media want to sell copy through threat inflation. "In Cyberspace, New Cold War," the headline writers at the Times intoned in late February. "The U.S. is not ready for a cyberwar," shrieked the Washington Post earlier this week. Instead of calling out the above-mentioned Pentagon report, the paper actually published two supportive articles on it and pointed out that a major offensive cyber capability now seemed essential "in a world awash in cyber-espionage, theft and disruption." The Post should have reminded its readers that the only military-style cyberattack that has actually created physical damage -- Stuxnet -- was actually executed by the United States government. The Times, likewise, should have asked tough questions and pointed to some of the evidential problems in the Mandiant report; instead, it published what appeared like an elegant press release for the firm. On issues of cybersecurity, the nation's fiercest watchdogs too often look like hand-tame puppies

eager to lap up stories from private firms as well as anonymous sources in the security establishment.

No impact to cyberterror

Green 2 – editor of The Washington Monthly (Joshua, 11/11, The Myth of Cyberterrorism, http://www.washingtonmonthly.com/features/2001/0211.green.html, AG)

There's just one problem: There is no such thing as cyberterrorism--no instance of anyone ever having been killed by a terrorist (or anyone else) using a computer. Nor is there compelling evidence that al Qaeda or any other terrorist organization has resorted to computers for any sort of serious destructive activity. What's more, outside of a Tom Clancy novel, computer security specialists believe it is virtually impossible to use the Internet to inflict death on a large scale, and many scoff at the notion that terrorists would bother trying. "I don't lie awake at night worrying about cyberattacks ruining my life," says Dorothy Denning, a computer science professor at Georgetown University and one of the country's foremost cybersecurity experts. "Not only does [cyberterrorism] not rank alongside chemical, biological, or nuclear weapons, but it is not anywhere near as serious as other potential physical threats like car bombs or suicide bombers." Which is not to say that cybersecurity isn't a serious problem--it's just not one that involves terrorists. Interviews with terrorism and computer security experts, and current and former government and military officials, yielded near unanimous agreement that the real danger is from the criminals and other hackers who did $15 billion in damage to the global economy last year using viruses, worms, and other readily available tools. That figure is sure to balloon if more isn't done to protect vulnerable computer systems, the vast majority of which are in the private sector. Yet when it comes to imposing the tough measures on business necessary to protect against the real cyberthreats, the Bush administration has balked. Crushing BlackBerrys When ordinary people imagine cyberterrorism, they tend to think along Hollywood plot lines, doomsday scenarios in which terrorists hijack nuclear weapons, airliners, or military computers from halfway around the world. Given the colorful history of federal boondoggles--billion-dollar weapons systems that misfire, $600 toilet seats--that's an understandable concern. But, with few exceptions, it's not one that applies to preparedness for a cyberattack. "The government is miles ahead of the private sector when it comes to cybersecurity," says Michael Cheek, director of intelligence for iDefense, a Virginia-based computer security company with government and private-sector clients. "Particularly the most sensitive military systems." Serious effort and plain good fortune have combined to bring this about. Take nuclear weapons. The biggest fallacy about their vulnerability, promoted in action thrillers like WarGames, is that they're designed for remote operation. "[The movie] is premised on the assumption that there's a modem bank hanging on the side of the computer that controls the missiles," says Martin Libicki, a defense analyst at the RAND Corporation. "I assure you, there isn't." Rather, nuclear weapons and other sensitive military systems enjoy the most basic form of Internet security: they're "air-gapped," meaning that they're not physically connected to the Internet and are therefore inaccessible to outside hackers. (Nuclear weapons also contain "permissive action links," mechanisms to prevent weapons from being armed without inputting codes carried by the president.) A retired military official was somewhat indignant at the mere suggestion: "As a general principle, we've been looking at this thing for 20 years. What cave have you been living in if you haven't considered this [threat]?" When it comes to cyberthreats, the Defense Department has been particularly vigilant to protect key systems by isolating them from the Net and even from the Pentagon's internal network. All new software must be submitted to the National Security Agency for security testing. "Terrorists could not gain control of our spacecraft, nuclear weapons, or any other type of high-consequence asset," says Air Force Chief Information Officer John Gilligan. For more than a year, Pentagon CIO John Stenbit has enforced a moratorium on new wireless networks, which are often easy to hack into, as well as common wireless devices such as PDAs, BlackBerrys, and even wireless or infrared copiers and faxes. The September 11 hijackings led to an outcry that airliners are particularly susceptible to cyberterrorism. Earlier this year, for instance, Sen. Charles Schumer (D-N.Y.) described "the absolute havoc and devastation that would result if cyberterrorists suddenly shut down our air traffic control system, with thousands of planes in mid-flight." In fact, cybersecurity experts give some of their highest marks to the FAA, which reasonably separates its administrative and air traffic control systems and strictly air-gaps the latter. And there's a reason the 9/11 hijackers used box-cutters instead of keyboards: It's impossible to hijack a plane remotely, which eliminates the possibility of a high-tech 9/11 scenario in which planes are used as weapons. Another source of concern is terrorist infiltration of our intelligence agencies. But here, too, the risk is slim. The CIA's classified computers are also air-gapped, as is the FBI's entire computer system. "They've been paranoid about this forever," says Libicki, adding that paranoia is a sound governing principle when it comes to cybersecurity. Such concerns are manifesting themselves in broader policy terms as well. One notable characteristic of last year's Quadrennial Defense Review was how strongly it focused on protecting information systems.

No impact to attacks

Thomas **Rid**, a Reader in War Studies at King's college Longon and a non-resident fellow at the Center for Transatlantic Relations in the School for Advanced International Studies Johns Hopkins University and worked at the Woodrow Wilson Center, **3/13**/13, "The Great Cyberscare" http://www.foreignpolicy.com/articles/2013/03/13/the_great_cyberscare

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2NC Backdoors Good

Other countries will access data regardless of what the U.S. does.

Wittes 6/12 [Benjamin, Senior Fellow in Governance Studies at the Brookings Institution and member of the Hoover Institution's Task Force on National Security and Law. "Thoughts on Encryption and Going Dark: Part I," Lawfare: Hard National Security Choices. http://www.lawfareblog.com/thoughts-encryption-and-going-dark-part-ii-debate-merits#]

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Security and government access need to be balanced, without access it becomes too difficult to gain information.

Comey 7/6 [James, Director of the FBI. "Encryption, Public Safety and 'Going Dark,'" Lawfare: Hard National Security Choices. http://www.lawfareblog.com/encryption-public-safety-and-going-dark]

2. There are many benefits to this. Universal strong encryption will protect all of us—our innovation, our private thoughts, and so many other things of value—from thieves of all kinds. We will all have lock-boxes in our lives that only we can open and in which we can store all that is valuable to us. There are lots of good things about this. 3. There are many costs to this. Public safety in the United States has relied for a couple centuries on the ability of the government, with predication, to obtain permission from a court to access the "papers and effects" and communications of Americans. The Fourth Amendment reflects a trade-off inherent in ordered liberty: To protect the public, the government sometimes needs to be able to see an individual's stuff, but only under appropriate circumstances and with appropriate oversight. 4. These two things are in tension in many contexts. When the government's ability—with appropriate predication and court oversight—to see an individual's stuff goes away, it will affect public safety. That tension is vividly illustrated by the current ISIL threat, which involves ISIL operators in Syria recruiting and tasking dozens of troubled Americans to kill people, a process that increasingly takes part through mobile messaging apps that are end-to-end encrypted, communications that may not be intercepted, despite judicial orders under the Fourth Amendment. But the tension could as well be illustrated in criminal investigations all over the country. There is simply no doubt that bad people can communicate with impunity in a world of universal strong encryption.

Advantage 2 – Internet Freedom

1NC Innovation

No impact to internet nationalization

Gordon M. **Goldstein**, 6/25/**2014**. Served as a member of the American delegation to the World Conference on International Telecommunications. "The End of the Internet?" The Atlantic, http://m.theatlantic.com/magazine/archive/2014/07/the-end-of-the-internet/372301/.

Some experts anticipate a future with a Brazilian Internet, a European Internet, an Iranian Internet, an Egyptian Internet—all with different content regulations and trade rules, and perhaps with contrasting standards and operational protocols. Eli Noam, a professor of economics and finance at Columbia Business School, believes that such a progressive fracturing of the global Internet is inevitable. "We must get used to the idea that the standardised internet is the past but not the future," he wrote last fall. "And that the future is a federated internet, not a uniform one." Noam thinks that can be managed, in part through the development of new intermediary technologies that would essentially allow the different Internets to talk to each other, and allow users to navigate the different legal and regulatory environments.

Internet isn't key to innovation

Eli M. **Noam**, 8/28/**2002**. Professor and Finance and Economics, Director, Columbia Institute for Tele-Information, Graduate School of Business, Columbia University. "Will the Internet Be Bad for Democracy?" Financial Times Online, http://www.citi.columbia.edu/elinoam/articles/int_bad_dem.htm.

When the media history of the 20th Century will be written, the Internet will be seen as its major contribution. Television, telephone, and computers will be viewed as its early precursors, merging and converging into the new medium just as radio and film did into TV. The Internet's impact on culture, business, and politics will be vast, for sure. Where will it take us? To answer that question is difficult, because the Internet is not simply a set of interconnecting links and protocols connecting packet switched networks, but it is also a construct of imagination, an inkblot test into which everybody projects their desires, fears and fantasies.¶ Some see enlightenment and education. Others see pornography and gambling. Some see sharing and collaboration; others see e-commerce and profits. Controversies abound on most aspects of the Internet. Yet when it comes to its impact on democracy process, the answer seems unanimous.[1] The Internet is good for democracy. It creates digital citizens (Wired 1997) active in the vibrant teledemocracy (Etzioni, 1997) of the Electronic Republic (Grossman 1995) in the ¶Digital Nation (Katz 1992).Is there no other side to this question? Is the answer so positively positive? ¶The reasons why the Internet is supposed to strengthen democracy include the following.¶1.The Internet lowers the entry barriers to political participation.¶2.It strengthens political dialogue.¶3.It creates community.¶4.It cannot be controlled by government.¶5.It increases voting participation.¶6.It permits closer communication with officials.¶7.It spreads democracy world-wide.¶ Each of the propositions in this utopian populist, view, which might be called is questionable. But they are firmly held by the Internet founder generation, by the industry that now operates the medium, by academics from Negroponte (1995) to Dahl (1989), by gushy news media, and by a cross-party set of politicians who wish to claim the future, from Gore to Gingrich, from Bangemann to Blair.¶I will argue, in contrast, that the Internet, far from helping democracy, is a threat to it. And I am taking this view as an enthusiast, not a critic. But precisely because the Internet is powerful and revolutionary, it also affects, and even destroys, all traditional institutions--including--democracy. To deny this potential is to invite a backlash when the ignored problems eventually emerge.[2]¶My perspective is different from the neo-Marxist arguments about big business controlling everything; from neo-Luddite views that low-tech is beautiful; and from reformist fears that a politically disenfranchised digital underclass will emerge. The latter, in particular, has been a frequent perspective. Yet, the good news is that the present income-based gap in Internet usage will decline in developed societies. Processing and

transmission becomes cheap, and will be anywhere, affordably. Transmission will be cheap, and connect us to anywhere, affordably. And basic equipment will almost be given away in return for long-term contracts and advertising exposure.¶ That is why what we now call basic Internet connectivity will not be a problem. Internet connectivity will be near 100% of the households and offices, like electricity, because the Internet will have been liberated from the terror of the PC as its gateway, the most consumer-unfriendly consumer product ever built since the unicycle.¶ Already, more than half of communications traffic is data rather than voice, which means that it involves fast machines rather than slow people.These machines will be everywhere.Cars will be chatting with highways.Suitcases will complain to airlines.Electronic books will download from publishers.Front doors will check in with police departments.Pacemakers will talk to hospitals.Television sets will connect to video servers.¶ For that reason, my skepticism about the Internet as a pro-democracy force is not based on its uneven distribution. It is more systemic. The problem is that most analysts commit a so-called error of composition. That is, they confuse micro behavior with macro results. They think that if something is helpful to an individual, it is also helpful to society at large, when everybody uses it.¶ Suppose we would have asked, a century ago, whether the automobile would reduce pollution. The answer would have been easy and positive: no horses, no waste on the roads, no smell, no use of agricultural land to grow oats. But we now recognize that in the aggregate, mass motorization has been bad for the environment. It created emissions, dispersed the population, and put more demand on land. ¶ The second error is that of inference. Just because the Internet is good for democracy in places like North Korea, Iran, or Sudan does not mean that it is better for Germany, Denmark, or the United States. Just because three TV channels offer more diversity of information than one does not mean that 30,000 are better than 300.¶ So here are several reasons why the Internet will not be good for democracy, corresponding to the pro-democracy arguments described above.¶ §The Internet Will Make Politics More Expensive and Raise Entry Barriers¶ The hope has been that online public space will be an electronic version of a New England or Swiss town meeting, open and ongoing. The Internet would permit easy and cheap political participation and political campaigns. But is that true?¶ Easy entry exists indeed for an Internet based on narrowband transmission, which is largely text-based. But the emerging broadband Internet will permit fancy video and multimedia messages and information resources. Inevitably, audience expectations will rise. When everyone can speak, who will be listened to? If the history of mass media means anything, it will not be everyone. It cannot be everyone. Nor will the wisest or those with the most compelling case or cause be heard, but the best produced, the slickest, and the best promoted. And that is expensive.¶ Secondly, because of the increasing glut and clutter of information, those with messages will have to devise strategies to draw attention. Political attention, just like commercial one, will have to be created. Ideology, self-interest, and public spirit are some factors. But in many cases, attention needs to be bought, by providing entertainment, gifts, games, lotteries, coupons, etc, That, too, is expensive. The basic cost of information is rarely the problem in politics; it's the packaging. It is not difficult or expensive to produce and distribute handbills or to make phone calls, or to speak at public events. But it is costly to communicate to vast audiences in an effective way, because that requires large advertising and PR budgets.¶ Thirdly, effective politics on the Internet will require elaborate and costly data collection. The reason is that Internet media operate differently from traditional mass media. They will not broadcast to all but instead to specifically targeted individuals.Instead of the broad stroke of political TV messages, "netcasted" politics will be customized to be most effective.This requires extensive information about individuals' interests and preferences. Data banks then become a key to political effectiveness. Who would own and operate them? In some cases the political parties. But they could not maintain control over the data banks where a primary exist that is open to many candidates. There is also a privacy problem, when semi-official political parties store information about the views, fears, and habits of millions of individuals. For both of those reasons the ability of parties to collect such data will be limited.¶ Other political data banks will be operated by advocacy and interest groups. They would then donate to candidate's data instead of money. The importance of such data banks would further weaken campaign finance laws and further strengthen interest group pluralism over traditional political parties.¶ But in particular, political data banks will maintained through what is now known as political consultants. They will establish permanent and proprietary permanent data banks and become still bigger players in the political environment and operate increasingly as ideology-free for –profit consultancies.¶ Even if the use of the Internet makes some political activity cheaper, it

does so for everyone, which means that all organization will increase their activities rather than spend less on them.[3] If some aspects of campaigning become cheaper, they would not usually spend less, but instead do more.¶ Thus, any effectiveness of early adopters will soon be matched by their rivals and will simply lead to an accelerated, expensive, and mutually canceling political arms-race of investment in action techniques and new--media marketing technologies.¶ The early users of the Internet experienced a gain in their effectiveness, and now they incorrectly extrapolate this to society at large. While such gain is trumpeted as the empowerment of the individual over Big Government and Big Business, much of it has simply been a relative strengthening of individuals and groups with computer and online skills (who usually have significantly about-average income and education) and a relative weakening of those without such resources. Government did not become more responsive due to online users; it just became more responsive to them.¶ •The Internet will make reasoned and informed political dialog more difficult. ¶ True, the Internet is a more active and interactive medium than TV. But is its use in politics a promise or a reality?¶ Just because the quantity of information increase does not mean that its quality rises. To the contrary. As the Internet leads to more information clutter, it will become necessary for any message to get louder. Political information becomes distorted, shrill, and simplistic.¶ One of the characteristics of the Internet is disintermediation, the Internet is in business as well as in politics. In politics, it leads to the decline of traditional news media and their screening techniques. The acceleration of the news cycle by necessity leads to less careful checking, while competition leads to more sensationalism. Issues get attention if they are visually arresting and easily understood. This leads to media events, to the 15 min of fame, to the sound bite, to infotainment. The Internet also permits anonymity, which leads to the creation of, and to last minute political ambush. The Internet lends itself to dirty politics more than the more accountable TV.¶ While the self-image of the tolerant digital citizen persists, an empirical study of the content of several political usenet groups found much intolerant behavior: domineering by a few; rude "flaming"; and reliance on unsupported assertions. (Davis, 1999) Another investigation finds no evidence that computer-mediated communication is necessarily democratic or participatory (Streck, 1998).¶ •The Internet disconnects as much as it connects¶ Democracy has historically been based on community. Traditionally, such communities were territorial — electoral districts, states, and towns. Community, to communicate — the terms are related: community is shaped by the ability of its members to communicate with each other. If the underlying communications system changes, the communities are affected. As one connects in new ways, one also disconnects the old ways. As the Internet links with new and far-away people, it also reduces relations with neighbors and neighborhoods.¶ The long-term impact of cheap and convenient communications is a further geographic dispersal of the population, and thus greater physical isolation. At the same time, the enormous increase in the number of information channels leads to an individualization of mass media, and to fragmentation. Suddenly, critics of the "lowest common denominator" programming, of TV now get nostalgic for the "electronic hearth" around which society huddled. They discovered the integrative role of mass media.¶ On the other hand, the Internet also creates electronically linked new types of community. But these are different from traditional communities. They have less of the averaging that characterizes physical communities–-throwing together the butcher, the baker, the candlestick maker.Instead, these new communities are more stratified along some common dimension, such as business, politics, or hobbies. These groups will therefore tend to be issue - driven, more narrow, more narrow-minded, and sometimes more extreme, as like-minded people reinforce each other's views.¶ Furthermore, many of these communities will be owned by someone.They are like a shopping mall, a gated community, with private rights to expel, to promote, and to censor.The creation of community has been perhaps the main assets of Internet portals such as AOL.It is unlikely that they will dilute the value of these assets by relinquishing control.¶ If it is easy to join such virtual communities, it also becomes easy to leave, in a civic sense, one's physical community.Community becomes a browning experience.¶ •Information does not necessarily weaken the state.¶ Can Internet reduce totalitarianism? Of course. Tyranny and mind control becomes harder. But Internet romantics tend to underestimate the ability of governments to control the Internet, to restrict it, and to indeed use it as an instrument of surveillance.How quickly we forget.Only a few years ago, the image of information technology was Big Brother and mind control. That was extreme, of course, but the surveillance potential clearly exists. Cookies can monitor

usage.Wireless applications create locational fixes.Identification requirements permit the creation of composites of peoples' public and private activities and interests.Newsgroups can (and are) monitored by those with stakes in an issue.¶ A free access to information is helpful to democracy.But the value of information to democracy tends to get overblown. It may be a necessary condition, but not a sufficient one.¶ Civil war situations are not typically based on a lack of information. Yet there is an undying belief that if people "only knew", eg. by logging online, they would become more tolerant of each other. That is wishful and optimistic hope, but is it based on history? Hitler came to power in a republic where political information and communication were plentiful. ¶ Democracy requires stability, and stability requires a bit of inertia. The most stable democracies are characterized by a certain slowness of change. Examples are Switzerland and England. The US operates on the basis of a 210-year old Constitution. Hence the acceleration of politics made the Internet is a two-edged sword.¶ The Internet and its tools accelerate information flows, no question about it. But same tools are also available to any other group, party, and coalition. Their equilibrium does not change, except temporarily in favor of early adopters. All it may accomplish in the aggregate is a more hectic rather than a more thoughtful process.¶ •Electronic voting does not strengthen democracy¶ The Internet enables electronic voting and hence may increase voter turnout.But it also changes democracy from a representative model to one of direct democracy.¶ Direct democracy puts a premium on resources of mobilization, favoring money and organization.It disintermediates elected representatives.It favors sensationalized issues over "boring" ones.Almost by definition, it limits the ability to make unpopular decisions.It makes harder the building of political coalition (Noam, 1980, 1981).The arguments against direct democracy were made perhaps most eloquently in the classic arguments for the adoption of the US Constitution, by James Madison in the Federalist Papers #10.¶ Electronic voting is not simply the same as traditional voting without the inconvenience of waiting in line.When voting becomes like channel clicking on remote, it is left with little of the civic engagement of voting.When voting becomes indistinguishable from a poll, polling and voting merge.With the greater ease and anonymity of voting, a market for votes is unavoidable.Participation declines if people know the expected result too early, or where the legitimacy of the entire election is in question.¶ §Direct access to public officials will be phony¶ In 1997, Wired magazine and Merrill Lynch commissioned a study of the political attitudes of the"digital connected".The results showed them more participatory, more patriotic, more pro-diversity, and more voting-active.They were religious (56% say they pray daily); pro-death penalty (3/4); pro-Marijuana legalization (71%); pro-market (%) and pro-democracy (57%).But are they outliers or the pioneers of a new model?At the time of the survey (1997) the digitally connected counted for 9% of the population; they were better educated, richer (82% owned securities); whites; younger; and more Republican than the population as a whole.In the Wired/Merrill Lynch survey, none of the demographic variables were corrected for.Other studies do so, and reach far less enthusiastic results.¶ One study of the political engagement of Internet users finds that they are only slightly less likely to vote, and are more likely to contact elected officials.The Internet is thus a substitute for such contacts, not their generator.Furthermore, only weak causality is found.(Bimber 1998)¶ Another survey finds that Internet users access political information roughly in the same proportions as users of other media, about 5% of their overall information usage (Pew, 1998).Another study finds that users of the Internet for political purposes tend to already involved.Thus, the Internet reinforces political activity rather than mobilizes new one (Norris, Pippa, 1999)¶ Yes, anybody can fire off email messages to public officials and perhaps even get a reply, and this provides an illusion of access.But the limited resource will still be scarce: the attention of those officials. By necessity, only a few messages will get through.Replies are canned, like answering machines.If anything, the greater flood of messages will make gatekeepers more important than ever: power brokers that can provide access to the official. As demand increases while the supply is static, the price of access goes up, as does the commission to the middle-man. This does not help the democratic process.¶ Indeed, public opinion can be manufactured.Email campaigns can substitute technology and organization for people.Instead of grass roots one can create what has been described as "Astroturf",. i.e. manufactured expression of public opinion.¶ Ironically, the most effective means of communication (outside of a bank check) becomes the lowest in tech: the handwritten letter (Blau, 1988)¶ If, in the words of a famous cartoon, on the Internet nobody knows that you are a dog, then everyone is likely to be treated as one.¶ •The Internet facilitates the International Manipulation of Domestic Politics.¶ Cross-border interference in national politics becomes easier with the Internet.Why negotiate with the US ambassador if one can target a key Congressional chairman by an e-mail campaign,chat group interventions, and misinformation, and intraceable donations.People have started to worry about computer attacks by terrorists.They should worry more about state-sponsored interferences into other countries' electronic politics.¶ Indeed, it is increasingly difficult to conduct national politics and policies in a globalized world, where distance and borders are less important than in the past, even if one does not share the hyperbole of the "evaporation" of the Nation State (Negroponte 1995).The difficulty of societies to control their own affairs leads, inevitably, to backlash and regulatory intervention.¶ Conclusion:¶ It is easy to romanticize the past of democracy as Athenian debates in front

of an involved citizenry, and to believe that its return by electronic means is neigh. A quick look to in the rear-view mirror, to radio and then TV, is sobering. Here, too, the then new media were heralded as harbingers of a new and improved political dialogue. But the reality of those media has been is one of cacophony, fragmentation, increasing cost, and declining value of "hard" information.¶ The Internet makes it easier to gather and assemble information, to deliberate and to express oneself, and to organize and coordinate action.(Blau, 1998). ¶ It would be simplistic to deny that the Internet can mobilize hard-to-reach groups, and that it has unleashed much energy and creativity. Obviously there will be some shining success stories.¶ But it would be equally naïve to cling to the image of the early Internet - - nonprofit, cooperative, and free - - and ignore that it is becoming a commercial medium, like commercial broadcasting that replaced amateur ham radio. Large segments of society are disenchanted with a political system is that often unresponsive, frequently affected by campaign contributions, and always slow. To remedy such flaws, various solutions have been offered and embraced. To some it is to return to spirituality. For others it is to reduce the role of government and hence the scope of the democratic process. And to others, it is the hope for technical solution like the Internet. Yet, it would only lead to disappointment if the Internet would be sold as the snake oil cure for all kinds of social problems. It simply cannot simply sustain such an expectation. Indeed if anything, the Internet will lead to less stability, more fragmentation, less ability to fashion consensus, more interest group pluralism. High capacity computers connected to high-speed networks are no remedies for flaws in a political system. There is no quick fix. There is no silver bullet. There is no free lunch.

Innovation's tapped out and can't solve existential threats alone

Tainter & Patzek 12 - Joseph A. Tainter, Professor, Department of Environment and Society, Utah State University; and Tadeusz W. Patzek, Professor, Department of Petroleum and Geosystems Engineering, The University of Texas at Austin, Drilling Down: The Gulf Oil Debacle and Our Energy Dilemma, p. 48

We are often assured that innovation in the future will reduce our society's dependence on energy and other resources while providing a lifestyle such as we now enjoy. We discuss this point further in Chaps. 5 and 9. Here we observe that rates of innovation appear to change in a manner similar to the Hubbert cycle of resource production. This finding has important implications for the future productivity and complexity of our society.¶ Energy flows, technology development, population growth, and individual creativity can be combined into an overall "Innovation Index" which is the number of patents granted each year by the U.S. Patent Office per one million inhabitants of the United States of America. This specific patent rate has the units of the number of patents per year per one million people. Figure 3.16 is a decomposition of this patent rate into multiple Hubbert-like cycles between 1790 and 2009.¶ Interestingly, the fundamental Hubbert cycle of the U.S. patent rate peaked in 1914, the year in which World War I broke out. The second major rate peak was in 1971, coinciding with the peak of U.S. oil production. The last and tallest peak of productivity occurred in 2004. Note that without a new cycle of inventions in something, the current cycles will expire by 2050. In other words, the productivity of U.S. innovation will decline dramatically in the next 20–30 years, with some of this decline possibly being forced by a steady decline of support for fundamental research and development. ¶ Energy and Complexity¶ Each new complex addition to the already overwhelmingly complex social and scientific structures in the United States is less and less relevant, while costing additional resources and aggravation. Most of this complexity is apparent to the naked eye: look at the global banking and trading system, the healthcare system, the computer operating systems and

software, military operations, or government structures. The scope of the problem is also obvious in the production pains of Boeing's 787 Dreamliner, and in the drilling of the BP Macondo well.

1NC Economy

Internet not key to economy

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Remember the year 2000 in the months after the Y2K bug had been crushed, when all appeared smooth sailing in the global economy? When the miracle of finding information online was so novel that The Onion ran an article, "Area Man Consults Internet Whenever Possible?" It was a time of confident predictions of an ongoing economic and political renaissance powered by information technology. Jack Welch—then the lauded chief executive officer of General Electric (GE)—had suggested the Internet was "the single most important event in the U.S. economy since the Industrial Revolution." The Group of Eight highly industrialized nations—at that point still relevant—met in Okinawa in 2000 and declared, "IT is fast becoming a vital engine of growth for the world economy. … Enormous opportunities are there to be seized by us all." In a 2000 report, then-President Bill Clinton's Council of Economic Advisers suggested (PDF), "Many economists now posit that we are entering a new, digital economy that could inaugurate an unprecedented period of sustainable, rapid growth."¶ It hasn't quite worked out that way. Indeed, if the last 10 years have demonstrated anything, it's that for all the impact of a technology like the Internet, thinking that any new innovation will set us on a course of high growth is almost certainly wrong.¶ That's in part because many of the studies purporting to show a relationship between the Internet and economic growth relied on shoddy data and dubious assumptions. In 1999 the Federal Reserve Bank of Cleveland released a study that concluded (PDF), "… the fraction of a country's population that has access to the Internet is, at least, correlated with factors that help to explain average growth performance." It did so by demonstrating a positive relationship between the number of Internet users in a country in 1999 with gross domestic product growth from 1974 to 1992. Usually we expect the thing being caused (growth in the 1980s) to happen after the things causing it (1999 Internet users).¶ In defense of the Fed, researchers at the World Bank recently tried to repeat the same trick. They estimated that a 10 percent increase in broadband penetration in a country was associated with a 1.4 percentage point increase in growth rate. This was based on growth rates and broadband penetration from 1980 to 2006. Given that most deployment of broadband occurred well after the turn of the millennium, the only plausible interpretation of the results is that countries that grew faster from 1980 to 2006 could afford more rapid rollouts of broadband. Yet the study is widely cited by broadband boosters. Many are in denial about the failure of the IT revolution to spark considerable growth.¶ Innovation in information technology has hardly dried up since 2000. YouTube(GOOG) was founded in 2005, and Facebook (FB) is only a year older. Customer-relations manager Salesforce.com (CRM), the first cloud-based solution for business, only just predates the turn of the millennium. And there are now 130 million smartphones in the U.S., each with about the same computing power as a 2005 vintage desktop. Meanwhile, according to the U.S. Department of Commerce (PDF), retail e-commerce as a percentage of total retail sales has continued to climb—e-commerce sales were more than 6 percent of the total by the fourth quarter of 2012, up from less than 2 percent in 2003.¶ Yet despite continuing IT innovation, we've seen few signs that predictions of "an unprecedented period of sustainable, rapid growth" are coming true. U.S. GDP expansion in the 1990s was a little faster than the 1980s—it climbed from an annual average of 3 percent to 3.2 percent. But GDP growth collapsed to 1.7 percent from 2000 to 2009. Northwestern University economist Robert Gordon notes that U.S. labor productivity growth spiked briefly—rising from 1.38 percent from 1972 to 1996 to 2.46 percent from 1996 to 2004—but fell to 1.33 percent from 2004 and 2012.¶ Part of the labor productivity spike around the turn of the century was because of the rapidly increasing

efficiency of IT production (you get a lot more computer for the same cost nowadays). Another part was because of considerable investments in computers and networks across the economy—what economists call "capital deepening." But even during the boom years it was near-impossible to see an economywide impact of IT on "total factor productivity"—or the amount of output we were getting for a given input of capital and labor combined.¶ Within the U.S., investment in the uses of the Internet for business applications had an impact on wage and employment growth in only 6 percent of counties—those that already had high incomes, large populations, high skills, and concentrated IT use before 1995, according to a recent analysis (PDF) by Chris Forman and colleagues in the American Economic Review. Investments in computers and software did yield a return for most companies—but the return wasn't anything special.¶ So what happened to the promised Internet miracle? While the technology has had a dramatic impact on our lives, it hasn't had a huge impact on traditional economic measures. Perhaps that shouldn't come as a surprise.¶ To understand why, think about television in the 1970s. Broadcast to the home for free, and all we had to pay for was the set and the electricity to run it. Despite that small expenditure, we spent hours a day watching TV. Fast-forward four decades: 209 million Americans spent an average 29 hours online in January, according toNielsen; 145 million U.S. Facebook visitors spent an average six hours in January on that site alone. And each month, YouTube users spend 6 billion hours watching videos—or 684,000 times as long as it took to paint the Sistine Chapel. They pay for the PC and Internet connection, but per hour, surfing the Web is a cheap form of entertainment.¶ And all that time online has knock-on effects. Andirana Bellou at the University of Montreal suggests that broadband adoption has led to increasing marriage rates among 21- to 30-year-olds as they meet online in chatrooms and dating sites, but has "significantly reduced the time young people spend on socializing and physically communicating." This may be why the link between Internet usage and measures of contentment are pretty weak. According to the World Database of Happiness, answers to a poll that asked if you were not happy (a score of 1), somewhat happy (2), or very happy (3) averaged 2.28 in the U.S. in 1990. That fell to 2.11 in 2010. Studies of Internet use tend to suggest that people who spend more time online are less happy (PDF) than the rest of us—although it may be that less happy people are surfing more rather than surfing being the cause of their misery. Regardless, the Internet has been behind a massive shift in our use of time during the past two decades, and not necessarily one that has generated a huge amount of positive feelings.¶ Of course, we also use the Internet to sell stuff on e-Bay and look for jobs. While Betsy Stevenson has suggested (PDF) in a National Bureau of Economic Research paper that the widespread use of the Internet in job searches may be one factor behind employed people switching jobs more often, she concludes there's little evidence that the Web helps the unemployed find jobs faster.¶ Perhaps one reason we haven't seen a huge impact on productivity because of access to the Internet is because, once we find a job, we spend quite a lot of time surfing the Web at the office. (Some of that time is used to look for a different job, apparently.) Ninety percent of workers with a PC also say they surf recreational sites at work. Almost the same number say they send personal e-mails, and more than half report they cybershop. The reality may be worse: Tracking software suggests that 70 percent of employees visit retail sites, and more than one-third check out X-rated sites. Perhaps we're using the Internet to do more in less time at work. Yet we're using the extra hours to check out pictures of Kate Upton or cats playing the piano rather than producing more widgets for the boss.

No impact to the economy

Jervis '11 (Robert Jervis 11, Professor in the Department of Political Science and School of International and Public Affairs at Columbia University, December 2011, "Force in Our Times," Survival, Vol. 25, No. 4, p. 403-425

Even if war is still seen as evil, the security community could be dissolved if severe conflicts of interest were to arise. Could the more peaceful world generate new interests that would bring the members of the community into sharp disputes? 45 A zero-sum sense of status would be one example, perhaps linked to a steep rise in nationalism. More likely would be a worsening of the current economic difficulties, which could itself produce greater nationalism, undermine

democracy and bring back old-fashioned beggar-my-neighbor economic policies. While these dangers are real, it is hard to believe that the conflicts could be great enough to lead the members of the community to contemplate fighting each other. It is not so much that economic interdependence has proceeded to the point where it could not be reversed – states that were more internally interdependent than anything seen internationally have fought bloody civil wars. Rather it is that **even if** the more extreme versions of free trade and economic liberalism become discredited, it is hard to see how without building on a preexisting high level of political conflict **leaders and mass opinion would come to believe that their countries could prosper by impoverishing or** even **attacking others**. Is it possible that problems will not only become severe, but that people will entertain the thought that they have to be solved by war? While a pessimist could note that this argument does not appear as outlandish as it did before the financial crisis, an optimist could reply (correctly, in my view) that the very fact that we have seen such a sharp economic down-turn without **anyone** suggesting that force of arms is the solution shows that even if bad times bring about greater economic conflict, **it will not make war thinkable**.

2NC Innovation

Tech's not sufficient to make global industrial civilization environmentally sustainable

Dr. Samuel **Alexander 14**, lecturer with the Office for Environmental Programs, University of Melbourne, and research fellow, Melbourne Sustainable Society Institute; and Jonathan Rutherford, Professor of Cultural Studies at the University of Middlesex, 2014, "The Deep Green Alternative: Debating Strategies of Transition," Simplicity Institute, http://simplicityinstitute.org/wp-content/uploads/2011/04/The-Deep-Green-Alternative.pdf

Evidence continues to mount that industrial civilisation, driven by a destructive and insatiable growth imperative, is chronically unsustainable, as well as being grossly unjust. The global economy is in ecological overshoot, currently consuming resources and emitting waste at rates the planet cannot possibly sustain (Global Footprint Network 2013). Peak oil is but the most prominent example of a more general situation of looming resource scarcity (Klare, 2012), with high oil prices having a debilitating effect on the oil-dependent economies which are seemingly dependent on cheap oil to maintain historic rates of growth (Heinberg, 2011). At the same time, great multitudes around the globe live lives of material destitution, representing a vast, marginalised segment of humanity that justifiably seeks to expand its economic capacities in some form (World Bank, 2008). Biodiversity continues to be devastated by deforestation and other forms of habitat destruction (United Nations, 2010), while the global development agenda seems to be aiming to provide an expanding global population with the high-impact material affluence enjoyed by the richest parts of the world (Hamilton, 2003). This is despite evidence crying out that the universalisation of affluence is environmentally unsupportable (Smith and Positano, 2010; Turner, 2012) and not even a reliable path to happiness (Lane, 2001; Alexander, 2012a). Most worrying of all, perhaps, is the increasingly robust body of climate science indicating the magnitude of the global predicament (IPCC, 2013). According to the Climate Tracker Initiative (2013: 4), the world could exceed its 'carbon budget' in around 18 years, essentially locking us into a future that is at least 2 degrees warmer, and threatening us with 4 degrees or more. It is unclear to what extent civilisation as we know it is compatible with runaway climate change. And still, almost without exception, all nations on the planet - including or especially the richest ones - continue to seek GDP growth without limit, as if the cause of these problems could somehow provide the solution. If once it was hoped that technology and science

were going to be able decouple economic activity from ecological impact, such a position is no longer credible (Huesemann and Huesemann, 2011). Technology simply cannot provide any escape from the fact that there are biophysical limits to growth. Despite decades of extraordinary technological advance, which it is was promised would lighten the ecological burden of our economies, global energy and resource consumption continues to grow, exacerbated by a growing population, but which is primarily a function of the growth-orientated values that lie at the heart of global capitalism (Turner, 2012).¶ Against this admittedly gloomy backdrop lies a heterogeneous tradition of critical theorists and activists promoting what could be called a 'deep green' alternative to the growth-orientated, industrial economy. Ranging from the radical simplicity of Henry Thoreau (1983), to the post-growth economics of the Club of Rome (Meadows et al, 1972; 2004), and developing into contemporary expressions of radical reformism (Latouche, 2009; Heinberg, 2011; Jackson, 2009), eco-socialism (Sarkar, 1999; Smith, 2010), and eco-anarchism (Bookchin, 1989; Holmgren, 2002; Trainer; 2010a), this extremely diverse tradition nevertheless agrees that the nature of the existing system is inherently unsustainable. Tinkering with or softening its margins - that is, any attempt to give capitalism a 'human face' - is not going to come close to addressing the problems we, the human species, are confronted with. What is needed, this tradition variously maintains, is a radically alternative way of living on the Earth - something 'wholly other' to the ways of industrialisation, consumerism, and limitless growth. However idealistic or Utopian their arguments might seem, the basic reasoning is that the nature of any solutions to current problems must honestly confront the magnitude of the overlapping crises, for else one risks serving the destructive forces one ostensibly opposes.

2NC Economy

Economic decline doesn't cause war

Tir 10 [Jaroslav Tir - Ph.D. in Political Science, University of Illinois at Urbana-Champaign and is an Associate Professor in the Department of International Affairs at the University of Georgia, "Territorial Diversion: Diversionary Theory of War and Territorial Conflict", The Journal of Politics, 2010, Volume 72: 413-425), Ofir]

Empirical support for the economic growth rate is much weaker. The finding that poor economic performance is associated with a higher likelihood of territorial conflict initiation is significant only in Models 3–4.14 The weak results are not altogether surprising given the findings from prior literature. In accordance with the insignificant relationships of Models 1–2 and 5–6, Ostrom and Job (1986), for example, note that the likelihood that a U.S. President will use force is uncertain, as the bad economy might create incentives both to divert the public's attention with a foreign adventure and to focus on solving the economic problem, thus reducing the inclination to act abroad. Similarly, Fordham (1998a, 1998b), DeRouen (1995), and Gowa (1998) find no relation between a poor economy and U.S. use of force. Furthermore, Leeds and Davis (1997) conclude that the conflict-initiating behavior of 18 industrialized democracies is unrelated to economic conditions as do Pickering and Kisangani (2005) and Russett and Oneal (2001) in global studies. In contrast and more in line with my findings of a significant relationship (in Models 3–4), Hess and Orphanides (1995), for example, argue that economic recessions are linked with forceful action by an incumbent U.S. president. Furthermore, Fordham's (2002) revision of Gowa's (1998) analysis shows some effect of a bad economy and DeRouen and Peake (2002) report that U.S. use of force diverts the public's attention from a poor economy. Among cross-national studies, Oneal and Russett (1997) report that slow growth increases the incidence of militarized disputes, as does Russett (1990)—but only for the United States; slow growth does not affect the behavior of other countries. Kisangani and Pickering (2007) report some significant associations, but they are sensitive to model specification, while Tir and Jasinski (2008) find a clearer link between economic underperformance and increased attacks on domestic ethnic minorities. While none of these works has focused on territorial diversions, my own inconsistent findings for economic growth fit well with the mixed results reported in the literature.15 Hypothesis 1 thus receives strong support via the unpopularity variable but only weak support via the economic growth variable. These results suggest that embattled leaders are much more likely to respond with territorial diversions to direct signs of their unpopularity

(e.g., strikes, protests, riots) than to general background conditions such as economic malaise.
Presumably, protesters can be distracted via territorial diversions while fixing the economy would take a more concerted and prolonged policy effort. Bad economic conditions seem to motivate only the most serious, fatal territorial confrontations. This implies that leaders may be reserving the most high-profile and risky diversions for the times when they are the most desperate, that is when their power is threatened both by signs of discontent with their rule and by more systemic problems plaguing the country (i.e., an underperforming economy).

Decoupling means US isn't key to the global economy

Bloomberg 10 ["Wall Street Sees World Economy Decoupling From U.S.", October 4th, 2010, http://www.bloomberg.com/news/2010-10-03/world-economy-decoupling-from-u-s-in-slowdown-returns-as-wall-street-view.html, Chetan]

The main reason for the divergence: "Direct transmission from **a U.S. slowdown** to other economies through exports **is** just **not large enough to spread** a U.S. demand problem **globally**," Goldman Sachs economists Dominic Wilson and Stacy Carlson wrote in a Sept. 22 report entitled "If the U.S. sneezes..." Limited Exposure **Take** the so-called BRIC countries of **Brazil, Russia, India and China**. While **exports account for** almost **20 percent of their g**ross **d**omestic **p**roduct, **sales to the U.S. compose less than 5 percent** of GDP, according to their estimates. That means **even if U.S. growth slowed** 2 percent, **the drag on these** four **countries would be about 0.1** percentage point, the economists reckon. Developed economies including the **U.K., Germany and Japan also have limited exposure**, they said. **Economies outside the U.S. have room to grow that the U.S. doesn't**, partly because of its outsized slump in house prices, Wilson and Carlson said. The drop of almost 35 percent is more than twice as large as the worst declines in the rest of the Group of 10 industrial nations, they found. The risk to the decoupling wager is a repeat of 2008, when the U.S. property bubble burst and then morphed into a global credit and banking shock that ricocheted around the world. For now, Goldman Sachs's index of U.S. financial conditions signals that bond and stock markets aren't stressed by the U.S. outlook. Weaker Dollar The break with the U.S. will be reflected in a weaker dollar, with the Chinese yuan appreciating to 6.49 per dollar in a year from 6.685 on Oct. 1, according to Goldman Sachs forecasts. The bank is also betting that yields on U.S. 10-year debt will be lower by June than equivalent yields for Germany, the U.K., Canada, Australia and Norway. U.S. notes will rise to 2.8 percent from 2.52 percent, Germany's will increase to 3 percent from 2.3 percent and Canada's will grow to 3.8 percent from 2.76 percent on Oct. 1, Goldman Sachs projects. Goldman Sachs isn't alone in making the case for decoupling. Harris at BofA Merrill Lynch said he didn't buy the argument prior to the financial crisis. Now he believes global growth is strong enough to offer a "handkerchief" to the U.S. as it suffers a "growth recession" of weak expansion and rising unemployment, he said. Giving him confidence is his calculation that the **U.S. share of global GDP has shrunk** to about 24 percent from 31 percent in 2000. He also notes that, unlike the U.S., many countries avoided asset bubbles, kept their banking systems sound and improved their trade and budget positions. Economic Locomotives A book published last week by the World Bank backs him up. "The Day After Tomorrow" concludes that **developing nations aren't only decoupling, they** also **are** undergoing a "switchover" that will make them such **locomotives for the world economy**, they can help rescue advanced nations. Among the reasons for the revolution are greater trade between emerging markets, the rise of the middle class and higher commodity prices, the book said. Investors are signaling they agree. **The U.S. has fallen behind Brazil, China and India** as the preferred place to invest, according to a quarterly survey conducted last month of 1,408 investors, analysts and traders who subscribe to Bloomberg. Emerging markets also attracted more money from share offerings than industrialized nations last quarter for the first time in at least a decade, Bloomberg data show. Room to Ease Indonesia, India, China and Poland are the developing economies least vulnerable to a U.S. slowdown, according to a Sept. 14 study based on trade ties by HSBC Holdings Plc economists. **China, Russia and Brazil** also **are among nations with more room** than industrial countries **to ease policies if a U.S. slowdown does weigh on their growth**, according to a policy- flexibility index designed by the economists, who include New York-based Pablo Goldberg. "Emerging economies kept their powder relatively dry, and are, for the most part, in a position where they could act countercyclically if needed," the HSBC group said. Links to developing countries are helping insulate some companies against U.S. weakness. Swiss watch manufacturer Swatch Group AG and tire maker Nokian Renkaat of Finland are among the European businesses that should benefit from trade with nations such as Russia and China where consumer demand is growing, according to BlackRock Inc. portfolio manager Alister Hibbert. "There's a lot of life in the global economy," Hibbert, said at a Sept. 8 presentation to reporters in London.

Economy is resilient -- laundry list

Chandra 13 (Shobhana, Bloomberg reporter and tenured firebrand, "America Resilient Five Years After Great Recession", http://www.bloomberg.com/news/2013-08-27/america-resilient-five-years-after-great-recession.html, hhs-ab)

While Harris's premonition proved true -- Lehman's bankruptcy filing on Sept. 15, 2008, exacerbated the worst financial crisis since the Great Depression -- the economy, with help from the Federal Reserve, has emerged from the ruins "in much better health," he said. **The U.S. is weathering federal budget cuts** and **higher payroll taxes**, **growth is picking up** and some economists predict **the expansion**, now in its fifth year, **may last longer than most**. The ***signs of resilience*** are everywhere: **Households continue to spend**. **Businesses are investing** and hiring. Home **sales are rebounding**, and the **automobile industry is surging**. Banks have healthier balance sheets, and credit is easing. All this coincides

with the economy **shedding the excesses of the past**, such as unmanageable levels of consumer and corporate debt. 'Better Place' "We are in a much better place than we were five years ago," said Mark Zandi, chief economist at Moody's Analytics Inc. in West Chester, Pennsylvania. "Consumers are feeling much, much better; certainly investors are." Confidence is hovering around a **five-year high**, and the Standard & Poor's 500 Index has climbed 80 percent since the 18-month recession ended in June 2009. This month, the share of Americans who say jobs are currently hard to get decreased to 33 percent, the lowest since September 2008, the month of Lehman's collapse, according to a report today from the Conference Board. "Considering the trauma we went through and the panic in the markets, the economy has really done pretty well," and is "strong enough to support higher equity prices," said John Carey, a portfolio manager at Pioneer Investment Management Inc. in Boston, which manages about $200 billion. "Stocks look attractive relative to bonds," and shares of consumer-related and regional banks will benefit the most from growth in spending and demand for credit.

SSRA Northwestern

Aff Uniqueness

Congress extends bulk data collection despite its effects

Charlie **Savage 15**, Washington correspondent for The New York Times, degree in English and American Literature and Language from Harvard College, master's degree from Yale Law School, 6/30/15, "Surveillance Court Rules That N.S.A. Can Resume Bulk Data Collection," *The New York Times*, http://www.nytimes.com/2015/07/01/us/politics/fisa-surveillance-court-rules-nsa-can-resume-bulk-data-collection.html

The Foreign Intelligence Surveillance Court ruled late Monday that the National Security Agency may temporarily resume its once-secret program that systematically collects records of Americans' domestic phone calls in bulk. But the American Civil Liberties Union said Tuesday that it would ask the United States Court of Appeals for the Second Circuit, which had ruled that the surveillance program was illegal, to issue an injunction to halt the program, setting up a potential conflict between the two courts. The program lapsed on June 1, when a law on which it was based, Section 215 of the USA Patriot Act, expired. Congress revived that provision on June 2 with a bill called the USA Freedom Act, which said the provision could not be used for bulk collection after six months. The six-month period was intended to give intelligence agencies time to move to a new system in which the phone records — which include information like phone numbers and the duration of calls but not the contents of conversations — would stay in the hands of phone companies. Under those rules, the agency would still be able to gain access to the records to analyze links between callers and suspected terrorists. But, complicating matters, in May the Court of Appeals for the Second Circuit, in New York, ruled in a lawsuit brought by the A.C.L.U. that Section 215 of the Patriot Act could not legitimately be interpreted as permitting bulk collection at all. Congress did not include language in the Freedom Act contradicting the Second Circuit ruling or authorizing bulk collection even for the six-month transition. As a result, it was unclear whether the program had a lawful basis to resume in the interim. After President Obama signed the Freedom Act on June 2, his administration applied to restart the program for six months. But a conservative and libertarian advocacy group, FreedomWorks, filed a motion in the surveillance court saying it had no legal authority to permit the program to resume, even for the interim period. In a 26-page opinion made public on Tuesday, Judge Michael W. Mosman of the surveillance court rejected the challenge by FreedomWorks, which was represented by a former Virginia attorney general, Ken Cuccinelli, a Republican. And Judge Mosman said the Second Circuit was wrong, too. "Second Circuit rulings are not binding" on the surveillance court, he wrote, "and this court respectfully disagrees with that court's analysis, especially in view of the intervening enactment of the USA Freedom Act." When the Second Circuit issued its ruling that the program was illegal, it did not issue any injunction ordering the program halted, saying it would be prudent to see what Congress did as Section 215 neared its June 1 expiration. Jameel Jaffer, an A.C.L.U. lawyer, said on Tuesday that the group would now ask for one. "Neither the statute nor the Constitution permits the government to subject millions of innocent people to this kind of intrusive surveillance," Mr. Jaffer said. "We intend to ask the court to prohibit the surveillance and to order the N.S.A. to purge the records it's already collected." The bulk phone records program traces back to October 2001, when the Bush administration secretly authorized the N.S.A. to collect records of Americans' domestic phone calls in bulk as part of a broader set of post-Sept. 11 counterterrorism efforts. The program began on the basis of presidential power alone. In 2006, the Bush administration persuaded the surveillance court to begin blessing it under of Section 215 of the Patriot Act, which says the government may collect records that are "relevant" to a national security investigation. The program was declassified in June 2013 after its existence was disclosed by the former intelligence contractor Edward J. Snowden. It remains unclear whether the Second Circuit still considers the surveillance program to be illegal during this six-month transition period. The basis for its ruling in May was that Congress had never intended for Section 215 to authorize bulk collection. In his ruling, Judge Mosman said that because Congress knew how the surveillance court was interpreting Section 215 when it passed the Freedom Act, lawmakers implicitly authorized bulk collection to resume for the transition period. "Congress could have prohibited bulk data collection" effective immediately, he wrote. "Instead, after lengthy public debate, and with crystal-clear knowledge of the fact of ongoing bulk collection of call detail records," it chose to allow a 180-day transitional period during which such collection could continue, he wrote. The surveillance court is subject to review by its own appeals panel, the Foreign Intelligence Surveillance Court of Review. Both the Second Circuit and the surveillance review court are in turn subject to the Supreme Court, which resolves conflicts between appeals courts. Wyn Hornbuckle, a Justice Department spokesman, said in a written statement that the Obama administration agreed with Judge Mosman. Since the program was made public, plaintiffs have filed several lawsuits before regular courts, which hear arguments from each side before issuing rulings, unlike the surveillance court's usual practice, which is to hear only from the government. Judge Mosman's disagreement with the Second Circuit is the second time that the surveillance court has rejected a contrary ruling about the program by a judge in the regular court system. In a lawsuit challenging the program that was brought by the conservative legal advocate Larry Klayman, Judge Richard J. Leon of Federal District Court in the District of Columbia ruled in December 2013 that the program most likely violated the Fourth Amendment, which prohibits unreasonable searches and seizures. But in March 2014, Judge Rosemary M. Collyer, a Federal District Court judge who also

sits on the secret surveillance court, rejected Judge Leon's reasoning and permitted the program to keep going. The Obama administration has appealed Judge Leon's decision to the Court of Appeals for the District of Columbia. The Freedom Act also contains a provision saying that whenever the surveillance court addresses a novel and significant legal issue, it must either appoint an outside "friend of the court" who can offer arguments contrary to what the government is saying, or explain why appointing one is not appropriate. The first test of that reform came last month when another judge on the court, F. Dennis Saylor IV, addressed a separate issue raised by the passage of the Freedom Act. Judge Saylor acknowledged that it was novel and significant, but declined to appoint an outside advocate, saying the answer to the legal question was "sufficiently clear" to him without hearing from one.

Cyber-Security Advantage

NSA backdoors

Backdoors destroy cybersecurity and have cost the US billions of dollars due to mistrust of USFG

Trevor **Timm 15**, co-founder and the executive director of the Freedom of the Press Foundation, lawyer who writes a column for The Guardian on privacy, free speech, and national security, "Building backdoors into encryption isn't only bad for China, Mr. President," 3/4/15, http://www.theguardian.com/commentisfree/2015/mar/04/backdoors-encryption-china-apple-google-nsa

Want to know why forcing tech companies to build backdoors into encryption is a terrible idea? Look no further than President Obama's stark criticism of China's plan to do exactly that on Tuesday. If only he would tell the FBI and NSA the same thing.¶ In a stunningly short-sighted move, the FBI - and more recently the NSA - have been pushing for a new US law that would force tech companies like Apple and Google to hand over the encryption keys or build backdoors into their products and tools so the government would always have access to our communications. It was only a matter of time before other governments jumped on the bandwagon, and China wasted no time in demanding the same from tech companies a few weeks ago.¶ As President Obama himself described to Reuters, China has proposed an expansive new "anti-terrorism" bill that "would essentially force all foreign companies, including US companies, to turn over to the Chinese government mechanisms where they can snoop and keep track of all the users of those services."¶ Obama continued: "Those kinds of restrictive practices I think would ironically hurt the Chinese economy over the long term because I don't think there is any US or European firm, any international firm, that could credibly get away with that wholesale turning over of data, personal data, over to a government."¶ Bravo! Of course these are the exact arguments for why it would be a disaster for US government to force tech companies to do the same. (Somehow Obama left that part out.)¶ As Yahoo's top security executive Alex Stamos told NSA director Mike Rogers in a public confrontation last week, building backdoors into encryption is like "drilling a hole into a windshield." Even if it's technically possible to produce the flaw - and we, for some reason, trust the US government never to abuse it - other countries will inevitably demand access for themselves. Companies will no longer be in a position to say no, and even if they did, intelligence services would find the backdoor unilaterally - or just steal the keys outright.¶ Advertisement¶ For an example on how this works, look no further than last week's Snowden revelation that the UK's intelligence service and the NSA stole the encryption keys for millions of Sim cards used by many of the world's most popular cell phone providers. It's happened many times before too. Security expert Bruce Schneier has documented with numerous examples, "**Back-door access built for the good guys is routinely used by the bad guys.**"¶ Stamos repeatedly (and commendably) pushed the NSA director for an answer on what happens when China or Russia also demand backdoors from tech companies, but Rogers didn't have an answer prepared at all. He just kept repeating "I think we can work through this". As Stamos insinuated, maybe Rogers should ask his own staff why we actually can't work through

this, because virtually every technologist agrees **backdoors just cannot be secure in practice**.¶ (If you want to further understand the details behind the encryption vs. backdoor debate and how what the NSA director is asking for is quite literally impossible, read this excellent piece by surveillance expert Julian Sanchez.)¶ It's downright bizarre that the US government has been warning of the grave cybersecurity risks the country faces while, at the very same time, arguing that we should pass a law that would **weaken cybersecurity** and put every single citizen at more risk of having their private information stolen by criminals, foreign governments, and our own.¶ Forcing backdoors will also be disastrous for the US economy as it would be for China's. US tech companies - which already have suffered billions of dollars of losses overseas because of consumer distrust over their relationships with the NSA - would lose all credibility with users around the world if the FBI and NSA succeed with their plan.¶

Enraged over Snowden revelations, hackers are gaining access to servers through backdoors – cyber-terrorists have the skills and the political motivation

Dimitri **Tokmetzi 4/17**, data-journalist for The Correspondent, expert in investigative journalism in the relationship between power and data and tech, "How to protect privacy and security in the Crypto Wars," 4/17/15, https://www.gccs2015.com/sites/default/files/documents/How%20to%20protect%20privacy%20and%20security%20in%20the%20crypto%20wars.pdf

We thought that the Crypto Wars of the nineties were over, but renewed fighting has erupted since the Snowden revelations. On one side, law enforcement and intelligence agencies are¶ afraid that broader use of encryption on the Internet will make their work harder or even¶ impossible. On the other, security experts and activists argue that **installing backdoors will make everyone unsafe**. Is it possible to find some middle ground between these two¶ positions?¶ 'This is the story of how a handful of cryptographers **"hacked" the NSA**. It's also a story of encryption backdoors, and why they never quite work out the way you want them to.' So¶ began the blog post on the FREAK attack, one of the most ironic hacks of recent years.¶ Matthew Green, assistant professor at John Hopkins university, and a couple of international colleagues exploited a nasty bug on the servers that host the NSA website. By forcing the servers to use an old, almost forgotten and weak type of encryption which they were able to crack within a few hours, they managed to gain access to the backend of the NSA website, making it possible for them to alter its content.¶ Worse still, the cryptographers found that the same weak encryption was used on a third of the 14 million other websites they scanned. For instance, if they had wanted to, they could have gained access to whitehouse.gov or tips.fbi.gov. Many smartphone apps turned out to¶ be vulnerable as well.¶ The irony is this: this weak encryption was deliberately designed for software products exported from the US in the nineties. The NSA wanted to snoop on foreign governments and¶ companies if necessary and pushed for a weakening of encryption. This weakened¶ encryption somehow found its way back onto the servers of US companies and government¶ agencies. 'Since the NSA was the organization that demanded export-grade crypto, it's only fitting that they should be the first site affected by this vulnerability', Green gleefully wrote.¶ The FREAK attack wasn't only a show of technological prowess, but also **a political statement. Ever since Edward Snowden** released the NSA files in June 2013, a new battle has been raging between computer security experts and civil liberties activists on one side¶ and law enforcement and intelligence agencies on the other.¶ 2¶ There was one set of revelations that particularly enraged the security

community. In¶ September 2013 the New York Times, ProPublica and the Guardian published a story on the¶ thorough and persistent efforts of the NSA and its British counterpart GCHQ to decrypt¶ Internet traffic and databases. In a prolonged, multi-billion operation dubbed 'BULLRUN', the intelligence agencies used supercomputers to crack encryption, asked, persuaded or cajoled¶ telecom and web companies to build backdoors into their equipment and software, used their influence to plant weaknesses in cryptographic standards and simply stole encryption keys from individuals and companies.

NSA backdoors destroy US cybersecurity by stockpiling zero-day vulnerabilities and revelations have made the US lose all credibility on internet governance and norms

Kim **Zetter 14**, an award-winning, senior staff reporter at Wired covering cybercrime, privacy, and security, "Personal Privacy Is Only One of the Costs of NSA Surveillance," 7/29/14, http://www.wired.com/2014/07/the-big-costs-of-nsa-surveillance-that-no-ones-talking-about/

*possible other tag: NSA leaks and backdoors destroy US cybersecurity and consumer trust – the US has lost all credibility on internet governance and norms

THERE IS NO doubt the integrity of our communications and the privacy of our online activities have been the biggest casualty of the NSA's unfettered surveillance of our digital lives. But the ongoing revelations of government eavesdropping have had a profound impact on the economy, the security of the internet and the credibility of the U.S. government's leadership when it comes to online governance.¶ These are among the many serious costs and consequences the NSA and those who sanctioned its activities—including the White House, the Justice Department and lawmakers like Sen. Dianne Feinstein—apparently have not considered, or acknowledged, according to a report by the New America Foundation's Open Technology Institute.¶ "Too often, we have discussed the National Security Agency's surveillance programs through the distorting lens of a simplistic 'security versus privacy' narrative," said Danielle Kehl, policy analyst at the Open Technology Institute and primary author of the report. "But if you look closer, the more accurate story is that in the name of security, we're trading away not only privacy, but also the U.S. tech economy, internet openness, America's foreign policy interests and cybersecurity."¶ Over the last year, documents leaked by NSA whistleblower Edward Snowden, have disclosed numerous NSA spy operations that have gone beyond what many considered acceptable surveillance activity. These included infecting the computers of network administrators working for a Belgian telecom in order to undermine the company's routers and siphon mobile traffic; working with companies to install backdoors in their products or network infrastructure or to devise ways to undermine encryption; intercepting products that U.S. companies send to customers overseas to install spy equipment in them before they reach customers.¶ The Foundation's report, released today, outlines some of the collateral damage of NSA surveillance in several areas, including:¶ Economic losses to US businesses due to lost sales and declining customer trust. The deterioration of internet security as a result of the NSA stockpiling zero-day vulnerabilities, undermining encryption and installing backdoors in software and hardware products. Undermining the government's credibility and leadership on "internet freedom" and governance issues such as censorship.

Backdoors undermine security and allow hackers access – Greece proves

David **Perera 13**, executive editor of the FierceMarkets Government Group, expert on the Federal IT market and cybersecurity since 2004, "NSA backdoor encryption access re-ignites debate over government role in encryption," 10/9/13, http://www.fiercegovernmentit.com/story/nsa-backdoor-encryption-access-re-ignites-debate-over-government-role-encry/2013-09-09

All three new organizations said they were asked by intelligence officials not to publish the new revelations from Snowden documents, but did so "because of the value of a public debate about government actions that weaken the most powerful privacy tools."¶ It's a debate that many thought predicated at least on a understanding that the NSA would not force the private- or public- sectors into undermining the integrity of cryptology techniques in order for the intelligence community to have a guaranteed access to encrypted messages.¶ Security researchers almost uniformly agree that backdoors undermine the efficacy of encryption since they create the possibility that unknown parties might find and utilize them, as well. Famously, hackers used a backdoor mid-last decade in the Vodafone Greece mobile phone network to wiretap the cell phones of top Greek governmental officials, including the prime minister.¶ The administration of President Bill Clinton attempted to have the private IT sector adopt encryption hardware known as the Clipper Chip that would have carried keys the NSA would have had access to through a key escrow. The attempt was a reaction to the rise of Pretty Good Privacy, an encryption program that eluded government cracking. By the mid 1990s, after researchers found vulnerabilities in the NSA algorithm and in response to widespread condemnation, the Clinton administration let the proposal whither.¶ "The NSA's techno-dodges give civil libertarians a choice of two large pitches on which to throw their fits. Should they be more angry about the national security bureaucracy first seeking the public's consent to drink from the national information stream and then, when told 'no,' ignoring the thumb down? Or is the greater outrage the fact that the vast and secret surveillance program was established at all, and not how it was established?" wrote Reuters columnist Jack Shafer shortly after the news articles came out.

Backdoors give path to hackers – cyber-attacks bound to happen

Joe **Stanganelli 13**, US Census Bureau, Nevada Attorney General, Becker & Poliakoff, P.A., teaches seminars on data privacy and cybersecurity, "Data Breaches and NSA Backdoors: A Legal Primer," 12/18/13, http://www.enterprisenetworkingplanet.com/netsecur/data-breaches-and-nsa-backdoors-a-legal-primer.html

Thanks to Edward Snowden, it is now common knowledge that the NSA and the UK's GCHQ managed to get their own backdoors and other workarounds into various systems internationally, from US tech goliaths like Google and Yahoo to overseas telecoms like Belgacom. Consequently, concern rages worldwide over data center and cloud security. It seems that companies' data have been compromised even without being specifically targeted, given reports that the NSA inserted a backdoor in a NIST-endorsed encryption method, Dual_EC_DRBG, an encryption method that has been used by cybersecurity firm RSA Security and others and is included in the libraries of networking vendors like Cisco, Juniper, Riverbed, and Lancope, among many others.¶ And it isn't

just the government that enterprises must worry about. Government-implanted vulnerabilities can **open the door for hackers**, too. (This has happened before, with **serious consequences**.) With an estimated 20 percent of routers having some kind of backdoor, Internet of Things security seriously lagging, and other weaknesses frequently cropping up in other networking equipment and hardware, a data compromise may be just waiting to happen at your organization.¶ There are, of course, technological security steps companies can take to try to stay ahead of hackers and government surveillance. Still, as Murphy's Law says, if **something can go wrong, it will**. Thus, enterprises must consider how to reduce and mitigate legal liability in the event of data compromises.

Solvency - Norms

Effective cybersecurity norms require curtailing surveillance and removal of backdoors and ensuring company trust – that's key to preventing cyber-conflict

Paul **Nicholas 15**, leads Microsoft's Global Security Strategy and Diplomacy Team, expert in advancing infrastructure security and resiliency, spent over eight years in the U.S. Government, focusing on emerging threats to economic and national security, served as White House Director of Cybersecurity and Critical Infrastructure Protection, B.A. from Indiana University, an M.A. from Georgetown University, and is a Certified Information Systems Security Professional, "Six Proposed Norms to Reduce Conflict in Cyberspace," 1/20/15, http://blogs.microsoft.com/cybertrust/2015/01/20/six-proposed-norms/

Last month, my team launched a new white paper, "International Cybersecurity Norms, Reducing conflict in an Internet-dependent world" at the EastWest Institute's 2014 Global Cyberspace Cooperation Summit in Berlin. In the paper we explained the unique cyber risks posed by nation states' offensive activities, and how these risks could escalate – perhaps unintentionally – to catastrophic consequence. Our goal was to outline the risks faced by society, and propose six cybersecurity norms that nation states can consider for reducing risk in cyberspace.¶ The framework we propose for developing norms evaluates various actors in cyberspace, the objectives those actors are seeking to advance, the corresponding actions that could be taken, and, finally, the potential impacts that can result. Governments, often among the most advanced actors in cyberspace, can take a multitude of actions in cyberspace, both offensively and defensively, to support acceptable objectives. These actions and their resulting impacts, both intended and unintended, can precisely support defined objectives but can also advance one generally acceptable objective while simultaneously challenging another. In many cases, societal debate is not about objectives, such as degrading or delaying the spread of nuclear weapons or preventing terrorism, but whether the actions that can be taken—and the impact of those actions—are acceptable. With this framework in mind, when developing cybersecurity norms for governments, we can focus on discussing acceptable and unacceptable objectives, which actions may be taken by governments, in pursuit of those objectives, what the possible impacts are, and whether they

are acceptable for a civilized, connected society.¶ Cybersecurity norms should be designed not only to increase the security of cyberspace but also to preserve the utility of a globally connected society. As such, norms should define acceptable and unacceptable state behaviors, with the aim of reducing risks, fostering greater predictability, and limiting the potential for the most problematic impacts, including (and in particular) impacts which could result from government activity below the threshold of war.¶ **Cybersecurity norms that limit potential conflict in cyberspace can bring** predictability, stability, and **security to the international environment**. With a wide acceptance of these norms, governments investing in offensive cyber capabilities would have a responsibility to act and work within the international system to guide their use, and this would ultimately lead to a reduction in the likelihood of conflict. In many cases the norms are either rooted in principles not dissimilar from those governing the Law of Armed Conflict, or derived from international best practices currently employed globally by the Information Communication and Technology sector.¶ The following norms, and the framework, used to build them, enable states to make choices that appropriately balance their roles as users, protectors, and exploiters of cyberspace. 1. **States should not target** ICT **companies to insert vulnerabilities (backdoors**) or take actions that would otherwise **undermine public trust in products and services**.¶ 2. States should have a clear principle-based policy for handling product and service vulnerabilities that reflects a strong mandate to report them to vendors rather than to stockpile, buy, sell, or exploit them.¶ 3. States should exercise restraint in developing cyber weapons and should ensure that any which are developed are limited, precise, and not reusable.¶ 4. States should commit to nonproliferation activities related to cyber weapons.¶ 5. States should limit their engagement in cyber offensives operations to avoid creating a mass event.¶ 6. States should assist private sector efforts to detect, contain, respond to, and recover from events in cyberspace.

Norms motivate states to keep a better check on cyber-crime – key to cybersecurity

Peter W. **Singer and** Allan **Friedman 14,** P. W. Singer is an American political scientist, an international relations scholar and a preeminent specialist on 21st century warfare, currently is a strategist for the New American Foundation, Allan Friedman is the Director of Cybersecurity Initiatives at National Telecommunications and Information Administration in the US Department of Commerce, "Cybersecurity: What Everyone Needs to Know," 1/3/14, pg. 179-180

The cyber parallel today, again, is that all netizens have shared global expectation of freedom of action on the Internet, particularly online trade, just as it ensured on the open ocean. If you knowingly host or abet maritime pirates or privateers, their actions reflect back on you. The same should be true online. Building those norms will motivate both states and companies to keep a better check on individual hackers and criminals (the pirate equivalent). It will also weaken the value of outsourcing bad action to patriotic hackers (the latter-day privateers). In addition to encouraging new accountability, this approach also offers opportunities for what are known as "**confidence-building measures**," where two states that don't get along can find ways to work together and build trust. After the War of 1812, for example, the British Royal Navy and nascent US Navy constantly prepared for hostilities against each other, which made sense since they had just fought two outright was. But as the network of norms began to spread, they also began to cooperate in anti-piracy and anti-slavery campaigns. That cooperation did more than underscore

global norms: it built familiarity and trust between the two forces and helped mitigate the danger of military conflict during several crises. Similarly, today the United States and China are and will certainly continue to bolster their own cyber military capabilities. But like the Royal Navy and new American Navy back in the 1800s, this should not be a barrier to building cooperation. Both countries, for instance, could go after what the Chinese call “double crimes,” those actions in cyberspace that both nations recognize as illegal. The lesson here is that the world is in a better place with commerce and communication made safe and freewheeling pirates and privateers brought under control. Indeed, the period was never all that good even for the pirates. Jean Fleury made away with all that Aztec gold, but he should have quit while he was ahead. Just five years after the ultimate pirate score, he was caught by the Spanish on another raiding expedition and hanged.

Norms begin with countries restraining security

Molly **Walker 14**, Executive Editor of the Government Publishing Group at FierceMarkets, “Cyberspace needs 'peace-time norms' to achieve stability, says State Department cybersecurity expert,” 11/12/14, http://www.fiercegovernmentit.com/story/cyberspace-needs-peace-time-norms-achieve-stability-says-state-department-c/2014-11-12

The State Department is trying to refocus an international conversation about how traditional military concepts and international law apply in cyberspace to "the next level down" as a way to achieve stability, said a cybersecurity official with the department.¶ While it's important to determine how concepts like distinction and proportionality apply in cyberspace, "you seldom get to that very high threshold of armed conflict," said Christopher Painter, who is coordinator for cyber issues at the State Department. Rather, this **conversation should be held in the context of** "peace-time **norms**."¶ Painter was one of the speakers at a Nov. 5 discussion about NATO's cyber defense mission and capabilities, which was held by the Atlantic Council, a Washington, D.C.-based think tank.¶ He said rallying support for peace-time norms could begin with countries agreeing to do things or refraining from doing things.¶ For example, absent war, they may agree that no country should attack critical IT systems nor computer emergency response teams. They may also agree that it's a nation's duty to cooperate with law enforcement or counter any malicious cyber activity that they detect in their territory.¶ The approach for cyberspace should mirror confidence-building measures in the nuclear arena, said Painter. This means they must adopt measures that lead them to transparency, cooperation and, eventually, stability.¶ Sorin Ducaru, NATO's assistant security general for emerging security challenges, said the alliance has taken significant steps to advance the conversation on cyber norms with the passage of its third cyber policy on Sept. 5. Among the concepts endorsed by alliance members was the agreement that international law applies in cyberspace.¶ "NATO does not want this space ungoverned," he said, adding that the alliance would support a **clearer distinction of norms, barriers and laws**.¶ Painter said this clearly points to the idea that cyberspace is not lawless and has boundaries.¶ "I think there was some doubt before. I think there was some thought that you would have different rules entirely for the cyber world and the physical, which would make no sense – in fact, it could be very destabilizing in the long term," he added.

As societies expand their digital footprint, increasing connectivity among citizens, businesses, and governments, the world has also seen a concomitant increase in cyber incidents. At times, the attackers' motivations are financial, not unlike criminal behavior in the "physical world." The past several years have shown a new trend. Increasingly, states use the Internet to advance tried and true tenets of intelligence or even military operations: espionage, reconnaissance, and even sabotage. The targets of these operations, whether intentional or not, are often civilians. In an effort to encourage the international community to reverse this trend, International Cybersecurity Norms, Reducing conflict in an Internet-dependent world, analyzes the unique attributes that make cybersecurity conflict-prone and proposes a framework and norms for cybersecurity.¶ As the pace of activity in cyberspace increases, so does the likelihood of one state misinterpreting the actions of another. Moreover, the risk of a cyber-arms race cannot be discounted. It would be naïve to hope that states should fully pull back their military operations from the Internet. Nevertheless, just as there are universally accepted norms of behavior in other realms of conflict, it is no less important to establish norms for cybersecurity. These norms should not only strengthen cybersecurity but also preserve the freedoms of a globally connected society.¶ Some will contend that this search for norms is rather futile, as states might simply ignore or pay lip service to them. Smaller countries may be reluctant to disavow a powerful arrow in their quiver that could give them an asymmetric advantage. And would there even be consequences for violators at all? While valid, this kind of skepticism only underscores the need to move forward. Norms cannot guarantee that states will never violate agreed upon principles, but they will put violators on notice within the international community. And from norms that gradually become accepted a stronger framework can eventually emerge.¶ Yes, achieving global acceptance of new international norms in such a critical realm is difficult. In the deliberations leading to the Nuclear Non-Proliferation Treaty, Willy Brandt, then the German Foreign Minister, said, "We shall not be able to discuss security guarantees, disarmament, and the perspectives¶ for the peaceful use of nuclear energy with any prospect of success unless a common will and joint proposals put right the rules of order the community of nations urgently needs." Nuclear power and cyberspace are different in many respects, but Brandt's argument very much applies here.¶ International Cybersecurity Norms contains many sound and thought-provoking ideas and recommendations to that effect and deserves the full attention of citizens, businesses, and governments alike.

Solvency – Trust

FIND CARD THAT SAYS: 2. Trust—The SSRA would rebuild trust between the government and the private sector—that's key to cybersecurity

The SSRA is <u>essential</u> to regaining public trust

Jillian **Kane 15**, Bill of Rights Defense Committee, an organization working to restore the rule of law and constitutional rights, Mount Holyoke College BA, Politics, "What is the SSRA and why is it important?," 3/4/15, http://www.bordc.org/blog/what-ssra-and-why-it-important

Many people do not know about the Surveillance State Repeal Act (SSRA) and how important it really is. Former Senator Russ Feingold (D-WI) first devevloped the act as the JUSTICE

(Judicious Use of Surveillance Tools in Countering Extremism) Act. Recently retired Rep. Rush Holt (D-NJ) was the first to re-introduce it as the SSRA in the wake of the 2013 Snowden revelations. It is set to be re-introduced later this month by Rep. Mark Pocan (D-WI).¶ Rep. Holt says, "This isn't reform. It is repeal." Since it is a repeal this Act would be different from all the other NSA reform proposals.¶ The act would repeal the USA PATRIOT Act and the FISA Amendments Act of 2008. The Bill would restore all provisions that were amended or repealed by the USA PATRIOT ACT or the FISA Amendments Act. This Bill would help to ensure everyone's rights are protected. There are even protections for whistleblowers. TechDirt said:¶ This offers better whistleblower protection, especially in terms of guarding against retaliatory actions. Unfortunately, this won't protect whistleblowers like Snowden, who quit of his own accord (eliminating the chance of retaliatory action) and is now facing espionage charges. Providing several routes for whistleblowers to take helps, but if anyone above these routes objects to the whistleblower (and is outside the "intelligence community" -- like the administration itself), the built-in protections of this legislation are nullified**. This is an important step that our government needs to take in order for the public to trust them again**. While USA PATRIOT ACT was created in a time of realization that there are terrorists out there who want to harm the United States, the government went too far by creating the Act and allowing all sorts of things that should never be done, like sneak and peak searches.

Private sector partnerships key to solving cyber attacks

Michael **Hayden**, Samuel **Visner** and David **Zolet 11,** Hayden was director of the NSA, director of the CIA and principal deputy director of national intelligence, Virmani is the director of the INTERPOL Digital Crime Centre, was a Supervisory Special Agent with the Federal Bureau of Investigation, Virmani has been one of the FBI's leading experts in cyber terrorism and has led multi-agency initiatives against terrorist use of the Internet as a supervisor in the FBI's Counterterrorism and Cyber Divisions, "Cyber threat clearinghouse key to national security," 12/9/11, http://fcw.com/articles/2011/12/12/comment-hayden-visner-zolet.aspx

David Zolet is president of strategy and development for CSC's North American Public Sector.

The government warns Americans about health, pollution, weather and other threats. Why not cyber threats? Washington should begin sharing cyber warnings with those responsible for America's critical infrastructure, from hospitals to water systems to banks. But the private sector should act on its own without waiting for the government.¶ Public/private partnerships are valuable tools for enhancing public safety and security. Through organized neighborhood watches, citizens report suspicious activities and receive better policing. Drug stores report data on the sales of certain pharmaceuticals, helping public health officials issue timely alerts about contagious diseases. Emergency management agencies and private suppliers of food and other consumables share information that helps them aid victims of natural disasters.¶ Cyber threats are growing. Advanced persistent threats already target the public and private sectors, with potentially dire consequences. Infection of a dam's electronic control system, for example, could cause it to unleash cascades of water and destroy homes and lives downstream.¶ The code for the Stuxnet virus, which disrupted the industrial processes that control Iran's uranium enrichment, is now available on the Internet. Adversaries could adapt such tools to harm process-oriented

infrastructure, such as chemical plants and electric power grids. **To protect against attacks, private-sector involvement is crucial.** Private industry owns 85 percent of the country's critical infrastructure and deploys far more cybersecurity experts than the government ever will.¶ The Homeland Security and Justice departments counter cyber threats, but much more should be done.

¶As a first step, critical infrastructure operators and their IT providers should band together and establish a clearinghouse to share information on cyber threats and countermeasures. An umbrella cybersecurity operations center or a streamlined group of federated centers could oversee collaboration without raising antitrust obstacles.¶A cyber partnership between the Defense Department and the private sector is a second way forward. The Defense Industrial Base program represents a growing commitment on the part of government and industry to work together to share information about threats and best practices to protect important unclassified data. Recently, then-Deputy Defense Secretary William Lynn pointed out that DOD shares sensitive data with private participants, who integrate it into their network defenses.¶The pilot project has been a resounding success, and its logic is irrefutable. If a firm provides DOD with weaponry, both have a strong interest in protecting information about it. But companies cannot allow proprietary data to fall into the wrong hands, and DOD must protect sensitive government data and not give an advantage to one supplier over another.¶Lynn said DOD is now working with DHS and the White House to expand the pilot partnership to other sectors of critical infrastructure. It ought to be an urgent priority. New protections and incentives must guide voluntary information sharing. If the risks and consequences of cyberattacks are lowered, partners might qualify for reduced insurance premiums or incur diminished liabilities.¶Finally, more operators of critical infrastructure should establish or gain access to round-the-clock cybersecurity operations centers. They would build on existing coordination efforts and link with a DHS integration center.¶National security restrictions hinder the sharing of government cybersecurity data. After the 2001 terrorist attacks, the national security community began sharing more data so they could better "connect the dots." Similarly, security issues associated with sharing information on cyber threats are likely solvable.¶Wider access to information and new concepts of public/private trust are essential for America to protect its economy and homeland security against tomorrow's cyber threats.

Cyber attacks – power grid

Adversaries have malware to cripple the power grid through backdoors – "cascading failures" make full power grid collapse likely

Amelia **Smith 14**, writer for Newsweek, expert in technology and security, graduate from MIT, cites the head of the NSA, "China Could Shut Down U.S. Power Grid With Cyber Attack, Says NSA Chief," 11/21/14, http://europe.newsweek.com/china-could-shut-down-us-power-grid-cyber-attack-says-nsa-chief-286119

China and "one or two" other countries have the ability to launch a cyber attack that could **shut down** the entire **U.S. power grid** and other critical infrastructure, the head of the National Security Agency (NSA) and U.S. Cyber Command told a congressional panel on Thursday. Admiral Michael Rogers told the hearing that **software had been detected** in China that could significantly damage the nation's economic future by interfering with power company networks and other critical systems. Describing the malware, he told the House Intelligence Committee that: "It enables you to shut down very segmented, very tailored parts of our infrastructure that forestall the ability to provide that service to us as citizens." "**It is only a matter of the when, not the if**, that we are going to see something traumatic," he added. When asked by Republican representative for Michigan Mike Rogers, who chairs the intelligence committee, what other countries have this capability, the NSA director responded "one or two others," but declined to name them for security reasons. "We're watching multiple nation states invest in this capability," he said. According to cyber expert Caroline Baylon of think tank Chatham House, the interconnectedness of power grids means that they are liable to **"cascading failures**". As nearby grids take up the slack for the failed system, **they become overloaded** and they too fail in a chain reaction. Rogers said that such attacks are part of "coming trends" in which so-called zero-day vulnerabilities in U.S. cyber systems are exploited. A zero-day vulnerability refers to a hole in software that is unknown to the vendor, which can be exploited by hackers before the vendor becomes aware and hurries to patch it up. They are becoming an increasingly powerful weapon of cyber espionage as countries become more connected to the internet. As well as espionage, there are also fears of cyber warfare. "Once an attacker finds an open vulnerability, he or she can get into the system," Baylon told Newsweek. "**This allows the adversary to place a 'backdoor' in that system**, as China are doing in the U.S., which they can use to access that system again at a later date." "Whilst at present it is not in any country's interest to attack the power grid of another country, now is the time for countries to look for these vulnerabilities because this is when they are open," she added. "It is a dangerous situation because a number of countries are looking for vulnerabilities in the power grids of other countries." A so-called 'grey-market' - a black market that isn't strictly illegal yet - for zero-day vulnerabilities now exists, with companies like Vupen in France selling them to governments for use in espionage. According to Baylon, the U.K and the U.S. are particularly at risk because they have a huge amount of critical infrastructure connected to the internet. Some countries however, like Russia, have clear government policy about being connected to the internet. "There is a huge asymmetry going on," she said. Russia is also regarded as having an aggressive cyber programme. Rogers's testimony comes shortly after the release of a report from the Pew Internet and American Life Project that says that it is likely that a catastrophic cyber-attack would have occurred by 2025, causing significant losses in life and financial damage. "Intelligence agencies and governments are very concerned about it," says Baylon. She predicts that the most likely scenario would be a coordinated attack."In the event of major attack, we might see a series of simultaneous attacks on a number of areas, for example attacking a power grid and paralyzing communications networks at the same time." This, she says, is something we could see in the next five to 10 years. However she stresses that whilst "it is very hard to find solutions", governments and experts are working very hard on the issue. In his testimony to the intelligence committee, Rogers said: "The Chinese intelligence services that conduct these attacks have little to fear because we have no practical deterrents to that theft. This problem is not going away until that changes." The problem, Baylon says, is that security costs money, and critical infrastructures like power grids are ultimately businesses with a bottom line.

Whilst they want to protect themselves, it is simply not practical or even possible to defend against all things, and moreover patching up vulnerabilities can sometimes inadvertently **trigger a system failure**. "It wouldn't be possible or practical to defend against everything, either financially or otherwise," she said. "We need to be more careful than we are being and make sure that profit is not dictating everything," says Baylon.

A cyber-attack would take out critical infrastructure and power grid

Jonathan **Pollet 14**, founder of Red Tiger Security, an infrastructure security firm, a 17-year veteran of the critical infrastructure industry, consults for some of the world's largest energy companies, as well as electric utilities, chemical plants, water treatment plants, etc. to help them better defend against cyber attacks, consultant of security for the FBI, DHS and Utility Telecom Council, "Here's What Chinese Hackers Can Actually Do To The US Power Grid," 11/23/14, http://www.businessinsider.com/what-hackers-can-do-to-our-power-grid-2014-11

Read more: http://www.businessinsider.com/author/jonathan-pollet#ixzz3erOFfL92

There's been a lot of discussion lately about the risks posed by hackers to America's critical infrastructure systems, with terms like "cyber-Pearl Harbor" and "**cyber-9/11**" being bandied about by government officials and other prominent figures.¶ Invariably, **one of the worst scenarios** often depicted by these cyberwar predictions **is an attack on the US power grid that would cause a widespread blackout**.¶ In his testimony before the House Intelligence Committee on November 20th, NSA Director Adm. Michael Rogers went into some detail on those risks:¶ House Intelligence Committee Chairman Mike Rogers: "It was determined that malware was on those (critical infrastructure) systems. Can you be a little more definitive about what does that mean? If I'm on that system and I want to do some harm, what does that do … ? Do the lights go out? Do we stop pumping water? What does that really mean? And the fact that it was there, does that mean they already have the capability to 'flip the switch' if they wanted to?"¶ Admiral Michael Rogers: "Well let me address the last part first. There shouldn't be any doubt in our minds that there are nation-states and groups out there that **have the capability to** do that. To **enter our systems**, to enter those industrial control systems, and to shut down, forestall our ability to operate, our basic infrastructure. Whether it's generating power across this nation, whether it's moving water and fuel … Once you're into the system and you're able to do that, it enables you to do things like, if I want to tell power turbines to go offline and stop generating power, you can do that. If I wanted to segment the transmission system so that you couldn't distribute the power that was coming out of the power stations, this would enable you to do that. It enables you to shut down very segmented, very tailored parts of our infrastructure"

The power grid is vulnerable to cyberattacks, threatening national security – legislative action is the only way to solve

James **Stevenson and** Richard J. **Prevost 13**, James Stevenson is an Associate Partner at IBM and a 2013 graduate of the Eisenhower School for National Security and Resource Strategy at the National Defense University, Richard Prevost is a Professor of Practice and Faculty Lead for the Energy Industry Seminar of the Dwight D. Eisenhower School for National Security and Resource Strategy at NDU, "Securing the Grid: Information Sharing in the Fifth Dimension," November 2013, http://www.sciencedirect.com/science/article/pii/S1040619013002388

The threat and capability of attacks to U.S. infrastructure remains dynamic. The number of incidents as reported to the U.S. Computer Emergency Readiness Team from fiscal years 2006 to 2012 has **dramatically increased** (Figure 1).7 Some progress toward protecting America's defense capabilities has been accomplished. However, "[t]he well spring of our strength,"8 America's economy and its critical infrastructure sectors, crucial to the nation's wellbeing and DoD's ability to develop and project power, remain alarmingly vulnerable to debilitating cyberattack. "Cyberwarfare is like maneuver warfare, in that speed and agility matter most."9 Many critical American infrastructural capabilities and corporations are neither adequately defended nor are taking sufficient steps to defend against cyberattack.10 Moreover, beyond the headlines, there is scant interest for cybersecurity cooperation from industry partners with the United States Government in general or, with the Department of Defense in particular. The nation's electrical grid, one of its paramount critical infrastructure sectors, is generally **underprepared against cyber** threat and **attack**, especially multi-pronged infrastructural attack that create **significant grid damage** and loss of power. What is further alarming is to consider that "[m]ore malware was detected on computer networks in 2011 than in all previous years combined, with critical infrastructure being a prime target.11 It is difficult to overstate how dependent America's economy and **defense relies on electrical power** and other forms of energy.12 The economy, domestic households, and defense rely on electrical power like no other commodity: From manufacturing and fuel refining to hospitals and homes, to air defense systems, to just about everything, electricity is critical. The Department of Defense, symptomatic of the nation at large, relies on the electric grid and faces the same vulnerabilities as industry.¶ These vulnerabilities pose substantial risks to U.S. national security. A 2008 report by the Defense Science Board's Task Force on Department of Defense (DOD) Energy Strategy concluded that "critical missions … are almost entirely dependent on the national transmission grid. About 85% of the energy infrastructure upon which DOD depends is commercially owned, and 99% of the electric energy DOD installations consume originates outside the fence. … In most cases, neither the grid nor on-base backup power provides sufficient reliability to ensure continuity of critical national priority functions and oversight of strategic missions in the face of a long term (several months) outage." An October 2009 report by the Government Accountability Office concluded that of DOD's 34 most critical global assets, 31 rely on commercially operated electricity grids for their primary source of electricity. The current state of cyber security information sharing within electrical power grid industry and between it and the USG is lackluster. There are four primary causes for this circumstance: A complacent power industry cultural attitude toward the cyber threat; a lack of effective industry information sharing mechanisms; **congressional legislative inaction; and tardy, insufficient executive branch action.**

Cyber-attacks – military retaliation

Defense strategies define cyber-attacks as acts of war and are met with military retaliation – leads to war

Alex **Spillius 11**, Diplomatic Correspondent for the Daily Telegraph, won the Amnesty International Award for newspaper reporting, University of Bristol, "US could respond to cyber-attack with conventional weapons," 6/1/11, http://www.telegraph.co.uk/news/worldnews/northamerica/usa/8550642/US-could-respond-to-cyber-attack-with-conventional-weapons.html

In an effort to lay down military guidelines for the age of internet warfare, President Barack Obama's administration has been formalising rules on cyberspace amid growing concern about the reach of hackers.¶ Defence company Lockheed Martin, the biggest supplier to the Pentagon, admitted over the weekend that its computer networks had been subjected to a sustained attack, though it said security had not been seriously compromised.¶ The White House's strategy statement on cybersecurity said the United States "will respond to hostile acts in cyberspace as we would to any other threat to our country".¶ "We reserve the right to use all necessary means – diplomatic, informational, military, and economic – as appropriate and consistent with applicable international law, in order to defend our nation, our allies, our partners and our interests," the May 16 document said.¶ Pentagon spokesman Colonel Dave Lapan confirmed that the White House policy did not rule out a **military response to a cyber-attack**."A response to a cyber incident or attack on the US would not necessarily be a cyber-response," he said. "All appropriate options would be on the table if we were attacked, be it cyber."¶ Col Lapan said that the Pentagon was also drawing up an accompanying cyber-defence strategy to respond to attacks on government computer networks, power grids or other utilities.¶ The Wall Street Journal reported that that document would **classify major cyber-attacks as acts of war**, paving the way for possible **military retaliation**.¶ The strategy was intended in part as a warning to foes that may try to sabotage the US electricity grid, subways or pipelines, officials said.¶ "**If you shut down our power grid, maybe we will put a missile down one of your smokestacks**," a military official told the newspaper.¶ The new strategy in the US is likely to mean that Nato would have to devise its own rules or response to cyber-attacks. The alliance would have to examine whether or not its principle of collective defence will apply to online warfare.¶

AT: Cyber-Security Advantage

Backdoors

NSA close to building a backdoor only they can access – squo solves

Dimitri **Tokmetzi 4/17**, data-journalist for The Correspondent, expert in investigative journalism in the relationship between power and data and tech, "How to protect privacy and security in the Crypto Wars," 4/17/15, https://www.gccs2015.com/sites/default/files/documents/How%20to%20protect%20privacy%20and%20security%20in%20the%20crypto%20wars.pdf

Theoretically it might be feasible, as current NSA director Michael Rogers argues, to build a backdoor that only his agency can use. The NSA actually came close to building a very secure backdoor with DUAL_EC_DRBG, the Dual Elliptic Curve Deterministic Random Bit¶Generator. This piece of software is one of the few international standards used to generate encryption keys. The Snowden files showed that in the early 2000s the NSA exploited a weakness in the code, through which only they could guess the outcome of the generator, and with that knowledge were able to break the widely-used encryption keys.

Cybersecurity isn't vulnerable and cyber-terror is highly unlikely

Cato Institute 11, public policy research organization — a think tank – dedicated to the principles of individual liberty, limited government, free markets and peace, its scholars and analysts conduct independent, nonpartisan research on a wide range of policy issues, "The Underwhelming Threat of Cyberterrorism," January 2011, http://www.cato.org/policy-report/januaryfebruary-2011/underwhelming-threat-cyberterrorism

In 1983, Americans watched as Matthew Broderick, armed with only a personal computer, brought the world to its knees. In the popular movie WarGames, Broderick played a young hacker who broke into the military's electronic network and nearly started World War III. In recent years, as fear of terrorism continues to overwhelm rational threat assessment, the WarGames scenario looks a lot like what so-called cybersecurity experts and their federal government allies tout.¶ The problem with "cybersecurity," says Jim Harper, director of information policy studies at the Cato Institute, is that we're convincing ourselves that cyberspace is an endless sea of vulnerabilities that leave us weak and exposed. It's not. Harper has emerged as the voice of reason among breathless news reports of "cyber attacks" and calls for Washington to take over security of the nation's computing infrastructure. In his papers, congressional testimonies, and numerous media appearances, Harper emphasizes the need to better understand the nature of cyberspace, to appreciate the improvements in cybersecurity civil society is constantly generating, and to recognize the near impossibility that terrorists might inflict significant harm using computers.¶"It's helpful to imagine 'cyberspace' as organized like the

physical world," Harper says. "Think of personal computers as people's homes. Their attachments to the network analogize to driveways, which connect to roads and then highways. E-mails, financial files, and pictures are the personal possessions that could be stolen out of houses and private vehicles, leading to privacy loss."¶ Cyberspace will be secured the way real space is. Computer owners, like homeowners and businesses, should be the first line of protection for their own property, Harper says. They should install the latest patches and place their systems behind firewalls. What the government wants — to come up with a national cybersecurity plan and force it upon network, data, and computer owners — is akin to cutting down crime in neighborhoods by stationing police officers in livingrooms and dictating what sorts of door locks and alarm systems must be in all new homes.¶ "The analogy between cyberspace and real space shows that 'cybersecurity' is not a small universe of problems, but thousands of different problems that will be handled in thousands of different ways by millions of people," Harper says. This analogy is particularly important when the topic shifts from broad "cybersecurity" to the narrower threat of "cyberterrorism."¶ The popular view of such attacks, like WarGames, is nonsense, according to Harper. "With communications networks, computing infrastructure, and data stores under regular attack from a variety of quarters — and regularly strengthening to meet them — it is highly unlikely that terrorists can pull off a cybersecurity event disruptive enough to instill widespread fear of further disruption," Harper says. If they could do it at all, taking down websites, interrupting financial networks, or knocking out power systems does not terrorize. In a 2009 speech about cybersecurity, President Obama spoke about "weapons of mass disruption," a poor relation of the instruments that truly threaten violence and chaos.¶ The federal government plays a significant role in protecting Americans from genuine terrorism. And, even though the threat of cyberterrorism is dramatically overblown, the government can improve security in that area, too. But it should not do so through regulation, Harper says. Instead, it can take advantage of its position as a large purchaser of information technology and, through the market, guide technology producers to meet better security standards.¶ The politicians in Washington should realize that the easiest way to protect critical data and infrastructure is not to make it vulnerable in the first place. "Where security is truly at a premium," Harper says, "the lion's share of securing infrastructure against cyberattack can be achieved by the simple policy of fully decoupling it from the Internet."¶ Harper's level-headedness is getting attention. The Obama White House cited a paper he wrote in the executive summary of its Cyberspace Policy Review. In it, Harper argued that updating tort law to allow those harmed by insecure computer products to recover damages from providers and manufacturers is a better path to true security than government regulation of the market. And he was called before the House Subcommittee on Technology and Innovation to testify about how the federal government should respond to cyberterrorist threats and how it should approach securing the nation's information technology infrastructure.¶ Harper is adamantly clear that cybersecurity is important. While arguing that the federal government should not directly regulate computer security, he is careful not to downplay the need to secure our computer networks. But such security, like in the brick and- mortar world outside the Internet, is a matter of personal responsibility, business interest, and common sense.¶ That same common sense should lead us to recognize that cyberterrorism does not exist and that threat of cyberwarfare is minimal. Claims to the contrary result from technological illiteracy and the incentives of government officials and contractors that favor inflating threats. Cyberterrorism is "cyber–snake oil," Harper says.

Hackers exploiting vulnerabilities are rarely serious and terrorists lack motivation and skills to pull off an attack – there are no instances of cyber-terror to assess any impact on

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The answer is both yes and no; yes, because vulnerabilities in computing systems can be exploited by terrorist elements, and no, because although the exploitation can directly impact the public, it is **rarely serious or fatal**. However, after having read all the frightful scenarios available so freely on-line (see, for example, Brenner and Overholt 1998), one main thing remains to remember. Computers do not exert control by themselves – there are humans involved in the information chain. Whether or not we chose to consider humans more fallible than the computerized systems they have created is a related issue. After all, cyber-error can be as devastating as cyber-terror. However, as long as humans control and monitor the system, terrorist attacks in cyberspace can be offset. The world does not yet face a compelling threat from terrorists using information warfare techniques to disrupt critical infrastructure. **Terrorists lack the motivation, capabilities and/or skills to pull off a cyber- attack**. Although a physical attack against the infrastructure cannot be ruled out, such a threat is neither new nor matured by the reliance of the developed world on technology (Church 1997:23). Because **systems are complex**, it may be harder to control an attack and achieve a **desired level of damage**. Unless people are injured, there are also less drama and emotional appeal. Further, terrorists may be disinclined to try new methods unless they see their old ones as inadequate.¶ **Given that there are no instances of cyber-terrorism, it is not possible to assess the impact of acts that have taken place**. It is equally difficult to assess potential impact, in part because it is hard to predict how a major computer network attack, with the intent to affect national or international policy, would unfold. So why is cyber-terrorism suddenly basking in the limelight, from government agencies, to 'specialists' to the hubris of the media? There are multiple reasons, and most of these are political rather than informational. One close look at the proposed remedies, especially those put in place after the World Trade Center attacks, will show that fighting cyber-terrorism can become a heaven-sent excuse for governments to place more control on the evasive cyber-space. How this affects such issues as democracy, privacy, freedom of expression and copyright will be discussed in the forthcoming issue.

Status quo solves cybersecurity and vulnerabilities – new XO ensuring cybersecurity

Mike **McConnell and** Sedar **Labarre 15**, McConnell is a Senior Executive Advisor and former Vice Chairman of Booz Allen Hamilton, leading Booz Allen's rapidly expanding cyber business, led the development of the Intelligence business focused on policy, transformation, Labarre ia a leader in the Booz Allen's commercial business, focusing on cybersecurity, "The

Cybersecurity Executive Order," 6/3/15, http://www.boozallen.com/media/file/BA13-051CybersecurityEOVP.pdf

Executive Order (EO) 13636, "Improving Critical Infrastructure Cybersecurity," calls for government to collaborate more closely with critical infrastructure owners and operators to strengthen cybersecurity, particularly by sharing information about cyber threats and jointly developing a framework of cybersecurity standards and best practices. Elements of the framework may later be incorporated into government regulations or voluntarily adopted by industry. Many owners and operators recognize the value of these efforts but worry that the EO will result in burdensome regulation rather than strengthened security. They are cautiously supportive, waiting to see how the EO will differ from previous efforts to improve government industry collaboration. Others question if the EO goes far enough, suggesting cybersecurity legislation is required to make a difference. At Booz Allen Hamilton, we believe the EO offers reason for optimism. While it is true that the general concepts and goals of the EO are similar to earlier initiatives, such as the 1998 Presidential Decision Directive 63 and the 2003 Homeland Security Presidential Directive 7, cyber technologies and practices have evolved in significant ways since those directives were issued. For example, new continuous monitoring capabilities ensure that government and industry collect enormous amounts of data that enhance the value of information sharing. The development of powerful analytics makes that data even more valuable because of the potential insights that can be gleaned by sharing intelligence and data. In addition, cyber **professionals have developed stronger cybersecurity skills** and better understand how to exploit the accumulating threat and network data. And cyber experts have used their experience to identify cybersecurity best practices and create standards and maturity models that can be applied across critical infrastructure sectors. These changes offer government and industry opportunities to strengthen cybersecurity.

Cyber-terrorism: reality or paranoia? The new millennium – if there ever was one in any scientific meaning of the term – has been ushered amid a media circus of a Y2K scare and predictions of total world paralysis. It did not realize, and we were all relieved for a while, short as it was, until something far more dark and sinister in the shape of two airplanes hit the World Trade Centre. The amount of vital data and information lost in that attack has brought home a new threat to haunt those responsible for information security: cyber-terrorism. Increasingly, the world depends on computers. The systems residing on them control power delivery, communications, aviation and financial services. They are used to store vital information, from medical records to business plans to criminal records. These computers are vulnerable to the effects of poor design and insufficient quality control, to accident, and perhaps most alarmingly, to deliberate attack. The modern thief can steal more with a computer than with a gun. Does it follow, then, that tomorrow's terrorist may be able to do more damage with a keyboard than with a bomb? New term, old game Terrorism is a much-used term with many definitions. The US Department of State defines it as 'premeditated, politically motivated violence perpetrated against non-combatant targets by sub-national groups or clandestine agents'. If we combine this definition with the term 'cyber', we end up with a working definition of cyber-terrorism: 'The premeditated, politically motivated attack against information, computer systems, computer programs and data

which result in violence against non-combatant targets by sub-national groups or clandestine agents' (Politt 1998). For the term 'cyber-terrorism' to have any meaning, we must be able to differentiate it from other kinds of computer abuse such as computer crime, economic espionage or information warfare. Using this definition, a number of things that are often miss-associated with cyber-terrorism can be eliminated. For instance non-politically motivated computer crimes, like the 16-year-old hacker's 1994 crashes of 100 US defence systems, or the creation and release of the Nimda worm (or any other worm for that matter). These were not acts of cyber-terrorism, although both were serious incidents with the potential for great harm. They lacked the essential ingredients that would allow for the term 'terrorism'. Unlike a virus or computer attack that simply causes a prevention or delay of service, a cyber-terrorist attack leads to physical violence of some sort or extreme financial harm. Therefore, possible cyber-terrorism targets include the banking industry, military installations, power plants, air traffic control centers and water systems. Cyber-terrorists are not merely individuals seeking to cause harm or damage wherever they can. They are people or groups with political agendas.¶The term 'cyber-terrorism' in itself well predates September 11. It was coined in the 1980s by Barry Collin, senior research fellow at the Institute for Security and Intelligence (www.counterterrorism.org) in Palo Alto, USA. In 1991, the US National Research Council commissioned a book on computer security entitled Computers At Risk, but although terrorist use and abuse of computer networks were discussed, the council limited itself to the ambiguous 'computer crime'. In 1996, the US government in the person of President Clinton created the Commission of Critical Infrastructure Protection (PCCIP), which identified eight critical areas in need of protection: information and communications, electrical power systems, gas and oil (production, transportation and storage), banking and finance, transportation, water supply systems, emergency services and government services (Angelica 1998).¶The resources to launch a cyber attack are commonplace; a computer and a connection to the Internet are all that is really needed to wreak havoc. The CIA created the Information Warfare Center, staffed with 1000 people and a 24-hour response team, but not much to show the taxpayer for it. The FBI investigates hackers and similar cases, and pursues banking, fraud and wiretapping cases (Wasserman 1998). The American Air Force created its own group, Electronic Security Engineering Teams, or ESETs.

Solvency – Norms

The U.S setting international cybersecurity norms is <u>impossible</u> – countries do not share U.S values on cybersecurity and Snowden leaks mean the U.S. <u>can't be an advocate for its own norms</u>

Henry **Farrell 4/6**, associate professor of political science and international affairs at George Washington University, expert in a variety of topics, including norms, the politics of the Internet and international and comparative political economy, 4/6/15, "Why it's so hard to create norms in cyberspace," http://www.washingtonpost.com/blogs/monkey-cage/wp/2015/04/06/why-its-so-hard-to-create-norms-in-cyberspace/

**no solvency

So how does one build norms if they're so important? Therein lies the problem. Norms work best when they are not the simple product of actors' material self-interest. Persuading people to accept norms involves getting them to accept the values that the norms imply. When actors have many shared values, norm building is easier. When actors have few shared values, then **norm building is hard**. Furthermore, if you want to persuade others to accept norms, you will have a hard time unless you are obviously and sincerely committed to those norms yourself. This creates two linked problems for the U.S. First – many other **important countries do not share U.S. values regarding cybersecurity**. For example, the U.S. has sought to promote an open and robust Internet. Authoritarian and semi-authoritarian countries may view an open and robust Internet as a threat to the stability of their governments. They would prefer an Internet that was not open, and that can be easily compromised if necessary to shore up their regimes. As Jack Goldsmith and Tim Wu have argued, this makes it hard to build treaties on cyber-related questions. It also makes it hard to build norms – there are not many common values that the U.S. can appeal to.¶ Second – **the U.S.'s own commitment to many of its values has been called into question**. The Snowden revelations appear to show, for example, that the NSA has tried to compromise basic cryptographic standards that are required for an open and robust Internet to work. This makes it hard for the U.S. to be an effective advocate for its norms. Some degree of hypocrisy is tolerable in international politics when others can turn a blind eye to it. However, when one's secrets have been leaked, other states may neither want to, nor be able to, ignore the difference between the U.S.'s lofty normative aspirations, and its self-interested behavior. The result, all too often, is battles over norms where neither side is likely to persuade the other. For example, the U.S. and China are facing off over commercial cyber-espionage aimed to grab the trade secrets of firms located in other countries, and pass them on to one's own businesses. The U.S. regards this as normatively unjustified, while other states regard it as an unexceptionable form of spying. The problem is that both sides' position obviously stems from self interest. As Goldsmith says:¶ It is not surprising that the United States would seek to craft a nuanced rule about economic espionage that serves its interests. This happens all the time in international affairs. Nor is it surprising that so many nations are unimpressed with the United States' attempt to limit the one form of economic espionage (theft of foreign corporate trade secrets to give to a local firm) that so obviously harms U.S. interests, especially since the United States engages in other forms of economic espionage.

Solvency - Trust

(**NOTE**: these cards are severely over-highlighted. I got a bit excited and refuse to highlight them down, so whoever can highlight them down however they want)

Legislation doesn't solve government-private sector trust and data sharing – companies can maintain cybersecurity on their own

Jody **Westby 6/15**, expert in data flow and IT governance, serves as Adjunct Professor at Georgia Institute of Technology's School of Computer Science, author of Carnegie Mellon's 'Governing for Enterprise Security and Implementation Guide,' founded Global Cyber Risk, specialized in serving government and private sector clients associated with information tech, appointed to the United Nations' ITU High Level Experts Group on Cyber Security, "The Government Shouldn't Be Lecturing Private Sector On Cybersecurity," 6/15/15,

http://www.forbes.com/sites/jodywestby/2015/06/15/the-government-shouldnt-be-lecturing-the-private-sector-on-cybersecurity/

Every time there has been a major private sector cybersecurity incident, we have heard various government officials call for Congress to pass a law that would solve the cybercrime problem. Public officials, military generals, and even the President, generally pounce on private sector breaches as proof that the private sector needs a federal nudge to get its cybersecurity in order. This has been couched in various terms, but these statements generally have followed a path that (1) risks to critical infrastructure companies present a risk to national and economic security, and (2) a federal law is needed to enable public-private sector information sharing.¶ In 2012, we beat back legislation aimed at these two goals that also would have imposed enormous compliance burdens on most companies. Since then, legislative efforts have been aimed at improving public-private information sharing. I always have believed that the federal government plays on the "feel good" sound of information sharing as an acceptable reason for enacting legislation that would enable it to get hooks into every company's data center.¶ Information sharing is possible today and we do not need a law to enable public-private information sharing. Here is why:¶ The U.S. Department of Justice has repeatedly assured industry that it would not launch antitrust cases against companies for sharing cyber threat information with each other.¶ The sharing of cyber incident data involves highly technical log and communications traffic data and rarely involves disclosing personally identifiable information (PII) or other information that might lead to compliance issues. In April, some of the country's top engineers sent a letter to House and Senate backers stating that, "We do not need new legal authorities to share information that helps us protect our systems from future attacks." An additional problem is that the bills include language providing companies with broad protections against liability. This is a particularly dangerous concept because such protections actually will discourage companies from funding and continually improving their security programs.¶ The federal government can share any information it wants. All it has to do is declassify it (if it is classified) or put it in a format that is unclassified. It does not need a law from Congress to do this. It already has this authority. I launched a company that was funded and founded by the CIA to find unclassified solutions to the intelligence community's most pressing technology problems — In-Q-Tel. The CIA gave me their three most pressing technology problems in an unclassified format so we could present them to the research community. If the CIA can do that, I fail to understand why DHS or any other federal agency thinks it is so hard to put cyber threat data in an unclassified format or why they need Congress to pass a law to enable them to share information that could be critical to national or economic security. DHS has taken the bizarre approach of requiring companies to enlist in its Cybersecurity Enhanced Services program in order to obtain cyber threat information to enable them to better protect their systems. Has it not occurred to them that cyber threats spread to all systems? Limiting their threat information to a handful of "approved" companies simply puts everyone else who is not vetted at greater risk.¶ So, set aside the argument that legislation is needed for information sharing. And set aside the notion that the private sector needs the federal government's assistance in managing cyber threats. What the private sector does need is:¶ Adequately trained cybercrime investigators in police departments around the country to help them track and trace cyber incidents; and¶ Better use of their tax money in developing and maintaining cybersecurity programs in federal agencies and departments.

^^ HIGHLIGHT MANIA!!!!!!!!

The U.S can't lead private sector on cybersecurity – lack of trust either way - NIST solves private sector cybersecurity

Jody **Westby 6/15**, expert in data flow and IT governance, serves as Adjunct Professor at Georgia Institute of Technology's School of Computer Science, author of Carnegie Mellon's 'Governing for Enterprise Security and Implementation Guide,' founded Global Cyber Risk, specialized in serving government and private sector clients associated with information tech, appointed to the United Nations' ITU High Level Experts Group on Cyber Security, "The Government Shouldn't Be Lecturing Private Sector On Cybersecurity," 6/15/15, http://www.forbes.com/sites/jodywestby/2015/06/15/the-government-shouldnt-be-lecturing-the-private-sector-on-cybersecurity/

It is time that business leaders begin publicly rejecting the notion that the U.S. government should be leading the private sector on good cybersecurity practices. Or to put it in more crass terms, companies need to cast a suspicious eye on cybersecurity legislation and flatly reject any attempt to impose government regulation on private sector cybersecurity programs. Why? Because the U.S. government has some of the worst security programs and, based on what has been reported, the U.S. government has had the worst cybersecurity breaches on the planet. Three at the top of the list are:Bradley (now Chelsea) Manning's 2010 theft of around 750,000 classified and unclassified but sensitive military and diplomatic cables that were given to Wikileaks and disclosed. The documents embarrassed U.S. government officials and played a role in igniting the Arab Spring.¶ Edward Snowden's 2013 theft of what appears to be the NSA's shared drive. Edward Snowden downloaded so many files that in May, 2014, Gen. Keith Alexander, former head of NSA and Cyber Command, admitted in an interview that the government really doesn't know how many documents he obtained, but they know it was more than a million.The 2015 breach of the Office of Personnel Management's (OPM) files on government employees and security clearance background files.¶ History of Government Cyber Incidents¶ David Inserra and Paul Rosenzweig of the Heritage Foundation produced a good (but admittedly not complete) listing of more than 20 federal government cybersecurity breaches in 2013 and 2014. The U.S. General Accountability Office (GAO) released a report in April 2014 that found that 24 major federal agencies did not consistently demonstrate that they are effectively responding to cyber incidents. In addition, they were not adequately determining the impact of the incident or appropriately documenting it in accordance with NIST guidance. The GAO notes that in 2013, the 24 major U.S. agencies reported 43,391 incidents to US-CERT. That is an average of 1,808 incidents per agency that year.¶ The GAO's findings are in line with what happened at OPM. The breach first occurred in December 2014. Now — nearly six months later — OPM is disclosing that it discovered 4.1 million records on current and former government employees was breached and that the investigation revealed a separate intrusion into the background check database. To me, this indicates OPM is riddled with gaps and deficiencies in its security program and its incident response capabilities are lacking. Likewise, the Manning and Snowden breaches were not detected internally, but revealed by third parties.¶ The U.S. government needs to get its own house in order before it begins to tell the private sector how to manage cyber threats. NIST has developed world-class information security materials that are free, well written, and aligned with internationally accepted best practices and standards. The Federal Information Security

Management Act (FISMA), enacted in 2002, is one of the best pieces of legislation on the books. It requires an enterprise security program and incorporates NIST guidance.¶ Best Practices That Would Have Prevented Manning, Snowden and OPM Breaches¶ The problem? The government doesn't follow its own laws and guidance.

Cyber attacks – power grid

Cyber attacks on power grids have happened before and there was no power outage – barely any attacks on power grids are cyber

Jazz Shaw 3/25, a heretical, Northeastern former RINO and the weekend editor at HotAir.com, expert in security-related issues, "Are we ready for an attack on the power grid?," 3/25/15, http://hotair.com/archives/2015/03/25/are-we-ready-for-an-attack-on-the-power-grid/

While cyber attacks garner a lot of the media attention, they aren't as numerous as the headline numbers would indicate. The report lists 362 attacks on power stations and utilities between 2011 and 2014, but of those, only 14 were cyber attacks. The vast majority of assaults were "physical" in nature and the method may come as something of a surprise. People are shooting up transformers. A lot of these might be attributed to random acts of vandalism or drunken stunts by teenagers. In 2013, however, there was an actual assault which was clearly more than just dangerous hijinks:

"Some of the worst fears of those in charge of the power grid's security came true shortly before 1 a.m. on April 16, 2013, when unknown attackers unleashed a coordinated attack on Pacific Gas & Electric's Metcalf substation in northern California.

The attackers severed six underground fiber-optic lines before firing more than 100 rounds of ammunition at the substation's transformers, causing more than $15 million in damage.

The intentional act of sabotage, likely involving more than one gunman, was unlike any previous attack on the nation's grid in its scale and sophistication.

The Metcalf attack was fairly well covered in the press, but the story faded quickly from the national consciousness. The reason for this is something which might inspire a bit more confidence in the current system than some analysts are demonstrating. Even though the attackers essentially destroyed some huge, expensive transformers and severed multiple cables, there was no power outage as a result of it. The grid adjusted, shifted the loads and kept the power flowing. To take out a large section of the grid takes a bit more effort – and knowledge – than that."

Cyber-attacks – military retaliation

Non-unique – there's been dozens of cyber-attacks, military retaliation hasn't happened yet

Riley **Walters 14**, Research Assistant, Douglas and Sarah Allison Center for Foreign and National Security Policy, The Davis Institute for National Security and Foreign Policy at The Heritage Foundation, "Cyber Attacks on U.S. Companies in 2014," 10/27/14, http://www.heritage.org/research/reports/2014/10/cyber-attacks-on-us-companies-in-2014

The spate of recent data breaches at big-name companies such as JPMorgan Chase, Home Depot, and Target raises questions about the effectiveness of the private sector's information security. According to FBI Director James Comey, "There are two kinds of big companies in the United States. There are those who've been hacked…and those who don't know they've been hacked."[1]

A recent survey by the Ponemon Institute showed the average cost of cyber crime for U.S. retail stores more than doubled from 2013 to an annual average of $8.6 million per company in 2014.[2] The annual average cost per company of successful cyber attacks increased to $20.8 million in financial services, $14.5 million in the technology sector, and $12.7 million in communications industries.

This paper lists known cyber attacks on private U.S. companies since the beginning of 2014. (A companion paper discussed cyber breaches in the federal government.)[3] By its very nature, a list of this sort is incomplete. The scope of many attacks is not fully known. For example, in July, the U.S. Computer Emergency Readiness Team issued an advisory that more than 1,000 U.S. businesses have been affected by the Backoff malware, which targets point-of-sale (POS) systems used by most retail industries.[4] These attacks targeted administrative and customer data and, in some cases, financial data.

This list includes only cyber attacks that have been made known to the public. Most companies encounter multiple cyber attacks every day, many unknown to the public and many unknown to the companies themselves.

The data breaches below are listed chronologically by month of public notice.

January

Target (retail). In January, Target announced an additional 70 million individuals' contact information was taken during the December 2013 breach, in which 40 million customer's credit and debit card information was stolen.[5]

Neiman Marcus (retail). Between July and October 2013, the credit card information of 350,000 individuals was stolen, and more than 9,000 of the credit cards have been used fraudulently since the attack.[6] Sophisticated code written by the hackers allowed them to move through company computers, undetected by company employees for months.

Michaels (retail). Between May 2013 and January 2014, the payment cards of 2.6 million Michaels customers were affected.[7] Attackers targeted the Michaels POS system to gain access to their systems.

Yahoo! Mail (communications). The e-mail service for 273 million users was reportedly hacked in January, although the specific number of accounts affected was not released.[8]

April

Aaron Brothers (retail). The credit and debit card information for roughly 400,000 customers of Aaron Brothers, a subsidiary of Michaels, was compromised by the same POS system malware.[9]

AT&T (communications). For two weeks AT&T was hacked from the inside by personnel who accessed user information, including social security information.[10]

May

eBay (retail). Cyber attacks in late February and early March led to the compromise of eBay employee log-ins, allowing access to the contact and log-in information for 233 million eBay customers.[11] eBay issued a statement asking all users to change their passwords.

Five Chinese hackers indicted. Five Chinese nationals were indicted for computer hacking and economic espionage of U.S. companies between 2006 and 2014. The targeted companies included Westinghouse Electric (energy and utilities), U.S. subsidiaries of SolarWorld AG (industrial), United States Steel (industrial), Allegheny Technologies (technology), United Steel Workers Union (services), and Alcoa (industrial).[12]

Unnamed public works (energy and utilities). According to the Department of Homeland Security, an unnamed public utility's control systems were accessed by hackers through a brute-force attack[13] on employee's log-in passwords.[14]

June

Feedly (communications). Feedly's 15 million users were temporarily affected by three distributed denial-of-service attacks.[15]

Evernote (technology). In the same week as the Feedly cyber attack, Evernote and its 100 million users faced a similar denial-of-service attack.[16]

P.F. Chang's China Bistro (restaurant). Between September 2013 and June 2014, credit and debit card information from 33 P.F. Chang's restaurants was compromised and reportedly sold online.[17]

August

U.S. Investigations Services (services). U.S. Investigations Services, a subcontractor for federal employee background checks, suffered a data breach in August, which led to the theft of employee personnel information.[18] Although no specific origin of attack was reported, the company believes the attack was state-sponsored.

Community Health Services (health care). At Community Health Service (CHS), the personal data for 4.5 million patients were compromised between April and June.[19] CHS warns that any patient who visited any of its 206 hospital locations over the past five years may have had his or her data compromised. The sophisticated malware used in the attack reportedly originated in China. The FBI warns that other health care firms may also have been attacked.

UPS (services). Between January and August, customer information from more than 60 UPS stores was compromised, including financial data,[20] reportedly as a result of the Backoff malware attacks.

Defense Industries (defense). Su Bin, a 49-year-old Chinese national, was indicted for hacking defense companies such as Boeing.[21] Between 2009 and 2013, Bin reportedly worked with two other hackers in an attempt to steal manufacturing plans for defense programs, such as the F-35 and F-22 fighter jets.

September

Home Depot (retail). Cyber criminals reportedly used malware to compromise the credit card information for roughly 56 million shoppers in Home Depot's 2,000 U.S. and Canadian outlets.[22]

Google (communications). Reportedly, 5 million Gmail usernames and passwords were compromised.[23] About 100,000 were released on a Russian forum site.

Apple iCloud (technology). Hackers reportedly used passwords hacked with brute-force tactics and third-party applications to access Apple user's online data storage, leading to the subsequent posting of celebrities' private photos online.[24] It is uncertain whether users or Apple were at fault for the attack.

Goodwill Industries International (retail). Between February 2013 and August 2014, information for roughly 868,000 credit and debit cards was reportedly stolen from 330 Goodwill stores.[25] Malware infected the chain store through infected third-party vendors.

SuperValu (retail). SuperValu was attacked between June and July, and suffered another malware attack between late August and September.[26] The first theft included customer and payment card information from some of its Cub Foods, Farm Fresh, Shop 'n Save, and Shoppers stores. The second attack reportedly involved only payment card data.

Bartell Hotels (hotel). The information for up to 55,000 customers was reportedly stolen between February and May.[27]

U.S. Transportation Command contractors (transportation). A Senate report revealed that networks of the U.S. Transportation Command's contractors were successfully breached 50 times between June 2012 and May 2013.[28] At least 20 of the breaches were attributed to attacks originating from China.

October

J.P. Morgan Chase (financial). An attack in June was not noticed until August.[29] The contact information for 76 million households and 7 million small businesses was compromised. The hackers may have originated in Russia and may have ties to the Russian government.

Dairy Queen International (restaurant). Credit and debit card information from 395 Dairy Queen and Orange Julius stores was compromised by the Backoff malware.[30]

Snapsave (communications). Reportedly, the photos of 200,000 users were hacked from Snapsave, a third-party app for saving photos from Snapchat, an instant photo-sharing app.[31]

Securing Information

Internet Advantage

Uniqueness

Foreign and domestic companies are moving against the USFG over outrage at backdoors – spurring data localization and losses in cloud computing sector

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Even if the USA Freedom Act had moved forward on the Senate floor during the lame duck session, it would not have been sufficient to address all the concerns raised in the current electronic surveillance debates. The USA Freedom Act focuses on limiting collection of data on Americans here in the US under Section 215 of the PATRIOT ACT, and as such, it's a crucial reform.¶Under existing statutes on electronic surveillance, Section 215 and the FISA Amendments Act (FAA), the government can compel cooperation from the companies that hold the data under certain statutory conditions. Both of these statutes authorize collection programs that the companies are aware of and must participate in. In these programs, the government knocks at the front door to get the data it needs.¶But reforming these programs doesn't address another range of problems---those that relate to allegations of overseas collection from US companies without their cooperation.¶Beyond 215 and FAA, media reports have suggested that there have been collection programs that occur outside of the companies' knowledge. American technology companies have been outraged about media stories of US government intrusions onto their networks overseas, and the spoofing of their web pages or products, all unbeknownst to the companies. These stories suggest that the government is creating and sneaking through a back door to take the data. As one tech employee said to me, "the back door makes a mockery of the front door."¶As a result of these allegations, **companies are moving** to encrypt their data **against their own government**; they are **limiting** their **cooperation with NSA**; and they are pushing for reform. Negative international reactions to media reports of certain kinds of intelligence collection abroad have resulted in a backlash against American technology companies, **spurring data localization** requirements, rejection or cancellation of American contracts, and raising the specter of **major losses in the cloud computing industry**. These allegations could dim one of the few bright spots in the American economic recovery: tech.¶Without commenting on the accuracy of these media reports, the perception is still a problem even if the media reports of these government collection programs are not true---or are only partly true. The tech industry believes them to be true, and more importantly, their customers at home and abroad believe them to be true, and that means they have huge impact on American business and huge impact as well on the relationship between these businesses and an intelligence community that depends on their cooperation.¶So, how should we think about reforms in response to this series of allegations the Executive Branch can't, or won't, address? How about making the FAA the exclusive means for conducting electronic surveillance when the information being collected is in the custody of an

American company? This could clarify that the executive branch could not play authority shell-games and claim that Executive Order 12333 allows it to obtain information on overseas non-US person targets that is in the custody of American companies, unbeknownst to those companies.¶ As a policy matter, it seems to me that if the information to be acquired is in the custody of an American company, the intelligence community should ask for it, rather than take it without asking. American companies should be entitled to a higher degree of forthrightness from their government than foreign companies, even when they are acting overseas. Under the FAA, we have a statutory regime that creates judicial oversight and accountability to conduct electronic surveillance outside the US for specific purposes: foreign intelligence (or traditional espionage), counter-terrorism, and prevention of WMD proliferation. It addresses protections for both non-US and US persons. It creates a front-door, though compelled, relationship under which the intelligence community can receive communications contents without individual warrants but with programmatic judicial oversight.¶ FAA exclusivity would say to the rest of the world that when the US conducts bulk electronic surveillance overseas, we are doing so for a particular, national security purpose. The FAA structure with FISC review provides an independent check that the statutory purposes are met. Through transparency agreements with the government, the American companies are able to provide their customers with some sense of how many requests are made.¶

International mistrust over NSA programs have accelerated internet fragmentation – domestic legislation is the only way to solve

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Documents released over the past year detailing the National Security Agency's ("NSA") telephony metadata collection program and interception of international content under the Foreign Intelligence Surveillance Act (FISA) implicated U.S. high technology companies in government surveillance. 1 The result was an immediate, and detrimental, impact on U.S. corporations, the economy, and U.S. national security. The first Snowden documents, printed on June 5, 2013, revealed that the government had served orders on Verizon, directing the company to turn over telephony metadata under Section 215 of the USA PATRIOT Act. The following day, The Guardian published classified slides detailing how the NSA had intercepted international content under Section 702 of the FISA Amendments Act. The type of information obtained ranged from E-mail, video and voice chat, videos, photos, and stored data, to Voice over Internet Protocol, file transfers, video conferencing, notifications of target activity, and online social networking. The companies involved read like a who's who of U.S. Internet giants: Microsoft, Yahoo, Google, Facebook, PalTalk, YouTube, Skype, AOL, and Apple. More articles highlighting the extent to which the NSA had become embedded in the U.S. high tech industry

followed. In September 2013 ProPublica and the New York Times revealed that the NSA had enjoyed considerable success in cracking commonly used cryptography.The following month the Washington Post reported that the NSA, without the consent of the companies involved, had obtained millions of customers' address book data. In one day alone, some 444,743 email addresses from Yahoo, 105,068 from Hotmail, 82,857 from Facebook, 33,697 from Gmail, and 22,881 from other providers The extent of upstream collection stunned the public, as did slides demonstrating how the NSA had bypassed the companies' encryption, intercepting data as it transferred between the public Internet and the Google cloud. 8 Documents further suggested that the NSA had helped to promote encryption standards for which it already held the key or whose vulnerabilities the agency understood but had not taken steps to address. 9 Beyond this, press reports indicated that the NSA had at times posed as U.S. companies—without their knowledge—in order to gain access to foreign targets. In November 2013 Der Spiegel reported that the NSA and the United Kingdom's Government Communications Headquarters ("GCHQ") had created bogus versions of Slashdot and LinkedIn, so that when employees from the telecommunications firm Belgacom tried to access the sites from corporate computers, their requests were diverted to the replica sites that then injected malware into their machines.10 As a result of the growing public awareness of these programs, U.S. companies have lost revenues, even as non-U.S. firms have benefited. 11 In addition, numerous countries, concerned about consumer privacy as well as the penetration of U.S. surveillance efforts in the economic and political spheres, have **accelerated data localization initiatives**, begun restricting U.S. companies' access to local markets, and introduced new privacy protections, with implications for the future of Internet governance and U.S. economic growth. These effects raise attendant concerns about U.S. national security. It could be argued that some of these effects, such as data localization initiatives, are merely opportunistic—i.e., other countries are merely using the NSA revelations to advance national commercial and political interests.12 Even if true, however, the NSA programs provide other countries with an opportunity. They have weakened the U.S. hand in the international arena. Congress has the ability to redress the current situation. First, and most importantly, **reform of the Foreign Intelligence Surveillance Act** would provide for greater restrictions on NSA surveillance. Second, **new domestic legislation could extend better protections to consumer privacy.** These shifts would allow U.S. industry legitimately to claim a change in circumstance, which would help them to gain competitive ground. Third, the integration of economic concerns at a programmatic level within the national security infrastructure would help to ensure that economic matters remain central to national security determinations in the future.

Laundry list of countries are already adapting data localization laws – US surveillance costs jobs and competitive edge

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Over the past eighteen months, countries around the world have increasingly adopted data localization laws, restricting the storage, analysis, and transfer of digital information to national borders.45 To some extent, the use of barriers to trade as a means of incubating tech-based industries predated the Snowden releases.46 In the aftermath of the leaks, the dialogue has gained momentum. The asserted purpose is to protect government data and consumer privacy. As of the time of writing, China, Greece, Malaysia, Russia, South Korea, Venezuela, Vietnam, Iran, and others have already implemented local data server requirements. 47 Turkey has introduced new privacy regulations preventing the transfer of personal data (particularly locational data) overseas.48 Others, such as Argentina, India, and Indonesia are actively considering new laws, even as Brazilian president, Dilma Rousseff, has been promoting a law that would require citizens' personal data to be stored within domestic bounds. 49 Germany and France are considering a Schengen routing system, retaining as much online data in the European Union as possible.50 As a regional matter, the European Union (EU) Commission's Vice President, Viviane Reding, is pushing for Europe to adopt more expansive privacy laws.51 In March 2014, the European Parliament passed the Data Protection Regulation and Directive, imposing strict limits on the handling of EU citizens' data.52 Reding announced, "The message the European Parliament is sending is unequivocal: This reform is a necessity, and now it is irreversible. Europe's directly elected parliamentarians have listened to European citizens and European businesses and, with this vote, have made clear that we need a uniform and strong European data protection law, which will. . . strengthen the protection of our citizens." 53 Regardless of where the information is based, those handling the data must obtain the consent of the data subjects to having their personal information processed. They also retain the right to later withdraw consent. Those violating the directive face steep fines, including up to five percent of revenues.54 Apart from the new directive, the Civil Liberties, Justice, and Home Affairs Committee of the European Parliament passed a resolution calling for the end of the US/EU Safe Harbor agreement. 55 Some 3000 U.S. companies rely on this framework to conduct business with the EU.56 In May 2014, the EU Court of Justice ruled that users have a "right to be forgotten" in their use of online search engines. 57 The case derived from a complaint lodged against a Spanish newspaper, as well as Google Spain and Google Inc., claiming that notice of the plaintiff's repossessed home on Google's search engine infringed his right to privacy because the incident had been fully addressed years before. He requested that the newspaper be required to remove or alter the pages in question to excise data related to him, and that Google Spain or Google Inc. be required to remove the information.58 The EU court found that even where the physical server of a company processing information is not located in Europe, as long as the company has a branch or subsidiary and is doing business in a Member state, the 1995 Data Protection Directive applies.59 Because search engines contain personal data, they are subject to such data protection laws. The court recognized that, under certain conditions, individuals have the "right to be forgotten"—i.e., the right to request that search engines remove links containing personal information. Data that is inaccurate, inadequate, irrelevant, or excessive may be removed. Not absolute, the right to be forgotten must be weighed against competing rights, such as freedom of expression and the media.60 Various country-specific privacy laws are similarly poised to be introduced. Their potential economic impact is substantial. The Information Technology and Innovation Fund estimates that data privacy rules could retard the growth of the technology industry by up to four percent, impacting U.S. companies' ability to expand and forcing them out of existing markets.61 The current dialogue is merely the latest in a series of growing concerns about the absence of effective privacy protections within the U.S. legal regime. High tech companies appear to see this as a concern. As Representative Justin Amash (MI-R) has explained, "Businesses increasingly recognize that our government's out-of-control surveillance hurts their bottom line and costs American jobs. It violates the privacy of their customers and it erodes American businesses' competitive edge."62 It is with the impact of lack of privacy controls in the surveillance sphere on U.S. competitiveness in mind that, in December 2013, some of the largest U.S. Internet companies launched a campaign to pressure the government to reform the NSA programs. Microsoft General Counsel Brad Smith explained: "People won't use technology they don't trust." He added, "Governments have put this trust at risk, and governments need to help restore it."63 Numerous high technology CEOs supported the initiative, such Google's Larry Page, Yahoo's Marissa Mayer, and Facebook's Mark Zuckerberg. 64 The aim is to limit government authority to collect user data, to institute better oversight and accountability, to ensure greater transparency about what the government is requesting (and obtaining), to increase respect for the free flow of data across borders, and to avoid political clashes on a global scale. Mayer, explained, "Recent revelations about government surveillance activities have shaken the trust of our users, and it is time for the United States government to act to restore the confidence of citizens around the world."65

Censorship I/L

Countries are using NSA leaks as justification for fragmentation and censorship

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There are various ways in which the NSA's apparent failure to take account of the potential impact of public knowledge of the programs on U.S. industry may have acted to undermine U.S. security beyond weakening the economy. The backlash risks shielding foreign government actions from public scrutiny. It potentially undermines the ability of the United States to develop international norms against ubiquitous surveillance, which can be used for political or economic espionage. And it raises the possibility that the country will lose digital sight of active threats against the United States As was previously noted, the data localization movement, given momentum by the NSA revelations, risks the creation of distinct, parallel Internets, which would stifle the free flow of information that connects not just economies, but cultures and people, with potential rollbacks for an increasingly globalized world. This would affect the country's interest in democratic engagement and it would harm the United States' international reach. The creation of national search engines, national email systems, and national social networks, moreover, means that foreign governments will have direct control over electronic communication networks, facilitating censorship and domestic surveillance and limiting outside view of the extent to which such steps are being taken. When Turkish Prime Minister Recep Erdoğan, for instance, tried to shut town¶ Twitter, the international community was immediately put on notice. 111¶ #TwitterisblockedinTurkey #dictatorerdogan, and #occupytwitter quickly moved¶ to popular trending topics internationally. 112 The United States, EU, and others¶ formally objected to the action through diplomatic channels. Had Turkey been an isolated network, it may have secretly censored the politically damaging information (in this case, leaks revealing corruption in the Erdoğan government),¶ without generating such immediate, international attention. Along the same lines, in July 2014 President Vladimir Putin signed a new law requiring Internet companies to store all Russian users' data within domestic borders. Russia's media and parliament members have used Edward Snowden's leaks about NSA spying to rally support for the new law. 113 The legislation,¶ though, serves to intensify Putin's control over Internet companies. 114 With internal data centers, it will be easier for the Russian president to enforce censorship policies and to collect information about members of the political opposition. The law could also give Putin an excuse to shut down major social media networks if they fail to comply with the new regulations.

Exposed NSA programs have made China push for internet fragmentation and increase censorship – only repeal solves

Cyber Forum 5/11, a joint project of the Haifa Center for Law & Technology and the Minerva Center for the Rule of Law, dedicated to the study of cyber regulation, it's main goal is to promote and fund experts and research activities in the fields of Cyberspace and Law and tech and relay them to the public, ""Balkanization" of the Internet as a Response to Cybersecurity Threats – a Viable Solution or a Serious Obstacle for the Future of the Net? / Ido Kilovaty,"5/11/15, http://weblaw.haifa.ac.il/he/Research/ResearchCenters/cyberforum/cyberblog/Lists/Posts/Post.aspx?ID=13

One of the main revolutionary aspects of the Internet is attributed to its universality, or, in other words, the fact that the Internet is borderless, provides a medium for free flow of information and easy communication with nearly any computer in the world. However, these great advantages gradually began to take their toll. Today, the main vulnerabilities of many computer systems are precisely because they are accessible from any location in the world, and with the growing national dependency on the internet, this access is oftentimes abused for malicious purposes, such as surveillance, disruption of service, and more rarely, destruction of hardware. There is a variety of methods to respond to severe cybersecurity threat, however, each method has its advantages and disadvantages, and in any case, new cyber threats will be able to challenge the defensibility of any cyber infrastructure. Recently, this reality gave rise to calls to locally segregate the Internet in certain countries, so that foreign access to the Internet in these particular countries will be heavily filtered and limited. This phenomenon is often referred to as "balkanization" of the Internet, "splinternet", or more simply – fragmentation of the Internets, all of which are synonyms for "networks that are walled off from the rest of the Web".[i] As far back as 1997, MIT researchers Alstyne and Brynjolfsson argued that increased connectivity of the Internet will not necessarily lead to a "global village" but that "It is also possible that improving communications access through emerging technology will fragment society and balkanize interactions." However, recently exposed NSA surveillance program sparked the debate over the balkanization of the Net once again, as countries became worried about the fact that most Internet's traffic is routed through the United States, thus making it vulnerable to abuse.[ii] Tim Berners-Lee, founder of the World Wide Web, warned that "We risk losing all that we have gained from the Web so far and all the great advances still to come."[iii] Berners-Lee's point is very aptly put, because certain countries have already splintered in one way or the other from the universal Internet network, and some countries are very seriously considering fragmenting their national Internet networks. China, for example, developed over the last decade its own system of filtering and censoring foreign traffic. "The Golden Shield" (or, colloquially, "The Great Firewall of China") is China's strict method of blocking unwanted traffic entering into China's Net.[iv] In fact, it is not only that Chinese information databases and governmental websites are difficult to access from abroad, but also that access to foreign websites and services, such as Facebook, Twitter and YouTube are often blocked for Internet users within China.[v] Additionally, possible loopholes in the system, such as the use of Virtual Private Networks (VPN) are also tackled by the Chinese Government. Brazil's President, Dilma Rouseff, called upon UN Member States to "disconnect from U.S. Internet hegemony and develop their own sovereign Internet and governance structures" in her speech at the UN General Assembly.[vi] Following the aftermath of Snowden revelations on the NSA surveillance programs, Brazil announced its plans to promote its own networking technology, and to promote local routing of traffic within Brazil.[vii] According to Brazil, these plans represent a defensive response to U.S. "out-of-control surveillance machine."[viii]

Additional countries are currently considering walling-off part of their Internet. For example, both France and Germany proposed to create "Schengen routing"[ix], a European data network that will route EU Internet traffic only within the borders of the EU.[x] This is to show that even U.S.'s closest allies are in a way deeply concerned that the private data of their citizens will be prone to spying. While their motivations could vary, the various plans to wall-off national Internet networks within certain countries would undermine the main purposes and characteristics of the Internet. Firstly, wholly or partially walling-off the Internet will not necessarily protect information from being accessed by "insiders." Edward Snowden is obviously the most popular example to the capabilities and threats posed by insiders.[xi] Hence, information, whether in China or Brazil, is still accessible by individuals within the territories of these countries. In addition, certain blocked activities from abroad could still take place by the use of BotNets (computers that receive and execute commands received from a remote computer) that are located in these countries. Secondly, splintering the Internet will be devastating for economic cooperation and free flow of information. The splintering of the Internet will mean that services such as Google and Facebook will have to establish local operational centers in the splintered countries to maintain service in that country.[xii] In addition, information from the walled-off networks will not be easily accessible globally, which will lead to an informational barrier which has its apparent economic and political effects.

In addition to analyzing official risk communication efforts, this chapter also¶ explores a secondary yet intertwining theme, namely, the construction of¶ containment discourses through narratives about the panicked public who¶ calmed down after official interventions. As official risk discourses repeat edly claimed that SARS was brought under control, in-depth analysis of the¶ containment discourses can help to shed light on how these risk discourses¶ helped to persuade the panicked public, at least temporarily, that the epidemic¶ was indeed contained by clinicians and researchers.¶ Despite existing claims of mass panic as common responses to crises,¶ studies of people's responses to disasters and fire situations reveal that the¶ trope of the panicked public is inaccurate (Quarantelli, "Panic Behavior,"¶ "Sociology"; Wenger). Paul Slovic, Melissa L. Finucane, Ellen Peters, and¶ Donald MacGregor emphasize the interactive relationship between emotion¶ and reason, the wide range of meanings conveyed by such emotions, and,¶ thus, the need for risk analysts to take the emotions of the public seriously.¶ Similarly, Sabine Roeser argues that instead of connecting reason and emotion with rationality and irrationality, respectively, emotional responses to¶ risks are rational, and they range from "choice, control, and responsibility as¶ well as uncertainty and insecurity" depending on the "serious consideration¶ of [individual] responsibilities" and of future reactions (xi).¶ Citing examples of ad hoc volunteers working alter the September ll¶ attacks and public responses in the 1918 Spanish influenza pandemic (Barry,¶ "Determined Volunteers"; Crosby), Thomas A. Glass and Monica Schoch-¶ Spana argue that public responses to crises have been examples of "resource-¶ fulness, civility, and mutual aid" (2l8). Therefore, characterizing people's¶ crisis responses as irrational is counterproductive. In addition to bringing no benefit, it also "leads public health professionals and emergency managers¶ to miss the opportunity to harness the capacities of the civilian population¶ to enhance the effectiveness of a large-scale response" (Wenger; Glass and¶ Schoch-Spana 217). Glass and Schoch-Spana emphasize the context sensitive nature of behavioral responses because in times of disaster, "the action¶ of emergency managers may determine the extent and duration of panic"¶

(218). ln addition, because of the dominance of the “command-and-control'¶ model of disaster management," "behavior that is not sanctioned by officials¶ is erroneously defined as panic, rather than as an effective response of rersourceful people acting in concert" (Glass and Schoch-Spana 218). The fact¶ that mass panic took place in Guangdong before the official press conference¶ indicates the close connections between the panicked public and the lack of¶ timely official risk communication in this case. Beijing witnessed a similar¶ pattern of mass panic following official denial: "Unable to rely on government¶ reports, Beijing`s citizens were forced to depend on the rumor mill, which¶ was turning at 1,000 R.P.M about quarantining the capital and shop closure¶ in late April (Beech).¶ Several studies investigate how media and medicine employ rhetorical¶ strategies to produce containment discourses and to dispel public panic about¶ emerging epidemics. Sheldon Ungar examines what he calls a “containment¶ package” employed by American media to frame the hot crisis of Ebola virus¶ outbreak in Zaire in 1995. Such a package consists of the following components: citing authorities to play down the anxiety and to offer assurance to¶ counter public panic, resorting to the metaphor of otherness to create distance between people in the United States and those living in Zaire, blaming a failed poor state as the origin of the disease, stressing protection offered by local strict infection-control measures, and finally offering disease detective narratives about intervening foreign experts and about the search for its host. Priscilla Wald adds a few more elements for containment discourses: offering advice against panic, predicting the curative power of science, stressing personal responsibility, and reinforcing safety practices.¶ The analysis here of the containment strategies employed in governmental¶ and media discourses suggests the use of some common strategies and reveals¶ some radically different approaches. Governmental authorities and medical experts were cited repeatedly to offer assurance that all-out efforts had¶ been made and that desirable outcomes had been achieved in the battlefield¶ against SARS. Collaborative institutional efforts ofd isinfection, cleansing, and rumor dispelling received prominent media coverage. In addition, the¶ media used two terms, containment and control, simultaneously to provide¶ different and confusing claims about the success of the local anti-SA RS campaign. The term under control quickly became adopted as the official way to¶ describe an all-out victory in the regional battle against SARS.¶ Interesting but perhaps not surprising, with SARS being a novel disease¶ originating from a province, little scapegoating took place in risk discourses.¶ In addition, because of the widespread panic, much emphasis was placed on¶ the containment of social side effects of SARS: overpricing, rumormongering,¶ and panic buying. Indeed, the institutional policies of selective censorship¶ and partial disclosure helped to successfully transfer the impression of the¶ success control of side effects of SARS to that of a total success in containing¶ the epidemic of SARS itself

Internet Frag = De-Globalization

Internet fragmentation causes de-globalization

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Twenty years ago, there was nothing like the internet we have today, the global all-connecting network that has become an integral part of our lives. Over the last few decades, we have all witnessed how it has grown exponentially and come to change our everyday existence – keeping most of us online all the time (with accompanying frustrations as well as benefits) and making communications and information exchange unprecedentedly seamless and fast.¶ But I fear that we are at a turning point for the internet, and may even be going into reverse. The utopia of a borderless digital global village may be coming to an end. Fragmentation of the world wide web is already taking place – along national borders.¶ Edward Snowden's revelations on the scale of US online surveillance – the Guardian's massive scoop of 2013 – may be giving rise to a new era in history. The disclosures have already given rise to significant changes, including skyrocketing growth of the number of users striving for online privacy and choosing anonymity tools and browsers, and the astonishing swell in the value of bitcoins, the most widely used anonymous online peer-to-peer currency.¶ media & tech network.¶ But what may prove to be the ultimate game-changer is the fragmentation of the internet. A number of countries, among them Brazil and Germany, are considering carving out their own sectors of the internet, or may even **have already started the process**. If the trend spreads, which is likely, such fragmentation will bring about the creation of parallel networks as governments the world over try to isolate their critically important communications. Such networks with no physical connection to the internet are already widely used for military communications.¶ The new networks will serve only governments and large enterprises with the aim of protecting national critical infrastructure from any possible foreign intrusion. This will mean they'll be more secure and reliable, but they'd come at a price, quite literally. Building such networks requires both huge investment over many years (funded by taxpayers) and a great deal of technical expertise (diverted from public services and innovative projects).¶ This is probably good news if you're graduating with an IT engineering degree soon. Less so if you want to work abroad, because governments will prefer homegrown talent that can pass all the necessary security checks. Also, many countries – even some high-tech giants like Germany, Japan and France – could face a deficit of such workers.¶ Internet fragmentation will bring about a paradoxical **de-globalisation of the world**, as communications within national borders among governmental bodies and large national companies become increasingly localised.¶ Ordinary users will hardly perceive any change while these state-run parallel networks are being built, but there is another aspect of this global trend that will affect everyone directly**. Some countries are already seriously considering** making sure as much of their internet traffic as possible stays within their national borders.¶ In some countries, for example Brazil, there's talk about forcing global giants such as Google and Facebook to locate their data centres locally to process local communications. If this trend gains worldwide momentum, it will be a disaster for global IT giants and pose a threat of **full-blown Balkanisation of the internet.** The process would probably foster the creation of local search engines, email systems, social networks and so on – an intimidating prospect for publicly listed companies.¶

De-globalization Impacts

De-globalization hinders economic growth and causes war and poverty

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geopolitical modeling, economic statecraft and globalization, May 2010, "Deglobalization Scenarios: Who Wins? Who Loses?," http://www.uky.edu/~ehill2/dynpage_upload/files/DeglobalizationScenarios.pdf

Deglobalization in the form of reduced trade interdependence, reduced capital¶ flows, and reduced migration has few positive effects, based on this analysis with¶ the International Futures Model. **Economic growth is cut** in all but a handful of¶ countries, and is cut more in the non-OECD countries than in the OECD¶ countries. Deglobalization has a mixed impact on equality. In many non-OECD¶ countries, the cut in imports from the rest of the world increases the share of¶ manufacturing and in 61 countries raises the share of income going to the poor.¶ But since average productivity goes down in almost all countries, this gain in¶ equality comes at the expense of reduced incomes and **increased poverty in** almost¶ **all countries**. The only winners are a small number of countries that were small and poor and not well integrated in the global economy to begin with—and the gains from deglobalization even for them are very small.¶ Politically, deglobalization makes for less stable domestic politics and a greater **likelihood of war**. The likelihood of state failure through **internal war**,¶ projected to diminish through 2035 with increasing globalization, rises in the deglobalization scenario particularly among the non-OECD democracies. Similarly, deglobalization makes for more fractious relations among states and the probability for interstate war rises. These are dramatic results and have strong implications for policy. For the United States and other OECD countries, deglobalization might economically benefit a small fraction of citizens and companies, but it would cut overall economic growth and reduce average living standards. It would seem far better to deal with the negative aspects of globalization directly by improving trade adjustment assistance, providing more secure access to health care, by upgrading the skills of the workforce, and by refocusing academic research toward areas that will spur productivity growth. For the non-OECD countries, deglobalization has even worse results, suggesting that those countries need to reengage in global trade negotiations and seek compromises that can benefit all participants.

De-globalization hurts the global economy and sparks conflict between countries

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Read more: http://www.businessinsider.com/author/matthew-boesler#ixzz3fDnVAvSW

In his latest note to clients, Morgan Stanley head of global economics Joachim Fels relays an idea he says has him increasingly worried these days, even though, in his words, it is "no more than a tentative thesis that still needs to be fleshed out and checked for robustness."¶ "In short, I wonder whether just as 1913 marked the end of first Golden Age of globalisation that had begun in 1870, 2013 may mark the end of our age of globalisation, which accelerated since the 1980s and 1990s

after many emerging markets opened up to international trade and capital flows," says Fels. "To be sure, I'm not predicting the world wars, mass sufferings and economic depressions of the three dark decades following 1913, but I do worry about a creeping trend towards a de-globalisation of economic activity and capital flows."¶ Fels points to the Federal Reserve's easy-money policies following the financial crisis, which caused investors to scramble into investments in emerging markets, a trend that is now reversing.¶ The economist envisions problems down the road as a result, as he explains in his note (emphasis added):¶ Why worry now if even the Great Financial Crisis of 2008 didn't result in a de-globalisation of economic activity and financial markets? Well, neither did the Panic of 1907 on Wall Street, which preceded the final hurrah of the Golden Age of globalisation and paved the way for the creation of the Federal Reserve in, yes, 1913. Following the 2008 crisis, central banks and governments around the world opened the floodgates to prevent a depression (and rightly so) and fuelled a powerful rebound in economic growth, global trade, asset markets and capital flows. Yet, one unintended consequence of QE and ZIRP was a rush of liquidity into emerging markets, which offered a seemingly successful growth model and thus higher expected returns.¶ Five years on, the EM growth model looks severely challenged, as Manoj Pradhan and I already pointed out more than a year ago. Many companies in the old industrialised countries are repatriating production that they sent offshore during the globalisation frenzy, and investors who burned their fingers in the quest for higher returns in EM are reconsidering their decision to globalise their portfolios. A localisation or renationalisation of investment has already taken place in euro area financial markets in response to the euro area debt crisis. Could we now see a similar move globally? I hope not, but I wouldn't rule it out.¶ Needless to say, a de-globalisation of economic activity and financial markets **would have dire economic consequences for the global economy** and markets overall, but would also redistribute wealth and create a lot of losers and winners, in my view. And large redistributions of wealth **create conflicts within societies and between countries.** This is what I really worry about. Surely our societies and governments have learned the lessons of history, you may say. The long-term optimist in me believes they have. But then again, back in 1913 at the peak of the Golden Age of globalisation, nobody had a sense of what would unfold.

[In the 1ac under this adv., there's already an economic decline → war card, so this would just fit in there as another scenario]

Cloud-computing I/L

Surveillance revelations tank U.S cloud-computing competitiveness – tech companies re-localizing in other countries in fear of U.S surveillance – this costs billions

Laura **Donohue 15**, Professor of Law at Georgetown Law, Director of Georgetown's Center on National Security and the Law, and Director of the Center on Privacy and Technology, writes on U.S. Constitutional Law, and national security and counterterrorist law in the US, A.B., Dartmouth; M.A., University of Ulster, Northern Ireland; Ph.D., Cambridge University; J.D., Stanford, March 2015, "High Technology, Consumer Privacy, and U.S. National Security," http://scholarship.law.georgetown.edu/facpub/1457/

Billions of dollars are on the line because of **worldwide concern** that the services provided by U.S. information technology companies are neither secure nor private.13 Perhaps **nowhere is this more apparent than in cloud computing**.¶ Previously, approximately 50% of the worldwide cloud computing revenues¶ derived from the United States.14 The domestic market thrived: between 2008 and¶ 2014, it more than tripled in value.¶ 15 But within weeks of the Snowden leaks, reports had emerged that U.S. companies such as Dropbox, Amazon Web Services,¶ and Microsoft's Azure were losing business.¶ 16 By December 2013, ten percent of the Cloud Security Alliance had cancelled U.S. cloud services projects as a result of the Snowden information.17 In January 2014 a survey of Canadian and British¶ businesses found that one quarter of the respondents **were moving their data outside the U**nited **S**tates.18¶ The Information Technology and Innovation Foundation estimates that¶ declining revenues of corporations that focus on cloud computing and data storage alone could reach $35 billion over the next three years.19 Other commentators, such as Forrester Research analyst James Staten, have put actual losses as high as **$180 billion** by 2016, unless something is done to restore confidence in data held¶ by U.S. companies.20¶ The monetary impact of the NSA programs extends beyond cloud computing to the high technology industry. Cisco, Qualcomm, IBM, Microsoft, and HewlettPackard¶ have all reported declining sales as a direct result of the NSA programs.21¶ Servint, a webhosting company based in Virginia, reported in June 2014 that its¶ international clients had dropped by 50% since the leaks began.22 Also in June, the¶ German government announced that because of Verizon's complicity in the NSA¶ program, it would end its contract with the company, which had previously¶ provided services to a number of government departments.23 As a senior analyst at¶ the Information Technology and Innovation Foundation explained, "It's clear to every single tech company that this is affecting their bottom line."24 The European¶ commissioner for digital affairs, Neelie Kroes, predicts that the fallout for U.S.¶ businesses in the EU alone will amount to billions of Euros.25¶ Not only are U.S. companies losing customers, but they have been forced to spend billions to add encryption features to their services. IBM has invested more than a billion dollars to build data centers in London, Hong Kong, Sydney, and elsewhere, in an effort to reassure consumers outside the United States that their information is **protected from U.S. government surveillance**. 26 Salesforce.com made a similar announcement in March 2014.27 Google moved to encrypt terms¶ entered into its browser.¶ 28 In June 2014 it took the additional step of releasing the¶ source code for End-to-End, its newly-developed browser plugin that allows users¶ to encrypt email prior to it being sent across the Internet.29 The following month¶ Microsoft announced Transport Layer Security for inbound and outbound email,¶ and Perfect Forward Secrecy encryption for access to OneDrive.30 Together with the establishment of a Transparency Center, where foreign governments could review source code to assure themselves of the integrity of Microsoft software, the company sought to put an end to both NSA back door surveillance and doubt about the integrity of Microsoft products.¶ 31¶ Foreign technology companies, in turn, are seeing revenues increase. Runbox,¶ for instance, an email service based in Norway and a direct competitor to Gmail¶ and Yahoo, almost immediately made it publicly clear that it does not comply with¶ foreign court requests for its customers' personal information. 32 Its customer base¶ increased 34% in the aftermath of the Snowden leaks.¶ 33 Mateo Meier, CEO of¶ Artmotion, Switzerland's biggest offshore data hosting company, reported that¶ within the first month of the leaks, the company saw a 45% rise in revenue.34¶ Because Switzerland is not a member of the EU, the only way to access data in a¶ Swiss data center is through an official court order demonstrating guilt or liability;¶ there are no exceptions

for the United States.35 In April 2014, Brazil and the EU,¶ which previously used U.S. firms to supply undersea cables for transoceanic communications, decided to build their own cables between Brazil and Portugal,¶ using Spanish and Brazilian companies in the process. 36 OpenText, Canada's largest software company, now guarantees customers that their data remains outside the United States. Deutsche Telekom, a cloud computing provider, is similarly gaining more customers.37 Numerous foreign companies are **marketing their products as "NSA proof"** or "safer alternatives" to those offered by U.S. firms, **gaining market share** in the process.

NSA leaks destroy cloud-computing competitiveness – companies already cancelling contracts

Elizabeth **MacDonald 13**, a veteran business journalist and is the stocks editor for Fox Business and Fox News, covered the markets, corporate accounting scandals, "NSA Leaks Slam Cloud Computing Industry," 8/9/13, http://www.foxbusiness.com/government/2013/08/09/nsa-leaks-slam-cloud-computing-industry/

U.S. technology companies warn they could lose between $21.5 billion to $35 billion in global cloud computing contracts over the next three years due to negative fallout from the U.S. National Security Agency (NSA) spying programs on Internet users, including emails. A new report from the Information Technology & Innovation Foundation (ITIF), a Washington, D.C.-based think tank, estimates that U.S. cloud computing companies could lose 10% to 20% of the cloud computing market to European or Asian companies due to U.S. spying. That means major players including Google (GOOG), Amazon (AMZN) and Microsoft (MSFT) could be hurt.¶ Global spending on cloud computing is expected to double between 2012 and 2016, whereas the global IT market will only grow by 3%. The global cloud computing market is estimated to be a $207 billion industry by 2016, ITIF says.¶ The NSA's programs "will likely have an immediate and lasting impact on the competitiveness of the U.S. cloud computing industry if foreign customers decide the risks of storing data with a U.S. company outweigh the benefit," the Information Technology & Innovation Foundation warns in a statement. ¶ Neelie Kroes, european commissioner for Digital Affairs, has said: "If European cloud customers cannot trust the United States government, then maybe they won't trust U.S. cloud providers either. If I am right, there are multibillion-euro consequences for American companies. If I were an American cloud provider, I would be quite frustrated with my government right now."¶ The report by ITIF shows that U.S. companies which sell file storage and computing in cloud systems – where information can be stored and accessed anywhere in the world – are increasingly worried about the effects of U.S. government spying and data gathering through projects such as PRISM. The PRISM program lets the federal government tap into user information and emails held by internet companies.¶ Some tech companies told the Cloud Security Alliance that they have already lost customers. Tech companies in Europe also said that UK and European businesses are pulling back on entrusting their cloud data to American units, which might have to turn it over secretly to the National Security Agency (NSA).¶ More than half of the cloud computing companies situated outside the U.S., some 56%, told the Cloud Security Alliance in a survey done between June and July that they would be less likely to use a U.S.-based cloud computing service due to NSA spying.¶ One out of 10 non-U.S. cloud companies said they had already canceled a project with a

U.S.-based cloud company as a result of the spying. For U.S. residents, slightly more than a third, 36%, said that the NSA leaks made it more difficult for them to do business outside of the U.S.¶ Already, German data protection authorities have called for suspending all data transfers to U.S. companies under the U.S.-EU Safe Harbor program because of PRISM.¶ Artmotion, Switzerland's largest hosting company, reported a 45% increase in revenue in the month after Edward Snowden revealed details of the NSA's PRISM program, ITIF notes.¶ The report also says that European businesses are already exploiting the U.S. spying program in order to steal customers. ¶ It notes that "Reinhard Clemens, CEO of Deutsche Telekom's T-systems group, argued in 2011 that creating a German or European cloud computing certification could advantage domestic cloud computing providers" over U.S. cloud companies.¶ He stated, "The Americans say that no matter what happens I'll release the data to the government if I'm forced to do so, from anywhere in the world. Certain German companies don't want others to access their systems. That's why we're well-positioned if we can say we're a European provider in a European legal sphere and no American can get to them."¶ German Interior Minister Hans-Peter Friedrich has also said: "Whoever fears their communication is being intercepted in any way should use services that don't go through American servers."¶ And Jörg-Uwe Hahn, a German justice minister, has already called for a boycott of U.S. cloud companies.

AT: Internet Advantage

AT: Internet frag = de-globalization

De-globalization solves inequality and economic shocks

Pablo **Solon 14**, Executive director of Focus on the Global South, an activist think tank, and former ambassador of Bolivia to the UN, expert on global economics, 3/18/14, "'Deglobalization' Is the Way to Reduce Inequality," http://www.huffingtonpost.com/pablo-erick-solon-romero-oroza/deglobalization-is-the-globalization_b_4985403.html

The race of globalization is leaving the majority of the world's population far behind. According to Unicef, the richest 20 percent of the population gets 83 percent of global income, while the poorest quintile has just 1 percent. This trend is getting worse. A new UNDP report called "Humanity Divided" estimates that 75 percent of the population lives in societies where income distribution is less equal now than it was in the 1990s, although global GDP ballooned from $22 trillion to $72 trillion.¶For developing economies in Asia, the Gini coefficient -- which measures income inequality on a scale from zero to one where one is worst -- rose from 0.33 in 1990 to 0.46 in 2010.¶ Inequality corresponds with greater economic uncertainty, lower investment and high social tensions and political instability -- with the **potential for violence and conflicts** between groups. It demolishes human rights for the vast majority, especially for vulnerable groups like women, children and the elderly.¶What causes inequality? The UNDP states, "Specific aspects of globalization, such as inadequately regulated financial integration and trade liberalization processes, whose benefits have been distributed very unequally across and within countries, have played a significant role in determining the upward trend observed over the last decades."¶ **Globalization causes inequality** for various reasons. One is that trade and financial globalization have weakened the bargaining position of relatively immobile labor in relation to fully mobile capital, driving down wages. The chief economist of the Asian Development Bank, in an article that argues that **inequality jeopardizes economic growth**, notes that between the mid-1990s and the mid-2000s, labor income as a percentage of manufacturing output fell from 48 percent to 42 percent in China and from 37 percent to 22 percent in India.¶The UNDP also says dependence on capital flows made countries **more vulnerable to economic and financial shocks**, causing lower growth and employment, which both disproportionately affect the poor.¶If globalization drives inequality, what are the remedies? The usual list of cures from UN agencies, the World Bank and IMF include measures to stop tax evasion, more progressive income tax policies, incentives for foreign investment, conditional cash transfers, subsidies and credits for small businesses and agriculture, limited expansion of public investment and social safety nets.¶ Two key things are apparent in these "remedies." First, they talk about redistributing income, but don't address unequal access to sources of wealth, such as land or assets. They also avoid mentioning examples of nationalizations that have reduced extreme inequality in some countries.¶ Second, they don't deal with the process of globalization. The most ambitious among them suggest some kind of regulation of speculative financial markets to minimize volatility. The World Bank clearly states that measures to reduce inequality should not affect "free trade."¶ The measures to combat inequality touted by international financial institutions ignore the structural causes of inequality. Don't be fooled by their fashionable new name: "inclusive growth." This

idea repeats old remedies and is more concerned with profit than inequality.¶ If we care about reducing inequality, we must seek new solutions to the problem. One approach is "deglobalization," a proposal developed by Walden Bello and Focus on the Global South in response to the Asian financial crisis of 1997.¶ Focus on the Global South wrote:¶ Deglobalization is not a synonym for withdrawing from the world economy. It means a process of restructuring the world economic and political system so that the latter builds the capacity of local and national economies instead of degrading it. Deglobalization means the transformation of a global economy from one integrated around the needs of transnational corporations to one integrated around the needs of peoples, nations and communities."¶ For deglobalisation, there is no "one size fits all" model like neoliberalism or centralized bureaucratic socialism. Instead, according to this scheme, diversity is expected and encouraged, as it is in nature.

One fateful question for 2013 is this: What happens to globalization? For decades, growing volumes of cross-border trade and money flows have fueled strong economic growth. But something remarkable is happening; trade and international money flows are slowing and, in some cases, declining. David Smick, the perceptive editor of the International Economy magazine, calls the retreat "deglobalization." What's unclear is whether this heralds prolonged economic stagnation and rising nationalism or, optimistically, makes the world economy more stable and politically acceptable.

De-globalization revitalizes manufacturing and jobs – the US will maintain advantages over other countries

Robert Samuelson 12, writes a weekly economics in The Post, columnist for Newsweek for decades, attended Harvard College, expert in economics and global relations, "Robert Samuelson: Can globalization survive 2013?," 12/30/12, http://www.washingtonpost.com/opinions/robert-samuelson-can-globalization-survive-2013/2012/12/30/84f89dba-52b2-11e2-bf3e-76c0a789346f_story.html?hpid=z3

**empirical examples – also functions as uniqueness card for manufacturing, all in this card

To Americans, some aspects of deglobalization will seem delicious. Take manufacturing. Globalization has sucked factory jobs from the United States. Now, the tide may be turning. Just recently, Apple announced a $100 million investment to return some Mac computer production home. Though tiny, the decision reflects a trend. General Electric's sprawling Appliance Park in Louisville once symbolized the United States' post-World War II manufacturing prowess, with employment peaking at 23,000 in 1973. Since then, jobs have shifted abroad or succumbed to automation. But now GE is returning production of water heaters, refrigerators and other appliances to Appliance Park from China and Mexico. Year-end employment is reckoned at 3,600, up 90 percent from a year earlier, writes Charles Fishman in an excellent article in December's Atlantic. Nor is GE alone, Fishman notes. Otis is moving some elevator production from Mexico to South Carolina. Wham-O is shifting Frisbee molding from China to California. The changes are harbingers, contends the Boston Consulting Group (BCG), which predicts a

manufacturing revival. China's labor cost advantage has eroded, it argues. In 2000, Chinese factory wages averaged 52 cents an hour, but annual double-digit percentage increases will bring that to $6 an hour in high-skilled industries by 2015. Although wages of U.S. production workers average $19 an hour, BCG argues that other non-wage factors favor the United States. American workers are more productive; automation has reduced labor's share of expenses; and cheap natural gas further reduces costs. Finally, higher oil prices have boosted freight rates for imports. By 2015, China's overall cost advantage will shrivel to 7 percent, BCG forecasts. As important, it says, the United States will maintain significant cost advantages over other developed-country manufacturers: 15 percent over France and Germany; 21 percent over Japan; and 8 percent over Great Britain. The United States will be a more attractive production platform. Imports will weaken; exports will strengthen. BCG predicts between 2.5 million and 5 million new factory jobs by 2020. (For perspective: 5.7 million manufacturing jobs disappeared from 2000 to 2010.)

Cloud-computing I/L

2 POSSIBLE TAG OPTIONS:

Bigger sectors of the economy are increasing – cloud-computing insignificant in comparison

Even if cloud-computing competitiveness falls, other, bigger sectors are rising and will fill in any gaps

Sam Becker 14, a business and automotive writer for The Cheat Sheet, "What Are the Most Important Sectors in the U.S. Economy?," 7/1/14, http://www.cheatsheet.com/business/what-are-the-most-important-sectors-in-the-u-s-economy.html/?a=viewall

**this card also acts as an economy uniqueness card

The economy has been on a slow, winding recovery over the past several years. Things hit rock bottom in 2008 and 2009, during the apex of the financial crisis, and for many it seems that things never quite recovered. Job numbers have returned to pre-recession levels (finally), however many of those jobs are not nearly as lucrative or rewarding as they were before. But people are getting back to work, business is picking up steam, and consumer confidence is climbing the ladder as well. Despite some glaring problems that will take some long-term effort to adjust, there is a sense of financial stability floating around the country that hasn't been felt in years.¶ The return of industry has been a major driving force behind the economy's resurgence, with plenty of entrepreneurs finding various means of profit in a landscape left barren by layoffs, shuttering businesses and general feelings of hopelessness among a good percentage of the population. There have been areas that have really shined — like technology for example — and others that were decimated, like manufacturing. But inch by inch, Americans are clawing back.¶The Bureau of Economic Analysis, an arm of the U.S. Department of Commerce, has released a report detailing the breadth and depth of the economic recovery through improving numbers in gross

domestic product. The details contained in the report cover in-depth information across 22 sectors of the economy, along with indicators revealing exactly how those specific sectors performed over a given time period. Overall, the GDP of the United States grew by 1.9 percent 2013, which did show some deceleration from 2012, in which it grew by 2.8 percent.¶The good news is that not only did the economy grow and add jobs, but that growth was relatively widespread, spanning nineteen of the twenty-two sectors the Department of Commerce measures.¶By going into detail with their GDP reporting, the Department of Commerce is able to supply us with information that makes it easy to identify the fastest-growing sectors of the economy. In post-financial crisis and and post-recession times, the fastest-growing industries can also be viewed as the most valuable. As industries grow, they onboard jobs, escalate revenues and built wealth for business owners, which (in theory) is then reinvested into the economy and the company's workforce. It's a bit of a snowball effect.¶In 2013, the most important sectors to the U.S. economy were agriculture, forestry, fishing, and hunting, which saw a huge jump of 16.4 percent. For comparison, that sector grew by a measly 0.3 percent in 2012, a year in which many crops and harvests were destroyed by severe droughts and climatic conditions.¶Other areas of concentrated growth were in real estate and rental and leasing, which saw a 1.6 percent bump. Growth in this sector in particular can mean good news for several across the country, in terms of increasing values in property and home ownership. Specifically, increased home values riding the economic recovery is being seen to show benefits in increased consumer confidence at this very moment, where more people are expected to travel for holidays this summer than in previous years. More confidence in the value of assets, as well as a willingness to take on more debt were found to be the major contributing factors to travelers hitting the road.¶Other sectors across the economy that saw increases were in company and enterprise management, which went up by 5.8 percent. Manufacturing of non-durable goods also went up, with an increase of 5.3 percent.

Credibility Advantage

1AC

The Freedom act doesn't go far enough to curtail programs – hardly affected the NSA and there's still confusion as to whether or not it's being implemented

Williams **Pelegrin 15**, writer for Digital Trends, 6/30/15, "Court gives the NSA permission to continue phone metadata collection for now," http://www.digitaltrends.com/mobile/court-rules-nsa-resume-phone-metadata-collection/

The Freedom Act amended Section 215 to require the government to define a "specific selection term," such as a phone number, to access the phone companies' records. The law also forbids the collection of "all call detail records" held by phone companies.

All of this was done in response to a ruling by the United States Court of Appeals for the Second Circuit, which stated that Section 215 could not be interpreted as allowing any kind of bulk collection. However, the Freedom Act did not include any language to address the ruling, so it remained unclear whether the data collection was legal or not.

Then, in late June, Judge Michael W. Mosman stated that the program could resume for the remaining 180 days granted by the Freedom Act and argued that the Second Circuit was wrong in saying that the program was not authorized to collect that data.

"Second Circuit rulings are not binding on the FISC and this court respectfully disagrees with that court's analysis, especially in view of the intervening enactment of the U.S.A. Freedom Act," wrote Judge Mosman in his 26-page decision.

In response, the American Civil Liberties Union (ACLU) stated that it will ask the Second Circuit Court — which initially ruled against the NSA program — to issue a temporary injunction to prevent the resumption of the program. Of course, even if the NSA is forced to stop metadata collection, that doesn't mean all of its programs will be gone for good.

Even the Freedom Act, which Senator Ron Wyden (D-Or.) hailed as "the most significant victory for Americans' privacy rights in more than a decade," still includes questionable provisions, such as the "roving wiretap" and "lone wolf." These provisions allow local and federal law enforcement to track and tap an individual's activities and devices, even if there aren't proven links between the user and any known terrorist organizations.

NSA surveillance undermines overall smart power and justifies authoritarian control--- smart power is the best and only way to evaluate security implications of surveillance

Eileen **Donahoe 14**, former U.S. ambassador to the UNHRC, 3/6/14, "Why the NSA undermines national security," http://blogs.reuters.com/great-debate/2014/03/06/why-nsa-surveillance-undermines-national-security/

Questions about the legitimacy and efficacy of the mass-surveillance techniques used by the National Security Agency continue to swirl around the globe. The debate in the United States has mostly focused on a misleading trade-off between security and privacy.

"If you don't have anything to hide," goes the refrain, "you shouldn't mind if the government collects information to prevent another terrorist attack." In this trade-off, security will always trump privacy, especially when political leaders rightly see preventing terrorist acts as their top national security responsibility.

But this zero-sum framework ignores the significant damage that the NSA's practices have done to U.S. national security. In a global digital world, national security depends on many factors beyond surveillance capacities, and over-reliance on global data collection can create unintended security vulnerabilities.

There's a better framework than security-versus-privacy for evaluating the national security implications of mass-surveillance practices. Former Secretary of State Hillary Clinton called it "smart power."

Her idea acknowledges that as global political power has become more diffuse, U.S. interests and security increasingly depend on our ability to persuade partners to join us on important global security actions. But how do we motivate disparate groups of people and nations to join us? We exercise smart power by inspiring trust and building credibility in the global community.

Developing these abilities is as important to U.S. national security as superior military power or intelligence capabilities.

I adopted the smart-power approach when serving as U.S. ambassador to the United Nations Human Rights Council. Our task at the council was to work with allies, emerging democracies and human rights-friendly governments to build coalitions to protect international human rights. We also built alliances with civil society actors, who serve as powerful countervailing forces in authoritarian systems. These partnerships can reinforce stable relationships, which enhances U.S. security.

The NSA's arbitrary global surveillance methods fly in the face of smart power. In the pursuit of information, the spy agency has invaded the privacy of foreign citizens and political leaders, undermining their sense of freedom and security. NSA methods also undercut U.S. credibility as a champion of universal human rights.

The U.S. model of mass surveillance will be followed by others and could unintentionally invert the democratic relationship between citizens and their governments. Under the cover of preventing terrorism, authoritarian governments may now increase surveillance of political opponents. Governments that collect and monitor digital information to intimidate or squelch political opposition and dissent can more justifiably claim they are acting with legitimacy.

Continuing NSA surveillance strains EU-US relations and kills the Transatlantic Trade and Investment Partnership and the Terrorist Finance Tracking Program

Committee on Civil Liberties, Justice and Home Affairs 14, Committee in the EU Parliament, 3/12/14, "US NSA: stop mass surveillance now or face consequences, MEPs say,"

http://www.europarl.europa.eu/pdfs/news/expert/infopress/20140307IPR38203/20140307IPR38203_en.pdf

Parliament's consent to the EU-US trade deal "could be endangered" if blanket mass surveillance by the US National Security Agency (NSA) does not stop, MEPs said on Wednesday, in a resolution wrapping up their six-month inquiry into US mass surveillance schemes. The text also calls on the EU to suspend its bank data deal with the US and the "Safe Harbour agreement" on data privacy. The fight against terrorism can never justify secret and illegal mass surveillance, it adds.

The resolution, in which MEPs set out their findings and recommendations to boost EU citizens' privacy, was backed by 544 votes to 78, with 60 abstentions. "The Snowden revelations gave us a chance to react. I hope we will turn those reactions into something positive and lasting into the next mandate of this Parliament, a data protection bill of rights that we can all be proud of", said Civil Liberties inquiry rapporteur Claude Moraes (S&D, UK). "This is the only international inquiry into mass surveillance. (...) Even Congress in the United States has not had an inquiry", he added.

Parliament's should withhold its consent to the final Transatlantic Trade and Investment Partnership (TTIP) deal with the US unless it fully respects EU fundamental rights, stresses the resolution, adding that data protection should be ruled out of the trade talks. This consent "could be endangered as long as blanket mass surveillance activities and the interception of communications in EU institutions and diplomatic representations are not fully stopped", notes the text.

MEPs also call for the "immediate suspension" of the Safe Harbour privacy principles (voluntary data protection standards for non-EU companies transferring EU citizens' personal data to the US). These principles "do not provide adequate protection for EU citizens" say MEPs, urging the US to propose new personal data transfer rules that meet EU data protection requirements.

The Terrorist Finance Tracking Programme (TFTP) deal should also be suspended until allegations that US authorities have access to EU citizens' bank data outside the agreement are clarified, insist MEPs.

Current NSA programs do not benefit counter terrorism efforts

Ellen **Nakashima 14**, reporter for the Washington Post, 1/12/14, "NSA phone record collection does little to prevent terrorist attacks, group says," The Washington Post, https://www.washingtonpost.com/world/national-security/nsa-phone-record-collection-does-little-to-prevent-terrorist-attacks-group-says/2014/01/12/8aa860aa-77dd-11e3-8963-b4b654bcc9b2_story.html

An analysis of 225 terrorism cases inside the United States since the Sept. 11, 2001, attacks has concluded that the bulk collection of phone records by the National Security Agency "has had no discernible impact on preventing acts of terrorism."

In the majority of cases, traditional law enforcement and investigative methods provided the tip or evidence to initiate the case, according to the study by the New America Foundation, a Washington-based nonprofit group.

The study, to be released Monday, corroborates the findings of a White House-appointed review group, which said last month that the NSA counterterrorism program "was not essential to preventing attacks" and that much of the evidence it did turn up "could readily have been obtained in a timely manner using conventional [court] orders."

The TFTP is a vital component of counter-terrorism and to holding other countries accountable for their actions – curtailing now is key

John **Rosenthal 10**, European Relations Specialist for the Weekly Standard, 3/29/10, "Germany's War on the War on Terror," The Weekly Standard, VOL. 15, NO. 27, http://www.weeklystandard.com/articles/germany%E2%80%99s-war-war-terror?page=3

As was already made clear by the 9/11 attacks, Germany itself has been a major hub of jihadist activism and terror financing. Americans will largely be aware of the Hamburg cell and of the three suicide pilots—Mohammed Atta, Ziad Jarrah, and Marwan al-Shehhi—who came from Germany to America to train for and carry out the attacks. But they might be less aware that even after the arrival of the trio in the United States, their Hamburg cell co-conspirator Ramzi Binalshibh continued to play a crucial role in facilitating the attacks from German soil. Among other things, he did so, notably, by transferring funds.

It was indeed the discovery of Binalshibh's Hamburg phone number among Zacarias Moussaoui's personal affairs that would allow investigators to connect Moussaoui to the 9/11 plot. Binalshibh is known to have transferred $14,000 to Moussaoui in America. Binalshibh is also suspected of having been involved in the planning of the October 2000 attack on the USS Cole. He had lived in Germany since the mid-1990s.

At Moussaoui's 2006 trial, FBI agent Michael Anticev complained about the lack of cooperation of German authorities with American counterterrorism investigations. Asked whether it was difficult to obtain phone records from Germany in 2001, Anticev replied, "Extremely, extremely." He explained, moreover, that phone numbers that were furnished would often be truncated, the last "three or four digits" having been dropped off. Asked whether obtaining financial records was equally difficult, Anticev replied that it was "a little bit easier," but that the process was "not automatic" and, in any case, typically took "months."

In September 1998—at a time when, under the chancellorship of Helmut Kohl, German officials were more cooperative—al Qaeda financier and cofounder Mamdouh Mahmud Salim was arrested near Munich while on a visit to Germany. Also known as "Abu Hajer al Iraqi," he would subsequently be extradited to the United States to face trial for his role in the August 1998 terrorist attacks against American embassies in Africa.

Two other well-known al Qaeda financiers remain free men in Germany. Mamoun Darkazanli held power of attorney over a joint German bank account with Salim. In a 2002 report on terror financing prepared for the U.N. Security Council, Jean-Charles Brisard stated that Darkazanli provided "financial and logistical support" to the Hamburg cell. Darkazanli is also suspected of involvement in the African embassies plot. He is on both the U.S. and U.N. lists of terrorist persons and entities. He is wanted by Interpol. And he is under indictment in Spain. The 2005 Spanish indictment describes him as "the permanent interlocutor and assistant of Osama bin Laden in Germany."

German prosecutors have themselves confirmed Darkazanli's activities on behalf of al Qaeda, but they have somehow managed to conclude that these activities are "without criminal relevance." German authorities have not only declined to bring charges against Darkazanli, but have also refused to extradite him to face charges abroad.

The case of Reda Seyam, a naturalized German citizen of Egyptian origin, is perhaps even more astonishing. Seyam is widely believed by intelligence sources and terror experts to have organized the financing for the 2002 Bali bombings, which killed over 200 people. He had already been arrested by Indonesian authorities on suspicion of involvement in terrorist activity several weeks before the attacks.

After his arrest, Germany's Federal Crime Bureau (BKA) dispatched agent Michael von Wedel to Indonesia to investigate the charges. In his 2008 memoir Die Abrech-nung ("Settling Accounts"), von Wedel described how his investigations would confirm Seyam's involvement in jihadist financing in Southeast Asia.

But he also described how his own assignment in Indonesia morphed from investigating Seyam into protecting him from possible "rendition" by the CIA. In July 2003, a BKA team whisked Seyam safely home to Germany. German authorities have never brought charges against him.

Since his return, incidentally, Seyam has made no secret of his jihadist convictions. He has, for instance, told a reporter that Muslims have an "obligation to kill kafir [unbelievers]" and even named one of his many children "Jihad." In a documentary that was broadcast by Germany's ARD public television in February 2007, Seyam explained that al Qaeda "is fighting for the good cause." Asked what he thought of al Qaeda terror attacks, he replied, "No comment" and then broke into a broad mischievous grin.

Another prominent member of the rogues' gallery of terror facilitators who have operated out of Germany is Christian Ganczarski. The German convert to Islam is presently serving an 18-year prison sentence in France for membership in a terrorist organization—al Qaeda—and complicity in the 2002 Djerba synagogue bombing. Shortly before the attack, the suicide bomber called Ganczarski at his home in North Rhine-Westphalia to ask for his blessing. We know this, because German police were listening in on the conversation. But German prosecutors never saw fit to bring charges against Ganczarski. In June 2003, he made the mistake of changing planes in Paris while on a trip from Saudi Arabia to Germany. The French police were waiting for him. Otherwise, he might never have been brought to justice.

When it emerged that one of the suspects arrested in March 2004 in the aftermath of the Madrid train bombings had previously spent time in Darmstadt, the Frankfurter Allgemeine Zeitung ran a slightly defensive article with the telling headline "There Is Always a Clue that Leads to Germany." It would later turn out that no less than the presumed mastermind of the attacks, Rabei Osman Sayed Ahmed, had moved to Spain from Germany in September 2001.

How many of the clues uncovered by the Terrorist Finance Tracking Program led to Germany? We probably will never know. We do know that American law enforcement officials tipped off their German counterparts about the Sauerland cell. Would the plotters' envisioned inferno at the American Air Force base in Ramstein have come to pass were it not for the TFTP? The 2006 U.K.-based transatlantic airliners plot is also reported to have had a German connection.

Now, however, it appears that there are to be no more clues. As a consequence of the annulment of the SWIFT agreement—as well indeed as the German Constitutional Court's quashing of the data retention law—Germany is sure to become an even more secure haven for terrorists and their financiers than it already has been. And, as we know, when Germany is a safe haven for terrorists and terror financing, it is a danger for the United States and the rest of the world.

Terrorism produces human rights violations, crime, war, and economic downturn but counter-terrorism efforts must also not violate rights

Office of the UN High Commissioner for Human Rights 08, Office of the UN dedicated to protecting human rights, July 2008," Human Rights, Terrorism and Counter-terrorism," http://www.ohchr.org/Documents/Publications/Factsheet32EN.pdf

Terrorism aims at the very destruction of human rights, democracy and the rule of law. It attacks the values that lie at the heart of the Charter of the United Nations and other international instruments: respect for human rights; the rule of law; rules governing armed conflict and the protection of civilians; tolerance among peoples and nations; and the peaceful resolution of conflict.

Terrorism has a direct impact on the enjoyment of a number of human rights, in particular the rights to life, liberty and physical integrity. Terrorist acts can destabilize Governments,

undermine civil society, jeopardize peace and security, threaten social and economic development, and may especially negatively affect certain groups. All of these have a direct impact on the enjoyment of fundamental human rights.

The destructive impact of terrorism on human rights and security has been recognized at the highest level of the United Nations, notably by the Security Council, the General Assembly, the former Commission on Human Rights and the new Human Rights Council.7 Specifically, Member States have set out that terrorism:

• Threatens the dignity and security of human beings everywhere, endangers or takes innocent lives, creates an environment that destroys the freedom from fear of the people, jeopardizes fundamental freedoms, and aims at the destruction of human rights;

• Has an adverse effect on the establishment of the rule of law, undermines pluralistic civil society, aims at the destruction of the democratic bases of society, and destabilizes legitimately constituted Governments;

• Has links with transnational organized crime, drug trafficking, money-laundering and trafficking in arms, as well as illegal transfers of nuclear, chemical and biological materials, and is linked to the consequent commission of serious crimes such as murder, extortion, kidnapping, assault, hostage-taking and robbery;

• Has adverse consequences for the economic and social development of States, jeopardizes friendly relations among States, and has a pernicious impact on relations of cooperation among States, including cooperation for development; and

• Threatens the territorial integrity and security of States, constitutes a grave violation of the purpose and principles of the United Nations, is a threat to international peace and security, and must be suppressed as an essential element for the maintenance of international peace and security.

International and regional human rights law makes clear that States have both a right and a duty to protect individuals under their jurisdiction from terrorist attacks. This stems from the general duty of States to protect individuals under their jurisdiction against interference in the enjoyment of human rights. More specifically, this duty is recognized as part of States' obligations to ensure respect for the right to life and the right to security.

The right to life, which is protected under international and regional human rights treaties, such as the International Covenant on Civil and Political Rights, has been described as "the supreme right"8 because without its effective guarantee, all other human rights would be without meaning.9 As such, there is an obligation on the part of the State to protect the right to life of every person within its territory10 and no derogation from this right is permitted, even in times of public emergency. The protection of the right to life includes an obligation on States to take all appropriate and necessary steps to safeguard the lives of those within their jurisdiction. As part of this obligation, States must put in place effective criminal justice and law enforcement systems, such as measures to deter the commission of offences and investigate violations where they occur; ensure that those suspected of criminal acts are prosecuted; provide victims with effective remedies; and take other necessary steps to prevent a recurrence of violations.11 In addition, international and regional human rights law has recognized that, in specific circumstances, States have a positive obligation to take preventive operational measures to protect an individual or individuals whose life is known or suspected to be at risk from the criminal acts of another individual,12 which certainly includes terrorists. Also important to highlight is the obligation on States to ensure the personal security of individuals under their jurisdiction where a threat is known or suspected to exist.13 This, of course, includes terrorist threats.

In order to fulfill their obligations under human rights law to protect the life and security of individuals under their jurisdiction, States have a right and a duty to take effective counter-terrorism measures, to prevent and deter future terrorist attacks and to prosecute those that are responsible for carrying out such acts. At the same time, the countering of terrorism poses grave challenges to the protection and promotion of human rights. As part of States' duty to protect individuals within their jurisdiction, **all measures taken to combat terrorism must themselves also comply with States'**

obligations under international law, in particular international human rights, refugee and humanitarian law.

The TTIP will stimulate the entire global economy

Joseph **Francois 13**, Managing Director and professor of economics at the World Trade Institute, March 2013, "Reducing Transatlantic Barriers to Trade and Investment An Economic Assessment," http://trade.ec.europa.eu/doclib/docs/2013/march/tradoc_150737.pdf

This study provides new estimates of the economy wide impact of removing both tariff and non-tariff barriers to transatlantic trade between the EU and the US. Several scenarios are analysed in the report. On the one hand specific trade liberalisation with regards to tariffs only, services only or procurement only is discussed. On the other hand, the option of comprehensive trade and investment liberalisation is scrutinised. The first FTA scenario, a moderately ambitious FTA assumed a 10 per cent reduction in NTBs-related costs and an "almost full" elimination of tariffs. The second, ambitious FTA scenario assumes the elimination of 25 per cent of costs linked to NTBs together with full tariff elimination.

The results indicate positive and significant gains for both the EU and the US. GDP is estimated to increase by 68-119 billion euros for EU and 50-95 billion euros for the US (under the less ambitious and the ambitious FTA scenarios, respectively). However, if the trade initiative would be limited to tariff liberalisation only, or services or procurement liberalisation only, the estimated gains would be significantly lower. An FTA limited to tariff liberalisation would lead to 24 billion euros increase in GDP for the EU and 9 billion euros increase for the US. Thus implementing a comprehensive FTA would bring greater benefits to both economies.

A core message following from our results is that a focus on NTBs is critical to the logic of transatlantic liberalization. Different approaches to the same regulatory challenges can have the unintended consequence of increasing costs for firms, and so dragging down labour productivity. Negotiation on NTBs provides the opportunity to pursue a mix of cross-recognition and regulatory convergence to reduce these barriers. The estimates reported here point to substantial gains, if reductions in the costs of NTBs can be achieved. Limiting the exercise to tariffs alone would lead to positive effects, but these would be much more limited leaving a huge potential for economic and welfare gains untapped.

In terms of labour market impacts, wage effects are in line with changes in output and so are consistent with an interpretation of general cost savings that lead to productivity gains as firms operate with lower NTB-related costs for transatlantic commerce. It should be stressed that the model is a long-run model, where sources of employment and unemployment are "structural." In this sense, changes in labour demand are captured through wage changes (in this case rising wages) rather than aggregate employment levels. As wages increase in the experiments, this means a rising demand for labour. At sector level, roughly 0.2 to 0.5 per cent of the EU labour force (in terms of allocation across sectors) is de-located. However, this is due to "pull factors" as expanding sectors (like motor vehicles in the case of the EU) hire workers away from other sectors (like metals).

The impact on the rest of the world is estimated to be positive and amounts to a total of approximately 99 billion euros as an upper bound in the ambitious FTA scenario. The EU and US, collectively, are a huge economic force. To the extent that they can work together to better promote establishment and recognition in standards, reduce regulatory divergence, and otherwise reduce the impact on rules and regulations on the cost of business, it is likely that parts of such a framework (for example recognized product or safety standards) will be adopted elsewhere, reducing trade costs for third markets, which is captured in the model by introducing spill-overs to the simulations. To the extent the EU and US together drive global standards, this has potential to promote economic gains across the globe.

Depending on the approach followed, EU-US trade liberalisation has the potential to make a positive contribution not only to the transatlantic economy but also to the global economy.

The TTIP is vital to avoid a litany of impacts – especially European economic decline

Carl **Bildt and** Javier **Solana 15**, Former foreign and prime minister of Sweden and former EU High representative for Foreign and Security Policy, 1/6/15, Project Syndicate, "A Comeback Strategy for Europe," http://www.project-syndicate.org/commentary/2015-ttip-conclusion-critical-by-carl-bildt-and-javier-solana-2015-01

Even more compelling than the benefits of achieving an agreement, though, are the potentially catastrophic consequences of failure. For starters, a breakdown of TTIP talks would give considerable ammunition to those in the United Kingdom who advocate withdrawal from the EU; conversely, if the TTIP were implemented, the UK would be unwise - and thus unlikely - to leave.

Moreover, the perception that the EU's internal squabbles had led it to squander a strategic opportunity would probably drive the US to accelerate its disengagement from the continent. And Russian President Vladimir Putin would invariably regard the EU's failure as a major opportunity to exert more influence over parts of Europe.

All of this contributes to a starkly fundamental strategic risk: If the TTIP stalls or collapses while the TPP moves forward and succeeds, the global balance will tip strongly in Asia's favor – and Europe will have few options, if any, for regaining its economic and geopolitical influence.

European economic collapse causes global nuclear war

Gommes 11—Former Columbia Law Review senior editor [Thomas, publisher of Periscope Post, former corporate lawyer, "Eurozone in crisis: The death of the euro could trigger World War III," December 9, 2011, www.periscopepost.com/2011/12/eurozone-in-crisis-the-death-of-the-euro-could-trigger-world-war-iii/]

Eurozone in crisis: The death of the euro could trigger **World War III** The slow-motion demise of the euro isn't just financial Armageddon—it could just be one step down the slippery path to World War III. At the risk of being accused of scaremongering, I'll state my point simply and up front: Things in Europe are not as bad as they seem—they're worse. And though the commentariat is queuing up to predict the imminent demise of the euro currency and to lament the ongoing recession, that's not even the half of it: We're looking at World War III. As major corporations start drawing up contingency plans for a world without the euro and as weaknesses in government finances become ever more glaring, the end of the euro currency becomes an increasingly realistic prospect. Related, the total absence of business growth, or trading among European nations raises the question of what benefits a unified trading block offers. The driving motive behind the original Coal and Steel alliance that ultimately became today's European Union was a desire among nations, traumatised by the worst war in their collective history, to provide a deterrent against another war. My concern is that that trauma has faded, and that the fear of war has been replaced by the fear of recession. As anyone with even a fleeting familiarity with European history can confirm, ours is not exactly a history of love and peace. In fact, the period since the end of World War II has been probably the longest period of relative peace the region has ever known. Arguably, it's no coincidence that that period of peace has coincided exactly with the ever strengthening ties that have been forged between European nations over these past 60 years. If the bonds that tie Europe an nations together are weakened, the incentives to avoid **total war** dwindle. And its not as dramatic or far fetched a theory as it may at first sound. The end of the euro currency and a reversion to national currencies could quite possibly provide the impetus for a further dissolution of the union. The unraveling of painstakingly negotiated ties becomes easier and easier as each strand frays and breaks. Combine this unraveling with an ongoing or even deepening recession, and it all makes for a **combustible atmosphere**. Unfortunately, it is human nature to blame others for our woes. In an environment of unemployment, austerity, and general resentment, it is not difficult to imagine nations starting to point the finger at their neighbours. And without the unifying effect of a common currency, thriving trading relations, free movement of peoples, and common interests, Europe would find itself **increasingly susceptible to war**. Moreover, as so few Europeans in my generation, let alone subsequent generations, have even the slightest inkling about how horrific war is, it may be tempting to consider it as a solution to problems, or at minimum an acceptable response to perceived slights.

NSA surveillance undermines smart power and infrastructure

Eileen **Donahoe 14**, former U.S. ambassador to the UNHRC, 3/6/14, "Why the NSA undermines national security," http://blogs.reuters.com/great-debate/2014/03/06/why-nsa-surveillance-undermines-national-security/

Superior information is powerful, but sometimes it comes at greater cost than previously recognized. When trust and credibility are eroded, the opportunity for collaboration and partnership with other nations on difficult global issues collapses. The ramifications of this loss of trust have not been adequately factored into our national security calculus.

What is most disconcerting is that the NSA's mass surveillance techniques have compromised the security of telecommunication networks, social media platforms, private-sector data storage and public infrastructure security systems. Authoritarian governments and hackers now have a roadmap to surreptitiously tap into private networks for their own nefarious purposes.

By weakening encryption programs and planting backdoor entries to encryption software, the NSA has demonstrated how it is possible to infiltrate and violate information-security systems. In effect, the spy agency has modeled anarchic behavior that makes everyone less safe.

Some have argued, though, that there is a big difference between the U.S. government engaging in mass-surveillance activities and authoritarian governments doing so. That "big difference" is supposed to be democratic checks and balances, transparency and adherence to the rule of law. Current NSA programs, however, do not operate within these constraints.

With global standards for digital surveillance now being set, our political leaders must remember that U.S. security depends upon much more than unimpeded surveillance capabilities. As German Chancellor Angela Merkel, one of President Barack Obama's most trusted international partners, has wisely reminded us, just because we can do something does not mean that we should do it.

National security policies that fail to calculate the real costs of arbitrary mass surveillance threaten to make us less secure. Without trusted and trusting partners, U.S. priority initiatives in complex global negotiations will be non-starters.

The president, his advisers and our political leaders should reassess the costs of the NSA's spy programs on our national security, our freedom and our democracy. By evaluating these programs through a smart-power lens, we will be in a stronger position to regain the global trust and credibility so central to our national security.

Loss of smart power undermines effective democracy promotion

J. Brian **Atwood 11**, former Administrator of the U.S. Agency for International Development, 5/25/11, "The Importance of 'Democracy Promotion'," http://www.huffingtonpost.com/j-brian-atwood/the-importance-of-democra_b_358363.html

The overly enthusiastic embrace of "democracy promotion" by the Bush administration could have smothered that phrase for years to come (even though both U.S. parties previously had endorsed the policy). Fortunately President Obama resisted the temptation to abandon it. Eloquent and culturally-sensitive speeches by

the President in Prague, Cairo, and Accra effectively promoted this fundamental American value and with a "tough love" approach that implied we wanted to maintain a high standard.

The Bush administration often sounded as though it was lecturing from on high, while at the same time it pursued policies in its war on terror that made it sound hypocritical. When President Bush used democratic change as a rationale for the war in Iraq, many around the world began to see the promotion of democracy as a euphemism for regime change.

The Obama administration has set a high bar in advancing this value proposition. It must now take care to promote democratic change the right way, creatively integrating its sophisticated engagement approach, development strategies, and "smart power" philosophy. This means joining others in supporting democratic change, avoiding any hint of ambivalence even where security seems the overriding immediate concern, and providing resources to civil society organizations to support counterparts in transitional states.

A "smart power" foreign policy assumes a realist's understanding of geo-strategic considerations, but it also appreciates the benefits of positive American values in a world arena where ideology still has a role to play. We promote these values through public diplomacy, foreign assistance programs, and diplomatic and citizen initiatives that reflect our nation's democratic ideals.

Democracy is key to global security

Alexander T.J. **Lennon 09**, professor at Georgetown University, March 2009, "Democracy in U.S. Security Strategy From Promotion to Support," http://csis.org/files/media/csis/pubs/090310_lennon_democracy_web.pdf

Interviews began by asking every subject: "Why if at all, is the spread of democracy in the U.S. strategic interest today?" Every person, without exception, said yes, but for a variety of reasons. Many simply started with the fundamental role that seeking the spread of democracy has historically played in U.S. foreign policy. "It's our heritage," said one former senior diplomat, or "it's organic to who we are as a nation and as a people," said another former official. "As far as I know, every U.S. president except John Quincy Adams … and certainly every post-Cold War president" sought the spread of democracy from "George Washington, on the eve of his presidency, where he says that the success of what we're doing is going to basically influence the future of self-government" and "the Jefferson-Hamilton debates when Washington was president" through Theodore Roosevelt, Woodrow Wilson, Franklin D. Roosevelt, and Bill Clinton. Perhaps more cynically, some thought that democracy simple "resonates with the American public" or "for candidates and for politicians it is irresistible, and has been from the early days of the republic." More emotively, at least one non-American strategist thought "instinctively that America was always not only about power, but was always also about an idea." Grounding it in government practice, a former senior diplomat advised: "I think it's terribly important that we honor the basic democratic traditions of this country by trying through policy, as much as we can, to see democracy succeed elsewhere."

Beyond this basic sense of U.S. identity, many subjects cited at least one of three strategic reasons why the spread of democracy is in the U.S. interest. First, many invoked an enduring belief in some version of the "democratic peace theory" that democracies do not fight each other or that "if there was genuine democracy around the world, [the world] would be a more peaceful and prosperous place." The basic rationale is "restraint…it encourages negotiation and compromise as opposed to domination and conquest" or that, as one former senior policy maker said, "If you have a band of democratically minded countries that accept rule of law, then they will look toward other means to resolve disputes, not undertaking aggressive behavior." Nearly every conversation admitted this relationship was not absolute, and respondents believed "not the very strong version, but a moderately strong version" of this relationship "which basically is true" that democracies "less frequently," "infrequently," or "nearly" do not fight. In other words, that democracy "might contribute to peace" or that democracy "tended to" restrain countries.

TFTP

The TFTP is an irreplaceable cooperative counter-terrorism program that protects privacy

Office of the Press Secretary 10, Part of the executive branch that provides information to the press, 7/8/10, "Statement by the President on the U.S.-European Union Agreement on the Terrorist Finance Tracking Program (TFTP)," https://www.whitehouse.gov/the-press-office/statement-president-us-european-union-agreement-terrorist-finance-tracking-program-

The United States welcomes today's decision by the European Parliament to join the Council and Commission of the European Union in approving a revised agreement between the United States and the European Union on the processing and transfer of financial messaging data for the Terrorist Finance Tracking Program (TFTP). We look forward to the Council's completion of the process, allowing the agreement to enter into force on August 1, 2010, thus fully restoring this important counterterrorism tool and resuming the sharing of investigative data that has been suspended since January 2010. The threat of terrorism faced by the United States and the European Union continues and, with this agreement, all of our citizens will be safer.

The TFTP has provided critical investigative leads -- more than 1,550 to EU Member States -- since its creation after the September 11, 2001 terrorist attacks. These leads have aided countries around the world in preventing or investigating many of the past decade's most visible and violent terrorist attacks and attempted attacks, including Bali (2002), Madrid (2004), London (2005), the liquids bomb plot against transatlantic aircraft (2006), New York's John F. Kennedy airport (2007), Germany (2007), Mumbai (2008), and Jakarta (2009).

This new, legally binding agreement reflects significant additional data privacy safeguards but still retains the effectiveness and integrity of this indispensable counterterrorism program.

Protecting privacy and civil liberties is a top priority of the Obama Administration. We are determined to protect citizens of all nations while also upholding fundamental rights, using every legitimate tool available to combat terrorism that is consistent with our laws and principles.

The United States values the European Union's partnership in meeting the complex challenges of this era. Putting the TFTP on this cooperative course is another example of how we can work with our European partners to prevent terrorism and simultaneously respect the rule of law. This cooperation strengthens our transatlantic ties and makes all our people safer.

TTIP

The TTIP would be beneficial overall for both sides of the agreement

Shayerah Ilias **Akhtar and** Vivian C. **Jones 14**, Specialists in International Trade and Finance, 6/11/14, Congressional Research Service, "Proposed Transatlantic Trade and Investment Partnership (T-TIP): In Brief," http://www.fredsakademiet.dk/ordbog/tord/ttip.pdf

Members of Congress have a direct interest in the implications of T-TIP for the U.S. economy as a whole, as well as their specific states and/or districts. The slow economic growth in both the United States and EU are a major incentive for the T-TIP negotiations. Many policymakers view the T-TIP as a low-cost economic stimulus for supporting U.S. exports, employment, and economic growth. However, there is debate about how the economic effects of the T-TIP may be borne by various stakeholders. With any FTA, the benefits of trade liberalization tend to be diffuse, extending to businesses, workers, consumers, and other stakeholders. In contrast, the costs of FTAs tend to be highly concentrated—for example, with increased foreign competition resulting from an FTA adversely affecting certain firms and workers.

NSA surveillance endangers the future of the TTIP and TPP

Laura K. **Donohue 15**, Associate professor of law at Georgetown University, 2015, "High Technology, Consumer Privacy, and U.S. National Security," http://scholarship.law.georgetown.edu/cgi/viewcontent.cgi?article=2469&context=facpub

The NSA programs, and media coverage of them, have further impacted bi and multi-lateral trade negotiations, undermining U.S. economic security. Consider two of the most important talks currently underway: the Transatlantic Trade and Investment Partnership (TTIP) and the Trans-Pacific Partnership (TPP). TTIP is a trade and investment negotiation that is being conducted between the European Commission and the United States. The purpose of the agreement is to create better trade relations between the two region, enabling companies on both sides of the Atlantic to thrive. The revelations about NSA activities have had a profound impact on the negotiations.

In March 2014 the European Parliament passed a resolution noting "the impact of mass surveillance." It stated, "the revelations based on documents leaked by former NSA contractor Edward Snowden put political leaders under the obligation to address the challenges of overseeing and controlling intelligence agencies in surveillance activities and assessing the impact of their activities on fundamental rights and the rule of law in a democratic society." 39 It recognized that the programs had undermined "trust between the EU and the US as transatlantic partners." Not least were concerns that the information could be used for "economic and industrial espionage"—and not merely for the purpose of heading off potentially violent threats. Parliament strongly emphasized, "given the importance of the digital economy in the relationship and in the cause of rebuilding EU-US trust," that its "consent to the final TTIP agreement could be endangered as long as the blanket mass surveillance activities and the interception of communications in EU institutions and diplomatic representations are not completely abandoned and an adequate solution is found for the data privacy rights of EU citizens." The resolution underscored that any agreement to TTIP would hinge on the protection of the data privacy rights as reflected in the protection of fundamental rights in the EU Charter.40

Even if the surveillance programs do not entirely derail TTIP, they have the potential to significantly retard negotiations.41 Much is at stake. The Center for Economic Policy Research in London, for instance, estimates that a successful TTIP could improve U.S. workers' wages, provide new jobs, and increase the country's GDP by $100 billion per year. 42 Another study, conducted by the Bertelsmann Foundation, suggests that TTIP "could increase GDP per capita in the United States by 13 percent over the long term."43 To the extent that the programs weaken the U.S. position in the negotiations, the impact could be significant.44 Although the United States Trade Representative is trying to counter the political fallout from the NSA debacle by putting local data protection initiatives on the table in the TTIP negotiations, the EU has steadfastly resisted any expansion into this realm.

TPP, in turn, is a trade agreement that the United States is negotiating with 11 countries in the Asia-Pacific region (Australia, Brunei Darussalam, Canada, Chile, Japan, Malaysia, Mexico, New Zealand, Peru, Singapore, and Vietnam). TPP (with participation of Japan), accounts for nearly 40% of global GDP, about 1/3 of world trade. Two of the United States' objectives in these negotiations are directly implicated by the Snowden releases: e-commerce / telecommunications, and intellectual property rights.

The NSA programs relate to a number of categories under e-commerce—such as rules preventing discrimination based on the country of origin, and efforts to construct a single, global Internet. Nevertheless, as discussed below, some of the countries involved in TPP have already adopted data localization laws. The NSA programs have thus weakened the United States' negotiation position in these discussions, by making it more difficult to reach agreement in key areas. In addition to e-commerce considerations, as part of the TPP negotiations, the United States has prioritized intellectual property rights. Some 40 million American jobs are directly or indirectly tied to "IP-intensive" industries. These jobs tend to be high-paying and stimulate approximately 60% of U.S. merchandise exports, as well as a significant portion of services. Efforts to make progress in TPP by developing stronger protections for patents, trademarks copyrights, and trade secrets—including safeguards against cyber theft of trade secrets—is made more perilous by the existence of the NSA programs.

TPP

TPP solves multiple scenarios for conflict throughout asia and east asia – impact D and thumpers don't apply *trumps every alt cause, thumper, and impact d - - it's the necessary and sufficient condition for every internal link*

Economist 14. [11-15-14 --- http://www.economist.com/news/special-report/21631797-america-needs-push-free-trade-pact-pacific-more-vigorously-americas-big-bet]

In September, just days after Mr Abe reiterated in America that TPP was crucial for raising Japan's agricultural competitiveness and helping it adjust to an ageing society, TPP talks between the two countries abruptly broke down. Each side blamed the other, though Americans continue to suspect that the problem is not Mr Abe's own commitment but the weight the farmers carry with his bureaucrats. The Japanese, for their part, realise that their best offer may never be good enough for Congress, so **without TPA there is unlikely to be TPP.** Mr Froman, the trade tsar, puts TPP into a dauntingly ambitious context. He calls it **central to America's pivot to Asia**, a chance to **show the country's commitment** to **creating institutions** that **moderate territorial disputes**, and an opportunity to show emerging economies (meaning China) what economic **rules the global economy should follow**. "At a time when there is **uncertainty about the direction of the global trading system**, TPP can play a **central role in setting rules of the road** for a **critical region** in flux," he says. The flipside of this is that **failure becomes an even bigger risk**, which Mr Froman acknowledges. Perhaps in an effort to prod a somnolent, introspective Congress into action, he makes the dramatic claim that failure could mean **America "would forfeit its seat at the centre of the global economy".** Many pundits in Washington agree that **American leadership in Asia is on the table**. Michael Green of the Centre for Strategic and International Studies says TPP failure would "**undermine the impression of the United States as a Pacific power and look like an abdication of leadership**". It would also take pressure off Japan and China to reform their economies. Mireya Solís, a Japan expert at the Brookings Institution, says it would be a "**devastating blow to the United States' credibility**". Those views are echoed in East Asia. Mr Tay in Singapore says TPP **failure would be a disaster:** "If the domestic issues of these two countries cannot be resolved, there is **no sense that the US-Japan alliance can provide any kind of steerage for the region."** Deborah Elms, head of the Singapore-based Asian Trade Centre, suggests that so far the American pivot has manifested itself mainly as an extra 1,000 marines stationed in Australia.

"**Without TPP, all the pivot amounts to is a few extra boots on the ground** in Darwin," she says. Even members of America's **armed forces are worried**. As one senior serving officer in the Pacific puts it, "the TPP **unites countries** that are **committed to a trade-based future, transparency and the rule of law.** It is the **model** that the United States and Europe have advanced versus that advanced by China. It is an opportunity to **move the arc of Chinese development,** or identify it as a non-participant." Yet when Mr Obama mentions TPP, he talks mostly about protecting American jobs rather than safeguarding America's place in the world. The president has never fully **put his back into forcing a congressional vote on TPA**. There is **still time** for him and Mr Abe to rescue the trade talks. But **unless Mr Obama leads from the front, America's own leadership in the Pacific will seem less convincing** than he has repeatedly promised.

EXT: Freedom Act

The Freedom act doesn't go far enough to curtail surveillance – hardly affected the NSA

Jennifer **Granick 15**, Director of Civil Liberties at the Standford Center for Internet, 5/28/15, "A Sunset is a Beautiful Thing," http://www.forbes.com/sites/valleyvoices/2015/05/28/a-sunset-is-a-beautiful-thing/2/

Some reformers support the USA Freedom Act (USAF) passed by the House of Representatives, which would prohibit "bulk" collection on everyone but still allow "bulky" collection potentially effecting hundreds of thousands of people. Section 215 as people understood it when passed didn't allow this. But after the NSA's bastardized interpretation of 215 was accepted by the FISA court, and after years of an indiscriminate phone dragnet, USAF was a compromise between reauthorizing dragnet surveillance and assuring less dragnet surveillance plus some oversight and transparency safeguards.

That was then, but this is now. USAF was negotiated at a time when straight reauthorization was a real danger. It no longer is. USAF was negotiated at a time when the only judges ruling on the dragnet were FISA court judges approving it. A few weeks ago, however, the Second Circuit issued a stinging rebuke to the NSA and those FISC judges, ruling that Section 215 doesn't allow dragnet surveillance.

USAF was negotiated at a time when we had very little information on whether and how the FBI, as opposed to the NSA, was using the provision for dragnet spying on Americans. In fact, USAF exempts the FBI from certain reporting requirements. But just this week, the government released a Department of Justice Inspector General (IG) report yesterday, which tells us the FBI has also been abusing section 215 for bulk collection. The Justice Department, supposed to oversee the FBI, for seven years failed to create privacy rules required by the permissive FISA Court. Perhaps the worst part is that the FBI has, get this, a classified definition of what it means to be a United States Person entitled to privacy protections under intelligence laws. You don't even know if you are entitled to be treated as an American or not. If this doesn't blow your mind, you aren't paying attention. This is a great reason to hold off on USAF. We can't be sure USAF fixes the problem if we are still learning what the problems are.

EXT: EU Perception

NSA surveillance causes the EU to view the US as something to defend itself from

Committee on Civil Liberties, Justice and Home Affairs 14, Committee in the EU Parliament, 3/12/14, "US NSA: stop mass surveillance now or face consequences, MEPs say," http://www.europarl.europa.eu/pdfs/news/expert/infopress/20140307IPR38203/20140307IPR38203_en.pdf

The text also calls for a "European whistle-blower protection programme", which should pay particular attention to the "complexity of whistleblowing in the field of intelligence". EU countries are also asked to consider granting whistleblowers international protection from prosecution.

Furthermore, Europe should develop its own clouds and IT solutions, including cybersecurity and encryption technologies, to ensure a high level of data protection, adds the text.

The UK, France, Germany, Sweden, the Netherlands and Poland should clarify the allegations of mass surveillance - including potential agreements between intelligence services and telecoms firms on access to and exchange of personal data and access to transatlantic cables - and their compatibility with EU laws, the resolution says.

Other EU countries, in particular those participating in the "9-eyes" (UK, Denmark, France and the Netherlands) and "14-eyes" arrangements (those countries plus Germany, Belgium, Italy, Spain and Sweden) are also urged to review their national laws to ensure that their intelligence services are subject to parliamentary and judicial oversight and that they comply with fundamental rights obligations.

AT: Credibility Advantage

1NC – Terrorism Turn

Turn - The NSA programs are a major component of our counter-terrorism efforts, curtailing decreases effective CT

Sean **Sullivan 13**, reporter for the Washington Post, 6/18/13, "NSA head: Surveillance helped thwart more than 50 terror plots," The Washington Post, http://www.washingtonpost.com/blogs/post-politics/wp/2013/06/18/nsa-head-surveillance-helped-thwart-more-than-50-terror-attempts/

Alexander had previously said the intelligence gathering helped in the cases of Najibullah Zazi, an Afghan American who pleaded guilty to planning suicide attacks in New York, and Pakistani American David Headley, who conducted surveillance in support of the 2008 attacks in Mumbai, India. Joyce elaborated on the two previously revealed cases on Tuesday.

Alexander said he would provide details of the 50 examples he cited Tuesday to lawmakers in a classified setting on Wednesday.

"Those 50 cases right now have been looked at by the FBI, CIA and other partners within the community, and the National Counterterrorism Center is validating all the points so that you know that what we've put in there is exactly right," said Alexander.

Alexander also said that if the surveillance programs had been in place before the Sept. 11 attacks, the United States would have known that hijacker Khalid Muhammad Abdallah al-Mihdhar was in San Diego and communicating with a known al Qaeda safehouse in Yemen.

Alexander's testimony came a day after President Obama defended his administration's right to engage in such surveillance in an interview with PBS host Charlie Rose, saying the programs had adequate checks and balances.

The Foreign Intelligence Surveillance Court, Obama argued, provided sufficient oversight of the National Security Agency's activities and said the government was "making the right trade-offs" in balancing privacy rights with national security prerogatives.

"What I can say unequivocally is that if you are a U.S. person, the NSA cannot listen to your telephone calls, and the NSA cannot target your e-mails," he added, before Rose interjected, "And have not."

"And have not," Obama reiterated. "They cannot and have not, by law and by rule, and unless they — and usually it wouldn't be 'they,' it'd be the FBI — go to a court, and obtain a warrant, and seek probable cause, the same way it's always been, the same way when we were growing up and we were watching movies, you want to go set up a wiretap, you got to go to a judge, show probable cause."

1NC - TFTP Useless

The TFTP is limited in its capabilities and effectiveness and often falsely accuses people of terrorism

Mara **Wesseling 13**, PhD Candidate at University of Amsterdam, August 2013, "Terrorism financing barely traceable using data analysis," http://www.uva.nl/en/news-events/news/uva-news/content/news/2013/08/terrorism-financing-barely-traceable-using-data-analysis.html

Immediately following the terrorist attacks on 11 September 2001, the European Union created the EU Action Plan for Combating Terrorism, which included action against terrorism financing as a 'core component'. Politicians, policymakers and legal experts stress the importance of combating terrorism financing, as they see money as a crucial element in the propagation of terrorism. Specific programmes have been set up to address the problem.

'My research shows that it cannot yet be demonstrated whether these programmes have had much success with regard to tracking down suspected terrorists or preventing terrorist attacks. In light of the meagre and sometimes debatable results of both programmes, the question arises whether the social and political changes instituted as part of the data-analysis-driven fight against terrorism are (still) desirable or justified,' Wesseling says.

Terrorist Finance Tracking Program

In her research, Wesseling analysed the Terrorist Finance Tracking Program (TFTP – better known as the SWIFT programme in the wake of the 'SWIFT affair') and the Third European AML/CFT directive. These two programmes constitute the most significant initiatives in the European fight against the financing of terrorism.

It has been shown that risk analyses carried out by banks as part of the Third European AML/CFT directive have revealed virtually no patterns that point to terrorism financing. Wesseling goes on to say that the preventive power of the TFTP to detect terrorist networks at an early stage is also limited. What is more, both programmes could lead (and in practice have led) to the registration and arrest of persons who are then wrongfully depicted as terrorists. Furthermore, she adds that there is a relationship between the TFTP and the imprisonment of alleged terrorists, including those at Guantanamo Bay.

1NC -TPP

TPP won't curb China's power

Clyde **Prestowitz 1/22**/15, president of the Economic Strategy Institute and the author most recently of "The Betrayal of American Prosperity." He served in the Reagan administration and was vice chairman of President Clinton's Commission on Trade and Investment in the Asia-Pacific Region, "**The Trans-Pacific Partnership won't deliver jobs or curb China's power**," LA Times, www.latimes.com/opinion/op-ed/la-oe-prestowitz-tpp-trade-pact-20150123-story.html

In any case, the ever-closer linking of the U.S. economy to those of the TPP countries over the last 35 years has not prevented the rise of Chinese power, nor has it deterred U.S. trade partners and allies from developing ever closer ties with China. Further, the GDP of the combined TPP countries already dwarfs that of China. But this means nothing. The TPP is not going to bring together nations such as Mexico, Peru, Chile, New Zealand, Australia, Singapore, Malaysia and

Brunei to gang up against China. That is just not going to happen.¶ Thus **the TPP fails on both economic and political grounds**. It is no more than a late lament for the dying age of free-trade agreements.

2NC - TPP

No effect on trade—protectionism is low in the squo and TPP's barriers offset gains

Dean **Baker 14**, PhD in Economics, co-director of the Center for Economic and Policy Research in Washington, D., News for Washington Post: Politicians Don't Always Tell the Truth and TPP Is Not a Free-Trade Agreement, 12/27, http://www.cepr.net/index.php/blogs/beat-the-press/new-for-washington-post-politicians-dont-always-tell-the-truth-and-tpp-is-not-a-free-trade-agreement

The piece also repeatedly refers to **the TPP as liberalizing trade**. This **is not at all clear**. Most of the trade barriers between the United States and the countries in the agreement are already low. While the TPP will reduce many of these barriers further, it will also increase protectionist barriers in the form of patent and copyright protection. It is entirely possible that the increase in protectionism due to stricter and longer protections in these areas will most than offset any reduction in the remaining tariff and quota barriers.¶ It is also worth noting that the deal will likely include nothing about regulating currency values. The decision of many developing countries to deliberately keep their currencies low against the dollar has been the major factor sustaining the U.S. trade deficit, which is now more than $500 billion annually (@ 3 percent of GDP). This loss of demand is the major cause of the "secular stagnation" that economists like Larry Summers have been writing about lately. Opponents of this trade deal have argued that currency should be included in the pact given the enormous damage caused by the resulting trade deficits.

1NC - TTIP

Their evidence is overly optimistic – no one knows the true impact the TTIP will have and it's likely to be negative

Sandra **Bernick 15**, economist with the New Economics Foundation, 4/24/15, The New Economic Foundation, "Does TTIP really make (economic) sense?," http://www.neweconomics.org/blog/entry/does-ttip-really-make-economic-sense

Several studies have already looked at the impacts TTIP is likely to produce (detailed in Figure 1 above). Overall they find negligibly small positive to negative impacts. A rise in exports of between 0.9% and 7.6% is projected and should translate to an increase of GDP between 0.30% and 0.49% by 2027.

Results on jobs, however, are not detailed by three of the five studies. Two of these, prepared by CEPR and Ecorys on behalf of the European Commission, assume the amount of labour as fixed, excluding through this assumption any impacts on jobs. Other studies that include employment impacts put these at a plus of 1.3 million and a reduction of 583,000 across Europe. An increase of €545 in disposable income for a four person household by 2027 advertised by the Commission is far too little to lift living standards.

All of these are long-term impacts so we know very little about what effects will be experienced before 2027, in particular for jobs and wages. Yet even the long-term outcomes are hardly what one would imagine a "comeback for Europe" to look like. The same is true when we look at modelled impacts for individual countries.

Looking at estimates for the UK specifically, the story does not change. Again, we see very low positive to negative estimates for exports (between +2.95 and -0.95%) and little additional growth, ranging from +0.35% (CEPR study) to -0.07% (Capaldo). The LSE

in their study even outright proclaimed that there is "little reason to think that an EU-US investment chapter will provide the UK with significant economic benefits". Equally, there will likely be no employment benefits either with Capaldo estimating a small reduction. Cleary this is hardly a "once in a generation prize".

The costs and benefits of TTIP are hard to assess when you have an incomplete picture. Many existing studies focus on specifying impacts in later years, and few include useful information on the levels of employment and the quality of jobs. Even if these were available, we would not be getting a full picture of how the agreement impacts our economy, society and environment.

A full overview of TTIP's true costs and benefits, taking into account externalities, could not be more paramount given the scale and scope of the deal. The EU already has a commitment to assess social and environmental impacts when concluding trade deals. Yet the Sustainable Impact Assessment remains unpublished, even as negotiations reach their final stages. Until this is published, ignore the bravado – no one can say for sure what impact TTIP will have on the still-vulnerable European economy.

1NC – Democracy

Alt causes to loss of US credibility

Mike **Green 13**, professor of international relations @ Georgetown University, 11/4/13, "The NSA Leaks Are Bad, but Syria Hurt U.S. Credibility More," http://foreignpolicy.com/2013/11/04/the-nsa-leaks-are-bad-but-syria-hurt-u-s-credibility-more/

For an administration that built its foreign policy strategy around "restoring our reputation abroad" (and the media that played along with that narrative), it is cause for alarm that European allies like Germany are now mad at us. Western European opinion, after all, was the evidence that academics, the New York Times, and the Democratic Congress used to illustrate America's declining reputation under Bush (never mind that the U.S. reputation in Asia and Africa generally went up in polling from 2001-2008, and in the Middle East has rapidly declined since Bush left office). This was the same mindset that led President Obama to give his global zero speech in Berlin instead of say, Tokyo or Jerusalem, which actually face the threat of nuclear armed missiles.

Now the media is lamenting Asian outrage over the NSA scandal. In the wake of reports in the Washington Post on joint U.S.-Australian collaboration to monitor Chinese and Southeast Asian communications, the Chinese government spokesman expressed "deep concern" (Beijing was shocked…shocked!), while the Indonesian Foreign Ministry called in the Australian Ambassador in Jakarta to protest this "violation of diplomatic norms." Google this latest round of Snowden leaks on Asia and you will find a dozen headlines that say something like "Outrage over NSA Spying Spreads to Asia."

And yet, what has struck me in numerous recent discussions with senior politicians and officials from East Asian allies is how little the NSA revelations come up in conversation. Our East Asian allies know that Henry Stimson ("gentlemen do not read other gentlemen's mail") is no longer Secretary of State. With a rising China and a nuclear armed North Korea, they have become quintessential realists and know how the game is played. What worries them much, much more than Snowden is Syria. It comes up in private conversation all the time. I have tried to explain that our "never mind" on Syria should not lead governments in Seoul or Tokyo to question the resolve of Americans to defend our allies against growing threats in East Asia. I have pointed to recent surveys showing that more Americans than ever say we should fight to protect Korea if it comes under attack from the North. And I have noted that despite the Asia pivot's drift in recent months, the U.S. military continues giving top priority to the region.

We are fortunate to have Shinzo Abe in Tokyo, Park Geun-hye in Seoul, and Tony Abbott in Canberra. They are not going to give up on us as easily as the Saudis and other Gulf allies have over Syria and Iran policy. Nor are our friends in Southeast Asia, who express outrage over the NSA stories because they can, but keep American close as China rises because they must. But even though the NSA story dominates the

headlines, the administration's prevarications over Syria continue to linger for the elites who drive national strategy in these countries. Yes, they want to like us — but they also need our enemies to fear us.

US Credibility is already at rock bottom and there hasn't been a decrease in global security

Mark **Eades 13**, journalist for US News, 12/16/13, US News, "U.S. Credibility Around the World Damaged by Afghanistan War," http://www.usnews.com/opinion/blogs/world-report/2013/12/16/us-credibility-around-the-world-damaged-by-afghanistan-war

American credibility is not simply at risk but has already suffered damage – and remains in a deteriorating spiral. The gulf between the words and deeds of the United States regarding Afghanistan over the past decade has been so vast that trust in America has been severely degraded. There are real consequences to this loss of trust and if this trend is not reversed, vital American interests may one day be placed at risk.

Following initial deployment of surge forces into Afghanistan, Gen. Stanley McChrystal, then the commander of U.S. troops in the country, told the New York Times, "I think we have made significant progress in setting the conditions in 2009 ... and that we'll make serious progress in 2010." Gen. David Petraeus followed McChrystal in command and in March 2011 testified before the House Armed Services Committee that "as a bottom line up front, it is [the International Security Assistance Force's] assessment that the momentum achieved by the Taliban in Afghanistan since 2005 has been arrested in much of the country and reversed in a number of important areas." Next in line came Gen. John Allen, who claimed at his change of command ceremony in February 2013 that in fact, "This is victory. This is what winning looks like".

After 12 full years of war, however, this is what "victory" actually looks like:

"Afghanistan's opium production surged this year to record levels, despite international efforts over the past decade to wean the country off the narcotics trade, according to a report released Wednesday by the U.N.'s drug control agency," Fox News reported.

Transparency International's Corruption Perception Index ranks Afghanistan as dead-last at 174th out of 174 nations evaluated.

The United Nations General Assembly Security Council reported that "from 16 May to 15 August [2013], 5,922 [security] incidents were recorded, an 11 per cent increase compared with the same period in 2012 (5,317 incidents)."

And the United Nations Assistance Mission in Afghanistan documented "1,319 civilian deaths and 2,533 injuries (3,852 casualties) from January to June 2013, marking a 14 percent increase in deaths, 28 percent increase in injuries and 23 percent increase in total civilian casualties compared to the same period in 2012."

When the world hears American leader after leader make claims of victory and success year after year – yet sees with their eyes that in fact the war has been an unmitigated failure – they can't help but lose faith in the word of our country.

What credibility, then, should the leaders of other nations place in the judgment of America's senior civilian and uniformed leaders when we make assessments on security matters, especially when we might then ask those nations to contribute their treasure or risk their blood in support?

There's only a small loss of credibility and it will be regained in the long term

David **Francis 13**, editor for the Fiscal Times, 11/4/13, The Fiscal Times, "Why Europe Won't Punish the U.S. over NSA Scandal," http://www.thefiscaltimes.com/Articles/2013/11/04/Why-Europe-Won-t-Punish-US-over-NSA-Scandal

But is this truly the case? Expressing anger over NSA practices is one thing; actually making policy changes because of the behavior is entirely another. A close examination of statements made by European officials shows their tone softening.

There is not likely to be any long-term fallout in two key areas: economic negotiations over a $287 billion EU/U.S. trade pact are going to continue, and intelligence is still likely to pass back and forth across the Atlantic. The only real damage has been to the standing of the United States with the European public and fringe lawmakers.

1) Economic cooperation. There are growing concerns that the European Union could make it tougher for private businesses to operate in Europe. According to reports, some European lawmakers are considering suspending the "Safe Harbor" agreement that allows American firms to process European personal data, effectively ending the ability of companies like Apple to sell their products in Europe.

But the cornerstone of EU/U.S. economic ties is the Transatlantic Trade and Investment Partnership, a deal currently being negotiated. According to a study by the U.S. Chamber of Commerce, the agreement would increase trade between the partners by $120 billion within five years. At the same time, it would add some $180 billion to U.S.-EU gross domestic product.

After the initial reports on U.S. snooping, some European lawmakers called for the EU to abandon the deal. But the economic reality in the European Union makes this impossible. The euro zone s struggling to grow, and Europe needs the help more than America. Estimates put forth by the European Commission suggest a new trade pact could increase annual GDP by 0.5 percent in the EU and 0.4 percent in the U.S. by 2027.

Even Merkel dismissed any thought of abandoning the deal, saying on Friday, "Maybe the talks are more important right now considering the current situation."

2) Intelligence sharing. Reports out of Germany indicate that Berlin and Washington are set to sign an agreement forbidding espionage against one another some time next year. This agreement would go a long way toward placating Germany anger.

But each side will not stop sharing intelligence. Numerous reports indicate that the German foreign intelligence service uses NSA information to track terrorist on German soil. In fact, authorities have used this information to foil attacks in Germany.

The same kind of exchange is also set to continue among other NATO allies. All partners share information that could be used to prevent attacks. Some former European intelligence officials have even admitted that European NATO members also spy on the United States.

"The Americans spy on us on the commercial and industrial level like we spy on them," Bernard Squarcini, former head of the French secret services said last week. "No one is fooled."

3) American standing. Merkel, in her phone call with the president, said that the NSA targeting of her phone amounted to a breach of trust. This sense of betrayal has spread among lawmakers across the continent.

Fortunately, Obama has a well of good will to draw upon with the European public. They might be angry with the NSA, but so far, this anger has not been directed at the president himself.

Impact D - TPP

No Asia war

Nick **Bisley 14**, Professor of IR @ La Trobe University (Australia) and Executive Director of La Trobe Asia, "It's not 1914 all over again: Asia is preparing to avoid war", 3/10, http://theconversation.com/its-not-1914-all-over-again-asia-is-preparing-to-avoid-war-22875

Asia is cast as a region as complacent about the risks of war as Europe was in its belle époque. Analogies are an understandable way of trying to make sense of unfamiliar circumstances. In this case, however, the historical parallel is deeply misleading. Asia is experiencing a period of uncertainty and strategic risk unseen since the US and China reconciled their differences in the mid-1970s. Tensions among key powers are at very high levels: Japanese prime minister Shinzo Abe recently invoked the 1914 analogy. But there are very good reasons, notwithstanding these issues, why Asia is **not about to tumble into** a **great power war.** China is America's second most important trading partner. Conversely, the US is by far the most important country with which China trades. Trade and investment's **"golden straitjacket"** is a basic reason to be optimistic. Why should this be seen as being more effective than the high levels of interdependence between Britain and Germany before World War One? Because Beijing and Washington are not content to rely on markets alone to keep the peace. They are **acutely aware of how much they have at stake**. Diplomatic infrastructure for peace The two powers have established a **wide range of institutional links** to manage their relations. These are designed to improve the level and quality of their communication, to lower the risks of misunderstanding **spiralling** out of control and to manage the trajectory of their relationship. Every year, around 1000 officials from all ministries led by the top political figures in each country meet under the auspices of the Strategic and Economic Dialogue. The dialogue has demonstrably improved US-China relations across the policy spectrum, leading to collaboration in a wide range of areas. These range from disaster relief to humanitarian aid exercises, from joint training of Afghan diplomats to marine conservation efforts, in which Chinese law enforcement officials are hosted on US Coast Guard vessels to enforce maritime legal regimes. Unlike the near total absence of diplomatic engagement by Germany and Britain in the lead-up to 1914, today's two would-be combatants have a **deep** level of **interaction** and practical co-operation. Just as the extensive array of common interests has led Beijing and Washington to do a lot of bilateral work, Asian states have been busy the past 15 years. These nations have created a broad range of **multilateral institutions** and mechanisms intended to **improve trust**, generate a sense of common cause and promote regional prosperity. Some organisations, like the Asia-Pacific Economic Cooperation (APEC), have a high profile with its annual leaders' meeting involving, as it often does, the common embarrassment of heads of government dressing up in national garb. Others like the ASEAN Regional Forum and the ASEAN Defence Ministers' Meeting Plus Process are less in the public eye. But there are more than **15** separate multilateral bodies that have a focus on regional security concerns. All these organisations are trying to build what might be described as an infrastructure for peace in the region. While these mechanisms are not flawless, and many have rightly been criticised for being long on dialogue and short on action, they have been crucial in managing **specific crises** and allowing countries to clearly state their commitments and priorities.

Deterrence and economics check

Paul **Dibb 14**, emeritus professor of strategic studies @ The Australian National University, "Why A Major War In Asia Is Unlikely," March 31, East Asia Forum, Economy Watch, http://www.economywatch.com/features/why-a-major-war-in-asia-is-unlikely.31-03.html

Even so, there are two major reasons why a major power **war in Asia is unlikely**. First, there is the **iron discipline of nuclear deterrence**, which has prevented a major war for almost 70 years, even at the most dangerous heights of the Cold War. An all-out nuclear war between the US and China would involve the deaths of hundreds of millions of people on both sides in a matter of hours. For all intents and purposes, they would cease to exist as modern functioning societies. This is an existential threat unlike any faced by humankind previously. Once nuclear weapons are used it would be practically impossible to avoid full-blown escalation. The second factor is the **unprecedented economic and technological interdependence** that now intertwines virtually **every economy in the region**. Assertions that globalisation was even deeper in 1914 are simply untrue. Global supply chains for almost every product consumed in the Asia Pacific make every country in the region **critically vulnerable** to the outbreak of war. And that includes China as much — or even more so — as any other country. China is now crucially dependent on imports for its economic securi ty (for example, it accounts for 60 per cent of global seaborne iron ore trade). So, as the doyen of US international relations studies Professor Joseph Nye of Harvard University argues, we should be wary of analysts wielding historical analogies, particularly if they have a whiff of inevitability. War, he observes, is never inevitable, though the belief that it is can become one of its causes.

Impact D - TTIP

Trade is irrelevant for war

Katherine **Barbieri 13**, Associate Professor of Political Science at the University of South Carolina, Ph.D. in Political Science from Binghamton University, "Economic Interdependence: A Path to Peace or Source of Interstate Conflict?" Chapter 10 in Conflict, War, and Peace: An Introduction to Scientific Research, google books

How does interdependence affect war, the most intense form of conflict? Table 2 gives the **empirical results**. The rarity of wars makes any analysis of their causes quite difficult, for variations in interdependence will seldom result in the occurrence of war. As in the case of MIDs, the log-likelihood ratio tests for each model suggest that the inclusion of the various measures of interdependence and the control variables improves our understanding of the factors affecting the occurrence of war over that obtained from the null model. However, the individual interdependence variables, alone, are not statistically significant. This is not the case with contiguity and relative capabilities, which are both statistically significant. Again, we see that contiguous dyads are more conflict-prone and that dyads composed of states with unequal power are more pacific than those with highly equal power. Surprisingly, no evidence is provided to support the commonly held proposition that democratic states are less likely to engage in wars with other democratic states.¶ The evidence from the pre-WWII period provides support for those arguing that **economic factors have little, if any, influence** on affecting leaders' decisions to engage in war, but many of the control variables are also statistically insignificant. These results should be interpreted with caution, since the sample does not contain a sufficient number wars to allow us to capture great variations across different types of relationships. Many observations of war are excluded from the sample by virtue of not having the corresponding explanatory measures. A variable would have to have an extremely strong influence on conflict—as does contiguity—to find significant results. ¶ 7. Conclusions This study provides **little empirical support** for the liberal proposition that trade provides a path to interstate peace. **Even after** controlling for the influence of contiguity, joint democracy, alliance ties, and relative capabilities, the evidence suggests that **in most instances trade fails to deter conflict**. Instead, extensive economic interdependence increases the likelihood that dyads engage in militarized dispute; however, it **appears to have little influence on the incidence of war**. The greatest hope for peace appears to arise from symmetrical trading relationships. However, the dampening effect of symmetry is offset by the expansion of interstate linkages. That is, extensive economic linkages, be they symmetrical or asymmetrical, appear to pose the greatest hindrance to peace through trade.

Impact D - General

Their evidence is predicated in alarmist reactions to counter-terrorism

Mathieu **Deflem and** Shannon **McDonough 15**, Professor of Sociology at the University of South Carolina, 1/15/15, "The Fear of Counterterrorism: Surveillance and Civil Liberties," http://link.springer.com/article/10.1007/s12115-014-9855-1#page-1

The prior analysis shows that civil liberties claims are not only a function of actual violations, but also result from a culturally entrenched fear of counterterrorism and the power of surveillance. In such a hyper-sensitive civil liberties culture, there is an intimate and ironic relationship between fear and surveillance. Fear justifies and motivates the use of surveillance, while the expansion of surveillance produces a cultural fear of its capabilities and consequences. The notion of a culturally embedded fear of counterterrorism in the United States can be substantiated on the basis of national survey data such as those provided by Gallup and the Pew Research Center, two widely respected organizations conducting public opinion polls.

First, it is noteworthy that since the terrorist attacks of September 11, 2001, Americans have decreasingly perceived of terrorism as a top priority facing the country. Gallup data show that just before the attacks of 9/11, less than half of 1 % of Americans mentioned terrorism as the most important problem facing the United States today (Newport 2010). Not surprisingly, that number rose dramatically to 46 % in October 2001. But since then, Americans decreasingly perceive of terrorism as a central problem facing the country. By January 2003, the number of Gallup respondents seeing terrorism as a top concern had already declined to about 10 %, and by September 2010 only 1 % of Americans surveyed mentioned terrorism as a top issue of concern for the country. Similarly, Gallup polls show that Americans decreasingly perceive it to be likely that a terrorist attack will take place in their country (Saad 2011). After the events of 9/11, no less than 85 % of those surveyed thought another terrorist attack against the United States was likely, a number that decreased to 52 % by 2002 and stood at 38 % in 2011.

Second, along with a dwindling fear of terrorism since 9/11, data show that Americans express considerable concerns over counterterrorism measures and are less willing to accept such measures in the name of the fight against terrorism. Since the events of September 11, Gallup polls show, US citizens increasingly less favor counterterrorism measures that might violate civil liberties (Gallup 2013). In January 2002 no less than 47 % of surveyed Americans stated that the government could take necessary steps against terrorism even if civil liberties were violated, but by 2011 only 25 % approved and no less than 71 % disapproved of such measures. Also, whereas in June of 2002 only 11 % of respondents felt that the administration had gone too far in restricting civil liberties, 41 % felt that this was the case as early as May 2006.

Data from the Pew Research Center substantiate these findings by showing that increasingly fewer Americans feel that it is necessary to give up civil liberties to curb terrorism (Doherty 2013). In the immediate aftermath of 9/11, a majority of 55 % of those surveyed stated it was necessary to give up civil liberties in the name of counterterrorism, while 35 % expressed the opposite viewpoint. By 2011, the situation was reversed, with a majority of 54 % stating it would not be necessary to curb civil liberties and 40 % expressing the opposite opinion.

Successful counterterrorism interventions by security agencies can be expected to influence attitudes. Recently noteworthy, for instance, is the sympathy many Americans showed towards law enforcement following the capture of the perpetrators of the Boston Marathon bombings in April 2013. Yet, such situational factors can easily be offset by other, more problematic interventions and more long-standing suspicions towards government power. Favorable sentiments created by the immediacy of the problems posed by a terrorist suspect being on the loose in Boston cannot be expected to carry over into a general embrace of a more permanent expansion of law enforcement powers because of long-standing American concerns over privacy.

Indeed, Gallup data show that Americans have since 9/11 steadily affirmed their concerns over privacy and civil liberties (Gallup 2013). Findings show that from 2003 to 2011 some 65 to 71 % of respondents feel that government actions against terrorism should not violate Americans' civil liberties. Such concerns over privacy are also found to be felt among large segments of the American public with respect to both government as well as private-business conduct, sentiments which strikingly unite respondents who identify as Republican, Democratic, or Independent (Doherty 2013). In 2012, respectively 72, 74, and 77 % of respondents from these groups stated that business was collecting too much personal information, while 72, 60, and 65 % stated that the government was collecting too much information.

A surge in privacy concerns among Americans has most recently been experienced since Edward Snowden in June 2013 was reported to have leaked information about NSA surveillance programs, re-awakening the debate on the NSA Terrorist Surveillance Program that was secretly ordered by President George W. Bush in 2002 (Deflem 2010). Between June 1, 2013 and January 18, 2014, major newspapers in Lexis-Nexis published no less than 3,266 stories with the term 'privacy' in the headline, up from 999 in the prior 1-year period. Not surprisingly, survey data show that a large majority, 90 %, of Americans presently feel that they have less privacy than previous generations when it comes to personal information (Bowman and Rugg 2013). Also, Gallup data collected in June 2013 show that a majority of 53 % of Americans disapprove of government surveillance programs (with 37 % approving), even though sentiments were split on whether Snowden did the right thing or not, with 44 % claiming he did the right thing and 42 % that he was wrong to have leaked classified information (Newport 2013). It is hereby not so much striking to note that presumed NSA spying activities have moved to the foreground of public debate since Snowden's accusations as that the extent and intensity of this debate reveal the cultural sensitivities surrounding surveillance programs regardless of whether violations of personal rights actually took place.

Surveillance and counterterrorism activities are by definition oftentimes secretive and raise sensitive matters on rights and justice. Such issues are particularly important in a democratic society where violations of civil liberties by intelligence and other security agencies, even in an area as pressing as terrorism, cannot be condoned. Yet, a democratically committed society will also be more likely to produce a cultural climate in which concerns surrounding privacy and civil liberties can lead to claims over rights-related violations that cannot be substantiated on the basis of actual incidents of such violations. Our findings suggest that the amount of civil rights violations in the post-9/11 context is relatively small when compared to the alleged threat to civil liberties suggested in the surveillance discourse among academicians and advocates.

In view of our analysis, it is important for social-science scholars to understand the social realities involved with surveillance and counterterrorism as involving a subjective dimension related to legitimacy—especially the lack thereof— that co-exists with objective conditions that are rooted in technology and bureaucratic development. For whereas government and private measures against terrorism and other security concerns have certain measurable consequences, it is also to be noted that they are evaluated by a citizenry that is more or less concerned about such issues irrespective of actual violations. The need is thereby affirmed for sociologists to examine the social conditions affecting security measures regardless of stated motives. Since the classic contributions of Emile Durkheim on the role of law and punishment (Durkheim 1893), it can no longer suffice to view counterterrorism (and other forms of social control) as a mere dependent variable related to terrorism (and other crimes). Instead, as our analysis shows, a more useful framework examines the entire range of factors shaping surveillance activities, ranging from situational factors to deep-rooted cultural tradition.

Impact D – Democracy Promotion

Democratic peace theory is inherently flawed – there's no benefit to spreading American ideals

Sebastian **Rosato 03**, Associate Professor of Political Science at the University of Notre Dame, November 2003, American Political Science Review, Issue 4, pp 585-602, "The Flawed Logic of Democratic Peace Theory," http://journals.cambridge.org/action/displayAbstract?fromPage=online&aid=191046&fileId=S0003055403000893

The causal logics that underpin democratic peace theory cannot explain why democracies remain at peace with one another because the mechanisms that make up these logics do not operate as stipulated by the theory's proponents. In the case of the normative logic, liberal democracies do not reliably externalize their domestic norms of conflict resolution and do not treat one another with trust and

respect when their interests clash. Similarly, in the case of the institutional logic, democratic leaders are not especially accountable to peaceloving publics or pacific interest groups, democracies are not particularly slow to mobilize or incapable of surprise attack, and open political competition offers no guarantee that a democracy will reveal private information about its level of resolve. In view of these findings there are good reasons to doubt that joint democracy causes peace.

Democratic peace theorists could counter this claim by pointing out that even in the absence of a good explanation for the democratic peace, the fact remains that democracies have rarely fought one another. In addition to casting doubt on existing explanations for the democratic peace, then, a comprehensive critique should also offer a positive account of the finding.

One potential explanation is that the democratic peace is in fact an imperial peace based on American power. This claim rests on two observations. First, the democratic peace is essentially a post-World War II phenomenon restricted to the Americas and Western Europe. Second, the United States has been the dominant power in both these regions since World War II and has placed an overriding emphasis on regional peace.

There are three reasons we should expect democratic peace theory's empirical claims to hold only in the post- 1945 period. First, as even proponents of the democratic peace have admitted, there were few democracies in the international system prior to 1945 and even fewer that were in a position to fight one another. Since 1945, however, both the number of democracies in the international system and the number that have had an opportunity to fight one another have grown markedly (e.g., Russett 1993, 20). Second, while members of double democratic dyads were not significantly less likely to fight one another than members of other types of dyads prior to World War II, they have been significantly more peaceful since then (e.g., Farber and Gowa 1997). Third, the farther back we go in history the harder it is to find a consensus among both scholars and policymakers on what states qualify as democracies. Depending on whose criteria we use, there may have been no democratic wars prior to 1945, or there may have been several (see, e.g., Layne 1994; Ray 1995; Russett 1993; Spiro 1994). Since then, however, we can be fairly certain that democracies have hardly fought each other at all.

Most of the purely democratic dyads since World War II can be found in the Americas and Western Europe. My analysis includes all pairs of democracies directly or indirectly contiguous to one another or separated by less than 150 miles of water between 1950 and 1990 (Przeworski et al. 2000; Schafer 1993). This yields 2,427 double democratic dyads, of which 1,306 (54%) were comprised of two European states, 465 (19%) were comprised of two American states, and 418 (17%) comprised one American state and one European state. In short, 90% of purely democratic dyads have been confined to two geographic regions, the Americas and Western Europe.

American preponderance has underpinned, and continues to underpin stability and peace in both of these regions. In the Americas the United States has successfully adopted a two-pronged strategy of driving out the European colonial powers and selectively intervening either to ensure that regional conflicts do not escalate to the level of serious military conflict or to install regimes that are sympathetic to its interests. The result has been a region in which most states are prepared to toe the American line and none have pretensions to alter the status quo. In Europe, the experience of both World Wars persuaded American policymakers that U.S. interests lay in preventing the continent ever returning to the security competition that had plagued it since the Napoleonic Wars. Major initiatives including the Marshall Plan, the North Atlantic Treaty, European integration, and the forward deployment of American troops on German soil should all be viewed from this perspective. Each was designed either to protect the European powers from one another or to constrain their ability to act as sovereign states, thereby preventing a return to multipolarity and eliminating the security dilemma as a factor in European politics. These objectives continue to provide the basis for Washington's European policy today and explain its continued attachment to NATO and its support for the eastward expansion of the European Union. In sum, the United States has been by far the most dominant state in both the Americas and Western Europe since World War II and has been committed, above all, to ensuring that both regions remain at peace.24

Evaluating whether the democratic peace finding is caused by democracy or by some other factor such as American preponderance has implications far beyond the academy. If peace and security are indeed a consequence of shared democracy, then international democratization should continue to lie at the heart of American grand strategy. But if, as I have suggested, democracy does not cause peace, then American policymakers are expending valuable resources on a policy that, while morally praiseworthy, does not make America more secure.

Obama's current democracy promotion policies are working – too much promotion and our efforts will fail

Hal **Brands 14**, Assistant Professor in the Sanford School of Public Policy at Duke University, 3/13/14, The National Interest, "The Enduring Dilemmas of Democracy Promotion," http://nationalinterest.org/commentary/the-enduring-dilemmas-democracy-promotion-10042?page=2

In their eyes, pushing too hard for democratic changes overseas can easily backfire. It can endanger other foreign-policy interests like the preservation of stability in key regions, or the establishment of productive diplomatic ties with flawed but potentially cooperative regimes. It can also turn counterproductive in other ways, allowing repressive governments to claim that reformers are really "made-in-America."

Accordingly, it might be advantageous to push democratic reform through quiet diplomacy of similarly subtle measures, or to take a particularly compelling and easy opportunity when it arises. But democracy promotion should not be a leading tenet of U.S. foreign policy, and it should certainly not be pursued to the detriment of other geopolitical goals.

On the other side of the debate are the activists, those who favor a more forward-leaning approach. Activists understand that promoting democracy is hard work—and that consolidating democracy can be the work of decades. But they argue that U.S. power can nonetheless play a critical role in empowering reformers and increasing the strains on authoritarian regimes. Applied selectively but energetically, it can help tip the internal balance between dictatorship and democracy, or push the advance of liberal reform into areas where it might otherwise be stymied.

George W. Bush's "freedom agenda," and the attempt to catalyze the spread of democracy in the Middle East by invading Iraq in 2003, represent perhaps the most ambitious recent examples of the activist tendency. Yet that tendency has a long historical heritage, reaching back to Ronald Reagan's democracy-promotion efforts in the 1980s, Jimmy Carter's human-rights campaign, John F. Kennedy's Alliance for Progress during the early 1960s, and other examples as well.

Where does the Obama administration fit within this longstanding debate? Although the president has demonstrated signs of both restraint and activism, he tends to lean more toward the first camp than the second. He did intervene to aid the Libyan rebels overthrow Muammar Qaddhafi in 2011, but not without considerable reluctance, and the administration sought to keep direct U.S. involvement as minimal as possible. With regard to the Middle East more broadly, Obama's Cairo speech in 2009 played down his predecessor's emphasis on political democracy. The president then noticeably kept his distance from Iran's Green movement, and his administration has generally been very cautious in dealing with the Arab Spring and its aftershocks.

Most recently in Ukraine, U.S. officials did seek a settlement that would bring the opposition into the government, but Obama himself kept his distance from the protest movement until very late in the game. Deputy National Security Adviser Ben Rhodes has characterized the administration's view of the democracy issue in a way that fits comfortably within the canon of restraint: "These democratic movements will be more sustainable if they are seen as not an extension of America or any other country, but coming from within these societies."

The administration's relatively restrained approach to Ukraine, the Middle East, and democracy promotion in general has the virtues of discretion and prudence. It recognizes the limits of U.S.

power, and the dangers of overreaching. It is sensitive to the fact that the United States has goals beyond the spread of democracy, and that pursuing the latter too ambitiously can undermine the former.

At a time of austerity and retrenchment, and coming on the heels of the Bush administration's experience in the Middle East, these advantages of restraint are not to be underestimated. Indeed, one can easily point to other historical examples—Jimmy Carter's dealings with Iran and Nicaragua, for instance—where it was precisely this absence of restraint that proved so catastrophically destabilizing.

Privacy Advantage

1AC

Current policies regarding privacy fail

Julie E. **Cohen 12**, associate professor of law at Georgetown University, 11/20/12, "What Privacy is For," http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2175406

Privacy rights protect individuals, but to understand privacy simply as an individual right is a mistake. The ability to have, maintain, and manage privacy depends heavily on the attributes of one's social, material, and informational environment. Recall that privacy in the dynamic sense is "an interest in breathing room to engage in socially situated processes of boundary management."65 That interest has distinct structural entailments, which efforts to design effective legal protection for privacy must acknowledge. In addition, privacy does not only protect individuals. Privacy furthers fundamental public policy goals relating to liberal democratic citizenship, innovation, and human flourishing, and those purposes too must be taken into account when making privacy policy. The paradigm of "new privacy governance" that has been evolving within the U.S. legal system is unlikely to serve either individual or public interests in privacy well, because it is rooted in a regulatory ideology that systematically downplays the need to hold market actors accountable for harms to the public interest. Effective privacy protection must target the qualities of precision and opacity that together enable modulation.

Surveillance chills civil liberties and creates a disparity between the watcher and the watched

Neil M. **Richards 13**, Professor of Law at George Washington University, 2012-2013, 126 Harv. L. Rev. 1934, "The Dangers of Surveillance," http://heinonline.org/HOL/Page?handle=hein.journals/hlr126&div=89&g_sent=1&collection=journals&men_tab=citnav&men_hide=false

At the level of theory, I will explain why and when surveillance is particularly dangerous and when it is not. First, surveillance is harmful because it can chill the exercise of our civil liberties. With respect to civil liberties, consider surveillance of people when they are thinking, reading, and communicating with others in order to make up their minds about political and social issues. Such intellectual surveillance is especially dangerous because it can cause people not to experiment with new, controversial, or deviant ideas. To protect our intellectual freedom to think without state oversight or interference, we need what I have elsewhere called "intellectual privacy." A second special harm that surveillance poses is its effect on the power dynamic between the watcher and the watched. This disparity creates the risk of a variety of harms, such as discrimination, coercion, and the threat of selective enforcement, where critics of the government can be prosecuted or blackmailed for wrongdoing unrelated to the purpose of the surveillance.

Government surveillance practices undermine the norm-based coordination required for privacy and individuation

Richard **Warner and** Robert H. **Sloan 15**, associate professors at the Chicago-Kent College of Law and the University of Illinois at Chicago, 2015, "The Self, the Stasi, the NSA: Privacy, Knowledge, and Complicity in the Surveillance State," http://scholarship.kentlaw.iit.edu/cgi/viewcontent.cgi?article=3394&context=fac_schol

A. The Ideal of a Multifaceted Self

We begin with William James. "I am," James writes, often confronted by the necessity of standing by one of my . . . selves and relinquishing the rest. Not that I would not, if I could, be both handsome and fat and well dressed, and a great athlete, and make a million a year, be a wit, a bon vivant, and a lady killer, as well as a philosopher, and a philanthropist, states man, warrior, and African explorer, as well as a 'tone poet' and saint. But the thing is simply impossible . . . Such characters may at the outset of life be alike possible to a man. But to make anyone of them actual, the rest must be more or less suppressed. So the seeker of his truest, strongest, deepest self must review the list carefully, and pick out the one on which to stake his salvation. You make yourself who you are by what you "stand by," by the commitments you strive to realize.

We take this to be a widely shared conception of the self—with one emendation. James is wrong when he suggests that one central commitment defines who you are; instead, as John Gray notes,

We are none of us defined by membership in a single community or form of moral life. We are . . . heirs of many distinct, sometimes conflicting, intellectual and moral traditions . . . The complexity and contradictions of our cultural inheritance give to our identities an aspect of complexity and even of plurality which is . . . essential to them. . . . [T]he power to conceive of ourselves in different ways, to harbour dissonant projects and perspectives, to inform our thoughts and lives with divergent categories and concepts, is integral to our identity as reflective beings.

The self you seek to realize is a multifaceted self. People differ of course both in how much multiplicity they seek and in how assiduously they try to realize that multiplicity, but, subject to those differences, the realization of a multifaceted self is a widespread personal ideal. This conception of the self also underlies liberal political philosophy,52 the tradition in which we place ourselves. The traditional political ideal is that the state should ensure, if not actual self-realization, at least adequate opportunity to realize a multifaceted self.

B. Social Roles

Social roles mediate self-realization.53 You could not, for example, be a journalist in a society that does not recognize that role. Try to imagine the opposite. Imagine you live in a society in which magazines, news media, and the like do not exit. You are the lone deviant who does the things that journalists do in other Societies. You regularly investigate events, collect and analyze material, and conduct interviews. You do so with the primary intention informing the public on a variety of issues you find important.54 You are still not a journalist in the sense that, for example, Bob Woodward is.55 To be a journalist in that sense is to fulfill a recognized role. Contemporary society recognizes that behavior pattern as a vocation, not as deviant and bizarre, and this means that Woodward can refer to this role to explain his activities to himself and other others. You cannot do that. You are just deviant.

Similar examples abound. You cannot be a whistleblower, an undercover agent, or university professor except in a society with the appropriate institutions and practices. Even being a parent, child, lover, or spouse takes on different meanings and definitions depending on the society in which the relationship is realized.56

Realizing a multifaceted self means realizing multiple social roles, and that requires privacy in public. Perhaps the most obvious reason is that combining roles may violate others' expectations. Consider: parent and gay or lesbian; politician and explorer of sexuality in sex clubs;57 exemplary elementary school teacher and connoisseur of legal pornography; FBI agent and whistleblower.58 The consequences of disappointing others' expectations can range from disapproval to reprisal to ostracism.

Avoiding disapproval and reprisal are not, however, the only reasons to seek privacy in public. Imagine, for example, that you eat frequently in a small Italian trattoria. You want to play the role of "customer they know very little about" in order to have an experience as disconnected as possible from the rest of your life. You want a pleasant break from that life. Your concern is not with their approval or disapproval. It is just with what they know. You do not merely care that more knowledge would change the way they relate to you. You do not want to have even to think about whether it might do that. The restaurant example illustrates two key points. First, social roles are typically defined in part by the way you appear to others when you are in them. Second, how you appear to others depends on what those others know. The student/teacher and journalist/confidential source examples illustrate the same two points. The parties in those relationships cannot fulfill those roles without the control over how they appear.

Control over how you appear to the government is an important component of the control over appearance required for successful self-realization. People play a wide variety of roles in relation to the government, including: dissident, political activist, member of the Sierra Club, academic critic of the government, anonymous political critic, member of the Democratic or Republican party, politically uninvolved, and so on. How you appear to the government has a profound impact on your prospects for self-realization. Some, for example, long to take center stage in support of or in opposition to the government; for others, that would be their worst nightmare.

In general, different requirements on what one is allowed, expected, or required to reveal or not reveal define different relationships with governmental authorities, acquaintances, colleagues, friends, family, employers, and so on.59 The point is a familiar one in sociology. As the sociologist Nippert-Eng emphasizes:

At its core, managing privacy is about managing relationships between the self and others. . . . privacy . . . [is] a "boundary regulatory process by which a person (or group) makes himself more or less accessible and open to others." When we regulate our accessibility to others—including the accessibility of information, objects, space, time, or anything else that we deem private—we simultaneously regulate our relationships with them.60

"Secrecy," she explains, "is a means to an end, a process in which we actively work to manage our private matters."61 Indeed,

No matter what the secret, no matter how it is manipulated or what its fate, to consider a secret is to simultaneously consider the relationships (perhaps entire social networks) that it throws into relief. Indeed, from a sociological perspective, perhaps the most significant aspect of secrets is their selectively shared nature. There are secrets with and secrets from, intentionally disclosed to and concealed from specific individuals at specific times and in specific ways. Simultaneously inclusive and exclusive, secrets are quite effective at achieving social boundary work, an excellent measure of the social distance between individuals.62

Section IV argues that the government's current surveillance practices can undermine the norm-based coordination required for privacy in public and thus can seriously curtail self realization. Section III provides essential background.

Loss of the right to privacy activates a slippery slope that ends in tyranny – protecting it is our only defense

Eugene **Volokh 03**, Associate professor of law at UCLA, 2002-2003, "THE MECHANISMS OF THE SLIPPERY SLOPE," http://www2.law.ucla.edu/volokh/slippery.pdf

Recognizing slippery slope concerns might lead us to modify the rules of thumb we use for evaluating the potential downstream effects of proposals. For example, people often urge others not to make a big deal out of small burdens: if a new proposal seems to have low costs (to liberty or the public fisc), it should be supported, or at least not strongly opposed, even if its likely benefits are low. 34 Many say this about modest restrictions on privacy, gun ownership, abortion, and other behavior - the restrictions may not offer huge benefits, but neither do they seriously restrict rights, so why not try them? Maybe the experiment will pleasantly surprise us, or give us some helpful information about which proposals work and which don't. And beyond this, fighting a modest experiment might make us seem foolishly intransigent - an argument often levied against abortion rights or gun rights "extremists."

But the more we believe that one step now may lead to other steps later, the more we may view such experimentation with concern. We might therefore adopt a rebuttable presumption against even small changes, under which we oppose any proposal A (in certain areas) unless we see it as having great benefits, because even a seemingly modest restriction has the added cost of increasing the chances of undesirable broader restrictions B in the future. And this concern, if it can be persuasively articulated, can provide a response to the "You're an extremist" argument.

Likewise, we are often cautioned against ad hominem arguments and against impugning our political opponents' motives, and there is much to these cautions. Nonetheless, the existence of some slippery slope mechanisms suggests that what one might call an ad hominem heuristic - a policy of presumptively opposing even minor proposals made by certain groups that also support broader proposals, unless the proposals clearly seem to be very good indeed - may be more pragmatically rational than one might think.35

9. These heuristics 36 may also shed light on the behavior of advocacy groups such as the ACLU or the NRA. Public consciousness of the possibility of slippage may help prevent the slippage, either by preventing the first steps or by building opposition to the subsequent ones. One role of advocacy groups is to alert the public to slippery slope risks, partly by trying to instill the heuristics mentioned above. This strategy can be dangerous for advocacy groups because it may make them seem extremist. But, as I discuss throughout and summarize in section VII.B, real slippery slope risks may make such a strategy necessary.

i0. Thinking about legislative slippery slopes illuminates two aspects of judicial decisionmaking: reliance on precedent (where judicialjudicial slippery slopes may appear) and deference to the legislature (where legislative-judicial slippery slopes may operate). These parts of the judicial process, it turns out, are closely connected to analogous processes in legislative decisionmaking.37

ii. Thus, slippery slopes present a real risk - not always, but often enough that we cannot lightly ignore the possibility of such slippage. "In the absence of absolute knowledge and consequently absolute control over the consequences of our actions and decisions, we cannot afford to ignore the possible misuses of proposed reforms. '38

Our approach addresses how the public and private sector interact and is the only way to solve

Neil M. **Richards 13**, Professor of Law at George Washington University, 2012-2013, 126 Harv. L. Rev. 1934, "The Dangers of Surveillance," http://heinonline.org/HOL/Page?handle=hein.journals/hlr126&div=89&g_sent=1&collection=journals&men_tab=citnav&men_hide=false

At a practical level, I propose a set of four principles that should guide the future development of surveillance law, allowing for a more appropriate balance between the costs and benefits of

government surveillance. First, we must recognize that surveillance transcends the public/private divide. Public and private surveillance are simply related parts of the same problem, rather than wholly discrete. Even if we are ultimately more concerned with government surveillance, any solution must grapple with the complex relationships between government and corporate watchers. Second, we must recognize that secret surveillance is illegitimate and prohibit the creation of any domestic-surveillance programs whose existence is secret. Third, we should recognize that total surveillance is illegitimate and reject the idea that it is acceptable for the government to record all Internet activity without authorization. Government surveillance of the Internet is a power with the potential for massive abuse. Like its precursor of telephone wiretapping, it must be subjected to meaningful judicial process before it is authorized. We should carefully scrutinize any surveillance that threatens our intellectual privacy. Fourth, we must recognize that surveillance is harmful. Surveillance menaces intellectual privacy and increases the risk of blackmail, coercion, and discrimination; accordingly, we must recognize surveillance as a harm in constitutional standing doctrine. Explaining the harms of surveillance in a doctrinally sensitive way is essential if we want to avoid sacrificing our vital civil liberties.

Extensions

The only way to solve for low quality of life and health is through addressing de-individuation and psychic death

Søren **Ventegodt and** Joav **Merrick 03**, scientists at the Quality of Life Research Center, 10/13/03, "Measurement of Quality of Life VII. Statistical Covariation and Global Quality of Life Data: The Method of Weight-Modified Linear Regression," http://www.hindawi.com/journals/tswj/2003/462303/abs/

Low global quality of life is statistically connected to poor health[3]. In accordance with this, the life mission theory predicts a very high prevalence of sickness for the group with a very low global quality of life[4]. To understand the nature of life crises, we have to understand the structure of the ego. In order to radically improve global quality of life, it seems necessary to have a fundamental transformation of the psyche. Such a shift in personality has been labeled an "ego death" in Buddhism[5] or a psychic death by Jung[6,7], because it implies a shift back to the existential position of the natural self, i.e., living the true purpose of life[4]. The problem of healing and improving the global quality of life seems strongly connected to the unpleasantness of the ego-death experience, and often a person who lacks the understanding necessary for personal development chooses death instead of personal transformation. The quality-of-life peak experience, which is typically described as moments of total being, great clarity, intense happiness, and deep understanding of life, occurs spontaneously for only a few percent of the population[8].

It is therefore not difficult to understand why population surveys including psychometric variables of global quality of life have an extreme low representation of individuals with very low quality of life. As the commonly used statistical methods do not put a special focus on persons in the rare groups, these groups often drown in very huge and statistically dominating center groups, sometimes making the connections seem smaller than they are.

Loss of privacy condones tyranny and loss of individuality

Bruce **Schneier 06**, fellow at the Berkman Center and computer security specialist, May 2006, "The Value of Privacy," https://www.schneier.com/blog/archives/2006/05/the_value_of_pr.html

Cardinal Richelieu understood the value of surveillance when he famously said, "If one would give me six lines written by the hand of the most honest man, I would find something in them to have him hanged." Watch someone long enough, and you'll find something to arrest -- or just blackmail -- with. Privacy is important because without it, surveillance information will be abused: to peep, to sell to marketers and to spy on political enemies -- whoever they happen to be at the time.

Privacy protects us from abuses by those in power, even if we're doing nothing wrong at the time of surveillance.

We do nothing wrong when we make love or go to the bathroom. We are not deliberately hiding anything when we seek out private places for reflection or conversation. We keep private journals, sing in the privacy of the shower, and write letters to secret lovers and then burn them. Privacy is a basic human need.

A future in which privacy would face constant assault was so alien to the framers of the Constitution that it never occurred to them to call out privacy as an explicit right. Privacy was inherent to the nobility of their being and their cause. Of course being watched in your own home was unreasonable. Watching at all was an act so unseemly as to be inconceivable among gentlemen in their day. You watched convicted criminals, not free citizens. You ruled your own home. It's intrinsic to the concept of liberty.

For if we are observed in all matters, we are constantly under threat of correction, judgment, criticism, even plagiarism of our own uniqueness. We become children, fettered under watchful eyes, constantly fearful that -- either now or in the uncertain future -- patterns we leave behind will be brought back to implicate us, by whatever authority has now become focused upon our once-private and innocent acts. We lose our individuality, because everything we do is observable and recordable.

How many of us have paused during conversation in the past four-and-a-half years, suddenly aware that we might be eavesdropped on? Probably it was a phone conversation, although maybe it was an e-mail or instant-message exchange or a conversation in a public place. Maybe the topic was terrorism, or politics, or Islam. We stop suddenly, momentarily afraid that our words might be taken out of context, then we laugh at our paranoia and go on. But our demeanor has changed, and our words are subtly altered.

This is the loss of freedom we face when our privacy is taken from us. This is life in former East Germany, or life in Saddam Hussein's Iraq. And it's our future as we allow an ever-intrusive eye into our personal, private lives.

Too many wrongly characterize the debate as "security versus privacy." The real choice is liberty versus control. Tyranny, whether it arises under threat of foreign physical attack or under constant domestic authoritative scrutiny, is still tyranny. Liberty requires security without intrusion, security plus privacy. Widespread police surveillance is the very definition of a police state. And that's why we should champion privacy even when we have nothing to hide.

******FOR THE WHISTLEBLOWER ADDON*** Government surveillance hinders whistleblowing and allows unchecked federal overreach***

Richard **Warner and** Robert H. **Sloan 15**, associate professors at the Chicago-Kent College of Law and the University of Illinois at Chicago, 2015, "The Self, the Stasi, the NSA: Privacy, Knowledge, and Complicity in the Surveillance

State," http://scholarship.kentlaw.iit.edu/cgi/viewcontent.cgi?article=3394&context=fac_schol

We discuss two examples. The first involves use and the second merely knowing. Greenwald and Snowden's initial attempts to communicate provide the first example. The first point to note is that they were involved in an Assurance Game. We describe the preferences using the "cooperate"/"defect" terms. "Cooperate" means collaborating with each other to expose the NSA. For Greenwald to cooperate is for him to seek to secure publication in mainstream media. For Snowden, it includes providing information sufficient to expose the NSA. "Defect" means not cooperating—for example, because the NSA prevented it, or because, for Snowden, he did not really have the requisite information, or because, for Greenwald, he could not convince editors to publish the stories. Given this understanding, their preferences were as follows. (1) Cooperate when the other cooperates. This is what both clearly want most.162 (2) Defect when the other defects. Neither wants to waste time and take risks attempting to cooperate if the other is not going to cooperate. (3) Defect when the other cooperates. Neither wants to pass up a chance to expose the NSA when it is possible to do so. (4) Cooperate when the other defects. Cooperating when the other defects means wasting time and pointlessly running the risk of governmental reprisals.

If surveillance had not been a concern, they would have easily both cooperated since Snowden would have revealed enough to remove Greenwald's conviction that he was just another person offering him a "huge story" that would turn out "to be nothing." Snowden's concern about surveillance prevented that. He was certain that the government would detect unencrypted communication and intervene to prevent his exposing the NSA. Cooperating meant installing encryption software, and Greenwald was unwilling. His unwillingness is exactly what the Assurance Game model predicts.

It does, that is, given plausible assumptions about how Greenwald valued the various options. There is need to argue that the following values "really are Greenwald's." A fictional Greenwald makes as good an example as the real one. We use a 10 to -10 scale again. (1) Mutual cooperation rates 10. Exposing the NSA was extremely important to Greenwald. (2) Greenwald did not want to waste time pursuing worthless leads, so assign a rating of 3 to defecting when Snowden defects. (3) Greenwald would hate to miss the opportunity to expose the NSA, so -5 is a reasonable rating for defecting when Snowden cooperates. (4) Cooperating when Snowden defects means wasting time and running pointless risks of reprisals, so rate it -10. These numbers exactly parallel Victoria's (we picked the numbers with this in mind), so it follows that Greenwald will cooperate only if he thinks the probability of Snowden's doing so is at least 76%, but he did not think the probability was anywhere in that range. He thought it highly likely Snowden would "defect" by not really having documents that would expose the NSA.

To illustrate the effect of governmental merely knowing, consider any journalist and whistleblowing confidential source. We give "cooperate" and "defect" somewhat more general meanings. For the journalist, to cooperate is to seek publication while maintaining secrecy of the source's identity, and to defect is to fail to obtain publication or to fail to maintain secrecy. For the source, to cooperate is to provide documents that adequately document governmental wrong doing, and to defect is not to do so. The journalist and the source share the following Assurance Game preferences. (1) Cooperate when the other cooperates. Both want most to expose governmental wrongdoing. (2) Defect when the other defects. Neither wants wasted effort. (3) Defect when the other collaborates. Neither wants to pass up the opportunity to expose wrongdoing. (4) Cooperate when the other defects. Neither wants to run the risks of cooperation for no gain.

Governmental merely knowing can lead the source to defect even when the journalist cooperates. Governmental knowledge comes from covert surveillance and from "unwritten protective rules that govern how the establishment media report on official secrets."163 Those rules ensure that a "protracted negotiation takes place over what will and will not be published."164 Imagine a source who is willing to supply evidence of wrongdoing only if his or her identity can remain secret. The source's objection is not, or not only, that the government will use the information to

the source's detriment. The objection is that the source does not want to appear to the government and the public as a whistleblower. That is inconsistent with the path of self-realization the source has chosen and wishes to continue. The source would have this objection even if disclosing the information had no other adverse consequences.

The source has two ways to preserve the secrecy of his or her identity. One to rely on the journalist's coordination (recall we defined cooperation to include maintaining secrecy); the other is to defect and so avoid interactions that would put the source's identity at risk of disclosure. When will the source defect to preserve secrecy? That depends of course on how the source values the relevant options. Suppose, as is plausible, that they parallel the Greenwald/Victoria values. Thus: (1) Cooperate when the journalist cooperates: 10. (2) Defect when the journalist defects: 3. (3) Defect when the journalist cooperates: -5. (4) Cooperate when the journalist defects: -10. In this case, the source will defect unless he or she believes the probability that the journalist will cooperate (and thus maintain secrecy) is fairly high (0.76). The Bush and Obama administrations' readiness to investigate and prosecute journalists and their confidential sources may well have convinced some sources that secrecy was much less likely than that. As The New York Times journalist Philip Shenon remarked, after the Bush administration seized his phone records, "My goodness, if I were one of my sources, I would never talk to me again, even about stories that really would have been a public service."[165]

Journalist/source is just one of a vast number of relationships in which people exchange information under the protective shield of informational norms. Massive governmental data collection means the government may know a great deal about those relationships. When will people react like the source in the example above and "defect" from relationships by abandoning them or by continuing them while withholding information that they would have readily conveyed in the absence of governmental surveillance? They will if, like the source, they see a sufficiently large downside in the government's knowing certain information and think the probability sufficiently high that the government knows it. Will that happen? Uncertainty makes it more likely.

AT: Privacy Advantage

1NC – Status Quo Solves

Snowden changed overall perception – squo is solving for the harms of the aff now

David **Sirota 15**, senior fellow at the Campaign for America's Future, 6/14/15, Truthdig, "Has America Changed Since Edward Snowden's Disclosures?," http://www.truthdig.com/report/item/has_america_changed_since_edward_snowdens_disclosures_20150611

Two years ago this month, a 29-year-old government contractor named Edward Snowden became the Daniel Ellsberg of his generation, delivering to journalists a tranche of secret documents shedding light on the government's national security apparatus. But whereas Ellsberg released the Pentagon Papers detailing one specific military conflict in Southeast Asia, Snowden released details of the U.S. government's sprawling surveillance machine that operates around the globe.

On the second anniversary of Snowden's historic act of civil disobedience, it is worth reviewing what has changed—and what has not.

On the change side of the ledger, there is the politics of surveillance. For much of the early 2000s, politicians of both parties competed with one another to show who would be a bigger booster of the NSA's operations, fearing that any focus on civil liberties risked their being branded soft on terrorism. Since Snowden, though, the political paradigm has dramatically shifted.

The most illustrative proof that came last month, when the U.S. Senate failed to muster enough votes to reauthorize the law that aims to allow the NSA to engage in mass surveillance. Kentucky Republican Sen. Rand Paul's prominent role in that episode underscored the political shift—a decade after the GOP mastered the art of citing 9/11-themed arguments about terrorism to win elections, one of the party's top presidential candidates proudly led the fight against one of the key legislative initiatives of the so-called war on terror.

There has also been a shift in public opinion, as evidenced by a new ACLU-sponsored poll showing that almost two thirds of American voters want Congress to curtail the NSA's mass surveillance powers. The survey showed that majorities in both parties oppose renewing the old Patriot Act.

2NC – Status Quo Solves

Metadata isn't as big of a deal as the aff implicates

National Review 15, political magazine, 6/22/15, "D.C. Gambles with America's Safety," National Review, Vol. 67 Issue 11, pp 14

This wasn't true, as many national security hawks pointed out repeatedly, and President Obama did once or twice. First, metadata is just the numbers called and duration of calls—not the content of the calls, and not even the names of the phone subscribers involved. The program allowed the **NSA** to store huge amounts of data, but it could be accessed and analyzed only by a tiny number of agents, subject to congressional and judicial oversight. The president bowed to the media firestorm nonetheless, convening a task force to examine intelligence procedures, which produced a number of recommendations that made it into the USA Freedom Act. He backed

the bill, even though he had defended the usefulness of the Patriot Act as it existed. The underlying issue was the same, but the politics had changed—and our commander-in-chief went along with the crowd.
The Freedom Act reforms did not go far enough for Senator Paul, who blocked its advancement, repeatedly and single-handedly ensuring that the NSA's abilities went dark for some time. The practical significance of that blackout is probably not great, but Senator Paul's crusade against the **NSA** and politically feasible reforms to it has done much more for his notoriety than it has for anyone's civil liberties.
Mitch McConnell had the right idea all along—reauthorize the metadata program as is—although the statute should have been clarified to unmistakably authorize the continuation of the program as it exists. (A federal appeals court recently ruled that the law did not authorize collection as broad as that which the **NSA** has carried out.)

1NC - Circumvention

Privacy is an unobtainable right – it always trades off with itself leading to circumvention of the plan's efforts

David **Pozen 15**, Associate Professor of Law at Columbia University, 6/28/15, 83 U. CHI. L. REV. __ (2015), "Privacy-Privacy Tradeoff," http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2624281

Privacy clashes with important social values. We are told as much all the time.1 Commentators struggle to reconcile privacy and security,2 privacy and efficiency,3 privacy and technological innovation,4 and privacy and free speech, among other (real or imagined) antinomies. Privacy is constantly being juxtaposed with competing goods and interests, balanced against alternative needs and demands. Legal and policy debates about privacy revolve around these tradeoffs.

But privacy also clashes with itself. That is to say, in myriad social and regulatory contexts, enhancing or preserving privacy along a certain dimension may entail compromising privacy along another dimension. If they wish to be more analytically rigorous, theorists and decisionmakers must take such privacy-privacy tradeoffs into account. If they wish to advance the cause of privacy, civil libertarians must do the same.

Privacy-privacy tradeoffs come in a variety of flavors. Sometimes they are unexpected and unwanted. When EU citizens began exercising their right to be forgotten last year and flooded Google with "delete me" requests, the deleted links quickly reappeared—in more concentrated form—on a website devoted to documenting Internet censorship.7 Other times, privacy-privacy tradeoffs are consciously cultivated and promoted. The Transportation Security Administration's PreCheck program invites travelers to "volunteer personal information in advance" if they wish "to leave on their shoes, belts and light outerwear and keep their laptops in their bags." 8 Enhanced governmental access to your data can be traded for reduced access to your body and belongings.

In many cases, privacy-privacy tradeoffs simply follow from scarce resources and opportunity costs. A tenant on a fixed budget who spends money soundproofing her walls will have less to spend on mending her window curtains or protecting her online identity. Alternatively, these tradeoffs may be caused by behavioral responses and dynamic feedback effects. Increasing airline-passenger privacy levels from X at Time 1 to a multiple of X at Time 2 may increase the odds of a terrorist attack, with the consequence that passengers' privacy levels will be reduced to a fraction of X at Time 3. In still other cases, risk is redistributed across different aspects or bearers of privacy. By establishing a forensic DNA database, law enforcement officials may impair the privacy of everyone whose DNA is included but protect the privacy of a smaller group who will not be needlessly

investigated for the crimes of others. By stripping its analysts of "any privacy or anonymity when they look at [collected] data,"9 an intelligence agency may deter them from exceeding their investigative mandates and thereby secure a measure of privacy for the rest of society—or at least for the analysts' love interests. 10

1NC – Alt Causes

Alt causes to invasions of privacy

Amitai **Etzioni 12**, founder of the communitarian movement and author, March 2012, "THE PRIVACY MERCHANTS: WHAT IS TO BE DONE?," http://chicago.ssrn.com/delivery.php?ID=385026099094126020119095115088072068041004073092033010069098125096115126113107080010025002099017116122046075082018091115029094037074093029019087089115028074096118054049040068025003104082000099089070071112019079028110002081099023100006105105004084&EXT=pdf&TYPE=2

Most informed citizens probably know by now that corporations collect information about them, but they may well be unaware of the extent and scope of the invasions of privacy that are now widespread. Many may be aware of tracking tools referred to as "cookies." Cookies are installed on one's computer by visited Web sites. They are used to identify the person and to remember his or her preferences. Some people have learned to protect themselves from such tracking by employing software that allows one to clear cookies from one's computer. However, corporations have recently begun to install "supercookies" that are very difficult to detect and, if removed, secretly reinstall themselves.2 As one report concluded: "This means that privacy-sensitive consumers who 'toss' their HTTP cookies to prevent tracking or remain anonymous are still being uniquely identified online by advertising companies."3

Major cell phone and mobile technology companies offer services that allow lovers, ex-spouses, lawyers, or anyone else to find out where a person is—and track their movements—by using the GPS capabilities of their cell phones.4 A German politician who inquired about location storage information discovered that over a six-month period, his longitude and latitude had been recorded over 35,000 times.5

There are two kinds of corporations that keep track of what Internet users buy, read, visit, and drink, and who they call, e-mail, date, and much else. Some merely track users' activity on their sites as part of their regular business; recording purchases and viewed products helps them increase sales. This is true for nearly every major online retailer. Other corporations make shadowing Internet users—and keeping very detailed dossiers on them—their main line of business. One can call these the "Privacy Merchants." They sell information to whoever pays the required price. In 2005, one such company— Choicepoint—had records on over 220 million people.6 Professor Christopher Slobogin notes that the amount of information culled by corporate data miners

2NC – Alt Causes

Plan can't solve for private alternate causes to massive invasions of privacy

Neil M. **Richards 13**, Professor of Law at George Washington University, 2012-2013, 126 Harv. L. Rev. 1934, "The Dangers of Surveillance,"

http://heinonline.org/HOL/Page?handle=hein.journals/hlr126&div=89&g_sent=1&collection=journals&men_tab=citnav&men_hide=false

Surveillance is not just for governments either. Private companies big and small generate vast fortunes from the collection, use, and sale of personal data. At the broadest level, we are building an Internet that is on its face free to use, but is in reality funded by billions of transactions where advertisements are individually targeted at Internet users based upon detailed profiles of their reading and consumer habits." Such "behavioral advertising" is a multibillion-dollar business, and is the foundation on which the successes of companies like Google and Facebook have been built," One recent study concludes that this form of surveillance is so ingrained into the fabric of the Internet "that a small number of companies have a window into most of our movements online."° Other technologies engage in similar forms of private surveillance. "Social reading" applications embedded into Facebook and other platforms enable the disclosure of one 's reading habits, while electronic readers like the Kindle and the Nook track reader behavior down to the specific page of the specific book on which a user's attention is currently lingering."

In recent years, industry, media, and scholars have increasingly focused their attention on the concept of "Big Data," an unwieldy term often used to describe the creation and analysis of massive data sets." Big Data is notable not just because of the amount of personal information that can be processed, but because of the ways data in one area can be linked to other areas and analyzed to produce new inferences and Endings. As social scientists danah boyd and Kate Crawford put it, "Big Data is fundamentally networked. Its value comes from the patterns that can be derived by making connections between pieces of data, about an individual, about individuals in relation to others, about groups of people, or simply about the structure of information itself?" Big Data holds much potential for good in areas as diverse as medical research, the "smart" electrical grid, and traffic management."

But Big Data also raises many potential problems in areas such as privacy and consumer power. For example, the retail superstore Target uses Big Data analytics to infer which of its customers are pregnant based upon their purchases of other products and upon personally identifying data from other sources. As the New York Times Magazine reports, new parents are highly desirable customers not just because they buy many new products, but because their normally stable purchasing habits are "up for grabs" in the chaotic exhaustion that accompanies the birth of a child." Target uses Big Data to snare new parents because, as one of its data analysts concedes, "[w]e knew that if we could identify them in their second trimester, there's a good chance we could capture them for years .... As soon as we get them buying diapers from us, they're going to start buying everything else too." Big Data analytics enabled Target to discover that expectant parents display a change in buying habits (for example, buying unscented lotion and magnesium supplements) that mark them as expectant, allowing this kind of (appropriately enough) "targeted" marketing. Big Data surveillance and analysis thus affect the commercial power of consumers, identifying their times of relative weakness and allowing more effective marketing to nudge them in the directions that watchful companies desire.

The incentives for the collection and distribution of private data are on the rise. The past fifteen years have seen the rise of an Internet in which personal computers and smartphones have been the dominant personal technologies. But the next fifteen will likely herald the "Internet of Things," in which networked controls, sensors, and data collectors will be increasingly built into our appliances, cars, electric power grid, and homes, enabling new conveniences but subjecting more and more previously unobservable activity to electronic measurement, observation, and control." Many of us already carry GPS tracking devices in our pockets, not by government command, but in the form of powerful multifunction smartphones. Sociologists Zygmunt Bauman and David Lyon have identified the spread of surveillance beyond nonconsensual state watching to a sometimes-private surveillance in which the subjects increasingly consent and participate - a phenomenon that they call "liquid surveillance.""' Professor Scott Peppet foresees the "unraveling" of privacy," as economic incentives lead consumers to agree to surveillance devices like Progressive lnsurance's "MyRate" program, which offers reduced insurance rates in exchange for the installation of a device that monitors driving speed, time, and habits." Peppet argues that this unraveling of privacy creates a novel challenge to privacy law, which has long focused on unconsented surveillance rather than on surveillance as part of an economic transaction."

It might seem curious to think of information gathering by private entities as "surveillance" Notions of surveillance have traditionally been concerned with the watchful gaze of government actors like police and prison officials rather than companies and individuals. But in a postmodern age of "liquid surveillance," the two phenomena are deeply intertwined. Government and nongovernment surveillance support each other in a complex manner that is often impossible to disentangle. At the outset, the technologies of surveillance - software, RFID chips, GPS trackers, cameras, and other cheap

sensors are being used almost interchangeably by government and nongovernment watchers." Private industry is also marketing new surveillance technologies to the state. Though it sounds perhaps like a plot from a paranoid science fiction novel, the Guardian reports that the Disney Corporation has been developing facial recognition technologies for its theme parks and selling the technology to the U.S. military." Nor do the fruits of surveillance respect the public private divide. Since the September 11 attacks, governments have been eager to acquire the massive consumer and Internet-activity databases that private businesses have compiled for security and other purposes, either by subpoena." or outright purchase," information can also flow in the other direction; the U.S, government recently admitted that it was giving information to insurance companies that it had collected from automated license-plate readers at border crossings."

Framing

Even outside the bounds of utilitarianism – we have a moral imperative to prevent existential catastrophe

Nick **Bostrom 13**, Philosopher at the University of Oxford, February 2013,"Existential Risk Prevention as Global Priority, http://www.existential-risk.org/concept.pdf

We have thus far considered existential risk from the perspective of utilitarianism (combined with several simplifying assumptions). We may briefly consider how the issue might appear when viewed through the lenses of some other ethical outlooks. For example, the philosopher Robert Adams outlines a different view on these matters:

I believe a better basis for ethical theory in this area can be found in quite a different direction—in a commitment to the future of humanity as a vast project, or network of overlapping projects, that is generally shared by the human race. The aspiration for a better society—more just, more rewarding, and more peaceful—is a part of this project. So are the potentially endless quests for scientific knowledge and philosophical understanding, and the development of artistic and other cultural traditions. This includes the particular cultural traditions to which we belong, in all their accidental historic and ethnic diversity. It also includes our interest in the lives of our children and grandchildren, and the hope that they will be able, in turn, to have the lives of their children and grandchildren as projects. To the extent that a policy or practice seems likely to be favorable or unfavorable to the carrying out of this complex of projects in the nearer or further future, we have reason to pursue or avoid it. … Continuity is as important to our commitment to the project of the future of humanity as it is to our commitment to the projects of our own personal futures. Just as the shape of my whole life, and its connection with my present and past, have an interest that goes beyond that of any isolated experience, so too the shape of human history over an extended period of the future, and its connection with the human present and past, have an interest that goes beyond that of the (total or average) quality of life of a population-at-a-time, considered in isolation from how it got that way. We owe, I think, some loyalty to this project of the human future. We also owe it a respect that we would owe it even if we were not of the human race ourselves, but beings from another planet who had some understanding of it (Adams, 1989, pp. 472–473).

Since an existential catastrophe would either put an end to the project of the future of humanity or drastically curtail its scope for development, we would seem to have a strong prima facie reason to avoid it, in Adams' view.

We also note that an existential catastrophe would entail the frustration of many strong preferences, suggesting that from a preference-satisfactionist perspective it would be a bad thing. In a similar vein, an ethical view emphasising that public policy should be determined through informed democratic deliberation by all stakeholders would favour existential-risk mitigation if we suppose, as is plausible, that a majority of the world's population would come to favour such

policies upon reasonable deliberation (even if hypothetical future people are not included as stakeholders). We might also have custodial duties to preserve the inheritance of humanity passed on to us by our ancestors and convey it safely to our descendants.23 We do not want to be the failing link in the chain of generations, and we ought not to delete or abandon the great epic of human civilisation that humankind has been working on for thousands of years, when it is clear that the narrative is far from having reached a natural terminus. Further, many theological perspectives deplore naturalistic existential catastrophes, especially ones induced by human activities: If God created the world and the human species, one would imagine that He might be displeased if we took it upon ourselves to smash His masterpiece (or if, through our negligence or hubris, we allowed it to come to irreparable harm).24

We might also consider the issue from a less theoretical standpoint and try to form an evaluation instead by considering analogous cases about which we have defi- nite moral intuitions. Thus, for example, if we feel confi- dent that committing a small genocide is wrong, and that committing a large genocide is no less wrong, we might conjecture that committing omnicide is also wrong.25 And if we believe we have some moral reason to prevent natural catastrophes that would kill a small Existential Risk Prevention as Global Priority 23 Global Policy (2013) 4:1 ª 2013 University of Durham and John Wiley & Sons, Ltd. number of people, and a stronger moral reason to prevent natural catastrophes that would kill a larger number of people, we might conjecture that we have an even stronger moral reason to prevent catastrophes that would kill the entire human population.

We have a moral imperative to ensure the privacy of others and ourselves

Anita L. **Allen 13**, Professor of Law and philosophy at the University of Pennsylvania, 1/1/13, "An Ethical Duty to Protect One's Own Information Privacy?," http://scholarship.law.upenn.edu/cgi/viewcontent.cgi?article=1450&context=faculty_scholarship

Yet, if we are to take normative ethics seriously-and I recognize that not everyone wants to or can-we have to be open to the possibility that some of what we do and enjoy doing may not be ethically good or best. We may have ethical reasons and obligations to do things differently. The fact that a new generation has rewritten the rules of privacy or abandoned privacy as a value altogether would not prove that privacy was or is mostly worthless. Admittedly, values do erode; values can outlive their times.22 In my lifetime, it was widely considered immoral-and illegal-for unmarried people and people of different races to cohabitate.23 It is not especially problematic to say, with ethics in mind, that someone has an obligation to protect other people's privacy. That we can understand and agree with. We have no problem saying that people have a moral obligation not to make gratuitous, cruel, unconsented-to information disclosures about others. In 20 I 0, Rutgers University student Dharun Ravi violated that ethical duty with horrendous consequences. He surreptitiously webcast his roommate Tyler Clementi being intimate with another man, which prompted a mortified Clementi to commit suicide. More than an excusable prank, it is plain wrong to secretly broadcast someone's date with a consenting adult in his own home.

Now, as to duties to protect your own privacy, can we sensibly ascribe these? With prudence in mind, it is fairly common to ascribe obligations of self-care relating to informational privacy and data protection. To protect my reputation and feelings there are certain practical precautions I should take. Prudent self-interest demands that I password-protect electronic access to my banking accounts at Wells Fargo. If I download my medical records from myuniversitymedicine.com, I should use the password-protect option. I should periodically

change my university.edu e-mail password. I should think hard about what I put into Dropbox,24 about what I reveal about my location via Foursquare,25 and about the content of my Tumblr6 postings. But are self-regarding moral duties, as well as self-interested practical strategies, implicated in online life?

Sometimes people are so inattentive to their privacy that moral and ethical values do appear to come into play. Recall former Congressman Anthony Weiner, a Democratic member of the United States House of Representatives from New York. 27 Congressman Weiner sent sexually suggestive images of his pelvic region clad in tight-fitting underwear that revealed the outlines of his penis. He sent the images in Twitter messages to young women, ages 21 and 17, whom he d id not know .

28 As a consequence of this reckless behavior, Weiner was forced to resign from office in 201 1. Weiner disrespected himself, displ aying l ittle regard for the privacy of his body and sexu al urges.29 The Weiner case shines a l ight on the specific question I want to explore in this lecture: whether anyone h as a moral obligation to protect h is or her own information privacy, and if so, whether such an obligation ought to influence choice, policy, or the law. If people have an ethical obligation to protect their own privacy, there are more than merely prudential grounds for privacy v igilance. If a person has a moral obligation to protect her own privacy, then assuming moral obl igations creates prima facie reasons for acting, she would have a reason over and above prudent self-interest to adopt measures to safeguard important privacies. To protect informational privacy, ethical goodness might require that she, for e xample, not aim sexy pictures at minors or the general publ ic. Ethics might require that she secure financial information when transacting business online. Ethics might require that she keep u nder wraps whole-genome-sequencing data generated from clinical care or research. She might even have an obligation to moderate free speech and the use of social media that w idely reveal her location, plans, activities, feelings, and beliefs.

Terror DA NEG

Counterterrorism

1NC

SQUO CT program Is effective- key to prevent future terrorist attacks

Fred **Flietz** 20**15**, senior vice president for policy and programs with the Center for Security Policy, held U.S. government national security positions for 25 years with the CIA, DIA, and the House Intelligence Committee staff, served as Chief of Staff to John R. Bolton when he was Under Secretary of State for Arms Control and International Security in the George W. Bush administration, 5/11/15, http://www.nationalreview.com/article/418207/nsa-data-collection-necessary-or-unconstitutional-fred-fleitz

This is why Senator Mitch McConnell recently introduced a "clean" — that is, with no changes at all — reauthorization of the Patriot Act, which extends three of its provisions on electronic-surveillance programs used to protect our country against terrorist attacks. The most controversial is the NSA metadata program enacted in Section 215 of the Patriot Act. Opponents of the 215 program claim it is an unconstitutional violation of privacy rights and say that it has played no role in protecting the United States from terrorist attacks. Both of these claims are untrue. Under the metadata program, the NSA collects large numbers of phone records — not the contents of phone calls — and uses them to make connections between terror suspects. The program is subject to strong oversight by the executive branch, Congress, and the courts and is used only for national-security investigations. Only 22 people at the NSA are allowed access to these metadata, and they are barred from any data-mining, even in connection with an investigation.While its detractors refuse to admit it, the 215 program has been a successful tool in stopping terrorist attacks. It has been strongly defended by many intelligence officials and members of Congress, including Senator Dianne Feinstein (D., Calif.), vice chairman of the Senate Intelligence Committee, who said during a January 14, 2014, Judiciary Committee hearing that this program had helped stop terrorist plots to bomb the New York City subways, the New York stock exchange, and a Danish newspaper. "Had the [metadata] program been in place more than a decade ago, it would likely have prevented 9/11," according to a former CIA official. Former deputy CIA director Michael Morell said in a December 27, 2013, Washington Post op-ed: "Had the [metadata] program been in place more than a decade ago, it would likely have prevented 9/11. And it has the potential to prevent the next 9/11."

Counterterrorism is becoming more difficult- 3 reasons.

The Economist 20**15**, Established Newspaper Thing, 1/17/15,"Going Dark" "http://www.economist.com/news/leaders/21639506-just-threat-terrorism-increasing-ability-western-security-agencies-defeat

OVER the past decade Western security agencies have been remarkably successful in keeping jihadist terrorists at bay. Put it down to diligence, surveillance technology, financial resources, the manageable numbers of potential terrorists and, often, good luck. The spooks have foiled complex plots, such as the one in 2009 to bring down airliners in mid-Atlantic. They have brought a steady stream of would-be terrorists before the courts. Occasionally, loners and misfits have succeeded in carrying out attacks, such as the bombing of the Boston marathon and the beheading of a British soldier in London, both in 2013. But until the murders in Paris last week,

most people would have had Islamist terrorism low on their list of concerns. But counter-terrorism is getting harder for three reasons.

The first is a consequence of the collapse of several Arab countries, above all the unending civil war in Syria and the rise of Islamic State (IS). This week, the head of the European police agency estimated that up to 5,000 European Union citizens had joined the jihadists' ranks, many of whom would return home as hardened fighters. Furthermore, the ascendancy of IS has presented a challenge to al-Qaeda. The brothers who carried out the Charlie Hebdo murders appear to have been operating under orders from the Yemen branch of the terrorist network, Al-Qaeda in the Arabian Peninsula, well-known for wanting to take the fight to the "far enemy" in the West.

The second is that commando-style assaults, such as the one in Paris, are easy to plan and thus hard to disrupt. They may not kill as many people as blowing up an aircraft, but the "propaganda of the deed" is achieved by paralysing ordinary life in a big city and dominating 24-hour news channels.

Third, Western spooks say they are losing the technological edge that has enabled them to monitor the communications of potential terrorists. Tech companies are competing in their efforts to provide their customers with unbreachable privacy through sophisticated and sometimes "default" encryption. The heads of both America's FBI and Britain's MI5 have complained about their inability to prevent suspects from "going dark"—dropping off the radar screen of surveillance. David Cameron has promised to legislate to give his spies a back door into British phone and internet services.

Imperative to fight terrorism, domestic terrorist activity has been at a high currently.

David **Inserra** 2015, research associate in The Heritage Foundation's Allison Center for Foreign and National Security Policy, Ryan Spaude, member of the Young Leaders Program at The Heritage Foundation, 7/2/15, "Threat of Terrorism Remains Very Real During July 4", http://dailysignal.com//2015/07/02/threat-of-terrorism-remains-very-real-during-july-4th-weekend/

The U.S. is currently experiencing the most active period of domestic terrorist activity since 9/11. Law enforcement has foiled a total of nine terrorist plots already this year, including plots in Boston, New York City, and Morganton, N.C., last month.

In response, the FBI has increased its monitoring and surveillance efforts. While there are no known targets at this time, the agency has opened hundreds of investigations spread across all 50 states, with several arrests occurring just recently and more possible before July 4.

In particular, the Islamic State (ISIS) poses a serious threat to U.S. interests abroad and security at home. Beyond its quest for territory in the Middle East, ISIS is actively recruiting new followers through social media and hard-to-track technologies. In the U.S., its radical message resonates with terrorist converts and encourages them to take up arms.

The Founding Fathers fought a long war for independence, and it's time to recognize that we are currently in a long, protracted conflict with Islamist terrorism.

To fight terrorism at home and abroad, the U.S. must:

Support stronger action against Islamist terrorist groups abroad;

Ensure that the FBI shares information more readily and regularly with state and local law enforcement and treats them as critical actors in the fight against terrorism;

Designate an office in DHS to coordinate countering violent extremism (CVE) efforts;

Support state, local, and civil society partners, who are in the best position to recognize and counter radicalization in their own communities;

Maintain essential counterterrorism tools, including legitimate government surveillance programs; and

Build up local cyber capabilities, especially in high-risk urban areas.

The U.S. needs to provide law enforcement officers with the tools they need to stop terrorists before they strike. In addition, America and her allies need to take more effective steps to undermine and ultimately defeat ISIS and terrorist groups around the world.

We need domestic surveillance to prevent terrorist attacks- Garland event shows .

Fred **Flietz** 20**15**, senior vice president for policy and programs with the Center for Security Policy, held U.S. government national security positions for 25 years with the CIA, DIA, and the House Intelligence Committee staff, served as Chief of Staff to John R. Bolton when he was Under Secretary of State for Arms Control and International Security in the George W. Bush administration, 5/11/15, http://www.nationalreview.com/article/418207/nsa-data-collection-necessary-or-unconstitutional-fred-fleitz

Although the Obama administration refuses to say that the attempted massacre by two heavily armed assailants at a "draw Mohammed" contest in Garland, Texas, was an act of terrorism directed by ISIS, there is little doubt this was the case. One of the heavily armed attackers had been in touch through Twitter with jihadists in Australia and Somalia who were associated with ISIS and who had called for attacks on the Garland event. ISIS also seemed to know about the attack in advance and immediately claimed responsibility for it. Pamela Geller, the organizer of the "draw Mohammed" contest, wrote this week that whether ISIS leaders actually directed the attack or only had foreknowledge of it is a distinction without a difference, since ISIS has called for attacks on the United States and published manuals explaining how homegrown Islamist terrorists can construct bombs and kill infidels. The Garland attack was stopped in a matter of seconds — but only because of a heavy police presence assigned to the event and a traffic cop who somehow killed both assailants with his service revolver even though they were wearing body armor. However, this will certainly not be the last attack in the United States by homegrown terrorists inspired or directed by ISIS and al-Qaeda. There may not be heavy security in place the next time ISIS attacks.

L/IL

Link Boosters---2NC

Low link threshold---intel-gathering is long-term and piecemeal---any restriction has ripple effects that undermine effective CT

James Andrew **Lewis 14**, senior fellow and director of the Strategic Technologies Program at the Center for Strategic and International Studies, December 2014, "Underestimating Risk in the Surveillance Debate," http://csis.org/files/publication/141209_Lewis_UnderestimatingRisk_Web.pdf

NSA carried out two kinds of signals intelligence programs: bulk surveillance to support counterterrorism and collection to support U.S. national security interests. The debate over surveillance unhelpfully conflated the two programs. Domestic bulk collection for counterterrorism is politically problematic, but assertions that a collection program is useless because it has not by itself prevented an attack reflect unfamiliarity with intelligence. Intelligence does not work as it is portrayed in films—solitary agents do not make startling discoveries that lead to dramatic, last-minute success. Success is the product of the efforts of teams of dedicated individuals from many agencies, using many tools and techniques, working together to assemble fragments of data from many sources into a coherent picture.

In practice, analysts must simultaneously explore many possible scenarios. A collection program contributes by not only what it reveals, but also what it lets us reject as false. The Patriot Act Section 215 domestic bulk telephony metadata program provided information that allowed analysts to rule out some scenarios and suspects. The consensus view from interviews with current and former intelligence officials is that while metadata collection is useful, it is the least useful of the collection programs available to the intelligence community. If there was one surveillance program they had to give up, it would be 215, but this would not come without an increase in risk. Restricting metadata collection will make it harder to identify attacks and increase the time it takes to do this.

Err neg---surveillance is the <u>most effective</u> CT tool, and the risk is increasing

James Andrew **Lewis 14**, senior fellow and director of the Strategic Technologies Program at the Center for Strategic and International Studies, December 2014, "Underestimating Risk in the Surveillance Debate," http://csis.org/files/publication/141209_Lewis_UnderestimatingRisk_Web.pdf

Broad surveillance of communications is the least intrusive and most effective method for discovering terrorist and espionage activity. Many countries have expanded surveillance programs since the 9/11 attacks to detect and prevent terrorist activity, often in cooperation with other countries, including the United States.

Precise metrics on risk and effectiveness do not exist for surveillance, and we are left with conflicting opinions from intelligence officials and civil libertarians as to what makes counterterrorism successful. Given resurgent authoritarianism and continuing jihad, the new context for the surveillance debate is that the likelihood of attack is increasing. Any legislative change should be viewed through this lens.

No offense---surveillance is globally inevitable---curtailing U.S. programs can only hurt CT

James Andrew **Lewis 14**, senior fellow and director of the Strategic Technologies Program at the Center for Strategic and International Studies, December 2014, "Underestimating Risk in the Surveillance Debate," http://csis.org/files/publication/141209_Lewis_UnderestimatingRisk_Web.pdf

We do not know the full scope of success for these programs. The traditional explanation is that the failures of intelligence services will be on every front page but their successes will never be known. We do know that ending NSA's role in mass surveillance will not end mass surveillance in Europe or other parts of the world. What it will do is reduce cooperation among allied and friendly services and the United States and restrict access to extraregional counterterrorism data. Cooperation will not end, but will be less effective at a time when jihadi fighters are beginning to return from Syria. There will be an increase in the risk that a plot will go undetected, but how much risk will increase is difficult to estimate.

Surveillance Key---2NC

Terror group splintering means the risk is uniquely high now and domestic surveillance is key to prevent attacks

James Andrew **Lewis 14**, senior fellow and director of the Strategic Technologies Program at the Center for Strategic and International Studies, December 2014, "Underestimating Risk in the Surveillance Debate," http://csis.org/files/publication/141209_Lewis_UnderestimatingRisk_Web.pdf

There is general agreement that as terrorists splinter into regional groups, the risk of attack increases. Certainly, the threat to Europe from militants returning from Syria points to increased risk for U.S. allies. The messy U.S. withdrawal from Iraq and (soon) Afghanistan contributes to an increase in risk.24 European authorities have increased surveillance and arrests of suspected militants as the Syrian conflict lures hundreds of Europeans. Spanish counterterrorism police say they have broken up more terrorist cells than in any other European country in the last three years.25 The chairman of the House Select Committee on Intelligence, who is better placed than most members of Congress to assess risk, said in June 2014 that the level of terrorist activity was higher than he had ever seen it.26 If the United States overreacted in response to September 11, it now risks overreacting to the leaks with potentially fatal consequences.

A simple assessment of the risk of attack by jihadis would take into account a resurgent Taliban, the power of Islamist groups in North Africa, the continued existence of Shabaab in Somalia, and the appearance of a powerful new force, the Islamic State in Iraq and Syria (ISIS). Al Qaeda, previously the leading threat, has splintered into independent groups that make it a less coordinated force but . On the positive side, the United States, working with allies and friends, appears to have contained or eliminated jihadi groups in Southeast Asia.

Many of these groups seek to use adherents in Europe and the United States for manpower and funding. A Florida teenager was a suicide bomber in Syria and Al Shabaab has in the past drawn upon the Somali population in the United States. Hamas and Hezbollah have achieved quasi-statehood status, and Hamas has supporters in the United States. Iran, which supports the two groups, has advanced capabilities to launch attacks and routinely attacked U.S. forces in Iraq. The United Kingdom faces problems from several hundred potential terrorists within its large Pakistani population, and there are potential attackers in other Western

European nations, including Germany, Spain, and the Scandinavian countries. France, with its large Muslim population faces the most serious challenge and is experiencing a wave of troubling anti-Semitic attacks that suggest both popular support for extremism and a decline in control by security forces.

The chief difference between now and the situation before 9/11 is that all of these countries have put in place much more robust surveillance systems, nationally and in cooperation with others, including the United States, to detect and prevent potential attacks. Another difference is that the failure of U.S. efforts in Iraq and Afghanistan and the opportunities created by the Arab Spring have opened a new "front" for jihadi groups that makes their primary focus regional. Western targets still remain of interest, but are more likely to face attacks from domestic sympathizers. This could change if the well-resourced ISIS is frustrated in its efforts to establish a new Caliphate and turns its focus to the West. In addition, the al Qaeda affiliate in Yemen (al Qaeda in the Arabian Peninsula) continues to regularly plan attacks against U.S. targets.27

The incidence of attacks in the United States or Europe is very low, but we do not have good data on the number of planned attacks that did not come to fruition. This includes not just attacks that were detected and stopped, but also attacks where the jihadis were discouraged and did not initiate an operation or press an attack to its conclusion because of operational difficulties. These attacks are the threat that mass surveillance was created to prevent. The needed reduction in public anti-terror measures without increasing the chances of successful attack is contingent upon maintaining the capability provided by communications surveillance to detect, predict, and prevent attacks. Our opponents have not given up; neither should we.

The link magnitude is huge---surveillance is the one, national-level tool to prevent mass-casualty terrorist attacks

James Andrew **Lewis 14**, senior fellow and director of the Strategic Technologies Program at the Center for Strategic and International Studies, December 2014, "Underestimating Risk in the Surveillance Debate," http://csis.org/files/publication/141209_Lewis_UnderestimatingRisk_Web.pdf

The echoes of September 11 have faded and the fear of attack has diminished. We are reluctant to accept terrorism as a facet of our daily lives, but major attacks—roughly one a year in the last five years—are regularly planned against U.S. targets, particularly passenger aircraft and cities. America's failures in the Middle East have spawned new, aggressive terrorist groups. These groups include radicalized recruits from the West—one estimate puts the number at over 3,000—who will return home embittered and hardened by combat. Particularly in Europe, the next few years will see an influx of jihadis joining the existing population of homegrown radicals, but the United States itself remains a target.

America's size and population make it is easy to disappear into the seams of this sprawling society. Government surveillance is, with one exception and contrary to cinematic fantasy, limited and disconnected. That exception is communications surveillance, which provides the best and perhaps the only national-level solution to find and prevent attacks against Americans and their allies. Some of the suggestions for alternative approaches to surveillance, such as the recommendation that NSA only track "known or suspected terrorists," reflect both deep ignorance and wishful thinking. It is the unknown terrorist who will inflict the greatest harm.

Surveillance is key to CT and the U.S. is key overall---no fill-in

James Andrew **Lewis 14**, senior fellow and director of the Strategic Technologies Program at the Center for Strategic and International Studies, December 2014, "Underestimating Risk in the Surveillance Debate," http://csis.org/files/publication/141209_Lewis_UnderestimatingRisk_Web.pdf

Mass surveillance serves counterterrorism purposes. It provides a means of identifying terrorists and their networks for targeted collection. The mass collection programs conducted by NSA were done in cooperative arrangements with European security services and those of other nations; that this was largely unknown to European populations and legislatures is more a reflection of the weaknesses of the oversight of their own intelligence activities by Europeans.15

The United States had unique advantages for counterterrorism on a global level. These include its relationships with a range of foreign intelligence partners, its technical resources, and the information it obtained from its operations in Iraq and Afghanistan. A captured cell phone can provide names and numbers that allow for more precise targeting. Using sophisticated software and combined with information from other intelligence services, NSA was able to take the billions of calls and emails sent each day and winnow them down to a few thousand messages to which an intelligence analyst actually listened.

NSA Surveillance Key to Counterterrorism- Officials back up claims.

Peter **Bergen** 2014, journalist and CNN national security analyst and member of the Homeland Security Project, David **Sterman** 2014, research assistant and a program associate, Emily **Schneider** 2014, senior program associate and assistant editor, Bailey **Cahall** 20**14**, policy analyst, 1/13/14, Do NSA's Bulk Surveillance Programs Stop Terrorists?, https://www.newamerica.org/downloads/IS_NSA_surveillance.pdf

On June 5, 2013, the Guardian broke the first story in what would become a flood of revelations regarding the extent and nature of the NSA's surveillance programs.1 Facing an uproar over the threat such programs posed to privacy, the Obama administration scrambled to defend them as legal and essential to U.S. national security and counterterrorism. Two weeks after the first leaks by former NSA contractor Edward Snowden were published, President Obama defended the NSA surveillance programs during a visit to Berlin, saying: "We know of at least 50 threats that have been averted because of this information not just in the United States, but, in some cases, threats here in Germany. So lives have been saved."2 Gen. Keith Alexander, the director of the NSA, testified before Congress that: "the information gathered from these programs provided the U.S. government with critical leads to help prevent over 50 potential terrorist events in more than 20 countries around the world."3 Rep. Mike Rogers (RMich.), chairman of the House Permanent Select Committee on Intelligence, said on the House floor in July that "54 times [the NSA programs] stopped and thwarted terrorist attacks both here and in Europe – saving group.

AT: Surveillance Fails---2NC

Their arg uses the wrong metrics---surveillance doesn't prevent attacks in isolation---it makes key contributions to the larger intelligence framework that are tough to quantify from the outside

James Andrew **Lewis 14**, senior fellow and director of the Strategic Technologies Program at the Center for Strategic and International Studies, December 2014, "Underestimating Risk in the Surveillance Debate," http://csis.org/files/publication/141209_Lewis_UnderestimatingRisk_Web.pdf

Assertions that a collection program contributes nothing because it has not singlehandedly prevented an attack reflect an ill-informed understanding of how the United States conducts collection and analysis to prevent harmful acts against itself and its allies. Intelligence does not work as it is portrayed in films—solitary agents do not make startling discoveries that lead to dramatic, last-minute success (nor is technology consistently infallible). Intelligence is a team sport. Perfect knowledge does not exist and success is the product of the efforts of teams of dedicated individuals from many agencies, using many tools and techniques, working together to assemble fragments of data from many sources into a coherent picture. Analysts assemble this mosaic from many different sources and based on experience and intuition. Luck is still more important than anyone would like and the alternative to luck is acquiring more information. This ability to blend different sources of intelligence has improved U.S. intelligence capabilities and gives us an advantage over some opponents.

Portrayals of spying in popular culture focus on a central narrative, essential for storytelling but deeply misleading. In practice, there can be many possible narratives that analysts must explore simultaneously. An analyst might decide, for example, to see if there is additional confirming information that points to which explanation deserves further investigation. Often, the contribution from collection programs comes not from what they tell us, but what they let us reject as false. In the case of the 215 program, its utility was in being able to provide information that allowed analysts to rule out some theories and suspects. This allows analysts to focus on other, more likely, scenarios.

Surveillance is valuable because it excludes potential leads---means it has to be broad and their indicts that the data's useless are wrong

James Andrew **Lewis 14**, senior fellow and director of the Strategic Technologies Program at the Center for Strategic and International Studies, December 2014, "Underestimating Risk in the Surveillance Debate," http://csis.org/files/publication/141209_Lewis_UnderestimatingRisk_Web.pdf

What is left out of this picture (and from most fictional portrayals of intelligence analysis) is the number of false leads the analysts must pursue, the number of dead ends they must walk down, and the tools they use to decide that something is a false lead or dead end. Police officers are familiar with how many leads in an investigation must be eliminated through legwork and query before an accurate picture emerges. Most leads are wrong, and much of the work is a process of elimination

that eventually focuses in on the most probable threat. If real intelligence work were a film, it would be mostly boring. Where the metadata program contributes is in eliminating possible leads and suspects.

This makes the critique of the 215 program like a critique of airbags in a car—you own a car for years, the airbags never deploy, so therefore they are useless and can be removed. The weakness in this argument is that discarding airbags would increase risk. How much risk would increase and whether other considerations outweigh this increased risk are fundamental problems for assessing surveillance programs. With the Section 215 program, Americans gave up a portion of their privacy in exchange for decreased risk. Eliminating 215 collection is like subtracting a few of the random pieces of the jigsaw puzzle. It decreases the chances that the analysts will be able to deduce what is actually going on and may increase the time it takes to do this. That means there is an increase in the risk of a successful attack. How much of an increase in risk is difficult to determine, but this is crucial for assessing the value of domestic surveillance programs.

If the risk of attack is increasing, it is not the right time to change the measures the United States has put in place to deter another 9/11. If risk is decreasing, surveillance programs can be safely reduced or eliminated. A more complicated analysis would ask if the United States went too far after 9/11 and the measures it put in place can be reduced to a reasonable level without increasing risk. Unfortunately, precise metrics on risk and effectiveness do not exist, 12 and we are left with the conflicting opinions of intelligence officials and civil libertarians as to what makes effective intelligence or counterterrorism programs. There are biases on both sides, with intelligence officials usually preferring more information to less and civil libertarians can be prone to wishful thinking about terrorism and opponent intentions.13

Interviews with current and former intelligence officials give us some guidance in deciding this. The consensus among these individuals is that 215 is useful in preventing attacks, but the least useful of the programs available to the intelligence community. If there was one surveillance program they had to give up, it would be 215 before any others, but ending 215 would not come without some increase in risk.

Impact

Impact Calc---Err Neg

Err neg---the risk of terrorism is latent and non-apparent---surveillance is key to prevent attacks even if the risk doesn't seem high

James Andrew **Lewis 14**, senior fellow and director of the Strategic Technologies Program at the Center for Strategic and International Studies, December 2014, "Underestimating Risk in the Surveillance Debate," http://csis.org/files/publication/141209_Lewis_UnderestimatingRisk_Web.pdf

Americans are reluctant to accept terrorism is part of their daily lives, but attacks have been planned or attempted against American targets (usually airliners or urban areas) almost every year since 9/11. Europe faces even greater risk, given the thousands of European Union citizens who will return hardened and radicalized from fighting in Syria and Iraq.

The threat of attack is easy to exaggerate, but that does not mean it is nonexistent. Australia's then-attorney general said in August 2013 that communications surveillance had stopped four "mass casualty events" since 2008. The constant planning and preparation for attack by terrorist

groups is not apparent to the public. The dilemma in assessing risk is that it is discontinuous. There can be long periods with no noticeable activity, only to have the apparent calm explode.

The debate over how to reform communications surveillance has discounted this risk. Communications surveillance is an essential law enforcement and intelligence tool. There is no replacement for it. Some suggestions for alternative approaches to surveillance, such as the idea that the National Security Agency (NSA) only track known or suspected terrorists, reflect wishful thinking, as it is the unknown terrorist who will inflict the greatest harm.

Turns Case---2NC

Disad turns the case---surveillance will be replaced by increasing security service personnel which has a much greater chilling effect on liberties---doesn't solve the disad because it's less effective at CT

James Andrew **Lewis 14**, senior fellow and director of the Strategic Technologies Program at the Center for Strategic and International Studies, December 2014, "Underestimating Risk in the Surveillance Debate," http://csis.org/files/publication/141209_Lewis_UnderestimatingRisk_Web.pdf

Broad surveillance of communications is the least intrusive method and most effective means for discovering terrorist activity. The alternatives to mass surveillance are straightforward. Countries can replace communications surveillance by increasing the number of security service personnel responsible for monitoring terrorism or they can decrease surveillance and accept some increase in the level of risk of a successful attack. The dilemma with choosing this course of action is that the number of agents required to replace communications surveillance is expensive and overtly intrusive in a way the communications surveillance is not. Hundreds of thousands of additional agents would be required to provide national coverage, may lack sufficient global reach to detect activity being planned or undertaken outside U.S. territory, and the creation of such a large force risks creating a much greater chilling effect on liberties

EXT: Garland

Garland event shows that it's imperative to prevent terrorist attacks because of the growing amount of homegrown terrorists-that's Flietz. Garland was the 68th Islamist terrorist plot- we need to reestablish the importance of counterterrorism.

David **Inserra** 2015, research associate in The Heritage Foundation's Allison Center for Foreign and National Security Policy, 5/18/15, "68th Terrorist Plot Calls for major counterterrorism Reforms", http://www.heritage.org/research/reports/2015/05/68th-terrorist-plot-calls-for-major-counterterrorism-reforms

This 68th Islamist terrorist plot or attack [Garland] is the 57th homegrown terrorist attack or plot and the 10th targeting a mass gathering, the third most common target. The attack also comes as part of a recent wave of attacks and plots, as this is the sixth Islamist terrorist plot or attack in 2015. All of the plots and attacks this year have been perpetrated by individuals who claim to support the Islamic State to varying degrees. The FBI has stated that Simpson wanted to commit jihad with ISIS, and press reports indicate that he may have been in secret communications with ISIS members.[6]

Regardless, with these attacks and the increasing numbers of individuals in the U.S. seeking to support or join ISIS and al-Qaeda affiliates, the U.S. is currently facing what is arguably the most concentrated period of terrorist activity in the homeland since 9/11. Director James Comey of the FBI has recent warned that "hundreds, maybe thousands" of individuals across the U.S. are being directly solicited by ISIS and urged to attack. Other senior officials, including Secretary of Homeland Security Jeh Johnson, the Director of National Intelligence James Clapper, and the director of the National Counterterrorism Center Nicholas Rasmussen have also noted the increasing threat of terrorism here at home.[7]

Strengthening the Counterterrorism Enterprise

In light of these warnings, the U.S. cannot be passive. Heritage has recommended numerous counterterrorism policies for Congress to address, including:

Streamlining U.S. fusion centers. Congress should limit fusion centers to the approximately 30 areas with the greatest level of risk as identified by the Urban Area Security Initiative (UASI). Some exceptions might exist, such as certain fusion centers that are leading cybersecurity or other important topical efforts. The remaining centers should then be fully funded and resourced by UASI.

Pushing the FBI toward being more effectively driven by intelligence. While the FBI has made high-level changes to its mission and organizational structure, the bureau is still working to integrate intelligence and law enforcement activities. This will require overcoming cultural barriers and providing FBI intelligence personnel with resources, opportunities, and the stature they need to become a more effective and integral part of the FBI.

Ensuring that the FBI shares information more readily and regularly with state and local law enforcement and treats state and local partners as critical actors in the fight against terrorism.State, local, and private-sector partners must send and receive timely information from the FBI. The Department of Homeland Security (DHS) should play a role in supporting these partners' efforts by acting as a source or conduit for information to partners and coordinating information sharing between the FBI and its partners.

Designating an office in DHS to coordinate countering violent extremism (CVE) efforts. CVE efforts are spread across all levels of government and society. DHS is uniquely situated to lead the federal government's efforts to empower local partners. Currently, DHS's CVE working group coordinates efforts across DHS components, but a more substantial office will be necessary to manage this broader task.

Supporting state, local, and civil society partners. Congress and the Administration should not lose sight of the fact that all of the federal government's efforts must be focused on empowering local partners. The federal government is not the tip of the spear for CVE efforts; it exists to support local partners who are in the best position to recognize and counter radicalization in their own communities.

Maintaining essential counterterrorism tools. Support for important investigative tools is essential to maintaining the security of the U.S. and combating terrorist threats. Legitimate government surveillance programs are also a vital component of U.S. national security and should be allowed to continue. The need for effective counterterrorism operations, however, does not relieve the government of its obligation to follow the law and respect individual privacy and liberty. In the American system, the government must do both equally well.

Ensuring Security

In the midst of this surge in terrorist activity, the U.S. must recommit itself to counterterrorism efforts. Improving intelligence tools, information sharing with state and local law enforcement, and local civil society outreach to counter radicalization should be a priority for Congress.

AT: Cyber Impact

Impractical- Won't Lead to War because of attribution and U.S isn't willing to go to war

Russ **Wellen 2013**, editor and blogger, 7/16/13, "Cyber war and Nuclear War. The Most Dangerous of All Conflations"

The Pentagon's Defense Science Board concluded this year that China and Russia could develop capabilities to launch an "existential cyber attack" against the United States. … "While the manifestation of a nuclear and cyber attack are very different," the board concluded, "in the end, the existential impact to the United States is the same."

Yes, I know. How can you conflate the effects of a nuclear attack with that of a cyber attack, no matter how devastating? Clarke and Andreasen continue.

Because it will be impossible to fully defend our systems against existential cyberthreats, the board argued, the United States must be prepared to threaten the use of nuclear weapons to deter cyberattacks.

A salient passage of the report, titled Resilient Military Systems and the Advanced Cyber Threat, reads:

In the process of conducting this study, it became apparent that the full spectrum cyber threat represented by a Tier V-VI capability is of such magnitude and sophistication that it could not be defended against. As such, a defense-only strategy against this threat is insufficient to protect U.S. national interests and is impossible to execute. Therefore, a successful DoD cyber strategy must include a [nuclear] deterrence component.

The Board took its cue from the 2010 Nuclear Posture Review which, Colby writes, stated that the

… United States would only consider the use of nuclear weapons in "extreme circumstances." … Presumably one would characterize a catastrophic Tier V-VI adversary cyber attack on the United States as "extreme circumstances" … so that is not precluded in the stated policy, but it is not explicitly mentioned.

At the National Interest, Eldridge Colby, a representative of the Department of Defense in New START negotiations, responding to Clarke and Andreasen's op-ed, elaborates on what makes an attack worthy of nuclear reprisal. It would have to threaten our survival and be

… of such magnitude and duration that it would be essentially unmistakable as an existential attack … attacks which lead to planes falling out of the sky, water and power shutting off, communications dying, food rotting, and the like.

Colby writes that along with "the costliness of cyber defenses, and the affordability of cyber offenses," attribution makes "the contemporary cyber domain a classic offense-dominant arena, one in which the attacker has huge advantages."

The word "attribution" is often applied to determining the origins of a nuclear-weapons attack, especially if mounted by a terrorist group that fails to identify itself. In other words, attribution not only makes cyberspace an "offense-dominant arena," as Colby asserts, it makes it difficult to decide who to retaliate against. From the report itself:

There are more dangerous threats than cyberattacks.

Ben **Lerner** 20**15**, VP for Government Relations, held a senior government relations role with a foreign affairs advocacy organization, gained experience in both the House and Senate, 4/2/15, "Securing The Grid Against More Than the Cyberthreat"

Tackling the cyberthreat will go a long way toward protecting our critical infrastructure, including arguably the most critical piece of that infrastructure: the electric grid that powers our way of life. While addressing the cyberthreat, however, we cannot afford to let our guard down on other equally present—and perhaps even more catastrophic—threats to the grid that have yet to receive the same level of badly needed attention.

To be sure, the cyberthreat to our electric grid is real and growing. Late last year, Adm. Michael Rogers, head of both the National Security Agency and U.S. Cyber Command, warned that China, and possibly other countries, have the ability to shut down the U.S. electric grid with a cyberattack. Recently, the Office of the Director of National Intelligence (ODNI) issued its report indicating that cyberattacks are the greatest danger to U.S. national security, noting for example that "Russian cyberactors" are developing the ability to infiltrate electric power grids and other critical infrastructure components. Notably, the ODNI has concluded for now that a single catastrophic cyberattack on our critical infrastructure is less likely than "a series of low-to-

moderate level cyberattacks from a variety of sources over time, which will impose cumulative costs on U.S. economic competitiveness and national security."

A threat that does have the capacity to produce catastrophic results for our electric grid in a single instance is that of an electromagnetic pulse (EMP) attack. As the federal government has acknowledged, our electrical grid is vulnerable to an EMP attack from a nuclear device delivered by a ballistic missile detonated outside the atmosphere, which would release immense levels of electromagnetic energy that would take down our grid for an extended period. There are indications that China and Russia already have such a capability, and North Korea is likely not far behind.

A similar effect can be produced in nature by major solar flaring, or geomagnetic disturbances (GMD); we narrowly missed being hit by a solar storm in 2012 that could have had catastrophic consequences for our grid, and scientists put the likelihood of such an event hitting earth at 12 percent over the next decade (about the same chance of a major earthquake striking California).

Terror DA AFF

Cyberterrorism

1AC

Current Encryptions Are Weak Because of the NSA's desire to install backdoors.

Dimitri **Tokmetzis** 20**15**, Dutch data journalists, 4/17/15, "How to protect privacy and security in the Crypto Wars", https://www.gccs2015.com/sites/default/files/documents/How%20to%20protect%20privacy%20and%20security%20in%20the%20crypto%20wars.pdf

We thought that the Crypto Wars of the nineties were over, but **renewed** fighting has erupted since the Snowden revelations. On one side, law enforcement and intelligence agencies are afraid that broader use of encryption on the Internet will make their work harder or even impossible. On the other, security experts and activists argue that installing backdoors will make everyone unsafe. Is it possible to find some middle ground between these two positions? 'This is the story of how a handful of cryptographers "hacked" the NSA. It's also a story of encryption backdoors, and why they **never quite work out** the way you want them to.' So began the blog post on the FREAK attack, one of the most ironic hacks of recent years. Matthew Green, assistant professor at John Hopkins university, and a couple of international colleagues **exploited** a nasty bug on the servers that host the NSA website. By forcing the servers to use an old, almost forgotten and weak type of encryption which they were able to crack within a few hours, they managed to gain access to the backend of the NSA website, making it possible for them to alter its content. Worse still, the cryptographers found that the same weak encryption was used on a **third of the 14 million** other websites they scanned. For instance, if they had wanted to, they could have gained access to **whitehouse.gov or tips.fbi.gov**. Many smartphone apps turned out to be vulnerable as well. The irony is this: this weak encryption was **deliberately** designed for software products exported from the US in the nineties. The NSA wanted to snoop on foreign governments and companies if necessary and pushed for a **weakening** of encryption. This weakened encryption somehow found its way back onto the servers of **US** companies and government agencies. 'Since the NSA was the organization that demanded export-grade crypto, it's only fitting that they should be the first site affected by this vulnerability', Green gleefully wrote.

NSA Bulk Surveillance Bad- - Government Claims Greatly Exaggerated and proven with 3 key points - Not Key To Counterterrorism.

Peter **Bergen** 2014, journalist and CNN national security analyst and member of the Homeland Security Project, David **Sterman** 2014, research assistant and a program associate, Emily **Schneider** 2014, senior program associate and assistant editor, Bailey **Cahall** 20**14**, policy analyst, 1/13/14, Do NSA's Bulk Surveillance Programs Stop Terrorists?, https://www.newamerica.org/downloads/IS_NSA_surveillance.pdf

However, our review of the government's claims about the role that NSA "bulk" surveillance of phone and email communications records has had in keeping the United States safe from terrorism shows that these claims are **overblown** and even **misleading**.* An in-depth analysis of 225 individuals recruited by al-Qaeda or a like-minded group or inspired by al-Qaeda's ideology,

and charged in the United States with an act of terrorism since 9/11, demonstrates that traditional investigative methods, such as the use of informants, tips from local communities, and targeted intelligence operations, provided the initial impetus for investigations in the **majority** of cases, while the contribution of NSA's bulk surveillance programs to these cases was **minimal**. Indeed, the controversial bulk collection of American telephone metadata, which includes the telephone numbers that originate and receive calls, as well as the time and date of those calls but not their content, under Section 215 of the USA PATRIOT Act, appears to have played an identifiable role in, at most, **1.8 percent** of these cases. NSA programs involving the surveillance of non-U.S. persons outside of the United States under Section 702 of the FISA Amendments Act played a role in 4.4 percent of the terrorism cases we examined, and NSA surveillance under an unidentified authority played a role in **1.3 percent** of the cases we examined. Regular FISA warrants not issued in connection with Section 215 or Section 702, which are the **traditional** means for investigating foreign persons, were used in at least 48 (**21 percent**) of the cases we looked at, although it's unclear whether these warrants played an initiating role or were used at a later point in the investigation. (Click on the link to go to a database of all 225 individuals, complete with additional details about them and the government's investigations of these cases: http://natsec.newamerica.net/nsa/analysis). Surveillance of American phone metadata has had no discernible impact on preventing acts of terrorism and only the most marginal of impacts on preventing terroristrelated activity, such as fundraising for a terrorist group. Furthermore, our examination of the role of the database of U.S. citizens' telephone metadata in the single plot the government uses to justify the importance of the program – that of Basaaly Moalin, a San Diego cabdriver who in 2007 and 2008 provided $8,500 to al-Shabaab, al-Qaeda's affiliate in Somalia – **calls into question the necessity** of the **Section 215 bulk collection program**.5 According to the government, the database of American phone metadata allows intelligence authorities to quickly **circumvent** the traditional burden of proof associated with criminal warrants, thus allowing them to "connect the dots" **faster** and prevent future 9/11-scale attacks. Yet in the Moalin case, after using the NSA's phone database to link a number in Somalia to Moalin, the FBI waited two months to begin an investigation and wiretap his phone. Although it's unclear why there was a delay between the NSA tip and the FBI wiretapping, court documents show there was a two-month period in which the FBI was not monitoring Moalin's calls, despite official statements that the bureau had Moalin's phone number and had identified him.6,7 This undercuts the government's theory that the database of Americans' telephone metadata is necessary to expedite the investigative process, since it clearly didn't expedite the process in the single case the government uses to extol its virtues. Additionally, a careful review of three of the key terrorism cases the government has cited to defend NSA bulk surveillance programs reveals that government officials have **exaggerated** the role of the NSA in the cases against David Coleman Headley and Najibullah Zazi, and the significance of the threat posed by a notional plot to bomb the New York Stock Exchange. In 28 percent of the cases we reviewed, court records and public reporting do not identify which specific methods initiated the investigation. These cases, involving 62 individuals, may have been initiated by an undercover informant, an undercover officer, a family member tip, other traditional law enforcement methods, CIA- or FBI generated intelligence, NSA surveillance of some kind, or any number of other methods. In 23 of these 62 cases (37 percent), an informant was used. However, we were unable to determine whether the informant initiated the investigation or was used after the investigation was initiated as a result of the use of some other investigative means. Some of these cases may also be too recent to have developed a public record large enough to identify which investigative tools were used. We have also identified three additional plots that the government has not publicly claimed as NSA

successes, but in which court records and public reporting suggest the NSA had a role. However, it is not clear whether **any** of those three cases involved bulk surveillance programs. Finally, the overall problem for U.S. counterterrorism officials is not that they need vaster amounts of information from the bulk surveillance programs, but that they don't sufficiently understand or widely share the information they already possess that was derived from **conventional** law enforcement and intelligence techniques. This was true for two of the 9/11 hijackers who were known to be in the United States before the attacks on New York and Washington, as well as with the case of Chicago resident David Coleman Headley, who helped plan the 2008 terrorist attacks in Mumbai, and it is the unfortunate pattern we have also seen in several other significant terrorism cases.

While we are weakening encryptions, there is an increasing likelihood of cyber terrorism-OPM shows.

David **Greene** 2015, given the association's 2008 Merriman Smith award for deadline coverage of the presidency, an NPR foreign correspondent in Moscow, Michael **Riley** 20**15**,a cyber securityreporter with Bloomberg Business, 6/16/15, "Government Workers' High Value Data At Risk After OPM Breach", http://www.npr.org/2015/06/16/414831922/government-workers-high-value-data-at-risk-after-opm-breach

DAVID GREENE, HOST: We're learning more about the largest breach of U.S. government data ever. It was revealed recently. Hackers were after information at the Office of Personnel Management, which is basically the federal government's HR department. The cyberattack is believed to have been launched from China. Hackers obtained the records of **14 million people**. And one of the questions facing investigators is why China wanted this stuff. Michael Riley covers cybersecurity for Bloomberg Business, and he joins us in the studio. Michael, good morning.

MICHAEL RILEY: Good morning.

GREENE: So what kind of information did the hackers get here?

RILEY: It looks like they went after a bunch of different kinds of stuff. Some of it's just very basic personal information - Social Security numbers, work records, military - like, what was your military record? But the government revealed on Friday that they actually got into a very sensitive database, which is the background checks done for people who have security clearances for **top-secret** information. So if you can imagine it, these are forms that are incredibly **detailed**, and they're designed to show **vulnerabilities** that employees might have that would handle very secret information.

GREENE: OK, so this is stuff like you're applying for a job, and you have to answer all these sensitive questions about yourself, your history, your friends, your family.

RILEY: Foreign travel, foreign contacts - it's any history of drug use. It's like if we're going to give you very sensitive, top-secret information, we want to know everything about you and everything a foreign intelligence agency might use to recruit you.

GREENE: So is that what they're trying to do? They're trying to get information that's sensitive that they could use as - as what? - like, some sort of blackmail to try and recruit people?

RILEY: Yeah, this seems to be, like, just old school spy craft at a new scale of immensity. In other words, they can use this to figure out vulnerabilities of people who have information they want. And they've stolen all sorts of other information, including health records and other things that they can cross-reference.

So they know that you have a particular job in the U.S. government that might deal with a particular area of policy that affects China, for example. They now know that you handle top-secret information associated with that, and they also have health records on you. They know what kinds of drugs you take. They know what kind of conditions you have. They know what kind of - whether you failed a lie detector test. They know all sorts of things that they can use to recruit you as a spy.

GREENE: And is also the kind of thing where they could take this information and sort of act like someone that you might know...

RILEY: Yes.

GREENE: ...To try and get you to open emails from them?

RILEY: Absolutely.

GREENE: And if they're able to do that, would that then give whoever these hackers are even more access to databases if you're actually opening emails from them thinking it's just a friend writing to you?

RILEY: Absolutely. Now, I mean, it's a notion called spearfishing, which they can send an email that looks very much like, for example, your insurance company or your hospital billing agent. And it can have a lot of information that would say to you, this is actually the person that you need to talk to and give your information to. It's a very powerful weapon to have because once you open that e-mail or click on this link, then it downloads a virus which infects your computer. And again, these are people who have very sensitive information about the government and about government activities that they want.

GREENE: How are government officials so sure that this was China, if they are sure?

RILEY: You know, the U.S. government has been - has not gone on the record openly. For example, the White House spokesperson has not said that this is China. The U.S. officials have said, behind the scenes, that it's China, and they've also told other people - other agencies that have been hacked by these same guys - that this is the Chinese government. The way that they figured that out is that we have our own versions of electronic spies that watch the computers from which this come. They can actually hack back and hack the hackers, so they've done a lot of work to figure out that this is China, and so farm the word is this is China.

GREENE: Michael, you cover cybersecurity threats - all sorts of cybersecurity threats. I mean, how scary is this one?

RILEY: It's very different than other hacks we've seen, including Target, for example, where hackers grabbed millions of credit cards. And those credit card numbers can just simply be replaced. It's a problem that you can actually fix. This is something that - where they got information on people that you cannot fix, I mean, if they know your vulnerabilities. And it goes back historically to the 1980s. Some of those people who, for example, might have applied for secret clearances and didn't get them because they failed a lie detector test or because they had a

history of drug use - those people might actually be in a different part of government, or they might be in the private sector in very important jobs. And you now have this vast database of information on people that - all over the country - that do really important things. And that's a hard thing to fix.'

Weak Encryption leads to hacking into the grid which would severely hurt the U.S.

Terry **Gross** 20**10**, the host and co-producer of Fresh Air, 4/19/10, "Richard Clarke On The Growing 'Cyberwar' Threat", http://www.npr.org/templates/story/story.php?storyId=126097038

Clarke has now turned his attention to another potential security catastrophe: **computer-based** terrorism attacks. In his new book, Cyberwar: The Next Threat to National Security and What to Do About It, he and co-author Robert Knake sketch out a scenario in which hackers could hypothetically cripple the United States from behind a computer screen.

"A cyberattack could disable trains all over the country," he tells Fresh Air host Terry Gross. "It could blow up pipelines. It could cause **blackouts** and damage electrical **power grids** so that the blackouts would go on for a long time. It could **wipe out** and confuse financial records, so that we would not know who owned what, and the financial system would be badly damaged. It could do things like disrupt traffic in urban areas by knocking out control computers. It could, in nefarious ways, do things like wipe out medical records."

Clarke says that cyberattacks can come from another country — or from a lone individual. Malicious code may infect a computer via a security flaw in a Web browser, or it could be distributed through secret back doors built into computer hardware. And though the government has set up security measures to protect military and intelligence networks, he worries that not enough is being done to protect the private sector — which includes the electrical grid, the banking system and our health care records.

UQ

AT: CT Key

Terrorism Unpredictable-results in ineffective counterterrorism models and programs.

Jeff **Jonas** 20**06**, Chief Scientist of the IBM Entity Analytics Group, and Jim **Harper** 20**06**, a former counsel to committees in both the U.S. House and the U.S. Senate, in 2014 he served as Global Policy Counsel for the Bitcoin Foundation, a founding member of the U.S. Department of Homeland Security's Data Privacy and Integrity Advisory Committee, 12/11/06, "Effective Counterterrorism and the Limited Role of Predictive Data Mining", http://object.cato.org/sites/cato.org/files/pubs/pdf/pa584.pdf

One of the fundamental underpinnings of predictive data mining in the commercial sector is the use of training patterns. Corporations that study consumer behavior have millions of patterns that they can draw upon to profile their typical or ideal consumer. Even when data mining is used to seek out instances of identity and credit card fraud, this relies on models constructed using many **thousands of known examples** of fraud per year. Terrorism has **no similar** indicia. With a relatively **small** number of attempts every year and only one or two major terrorist incidents every few years—each one **distinc**t in terms of planning and execution—there are **no meaningful** patterns that show what behavior indicates planning or preparation for terrorism. Unlike

consumers' shopping habits and financial fraud, terrorism does not occur with enough frequency to enable the creation of valid predictive models. Predictive data mining for the purpose of turning up terrorist planning using all available demographic and transactional data points will produce **no better results** than the highly sophisticated commercial data mining done today. The one thing predictable about predictive data mining for terrorism is that it would be consistently wrong. Without patterns to use, one fallback for terrorism data mining is the idea that any anomaly may provide the basis for investigation of terrorism planning. Given a "typical" American pattern of Internet use, phone calling, doctor visits, purchases, travel, reading, and so on, perhaps all outliers merit some level of investigation. This theory is offensive to traditional American freedom, because in the United States everyone can and should be an "outlier" in some sense. More concretely, though, using data mining in this way could be worse than searching at random; terrorists could defeat it by acting as normally as possible. Treating "anomalous" behavior as suspicious may appear scientific, but, without patterns to look for, the design of a search algorithm based on anomaly is no more likely to turn up terrorists than twisting the end of a kaleidoscope is likely to draw an image of the Mona Lisa. Without well-constructed algorithms based on extensive historical patterns, predictive data mining for terrorism will fail. The result would be to flood the national security system with false positives—suspects who are truly innocent.

AT: SQUO Effective

The Patriot Act is ineffective - multiple reports prove.

Patrick **Eddington** 20**15**, Policy analyst in Homeland Security and Civil Liberties at the Cato Institute, Assistant professor in the Security Studies Program at Georgetown University, served as communications director and later as senior policy advisor to Rush Holt, military imagery analyst at the CIA's National Photographic Interpretation Center, won numerous accolades for analytical work, including letters of commendation from the Joint Special Operations Command, the Joint Warfare Analysis Center and the CIA's Office of Military Affairs, analytical assignments included monitoring the breakup of the former Soviet Union and providing military assessments to policymakers on Iraqi and Iranian conventional forces, 6/1/15, "The Patriot Act is Not Fit for Purpose. Nor Is Its Replacement.", http://www.cato.org/publications/commentary/patriot-act-not-fit-purpose-nor-its-replacement

Senate Majority Leader Mitch McConnell, Senate Intelligence Committee Chairman Richard Burr and presidential hopeful Senator Marco Rubio have repeated more times than I can count that these Patriot Act provisions are "vital" to preventing another 9/11.

But they are objectively wrong. Last month the Department of Justice Inspector General (DoJ IG) released a partially declassified version of a long overdue Patriot Act compliance report.

With respect to Sec. 215 of the Patriot Act, which encompasses the controversial telephone metadata program as well as a much larger business records dragnet that just expired, the report found that, "The agents we interviewed did not identify any major case developments that resulted from the records obtained in response to Section 215 orders … "

Nearly 14 years of using this provision—which has swept up tens of millions of records of innocent Americans in the process—has resulted in zero terrorist plots against America being uncovered, much less disrupted.

And this applies not simply to the telephone metadata program exposed by Edward Snowden two years ago, but to every Sec. 215-related program since the Patriot Act was enacted in October 2001. The DoJ IG report's findings mirror those of President Obama's own Review Group on Intelligence and Communications Technologies, which issued its own report over 18 months ago.

This is exactly the same dismal record uncovered by The New York Times's Charlie Savage with respect to the once-illegal Stellar Wind warrantless surveillance program initiated by then-NSA Director Michael Hayden three days after the 9/11 attacks. And both programs have cost millions to run and to store the personal data of every American who has ever used a phone, computer, or tablet—a de facto "mass surveillance tax."

AT: Encryption→ GOVT being unaware of curr. situation

The statement of the government being "left in the dark" is totally bogus the government can still understand what you're doing.

Dimitri **Tokmetzis** 20**15**, Dutch data journalists, 4/17/15, "How to protect privacy and security in the Crypto Wars", https://www.gccs2015.com/sites/default/files/documents/How%20to%20protect%20privacy%20and%20security%20in%20the%20crypto%20wars.pdf

Third and finally, there is no 'going dark'. Law enforcement and intelligence agencies can **still intercept and read** a lot of data. In fact we are living in what many security commentators call '**the golden age** of surveillance'. As more and more of our activities are mediated by technology, we leave a **growing digital trail** that reveals a great deal about ourselves. Encryption lets you hide the content of messages, but not their context – so-called metadata – which reveal for instance what you read, who you talk to and where you are. In fact, this kind of data reveals so much that the former NSA director Michael Hayden once boasted: '**we kill** people based on metadata.' Furthermore, many governments and private businesses have developed **formidable** offensive capabilities. Many intelligence and law enforcement agencies are able to hack the 'end points' in systems, i.e. the devices we use. There is a small but growing industry in finding and selling details of software vulnerabilities, so that they can be exploited. Many 5 governments use the services of companies like Gamma International (which offers the FinFisher hacking suite), Hacking Team (Remote Control System) and VUPEN (which sells so called 'zero days', software vulnerabilities that haven't yet been found by others). With the rise of ubiquitous computing and the Internet of Things, the volume of revealing data streams will **only increase**, leaving **no shortage** of data to intercept or devices to hack.

Link/IL

EXT: Backdoors Bad

Backdoors bad and flawed- Obama rant on China policy shows.

Trevor **Timm** 20**15**, Guardian US columnist, 3/4/15, "Building backdoors into encryption isn't only bad for China, Mr President", http://www.theguardian.com/commentisfree/2015/mar/04/backdoors-encryption-china-apple-google-nsa

Want to know why forcing tech companies to build backdoors into encryption is **a terrible** idea? Look no further than President Obama's stark criticism of China's plan to do exactly that on Tuesday. If only he would tell the FBI and NSA the same thing.

In a stunningly short-sighted move, the FBI - and more recently the NSA - have been pushing for a new US law that would force tech companies like Apple and Google to **hand over** the encryption keys or build **backdoors** into their products and tools so the government would always have access to our communications. It was only a matter of time before other governments jumped on the bandwagon, and China wasted no time in demanding **the same** from tech companies a few weeks ago.

As President Obama himself described to Reuters, China has proposed an expansive new "anti-terrorism" bill that "would essentially force all foreign companies, including US companies, to turn over to the Chinese government mechanisms where they can snoop and keep track of all the users of those services."

Obama continued: "Those kinds of restrictive practices I think would ironically hurt the Chinese economy over **the long term** because I don't think there is any US or European firm, any international firm, that could credibly **get away** with that wholesale **turning over of data,** personal data, over to a government."

Bravo! Of course these are the exact arguments for why it would be a disaster for US government to force tech companies to do the same. (Somehow Obama left that part out.)

As Yahoo's top security executive Alex Stamos told NSA director Mike Rogers in a public confrontation last week, building backdoors into encryption is like "**drilling a hole into a windshield**." Even if it's technically possible to produce the flaw - and we, for some reason, trust the US government never to abuse it - other countries will inevitably demand access for themselves. Companies will no longer be in a position to say no, and even if they did, intelligence services would find the backdoor unilaterally - or just steal the keys outright.

Backdoors hurt the economy- it prevents innovation and hurts export opportunities.

Dimitri **Tokmetzis** 20**15**, Dutch data journalists, 4/17/15, "How to protect privacy and security in the Crypto Wars", https://www.gccs2015.com/sites/default/files/documents/How%20to%20protect%20privacy%20and%20security%20in%20the%20crypto%20wars.pdf

Unsound economics The second argument is one of economics. Backdoors can **stifle** innovation. Even until very recently, communications were a matter for a few big companies, often state-owned. The architecture of their systems changed slowly, so it was relatively cheap and easy to

build a wiretapping facility into them. Today thousands of start-ups handle communications in one form or another. And with each new feature these companies provide, the architecture of the systems changes. It would be a big burden for these companies if they had to ensure that governments can always **intercept and decrypt** their traffic. Backdoors require centralized information flows, but the most exciting innovations are moving in the opposite direction, i.e. towards decentralized services. More and more web services are using peer-to-peer technology through which computers talk directly to one another, without a central point of control. File storage services as well as payment processing and communications services are now being built in this decentralized fashion. It's extremely difficult to wiretap these services. And if you were to force companies to make such wiretapping possible, it would **become impossible** for these services to continue to exist. A government that imposes backdoors on its tech companies also risks **harming their export** opportunities. For instance, Huawei – the Chinese manufacturer of phones, routers and other network equipment – is unable to gain market access in the US because of **fears** of Chinese backdoors built into its hardware. US companies, especially cloud storage providers, have lost overseas customers due to fears that the NSA or other agencies could access client data. Unilateral demands for backdoors could put companies in a tight spot. Or, as researcher Julian Sanchez of the libertarian Cato Institute says: 'An iPhone that Apple can't unlock when American cops come knocking for good reasons is also an iPhone they can't unlock when the Chinese government comes knocking for bad ones.'

EXT: Traditional>Bulk Surveillance

Traditional Investigative Methods started the majority Of Terrorism Cases- Not Bulk Surveillance.

Peter **Bergen** 2014, journalist and CNN national security analyst and member of the Homeland Security Project, David **Sterman** 2014, research assistant and a program associate, Emily **Schneider** 2014, senior program associate and assistant editor, Bailey **Cahall** 20**14**, policy analyst, 1/13/14, Do NSA's Bulk Surveillance Programs Stop Terrorists?, https://www.newamerica.org/downloads/IS_NSA_surveillance.pdf

Traditional investigative methods initiated **60 percent** of the cases we identified. In **5 percent** of the cases, a **violent incident** occurred prior to **prevention,** and in **28 percent** of the cases – involving 62 individuals – court records and public reporting **do not identify** which methods initiated the investigation. The unclear cases may have been initiated by an undercover informant, a family member tip, other traditional law enforcement methods, CIA- or FBIgenerated intelligence, NSA surveillance of some kind, or any number of other methods. Additionally, some of these cases may be too recent to have developed a public record large enough to identify which investigative tools were used. In 23 of these 62 unclear cases (37 percent), an informant was involved, though we were unable to determine whether the informant initiated the investigation. The widespread use of informants suggests that if there was an NSA role in these cases, it was limited and insufficient to generate evidence of criminal wrongdoing without the use of traditional investigative tools. NSA surveillance of any kind, whether bulk or targeted of U.S. persons or foreigners, played an initiating role in only 7.5 percent of cases. To break that down further: The controversial bulk collection of telephone metadata appears to have played an identifiable role in, at most, 1.8 percent of the terrorism cases we examined. In a further 4.4

percent of the cases, NSA surveillance under Section 702 of targets reasonably believed to be outside of the country that were communicating with U.S. citizens or residents likely played a role, while NSA surveillance under an unknown authority likely played a role in 1.3 percent of the cases we examined.

EXT: Bulk Surveillance Bad

Bulk Surveillance of metadata has had little effect on preventing terrorism.

Peter **Bergen** 2014, journalist and CNN national security analyst and member of the Homeland Security Project, David **Sterman** 2014, research assistant and a program associate, Emily **Schneider** 2014, senior program associate and assistant editor, Bailey **Cahall** 20**14**, policy analyst, 1/13/14, Do NSA's Bulk Surveillance Programs Stop Terrorists?, https://www.newamerica.org/downloads/IS_NSA_surveillance.pdf

NSA director Gen. Alexander, under tough questioning from Sen. Patrick Leahy (D-Vt.) during a Senate Judiciary Committee hearing on October 2, 2013, admitted that there was **only one plot** – that involving Basaaly Moalin – in which, due to the bulk collection of American telephone metadata under Section 215, terrorist activity was prevented.* Our findings are consistent with that admission: The Moalin case is the only plot we were able to identify in which Section 215 appeared to play a potentially key role. Basaaly Moalin, a San Diego cabdriver, provided $8,500 to al-Shabaab, al-Qaeda's affiliate in Somalia, in 2007 and 2008.9 The U.S. government claimed that it used telephone metadata under Section 215 to identify Moalin as someone who was in contact with al-Shabaab officials. Three co-conspirators – Mohamed Mohamed Mohamud, Issa Doreh, and Ahmed Nasiri Taalil Mohamud – were charged along with Moalin. Even granting the government's explanation of the case, the Moalin case does not provide a particularly **convincing** defense of the need **for bulk collection** of American telephone metadata. The total amount going to a foreign terrorist organization was around **$8,500** and the case involved **no attack plot** anywhere in the world, nor was there a **threat** to the United States or American targets. 10 The four individuals involved in the plot make up only 1.8 percent of the 225 cases we identified. The case highlights a **disconnec**t between government officials' statements defending the NSA's bulk phone metadata program as critical to American national security and how it has been **actually used**. One reason offered by officials as to why the bulk collection of Americans' phone records is necessary is that it saves valuable time in investigations.11 But this supposed efficiency cited by the government is not supported by the facts in the Moalin case. Before the House Judiciary Committee in July 2013, Stephanie Douglas, executive assistant director of the FBI's National Security Branch, said that in October 2007, the NSA provided a phone number to the FBI with an area code consistent with San Diego, saying the phone number had been in contact with someone affiliated with an al-Qaeda branch.12 But the FBI did not begin monitoring Moalin's phone calls immediately after receiving the tip. Instead, it did not start investigating Moalin and wiretapping his calls until **two months later**, in December 2007, according to the affidavit submitted by the government in support of a search warrant.13 This two-month delay is inconsistent with the justification the government has been using to defend the bulk collection of citizens' metadata. Similarly, U.S. District Judge Richard Leon, who presided over a federal court case challenging the constitutionality of the bulk collection program, and who read the government's affidavits regarding the necessity of the program for national security, ruled in favor of an injunction against the NSA programs on December 16, 2013. He noted that the plaintiffs have a "substantial

likelihood" of showing their privacy interests outweigh the Government's interest in the NSA's bulk collection of American telephone metadata, and therefore the NSA's bulk collection program constitutes an unreasonable search under the Fourth Amendment. 14 He said in his opinion that given the "utter lack of evidence that a terrorist attack has ever been prevented because searching the NSA database was faster than other investigative tactics," he had "serious doubts about the efficacy of the metadata collection program as a means of conducting time-sensitive investigations in cases involving imminent threats of terrorism."15 By contrast, on December 27, 2013, a federal judge in New York, William H. Pauley III, ruled that the NSA bulk surveillance programs were legal and he observed in his ruling that the NSA programs are the U.S. government's "counter-punch" against the al-Qaeda terrorist network.16 However, Judge Pauley's decision exhibited substantial deference to the government's broad claims regarding its use of bulk collection under Section 215 and little examination of the particular cases beyond the government's statements, for instance, arguing "offering examples is a dangerous stratagem for the Government because it discloses means and methods of intelligence gathering."17 Judge Pauley's overall representation of the importance of bulk collection under Section 215 also is at odds with the findings of the President's own review commission. The White House review panel commissioned by President Obama said in their report released on December 18, 2013, that "the information contributed to terrorist investigations by the use of section 215 telephony meta-data was not essential to preventing attacks."18 Geoffrey Stone, a member of the White House review panel and a University of Chicago law professor, said in an interview with NBC News that the panel was trying to answer whether the collection of telephone metadata had actually stopped "any [terror attacks] that might have been really big" but that "the results were very thin."19 His conclusion: "We found none."20 But he did note that the comparison between Section 702 overseas intercepts and Section 215 bulk collection of American telephone metadata was "night and day."21 This statement further suggests that, even in the Moalin case, the administration exaggerated when Gen. Alexander and Deputy Director Inglis argued that the case represented an instance where terrorist activity would have continued but for the Section 215 program. While administration officials have admitted that there was only one terrorism case in which bulk collection of telephone metadata was supposedly critical, they have also cited higher numbers when talking about the purported "contribution" to other terrorism cases from evidence gathered under Section 215. For example, NSA Deputy Director Inglis stated during a Senate Judiciary committee hearing in July 2013: "We have previously cited in public testimony, that Section 215 made a contribution to 12 of the 13 terror plots with a U.S. nexus, amongst the 54 worldwide plots cited earlier."24 But even by the administration's own account, this contribution appears limited. In his 2013 speech at the Black Hat security conference, Gen. Alexander said that in four of the 12 plots, the examination of bulk records did not produce a lead: "It had a role in 12 of those 13. In four, it came up with no results that was operation – (inaudible) – value to the FBI. In the other eight, it provided leads for the FBI to go after."25 Below and on the next page are breakdowns of the NSA's surveillance programs that shows the terrorism plots in which they have been involved and statement by officials about the NSA's role in these cases.

The U.S Government is falsely advertsing NSA surveillance- it is not as effective as it may seem.

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program associate and assistant editor, Bailey **Cahall** 20**14**, policy analyst, 1/13/14, Do NSA's Bulk Surveillance Programs Stop Terrorists?, https://www.newamerica.org/downloads/IS_NSA_surveillance.pdf

Despite the government's narrative that NSA surveillance of some kind prevented 13 domestic "events" or "attacks" in the United States, of the eight cases we have identified as possibly involving the NSA, including the three the government has not claimed, only one can be said to involve an operational al-Qaeda plot to conduct an attack within the United States, three were notional plots, and one involved an attack plan in Europe. And in three of the plots we identified as possibly having been prevented by the NSA – Moalin, Muhtorov and Jumaev, and Warsame – the defendants were committing or allegedly committing crimes of support for a terrorist group, rather than plotting terrorist attacks. The administration has also deliberately tried to present the issue as one of preventing future 9/11s, taking advantage of the emotional resonances of that day. However, our review suggests that this rhetorical framing does not in any way accurately reflect the character of the plots that might be cited to justify the NSA programs. NSA talking points acquired by Al Jazeera through a Freedom of Information Act request, for example, demonstrate that the administration considered the 9/11 attacks a key point in its defense of the NSA programs. The talking points included statements such as, "NSA AND ITS PARTNERS MUST MAKE SURE WE CONNECT THE DOTS SO THAT THE NATION IS NEVER ATTACKED AGAIN LIKE IT WAS ON 9/11."46 Spokespeople were also encouraged to use "SOUND BITES THAT RESONATE," specifically, "I MUCH PREFER TO BE HERE TODAY EXPLAINING THESE PROGRAMS, THAN EXPLAINING ANOTHER 9/11 EVENT THAT WE WERE NOT ABLE TO PREVENT."47

EXT: Hurts Credibility + Privacy + Economy

Weakening Cyber security is a bad idea overall; it hurts our privacy, credibility, and the economy.

Trevor **Timm** 20**15**, columnist, 3/4/15, "Building backdoors into encryption isn't only bad for China, Mr President", http://www.theguardian.com/commentisfree/2015/mar/04/backdoors-encryption-china-apple-google-nsa

It's downright bizarre that the US government has been warning of the grave cybersecurity risks the country faces while, at the very same time, arguing that we should pass a law that would weaken cybersecurity and put every single citizen at more risk of having their private information stolen by criminals, foreign governments, and our own.

Forcing backdoors will also be disastrous for the US economy as it would be for China's. US tech companies - which already have suffered billions of dollars of losses overseas because of consumer distrust over their relationships with the NSA - would lose all credibility with users around the world if the FBI and NSA succeed with their plan.

The White House is supposedly coming out with an official policy on encryption sometime this month, according to the New York Times – but the President can save himself a lot of time and just apply his comments about China to the US government. If he knows backdoors in encryption are bad for cybersecurity, privacy, and the economy, why is there even a debate?

The USFG's is "drilling a hole through a windshield-" even NSA leader concedes that.

Tom **McCarthy** 20**15**, nationals affairs correspondent, 2/23/15, "NSA director defends plan to maintain 'backdoors' into technology companies", http://www.theguardian.com/us-news/2015/feb/23/nsa-director-defends-backdoors-into-technology-companies

Rogers [the director of NSA] admitted that concerns about US government infiltration of US companies' data represented a business risk for US companies, but he suggested that the greater threat was from cyber-attacks.

"I think it's a very valid concern to say 'Look, are we losing US market segment here?'" Rogers said. "What's the economic impact of this? I just think, between a combination of technology, legality and policy, we can get to a better place than we are now."

US technology companies have bridled at government pressure to introduce weaknesses in encryption systems in order to ensure government access to data streams, and technical experts have warned that there is no way to create a "backdoor" in an encryption system without summarily compromising it. An appearance by Obama at a cybersecurity conference at Stanford University last week to tout cooperation between the government and US tech companies was upstaged by an impassioned speech by Apple;s chief executive, Tim Cook, whowarned of the "dire consequences" of sacrificing the right to online privacy.

The basic discomfort of the new partnership the government would like to see with technology companies once again burst into full view on Monday when Alex Stamos, the chief information security officer at Yahoo, challenged Rogers on his recommendation for built-in "defects-slash-backdoors, or golden master keys" to serve government purposes.

Stamos asked Rogers how companies such as Yahoo, with 1.3 billion users worldwide, would be expected to reply to parallel requests for backdoors from foreign governments, and told Rogers such backdoors would be like "drilling a hole through a windshield".

"I've got a lot of world-class cryptographers at the National Security Agency," replied Rogers, skipping over the question of foreign government requests. "I think that this is technically feasible. Now it needs to done within a framework."

The NSA's efforts for breaking encryption has lead to lack of trust from customers and exploitation weakness.

Kim **Zetter** 20**14**, award-winning senior staff reporter at Wired covering cybercrime, privacy, and security, 7/29/14, "Personal Privacy Is Only One Of The Costs Of NSA Surveillance", http://www.wired.com/2014/07/the-big-costs-of-nsa-surveillance-that-no-ones-talking-about/

Out of all the revelations to come to light in the past year, the most shocking may well be the NSA's persistent campaign to undermine encryption, install backdoors in hardware and software and amass a stockpile of zero-day vulnerabilities and exploits.

"For the past decade, N.S.A. has led an aggressive, multipronged effort to break widely used Internet encryption technologies," according to a 2010 memo from Government Communications Headquarters, the NSA's counterpart in the UK, leaked by Edward Snowden.

Furthermore, a story from Pro Publica noted, the NSA "actively engages the US and foreign IT industries to covertly influence and/or overtly leverage their commercial products' designs" to

make them more amenable to the NSA's data collection programs and more susceptible to exploitation by the spy agency.

The NSA, with help from the CIA and FBI, also has intercepted network routers from US manufacturers like Cisco to install spy tools before they're shipped to overseas buyers, further undermining customer trust in US companies. Cisco senior vice president Mark Chandler wrote in a company blog post that his and other companies ought to be able to count on the government not interfering "with the lawful delivery of our products in the form in which we have manufactured them. To do otherwise, and to violate legitimate privacy rights of individuals and institutions around the world, undermines confidence in our industry."

All of these activities are at direct odds with the Obama administration's stated goal of securing the internet and critical infrastructure and undermine global trust in the internet and the safety of communications. The actions are particularly troubling because the insertion of backdoors and vulnerabilities in systems doesn't just undermine them for exploitation by the NSA but makes them more susceptible for exploitation by other governments as well as by criminal hackers.

NSA's priorities lead to weak cybersecurity and the decrease of U.S tech companies' success.

Julian **Sanchez** 20**13**, served as the Washington Editor, Cato writer, 9/6/13, "NSA's War on Global Cybersecurity", http://www.cato.org/blog/nsas-war-global-cybersecurity

In its myopic quest to ensure that no digital communication remains hidden from its panoptic gaze, the National Security Agency has worked to undermine the security of all Internet users, a new story in the New York Times reveals. As security expert Bruce Schneieraptly summarizes the report, "Government and industry have betrayed the internet, and us."

In this case, the Times notes, the NSA has not just arrogated power to itself in secret, but has done so after unambiguously losing an extended public political debate in the 1990s over whether the government should be legally provided with backdoor access to encrypted communications, or attempt to prevent strong encryption software from being available to users around the world. As security experts understood, and successfully argued at the time, ensuring that companies and individual users around the world could trust the security of their communications was vastly more important than ensuring the NSA or FBI would never encounter a message they couldn't decipher—something that, in any event, would be impossible to guarantee.

Having justly lost the public debate, the NSA secretly decided to sacrifice the rest of the world's interests to its own goals anyway:

According to an intelligence budget document leaked by Mr. Snowden, the N.S.A. spends more than $250 million a year on its Sigint Enabling Project, which "actively engages the U.S. and foreign IT industries to covertly influence and/or overtly leverage their commercial products' designs" to make them "exploitable." Sigint is the acronym for signals intelligence, the technical term for electronic eavesdropping. […]

Simultaneously, the N.S.A. has been deliberately weakening the international encryption standards adopted by developers. One goal in the agency's 2013 budget request was to "influence policies, standards and specifications for commercial public key technologies," the most common encryption method.

Cryptographers have long suspected that the agency planted vulnerabilities in a standard adopted in 2006 by the National Institute of Standards and Technology and later by the International Organization for Standardization, which has 163 countries as members.

Classified N.S.A. memos appear to confirm that the fatal weakness, discovered by two Microsoft cryptographers in 2007, was engineered by the agency. The N.S.A. wrote the standard and aggressively pushed it on the international group, privately calling the effort "a challenge in finesse."

In some cases, it sounds as though the NSA has arranged for backdoors to be placed in equipment used by specific adversaries, such as foreign goverments, which may well be a reasonable tactic. But here we are talking about something much worse: the deliberate introduction of vulnerabilities in widely used commercial products and, even more far reaching, into the abstract technical standards followed by the designers of security software.

This is a bit like publishing faulty medical research just to prevent a particular foreign dictator from being cured. It makes everyone on the Internet more vulnerable, increasing the chances that dissidents will be uncovered by despotic regimes and that corporations will fall victim to cybercriminals. It's in the nature of the Internet that sensitive data will sometimes flow in unpredictable ways, through untrustworthy systems, on the way to its destination—which means our ability to use the Internet for anything remotely sensitive, whether it's an intimate conversation or just an online credit card purchase—depends critically on our trust in the strength of the encryption systems protecting that data. The NSA has been doing its best to ensure that trust is unwarranted—which is an additional shame for U.S. tech companies, whose corproate clients must already be busy looking for providers who won't sell them deliberately broken security products.

The NSA hurts foreign relationships- many foreign countries backing out of deals- leads to financial suffering.

Kim **Zetter** 20**14**, award-winning senior staff reporter at Wired covering cybercrime, privacy, and security, 7/29/14, "Personal Privacy Is Only One Of The Costs Of NSA Surveillance", http://www.wired.com/2014/07/the-big-costs-of-nsa-surveillance-that-no-ones-talking-about/

NSA surveillance hurts Foreign Relationships- multiple businesses

The economic costs of NSA surveillance can be difficult to gauge, given that it can be hard to know when the erosion of a company's business is due solely to anger over government spying. Sometimes, there is little more than anecdotal evidence to go on. But when the German government, for example, specifically cites NSA surveillance as the reason it canceled a lucrative network contract with Verizon, there is little doubt that U.S. spying policies are having a negative impact on business.

"[T]he ties revealed between foreign intelligence agencies and firms in the wake of the U.S. National Security Agency (NSA) affair show that the German government needs a very high level of security for its critical networks," Germany's Interior Ministry said in a over the canceled contract.

Could the German government simply be leveraging the surveillance revelations to get a better contract or to put the US on the defensive in foreign policy negotiations? Sure. That may also be part of the agenda behind data localization proposals in Germany and elsewhere that would force telecoms and internet service providers to route and store the data of their citizens locally, rather than let it pass through the U.S.

But, as the report points out, the Germans have not been alone in making business decisions based on NSA spying. Brazil reportedly scuttled a $4.5 billion fighter jet contract with Boeing and gave it to Saab instead. Sources told Bloomberg News "[t]he NSA problem ruined it" for the US defense contractor.

Governments aren't the only ones shunning US businesses. American firms in the cloud computing sector are feeling the pressure as consumers and corporate clients reconsider using third-party storage companies in the U.S. for their data. Companies like Dropbox and Amazon Web Services reportedly have lost business to overseas competitors like Artmotion, a Swiss hosting provider. The CEO of the European firm reported that within a month after the first revelations of NSA spying went public, his company's business jumped 45 percent. Similarly, 25 percent of respondents in a survey of 300 British and Canadian businesses earlier this year said they were moving their data outside the U.S as a result of NSA spying.

The Information Technology and Innovation Foundation has estimated that repercussions from the spying could cost the U.S. cloud computing industry some $22 to $35 billion over the next few years in lost business.

NSA actions labels the U.S as hypocrites, loses credibility and influence on how rules the internet.

Kim Zetter 2014, award-winning senior staff reporter at Wired covering cybercrime, privacy, and security, 7/29/14, "Personal Privacy Is Only One Of The Costs Of NSA Surveillance"

Finally, the NSA's spying activities have greatly undermined the government's policies in support of internet freedom around the world and its work in advocating for freedom of expression and combating censorship and oppression.

"As the birthplace for so many of these technologies, including the internet itself, we have a responsibility to see them used for good," then-Secretary of State Hillary Clinton said in a 2010 speech launching a campaign in support of internet freedom. But while "the US government promotes free expression abroad and aims to prevent repressive governments from monitoring and censoring their citizens," the New American report notes, it is "simultaneously supporting domestic laws that authorize surveillance and bulk data collection." The widespread collection of data, which has a chilling effect on freedom of expression, is precisely the kind of activity for which the U.S. condemns other countries.

This hypocrisy has opened a door for repressive regimes to question the US role in internet governance bodies and has allowed them to argue in favor of their own governments having greater control over the internet. At the UN Human Rights Council in September 2013, the report notes, a representative from Pakistan—speaking on behalf of Cuba, Iran, China and other countries—said the surveillance programs highlighted the need for their nations to have a greater role in governing the internet.

Impact

Threats Increasing

Future Cyber Attacks Look Realistic-2014 Breach Supports.

Alessandra **Gennarelli** 20**15**, Intern for Center for Security Policy, 6/5/15, "The Greatest Security Breach In History? China's Cyber attack on 4 million Federal Employees. http://www.centerforsecuritypolicy.org/2015/06/05/the-greatest-security-breach-in-us-history-chinas-cyberattack-on-4-million-federal-employees/

On Thursday, Washington officials released information stating that in December 2014, hackers took data from an estimated 4 million "current and previous federal employees" in the private governmental agency, the Office of Personnel Management (OPM). However, government officials reported this morning "nearly every federal government agency was hit by the hackers." Investigators are pointing fingers at the Chinese government, when asked who is responsible for the attacks.

The breach was "discovered in April" using "new detection tools," but the DHS "said it didn't conclude until May that the records had been taken." The information hackers had access to from the OPM, according to officials, includes employees "Social Security numbers, job assignments, performance ratings and training information."

Although specific proof has not yet been provided on this hack, attacks on our cyber security from China are far from unprecedented. In March 2014, a security breach of OPM was tracked back to Chinese cyber attackers. In May 2014, five Chinese military officials were indicted on charges of "economic cyber espionage." The FBI suspects that a security intrusion on Anthem Health Insurance, which runs Blue Cross and Blue Shield health plans, in February was the work of Chinese hackers as well.

China responded Friday saying the accusations are "irresponsible and unscientific." Hong Lei, the spokesman for the Chinese Foreign Minister has stated, "We wish the United States would not be full of suspicions, catching wind and shadows, but rather have a larger measure of trust and cooperation." The Chinese President XI Jinping's first planned visit to the US is set for September, and cyber security is planned to be a topic of discussion between Presidents.

The Washington Post reports, "Intruders used a 'zero-day' – a previously unknown cyber-tool – to take advantage of a vulnerability that allowed the intruders to gain access into the system." The Department of Homeland Security reportedly used "intrusion detection system EINSTEIN" to discover the invasion of foreign entities in the cyber system. However, according to the Center for Digital Government's Cyber security expert Morgan Wright, the system has become a "failure."

The OPM website describes their role as providing "human resources, leadership, and support to Federal agencies and helps the Federal workforce achieve their aspirations as they serve the American people." The OPM is essentially the Human Resources department of the government, ensuring the entire government is running smoothly with jobs such as hiring and firing employees, managing payroll, training, confirming security clearances for government personnel and "conducting more than 90 percent of federal background investigations."

The OPM is a valuable government agency holding large amounts of information on each federal employee. Donna Seymour said of the situation, "Certainly, OPM is a high- value target. We have a lot of information about people, and that is something that our adversaries want." A few examples of what China could do with this information includes use it to conduct their own counterintelligence operations seeking to root out potential U.S. intelligence officers, sending emails from personal email addresses to other co-workers in order to target specific federal computers, or targeting government employees that could "provide useful intelligence" for espionage purposes.

Representative Adam Schiff (D-CA), the senior Democrat on the Intelligence Committeetweeted yesterday his shock with current security measures set in place by the government. Schiff also stated legislation that "passed the House last month" concerning cyber security should pass quickly in the Senate in light of the attack.

The New York Times reports, "The personnel office told current and former federal employees that they could request 18 months of free credit monitoring to make sure that their identities had not been stolen." As more details come to fruition on one of the greatest security breaches in US history, the US government will decide the necessary steps it needs to take in order to prevent future cyber attacks from not only China, but Russia as well.

The FBI said it is currently investigating the situation and promised to "hold accountable those who pose a threat in cyberspace."

NSA director Rogers says cyber attacks are difficult to defend- North Korea event shows.

Tom **McCarthy** 20**15**, a nationals affairs correspondent for Guardian U.S, 2/23/15, "NSA director defends plan to maintain 'backdoors' into technology companies", http://www.theguardian.com/us-news/2015/feb/23/nsa-director-defends-backdoors-into-technology-companies

The National Security Agency director, Mike Rogers, on Monday sought to calm a chorus of doubts about the government's plans to maintain built-in access to data held by US technology companies, saying such "backdoors" would not be harmful to privacy, would not fatally compromise encryption and would not ruin international markets for US technology products.

Rogers mounted an elaborate defense of Barack Obama's evolving cybersecurity strategy in an appearance before an audience of cryptographers, tech company security officers and national security reporters at the New America Foundation in Washington. In an hour-long question-and-answer session, Rogers said a cyber-attack against Sony pictures by North Korea last year showed the urgency and difficulty of defending against potential cyber threats.

"If you look at the topology of that attack from North Korea against Sony Pictures Entertainment, it literally bounced all over the world before it got to California," Rogers said. "Infrastructure located on multiple continents, in multiple different geographic regions."

For most of the appearance, however, Rogers was on the defensive, at pains to explain how legal or technological protections could be put in place to ensure that government access to the data of US technology companies would not result in abuse by intelligence agencies. The White House is trying to broker a deal with companies such as Apple, Yahoo and Google, to ensure holes in encryption for the government to access mobile data, cloud computing and other data.

2014 hacking incidents and increase malware raises the likelihood of hackers shutting down the grid.

Jose **Pagliery** 20**14**, CNN article reporter, 11/18/14, "Hackers attacked the U.S energy grid 79 times this year", http://money.cnn.com/2014/11/18/technology/security/energy-grid-hack/

In fiscal year 2014, there were 79 hacking incidents at energy companies that were investigated by the Computer Emergency Readiness Team, a division of the Department of Homeland Security. There were 145 incidents the previous year.

The outermost defenses aren't holding up. Between April 2013 and 2014, hackers managed to break into 37% of energy companies, according to a survey by ThreatTrack Security.

Cybersecurity firm FireEye (FEYE) identified nearly 50 types of malware that specifically target energy companies in 2013 alone, according to its annual report. Energy firms get hit with more spy malware than other industries, according to a 2014 study by Verizon (VZ, Tech30).

In March, TrustedSec discovered spy malware in the software that a major U.S. energy provider uses to operate dozens of turbines, controllers and other industrial machinery. It had been there for a year -- all because one employee clicked on a bad link in an email.

Related: U.S. weather system hacked, affecting satellites

And just last month, CERT revealed that a Russian malware called BlackEnergy had found its way onto the software that controls electrical turbines in the United States.

Investigators didn't see any attempts to damage or disrupt machines. But the malware gives hackers a backdoor to plant destructive code in the future.

So far, no computer virus has shut down any portion of the grid. But hackers are still breaking in, giving them the potential to flip switches off.

"Our grid is definitely vulnerable," said David Kennedy, Trusted Sec's CEO. "The energy industry is pretty far behind most other industries when it comes to security best practices and maintaining systems."

Terror Impact D

Impact overblown because of fear of 9/11 when the chance of that is way overflated.

John **Mueller** 2015, member of the political science department and Senior Research Scientist with the Mershon Center for International Security Studies, Mark **Stewart** 20**15**, civil engineer at the University of Newcastle in Australia, 2/24/15, "Terrorism Poses No Existential Threat to America. We Must Stop Pretending Otherwise", http://www.cato.org/publications/commentary/terrorism-poses-no-existential-threat-america-we-must-stop-pretending

One of the most unchallenged, zany assertions during the war on terror has been that terrorists present an existential threat to the United States, the modern state and civilization itself. This is important because the overwrought expression, if accepted as valid, could close off evaluation of security efforts. For example, no defense of civil liberties is likely to be terribly effective if people believe the threat from terrorism to be existential.

At long last, President Barack Obama and other top officials are beginning to back away from this absurd position. This much overdue development may not last, however. Extravagant alarmism about the pathological but self-destructive Islamic State (Isis) in areas of Syria and Iraq may cause us to backslide.

The notion that international terrorism presents an existential threat was spawned by the traumatized in the immediate aftermath of 9/11. Rudy Giuliani, mayor of New York at the time, recalls that all "security experts" expected "dozens and dozens and multiyears of attacks like this" and, in her book The Dark Side, Jane Mayer observed that "the only certainty shared by virtually the entire American intelligence community" was that "a second wave of even more devastating terrorist attacks on America was imminent". Duly terrified, US intelligence services were soon imaginatively calculating the number of trained al-Qaida operatives in the United States to be between 2,000 and 5,000.

Also compelling was the extrapolation that, because the 9/11 terrorists were successful with box-cutters, they might well be able to turn out nuclear weapons. Soon it was being authoritatively proclaimed that atomic terrorists could "destroy civilization as we know it" and that it was likely that a nuclear terrorist attack on the United States would transpire by 2014.

No atomic terrorists have yet appeared (al-Qaida's entire budget in 2001 for research on all weapons of mass destruction totaled less than $4,000), and intelligence has been far better at counting al-Qaida operatives in the country than at finding them.

But the notion that terrorism presents an existential threat has played on. By 2008, Homeland Security Secretary Michael Chertoff declared it to be a "significant existential" one - carefully differentiating it, apparently, from all those insignificant existential threats Americans have faced in the past. The bizarre formulation survived into the Obama years. In October 2009, Bruce Riedel, an advisor to the new administration, publicly maintained the al-Qaida threat to the country to be existential.

In 2014, however, things began to change.

In a speech at Harvard in October, Vice President Joseph Biden offered the thought that "we face no existential threat — none — to our way of life or our ultimate security." After a decent interval of three months, President Barack Obama reiterated this point at a press conference, and then expanded in an interview a few weeks later, adding that the US should not "provide a victory to these terrorist networks by over-inflating their importance and suggesting in some fashion that they are an existential threat to the United States or the world order." Later, his national security advisor, Susan Rice, echoed the point in a formal speech.

Transparency CP

Transparency CP

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CP Text: The United States Federal Government should increase oversight and transparency by requiring the Foreign Intelligence Surveillance Court (FISC) to disclose information that can be safely released about [the aff plan's surveillance curtailment].

Transparency promotes multiple national interests

Steven **Friedland 15**, professor of law and senior scholar, 020715, "The Difference between Invisible and Visible Surveillance in a Mass Surveillance World," *Elon University Law Legal Studies Research Paper No. 2014-02*, http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2392489

The illumination of the harms analysis will have a variety of consequences. First, the new narrative would expand the dialogue about the protection of liberty. While the concept of liberty means different things in different domains, it could mean greater protection for those individuals affected. It also could mean a more robust court process, with a shift toward the tenets of due process, including notice of harm and possible remedies. In the community, it could mean generally maintaining as much as feasibly possible an open, civil society, separate from military influence or control. Second, an exposed harms analysis could help to divide the confluence of different rationales, specifically any straying from appropriate uses of surveillance, which occurs when mixing together national security with national interest. National security is about protecting the nation and its citizens; national interest is about advancing economic, social and other interests of the country or segments of it. Without a harms narrative, it is all too easy for surveillance designed to protect national security to be used for other purposes. Surveillance might align with the economics of large, multi-national corporations, or simply broaden without any apparent rationale at all. As one commentator observed: "Tomorrow's police … might sit in an office or vehicle as their metal agents methodically search for interesting behavior to record and relay." 78 In addition, reframing might actually promote security, not minimize it. Some visibility would serve to sharpen the focus of the surveillance so it could pass constitutional muster, create more confidence in the system, and provide notice, a basic concern of due process, so citizens can know the broad outlines of what is being done to protect them. Also, when surveillance goes too far, it actually can create a backlash. For example, when it was discovered that United States spy agencies were listening in on Chancellor Angela Merkel's cell phone calls, it affected the United States' relations with Germany. The Chancellor declared, "Trust needs to be rebuilt."79 Thus, instead of unaccountable surveillance being placed on the defensive through leaked revelations,80 it is better to have generally visible surveillance parameters and stick to them, unless exceptional measures are warranted. Thus, privacy safeguards could actually serve national security interests by reigning in unchecked action.

Solvency – General

Minimization programs exist, but lack a public interface

Steven **Friedland 15**, professor of law and senior scholar, 020715, "The Difference between Invisible and Visible Surveillance in a Mass Surveillance World," *Elon University Law Legal Studies Research Paper No. 2014-02*, http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2392489

It has been revealed that the United States has a minimization program to limit its intrusiveness in surveillance, with the aim of limiting inadvertent data collection, the uses of stored data, and the length of time data is stored.97 These are important transparency goals, not only in protecting privacy, but in serving larger purposes. The program would be better served, though, if the program was not completely internal, and effectively invisible. If even a part of program had a public interface or any built in democratic checks, it would be more effective and consistent with the separation of powers.98 A criticism of minimization is that it risks security. While goals limiting security activities undoubtedly pose some risks for any society, in a democracy these risks are built into an open society.

Additional public reporting about FISA activity is key to transparency of surveillance

Alan **Bulter 13**, Appellate Advocate Counsel, Electronic Privacy Information Center; J.D., UCLA School of Law; B.A., magna cum laude, Economics, Washington University in St. Louis, October 2013, "Standing Up to Clapper: How to Increase Transparency and Oversight of FISA Surveillance," *New England Law Review*, http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2397949

The information provided in the Attorney General's annual FISA letter, as required by statute, n178 is inadequate to inform the public about the scope and effectiveness of foreign intelligence surveillance programs. The need for additional public reporting has been recognized since shortly after the passage of the USA PATRIOT Act. For example, the American Bar Association urged Congress in 2003 to conduct regular oversight and to create an annual public report on FISA investigations similar to the annual wiretap report prepared by the Administrative Office of the United States Courts. n179 A comprehensive statistical report is necessary to ensure that FISA authorities are used effectively and efficiently, and to ensure that the system adequately protects the privacy of U.S. persons. In contrast with the annual FISA letter - which only includes the number of "orders and extensions either granted, modified, or denied" for electronic surveillance and production of business records or tangible things - the Wiretap Report provides essential details about the execution and efficiency of law enforcement surveillance. n180 The wiretap reports include a detailed overview of the cost, duration, and effectiveness of investigative surveillance. They also provide a statistical breakdown of law enforcement activities based on the type of crime investigated n181 and the types of communications intercepted. n182 This data provides a basis to evaluate the effectiveness of wiretap authority, to measure its cost, and to understand the impact of surveillance on innocent individuals. These detailed public reports ensure that law enforcement resources are used appropriately and efficiently while protecting important privacy interests.

Legal interpretations of the FISC need public disclosure

Alan **Bulter 13**, Appellate Advocate Counsel, Electronic Privacy Information Center; J.D., UCLA School of Law; B.A., magna cum laude, Economics, Washington University in St. Louis, October 2013, "Standing Up to Clapper: How to Increase Transparency and Oversight of FISA Surveillance," *New England Law Review*, http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2397949

The failure to publish FISC opinions over the last ten years is the root of the current loss of public confidence in the Administration's use of foreign intelligence authorities. n192 The court's legal analysis and conclusions, as opposed to the operational details of surveillance activities, are part of the law that cannot properly develop without public oversight. Promulgation of the law is a central requirement of democracy; the failure to promulgate results in a "failure to make law." n193 Both the FISC and the [*87] Attorney General bear the responsibility to promote public understanding of the FISA process and what it encompasses. This is especially true where the court attempts to strike some balance between national security

and civil liberties concerns. n194 Secret law undermines our system of checks and balances by disabling the democratic oversight by which the public governs its government.n195 A number of current proposals would increase transparency and facilitate public oversight of FISA authorities. n196 Most of these proposals require that the Attorney General submit declassified versions, or summaries, of significant FISC opinions that are already submitted to the Intelligence Committees in classified form under 50 U.S.C. § 1871(c). Senator Blumenthal's proposal is significantly broader because it would require disclosure of any decision with a "significant construction or interpretation of law." n197 It would also provide for an adversarial party at the FISC, the Special Advocate, and would require disclosure of any FISC opinion appealed by the Advocate and any FISCR opinion issued on appeal. n198 It would also empower the Special Advocate to petition the FISC or the Foreign Intelligence Surveillance Court of Review ("FISCR") for release of any document, which the court can order even over the objection of the Attorney General. n199 The FISC has recently made clear that its rules do not prohibit the [*88] Government's disclosure of prior opinions, n200 but it has so far been reluctant to publish more than a handful.n201 After the NSA leaks during the summer of 2013, several FISC opinions were released by the Director of National Intelligence. n202 The problem is that no current rule or law requires either the FISC or the Attorney General to publish significant FISC opinions, and until such a rule exists both will be hesitant to take responsibility for redacting properly classified details public to facilitate dissemination. Even top administration officials have acknowledged that we have an overclassification problem, n203 and clearly there is more work to do to make legal interpretations and authorities public. The current proposals represent a strong step in the right direction because they include mandatory declassification of FISC legal interpretations (or summaries thereof) and set clear timelines for publication release by the Attorney General. The USA FREEDOM Act and Senator Blumenthal's bill would go even further by providing for a petition from the Special Advocate directly to the FISC or FISCR for release of court documents. n204

Benefits of public accountability outweigh harms to national security

Jack **Goldsmith 12**, Harvard Law School professor who has written extensively in the field of international law, civil procedure, cyber law, and national security law, 3/12/12, "Chapter Seven: The Presidential Synopticon," *Power and Constraint: The Accountable Presidency After 9/11*

Underlying this persistent restraint is a recognition – based in part on politics and in part on a powerful constitutional tradition – that press coverage of secret executive branch action serves a vital function in American democracy, even though the press often miscalculates the harm of publishing secrets and thus often harms national security. "Some degree of abuse is inseparable from the proper use of everything; and in no instance is this more true than in that of the press," said Madison. "It has accordingly been decided . . . that it is better to leave a few of its noxious branches to their luxuriant growth, than, by pruning them away, to injure the vigor of those yielding the proper fruits." Madison did not have publication of national security secrets in mind, but his reasoning applies to the issue. It is no accident that, as Brauchli notes, the nation with the largest and most powerful military and intelligence services in the world is also the nation that, by a large margin, gives its media the freest reins in discovering and publishing classified secrets. There is in theory room to tighten these reins. But the United States has basically decided that a self-serving and institutionally biased media which pursues and publishes government secrets that sometimes harm national security achieves important accountability benefits that on balance outweigh the harms to national security.

Solvency – Privacy

Transparency is key to proper privacy safeguards

Steven **Friedland 15**, professor of law and senior scholar, 020715, "The Difference between Invisible and Visible Surveillance in a Mass Surveillance World," *Elon University Law Legal Studies Research Paper No. 2014-02*, http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2392489

In Tijuana, Mexico, one can now look in the night sky and possibly see a small, desk-size object flying over the city. 3 The object, a small, unmanned, low altitude aircraft commonly referred to as a drone, is capable of twenty-minute battery-operated flights. The drone sends live video to screens at police headquarters. Several drones are being used both day and night in Tijuana for crime interdiction, particularly against burglaries.4 In Great Britain, multiple cameras appear throughout the country, part of a network of closed-circuit televisions also utilized for crime interdiction.5 In the United States, there are some "red light" cameras at intersections and various other surveillance systems. The National Security Agency (NSA), for example, has multiple surveillance programs that obtain data6 from private companies,7 tap telephone calls,8 and gather massive amounts of phone metadata9 and telephone records. 10 Government agencies also are developing biometric programs, 11 such as facial recognition software like the Biometric Optical Surveillance System (BOSS),12 which are already employed in a sophisticated manner by private companies such as Facebook. These collective activities lead inexorably to the realization that we are now living in a mass surveillance world.13 The types and numbers of systems of surveillance continue to multiply, from drones to biometrics to signals analysis. As we learn from the French root of the word surveillance, surveiller, 14 meaning to watch over, our movements are being watched, stored, connected and dissected every day in myriad ways. For most surveillance to succeed, unless it is designed primarily to deter observers instead of capturing information or behavior, it is almost axiomatic that an element of secrecy is needed. 15 This is especially true when the governmental objective is national security. The problem is that the national security narrative cloaks surveillance in invisibility. In doing so, the cloaking minimizes other factors in the calculus for determining the parameters of lawful surveillance, such as the harms incurred by individuals, the Constitution and the rule of law. As a recent report by the independent Privacy and Civil Liberties Oversight Board noted, "Despite widespread support for balancing openness and secrecy, there has been equally widespread consensus within and without the government that the system tilts too far in the direction of secrecy."16 Thus, the distinction between invisible and visible surveillance has potentially profound consequences. With invisibility, there generally is no narrative, and without such a narrative, a coherent voice – the core of our adversarial court system and democracy -- cannot be raised concerning the harms of surveillance, 17 such as whether it might violate the Fourth Amendment or various statutes.18 Consequently, it is more difficult to distinguish between legitimate and illegitimate powers, creating a slippery slope of one-sided justification. 19 This paper will explore the distinctions between visible and invisible surveillance. Given the significance of these distinctions, I will argue that some visibility of surveillance — some transparency — is needed to ensure that proper privacy safeguards exist. In short, reframing the analysis to allow a narrative about the harms of indiscriminate mass surveillance hopefully will lead to greater government accountability, increased protection of liberty and a stronger rule of law.

Visible surveillance reveals potential harms to privacy

Steven **Friedland 15**, professor of law and senior scholar, 020715, "The Difference between Invisible and Visible Surveillance in a Mass Surveillance World," *Elon University Law Legal Studies Research Paper No. 2014-02*, http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2392489

Why reframe the dominant narrative of surveillance when national security is undoubtedly a priority for any government? The answer lies in its marginalization of a harms analysis. Without some visibility, the national security side receives a permanent advantage, occupying the foreground of any discussion, making it less a debate than a preordained outcome. Further, with only security being considered, the true value of privacy and governmental checks will be understated. A reframing will make indiscriminate government surveillance more transparent and more accountable. While transparency for transparency's sake might be of value, the instrumental values for individuals and government efficiency are significant in a reframing that more accurately

considers the harms of such surveillance. Limiting unchecked action by unelected agency employees, unseen expenditures, inadvertent collection, indefinite storage, and Big Data-type analysis are all possible outcomes.

Visible surveillance is key to balancing privacy and security

Steven **Friedland 15**, professor of law and senior scholar, 020715, "The Difference between Invisible and Visible Surveillance in a Mass Surveillance World," *Elon University Law Legal Studies Research Paper No. 2014-02*, http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2392489

There are critical differences between visible and invisible government surveillance. With invisible surveillance, a narrative of its harms remains unconstructed. Worse, invisible mass surveillance contains embedded dangers in a society that prides itself on its openness and constitutional framework. Visibility permits a narrative of harms from the surveillance, especially a legal one in courts of law that resolves disputes based on coherent arguments derived from facts. While drones might soon fly regularly over the day and night skies of American cities just as they do in Tijuana, by assigning the proper values to privacy and visible surveillance, the kind of constitutional balance[104] sought by the Framers ought to result.

Solvency - CT

Increased supervision and accountability is crucial to balancing privacy and counterterror

The Economist 15, authoritative insight and opinion on international news, politics, business, finance, science and technology, 1/17/15, "Going dark: Just as the threat of terrorism is increasing, the ability of Western security agencies to defeat it is declining," *The Economist*, http://www.economist.com/news/leaders/21639506-just-threat-terrorism-increasing-ability-western-security-agencies-defeat

That leads on to whether the intelligence will be good enough in the future and thus the much more ideological question of how to balance liberty against security. Libertarians in Silicon Valley and elsewhere point out that the spooks, especially in America, have a record of exceeding their powers, lying about what they are up to and suborning their supervisors. On the other hand, it is clear that intelligence services are being left behind in a privacy arms race between tech companies. A recent meeting between executives of Apple and British spy chiefs only demonstrated the gulf between them. Both sides should give way quickly. The tech firms must come to terms with the fact that every previous form of communication—from the conversation to the letter to the phone—has been open to some form of eavesdropping: they cannot claim their realm is so distinct and inviolate that it can imperil others' lives, especially as the number of people who need to be monitored is in the thousands. And it is far better to agree to some form of standard now, rather than wait for an atrocity plotted behind impenetrable walls to be unleashed: if that happens the Dick Cheneys and Donald Rumsfelds of the future will be setting the rules. The place where liberals should fight—and the spooks should concede—is over supervision and due process. Surveillance of individuals should require approval by independent judges, not by politicians. Accountability requires a supervisory bias towards making public as much of what the security agencies do as possible. Spies have to be able to spy; but the powers they are given must be used in ways that are both proportionate and necessary.

Solvency – Executive

Presidential 'synopticon' influence and constrain executable surveillance decisions – empirics prove

Jack **Goldsmith 12**, Harvard Law School professor who has written extensively in the field of international law, civil procedure, cyber law, and national security law, 3/12/12, "Chapter Seven: The Presidential Synopticon," *Power and Constraint: The Accountable Presidency After 9/11*

The various forms of watching and checking the presidency described in this book constitute a vibrant presidential synopticon. Empowered by legal reform and technological change, the "many" - in the form of courts, members of Congress and their staff, human rights activists, journalists and their collaborators, and lawyers and watchdogs inside and outside the executive branch - constantly gaze on the "one," the presidency. Acting alone and in mutually reinforcing networks that crossed organizational boundaries, these institutions extracted and revealed information about the executive branch's conduct in war- sometimes to adversarial actors inside the government, and sometimes to the public. The revelations, in turn, forced the executive branch to account for its actions and enabled many institutions to influence its operations. The presidential synopticon also promoted responsible executive action merely through its broadening gaze. One consequence of a panopticon, in Foucault's words, is "to induce in the inmate a state of conscious and permanent visibility that assures the automatic functioning of power": The same thing has happened in reverse but to similar effect within the executive branch, where officials are much more careful merely by virtue of being watched. The presidential synopticon is in some respects not new. Victor Davis Hanson has argued that "war amid audit, scrutiny, and self-critique" has been a defining feature of the Western tradition for 2,500 years. From the founding of the nation, American war presidents have been subject to intense scrutiny and criticism in the unusually open society that has characterized the United States. And many of the accountability mechanisms described in this book have been growing since the 19705 in step with the modern presidency. What is new, however, is the scope and depth of these modern mechanisms, their intense legalization, and their robust operation during wartime. In previous major wars the President determined when, how, and where to surveil, target, detain, transfer, and interrogate enemy soldiers, often without public knowledge, and almost entirely without unwanted legal interference from within the executive branch itself or from the other branches of government. Today these decisions are known inside and outside the government to an unprecedented degree and are heavily regulated by laws and judicial decisions that are enforced daily by lawyers and critics inside and outside the presidency. Never before have Congress, the courts, and lawyers had such a say in day-to-day military activities; never before has the Commander in Chief been so influenced, and constrained, by law.

Inherency?

Current programs are insufficient for effective oversight

Timothy B. **Lee 15**, reporter at The Washington Post, 070215, "Obama says the NSA has had plenty of oversight. Here's why he's wrong," *The Washington Post*, http://www.washingtonpost.com/blogs/wonkblog/wp/2013/06/07/obama-says-the-nsa-has-had-plenty-of-oversight-heres-why-hes-wrong/

President Obama was in San Jose on Friday to talk about the Affordable Care Act. But he took the opportunity to try to calm the furor over new revelations that his administration is presiding over unprecedented surveillance of telephone and digital communications. "These programs were originally authorized by Congress," President Obama said. "They have been repeatedly authorized by Congress. Bipartisan majorities have

approved them. Congress is continually briefed on how these are conducted. There are a whole range of safeguards involved. And federal judges are overseeing the entire program throughout." Obama's comments make it sound like the programs are subject to rigorous and continuous oversight. But the simple fact that Congress is briefed and federal judges are involved doesn't mean either branch is actually able to serve as an effective check. The excessive secrecy surrounding these programs makes that unlikely. Take Congress. When the government has briefed members of Congress on its surveillance activities, it has often been in meetings where "aides were barred and note-taking was prohibited." It's impossible for Congress to provide effective oversight under those conditions. Members of Congress rely on staff to help them keep track of legislative details. They need independent experts to advise them on complex technical issues. And they need feedback from the constituents they ultimately represent. But the senators briefed on these programs couldn't speak about them. Sens. Ron Wyden (D-Ore.) and Mark Udall (D-Colo.) were reduced to spending years trying to hint at the existence of programs they weren't able to actually tell anyone about. Only now can anyone see what it is they were trying to tell us. Meanwhile, the 2008 FISA Amendments Act cut judges out of their traditional role of reviewing individual surveillance requests. Instead, it asks judges to approve broad categories of surveillance. The law gives judges little leeway to reject proposed surveillance programs, and in any event judges lack the expertise and resources to perform this quasi-legislative oversight role effectively. With both Congress and the courts effectively neutered, their traditional functions — defining the rules and making sure they're enforced — are now largely being performed inside the executive branch. In place of legal standards defined by Congress and enforced by an independent judge, we now have "minimization procedures" defined by some executive branch officials and applied by others. There's no opportunity for public debate about these rules and no independent oversight into whether the rules are being followed in individual cases. And there's ample evidence that letting the executive branch police itself is a recipe for abuse. Supporters of the NSA's programs generally make two arguments for the current arrangement. On the secrecy front, they argue that revealing details of the government's surveillance activities could tip off terrorists to the government's capabilities, making it harder to thwart attacks. On the judicial oversight front, they argue that individualized warrant requirements prevent the government from engaging in algorithmic surveillance. Neither argument is convincing. It's conceivable that secrecy about U.S. surveillance capabilities gave the U.S. government a fleeting advantage in the early years of this century, allowing them to intercept the communications of terrorists who didn't realize the extent of America's surveillance capabilities. But regardless, that advantage is now gone. For the foreseeable future, terrorists are going to assume that the U.S. government is monitoring all forms of electronic communications where doing so is technically feasible. It may be true that automated mass surveillance programs can uncover useful intelligence that couldn't be found using traditional law enforcement activities based on individualized search warrants. But even if that's true, it's not an argument for eliminating meaningful judicial oversight. Rather, it's an argument for developing new oversight methods that are more compatible with algorithmic surveillance techniques. For example, perhaps rather than requiring a warrant every time the government acquires information, the law should allow mass information collection but require judicial oversight before the government can query the database. The key principle is that there needs to be someone monitoring each investigation to ensure the rules are being followed. That person needs to have the authority to block information requests that don't comply with the law. And that person needs the independence that only members of the judicial branch enjoy. The broad parameters of America's domestic surveillance activities should be set by Congress, not the president. The FISA Amendments Act delegated way too much of this rule-making authority to the executive branch.

Current system of transparency and accountability is flawed – three reasons

Alan **Bulter 13**, Appellate Advocate Counsel, Electronic Privacy Information Center; J.D., UCLA School of Law; B.A., magna cum laude, Economics, Washington University in St. Louis, October 2013, “Standing Up to Clapper: How to Increase Transparency and Oversight of FISA Surveillance,” *New England Law Review*, http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2397949

As new details have emerged about the FBI and NSA's domestic intelligence-gathering practices, it has become clear that the current system does not provide enough transparency to ensure public oversight and

trust. n42 There are three main problems with the current system: the development of a secret body of constitutional and statutory law by the FISC, structural limitations on judicial review of FISA surveillance, and rules inhibiting Congress' ability to facilitate public oversight. As a result, important questions about the scope and nature of surveillance remain unanswered, and in many cases, there is not even enough information to know which questions to ask. Over the last decade, the FISC began developing a secret body of law governing FISA surveillance and addressing important constitutional and statutory issues that should be made public. n43 This shift occurred after the Government began to expand foreign intelligence surveillance beyond the [*64] scope of individualized FISA warrants. n44 With the enactment of the FAA, Congress introduced a new role for the FISC: approval of government surveillance programs based on general targeting and minimization procedures. n45 Under Section 702 of the FAA, the FISC judge reviewing the government application and procedures must determine whether the targeting and minimization procedures are "consistent with the requirements of [the statute] and with the Fourth Amendment." n46 As a result, the FISC now regularly assesses "broad constitutional questions" and establishes "important judicial precedents, with almost no public scrutiny." n47 The secrecy of these important opinions is a flaw in the system and prevents public oversight of developing national security law. Congress plays an important role in the intelligence oversight process as well, but its oversight of FISA activity authorized under Section 702 and Section 215 is severely limited by procedural rules imposed by the Department of Justice ("DOJ") and inadequate public reporting. The law requires that the Attorney General keep the Senate Select Committee on Intelligence, n48 the House Permanent Select Committee on Intelligence, n49 and the Senate Judiciary Committee "fully informed" concerning the Government's use of FISA. n50 However, reports sent from the DOJ to the [*65] House and Senate Intelligence Committees impose strict rules on the dissemination of the government's legal interpretation of these programs.n51 For example, the detailed reports on the use of Section 215 were only available in Intelligence Committee offices for a "limited time period," no photocopies or notes could be taken out of the room, and only certain congressional staff members were allowed to attend. n52 Similar rules likely apply to the Attorney General's reports on significant FISA legal interpretations n53 and the use of Section 702 authorities. n54 Public reports regarding the extent of FISA surveillance activity give a bare minimum of information, including only the number of applications for electronic surveillance, the number granted, modified, or denied, n55 and the same information regarding requests for orders compelling production of business records. n56 Unlike the Wiretap Reports issued by the Administrative Office of the U.S. Courts, which provide a comprehensive overview of the cost, duration, and effectiveness of surveillance in criminal investigations, n57 the FISA reports do not provide sufficient detail. n58 As a result, Members of Congress and the public do not have the information [*66] they need to evaluate the efficacy and legality of these programs. n59The problem of secret law is exacerbated by the limited judicial review of important constitutional and statutory issues related to modern FISA surveillance. As one former FISA judge recently noted, the role of judges is not to make policy, it is to "review policy determinations for compliance with statutory law" - but such review must be done in the context "of [the] adversarial process." n60 The FISA does not currently provide for adversarial hearings in the FISC, even when presented with complex and novel issues. n61 And unlike warrants and other ex parte orders issued in criminal cases, judicial review of FISA activity is not guaranteed in criminal prosecutions or other subsequent proceedings. n62 Even when the government provides notice of the use of FISA-derived evidence in criminal cases, it has not specified whether such surveillance was accomplished pursuant to Section 702 authorized directives. n63As a result, the traditional means of obtaining judicial review of the ultimate [*67] constitutional question regarding modern FISA surveillance is unavailable. The Supreme Court has also made it more difficult to assert a constitutional challenge in a civil case based on Section 702 activities. n64

AT: Transparency CP

Solvency – General

Steps toward governmental openness are being taken now

Steven **Friedland 15**, professor of law and senior scholar, 020715, "The Difference between Invisible and Visible Surveillance in a Mass Surveillance World," *Elon University Law Legal Studies Research Paper No. 2014-02*, http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2392489

In the Report by the Privacy and Civil Liberties Oversight Board of January 23, 2014, the Board stated that it would pursue a goal of greater transparency in part by describing "the Section 215 metadata program in a more comprehensive and accurate way than has been done anywhere else so far,"90 and by doing the same for the Section 702 program." 91 This goal is consistent with the harms narrative, first illuminating what the programs actually entail in order to set up the dialogue concerning the programs' constitutionality and propriety. This transparency likely would be further utilized by a significant intermediary in this context, the media. The media has the power to amplify and engage the material, providing additional notice to the public. The media also can spur the government to provide additional information if public pressure is brought to bear. While it might not be causally related to prior disclosures, in August 2013, the Office of the Director of National Intelligence designed a new public Website called, "IC on the Record."92 It is described on the Website as "created at the direction of the President of the United States. [It] provides immediate, ongoing and direct access to factual information related to the lawful foreign surveillance activities carried out by the U.S. Intelligence Community."93 In addition, the Privacy and Civil Liberties Oversight Board recommended that the FISA court release declassified versions of its decisions with minimal redactions.94 This not only adds to the completeness of the judicial process, but also provides a more open, illuminated connection to the public at large. The potential for openness does not simply apply to government action. When the government works with private companies, part of the arrangement has been for the private companies to not disclose their participation. Now, apparently, some Web companies will have a greater opportunity to disclose information about government requests for user data as well. 95 Lastly, other important revelations might emerge with greater transparency. While greater checks and balances might not yield the disclosure of international agreements, such as the one indicating the United States has been swapping data with other countries to obtain information it could not get directly, it might at least provide some deterrence from indiscriminate mass surveillance data without a justifying rationale. 96

Existing governmental positions ensure and maintain transparency

Steven **Friedland 15**, professor of law and senior scholar, 020715, "The Difference between Invisible and Visible Surveillance in a Mass Surveillance World," *Elon University Law Legal Studies Research Paper No. 2014-02*, http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2392489

The Fourth Amendment was enacted to avoid the specter of the general warrant, a tool used in colonial times to search and seize in a dragnet fashion.99 Indiscriminate mass surveillance parallels the general warrant, even if it is used in to assist the fight against terrorism. Such surveillance can become organic, deploying a wider net to meet such as broader justifications national interest instead of national security, as described above. In essence, the Fourth Amendment's requirement of particularity in warrants100 is the constitutional version of the minimization of harm doctrine. The concept of particularity is a powerful one when interposed against indiscriminate surveillance -- especially if the targets are not yet known or suspected of being involved in terroristic activity. Particularity offers a form of scientific inquiry that interposes relevancy, an

articulable justification for government intrusions. In the fall of 2013, the NSA announced the creation of a new full-time position, a Civil Liberties and Privacy Officer t.101 While his augmentation does not directly deal with the particularity requirement, on a broader level it embraces a parallel objective. The appointed individual would "serve as the primary advisor to the Director of NSA for ensuring that privacy is protected and civil liberties are maintained by all of NSA's missions, programs, policies and technologies."102 This new position, therefore, will likely involve evaluating surveillance programs using the Fourth Amendment reasonableness and particularity requirements, as well as statutory parameters.103

Solvency - CT

Transparency impedes CT efforts

Jack **Goldsmith 12**, Harvard Law School professor who has written extensively in the field of international law, civil procedure, cyber law, and national security law, 3/12/12, "Chapter Seven: The Presidential Synopticon," *Power and Constraint: The Accountable Presidency After 9/11*

The presidential synopticon's production of this information enabled the questioning, criticism, and pushback that produced the counterterrorism adjustments of the last decade. That is the happy side of informational transparency. But there are large downsides to transparency as well. Many authorized disclosures of government war operations – through FOIA, congressional reporting and hearings, habeas litigation, and more – contained information that was in some respects harmful to U.S. counterterrorism efforts. A prominent example is the FOIA release of CIA and justice Department documents concerning the interrogation and detention regime. CIA Director Leon Panetta and four previous CIA Directors opposed the release of the FOIA documents, and argued for more redactions in those that were released, on the grounds that their disclosure would describe to our enemies the outer limits to which America was willing to go in interrogation, would chill future CIA actions in reliance on justice Department legal opinions, and would erode the trust of U.S. foreign intelligence services that cooperated with the United States based on promises of secrecy. President Obama did not deny these costs in deciding to release classified documents. But he made a judgment that the costs were outweighed by the benefits from releasing them. When secret information comes out pursuant to authorized disclosures in this way the Congress in drafting the disclosure laws, the courts in enforcing them, and the executive branch in implementing them exercise an official judgment that weighs the costs of disclosure against the benefits. When secret information becomes public via the American news media – as it has so often in the past decade – it is media editors, and not the government, who weigh the costs and benefits of disclosure. We have seen that these editors sometimes decide against publication, as when the Washington Post's Leonard Downie Ir. chose not to disclose the location of the European prisons. This type of media self-censorship about U.S. national security operations happens more than is generally realized, and much more than with foreign media (like Al Jazeera or The Guardian) or WikiLeaks. Nonetheless, American journalists do not always exercise this responsibility intelligently or well, and their publications sometimes cause significant national security harm. Most editors and journalists say they will not publish a secret that "puts lives at concrete and immediate risk," as Time magazine's Barton Gellman puts it. This usually means they won't publish troop movements, the identities of secret agents, and other "operational intelligence." The norms against publication of this information have broken down over the last decade as elite media outlets have told us more than before about secret identities and operations, and as many new media outlets have chucked the norms altogether. Classified disclosures of this sort can literally destroy human intelligence assets. Intelligence officials rarely talk publicly about these matters for fear that they will make matters worse by revealing relationships and operations they would rather keep secret. But then-CIA Director Michael Hayden revealed a bit in a speech in Wye River, Maryland, in 2006. "When a covert CIA presence in a denied area was revealed in the media, two assets in the area were detained and executed," Hayden said, in a purposefully roundabout way so as not to make the problem worse. A similar "spate of stories cost five promising counterterrorism and counter proliferation assets, who feared we couldn't guarantee their security," he added."

Public disclosure of surveillance destroys US credibility and CT efforts

Jack **Goldsmith 12**, Harvard Law School professor who has written extensively in the field of international law, civil procedure, cyber law, and national security law, 3/12/12, “Chapter Seven: The Presidential Synopticon,” *Power and Constraint: The Accountable Presidency After 9/11*

Even when journalists decline to publish secrets they think will cause immediate harm, they still publish secrets that cause diffuse but no less real harms. Leonard Downie Ir. credited the White House argument that disclosing the prison locations would harm ongoing intelligence operations but not its claim that publishing the secret prisons story on the whole would harm future intelligence operations with foreign liaison services. "I focus on the main impact of the story, not speculative effects," Downie explains. "Lots of things go wrong in the intelligence business, and it is hard to say that something bad that happens following one of our stories was in fact caused by one of our stories, because it might have happened anyway."lZ This is a self-serving rationale. It is obvious that the publication of national security secrets has future effects on intelligence operations with foreign intelligence officers, human sources, and private firms, all of whom are – quite rationally – less likely to cooperate with a U.S. government that cannot credibly claim to keep its operations secret.5 These harms are no less real because they are hard to discern at the time of publication. The media's resistance to this point is ironic. Reporters fiercely protect their sources because they know that revelation of a source destroys the reporter's future credibility for keeping promises discourages new sources from coming forward. But they reject this logic when the government makes the same argument. There is perhaps no area where journalists underestimate the harms of publication more than government surveillance. The best example is the U.S. program of monitoring terrorist-related financial transfers in a global banking consortium known as the "Society for Worldwide Interbank Financial Telecommunication," or SWIFT. The classified SWIFT program was executed pursuant to an administrative subpoena, it violated no American privacy laws, and it was a straightforward exercise of powers that Congress had given the President. Nonetheless, the New York Times (and two other papers) disclosed it in June 2006, over the strong objections of Secretary of the Treasury John Snow. The Times did so after concluding that the harms from publication were "oblique at best," in the words of Eric Lichtblau, one of the story's authors. The SWIFT story bore "no resemblance to security breaches, like disclosures of troop locations, that would clearly compromise the immediate safety of specific individuals," claimed a Times editorial. Such discounting of the indirect harms from publication drives national security officials crazy. "My God," responded Michael Hayden. "Like it would be permissible to compromise the long-term safety of the masses, which is exactly what the SWIFT story did! The Times’ invocation of the troop movement analogy-the inevitable example journalists invoke – is outdated. "Most of us grew up in the Cold War when the enemy was big and powerful; he wasn't hard to find, he was just hard to stop," says Hayden. In the war against terrorists in networks, however, "the enemy frankly is easy to kill; he’s just very hard to find." Hayden says that it "misses the point" to view troop movements as the real secrets to be protected. "The real secrets now are things like the SWIFT program that allowed us to track terrorist financing and locate terrorists," he notes, adding that undercutting the government's ability to track terrorists in programs like SWIFT "will just as surely lead to the deaths of Americans."

Misc Aff Offcase Answers

Topicality

Counter-Interpretation – surveillance is of individuals, systematic, and routine

Neil M. **Richards 13**, Professor of Law at George Washington University, 2012-2013, 126 Harv. L. Rev. 1934, "The Dangers of Surveillance," http://heinonline.org/HOL/Page?handle=hein.journals/hlr126&div=89&g_sent=1&collection=journals&men_tab=citnav&men_hide=false

What, then, is surveillance? Scholars working throughout the English-speaking academy have produced a thick descriptive literature examining the nature, causes, and implications of the age of surveillance,° Working under the umbrella term of "surveillance studies," these scholars represent both the social sciences and humanities, with sociologists making many of the most significant contributions' Reviewing the vast surveillance studies literature, Professor David Lyon concludes that surveillance is primarily about power, but it is also about personhood." Lyon offers a definition of surveillance as "the focused, systematic and routine attention to personal details for purposes of influence, management, protection or direction."° Four aspects of this definition are noteworthy, as they expand our understanding of what surveillance is and what its purposes are. First, it is focused on learning information about individuals. Second, surveillance is systematic; it is intentional rather than random or arbitrary. Third, surveillance is routine - a part of the ordinary administrative apparatus that characterizes modem societies. '° Fourth, surveillance can have a wide variety of purposes - rarely totalitarian domination, but more typically subtler forms of influence or control."

Terror DA Answers

Mass surveillance doesn't stop terrorist attacks

Schneier, Chief Technology Officer of Resilient Systems, 15

Bruce, fellow at Harvard's Berkman Center, and a board member of EFF, "This Security Expert Reckons Mass Surveillance Doesn't Stop Terror Attacks", June 26th, 2015, https://www.schneier.com/news/archives/2015/06/this_security_expert.html

Today's terrorist attack in the Rhône-Alpes region of France, involving the decapitation of a man, has been met with widespread horror and condemnation. So have those in Tunisia, killing 28, and another in Kuwait killing 25. These horrific events are sure to fuel discussion about how to stop this kind of atrocity happening again.¶ Following January's Charlie Hebdo attacks in Paris, the French government decided to expedite a new surveillance law. Two days ago, on Wednesday 24th of June, French officials at the National Assembly gave the green light to that new law. France's new surveillance law has already been compared to the late American Patriot Act—an American anti-terrorism act passed after 9/11 which was criticised for its wide-sweeping powers that meant it was used against non-terrorists.¶ Such civil liberties concerns will be felt less acutely today. The argument that it was poor intelligence and surveillance that **enabled terrorists to carry out the attack** at the gas factory in Saint-Quentin-Fallavier have started circulating on French social media.¶ Back in March, we spoke to Bruce Schneier—an American cryptographer specialising in computer security. In his latest bestseller, Data and Goliath, Schneier makes the argument that—civil liberties implications aside—**mass surveillance can't stop terrorist**

attacks. The interview takes on a renewed significance in the light of today's events.¶ VICE: The NSA uses the metaphor "connecting the dots" to justify its surveillance activities. However the US government actually struggles to ever connect those dots. Why is that?¶ Bruce Schneier: **There is too much external noise when you do mass surveillance**. The problem is that "connecting the dots" is neither the right method nor the right metaphor. When you look at a child's colouring book, connecting the dots is very easy because they are all visible—they are all on the same page and they have numbers written on them. All you have to do is move the lead of your pencil across your page, from one dot to the other, and there you go—the drawing is done.¶ In reality, those "dots" can only be seen and connected after things have occurred—so after each terrorist attack, if you want. When you look, it's easy to make the link between, say, an information request coming from Russia, a visit abroad, and other potential information gathered elsewhere. So with hindsight, we know who the terrorists are. That's why we're able to chase after them, **but not stop them**. Before an event occurs, there is an extremely huge number of potential "human dangers," and an even greater number of possible scenarios. There are so many variables to take into account that it's impossible to rely on a single potential course of events.¶ You're saying that mass surveillance cannot really stop terrorist attacks in the US. Would you say the same for France?¶ Mass surveillance is unreliable for statistical reasons, not for cultural or linguistic reasons. That analysis is valid for all countries, including France.

Politics Answers

SSRA is bipartisan – whistleblowers backing it

Dan **Froomkin 4/27**, reporter, columnist, and editor with a focus on coverage of U.S. politics and media, a nearly three-decade long career in journalism, "WHISTLEBLOWERS BACK 'SURVEILLANCE STATE REPEAL ACT'," 4/27/15, https://firstlook.org/theintercept/2015/04/27/whistleblowers-back-surveillance-state-repeal-act/

Now, Drake said, he is throwing his weight behind H.R. 1466, the Surveillance State Repeal Act.¶ The bill would completely repeal the 2001 PATRIOT Act (which the NSA cites as the legal basis for its bulk phone metadata collection), repeal the FISA Amendments Act (which ostensibly legitimizes Internet spying) and otherwise protect people's privacy.¶ It's a bipartisan but dark-horse legislative gambit that Reps. Mark Pocan, D-Wisc., and Thomas Massie, R-Ky., have thrown into the mix as Congress debates over the next few weeks what to do before three key provisions of the PATRIOT Act expire — including the one used for bulk metadata.¶ All seven whistleblowers on the panel sponsored by the pro-accountability group ExposeFacts.org – including Pentagon Papers leaker Daniel Ellsberg, NSA whistleblowers William Binney and J. Kirk Wiebe, and former FBI agent Coleen Rowley – said they backed the bill.¶ Other legislative proposals, coming nearly two years after former NSA contractor Edward Snowden informed the world about the extent of NSA surveillance, call for considerably more minor reforms – if any at all.

More evidence - bipartisan

Lydia **O'Connor 3/24**, editor for The Huffington Post, graduated from the University of Southern California, "Bipartisan Bill Would Repeal Patriot Act To End Government Spying On Americans," 3/24/15, http://www.huffingtonpost.com/2015/03/24/surveillance-state-repeal-act_n_6935632.html

A bipartisan bill introduced in Congress Tuesday would end government spying on ordinary Americans by repealing the Patriot Act as advocates rush to reauthorize the law's most controversial provisions before a June deadline.¶ The Surveillance State Repeal Act, introduced by Reps. Mark Pocan (D-Wis.) and Thomas Massie (R-Ky.), would overturn the 2001 Patriot Act that allowed for mass government surveillance in the name of anti-terrorism and the destruction of any information collected under it. The bill also would repeal the 2008 FISA Amendments Act, which allows Internet spying, and would stop the government from forcing tech manufacturers to compromise encryption or privacy features to allow spying on their devices. Whistleblowers like Edward Snowden, who exposed the National Security Agency's mass surveillance in 2013, would have additional protections.¶ "Revelations about the NSA's programs reveal the extraordinary extent to which the program has invaded Americans' privacy," Pocan said in a press release. "I reject the notion that we must sacrifice liberty for security -- we can live in a secure nation which also upholds a strong commitment to civil liberties. This legislation ends the NSA's dragnet surveillance practices, while putting provisions in place to protect the privacy of American citizens through real and lasting change."

Turn: NSA programs prevent TTIP and TPP – countries against mass surveillance

Laura **Donohue 15**, Professor of Law at Georgetown Law, Director of Georgetown's Center on National Security and the Law, and Director of the Center on Privacy and Technology, writes on U.S. Constitutional Law, and national security and counterterrorist law in the US, A.B., Dartmouth; M.A., University of Ulster, Northern Ireland; Ph.D., Cambridge University; J.D., Stanford, March 2015, "High Technology, Consumer Privacy, and U.S. National Security," http://scholarship.law.georgetown.edu/facpub/1457/

**if their politics DA says "TPA k2 TPP/TTIP"

The NSA programs, and media coverage of them, have further impacted bi and¶ multi-lateral trade negotiations, undermining U.S. economic security.¶ Consider two of the most important talks currently underway: the Transatlantic¶ Trade and Investment Partnership (TTIP) and the Trans-Pacific Partnership (TPP).¶ TTIP is a trade and investment negotiation that is being conducted between the European Commission and the United States. The purpose of the agreement is to create better trade relations between the two regions, enabling companies on both¶ sides of the Atlantic to thrive. The revelations about NSA activities have had a profound impact on the negotiations. In March 2014 the European Parliament passed a resolution noting "the impact of mass surveillance." It stated, "the revelations based on documents leaked by¶ former NSA contractor Edward Snowden put political leaders under the obligation to address the challenges of overseeing and controlling intelligence agencies in surveillance activities and assessing the impact of their activities on fundamental rights and the rule of law in a democratic society." 39 It recognized that the programs had undermined "trust between the EU and the US as transatlantic

partners." Not least were concerns that the information could be used for "economic and industrial espionage"—and not merely for the purpose of heading off potentially violent threats. Parliament strongly emphasized, "given the importance of the digital economy in the relationship and in the cause of rebuilding EU-US trust," that its "consent to the final TTIP agreement could be endangered as long as the blanket mass surveillance activities and the interception of communications in EU institutions and diplomatic representations are not completely abandoned and an adequate solution is found for the data privacy rights of EU citizens." The resolution underscored that any agreement to TTIP would hinge on the protection of the data privacy rights as reflected in the protection of fundamental rights in the EU Charter.40 Even if the surveillance programs do not entirely derail TTIP, they have the potential to significantly retard negotiations.41 Much is at stake. The Center for Economic Policy Research in London, for instance, estimates that a successful TTIP could improve U.S. workers' wages, provide new jobs, and increase the country's GDP by $100 billion per year. 42 Another study, conducted by the Bertelsmann Foundation, suggests that TTIP "could increase GDP per capita in the United States by 13 percent over the long term."43 To the extent that the programs weaken the U.S. position in the negotiations, the impact could be significant.44 Although the United States Trade Representative is trying to counter the political fallout from the NSA debacle by putting local data protection initiatives on the table in the TTIP negotiations, the EU has steadfastly resisted any expansion into this realm. TPP, in turn, is a trade agreement that the United States is negotiating with 11 countries in the Asia-Pacific region (Australia, Brunei Darussalam, Canada, Chile, Japan, Malaysia, Mexico, New Zealand, Peru, Singapore, and Vietnam). TPP (with participation of Japan), accounts for nearly 40% of global GDP, about 1/3 of world trade. Two of the United States' objectives in these negotiations are directly implicated by the Snowden releases: e-commerce / telecommunications, and intellectual property rights. The NSA programs relate to a number of categories under e-commerce—such as rules preventing discrimination based on the country of origin, and efforts to construct a single, global Internet. Nevertheless, as discussed below, some of the countries involved in TPP have already adopted data localization laws. The NSA programs have thus weakened the United States' negotiation position in these discussions, by making it more difficult to reach agreement in key areas. In addition to e-commerce considerations, as part of the TPP negotiations, the United States has prioritized intellectual property rights. Some 40 million American jobs are directly or indirectly tied to "IP-intensive" industries. These jobs tend to be high-paying and stimulate approximately 60% of U.S. merchandise exports, as well as a significant portion of services. Efforts to make progress in TPP by developing stronger protections for patents, trademarks copyrights, and trade secrets—including safeguards against cyber theft of trade secrets—is made more perilous by the existence of the NSA programs.

No link - Plan creates bipartisan coalitions

Sara **Sorcher 15**, Staff writer at Christian Science Monitor, 6/8/15, "NSA surveillance debate gives rise to bipartisan Civil Liberties Coalition," ebscohost

While the fight over Section 215 aired deep divisions in Congress over surveillance practices, behind the scenes, an unusual alliance that brought together far-left Democrats and conservative Republicans had been fighting hard against a clean reauthorization of the Patriot Act and in favor of surveillance reforms. Now, that coalition is celebrating the Patriot Act's brief expiration as its first major victory – in what the group pledges will be a much longer

fight to protect civil liberties in the face of what it considers to be excessive government surveillance.

"It's a real game changer," says Becky Bond, political director of progressive activist organization Credo Action. "We found ourselves aligned fighting for the full repeal of the Patriot Act. Since we don't align on many other issues, the mission was very focused."

The loose-knit network, dubbed the Civil Liberties Coalition, spanned all corners of the political spectrum and united groups such as Credo and conservative advocacy group FreedomWorks that are usually at odds on other hot political issues. Its diversity is a rarity in Washington as it was focused on a single issue – ending mass surveillance – while at the same time not seeking the limelight media attention. Some members are even reluctant to be publicly affiliated with each other because they have such polar opposite views on issue such as health care and economic policy.

"Alone, libertarians nor progressives have not been able to make much headway," says Ms. Bond. Now, she adds, "there's a recognition that progressive and libertarians coming together can form a very powerful counterweight to the White House, security agencies, and even leadership in Congress when we line up. We have some power, where people felt really powerless before."

Government surveillance proved to be a common enemy that transcends traditional political ideologies, adds Josh Withrow, legislative affairs manager at FreedomWorks.

"Regardless of what you think about social welfare, spending policy, and the national debt, everybody is affected pretty much the same way when the government starts collecting records and surveilling you and violating that essential right to privacy that I think most Americans agree is a natural and constitutional right," Mr. Withrow says.

Plan popular politically and demographically

David **Sirota 15**, senior fellow at the Campaign for America's Future, 6/14/15, Truthdig, "Has America Changed Since Edward Snowden's Disclosures?," http://www.truthdig.com/report/item/has_america_changed_since_edward_snowdens_disclosures_20150611

Two years ago this month, a 29-year-old government contractor named Edward Snowden became the Daniel Ellsberg of his generation, delivering to journalists a tranche of secret documents shedding light on the government's national security apparatus. But whereas Ellsberg released the Pentagon Papers detailing one specific military conflict in Southeast Asia, Snowden released details of the U.S. government's sprawling surveillance machine that operates around the globe.

On the second anniversary of Snowden's historic act of civil disobedience, it is worth reviewing what has changed—and what has not.

On the change side of the ledger, there is the politics of surveillance. For much of the early 2000s, politicians of both parties competed with one another to show who would be a bigger booster of the NSA's operations, fearing that any focus on civil liberties risked their being branded soft on terrorism. Since Snowden, though, the political paradigm has dramatically shifted.

The most illustrative proof that came last month, when the U.S. Senate failed to muster enough votes to reauthorize the law that aims to allow the NSA to engage in mass surveillance. Kentucky Republican Sen. Rand Paul's prominent role in that episode underscored the political shift—a decade after the GOP mastered the art of citing 9/11-themed arguments about terrorism to win elections, one of the party's top presidential candidates proudly led the fight against one of the key legislative initiatives of the so-called war on terror.

There has also been a shift in public opinion, as evidenced by a new ACLU-sponsored poll showing that almost two thirds of American voters want Congress to curtail the NSA's mass surveillance powers. The survey showed that majorities in both parties oppose renewing the old Patriot Act.

Generic K Answers

The perm solves – subjectivity and social shaping are not mutually exclusive

Julie E. **Cohen 12**, associate professor of law at Georgetown University, 11/20/12, "What Privacy is For," http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2175406

The goal of this synthesis is not, as some might have it, an illiberal model of selfhood. 15 That mode of reasoning—"if not liberal, then illiberal"—is not unusual, but it is unproductive. It is a product of the reflexive distancing too often practiced by members of different academic tribes rather than of any ineluctable reality. **Selfhood and social shaping are not mutually exclusive.** Subjectivity—and hence selfhood—exists in the gap between the experience of autonomous selfhood and the reality of social shaping. **It is real in the only way that counts**; we experience ourselves as having identities that are more or less fixed. But it is also malleable and emergent and embodied, and if we are honest that too accords with experience. Although reluctant to grapple directly with the social construction of subjectivity, important contemporary privacy theorists working within the liberal tradition emphasize the importance of contexts, spaces, bodies, and relationships for a theory of privacy. 16 This suggests a tacit acknowledgment of the need for a postliberal theory of selfhood—one capacious enough to accommodate the full spectrum of relational, emergent subjectivity.

Privacy is a necessary pre-requisite to obtaining critical subjectivity – the perm is the only way to solve the mindset of the critique

Julie E. **Cohen 12**, associate professor of law at Georgetown University, 11/20/12, "What Privacy is For," http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2175406

I call this vision of selfhood a postliberal one because its relationship to liberalism requires something more difficult and much more productive than antagonism: a realistic appraisal of the liberal model's undeniable faults and equally undeniable virtues. Liberal selfhood has an important role to play within privacy theory, but that role is different than the one that most privacy scholars have assumed. The liberal self is an aspiration—an idealized model of identity formation that can be approached only incompletely, if at all. This does not mean that all of its attributes are equally attractive and worth pursuing. Certain features of liberal selfhood have been roundly and justifiably critiqued, most notably its abstraction from embodied reality and its independence from relational ties.18 But others—most notably the liberal self's capacity for **critical independence** of thought and judgment, **its commitments to self-actualization** and reason, and its aspiration to cosmopolitanism19—are essential tools for identifying and pursuing the material and political conditions for self-fulfillment and more broadly for human flourishing.

But here we must come back to privacy, for the **development of critical subjectivity is a realistic goal only to the extent that privacy comes into play**. Subjectivity is a function of the interplay between emergent selfhood and

social shaping; privacy, which inheres in the interstices of social shaping, is what permits that interplay to occur. Privacy is not a fixed condition that can be distilled to an essential core, but rather "an interest in breathing room to engage in socially situated practices of boundary management."20 It enables situated subjects to navigate within preexisting cultural and social matrices, creating spaces for the play and the work of self-making.

And once this point is established, privacy's dynamism becomes clear. **Lack of privacy means reduced scope for self-making**—along the lines of the liberal ideal, or along other lines. Privacy does not negate social shaping. "In a world with effective boundary management, however, there is play in the joints, and that is better than the alternative. . . . Privacy's goal, simply put, is to ensure that the development of subjectivity and the development of communal values do not proceed in lockstep."21 Privacy will not always produce expressions of subjectivity that have social value, and here I mean expressly to leave open the question whether there might be particular types of privacy claims that do not merit protection or even respect.22 Even so, privacy is one of the resources that situated subjects require to flourish.

Through destruction of freedom and privacy, people will not be able to realize the alternative

Julie E. **Cohen 12**, associate professor of law at Georgetown University, 11/20/12, "What Privacy is For," http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2175406

If, as I have argued, the capacity for critical subjectivity shrinks in conditions of diminished privacy, what happens to the capacity for democratic self-government? Conditions of diminished privacy shrink the latter capacity as well, because they impair both the capacity and the scope for the practice of citizenship. But a liberal democratic society cannot sustain itself without citizens who possess the capacity for democratic self-government. **A society that permits the unchecked ascendancy of surveillance infrastructures cannot hope to remain a liberal democracy.** Under such conditions, liberal democracy as a form of government is replaced, gradually but surely, by a different form of government that I will call modulated democracy because it relies on a form of surveillance that operates by modulation. Modulation and modulated democracy emerge as networked surveillance technologies take root within democratic societies characterized by advanced systems of informational capitalism. Citizens within modulated democracies—citizens who are subject to pervasively distributed surveillance and modulation by powerful commercial and political interests—increasingly will lack the capacity to form and pursue meaningful agendas for human flourishing.

Security K Answers

American surveillance is necessarily rooted in the fear of alterity – the plan is a proactive step against the fundamental tools of security – the perm is necessary

Rahul **Sagar 15,** Associate professor of political science at Yale and Global Ethics Fellow at the Carnegie Councl, 6/12/15, "Against Moral Absolutism: Surveillance and Disclosure After Snowden," Ethics and International Affairs, Volume 29 Issue 02, pp 145-159

Before analyzing the benefits and costs of communications surveillance, I want to address some common misperceptions relating to its history, rationale, and efficacy. The first misperception is that communications surveillance is a new phenomenon. In reality it has a long history. Prior to the nineteenth century, communication pivoted around the horse and rider (and the roads on which they traversed) and around boats (and the ports at which their voyages began and ended). From the tenth century BCE through to the fifteenth century CE these modes of communication were subject to rudimentary forms of surveillance: messengers were intercepted and bags were opened; ports were embargoed and ships were searched. This pattern changed as European states, increasingly administered by professionals and reliably funded by taxes, took shape. This is when we first hear of "spymasters" like John Thurloe, secretary to the English Commonwealth's Council of State, who established in 1653 a Secret Office that opened, copied, and resealed suspicious letters over the course of a night. The innovation was adopted by the Stuarts and then expanded by the Hanoverians, making it one of the first organizations dedicated to communications surveillance.

America's revolutionaries were aware of such European practices, which Congress's Committee of Secret Correspondence copied. Nonetheless, removed from European rivalries, post-Revolutionary America had little incentive to establish a surveillance apparatus. In the absence of enduring threats, the organizations created to "tap" telegraphs during the Civil War and the Spanish-American War proved short lived. It was only in the early twentieth century—when technology shrank distance and foreign entanglements grew—that the need for consistent surveillance began to be felt. Fears of German subversion provided an early impetus. The frenetic negotiations following World War I provided an opening for the "Black Chamber," the first American peacetime organization focused on intercepting diplomatic communications. A decade later came the NSA's forerunner, the Signals Intelligence Service, whose code-breaking efforts played a vital role in World War II. With Pearl Harbor still on their minds, America's post–World War II leadership resolved to build a permanent intelligence apparatus. The looming confrontation with the Soviet Union provided the immediate spur, but the decision responded to longer-term pressures emanating from a deepening involvement in international politics.

SSRA Emory

Explanation

What is in this file?

I encourage you to start by looking at the aff file. Each of the sections is just an answer to a part of the aff. So, if the aff makes an argument, this is your prepared responses to each of those arguments.

This file is useful for putting together your 1nc and then 2nc/1nr's to answer the affirmative's case for change. Each of the sections includes a 1nc and extensions that are specific to the 1nc arguments.

Solvency – this is a set of arguments that contest whether the aff is able to 'solve' the general issue of domestic surveillance.

Secrecy – answers to the secrecy advantage – with a focus on the claim that the government having secrets isn't inherently bad.

Democracy – answers to the democracy advantage. The first 1nc is similar to every other 1nc in this file. The second 1nc labeled "1nc democracy causes war" is an impact turn. It just argues that democracies are more likely to start conflicts.

Rights – answers to the rights advantage – with a focus on the argument that rights aren't absolute.

Internet Freedom – answers to the internet freedom advantage. These answers are the most interesting because you have to be careful which ones you make IF you are also reading the Internet nationalization good disadvantage.

How do I use this file?

A. Construct your 1nc by pulling the blocks labeled "1nc -____" for each relevant part of the 1ac. You should always read the solvency file since all affs should claim to 'solve'. Additionally, you would ONLY read the 1nc's that answer the advantages the aff chooses to read. So, if the aff reads the rights and secrecy advantages then you should read 1nc – Solvency, 1nc – Rights, and 1nc – Secrecy to answer each part of that 1ac in your 1nc.

B. You should notice this symbol (___) throughout the file and particularly in the 1ncs. That means that you should write up your own argument, without evidence, to answer the 1ac. Creativity and well stated arguments are encouraged. Often the biggest 'flaw' in 1ac advantages is NOT something that requires evidence. Instead, it is something you should take the time to point out during your speech. Whenever you see (___) I encourage you to write out an argument to add to your blocks.

Solvency

1nc – solvency

1. Legal regulation can't stop surveillance – it's too technical and laws aren't enforced

Assange et. al, 12 (Julian, editor-in-chief of WikiLeaks. Andy Muller-Maguhn, specialist on computers, telecommunications, and surveillance. Jacob Appelbaum, computer security researcher. Jeremie Zimmerman, co-founder and spokesperson for the citizen advocacy group La Quadrature du Net. Conversation in the book "Cypherpunks: Freedom and the Future of the Internet," chapter titled "The Militarization of Cyberspace")

JÉRÉMIE: So now **it's a fact that technology enables total surveillance of every communication. Then there is the other side of that coin, which is what we do with it.** We could admit that for what you call tactical surveillance there are some legitimate uses— investigators investigating bad guys and networks of bad guys and so on may need, under the supervision of the judicial authority, to be able to use such tools— but the question is where to draw the line for this judicial supervision, where to draw the line for the control that the citizens can have over the use of those technologies. This is a policy issue. **When we get to those policy issues you have politicians that are asked to just sign something and don't understand the underlying technology**, and I think that we as citizens have a role, not only to explain how the technology functions at large, including to politicians, but also to wade in to the political debates that surround the use of those technologies. I know that in Germany there was a massive movement against generalized data retention that led to the overturn of the Data Retention law in front of the constitutional court. 46 **There is a debate going on in the EU about revising the Data Retention Directive.** 47 ANDY: **You are describing the theory of the democratic state which, of course, does need to filter out some bad guys here and there** and listen to their phone calls on the basis of a court decision with overview to make sure it is done in the proper way. **The trouble with that is that the authorities need to act in compliance with the law. If they don't do that then what are they good for? Especially with this strategic approach, democratic states** within Europe **are massively buying machines that allow them to act exactly outside the law in regard to interception because they don't need a court decision, they can just switch it on and do it, and this technology can't be controlled**. JULIAN: But are there two approaches to dealing with mass state surveillance: the laws of physics; and the laws of man? One is to use the laws of physics by actually building devices that prevent interception. The other is to enact democratic controls through the law to make sure people must have warrants and so on and to try to gain some regulatory accountability. But **strategic interception cannot** be a part of that, cannot **be meaningfully constrained by regulation. Strategic interception is about intercepting everyone regardless of whether they are innocent or guilty.** We must remember that **it is the core of the Establishment carrying such surveillance. There will always be a lack of political will to expose state spying. And the technology is inherently so complex, and its use in practice so secret that there cannot be meaningful democratic oversight**. ANDY: Or you spy on your own parliament. JULIAN: But those are excuses— the mafia and foreign intelligence— they are excuses that people will accept to erect such a system. JACOB: The Four Horsemen of the Info-pocalypse: child pornography, terrorism, money laundering, and The War on Some Drugs. JULIAN: **Once you have erected this surveillance, given that it is complex, given that it is designed to operate in secret, isn't it true that it cannot be regulated with policy?** I think that **except for very small nations like Iceland**, unless there are revolutionary conditions **it is simply not possible to control mass interception with legislation and policy. It is just not going to happen. It is too cheap and too easy to get around political accountability and to actually perform interception**. The Swedes got through an interception bill in 2008, known as the FRA-lagen which meant the Swedish signals intelligence agency the FRA could legally intercept all communication travelling through the country in bulk, and ship it off to the United States, with some caveats. 48 Now how can you enforce those caveats once you've set up the interception

system and the organization doing it is a secret spy agency? It's impossible. And in fact cases have come out showing that the FRA had on a variety of occasions broken the law previously. Many countries simply do it off-law with no legislative cover at all. So we're sort of lucky if, like in the Swedish example, they decided that for their own protection from prosecution they want to go legal by changing the law. And that's the case for most countries— there is bulk interception occurring, and when there is a legislative proposal it is to protect the ass of those who are doing it. This technology is very complex; for example in the debate in Australia and the UK about proposed legislation to intercept all metadata, most people do not understand the value of metadata or even the word itself. 49 Intercepting all metadata means you have to build a system that physically intercepts all data and then throws everything but the metadata away. But such a system cannot be trusted. **There's no way to determine whether it is in fact intercepting and storing all data without having highly skilled engineers with authorization to go in and check out precisely what is going on, and there's no political will to grant access. The problem is getting worse because complexity and secrecy are a toxic mix. Hidden by complexity. Hidden by secrecy. Unaccountability is built-in. It is a feature. It is dangerous by design.**

2. (___)

3. Mass collection of private information is inevitable and doesn't cause material harm

Posner, 13 (Eric, professor at the University of Chicago Law School, is the co-author of "Terror in the Balance" and "The Executive Unbound." "Is the N.S.A. Surveillance Threat Real or Imagined?" 6-9-13. http://www.nytimes.com/roomfordebate/2013/06/09/is-the-nsa-surveillance-threat-real-or-imagined)

Jameel, I don't see the need for systemic reform, nor do I see an offense to the Constitution. Indeed, **I don't even understand the nature of the objection to the National Security Agency programs. Exactly what harm did they cause?** Two possibilities emerge from the current public discussion.

1. A general sense of creepiness that government officials know when we make phone calls, and for how long, or may even be reading our e-mail messages. Government should not look over our shoulders as we conduct our lives.

2. A fear that the government uses this information to undermine democracy — to blackmail, harass or embarrass critics, for example.

The first objection strikes me as weak. **We already give the government an enormous amount of information about our lives, and seem to have gotten used to the idea that an Internal Revenue Service knows our finances, or that an employee of a government hospital knows our medical history, or that social workers (if we are on welfare) know our relationships with family members, or that public school teachers know about our children's abilities and personalities. The information vacuumed up by the N.S.A. was already available to faceless bureaucrats in phone and Internet companies — not government employees, but strangers just the same. Many people write as though we make some great sacrifice by disclosing private information to others, but it is in fact simply the way that we obtain services we want** — whether the market services of doctors, insurance companies, Internet service providers, employers, therapists and the rest, or the nonmarket services of the government like welfare and security.

Even so, I am exaggerating the nature of the intrusion. **The chance that human beings in government will actually read our e-mails or check our phone records is infinitesimal** (though I can understand that organizations like the A.C.L.U. that have a legitimate interest in communicating with potential government targets may be more vulnerable than the rest of us). **Mostly all we are doing is making our information available to a computer algorithm, which is unlikely to laugh at our infirmities or gossip about our relationships.**

The second objection is a lot more serious. We know that our government is capable of misusing information in this way, as occurred during the Nixon administration. Many people seem to believe that President Obama sent telepathic signals to I.R.S. workers

instructing them to harass Tea Party organizations. But **I am unaware — and correct me if I am wrong — of a single instance during the last 12 years of war-on-terror-related surveillance in which the government used information obtained for security purposes to target a political opponent, dissenter or critic. That means that, for now, this objection is strictly theoretical, and the mere potential for abuse can't by itself be a good reason to shut down a program. If it were, we would have no government.**

Ext 1 - FISA will rubberstamp

FISA will interpret the aff in the broadest possible way to allow spying to continue – intelligence agencies are functionally unconstrained by rule of law

Granick, 13 (Jennifer, Director of Civil Liberties at the Stanford Center for Internet and Society. "NSA's Creative Interpretations Of Law Subvert Congress And The Rule Of Law" 12-16-13. Forbes. http://www.forbes.com/sites/jennifergranick/2013/12/16/a-common-law-coup-detat-how-nsas-creative-interpretations-of-law-subvert-the-rule-of-law/)

In the wake of today's tremendously important ruling by the District Court for the District of Columbia that bulk collection of telephone metadata violates the Fourth Amendment, it is more important than ever that Congress end this misuse of section 215 of the USA PATRIOT Act. However, **Deputy Attorney General James Cole testified earlier this week before the Senate Judiciary Committee that the NSA might continue its bulk collection of nearly all domestic phone call records, even if the USA FREEDOM ACT passes into law. That must have come as a real surprise to** committee chairman Senator Patrick Leahy (D-VT) and the dozens of **USA FREEDOM Act's bipartisan co-sponsors, all of whom agree that the core purpose of the bill is to end NSA dragnet collection of Americans' communication data.**

Cole noted the reform legislation wouldn't necessarily inhibit the NSA's surveillance capabilities because "it's going to depend on how the court interprets any number of the provisions that are in [the legislation]." Comments like this betray a serious problem inside the Executive Branch. The Administration and the intelligence community believe they can do whatever they want, regardless of the laws Congress passes, so long they can convince one of the judges appointed to the secretive Foreign Intelligence Surveillance Court (FISC) to agree. This isn't the rule of law. This is a coup d'etat.

Leahy's proposed legislation would amend section 215 of the USA PATRIOT Act to require the government to show the records it seeks are not only relevant but also material to an authorized investigation and that the target has some connection to terrorism or espionage before it can obtain those records. This latter requirement, the USA FREEDOM Act sponsors say, will "end bulk collection".

Cole apparently disagrees. Responding to a question at yesterday's hearing on the bill, **Cole said, "Right now the interpretation of the word 'relevant' is a broad interpretation.** Adding 'pertinent to a foreign agent' or 'somebody in contact with a foreign agent' could be another way of talking about relevance as it is right now. We'd have to see how broadly the court interprets that or how narrowly." **In other words, the FISA court might let us keep doing what we're doing no matter what the law says and despite Congress' intent .**

All courts issue opinions about what the laws that legislatures pass mean. These opinions are called the "common law". But common law interpretations of statutes are only legitimate if they are fair and reasonable interpretations.

The NSA has a great track record getting FISC judges to interpret even obviously narrow phrases in surprisingly broad ways. For example, **Americans, including the Patriot Act's main sponsor** Representative Jim Sensenbrenner (R-WI) and a co-sponsor of the USA Freedom Act**, were shocked to learn last June that the NSA used Section 215 for bulk collection of phone data (and potentially other sensitive records)**. Sensenbrenner said, "[i]f Congress knew what the NSA had in mind in the future immediately after 9/11, the Patriot Act never would have passed, and I never would have supported it."

The 2004 FISC opinion authorizing the NSA's collection and use of Internet metadata under the pen register statute is another dismaying example of this phenomenon. In this opinion, Judge Colleen Kollar-Kotelly acknowledged that she was allowing an "exceptionally broad" and "novel" form of collection, but nevertheless deferred to "the fully considered judgment of the executive branch in assessing and responding to national security threats and in determining the potential significance of intelligence-related information." This opinion—called "strange" and a "head-scratcher"—later served as precedent upon which FISA Judge Claire Eagan relied in her 2006 authorization of the bulk phone records collection.

Time and again, the FISC accepts the Administration's shockingly flimsy arguments. As a set, the few public FISC opinions we've seen suggest that the Executive Branch—in cahoots with a few selected judges—has replaced legitimate public statutes with secret, illegitimate common law.

The rule of law is a basic democratic principle meaning that all members of a society—individuals, organizations, and government officials—must obey publicly disclosed legal codes and processes**. If Cole is right that, try as it might, Congress cannot end bulk collection because the secret FISA court may defer to the NSA's interpretation of the rules, there is no rule of law. The NSA is in charge, the FISA court process is just a fig leaf**, and this is no longer a democracy. There's been a coup d'etat.

Ext 3 – Inevitable

Facebook and Google engage in mass surveillance – plan doesn't effect that

Assange et. al, 12 (Julian, editor-in-chief of WikiLeaks. Andy Muller-Maguhn, specialist on computers, telecommunications, and surveillance. Jacob Appelbaum, computer security researcher. Jeremie Zimmerman, co-founder and spokesperson for the citizen advocacy group La Quadrature du Net. Conversation in the book "Cypherpunks: Freedom and the Future of the Internet," chapter titled "Private Sector Spying")

JÉRÉMIE: **State-sponsored surveillance is indeed a major issue** which challenges the very structure of all democracies and the way they function, **but there is also private surveillance and potentially private mass collection of data. Just look at Google. If you're a standard Google user Google knows who you're communicating with, who you know, what you're researching, potentially your sexual orientation, and your religious and philosophical beliefs**. ANDY: **It knows more about you than you know yourself.** JÉRÉMIE: More than your mother and maybe more than yourself. Google knows when you're online and when you're not. ANDY: **Do you know what you looked for two years, three days and four hours ago? You don't know; Google knows.** JÉRÉMIE: Actually, I try not to use Google anymore for these very reasons. JACOB: It's like the Kill Your Television of the 21st century. 55 Effective protest except the network effect prevents your protest from working. 56 Kill your television, man. JÉRÉMIE: Well it's not a protest, it is more my personal way of seeing things. ANDY: I watched these beautiful movies of people throwing their televisions out of three-storey houses. JÉRÉMIE: It's not only the state-sponsored surveillance, it's the question of privacy, the way data is being handled by third parties and the knowledge that people have of what is being done with the data. I don't use Facebook so I don't know much about it. But now **with**

Facebook you see the behavior of users who are very happy to hand out any kind of personal data, and can you blame people for not knowing where the limit is between privacy and publicity? A few years ago, before digital technologies, people who had a public life were either in show-business, politics or journalism, and now everybody has the potential for public life by clicking a publish button. "Publish" means make something public, it means handing out access to this data to the rest of the world— and, of course, **when you see teenagers sending pictures of themselves drunk or whatever, they may not have this vision that it means the whole of the rest of the world, potentially for a very, very long period of time. Facebook makes its business by blurring this line between privacy, friends, and publicity. And it is even storing the data when you think that it is only meant for your friends and the people you love. So whatever the degree of publicity that you intend your data to be under, when you click publish on Facebook you give it to Facebook first**, and then they give access to some other Facebook users after. JULIAN: Even this line between government and corporation is blurred. If you look at the expansion in the military contractor sector in the West over the past ten years, the NSA, which was the biggest spy agency in the world, had ten primary contractors on its books that it worked with. Two years ago it had over 1,000. So there is a smearing out of the border between what is government and what is the private sector. JÉRÉMIE: And it can be argued that the US spying agencies have access to all of Google's stored data. JULIAN: But they do. JÉRÉMIE: And all of Facebook's data, so in a way Facebook and Google may be extensions of these agencies. JULIAN: Do you have a Google subpoena Jake? Was a subpoena sent to Google to hand over information related to your Google account? WikiLeaks got subpoenas to our California domain name registrar dynadot, which is where the wikileaks.org registration is made. They were subpoenas from the secret ongoing Grand Jury investigation into WikiLeaks, asking for financial records, login records, et cetera, which it gave them. 57 JACOB: The Wall Street Journal reported that Twitter and Google and Sonic.net, three services that I use or have used in the past, each received a 2703(d) notice, which is this unusual form of secret subpoena. 58 JULIAN: Under the PATRIOT Act? JACOB: No. This is the Stored Communications Act, essentially. The Wall Street Journal is saying that each of these services claims that the government wanted the metadata, and the government asserted it has the right to do this without a warrant. There's an ongoing legal case about the government's right to keep its tactics secret, not only from the public, but from court records. I read the Wall Street Journal and found out like everyone else. JULIAN: So Google sucked up to the US government in its Grand Jury investigation into WikiLeaks when the government subpoenaed your records— not a conventional subpoena, but this special sort of intelligence subpoena. But the news came out earlier in 2011 that Twitter had been served a number of subpoenas, from the same Grand Jury, but Twitter fought to be able to notify the people whose accounts were subpoenaed— for the gag order to be lifted. I don't have a Twitter account, so I didn't get one, but my name and Bradley Manning's name were on all the subpoenas as the information that was being searched for. Jake, you had a Twitter account so Twitter received a subpoena in relation to you. Google also received a subpoena, but didn't fight to make it public. 59 JACOB: Allegedly. That's what I read in the Wall Street Journal. I might not be even allowed to reference it except for in connection to the Wall Street Journal. JULIAN: Is it because these orders also have a gag component? That has been found to be unconstitutional, hasn't it? JACOB: Maybe not. For the Twitter case it is public that we lost the motion for a stay where we said that disclosing this data to the government would do irreparable harm as they can never forget this data once they receive it. They said, "Yeah well, your stay is denied, Twitter must disclose this data." We're in the process of appeal, specifically about the secrecy of docketing— and I can't talk about that— but as it stands right now, **the court said that on the internet you have no expectation of privacy when you willingly reveal information to a third party, and, by the way, everyone on the internet is a third party.** JULIAN: **Even if the organization like Facebook or Twitter says that it will keep the information private**. JACOB: For sure. And this is the blurring of the state and corporation. This is actually probably the most important thing to consider here, that **the NSA and Google have a partnership in cyber-security for US national defense reasons. ANDY: Whatever cyber-security means in this context. That's a wide term.** JACOB: They are trying to exempt everything from the Freedom of Information Act and to keep it secret. **Then the US government also asserts it has the right to send an administrative subpoena, which has a lower bar than a search warrant, where the third party is gagged from telling you about it, and you have no right to fight because it is the third party that is directly involved, and the third party has no constitutional grounds to protect your data either.** JULIAN: The third party being Twitter or Facebook or your ISP. JACOB: Or anyone. **They said it was a one-to-one one-to-one map with banking privacy and with dialing a telephone. You willingly disclose the number to the phone company by using it. You knew that, right? By using the telephone you obviously are saying, "I have no expectation of privacy," when typing those numbers. There is even less explicit connection to the machine. People don't understand how the internet works— they don't understand telephone networks either— but courts have consistently ruled that this is the case**, and in our Twitter case so far, which unfortunately I can't really talk

about because I don't actually live in a free country, they assert essentially the same thing. 60 **It's absolute madness to imagine that we give up all of our personal data to these companies, and then the companies have essentially become privatized secret police. And— in the case of Facebook— we even have democratized surveillance. Instead of paying people off the way the Stasi did in East Germany, we reward them as a culture— they get laid now. They report on their friends and then, "Hey, so and so got engaged;" "Oh, so and so broke up;" "Oh, I know who to call now."**

Secrecy

1nc – Secrecy

1. There's no concrete evidence for chilling effects – public debate is more robust than ever before

Posner, 13 (Eric, professor at the University of Chicago Law School, is the co-author of "Terror in the Balance" and "The Executive Unbound." "Is the N.S.A. Surveillance Threat Real or Imagined?" 6-9-13. http://www.nytimes.com/roomfordebate/2013/06/09/is-the-nsa-surveillance-threat-real-or-imagined)

This brings me to another valuable point you made, which is that **when people believe that the government exercises surveillance, they become reluctant to exercise democratic freedoms. This is a textbook objection to surveillance**, I agree, **but it also is another objection that I would place under "theoretical" rather than real. Is there any evidence that over the last 12 years, during the flowering of the so-called surveillance state, Americans have become less politically active? More worried about government suppression of dissent? Less willing to listen to opposing voices? All the evidence points in the opposite direction.**

Views from the extreme ends of the political spectrum are far more accessible today than they were in the past. It is infinitely easier to get the Al Qaeda perspective today — one just does a Google search — than it was to learn the Soviet perspective 40 years ago, which would have required one to travel to one of the very small number of communist bookstores around the country. It is hard to think of another period so full of robust political debate since the late 1960s — another era of government surveillance.

2. (___)

3. Overall secrecy is low – we know a lot about "secret" government programs

Priest, 07 (Dana, covers the intelligence community for The Washington Post, where she has worked for 15 years. She was the paper's Pentagon correspondent for six years and then wrote exclusively about the military as an investigative reporter. "SECRECY AND GOVERNMENT: America Faces the Future" 4-12-07. http://www.lawandsecurity.org/Portals/0/Documents/SecrecyPrivacy.pdf)

More broadly, though, organizations (mainly human rights and civil rights organizations) **and lawyers have forced the courts, the public, and the Congress to debate the effectiveness, the morality, and the legitimacy of harsh interrogation techniques, the extent of and limitations on terrorist networks, and the very premise of the creation of a whole set of new laws, rules of engagement, and prisons to hold the terrorists. All sorts of these things have been debated.**

Even government investigators and auditors have started digging into the National Security Agency wiretapping program. The Foreign Intelligence Surveillance Court has changed some of the ways that it has been doing business. The Department of Justice has recently revealed that the FBI had improperly obtained telephone logs and banking records for thousands of Americans by the misuse of national security letters. So what is the scorecard now if secrecy is on one side and the public's right to know is on the other? **I think that we know a huge amount about the secret parts of our government's activities in what they call "the war on terror,"** consisting of things that they began doing after 9/11 that are new, different, and sometimes legally questionable. **We were supposed to know none of this but we know a lot. We know about the extent of special operations and CIA activities**; not the details but the framework, the importance of the liaison relationships overseas, and what we are paying some of those governments to engage in it. **We know a lot about the detainees – how they have been treated, who they are, and whether they are terrorists. We know a lot about the military's new global reach, and we have a sense of its budget, though a lot of it is classified. We are getting a better sense of terrorist networks – who they are and who they are not. We know a lot about electronic surveillance**. Of course this is just a tiny corner but it has begun to crack. **We know a lot about the use of national security letters** and, finally, the legal framework that came out of the Office of Legal Counsel at the White House – who put it together, why they put it together, what their thinking was, and how it became controversial within the government itself. The one big caveat to all this positive news is Iraq. The implications of our collective failure to unearth the secrets about Iraq that the government was hiding will be with us for generations.

The bottom line is that secrets are hard to keep in a democracy. It should be a contest. Those of us who are engaged in it should not feel discouraged. We should not feel like the sky is falling. We should feel encouraged that the sky is opening up and that there is a little bit (and in some cases a lot) of sunshine being shed upon these very secret programs. In other cases, the sky is opening slowly and there is still much more to do.

4. (___)

5. Secrecy improves decision making - fear of leaks causes self-censorship and undermines coordination

Fata, 11 (Daniel, Vice-President at the Cohen Group in Washington, DC. He served as the US Deputy Assistant Secretary of Defense for Europe and NATO Policy from 2005 to 2008. "Secrecy and Good Governance" http://globalbrief.ca/blog/2011/02/18/%E2%80%9Csecrecy-is-a-necessary-condition-for-good-governance%E2%80%9D/)

I acknowledge that too much informality may lead to bad governance practices and bad decision-making. **The more that government officials feel less secure about the confidentiality of things put on paper during the policy deliberation process, the less likely it is that reasoned policy can and will be developed. Such insecurity will certainly result in smaller and smaller groups being part of policy deciding-making processes, and will often keep in the dark those who are tasked with carrying out the policy on the ground or in practice. This, in turn, means that policy execution has great potential to be mishandled** – either because there are few written details on what influenced the final policy decision, or because there are differences of opinion among executive agencies on what the policy decision in question actually means for particular agencies. **This complicates the oversight role of the legislative branch, due to the degree of ambiguity about the original intent of the specific policy decision. And**, finally, as mentioned in an earlier intervention, **this insecurity puts those who have to execute the policy on the ground at great risk** – in every conceivable sense of the word.

It seems clear, post-Wikileaks, that US diplomats will likely be more reluctant to put sensitive information in cables from their posts overseas about the internal dynamics and personalities of host countries for fear that such information will be leaked and revealed. This will have a detrimental effect on policy-making because the 'context' in a foreign government's behaviour will not be well communicated to policy-makers. Sure, **such information can be conveyed in person or via teleconference, but then only a small group of high-level policy-makers will be privy to it**, and the desk officers and action officers – who are the day-to-day experts on a particular country – will likely be left in the dark.

Wikileaks will also, in turn, make foreign interlocutors less likely to share information with US diplomats for fear that what they say in confidence may end up in a leaked cable. This will doubtless deny US diplomats and government officials the ability to properly understand what is going on within a country.

We might conclude by noting that, in the case of the US, the Founding Fathers created a country of representative democracy – not direct democracy – in order that the requisite expertise be applied to the development of policies in the best interests of the American people. **The Founding Fathers, while also believing in transparency and respect for the rule of the law, expected the American people to cede some direct control to the experts or 'representatives.' Experts need their tools in order to do their job. These tools tend to come in the form of confidential information that eventually transforms into confidential deliberations, and ultimately into confidential decision-making processes – but with public announcements and public oversight.**

We ought to recognize that good public policy takes time to develop and to execute, and is never the sole domain or responsibility of just one party or actor. We ought to, most certainly, strengthen legislative oversight functions as a first step to improving transparency in government. But let us not overreact and demand too much transparency in the functioning of our executive branches. As the saying goes: be careful what you ask for; you just may get it.

6. Drone civilian casualties are overstated and alternatives are worse

Cohen, 13 (Michael A Cohen, regular columnist for the Guardian and Observer on US politics, he is also a fellow of the Century Foundation [May 23, 2013, "Give President Obama a chance: there is a role for drones," The Guardian, http://www.theguardian.com/commentisfree/2013/may/23/obama-drone-speech-use-justified)

Drone critics have a much different take. They **are passionate in their conviction that US drones are indiscriminately killing and terrorizing civilians.** The Guardian's own Glenn Greenwald argued recently that no "minimally rational person" can defend "Obama's drone kills on the ground that they are killing The Terrorists or that civilian deaths are rare". Conor Friedersdorf, an editor at the Atlantic and a vocal drone critic, wrote last year that liberals should not vote for President Obama's re-election because of the drone campaign, which he claimed "kills hundreds of innocents, including children," "terrorizes innocent Pakistanis on an almost daily basis" and "makes their lives into a nightmare worthy of dystopian novels".

I disagree. Increasingly it appears that arguments like Friedersdorf makes are no longer sustainable (and there's real question if they ever were). **Not only have drone strikes decreased, but so too have the number of civilians killed—and dramatically so.**

This conclusion comes not from Obama administration apologists but rather, Chris Woods, whose research has served as the empirical basis for the harshest attacks on the Obama Administration's drone policy.

Woods heads the covert war program for the Bureau of Investigative Journalism (TBIJ), which maintains one of three major databases tabulating civilian casualties from US drone strikes. The others are the Long War Journal and the New America Foundation (full

disclosure: I used to be a fellow there). While LWJ and NAJ estimate that drone strikes in Pakistan have killed somewhere between 140 and 300 civilians, TBIJ utilizes a far broader classification for civilians killed, resulting in estimates of somewhere between 411-884 civilians killed by drones in Pakistan. The wide range of numbers here speaks to the extraordinary challenge in tabulating civilian death rates.

There is little local reporting done on the ground in northwest Pakistan, which is the epicenter of the US drone program. As a result data collection is reliant on Pakistani news reporting, which is also dependent on Pakistani intelligence, which has a vested interest in playing up the negative consequences of US drones.

When I spoke with Woods last month, he said that a fairly clear pattern has emerged over the past year—far fewer civilians are dying from drones. "For those who are opposed to drone strikes," says Woods there is historical merit to the charge of significant civilian deaths, "but from a contemporary standpoint the numbers just aren't there."

While Woods makes clear that one has to be "cautious" on any estimates of casualties, it's not just a numeric decline that is being seen, but rather it's a "proportionate decline". **In other words, the percentage of civilians dying in drone strikes is also falling, which suggests to Woods that US drone operators are showing far greater care in trying to limit collateral damage.**

Woods estimates are supported by the aforementioned databases. In Pakistan, New America Foundation claims there have been no civilian deaths this year and only five last year; Long War Journal reported four deaths in 2012 and 11 so far in 2013; and TBIJ reports a range of 7-42 in 2012 and 0-4 in 2013. In addition**, the drop in casualty figures is occurring not just in Pakistan but also in Yemen.**

These numbers are broadly consistent with what has been an under-reported decline in drone use overall. According to TBIJ, the number of drone strikes went from 128 in 2010 to 48 in 2012 and only 12 have occurred this year. These statistics are broadly consistent with LWJ and NAF's reporting. In Yemen, while drone attacks picked up in 2012, they have slowed dramatically this year. And in Somalia there has been no strike reported for more than a year.

Ironically, these numbers are in line with the public statements of CIA director Brennan, and even more so with Senator Dianne Feinstein of California, chairman of the Select Intelligence Committee, who claimed in February that the numbers she has received from the Obama administration suggest that the typical number of victims per year from drone attacks is in "the single digits".

Part of the reason for these low counts is that the Obama administration has sought to minimize the number of civilian casualties through what can best be described as "creative bookkeeping". The administration counts all military-age males as possible combatants unless they have information (posthumously provided) that proves them innocent. Few have taken the White House's side on this issue (and for good reason) though some outside researchers concur with the administration's estimates.

Christine Fair, a professor at Georgetown University has long maintained that civilian deaths from drones in Pakistan are dramatically overstated. She argues that considering the alternatives of sending in the Pakistani military or using manned aircraft to flush out jihadists, drone strikes are a far more humane method of war-fighting.

7. Drones are inevitable - 120 countries are either developing drones or already have them

Rayne, 15 (Sierra, writer for American Thinker on national security, citing Ben Lerner, vice president for government relations at the Center for Security Policy. "The Future of Drone Warfare," 4-30-15 http://www.americanthinker.com/articles/2015/04/the_future_of_drone_warfare.html)

According to a Teal Group report that Lerner cites, **more than $6 billion is spent each year on developing drone technology worldwide, a number that is expected to double over the next decade.**

Almost 90 percent of this spending is expected to be on military applications. The RAND Corporation notes that **70 nations already have acquired drones, while 50 countries are developing them.** Defense One noted predictions from some experts that **"virtually every country on Earth will be able to build or acquire drones capable of firing missiles within the next ten years."**

Analysis by IHS Inc. shows that the United States will likely remain the largest drone user for the foreseeable future. Currently, the U.S. constitutes nearly half of the global drone market, with the U.S. Air Force at half the American demand.

Prior to 2015, the U.S. exported armed drones only to the United Kingdom, with some other NATO countries receiving unarmed drones. Starting in February 2015, the Obama administration approved widespread drone exports with certain conditions. Each case will be assessed separately, and foreign military sales regulations will apply. Potential purchasers will need to commit to basic principles of use with respect to international law on military force and human rights, agree not to use them for unlawful domestic surveillance, and agree to potential end-use monitoring. Under the non-binding Missile Technology Control Regime (MTCR), Lerner points out that the U.S. has "committed to approaching requests for our armed drones with a 'strong presumption of denial' – meaning if a country comes to us asking to buy our drones, if they have a range of more than 300 km and can carry more than 500 kg, we force that country to make a strong case for why they should have these drones."

Lerner's research further highlights a Frost & Sullivan study showing that **Israel is the largest drone exporter**, sending about half its exports to Europe, about one-third to the Asia-Pacific, and a little over 10 percent to South America. **Several European nations – such as the U.K. and France – are developing combat drones in collaborative networks to reduce their reliance on American and Israeli drones. South Korea and developing nations such as Colombia and India are also working on their own military drone capacity. Of course, China, Russia, Iran, and various non-state actors such as Hezb'allah and Hamas are also using and developing drone technology.**

Ext 1 – No Chilling Effect

Surveillance doesn't chill journalism – leaks happen frequently and journalists have an incentive to exaggerate the challenges they face

Human Rights Watch, 14 ("With Liberty to Monitor All: How Large-Scale US Surveillance is Harming Journalism, Law, and American Democracy," July. https://www.hrw.org/sites/default/files/reports/usnsa0714_ForUPload_0.pdf)

The **officials were skeptical that surveillance has undermined reporting**, or indeed, that anything else has either. **"[People argue that] this mass surveillance apparatus is going to cause whistleblowers to dry up and not be willing to talk to reporters and there's absolutely no indication of that in the press at all. There's a steady stream every day of classified information coming out.**"398 More broadly, he observed, "**We haven't really seen … any measurable change in the journalistic output."399 As the senior FBI official put it, "The First Amendment seems quite alive and well in America today."**400 Two officials suggested that **journalists have always complained about the challenges of reporting.** According to Deitz, **"These things rotate through Washington every few years. Nixon had an enemies list.** It was a matter of prestige to be on it."401 The senior intelligence official argued similarly that "this is a constant dynamic, and I think that **there is always going to be a flow of information to the press, and the press is always going to be**

complaining that they're not getting enough of it."402 When asked what would constitute sufficient evidence of a chilling effect to cause them concern, **both Deitz and the senior FBI official expressed skepticism about the reliability of self-reports by journalists or others. Deitz in particular claimed that people could exploit assertions that they are now constantly on alert for surveillance to advance their interests, observing that "the press is used as much as it uses."**403 **He appeared to be suggesting that journalists speaking to us for our research have an incentive to exaggerate their concerns about surveillance. The senior intelligence official responded that "the immediate canary in the mine would be if all of a sudden stories about leaks of classified information stopped appearing in the newspapers.**"404 While he argued that he has seen no indication that less information has made its way to the media, he acknowledged that it would be "hard to measure" such a phenomenon.405

Answer to: MIT Study

The MIT study is flawed – can't control for other factors

Pasternack, 14 (Alex, Editor-At-Large of VICE. "In Our Google Searches, Researchers See a Post-Snowden Chilling Effect," 5-5-14. http://motherboard.vice.com/read/nsa-chilling-effect)

In general, search terms with "high" privacy sensitivity declined, even as "low" privacy sensitive terms appeared to rise. Germany and South Korea were exceptions.

While the study offers an early portrait of one potential chilling effect of Edward Snowden's revelations, it carries limitations. The big data analysis alone doesn't prove that news about the NSA caused Google users to censor their searches, merely shows evidence that it might have. "At such an aggregate level," the researchers caution in their paper, "it is hard to straightforwardly assert that the changes we observe were attributable to the surveillance (and particularly the PRISM) revelations."

While the authors accounted for other factors that might explain the changes in searching, including weather and other news stories, **they could not account for all outside factors. It's also possible, they caution, that the detected effect could have been caused by tweaks made by Google itself. But the company doesn't reveal how it calculates its data; it also doesn't offer actual numbers of searches, but rather rates them on a scale based on how often a term is searched for relative to the total number of searches.**

"This is the fundamental problem with using these data; the process of generating the data is secret," said Gary King, director of Harvard's Institute for Quantitative Social Science. King has become familiar with the limitations of big data as he's examined, among other things, how censorship works on China's social media. The secrecy surrounding web metrics, he said, "has to be the case for commercial reasons, I suppose, but science does not exist without sharing information."

Google Trends has been used widely, in studies for financial and health forecasting. But claims that Google Trends can predict the flu, for instance, have been largely deflated, the result of "big data hubris." There are more playful uses of search data too: Last year, when Princeton researchers used Trends data to foretell the demise of Facebook, Facebook researchers responded with their own Trends analysis that found that Princeton was on the decline.

Ext 5 – Improves Decision Making

Secrecy is inevitable and necessary for effective government decisionmaking

Posner, 13 (Eric, professor at the University of Chicago Law School, is the co-author of "Terror in the Balance" and "The Executive Unbound." "Is the N.S.A. Surveillance Threat Real or Imagined?" 6-9-13. http://www.nytimes.com/roomfordebate/2013/06/09/is-the-nsa-surveillance-threat-real-or-imagined)

Jameel, let me focus on an important point you raise, which is that because surveillance is secret, we will often fail to learn when the government abuses its surveillance powers. The president claims to "welcome debate" about a program whose existence he kept secret while the government begins an investigation so that it can find and punish the leaker. **How can democracy function when government keeps its programs secret?**

The question raises a real paradox. If government can keep secrets, then the public cannot hold it to account for its actions. But **if government cannot keep secrets, then many programs — including highly desirable ones — are impossible.** Many commentators seem to think that the answer is to keep secrecy to an absolute minimum, but this response is far too easy.

One reason it is too easy is that it implies that secrecy can be exceptional. **Government secrecy in fact is ubiquitous in a range of uncontroversial settings. To do its job and protect the public, the government must promise secrecy to a vast range of people — taxpayers, inventors, whistle-blowers, informers, hospital patients, foreign diplomats, entrepreneurs, contractors, data suppliers and many others.** But that means that the basis of government action, which relies on information from these people, must be kept secret from the public. **Economic policy is thought to be open, but we saw during the financial crisis that government officials needed to deceive the public about the health of the financial system to prevent self-fulfilling runs on banks. Then there are countless programs that are not secret but that are too complicated and numerous for the public to pay attention to** — from E.P.A. regulation to quantitative easing. **N.S.A. surveillance blends into this incessant, largely invisible background buzz of government activity; there is nothing exceptional about it.**

And this puts even more pressure on the first prong of the paradox. If much (most?) of government activity remains invisible to the public, how can democratic accountability work? The answer, I think, is that political accountability in modern, large-scale democracies rarely takes place through informed public monitoring of specific government programs and policies. A few discrete issues (abortion, same-sex marriage) aside, and not counting political scandals, **the public largely votes on the basis of its pocketbook and its feeling of security. The political consequences of war, terrorist attacks and economic distress — all of which are publicly observable — keep officeholders in line, but they retain vast discretion to choose among means. Because some government officials are ill-motivated and others are incompetent, government abuse is inevitable, but it is the price we pay for a government large and powerful enough to regulate 300 million people.**

Think of the N.S.A. program as the security equivalent of the Affordable Care Act (which will unavoidably involve government monitoring of people's medical care on the basis of bureaucratic procedures that no one understands): in both cases, we must prepare ourselves for the inevitable abuses that accompany a large, unwieldy, hard-to-monitor program, in order to obtain the (promised) benefits.

Objections to the secrecy of the N.S.A. program are thus really objections to our political system itself, and, for all its flaws, there are no obviously superior alternatives.

Ext 7 – Drone Spread Inevitable

American restraint won't affect international drone norms

Rayne, 15 (Sierra, writer for American Thinker on national security, citing Ben Lerner, vice president for government relations at the Center for Security Policy. "The Future of Drone Warfare," 4-30-15 http://www.americanthinker.com/articles/2015/04/the_future_of_drone_warfare.html)

In terms of preventing drones from getting into the "wrong hands," Lerner says there are only two non-binding global arrangements: the MTCR and the Wassenaar Arrangement. Neither China nor Iran is a member of either agreement. While there are those who want to include drones explicitly in the U.N. Arms Trade Treaty, there is a broader push in certain circles to develop binding protocols for the production, use, and dissemination of drones. **Lerner summarizes the position of those advocating for such international rules or norms governing drones specifically as being along the lines of "our use of armed drones, particularly away from so-called 'hot battlefields', is creating a precedent where others will feel they can do what we do** – or at least, frame what they do as being no different than what we do. So we need to get in front of this and take the lead on creating norms for acceptable use of drones."

But Lerner's position takes the opposite view. He is deeply skeptical about the desirability of new "international norms" on the acceptable use of drones. When interviewed for this article, he was of the opinion that:

Such new norms are 1) unnecessary, since we already have international law on the use of force that can cover drones; and 2) unlikely to be effective, because the parties whose drone use we are most concerned about (China, Russia, Iran, terrorist groups) are least likely to be affected by new norms on drone use, because they will either have no regard for such norms (especially the case with non-state actors) **or they'll argue that their use of drones is consistent with the new norms, even if they're not, and will proceed ahead with whatever it is they want to do. In the meantime, such new norms – it seems to me – could be manipulated as another means by which to constrain U.S. use of drones, to the detriment of U.S. national security.**

Democracy

1nc – Democracy Advantage

1. The U.S. isn't and won't be a tyranny

Lane, 13 (Charles, editorial writer, specializing in economic policy, federal fiscal issues and business, and a contributor to the PostPartisan blog. In 2009 he was a finalist for the Pulitzer Prize in Editorial Writing. Op-ed in the Washington Post, 7-15-13. "NSA Surveillance is Within Democracy's Bounds." http://www.washingtonpost.com/opinions/charles-lane-nsa-surveillance-is-within-democracys-bounds/2013/07/15/d509b1ae-ed8a-11e2-9008-61e94a7ea20d_story.html)

Last week, pranksters armed with a long-range projector beamed "United Stasi of America" in giant letters across the U.S. Embassy's facade in Berlin.

Fortunately for two important causes — transatlantic relations and **sensible political discourse — Merkel has challenged this spurious equivalency.**

"For me, there is absolutely no comparison," she said in an interview with the weekly Die Zeit. "They are two completely different things, and **such comparisons only tend to minimize what the Stasi imposed on the people of East Germany. The work of intelligence services in democratic states was always indispensable for the security of citizens,** and will be in the future."

As Germany's first chancellor from the east, Merkel spoke with special authority. **It's important,** though, **to understand specifically why she is right.**

The methods of surveillance and intelligence-gathering — bribery, blackmail, wiretapping, infiltration and the rest — are not normal tools of democratic governance.

To the contrary: **There is a basic tension, or trade-off, between democracy and secrecy, and it's absurd to deny it.**

Yet it is equally absurd to suggest, as Jakob Augstein did in Der Spiegel, **that "no matter in what system or to what purpose: A monitored human being is not a free human being."**

The political goals and institutional context of a given state's intelligence-gathering make all the difference. In East Germany, the purpose of surveillance was to protect an unelected party that exercised a monopoly of political and economic power on behalf of a foreign military occupier, the Soviet Union.

The Communist Party's ideology politicized every aspect of life, rendering the pettiest deviations, in word or deed, threatening — and thus subject to secret official scrutiny.

Unchecked by any law, Stasi spying evolved into an end in itself. East Germany really was a "surveillance state."

Despite much rhetoric from Snowden's camp, the United States does not fit that admittedly vague description: No party holds or plausibly aspires to a monopoly on power in this country, with its centuries-old constitutional separation of powers, two-party system, free press, private sector and robust civil society. Many fault the Foreign Intelligence Surveillance Court as a pawn of the NSA, forgetting that it was one of many reforms

Americans instituted in the 1970s to correct previous intelligence abuses — and how rare it is for any nation to subject intelligence-gathering to even minimal judicial oversight.

Nor does the U.S. government define the normal exercise of freedom as inherently threatening; **the terrorists and other threats about which it gathers secret intelligence are not imaginary.**

As Merkel told Die Zeit, "In the past, we have gotten a series of alerts from America that protected us against serious terrorist attacks. Along with data protection, that should be considered in the debate."

Given the threats to democracy, and the technological milieu from which they may emerge, the United States needs to engage in data collection on a wide scale, both at home and abroad. The issue is whether it has checks and balances to ensure that these means remain politically and legally subordinate to legitimate ends.

On that score, there's good news and not-so-good news in **Snowden's revelations.** So far, he's **revealed no specific instance in which the NSA programs harmed any individual.**

However, the expansive FISA court reading of the Patriot Act, which authorized NSA's bulk collection of telephone metadata, may have exceeded Congress's intent. The clash between NSA data collection overseas and the domestic law of countries such as Germany is a serious diplomatic issue, for which the solution probably lies in greater consultation and transparency among allied democracies.

As Merkel suggested, though, it would help if Germans "never forget . . . that America is and has been our truest ally throughout the decades." Some of the same across-the-pond pundits who are griping about President Obama's proto-totalitarianism today used to hail him as the world's political redeemer.

In short, even the most worrisome issues Snowden has raised amount to manageable trade-offs between liberty and security, for both the United States and its allies.

He may deserve credit for energizing the debate, but not for enabling the Stasi-analogizers, or for referring to the United States with phrases like "turnkey tyranny" and "architecture of oppression." The excessiveness of that language should be more apparent to him with each day he spends in Vladimir Putin's Russia.

2. (___)

3. Mass surveillance won't be abused – intelligence agencies are sensitive to legal restrictions and privacy concerns

Lempert, 13 (Richard, Visiting Fellow in Governance Studies at the Brookings Foundation and the University of Michigan's Eric Stein Distinguished University Professor of Law and Sociology emeritus. "PRISM and Boundless Informant: Is NSA Surveillance a Threat?" 6-13-13. http://www.brookings.edu/blogs/up-front/posts/2013/06/13-prism-boundless-informant-nsa-surveillance-lempert)

The NSA's recently revealed PRISM project allows the NSA to monitor the internet traffic of foreigners, but sweeps up American communicators in the process while the once equally secret Boundless Information program analyzes and is fed in part by metadata on calls routed through Verizon, and it is safe to assume, other telecommunications carriers as well. **How concerned should we be?** The answer depends on what one's concerns are**. If the concern is the privacy of one's own conversations, there is little reason for all but a handful of Americans to lose sleep over this, and those most likely to lose sleep are also most likely to pose security threats.**

The programs are somewhat different, but given what we have been told so far, here's how they are likely to work. The **telecommunications data mining appears to be both vast and indiscriminate but only collects so-called metadata; that is, data on which phone numbers called which other numbers, how long the calls lasted, the locations where calls were made and received and the like. No conversations have been recorded, so what was said is forever beyond the government's reach.** If, however, a number called or called from belongs to a suspected terrorist, here or abroad, or to someone whose calling patterns or call locations arouse suspicions, the NSA, FBI or other agency will most likely be able to secure a warrant, based on probable cause, that will authorize listening to what is said in calls to and/or from the identified number. It is not, however, just those who call or are called by previously identified suspicious numbers who will be vulnerable to having their calls seen as suspicious and their conversations monitored. Data mining can cast suspicion on those who call others who have called suspicious numbers, those who call third party numbers whom suspicious callers call and the like. Still, **although the net is potentially wide, it is likely that relatively few Americans are selected for active surveillance, and then only after a court has reviewed the reasonableness of monitoring requests given patterns in the metadata and connections to known security risks.**

To give an example, consider the aftermath of the Boston Marathon bombing. The authorities feared the Tsarnaev brothers might have had domestic accomplices, and they also wanted to know if foreign instigation played a role. Through PRISM, they would have been able to retrieve archived phone data, examine calls made to and from the Tsarnaev brothers' phones and identify not only patterns that might suggest others were involved but also people they might talk to to learn more about how the Tsarnaevs had been radicalized. The data analysis would allow them to take a giant step toward answering the questions that most concerned them in a less intrusive and more objective way than by having human gumshoes patiently track down various leads and leads stemming from leads. This may explain why very soon after the bombings the authorities could tell us they were reasonably confident that the Tsarnaevs had acted alone and had hatched their plot without foreign involvement. (Given Tamerlan Tsarnaev's travels back to Russia, the latter conclusion is not yet completely safe to draw; modern technology does not obviate all needs for gumshoe detective work). President Obama, members of Congress and James Clapper, the top U.S. intelligence official, have all said that the kinds of monitoring that feed Boundless Informant have contributed to identifying terrorists and thwarting possible attacks. There is no reason to doubt their word.

PRISM appears to be a far narrower intelligence gathering program but far more intrusive. It can capture not just metadata but the content of communications transmitted via the web, including messages sent and retrieved, uploaded videos and the like. It is specifically targeted, and without a warrant neither American citizens nor permanent resident are legal targets. However, the protections citizens and permanent residents enjoy appear loose. News stories suggest that data capture is allowed to proceed whenever a responsible agent thinks it more likely than not that a possible target is foreign.

The standard, if true, means that some communications involving only Americans are inevitably captured, and Americans may be caught up in surveillance aimed at foreigners, such as recordings of foreign chat room conversations.

The protection most of us enjoy under PRISM may be more practical than legal. The amount of data that can be collected limits the reach of the program. Not only is capturing too much information from innocent Americans a waste of resources, but also suspicious communications can be lost in a forest of irrelevant data. The NSA thus has powerful reasons to limit impermissible observations, at least where there is no good reason to suspect Americans of terrorist involvements. Still we lack two bits of information important in assessing this program. One is the fate of information pertaining to Americans who should not have been observed in the first place. If this information is purged from all databases except perhaps when the person is dangerous, erroneous capture is less of a concern than it otherwise would be. Second, we don't know how monitoring targets are determined or the number of targets selected. To the extent that individuals, organizations and sites are targeted based on target-specific concerns about the threats they pose, the net cast is likely to be narrow, and even if the reasons for targeting do not rise to the level of legally cognizable probable cause, they tend in this direction. But if targets are selected based on the impersonal outputs of other data mining efforts like the telephone records that feed Boundless Informant, all bets are off. Depending on the algorithms used and the degree to which they have been empirically validated, the net could be wide or narrow, and the likelihood that a target would be involved in terrorism or that citizens would be swept into the net may be great or small. Congress in overseeing PRISM should demand this information if it is not already provided.

It is easy to be cynical about government and the respect that agencies show for the laws under which they operate. Cynicism is fed by occasional scandals and by the more frequent pseudo-scandals which make it appear that within the Beltway things are out of control. **Having spent four years as a Division Director at the National Science Foundation and three years as Chief Scientist in the Human Factors/ Behavioral Science Division of DHS's Science and Technology Directorate, I am not cynical. Time and again I have seen government employees seek to follow the law even when it seems silly and interferes with their mission. When I joined DHS I was most surprised by the fierceness of efforts to comply with the U.S. Privacy Act. At times interpretations of what the Act protected were so broad as to border on the ridiculous, and costs were real: research projects with national security implications were delayed, redesigned or even precluded because privacy officers, sometimes with little basis in the statute, felt there was a risk that personally identifiable information (PII) would be impermissibly collected.** The absence of any reason to fear revelation or misuse made no difference. The strict scrutiny applied to research that might involve PII is, to be sure, relaxed in front line operational settings like PRISM and legal restrictions may differ, but **my experience in two agencies as well as conversations with people in the intelligence community (IC) lead me to believe that it is a mistake to regard as a sham the legal restrictions on PRISM or other IC data mining and surveillance activities.**

Through its PRISM and Boundless Informant efforts, NSA is working to protect the nation, apparently with some success. The 99.9% of us who pose no threat of terrorism and do not inadvertently consort with possible terrorists should not worry that the government will track our phone or internet exchanges or that our privacy will be otherwise infringed.

4. (___)

5. Democratic peace theory is false – it ignores counter-examples and uses selective definitions of democracy

Gautreaux, 12 (Sergio, M.A. in International Relations from Webster University in Leiden, the Netherlands, and a B.A. in History from Louisiana State University. Sergio has previously worked at the Pax Ludens Foundation and the Organization for the Prohibition of Chemical Weapons. He is currently an international consultant based in East Asia. "Examining the Democratic Peace Hypothesis: A Neorealist Critique," International Policy Digest, 4-26-12. http://www.internationalpolicydigest.org/2012/04/26/examining-the-democratic-peace-hypothesis-a-neorealist-critique/)

Flaws of the Democratic Peace Theory

Even for a society unwavering in its messianic role in foreign affairs, **the** doctrinal **implication for a theory which stands antithetical to history is alarming. During his eight years in office, Bill Clinton overextended the American military** into regions of the world which were more concerned with settling centuries' old ethnic rivalries than the future of their domestic political institutions. **His successor, George W. Bush, used the theory as the primary justification for the war in Iraq, stating, "The reason why I'm so strong on democracy is democracies don't go to war with each other**…I've got great faith in democracies to promote peace. And that's why I'm such a strong believer that the way forward in the Middle East, the broader Middle East, is to promote democracy."

At the time of writing, President Barack **Obama's foreign policy doctrines have not become anymore measured than his immediate predecessors** with regards to what is geopolitically imperative, and what is too costly for the current economic constraints. American self-perceptions notwithstanding, all nation-states have acted in the interest of ensuring their own survival first and foremost, while paying little regard to another's culture, norms, ideals, or institutions in pursuit of its ends. Diplomatic ententes and military groupings – from the Holy Alliance to NATO – have shifted to fit the realities of the current system and will continue to do so when the national interest is at stake. As such, **the democratic peace hypothesis presents three substantial problems** for the current Westphalian international model.

The first flaw in the theory is one of conceptualization. The Polity Index, used by Russet in his examination of the democratic peace, is based on a faulty definition of democracy. In 1971, Yale University Professor, Robert Dahl, posited two very basic attributes of the system: competition and participation. The first state that granted full participation by way of universal suffrage and, as a consequence, met Dahl's requirements for a democratic society, was Finland in 1906. While the Polity Index measures the spread of democracy from the year 1800 onwards, the data omits participation as a key attribute in its determination of democratic states. By omitting such a basic, yet vital, component of democracy and failing to properly conceptualize democracy, **the very question of what it means to be a democratic state**, bent on avoiding dyadic conflict, **is called into question**.

Despite this conceptual flaw, most states listed as democratic by Russett and the Polity I-IV data do, in fact, promote universal suffrage (at least in theory) in the twenty-first century and would meet Dahl's 1971 requirements (though Russett's blanket assertion and inclusion of states without universal suffrage remains a point of contention for the emerging democracies). With this in mind, the

second error in the logic of the democratic peace theory is with Russett's "cultural/normative" model. The model assumes that a culture of peace is the standard across all democratic societies. While few would disagree that a Western liberal state such as the Netherlands is more peaceful than the various war-torn countries that comprise the very undemocratic societies of sub-Saharan Africa, the same comparison cannot be made between all democratic and autocratic societies.

Studying the post-World War II era, in which numerous former colonies gained their independence and empires were systematically disbanded, **one will find that the emerging democracies during this era, struggling with the formation of civil society structures and the demands posed by the market economy, had substantially higher crime rates** than the ardently non-democratic societies. In addition, homicide rates for so-called "full democracies" – that is, states with a long-established history of democracy (e.g. Western Europe and the United States) – increased at an alarmingly higher rate than their non-democratic counterparts during this same time period. To use a specific example, the world's current hegemon and most powerful democracy, **the United States, regularly experiences violent civil unrest**, has the tenth highest homicide rate per 100,000 people (just behind the Republic of Moldova and ahead of Uruguay), and experienced a violent civil war that claimed the lives of 650,000 Americans just a century and a half ago.

Moreover, if democratic decision-makers did actually employ their society's supposed culture of peace into their policy formation when faced with international conflict escalation, they would do so at all stages and in all instances, including when faced with a hostile challenge from a non-democratic state. History, however, shows that is not the case. **During the years 1899-1999, five of the world's current most powerful (expressed in terms of military potential; determined using quantitative troop, aircraft, and nuclear arms levels) democracies – the United States, India, the United Kingdom, France, and Israel – engaged in interstate conflict on no less than twenty-five occasions.** Furthermore, i**n twenty-nine of the recent intrastate conflicts, twenty-three of the prevailing regimes were either democratic throughout the dispute or at certain times during the dispute.** Such realities call into question the assertion that democratic societies have a culture of peace that pervades decision-making.

The third and final logical flaw of the democratic peace is that the theory itself is a myth, as democracies have gone to war with each other numerous times throughout history when it was in their interest to do so or when their sovereignty was threatened by another. From the time of the Greek wars of the 5th and 4th centuries BCE, there have been at least 14 conflicts involving states that would be listed in the "democratic" category of the Polity I-IV indexes**. When one alters the already contentious definition of "war," the number of conflicts increases to at least twenty-three and includes such international disputes as the long-running American-Indian War of the 19th century** (the Iroquois tribe had a complex but recognizable system of democracy), **the 1923 occupation of the Ruhr by the French, and the Allied (British) bombings of Finland during the Second World War. By using the very same conceptualizations that Bruce Russett and other liberal theorists use to categorize democracies, one is able to determine that their very argument – that democratic states never go to war with one another – is simply wrong.**

6. Internet activism doesn't help out democracy

Morozov, 09 (Evgeny, writer and researcher of Belarusian origin who studies political and social implications of technology. He is currently a senior editor at The New Republic. "How dictators watch us on the web," 11-18-09. http://www.prospectmagazine.co.uk/features/how-dictators-watch-us-on-the-web)

It is true that the internet is building what I call "digital civic infrastructure"—new ways to access data and networks to distribute it. This logic underlies many western efforts to reshape cyberspace in authoritarian states. The British foreign secretary David Miliband has enthused about the potential of the communications revolution

to "fuel the drive for social justice." "If it's true that there are more bloggers per head of population in Iran than in any other country, this makes me optimistic," he has also said. **In early November, US secretary of state Hillary Clinton announced Civil Society 2.0, a project to help grassroots organisations around the world use digital technology,** which will include tuition in online campaigning and how to leverage social networks.

But the emergence of this seemingly benign infrastructure can backfire on western governments. The first snag is that turning the internet into a new platform for civic participation requires certainty that only pro-western and pro-democracy forces will participate. Most authoritarian societies, however, defy easy classification into the "good guys vs bad guys" paradigms of the Bush era. In Egypt, for example, the extremist Muslim Brotherhood is a political force—albeit mostly missing from the Egyptian parliament—that can teach Hosni Mubarak a lesson about civic participation. It has an enviable digital presence and a sophisticated internet strategy: for example, campaigning online to get activists released from prison. Western governments shouldn't be surprised when groups like this become the loudest voices in new digital spaces: they are hugely popular and are commonly denied a place in the heavily policed traditional public sphere.

Similarly, **the smartest and most active user of new media in Lebanon is not the western-backed government of Saad Hariri, but the fundamentalist troublemakers of Hizbullah**, whose suave manipulation of cyberspace was on display during the 2006 war with Israel. **In Russia, the internet has given a boost to extreme right-wing groups like the Movement Against Illegal Immigration, which has been using Google Maps to visualise the location of ethnic minorities in Russian cities** and encouraging its members to hound them out. **Criminal gangs in Mexico are fond of YouTube, where they flaunt their power by uploading videos of their graphic killings**. Generally, in the absence of strong democratic norms and institutions, the internet has fuelled a drive for vigilante justice rather than the social variety Miliband was expecting.

And **it gets worse. Ultra-loyalist groups supporting Thailand's monarchy were active during both the September 2006 coup and more recent street protests, finding anti-monarchy material that needed to be censored** via a website called Protecttheking.net. In this, they are essentially doing the job usually reserved for the secret police. In much the same way, **the Iranian revolutionary guards posted online photos of the most ardent protesters at the June 2009 rallies, asking pro-Ahmadinejad Iranians to identify them**. And in August 2009 **religious fundamentalists in Saudi Arabia launched a campaign to identify YouTube videos they found offensive and pressure the company to delete them—a form of digital "hacktivism" which must be delighting the official censors.**

And it doesn't help that anyone with a computer and an internet connection can launch a cyber-attack on a sovereign nation. Last year I took part in one—purely for the sake of experiment—on the websites of the Georgian government. As the Russian tanks were marching into South Ossetia, I was sitting in a cafe in Berlin with a laptop and instructions culled from Russian nationalist blogs. All I had to do was to input the targets provided—the URLs of hostile Georgian institutions (curiously, the British embassy in Tbilisi was on that list)—click "Start" and sit back. I did it out of curiosity; thousands of Russians did it out of patriotism. And the Russian government turned a blind eye. The results of the attack were unclear. For a brief period some government emails and a few dozen websites were either slow or unavailable; some Georgian banks couldn't offer online services for a short period.

Yet **while the internet may take the power away from an authoritarian (or any other) state or institution, that power is not necessarily transferred to pro-democracy groups. Instead it often flows to groups who, if anything, are nastier than the regime. Social media's greatest assets—anonymity, "virality," interconnectedness—are also its main weaknesses.**

Ext 1 – We Aren't a Tyranny

There's no concrete evidence for chilling effects – public debate is more robust than ever before

Posner, 13 (Eric, professor at the University of Chicago Law School, is the co-author of "Terror in the Balance" and "The Executive Unbound." "Is the N.S.A. Surveillance Threat Real or Imagined?" 6-9-13. http://www.nytimes.com/roomfordebate/2013/06/09/is-the-nsa-surveillance-threat-real-or-imagined)

This brings me to another valuable point you made, which is that **when people believe that the government exercises surveillance, they become reluctant to exercise democratic freedoms. This is a textbook objection to surveillance**, I agree, **but it also is another objection that I would place under "theoretical" rather than real. Is there any evidence that over the last 12 years, during the flowering of the so-called surveillance state, Americans have become less politically active? More worried about government suppression of dissent? Less willing to listen to opposing voices? All the evidence points in the opposite direction.**

Views from the extreme ends of the political spectrum are far more accessible today than they were in the past. It is infinitely easier to get the Al Qaeda perspective today — one just does a Google search — than it was to learn the Soviet perspective 40 years ago, which would have required one to travel to one of the very small number of communist bookstores around the country. It is hard to think of another period so full of robust political debate since the late 1960s — another era of government surveillance.

Ext 5 – Democracy doesn't solve war

Democracy doesn't solve war

Schwartz and Skinner, 01 (Research Fellow at the Hoover Institution at Stanford University, associate professor of history and political science at Carnegie Mellon University; December 22, 2001; "The Myth of Democratic Peace"; JAI Press; ORBIS)

Here we show that **neither the historical record nor the theoretical arguments advanced for the purpose provide any support for democratic pacifism. It does not matter how high or low one sets the bar of democracy. Set it high enough to avoid major exceptions and you find few, if any, democracies until the Cold War era. Then there were no wars between them, of course. But that fact is better explained by NATO and bipolarity than by any shared form of government.** Worse, the peace among the high-bar democracies of that era was part of a larger pacific pattern: peace among all nations of the First and Second Worlds. As for theoretical arguments, those we have seen rest on implausible premises. **Why, then, is the belief that democracies are mutually pacific so widespread and fervent? The explanation rests on an old American tendency to slip and slide unawares between two uses of the word "democracy": as an objective description of regimes, and as a term of praise--a label to distinguish friend from foe.** Because a democracy (term of praise) can do no wrong--or so the thinking seems to run--at least one side in any war cannot be a democracy (regime description). There lies the source of much potential mischief in

foreign policy. **The Historical Problem Democratic pacifism combines an empirical generalization with a causal attribution: democracies do not fight each other, and that is because they are democracies**. Proponents often present the former as a plain fact. Yet regimes that were comparatively democratic for their times and regions have fought each other comparatively often--bearing in mind, for the purpose of comparison, that most states do not fight most states most of the time. **The wars below are either counter-examples to democratic pacifism or borderline cases. Each is listed with the year it started and those combatants that have some claim to the democratic label.** American Revolutionary War, 1775 (Great Britain vs. U.S.) Wars of French Revolution (democratic period), esp. 1793, 1795 (France vs. Great Britain) Quasi War, 1798 (U.S. vs. France) War of 1812 (U.S. vs. Great Britain) Texas War of Independence, 1835 (Texas vs. Mexico) Mexican War, 1846 (U.S. vs. Mexico) Roman Republic vs. France, 1849 American Civil War, 1861 (Northern Union vs. Southern Confederacy) Ecuador-Columbia War, 1863 Franco-Prussian War, 1870 War of the Pacific, 1879 (Chile vs. Peru and Bolivia) Indian Wars, much of nineteenth century (U.S. vs. various Indian nations) Spanish-American War, 1898 Boer War, 1899 (Great Britain vs. Transvaal and Orange Free State) World War I, 1914 (Germany vs. Great Britain, France, Italy, Belgium, and U.S.) Chaco War, 1932 (Chile vs. Argentina) Ecuador-Peru, 1941 Palestine War, 1948 (Israel vs. Lebanon) Dominican Invasion, 1967 (U.S. vs. Dominican Republic) Cyprus Invasion, 1974 (Turkey vs. Cyprus) Ecuador-Peru, 1981 Nagorno-Karabakh, 1989 (Armenia vs. Azerbaijan) Yugoslav Wars, 1991 (Serbia and Bosnian-Serb Republic vs. Croatia and Bosnia; sometimes Croatia vs. Bosnia) Georgia-Ossetia, 1991 (Georgia vs. South Ossetia) Georgia-Abkhazia, 1992 (Georgia vs. Abkhazia and allegedly Russia) Moldova-Dnestr Republic, 1992 (Moldova vs. Dnestr Republic and allegedly Russia) Chechen War of Independence, 1994 (Russia vs. Chechnya) Ecuador-Peru, 1995 NATO-Yugoslavia, 1999 India-Pakistan, 1999

1nc - Democracy Causes War

Democracies spark wars

BALIGA, LUCC, & SJOSTROM 11 1. Professors at Northwestern University, 2. Federal Reserve Board, Rutgers University Professor

[Sandeep Baliga, David O. Lucc, Tomas Sjöström, Domestic Political Survival and International Conflict: Is Democracy Good for Peace?, Review of Economic Studies (2011) 78 (2): 458-486]

1. INTRODUCTION

The idea that democracy promotes peace has a long history. Thomas Paine argued that monarchs go to war to enrich themselves, but a more democratic system of government would lead to lasting peace: "What inducement has the farmer, while following the plough, to lay aside his peaceful pursuit, and go to war with the farmer of another country?" (Paine, 1985 p. 169). Immanuel Kant agreed that if "the consent of the subjects is required to determine whether there shall be war or not, nothing is more natural than that they should weigh the matter well, before undertaking such a bad business" (Kant, 1795, 1903, p. 122). More recently, the democratic peace hypothesis has influenced the "neoconservative" view of international relations (Kaplan and Kristol, 2003). U.S. policy makers of different political persuasions have invoked it in support of a policy to "seek and support the growth of democratic movements and institutions in every nation and culture."1 But some anecdotal observations seem to support a more "realist" viewpoint. For example, after the breakup of Yugoslavia, democratic reforms were followed by war, not peace. When given a chance in the legislative elections of 2006, the Palestinians voted for Hamas, which did not have a particularly peaceful platform. Such anecdotes suggest that democratization does not always promote peace. Even fully democratic countries such as the U.S. sometimes turn aggressive: under perceived threats to the homeland, the democratically elected President George W. Bush declared war on Iraq.

We develop a simple game-theoretic model of conflict based on Baliga and Sjöström (2004). Each leader can behave aggressively or peacefully. A leader's true propensity to be aggressive, his "type", is his private information. Since actions are strategic complements, the fear that the other leader might be an aggressive type can trigger aggression, creating a fear spiral we call "Schelling's dilemma" (see Schelling, 1960; Jervis, 1976, Jervis, 1978; Kydd, 1997). Unlike Baliga and Sjöström (2004), we assume a leader may be

removed from power. Whether a leader can stay in power depends on the preferences of his citizens, the political system, and the outcome of the interaction between the two countries. The political system interacts with Schelling's dilemma to create a non-monotonic relationship between democracy and peace.

Like the leaders, citizens have different types. By hypothesis, the median type prefers to live in peace. This imposes a "dovish bias" on a dyad of two full democracies (whose leaders can be replaced by their median voters). Thus, a dyadic democratic peace is likely to obtain. However, when facing a country that is not fully democratic, the median voter may support aggression out of fear and may replace a leader who is not aggressive enough. (For example, Neville Chamberlain had to resign after appeasing Hitler.) This gives rise to a "hawkish bias". Thus, in a fully democratic country, a dovish bias is replaced by a hawkish bias when the environment becomes more hostile. In contrast, a dictator is not responsive to the preferences of his citizens, so there is neither a hawkish nor a dovish bias. Accordingly, a dyad of two dictators is less peaceful than a fully democratic dyad, but a dictator responds less aggressively than a democratically elected leader to increased threats from abroad.

In the model, the leader of a limited democracy risks losing power if hawks in his population turn against him. For instance, the German leaders during World War I believed signing a peace agreement would lead to their demise (Asprey, 1991, pp. 486–487, 491). Conversely, the support of the hawkish minority trumps the opposition of more peaceful citizens. **Thus, a limited democracy experiences a hawkish bias similar to a full democracy under threat from abroad but never a dovish bias. On balance, this makes limited democracies more aggressive than any other regime type.** In a full democracy, if the citizens feel safe, they want a dovish leader, but if they feel threatened, they want a hawkish leader. In dictatorships and limited democracies, the citizens are not powerful enough to overthrow a hawkish leader, but the leader of a limited democracy risks losing power by appearing too dovish. This generates a non-monotonic relationship between democracy and peace.

Our empirical analysis reassesses the link between democracy and peace using a flexible semiparametric functional form, where fixed effects account for unobserved heterogeneity across country dyads. We use Polity IV data to classify regimes as dictatorships, limited democracies or full democracies. Following the literature on the democratic peace hypothesis, we define a conflict as a militarized dispute in the Correlates of War data set. The data, which span over the period 1816–2000, contain many military disputes between limited democracies. In the nineteenth century, Britain had a Parliament, but even after the Great Reform Act of 1832, only about 200,000 people were allowed to vote. Those who owned property in multiple constituencies could vote multiple times.2 Hence, Britain is classified as a limited democracy for 58 years and becomes a full democracy only after 1879. France, Italy, Spain, and Germany are also limited democracies at key points in the nineteenth and early twentieth centuries. These countries, together with Russia and the Ottoman Empire, were involved in many militarized disputes in Europe and throughout the world. For much of the nineteenth century, Britain and Russia had many skirmishes and outright wars in the "Great Game" for domination of Central Asia (Hopkirk, 1990). France is also involved in many disputes and is a limited democracy during the Belgian War of Independence and the Franco-Prussian War. Germany is a limited democracy at the start of the First World War.

Over the full sample, the data strongly support a dyadic democratic peace hypothesis: dyads consisting of two full democracies are more peaceful than all other pairs of regime types. This is consistent with previous empirical studies (Babst, 1972, Levy, 1988, , maozrussett, Russett and Oneal, 2001). **Over the same period, limited democracies were the most aggressive regime type**. **In particular, dyads consisting of two limited democracies are more likely to experience militarized disputes than any other dyads, including "mixed" dyads where the two countries have different regime types**. These results are robust to changing the definitions of the three categories (using the Polity scores) and to alternative specifications of our empirical model. **The effects are quantitatively significant**. Parameter estimates of a linear probability model specification, suggest that the likelihood that a dyad engages in a militarized dispute falls roughly 35% if the dyad changes from a pair of limited democracies to a pair of dictatorships. We also find that if some country j faces an opponent which changes from a full democracy to another regime type, the estimated equilibrium probability of conflict increases most dramatically when country j is a full democracy. This suggests that as the environment becomes more hostile, democracies respond more aggressively than other regime types, which is also consistent with our theoretical model.

Ext – More Likely to Fight

Democracies are more prone to hostility – despite studies for Democratic Peace

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[Sandeep Baliga, David O. Lucc, Tomas Sjöström, Domestic Political Survival and International Conflict: Is Democracy Good for Peace?, Review of Economic Studies (2011) 78 (2): 458-486]

Theoretical and empirical work in economics and political science has investigated the relationship between political systems and war. Jackson and Morelli (2007) formalize the idea that leaders start wars when their preferences are sufficiently biased away from their citizens' preferences. Levy and Razin (2004) provide a theory of the democratic peace based on incomplete information. They assume the representative citizen is less well informed about the benefit of concessions than the leader and show that democratically elected leaders are more likely to reveal information truthfully. In Bueno De Mesquita et al. (1999), political leaders must bribe key supporters to stay in power when foreign policy fails. A dictator has to bribe fewer supporters and is therefore more likely to go to war than a democratically elected leader. On the other hand, in order to avoid being replaced, a leader may "gamble for resurrection" with an aggressive foreign policy (Downs and Rocke, 1994, Bueno De Mesquita and Silverson, 1995, Hess and Orphanides, 1995). Fearon (1994) assumes leaders suffer "audience costs" if they back down during a war of attrition. If audience costs are higher in democracies, then democracies are more committed to a conflict and may be more reluctant to enter into one. Tangeras (2008) assumes that leaders have private information about the probability of winning a war. Democratically elected leaders are more reluctant to start a war because they will lose power if the war ends badly. According to Leeds (1999), democratic leaders are more able to commit to honouring agreements and thus more able to cooperate.

These theories provide underpinnings for the democratic peace hypothesis, but it is not obvious how they can be extended to explain the non-monotonicity we find in the data. For example, a natural extension of Fearon (1994) model would be to assume the audience costs of limited democracies lie between those of dictatorships and full democracies, but this would not produce non-monotonicity. Similarly, if the leader of a limited democracy has less biased preferences than a dictator, then the Jackson and Morelli (2007) model would predict that limited democracies go to war less often than dictatorships.

Our theory incorporates an important feature of Bueno De Mesquita et al. (1999): the support for the leader's action is derived from heterogeneous preferences among the citizens. In our model, leaders of full and limited democracies suffer audience costs (as in Fearon, 1994) if they are dovish when the opposing leader is hawkish; in addition, a leader of a full democracy faces audience costs (from the median voter) if he is hawkish against a dovish opponent; a dictator faces no audience costs at all. The result is a non-monotonic relationship between democracy and peace.

Mansfield and Snyder (2005) argue that increased nationalism can cause conflict during a period of transition when a regime is being democratized. However, in our baseline empirical model, dyads of limited democracies are the most conflict ridden even when controlling for regime transitions (using Mansfield and Snyder's, 2005, transitional dummies). **This suggests that limited democracies are not only prone to conflict during periods of transition.**

Democracy Doesn't insure peace

Democracy isn't the variable for peace – no evidence puts it above other factors

GARTZKE 00 Associate Professor of Political Science – UC San Diego

Eric Gartzke, Preferences and the Democratic Peace, International Studies Quarterly, 00208833, Jun2000, Vol. 44, Issue 2

C. Conclusion

This study appears to have resolved a controversy related to the democratic peace. Counter to the arguments in Oneal and Russett, 1997b, 1998, 1999, AFFINITY is not merely an artifact of liberal variables. Even the residuals from AFFINITY have a powerful pacifying effect on militarized disputes, independent of regime type, interdependence, and other variables. Further, the relationship between AFFINITY and the probability of disputes appears to be causal. Oneal and Russett acknowledge theoretical and empirical merit in a measure of preference similarity. Their critique is based on the assertion that preferences are caused by liberal variables. Since a similar claim cannot be made of the residuals of AFFINITY, there would seem to be no theoretical or empirical contradiction between the position offered by Oneal and Russett and the one offered here.

It remains to be demonstrated whether democracy itself is safely treated as an exogenous variable. Democracy is associated with the occurrence of militarized conflicts, but wealth and other variables used in standard regressions of the democratic peace anticipate democracy at least as well as they do preferences. The same rationale used by Oneal and Russett to challenge the exogeneity of preferences would seem to threaten liberal variables. At the same time, the research here is not intended to prove that the effect of democracy on the democratic peace is really attributable to economic development. I simply show that such an assertion is consistent with Oneal and Russett's own criteria and that it is compelling given their claims.

Nor should one conclude from these results that the liberal peace is in any way compromised. The findings challenge the notion that the democratic peace is due largely, or even substantially, to democracy. Conversely, the impact of economic liberalism, through trade and wealth, is substantiated by the results. Democracy is likely to continue to show itself as a significant contributor to the lessening of international violence. Democracy matters in accounting for the democratic peace. It is just that its role is less "law-like" and increasingly subject to caveats and competitors (Levy, 1988). Democracy's status in the democratic peace is certainly far from dead, but there appears to be a gradual withering away of democracy's preeminence. Other variables have been shown to account for much of what was thought to be the private domain of joint democracy. We must ask ourselves at some point whether other variables deserve greater attention given the relatively modest portion of conflict behavior that can be accounted for by pairing republics.

At the same time, by any reasonable criteria, preferences matter. The effect of preferences remains highly significant regardless of model specification, variable construction, estimation technique, or sample. Preferences as measured by AFFINITY predict roughly three times the variation in dispute propensity of the democracy variables. States with the most similar preferences are about half as likely to experience a dispute as states with the most republican governments. Much remains to be explored in terms of how preferences operate, how they matter, and why. As Oneal and Russell point out, "the theoretical interpretation of the role that preferences play in motivating states to use force is still underdeveloped. Preferences are abstract" (1999:234). Yet, the abstraction of preferences has proven powerful theoretically and empirically. Ignoring preferences in seeking to account for the democratic peace is likely to yield misleading conclusions.

Answer to – Democracy solves terrorism

democracy doesn't solve terrorism – too complex

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Richard Lappin, What Democracy? Exploring the Absent Centre of Post-Conflict Democracy Assistance, Journal of Peace, Conflict and Development, Issue 14, July 2009, http://www.humansecuritygateway.com/documents/JPCD_ExploringAbsentCentrePostConflictDemocracyAssistance.pdf

Finally, it has also been recently argued, to mixed reaction, that promoting **democrac**y in post-conflict states can be a distinct and vital method in combating international terrorism. The theoretical argument is simple and attractive and rests on the belief that the disregard for political participation and civil liberties endemic in undemocratic and conflict-torn societies can serve as a breeding ground for international terrorists. 26 In contrast, it is considered that **democrac**y lowers the costs of achieving political goals through legal means and, thus, deters groups from pursuing costly illegal terrorist activities. 27 The acceptance of this argument has been widespread in policy circles and is reflected in statements such as George W. Bush's claim that **democrac**y promotion is necessary ―to help change the conditions that give rise to extremism and terror.‖ 28

However, a closer examination of the empirical connection between terrorism and **democrac**y illustrates that the relationship is much more complex and that it is probably too premature to confidently attribute any future reduction in international terrorism to the promotion of **democrac**y overseas. 29

Answer to – Democracy is moral

Democracy fails to be ideal – it isn't more moral

Gairdner, 01. Former Chairman of Gairdner foundation. Former professor- York and Stanford Universities

(William D.;. *The Trouble with Democracy: A Citizen Speaks Out*. Pg. 289-290)

What is specifically unnerving about the twentieth century is that so many were killed by their own governments in the name of a puritanical political vision of freedom, peace, and harmony for human society. That was almost always a vision of collective freedom that became corrupted by the means employed for its realization, and thus turned into a mockery of itself. But we would be foolish to believe that the underlying democratic vision was not very real, exceedingly powerful, and appealing to millions. Even worse, we have to risk the thought that perhaps collective freedom is the eventual logical outcome of all pure democratic theory, and that systems rooted in this logic evolve at different rates in the direction of totalitarian democracy, in one form or another.

The thesis of the present chapter, then, in contrast to Rummel's, is that Hitlerism, Fascim, Communism, and their offshoots were political religions that arose straight from the logic inherent in the process of secularizing the Christian-democratic tradition, and that it is largely in the name of these different forms of modern "democracy" that more war has been made and more

democide perpetrated than any other time in history of the world. I can hear my critics grinding their teeth over such a statement. Hitlerism and Marxism you have explained, they'll say. And the Eastern European satellites, and perhaps Mssolini. But Maoism or the Khmer Rouge regime? Democratic? That's a little tougher. My answer is that we can best understand these different forms of "people's democracy," or modern Communism, whether Chinese, Cambodian, Cuban, or Vietnamese, as variations of the Marxist vision of "true democracy," often learned by Eastern intellectuals in the West and transported to the East. That vision, with its ancient roots in the deeply spiritual life of the West, surfaced as a secular political ideology with Rousseau, as we have seen, whose theoretical work was the first powerfully concentrated political metaphor for arriving methodically at a mystical unity of the people n the absence of the Christian God. Once secularized, however, it was precisely this atheistic and materialist formula, largely as identified in the universals of tolatiarian democracy, that was so easily transported and grafted onto the hysterical egalitarian spirit wherever oppression was found or imagined.

Rights

1nc – Rights

1. Rights don't trump lives – the function of the law is to be pragmatic

POSNER 03 Prof of Law at U Chicago [Richard Posner, Security Versus Civil Liberties, from Rights vs . Public Safety after 9/11, eds Amitai Etzioni and Jason H. Marsh] pages 25-28

In the wake of the September 11 terrorist attacks have come many proposals for tightening security; some measures to that end have already been taken. Civil libertarians are troubled. They fear that concerns about national security will lead to an erosion of civil liberties. They offer historical examples of supposed overreactions to threats to national security. They treat our existing civil liberties—freedom of the press, protections of privacy and of the rights of criminal suspects, and the rest—as sacrosanct, insisting that the battle against international terrorism accommodate itself to them.

I consider this a profoundly mistaken approach to the question of balancing liberty and security. The basic mistake is the prioritizing of liberty. It is a mistake about law and a mistake about history. Let me begin with law. What we take to be our civil liberties—for example, immunity from arrest except upon probable cause to believe we've committed a crime, and from prosecution for violating a criminal statute enacted after we committed the act that violates it—were made legal rights by the Constitution and other enactments. The other enactments can be changed relatively easily, by amendatory legislation. Amending the Constitution is much more difficult. In recognition of this the Framers left most of the constitutional provisions that confer rights pretty vague. The courts have made them definite.

Concretely, the scope of these rights has been determined, through an interaction of constitutional text and subsequent judicial interpretation, by a weighing of competing interests. I'll call them the public-safety interest and the liberty interest. Neither, in my view, has priority. They are both important, and their relative importance changes from time to time and from situation to situation. The safer the nation feels, the more weight judges will be willing to give to the liberty interest. The greater the threat that an activity poses to the nation's safety, the stronger will the grounds seem for seeking to repress that activity, even at some cost to liberty. This fluid approach is only common sense. Supreme Court Justice Robert Jackson gave it vivid expression many years ago when he said, in dissenting from a free-speech decision he thought doctrinaire, that **the Bill of Rights should not be made into a suicide pact**. It was not intended to be such, and the present contours of the rights that it confers, having been shaped far more by judicial interpretation than by the literal text (which doesn't define such critical terms as "due process of law" and "unreasonable" arrests and searches), are alterable in response to changing threats to national security.

If it is true, therefore, as it appears to be at this writing, that the events of September 11 have revealed the United States to be in much greater jeopardy from international terrorism than had previously been believed—have revealed it to be threatened by a diffuse, shadowy enemy that must be fought with police measures as well as military force—it stands to reason that our civil liberties will be curtailed. **They should be curtailed**, to the extent that the benefits in greater security outweigh the costs in reduced liberty. All that can reasonably be asked of the responsible legislative and judicial officials is that they weigh the costs as carefully as the benefits.

It will be argued that the lesson of history is that officials habitually exaggerate dangers to the nation's security. But the lesson of history is the opposite. It is because officials have repeatedly and disastrously underestimated these dangers that our history is as violent as it is. Consider such

underestimated dangers as that of secession, which led to the Civil War; of a Japanese attack on the United States, which led to the disaster at Pearl Harbor; of Soviet espionage in the 1940s, which accelerated the Soviet Union's acquisition of nuclear weapons and emboldened Stalin to encourage North Korea's invasion of South Korea; of the installation of Soviet missiles in Cuba, which precipitated the Cuban missile crisis; of political assassinations and outbreaks of urban violence in the 1960s; of the Tet Offensive of 1968; of the Iranian revolution of 1979 and the subsequent taking of American diplomats as hostages; and, for that matter, of the events of September 11.

It is true that when we are surprised and hurt, we tend to overreact—but only with the benefit of hindsight can a reaction be separated into its proper and excess layers. In hindsight we know that interning Japanese-Americans did not shorten World War II. But was this known at the time? If not, shouldn't the Army have erred on the side of caution, as it did? Even today we cannot say with any assurance that Abraham Lincoln was wrong to suspend habeas corpus during the Civil War, as he did on several occasions, even though the Constitution is clear that only Congress can suspend this right. (Another of Lincoln's wartime measures, the Emancipation Proclamation, may also have been unconstitutional.) But Lincoln would have been wrong to cancel the 1864 presidential election, as some urged: by November of 1864 the North was close to victory, and canceling the election would have created a more dangerous precedent than the wartime suspension of habeas corpus. This last example shows that civil liberties remain part of the balance even in the most dangerous of times, and even though their relative weight must then be less.

Lincoln's unconstitutional acts during the Civil War show that even legality must sometimes be sacrificed for other values. We are a nation under law, but first we are a nation. I want to emphasize something else, however: the malleability of law, its pragmatic rather than dogmatic character. The law is not absolute, and the slogan "Fiat iustitia ruat caelum" ("Let justice be done though the heavens fall") is dangerous nonsense. The law is a human creation rather than a divine gift, a tool of government rather than a mandarin mystery. It is an instrument for promoting social welfare, and as the conditions essential to that welfare change, so must it change.

2. (___)

3. The worst rights violations will continue regardless of legal reforms to mass surveillance – dissidents and racial minorities will inevitably be targeted

Kundnani and Kumar, 15 (Arun, former editor of the journal Race & Class, PhD from London Metropolitan University, writer on Islamophobia and surveillance. Deepa, associate professor of media studies and Middle Eastern studies at Rutgers University. 3-21-15. "Race, surveillance, and empire" http://www.kundnani.org/2015/03/21/race-surveillance-and-empire-2/)

Today, we are once again in a period of revelation, concern, and debate on national security surveillance. Yet if real change is to be brought about, the racial history of surveillance will need to be fully confronted—or opposition to surveillance will once again be easily defeated by racial security narratives. The significance of the Snowden leaks is that they have laid out the depth of the NSA's mass surveillance with the kind of proof that only an insider can have. The result has been a generalized level of alarm as people have become aware of how intrusive surveillance is in our society, but that alarm remains constrained within a public debate that is highly abstract, legalistic, and centered on the privacy rights of the white middle class.

On the one hand, **most civil liberties advocates are focused on the technical details of potential legal reforms and new oversight mechanisms to safeguard privacy. Such initiatives are likely to bring little change because they fail to confront the racist and imperialist core of**

the surveillance system. On the other hand, most technologists believe the problem of government surveillance can be fixed simply by using better encryption tools. While encryption tools are useful in increasing the resources that a government agency would need to monitor an individual, they do nothing to unravel the larger surveillance apparatus. Meanwhile, executives of US tech corporations express concerns about loss of sales to foreign customers concerned about the privacy of data. In Washington and Silicon Valley, what should be a debate about basic political freedoms is simply a question of corporate profits.69

Another and perhaps deeper problem is **the use of images of state surveillance that do not adequately fit the current situation—such as George Orwell's discussion of totalitarian surveillance.** Edward Snowden himself remarked that Orwell warned us of the dangers of the type of government surveillance we face today.70 Reference to Orwell's 1984 has been widespread in the current debate; indeed, sales of the book were said to have soared following Snowden's revelations.71 **The argument that digital surveillance is a new form of Big Brother is, on one level, supported by the evidence. For those in certain targeted groups—Muslims, left-wing campaigners, radical journalists—state surveillance certainly looks Orwellian. But this level of scrutiny is not faced by the general public. The picture of surveillance today is therefore quite different from the classic images of surveillance that we find in Orwell's 1984, which assumes an undifferentiated mass population subject to government control. What we have instead today in the United States is total surveillance, not on everyone, but on very specific groups of people, defined by their race, religion, or political ideology: people that NSA officials refer to as the "bad guys."**

In March 2014, Rick Ledgett, deputy director of the NSA, told an audience: "Contrary to some of the stuff that's been printed, we don't sit there and grind out metadata profiles of average people. **If you're not connected to one of those valid intelligence targets, you are not of interest to us."72 In the national security world, "connected to" can be the basis for targeting a whole racial or political community** so, even assuming the accuracy of this comment, it points to the ways that national security surveillance can draw entire communities into its web, while reassuring "average people" (code for the normative white middle class) that they are not to be troubled. In the eyes of the national security state, this average person must also express no political views critical of the status quo.

Better oversight of the sprawling national security apparatus and greater use of encryption in digital communication should be welcomed. But by themselves these are likely to do little more than reassure technologists, while racialized populations and political dissenters continue to experience massive surveillance. This is why the most effective challenges to the national security state have come not from legal reformers or technologists but from grassroots campaigning by the racialized groups most affected. In New York, the campaign against the NYPD's surveillance of Muslims has drawn its strength from building alliances with other groups affected by racial profiling: Latinos and Blacks who suffer from hugely disproportionate rates of stop and frisk. In California's Bay Area, a campaign against a Department of Homeland Security-funded Domain Awareness Center was successful because various constituencies were able to unite on the issue, including homeless people, the poor, Muslims, and Blacks. Similarly, a demographics unit planned by the Los Angeles Police Department, which would have profiled communities on the basis of race and religion, was shut down after a campaign that united various groups defined by race and class. The lesson here is that, while the national security state aims to create fear and to divide people, activists can organize and build alliances across race lines to overcome that fear. To the extent that the national security state has targeted Occupy, the antiwar movement, environmental rights activists, radical journalists and campaigners, and whistleblowers, these groups have gravitated towards opposition to the national security state. But understanding the centrality of race and empire to national security surveillance means finding a basis for unity across different groups who experience similar kinds of policing: Muslim, Latino/a, Asian, Black, and white dissidents and radicals. It is on such a basis that we can see the beginnings of an effective multiracial opposition to the surveillance state and empire.

Ext 1 – Rights don't Outweigh

Ethical policymaking requires calculation of consequences – prioritizing rights sounds nice but doesn't grapple with policymakers' responsibility for millions of lives

Gvosdev, 05 (Nikolas, Rhodes Scholar, PhD from St. Antony's College, executive editor of The National Interest ["The Value(s) of Realism," SAIS Review 25.1, Project Muse])

As the name implies, realists focus on promoting policies that are achievable and sustainable. In turn, **the morality of a foreign policy action is judged by its results**, not by the intentions of its framers. **A foreign policymaker must weigh the consequences of any course of action and assess the resources at hand to carry out the proposed task**. As Lippmann warned, Without the controlling principle that the nation must maintain its objectives and its power in equilibrium, its purposes within its means and its means equal to its purposes, its commitments related to its resources and its resources adequate to its commitments, it is impossible to think at all about foreign affairs.8 Commenting on this maxim, Owen Harries, founding editor of The National Interest, noted, "This is a truth of which Americans—more apt to focus on ends rather than means when it comes to dealing with the rest of the world—need always to be reminded."9 In fact**, Morgenthau noted that "there can be no political morality without prudence."10 This virtue of prudence—which Morgenthau identified as the cornerstone of realism—should not be confused with expediency. Rather, it takes as its starting point that it is more moral** to fulfill one's commitments than to make "empty" promises, and **to seek solutions that minimize harm and produce sustainable results.** Morgenthau concluded: [End Page 18] **Political realism does not require, nor does it condone, indifference to political ideals and moral principles, but it requires indeed a sharp distinction between the desirable and the possible, between what is desirable everywhere and at all times and what is possible under the concrete circumstances of time and place.**11 This is why, prior to the outbreak of fighting **in the former Yugoslavia, U.S. and European realists urged that Bosnia be decentralized and partitioned into ethnically based cantons as a way to head off a destructive civil war**. Realists felt this would be the best course of action, especially after the country's first free and fair elections had brought nationalist candidates to power at the expense of those calling for inter-ethnic cooperation. They had concluded—correctly, as it turned out—that the United States and Western Europe would be unwilling to invest the blood and treasure that would be required to craft a unitary Bosnian state and give it the wherewithal to function. Indeed, at a diplomatic conference in Lisbon in March 1992, the various factions in Bosnia had, reluctantly, endorsed the broad outlines of such a settlement. For the purveyors of moralpolitik, this was unacceptable. After all, for this plan to work, populations on the "wrong side" of the line would have to be transferred and resettled. Such a plan struck directly at the heart of the concept of multi-ethnicity—that different ethnic and religious groups could find a common political identity and work in common institutions. **When the United States signaled it would not accept such a settlement, the fragile consensus collapsed.** The United States, of course, cannot be held responsible for the war; this lies squarely on the shoulders of Bosnia's political leaders. Yet **Washington fell victim to** what Jonathan Clarke called "faux Wilsonianism," **the belief that "high-flown words matter more than rational calculation" in formulating effective policy**, which led U.S. policymakers to dispense with the equation of "balancing commitments and resources."12 Indeed, as he notes, **the Clinton administration had criticized peace plans calling for decentralized partition in Bosnia "with lofty rhetoric without proposing a practical alternative." The subsequent war led to the deaths of tens of thousands and left more than a million people homeless**. After three years of war, the Dayton Accords—hailed as a triumph of American diplomacy—created a complicated arrangement by which the federal union of two ethnic units, the Muslim-Croat Federation, was itself federated to a Bosnian Serb republic. Today, Bosnia requires thousands of foreign troops to patrol its internal borders and billions of dollars in foreign aid to keep its government and economy functioning. **Was the aim of U.S. policymakers, academics and journalists—creating a multi-ethnic democracy in Bosnia—not worth pursuing? No, not at all, and this is not what the argument suggests. But aspirations were not matched with capabilities. As a result of holding out for the "most moral" outcome and encouraging the Muslim-led government in Sarajevo to pursue maximalist aims rather than finding a workable compromise that could have avoided bloodshed and produced more stable conditions, the peoples of Bosnia suffered greatly**. In the end, the final settlement was very close [End Page 19] to the one that realists had initially proposed—and the one that had also been roundly condemned on moral grounds.

Ext 2 – It'll Continue / Racism

There is no "free society" to protect, and they don't solve it – surveillance of racial minorities pre-dates the Internet Age and extends well beyond mass federal surveillance

Wise, 13 (Tim, anti-racist writer, author of multiple books. "Whiteness, NSA Spying and the Irony of Racial Privilege" 6-19-13. http://www.timwise.org/2013/06/whiteness-nsa-spying-and-the-irony-of-racial-privilege/)

Let's be clear, **it's not that the NSA misdeeds, carried out by the last two administrations, are no big deal**. They're completely indefensible, no matter the efforts of the apologists for empire — from the corporate media to President Obama to Dick Cheney — to legitimize them. A free people should not stand for it.

Problem is, we are not a free people and never have been, and therein lies the rub.

The idea that with this NSA program there has been some unique blow struck against democracy, and that now our liberties are in jeopardy **is the kind of thing one can only believe if one has had the luxury of thinking they were living in such a place**, and were in possession of such shiny baubles **to begin with. And this is, to be sure, a luxury enjoyed by painfully few folks of color, Muslims in a post-9/11 America, or poor people of any color.** For the first, they have long known that their freedom was directly constrained by racial discrimination, in housing, the justice system and the job market; for the second, profiling and suspicion have circumscribed the boundaries of their liberties unceasingly for the past twelve years; and for the latter, freedom and democracy have been mostly an illusion, limited by economic privation in a class system that affords less opportunity for mobility than fifty years ago, and less than most other nations with which we like to compare ourselves.

In short, when people proclaim a desire to "take back our democracy" from the national security apparatus, or for that matter the plutocrats who have ostensibly hijacked it, they begin from a premise that is entirely untenable; namely, that there was ever a democracy to take back, and that the hijacking of said utopia has been a recent phenomenon. But there wasn't and it hasn't been.

Reaction to the most recent confirmation of this truth ranks right along with the way so many were stunned by the September 11 attacks. The shock in that instance also came from a place of naiveté, wrought by the luxury of believing that the rest of the world viewed us as we did: as a paragon of virtue, which had brought only light and happiness to the world, rather than military occupations, hellfire missiles, brutal and crippling economic sanctions, and support for dictators so long as they were serving our presumed interests. But some people — and again, they were mostly black and brown — were not stunned at all. Having long had no choice but to see the nation's warts for what they were, and having never possessed the benefit of viewing America as most whites had, peoples of color, while horrified by that day's events, were hardly likely to be knocked off stride by them. They had always known what it was like to be hated. And hunted. And solely because of who they were.

For myself, I long ago stopped being shocked by anything the empire did in the service of its continuity. Ever since I was in college, and it was revealed that the Central American solidarity group of which I was a member was being actively spied on by the FBI, I've taken it as a matter of faith that such things were probably happening, and that it would have been silly to the point of idiotic for me to assume such surveillance were a one-off thing, confined to the inner-workings of the Reagan Administration.

By 1988, at which point I was still a Democrat — hoping against hope to turn that party in a truly left direction — the realization that the government was actively spying on its citizens was fully concretized for me. It was then that I was disallowed from riding in a campaign motorcade for Michael Dukakis (despite being the head of the largest College Democrats chapter in the New Orleans area),

because my activism against U.S. policy in Nicaragua and El Salvador had earned me an FBI file and caused me to fail a Secret Service background check.

So yeah, the government is spying on you precious. And now you're pissed?

This is the irony of privilege: the fact that some have for so long enjoyed it, in its largely unfettered state, is precisely why some of those those same persons are now so exorcised at the thought of potentially being treated like everyone else has been, forever; and it is also why the state was able to get away with it for such an extended period. **So long as the only possible targets were racial and religious and class others, shock and outrage could be kept at a minimum. And so the apparatus of profiling and monitoring and snooping and data collection and even targeted assassination grew like mushrooms in the dark.** And deep down, most of the same white folks who are now so unhinged by the mere possibility — and a remote one at that — that they will be treated like those others, knew what was going on.

And they said little or nothing. White liberals — with some notable exceptions — mostly clucked their tongues and expressed how unfortunate it was that certain people were being profiled, but they rarely spoke out publicly, or challenged those not-so-random searches at the airport, or dared to challenge cops when they saw them harassing, or even brutalizing the black and brown. Plenty of other issues were more pressing. The white conservatives, of course, largely applauded either or both of those.

And now, because they mostly ignored (or even in some cases cheered) the violations of Constitutional rights, so long as the violations fell upon someone other than themselves, they are being freshly confronted with the surly adolescent version of the infant to which they gave birth, at least indirectly. And they aren't too happy with his insolence.

Yeah, well, **tell it to pretty much every Arab American, every Persian American, every Afghan American, everyone with a so-called Middle Eastern name walking through an airport in this country for the past decade or more. Tell them how now you're outraged by the idea that the government might consider you a potential terrorist.**

Tell it to the hundreds of thousands of black men in New York, stopped and frisked by the NYPD over the past fifteen years, whose names and information were entered into police databases, even though they had committed no crime, but just as a precautionary measure, in case they ever decided to commit one. Tell them how tight it makes you to be thought of as a potential criminal, evidence be damned.

Tell it to brown folks in Arizona, who worry that the mere color of their skin might provoke a local official, operating on the basis of state law (or a bigoted little toad of a sheriff), to stop them and force them to prove they belong in the country. Explain to them how patently offensive and even hurtful it is to you to be presumed unlawful in such a way as to provoke official government suspicion.

Tell it to the veterans of the civil rights struggle whose activities — in the Black Panthers, SNCC, the Young Lords, the Brown Berets, and the American Indian Movement, among others — were routinely monitored (and more to the point actively disrupted and ripped apart) by government intelligence agencies and their operatives. **Tell them how incredibly steamed you are that your government might find out what websites you surf**, or that you placed a phone call last Wednesday to someone, somewhere. **Make sure to explain how such activities are just a step away from outright tyranny and surely rank up there alongside the murder and imprisonment to which their members were subjected.** Indeed.

And then maybe, just maybe, consider how privilege — being on the upside, most of the time, of systems of inequality — can (and has) let you down, even set you up for a fall. How maybe, just maybe, all the apoplexy mustered up over the NSAs latest outrage, might have been conjured a long time ago, and over far greater outrages, the burdens of which were borne by only certain persons, and not others.

For example: stop and frisk

Christopher, 13 (Tommy, Daily Banter's White House Correspondent and Political Analyst. He's been a political reporter and liberal commentator since 2007, and has covered the White House since the beginning of the Obama administration, first for

PoliticsDaily, and then for Mediaite. "This NSA Scandal Is A White People Problem," 6-14-13, gender modified. http://www.mediaite.com/online/this-nsa-scandal-is-a-white-people-problem/)

What's ridiculous about this is the proportion of the coverage. According to TV Eyes, **the NSA scandal has been mentioned on cable almost 3,000 times in a little over a week, since the Verizon story broke.** In a sense, this is commendable, because despite the American people's clear apathy about this kind of surveillance, journalists have decided that this is important. That's one of the most important functions that the Fourth Estate can serve.

Would you like to know how many mentions there have been about a story in which the government systematically performs warrantless searches of millions of innocent Americans' phone records? Two hundred and sixty-seven.

Wait, I messed that up, it wasn't 267 this past week, it was 30. It was **267 mentions these past three months. Oh, and it wasn't warrantless searches of phone numbers and call times, it was warrantless searches of actual American people's persons, their physical, IRL bodies. Conversely, then, journalists appear to have decided that this is not important**, or rather, is one one-hundredth as important as the warranted non-searches of bullsh*t.

Why is that? It's hard to tell, but **maybe it has something to do with the fact that the Stop and Frisk policy overwhelmingly affects the privacy of innocent black and Latino people.** It's not for lack of a hot news peg. Even if the merits of the story don't turn you on, the Obama administration just signaled it will file briefs in support of the plaintiff in a suit against the policy. If the last several weeks have made one thing clear about the media, it's that the best way to get them to care about government abuse, or anything, is to do it to white people.

Much like these NSA programs, the **Stop and Frisk** policy isn't inherently abusive. It **is based on a law that allows police to stop someone on the street if they have "reasonable suspicion" that the individual "is committing, has committed or is about to commit" a crime, and "demand of him his name, address and an explanation of his conduct."**

That's the "Stop" part of "Stop and Frisk." In order to move on to "Frisk," the officer must "reasonably suspect that he is in danger of physical injury."

In practice, though, the policy has resulted in over half a million stops per year, stops which have disproportionately targeted minorities, in the same way that Scooby Snacks™ disproportionately target Scooby Doo. I know there are some folks who would like to explain this as a function of minorities' inherent criminality (you know who you are), but then how do you explain this: White people, who represent about 12% of those stopped, white people were almost twice as likely to be found with drugs or weapons than black people? Are white people inherently more criminal?

I don't think so. I think the abuse of this policy is rooted in the concept of "reasonable suspicion," which, according to the Supreme Court, requires circumstances similar to these:

US Courts have held that a stop on reasonable suspicion may be appropriate in the following cases: when a person possesses unusual items (like a wire hanger) which would be useful in a crime and is looking into car windows at 2 am, when a person matches a description of a suspect given by another officer, or when a person runs away at the sight of a peace officer. However, reasonable suspicion does not apply merely because a person refuses to answer questions, declines to allow a voluntary search, or is of a particular race or ethnicity.

The sheer volume of stops indicates that the police are applying an interpretation of "reasonable suspicion" that's considerably looser than that, especially given that they are wrong 90% of the time. Whatever standard of suspicion they're using, it is apparently less reasonable than the suspicion that President Obama is the Antichrist.

But according to the program stats, the police are far more accurate at judging suspicious behavior in white people. That tells me that they could probably use to stop a few more white people, but also that they could use to become more adept at discerning suspicious behavior in others. Whatever it is that stops cops from searching more innocent white people should also be used to help them quit harassing minorities, especially black people.

Just as those Stop and Frisk stats have everything to do with the cultural biases of the power structure, so does the mainstream media's disproportionate interest in the NSA scandal over other, far more alarming injustices. While MSNBC (including Chris Hayes, whom I am not trying to pick on) has covered Stop and Frisk much more than its competitors (about 50% more than Fox News, and 900% more than CNN!), the overall discrepancy is indicative of a lack of diverse viewpoints in journalism. **Abuses like Stop and Frisk have been occurring for centuries, and have a lot more in common with J. Edgar Hoover than Barack Obama does. While we're busy having the conversation about what the government might do with Prism, maybe we could make some room for what it's already doing to millions of innocent citizens.**

Internet Freedom

1nc – Internet Freedom

1. The U.S. doesn't promote internet freedom – American policy is self-interested and just as likely to restrict internet freedom

Hill, 15 (Richard, President, Association for Proper internet Governance. A review of Shawn M. Powers and Michael Jablonski's book,The Real Cyber War: The Political Economy of Internet Freedom. "Dissecting The "Internet Freedom" Agenda" 5-6-15. http://www.ip-watch.org/2015/05/06/book-review-dissecting-the-internet-freedom-agenda/#_ftn2)

There is a vast literature on internet governance, but much of it is ideological and normative: the author espouses a certain point of view, explains why that point of view is good, and proposes actions that would lead to the author's desired outcome. There is nothing wrong with that approach: on the contrary, such advocacy is necessary and welcome.

But **a more detached analytical approach is also needed, and Powers and Jablonski provide exactly that. Their objective is to help us understand** (citing from p. 19 of the paperback edition) **"why states pursue the policies they do".** The book "focuses centrally on understanding the numerous ways in which power and control are exerted in cyberspace" (p. 19).

Starting from the rather obvious premise that states compete to shape international policies that favor their interests, and using the framework of political economy, the authors outline the geopolitical stakes and show how questions of power, and not human rights, are the real drivers of much of the debate about Internet governance. **They show how the United States has deliberately used a human rights discourse to promote policies that further its geo-economic and geo-political interests.** And how it has used subsidies and government contracts to help its private companies to acquire or maintain dominant positions in much of the ICT sector.

Powers and Jablonski dissect the mechanisms by which vibrant government institutions deliberately transferred power to US corporations in order to further US geo-economical and geo-political goals**. In particular, they show how a "freedom to connect" narrative is used by the USA to attempt to transform information and personal data into commercial commodities that should be subject to free trade.**

Yet all states (including the US) regulate, at least to some extent, **the flow of information within and across their borders.** If information is the "new oil" of our times, then it is not surprising that states wish to shape the production and flow of information in ways that favor their interests. Thus it is not surprising that states such as China, India, and Russia have started to assert sovereign rights to control some aspect of the production and flow of information within their borders, and that European Union courts have made decisions on the basis of European law that affect global information flows and access.

As the authors put the matter (p. 6): "the [US] doctrine of internet freedom … is the realization of a broader [US] strategy promoting a particular conception of networked communication that depends on American companies …, supports Western norms …, and promotes Western products." (I would personally say that it actually supports US norms and US products and services.) As the authors point out, one can ask (p. 11): "If states have a right to control the types of people allowed into their territory (immigration), and how its money is exchanged with foreign banks, then why don't they have a right to control information flows from foreign actors?"

To be sure, any such controls would have to comply with international human rights law. But the current US policies go much further, implying that those human rights laws must be implemented in accordance with the US interpretation, meaning few restrictions on freedom of speech, weak protection of privacy, and ever stricter protection for intellectual property. As Powers and Jablonsky point out (p. 31)**, the US does not hesitate to promote restrictions on information flows when that promotes its goals.**

Again, **the authors do not make value judgments: they explain how the US deliberately attempts to shape (to a large extent successfully) international policies, so that both actions and inactions serve its interests and those of the large corporations that increasingly influence US policies.**

The authors also explain how the US military-industrial complex has morphed into an information-industrial complex, with deleterious consequences for both industry and government, consequences such as "weakened oversight, accountability, and industry vitality and competiveness"(p. 23) that create risks for society and democracy. As the authors say, the shift "from adversarial to cooperative and laissez-faire rule making is a keystone moment in the rise of the information-industrial complex" (p. 61). They show how the network effects, economies of scale, and externalities that are fundamental features of the internet favor first-movers, which are mostly US companies.

The remedy to such situations is well known: government intervention – widely accepted regarding air transport, road transport, pharmaceuticals, etc., and yet unthinkable for many regarding the internet. But why? As the authors put the matter (p. 24): "While heavy-handed government controls over the internet should be resisted, so should a system whereby internet connectivity requires the systematic transfer of wealth from the developing world to the developed." But freedom of information is put forward to justify specific economic practices which would not be easy to justify otherwise, for example "no government taxes companies for data extraction or for data imports/exports, both of which are heavily regulated aspects of markets exchanging other valuable commodities"(p. 97).

The authors discuss the very current topic of mass surveillance, and its relation to anonymity, showing how, **when the US presents the internet and "freedom to connect" as analogous to public speech and town halls, it is deliberately arguing against anonymity and against privacy – and this of course in order to avoid restrictions on its mass surveillance activities.**

Thus the authors posit that there are tensions between the US call for "internet freedom" and other states' calls for "information sovereignty", and analyze the 2012 World Conference on International Telecommunications from that point of view.

Not surprisingly, the authors conclude that international cooperation, recognizing the legitimate aspirations of all the world's peoples, is the only proper way forward. As the authors put the matter (p. 206): **"Activists and defenders of the original vision of the Web as a 'fair and humane' cyber-civilization need to avoid lofty 'internet freedom' declarations and instead champion specific reforms required to protect the values and practices they hold dear."** And it is with that in mind, as a counterweight to US and US-based corporate power, that a group of civil society organizations have launched the Internet Social Forum.

2. (___)

3. US internet credibility is hurt for lots of other reasons – global surveillance is one – the plan doesn't change that.

Eades, 13 (Mark, American writer and educator currently residing in Shanghai, China. He has taught at both Shanghai International Studies University and Fudan University. 7-17-13. "Western Governments Lose Credibility as Global Surveillance Scandal Grows" http://www.atlantic-community.org/-/western-governments-lose-credibility-as-global-surveillance-scandal-grows)

As revelations of secret surveillance programs by Western governments appear almost daily and the drama of American whistleblower Edward Snowden's bid for freedom continues to unfold, **the governments of the US and its Western allies are quickly losing credibility globally. In order to regain credibility, the West must come clean about its global surveillance activities**, take steps to cease or at least significantly reduce such activities, and end persecution of whistleblowers such as Snowden.

Ongoing reveals from former US National Security Agency (NSA) analyst Edward Snowden implicate the US and other Western governments in spying and surveillance activities that appear to violate the rights of citizens and go far beyond the bounds of national security interests. **These revelations**, and America's relentless pursuit of Snowden with the acquiescence of European governments, **have severely damaged the credibility of Western governments internally and externally.**

Chief among the offending parties is the US, whose extensive domestic and global surveillance activities include monitoring civilian internet, e-mail, and telephone use, both within the US and around the world, as well as spying on European Union diplomats. **The revelation that the US has been spying on innocent civilians domestically and internationally, as well as on its EU allies, undercuts America's insistence that such activities are carried out only as necessary for national security. It also severely tarnishes America's image as a champion of democracy, human rights, and civil liberties. US accusations of spying and computer hacking by countries like China will now likely fall on deaf ears.** Simply put, America has come off looking like a hypocrite.

America's chief partner in crime in these activities is the United Kingdom. Documents released by Snowden reveal that the UK's Government Communications Headquarters (GCHQ) spied on delegates at the 2009 G-20 summit in London and has been intercepting and storing mass quantities of fiber-optic internet traffic in concert with the NSA. The German government has also been implicated in NSA spying on German citizens. Reports unrelated to Snowden have further revealed that France's intelligence agency, the General Directorate for External Security (DGSE), has been using NSA-style methods to spy on the internet use, e-mail, and telephone communications of French citizens.

These revelations have led many to conclude that we are now living in the era of the "Global Surveillance State." The subjects of alleged Western spying activities are not mainly rogue states or terrorist groups, but ordinary private citizens and allies. The prominent and highly profitable role played by private security firms in these activities, at public expense, increases suspicion that spying is motivated by more than just national security interests. In an age of austerity, the taxpayers of Western nations are paying their own governments to spy on them, at great profit to the security firms doing the spying. Public services may suffer, but corporate spies are handsomely paid from the public coffers.

Meanwhile, the pursuit of Snowden increasingly seems vindictive and foolish as the US relentlessly pressures other countries to cooperate. Feigning nonchalance on the matter in public as a face-saving measure, the US works feverishly behind the scenes to capture Snowden and make an example of him for other would-be whistleblowers. Recently an airplane carrying Bolivian president Evo Morales from Russia to Bolivia was turned away from France and Portugal and grounded in Vienna for ten hours because it was suspected that Snowden might be on board. Snowden was not aboard Morales's flight, and Latin Americans were enraged by the incident. Despite expressed outrage at the alleged spying, EU

4. (___)

5. US created ICANN to solve the complaints – means there is no threat to larger freedom

Stacie L. **Pettyjohn**, 4/10/**2014**. Political Scientist at the RAND Corporation. "Net Gain: Washington Cedes Control of ICANN," Foreign Affairs, http://www.foreignaffairs.com/articles/141122/stacie-l-pettyjohn/net-gain.

For over a decade, the United States has promoted a free and open Internet as a central tenet of its foreign policy. To date, this has most visibly involved shaming governments that limit access to online content and

developing tools that help individuals circumvent censorship and surveillance. Perhaps even more important, though, have been Washington's efforts to ensure that the Internet remains regulated by public as well as private stakeholders -- not just governments alone.

The latest debate over Internet governance centers on the relationship between the United States and the Internet Corporation for Assigned Names and Numbers, a private, nonprofit organization that manages domain names and Internet Protocol, or IP, addresses. Since its creation, ICANN has been under contract with the U.S. Department of Commerce, giving Washington a critical say in how the Internet is regulated. Last month, the department announced plans to let its contract with ICANN expire in 2015 and transition toward a "global multi-stakeholder model," the details of which are still being developed. This has led to criticism that Washington is naively giving up its long-standing role as a guarantor of Internet freedom. The move, however, is a shrewd one. **Handing over control of ICANN will defuse mounting criticism of Washington's outsized influence on Internet governance -- and head off efforts by repressive states that want to expand their own**.

Understanding the full impact of the decision requires some context. At the broadest level, Internet governance involves managing the technical architecture of cyberspace, which was imbued by its original designers with an open infrastructure and nonproprietary standards. Until his death in 1998, one of them -- Jon Postel, a computer science professor at the University of Southern California -- single-handedly ran the domain name system, which matches IP numbers to Web site addresses. (Although the U.S. government funded the Internet in its infancy, it gave up control over its development early on.) The Internet's rapid growth, however, quickly outstripped Postel's capacity to administer it. In 1998, the Clinton administration stepped in by establishing ICANN, a nonprofit organization under contract with the Commerce Department.

To this day, ICANN's primary mission is to guarantee that anyone who enters a Web address anywhere in the world will be directed to the appropriate site. It does so by assigning and coordinating the unique identifiers (IP addresses and URLs) that link computers together, thereby ensuring that the Web really is a worldwide network. Notably, ICANN preserved some of the Internet's original characteristics by creating an inclusive organization that invites all stakeholders -- including the tech community, civil society, the private sector, and governments -- to participate in consensus-based policymaking. This model has largely worked; it remains difficult for any one stakeholder or type of stakeholder to dominate decisions, which ultimately preserves Internet openness.

ICANN is not the only organization responsible for managing the Web. The Internet Engineering Task Force, the Internet Architecture Board, and the World Wide Web Consortium, among other groups, contribute to developing and maintaining open technical standards. All have played an important role in assuring that the Internet runs smoothly. None, however, has been as controversial as ICANN. Although some nations had objected to U.S. oversight of ICANN in the past, a growing number of states are now voicing opposition to the arrangement. Specifically, they have demanded that ICANN's regulatory powers be transferred to the United Nations International Telecommunications Union (ITU). In effect, the move would shift responsibility for managing the domain name system from a nonprofit inclusive of a variety of stakeholders to an international organization dominated by national governments.

China and Russia have spearheaded the drive to wrest control of the Internet from ICANN. Their primary goal is to dilute U.S. influence over the Internet by empowering other states, namely, themselves. They also see an opportunity to facilitate censorship and surveillance. Simply put, having a greater say in managing the Internet's "central chokepoint" would almost certainly enhance their ability -- and that of other authoritarian states -- to control what their citizens can see and say online. If they manage to empower the ITU at the expense of ICANN, Beijing and Moscow could marginalize ICANN's nongovernmental stakeholders and legitimize repressive practices such as blocking Web sites and building closed national intranets. Not surprisingly, nations that heavily monitor and censor the Internet, including Algeria, Egypt, Saudi Arabia, Sudan, and the United Arab Emirates, have been the strongest supporters of this initiative.

Although the United States has successfully fended off efforts to hand over power to the ITU in the past, the National Security Agency surveillance scandal has revived calls for modifying the current structure of Internet governance. Of course, recent revelations about NSA spying have nothing to do with ICANN. But they have fed the perception that Washington has too much power over a major global good and bolstered the case for radical reforms -- giving authoritarian states an opportunity to usurp control over the Internet's existing technical standards. Outraged by reports of extensive NSA spying, even liberal states such as Brazil and Germany have considered nationalizing pieces of the Internet's infrastructure. The European Union, which still supports the current open model, has also joined the chorus ofcritics who want to internationalize ICANN. The NSA backlash could thus tip the scales in the critics' favor.

The outcome of this latest struggle over Internet governance will have enormous implications: It will determine whether the Internet remains open, united, and transparent, or becomes closed, balkanized, and subject to opaque national controls. Counterintuitive as it may seem, **Washington's decision to sever its ties to ICANN might have been the best way to guarantee openness**, especially since the Commerce Department has stipulated that it will not implement the decision if Internet regulation falls to a government-led or government-only organization. This approach appears to be working, as many countries -- including some former critics -- have welcomed Washington's announcement. Had the United States kept its fist clenched around ICANN, it would have undermined faith in the multistakeholder model of Internet governance and empowered the ITU. Instead, **Washington has disarmed critics and helped ensure that the Internet will remain open and free**.

6. Nationalization doesn't "end the Internet."

Gordon M. **Goldstein**, 6/25/**2014**. Served as a member of the American delegation to the World Conference on International Telecommunications. "The End of the Internet?" The Atlantic, http://m.theatlantic.com/magazine/archive/2014/07/the-end-of-the-internet/372301/.

Some experts anticipate a future with a Brazilian Internet, a European Internet, an Iranian Internet, an Egyptian Internet—all with different content regulations and trade rules, and perhaps with contrasting standards and operational protocols. Eli Noam, a professor of economics and finance at Columbia Business School, believes that such a progressive fracturing of the global Internet is inevitable. "We must get used to the idea that the standardised internet is the past but not the future," he wrote last fall. "And that the future is a federated internet, not a uniform one." Noam thinks that can be managed, in part through the development of new intermediary technologies that would essentially allow the different Internets to talk to each other, and allow users to navigate the different legal and regulatory environments.

7. Internet isn't good at solving problems

Eli M. **Noam**, 8/28/**2002**. Professor and Finance and Economics, Director, Columbia Institute for Tele-Information, Graduate School of Business, Columbia University. "Will the Internet Be Bad for Democracy?" Financial Times Online, http://www.citi.columbia.edu/elinoam/articles/int_bad_dem.htm.

When the media history of the 20th Century will be written, the Internet will be seen as its major contribution. Television, telephone, and computers will be viewed as its early precursors, merging and converging into the new

medium just as radio and film did into TV. The Internet's impact on culture, business, and politics will be vast, for sure. Where will it take us? To answer that question is difficult, because the Internet is not simply a set of interconnecting links and protocols connecting packet switched networks, but it is also a construct of imagination, an inkblot test into which everybody projects their desires, fears and fantasies.

Some see enlightenment and education. Others see pornography and gambling. Some see sharing and collaboration; others see e-commerce and profits. Controversies abound on most aspects of the Internet. Yet when it comes to its impact on democracy process, the answer seems unanimous.[1] The Internet is good for democracy. It creates digital citizens (Wired 1997) active in the vibrant teledemocracy (Etzioni, 1997) of the Electronic Republic (Grossman 1995) in the

Digital Nation (Katz 1992).Is there no other side to this question? Is the answer so positively positive?

The reasons why the Internet is supposed to strengthen democracy include the following.

1.The Internet lowers the entry barriers to political participation.

2.It strengthens political dialogue.

3.It creates community.

4.It cannot be controlled by government.

5.It increases voting participation.

6.It permits closer communication with officials.

7.It spreads democracy world-wide.

Each of the propositions in this utopian populist, view, which might be called is questionable. But they are firmly held by the Internet founder generation, by the industry that now operates the medium, by academics from Negroponte (1995) to Dahl (1989), by gushy news media, and by a cross-party set of politicians who wish to claim the future, from Gore to Gingrich, from Bangemann to Blair.

I will argue, in contrast, that the Internet, far from helping democracy, is a threat to it. And I am taking this view as an enthusiast, not a critic. But precisely because the Internet is powerful and revolutionary, it also affects, and even destroys, all traditional institutions--including--democracy. To deny this potential is to invite a backlash when the ignored problems eventually emerge.[2]

My perspective is different from the neo-Marxist arguments about big business controlling everything; from neo-Luddite views that low-tech is beautiful; and from reformist fears that a politically disenfranchised digital underclass will emerge. The latter, in particular, has been a frequent perspective. Yet, the good news is that the present income-based gap in Internet usage will decline in developed societies. Processing and transmission becomes cheap, and will be anywhere, affordably. Transmission will be cheap, and connect us to anywhere, affordably. And basic equipment will almost be given away in return for long-term contracts and advertising exposure.

That is why what we now call basic Internet connectivity will not be a problem. Internet connectivity will be near 100% of the households and offices, like electricity, because the Internet will have been liberated from the terror of the PC as its gateway, the most consumer-unfriendly consumer product ever built since the unicycle.

Already, more than half of communications traffic is data rather than voice, which means that it involves fast machines rather than slow people.These machines will be everywhere.Cars will be chatting with highways.Suitcases will complain to airlines.Electronic books will download from publishers.Front doors will check in with police departments.Pacemakers will talk to hospitals.Television sets will connect to video servers.

For that reason, my skepticism about the Internet as a pro-democracy force is not based on its uneven distribution. It is more systemic. The problem is that most analysts commit a so-called error of composition. That is, they confuse micro behavior with macro results. They think that if something is helpful to an individual, it is also helpful to society at large, when everybody uses it.

Suppose we would have asked, a century ago, whether the automobile would reduce pollution. The answer would have been easy and positive: no horses, no waste on the roads, no smell, no use of agricultural land to grow oats. But we now recognize that in the aggregate, mass motorization has been bad for the environment. It created emissions, dispersed the population, and put more demand on land.

The second error is that of inference. Just because the Internet is good for democracy in places like North Korea, Iran, or Sudan does not mean that it is better for Germany, Denmark, or the United States. Just because three TV channels offer more diversity of information than one does not mean that 30,000 are better than 300.

So here are several reasons why the Internet will not be good for democracy, corresponding to the pro-democracy arguments described above.

§The Internet Will Make Politics More Expensive and Raise Entry Barriers

The hope has been that online public space will be an electronic version of a New England or Swiss town meeting, open and ongoing. The Internet would permit easy and cheap political participation and political campaigns. But is that true?

Easy entry exists indeed for an Internet based on narrowband transmission, which is largely text-based. But the emerging broadband Internet will permit fancy video and multimedia messages and information resources. Inevitably, audience expectations will rise. When everyone can speak, who will be listened to? If the history of mass media means anything, it will not be everyone. It cannot be everyone. **Nor will the wisest or those with the most compelling case or cause be heard, but the best produced, the slickest, and the best promoted**. And that is expensive.

Secondly, because of the increasing glut and clutter of information, those with messages will have to devise strategies to draw attention. Political attention, just like commercial one, will have to be created. Ideology, self-interest, and public spirit are some factors. But in many cases, attention needs to be bought, by providing entertainment, gifts, games, lotteries, coupons, etc, That, too, is expensive. The basic cost of information is rarely the problem in politics; it's the packaging. It is not difficult or expensive to produce and distribute handbills or to make phone calls, or to speak at public events. But it is costly to communicate to vast audiences in an effective way, because that requires large advertising and PR budgets.

Thirdly, effective politics on the Internet will require elaborate and costly data collection. The reason is that Internet media operate differently from traditional mass media. They will not broadcast to all but instead to specifically targeted individuals.Instead of the broad stroke of political TV messages, "netcasted" politics will be customized to be most effective.This requires extensive information about individuals' interests and preferences. Data banks then become a key to political effectiveness. Who would own and operate them? In some cases the political parties. But they could not maintain control over the data banks where a primary exist that is open to many candidates. There is also a privacy problem, when semi-official political parties store information about the views, fears, and habits of millions of individuals. For both of those reasons the ability of parties to collect such data will be limited.

Other political data banks will be operated by advocacy and interest groups. They would then donate to candidate's data instead of money. The importance of such data banks would further weaken campaign finance laws and further strengthen interest group pluralism over traditional political parties.

But in particular, political data banks will maintained through what is now known as political consultants. They will establish permanent and proprietary permanent data banks and become still bigger players in the political environment and operate increasingly as ideology-free for –profit consultancies.

Even if the use of the Internet makes some political activity cheaper, it does so for everyone, which means that all organization will increase their activities rather than spend less on them.[3] If some aspects of campaigning become cheaper, they would not usually spend less, but instead do more.

Thus, any effectiveness of early adopters will soon be matched by their rivals and will simply lead to an accelerated, expensive, and mutually canceling political arms-race of investment in action techniques and new--media marketing technologies.

The early users of the Internet experienced a gain in their effectiveness, and now they incorrectly extrapolate this to society at large. While such gain is trumpeted as the empowerment of the individual over Big Government and Big Business, much of it has simply been a relative strengthening of individuals and groups with computer and online skills (who usually have significantly about-average income and education) and a relative weakening of those without such resources. Government did not become more responsive due to online users; it just became more responsive to them.

•The Internet will make reasoned and informed political dialog more difficult.

True, the Internet is a more active and interactive medium than TV. But is its use in politics a promise or a reality?

Just because the quantity of information increase does not mean that its quality rises. To the contrary. **As the Internet leads to more information clutter, it will become necessary for any message to get louder. Political information becomes distorted, shrill, and simplistic**.

One of the characteristics of the Internet is disintermediation, the Internet is in business as well as in politics. In politics, it leads to the decline of traditional news media and their screening techniques. The acceleration of the news cycle by necessity leads to less careful checking, while competition leads to more sensationalism. Issues get attention if they are visually arresting and easily understood. This leads to media events, to the 15 min of fame, to the sound bite, to infotainment. The Internet also permits anonymity, which leads to the creation of, and to last minute political ambush. The Internet lends itself to dirty politics more than the more accountable TV.

While the self-image of the tolerant digital citizen persists, an empirical study of the content of several political usenet groups found much intolerant behavior: domineering by a few; rude "flaming"; and reliance on unsupported assertions. (Davis, 1999) Another investigation finds no evidence that computer-mediated communication is necessarily democratic or participatory (Streck, 1998).

•The Internet disconnects as much as it connects

Democracy has historically been based on community. Traditionally, such communities were territorial — electoral districts, states, and towns. Community, to communicate — the terms are related: community is shaped by the ability of its members to communicate with each other. If the underlying communications system changes, the communities are affected. As one connects in new ways, one also disconnects the old ways. As the Internet links with new and far-away people, it also reduces relations with neighbors and neighborhoods.

The long-term impact of cheap and convenient communications is a further geographic dispersal of the population, and thus greater physical isolation. At the same time, the enormous increase in the number of information channels leads to an individualization of mass media, and to fragmentation. Suddenly, critics of the "lowest common denominator" programming, of TV now get nostalgic for the "electronic hearth" around which society huddled. They discovered the integrative role of mass media.

On the other hand, the Internet also creates electronically linked new types of community. But these are different from traditional communities. They have less of the averaging that characterizes physical

communities–-throwing together the butcher, the baker, the candlestick maker.Instead, these new communities are more stratified along some common dimension, such as business, politics, or hobbies. These groups will therefore tend to be issue - driven, more narrow, more narrow-minded, and sometimes more extreme, as like-minded people reinforce each other's views.

Furthermore, many of these communities will be owned by someone.They are like a shopping mall, a gated community, with private rights to expel, to promote, and to censor.The creation of community has been perhaps the main assets of Internet portals such as AOL.It is unlikely that they will dilute the value of these assets by relinquishing control.

If it is easy to join such virtual communities, it also becomes easy to leave, in a civic sense, one's physical community.Community becomes a browning experience.

•Information does not necessarily weaken the state.

Can Internet reduce totalitarianism? Of course. Tyranny and mind control becomes harder. But Internet romantics tend to underestimate the ability of governments to control the Internet, to restrict it, and to indeed use it as an instrument of surveillance.How quickly we forget.Only a few years ago, the image of information technology was Big Brother and mind control. That was extreme, of course, but the surveillance potential clearly exists. Cookies can monitor usage.Wireless applications create locational fixes.Identification requirements permit the creation of composites of peoples' public and private activities and interests.Newsgroups can (and are) monitored by those with stakes in an issue.

A free access to information is helpful to democracy.But the value of information to democracy tends to get overblown. It may be a necessary condition, but not a sufficient one.

Civil war situations are not typically based on a lack of information. Yet there is an undying belief that if people "only knew", eg. by logging online, they would become more tolerant of each other. That is wishful and optimistic hope, but is it based on history? Hitler came to power in a republic where political information and communication were plentiful.

Democracy requires stability, and stability requires a bit of inertia. The most stable democracies are characterized by a certain slowness of change. Examples are Switzerland and England. The US operates on the basis of a 210-year old Constitution. Hence the acceleration of politics made the Internet is a two-edged sword.

The Internet and its tools accelerate information flows, no question about it. But same tools are also available to any other group, party, and coalition. Their equilibrium does not change, except temporarily in favor of early adopters. All it may accomplish in the aggregate is a more hectic rather than a more thoughtful process.

•Electronic voting does not strengthen democracy

The Internet enables electronic voting and hence may increase voter turnout.But it also changes democracy from a representative model to one of direct democracy.

Direct democracy puts a premium on resources of mobilization, favoring money and organization.It disintermediates elected representatives.It favors sensationalized issues over "boring" ones.Almost by definition, it limits the ability to make unpopular decisions.It makes harder the building of political coalition (Noam, 1980, 1981).The arguments against direct democracy were made perhaps most eloquently in the classic arguments for the adoption of the US Constitution, by James Madison in the Federalist Papers #10.

Electronic voting is not simply the same as traditional voting without the inconvenience of waiting in line.When voting becomes like channel clicking on remote, it is left with little of the civic engagement of voting.When voting becomes indistinguishable from a poll, polling and voting merge.With the greater ease and anonymity of voting, a market for votes is unavoidable.Participation declines if people know the expected result too early, or where the legitimacy of the entire election is in question.

§Direct access to public officials will be phony

In 1997, Wired magazine and Merrill Lynch commissioned a study of the political attitudes of the"digital connected".The results showed them more participatory, more patriotic, more pro-diversity, and more voting-active.They were religious (56% say they pray daily); pro-death penalty (3/4); pro-Marijuana legalization (71%); pro-market (%) and pro-democracy (57%).But are they outliers or the pioneers of a new model?At the time of the survey (1997) the digitally connected counted for 9% of the population; they were better educated, richer (82% owned securities); whites; younger; and more Republican than the population as a whole.In the Wired/Merrill Lynch survey, none of the demographic variables were corrected for.Other studies do so, and reach far less enthusiastic results.

One study of the political engagement of Internet users finds that they are only slightly less likely to vote, and are more likely to contact elected officials.The Internet is thus a substitute for such contacts, not their generator.Furthermore, only weak causality is found.(Bimber 1998)

Another survey finds that Internet users access political information roughly in the same proportions as users of other media, about 5% of their overall information usage (Pew, 1998).Another study finds that users of the Internet for political purposes tend to already involved.Thus, the Internet reinforces political activity rather than mobilizes new one (Norris, Pippa, 1999)

Yes, anybody can fire off email messages to public officials and perhaps even get a reply, and this provides an illusion of access.But the limited resource will still be scarce: the attention of those officials. By necessity, only a few messages will get through.Replies are canned, like answering machines.If anything, the greater flood of messages will make gatekeepers more important than ever: power brokers that can provide access to the official. As demand increases while the supply is static, the price of access goes up, as does the commission to the middle-man. This does not help the democratic process.

Indeed, public opinion can be manufactured.Email campaigns can substitute technology and organization for people.Instead of grass roots one can create what has been described as "Astroturf",. i.e. manufactured expression of public opinion.

Ironically, the most effective means of communication (outside of a bank check) becomes the lowest in tech: the handwritten letter (Blau, 1988)

If, in the words of a famous cartoon, on the Internet nobody knows that you are a dog, then everyone is likely to be treated as one.

•The Internet facilitates the International Manipulation of Domestic Politics.

Cross-border interference in national politics becomes easier with the Internet.Why negotiate with the US ambassador if one can target a key Congressional chairman by an e-mail campaign,chat group interventions, and misinformation, and intraceable donations.People have started to worry about computer attacks by terrorists.They should worry more about state-sponsored interferences into other countries' electronic politics.

Indeed, it is increasingly difficult to conduct national politics and policies in a globalized world, where distance and borders are less important than in the past, even if one does not share the hyperbole of the "evaporation" of the Nation State (Negroponte 1995).The difficulty of societies to control their own affairs leads, inevitably, to backlash and regulatory intervention.

Conclusion:

It is easy to romanticize the past of democracy as Athenian debates in front of an involved citizenry, and to believe that its return by electronic means is neigh. A quick look to in the rear-view mirror, to radio and then TV, is sobering. Here, too, the then new media were heralded as harbingers of a new and improved political dialogue. But the reality of those media has been is one of cacophony, fragmentation, increasing cost, and declining value of "hard" information.

The Internet makes it easier to gather and assemble information, to deliberate and to express oneself, and to organize and coordinate action.(Blau, 1998).

It would be simplistic to deny that the Internet can mobilize hard-to-reach groups, and that it has unleashed much energy and creativity. Obviously there will be some shining success stories.

But it would be equally naïve to cling to the image of the early Internet - - nonprofit, cooperative, and free - - and ignore that it is becoming a commercial medium, like commercial broadcasting that replaced amateur ham radio. Large segments of society are disenchanted with a political system is that often unresponsive, frequently affected by campaign contributions, and always slow. To remedy such flaws, various solutions have been offered and embraced. To some it is to return to spirituality. For others it is to reduce the role of government and hence the scope of the democratic process. And to others, it is the hope for technical solution like the Internet. Yet, **it would only lead to disappointment if the Internet would be sold as the snake oil cure for all kinds of social problems**. It simply cannot simply sustain such an expectation. Indeed if anything, **the Internet will lead to less stability, more fragmentation, less ability to fashion consensus, more interest group pluralism**. High capacity computers connected to high-speed networks are no remedies for flaws in a political system. There is no quick fix. There is no silver bullet. There is no free lunch.

Ext 3 – Alternate Causes

The U.S. is pushing TPP – that destroys internet freedom

Nevins, 15 (Sean, Washington DC based staff writer for MintPress focusing on foreign affairs, and the intersection of politics and policy. 5-7-15. "The TPP Threatens A Free And Open Internet" http://www.mintpressnews.com/the-tpp-could-curtail-internet-freedom-national-sovereignty-free-open-internet/205383/)

Legislation to "fast track" the Trans-Pacific Partnership (TPP) has moved through both committees in the House and the Senate. This legislation, which would enable President Barack Obama to negotiate the terms of the international agreement without congressional input, is now on the floor of the House.

While the TPP has come under increasing scrutiny for its potential to erode the sovereignty of countries, **an often overlooked aspect of the treaty is its threat to a free and open Internet.**

"The Trans-Pacific Partnership is pushing the worst parts of U.S. copyright policy on the rest of the world without expanding protections for fair use," said Evan Greer, campaign manager with Fight for the Future, an organization dedicated to protecting Internet freedoms.

Speaking to MintPress News, Greer explained that **the TPP has the potential to create a system in which content could be censored with a copyright claim without maintaining basic protections to protect freedom of speech and innovation on the Internet. This could potentially allow copyright laws to be used by powerful institutions to pull down legitimate free speech on the Internet.**

Yet Greer also acknowledged that nothing about the TPP is known for sure.

"The fundamental problem here is that we don't know enough about it to know how it might affect us," he said. "That's one of the biggest problems. Internet users should have a say and a voice to access policy when it affects them."

SOPA and the TPP

Fight for the Future formed in the lead up to fight the Stop Online Piracy Act (SOPA) and PROTECT IP Act (PIPA) in 2012. Aiming to combat copyright infringement, those acts were promoted by Hollywood entertainment companies to censor websites caught broadcasting their content.

However, t**he legislation would have enabled law enforcement to wield much larger powers.** The Electronic Frontier Foundation explains:

"Although the bills were ostensibly aimed at reaching foreign websites dedicated to providing illegal content, their provisions would allow for removal of enormous amounts of non-infringing content including political and other speech from the Web."

Fight for the Future was instrumental in launching the SOPA Strike, the largest online protest in history. An array of companies and personal websites participating blacked out their websites for 12 hours on Jan. 18, 2012, many using Fight for the Future's online tools. Some of those companies included Internet giants like Google, WordPress, Wikipedia and Flickr.

There is a direct line from SOPA to the TPP. Some of the same Hollywood lobbying firms that helped to write legislation and promote SOPA are now working on the Internet copyright chapter of the TPP, according to Greer. These firms include the Recording Industry Association of America and the Motion Picture Association of America.

"Essentially, after SOPA they realized they were never going to be able to get these draconian laws passed publically, so they've been trying to get them pushed into these secretive trade agreements," Greer said.

According to the EFF, the TPP could potentially criminalize Internet users for non-commercial activities like file sharing. The organization, which works to defend civil liberties in the digital world, explained that the United States is attempting to put language in the treaty that would criminalize anyone who publishes work on a "commercial scale," with penalties including prison and hefty monetary fines.

EFF explains the problem with the text's language:

"As anyone who has ever had a meme go viral knows, it is very easy to distribute content on a commercial scale online, even without it being a money-making operation. That means fans who distribute subtitles to foreign movies or anime, or archivists and librarians who preserve and upload old books, videos, games, or music, could go to jail or face huge fines for their work. Someone who makes a remix film and puts it online could be under threat. Such a broad definition is ripe for abuse, and we've seen such abuse happen many times before."

Ext 7 – Internet not that great

Your data is bad --- the internet isn't that important

Charles **Kenny**, 6/17/**2013**. senior fellow at the Center for Global Development. "Think the Internet Leads to Growth? Think Again," Bloomberg Business Week, http://www.businessweek.com/articles/2013-06-17/think-the-internet-leads-to-growth-think-again.

Remember the year 2000 in the months after the Y2K bug had been crushed, when all appeared smooth sailing in the global economy? When the miracle of finding information online was so novel that The Onion ran an article, "Area Man Consults Internet Whenever Possible?" It was a time of confident predictions of an ongoing economic and political renaissance powered by information technology. Jack Welch—then the lauded chief executive officer of General Electric (GE)—had suggested the Internet was "the single most important event in the U.S. economy since the Industrial Revolution." The Group of Eight highly industrialized nations—at that point still relevant—met in Okinawa in 2000 and declared, "IT is fast becoming a vital engine of growth for the world economy. … Enormous opportunities are there to be seized by us all." In a 2000 report, then-President Bill Clinton's Council of Economic Advisers suggested (PDF), "Many economists now posit that we are entering a new, digital economy that could inaugurate an unprecedented period of sustainable, rapid growth."

It hasn't quite worked out that way. Indeed, if the last 10 years have demonstrated anything, it's that for all the impact of a technology like the Internet, thinking that any new innovation will set us on a course of high growth is almost certainly wrong.

That's in part because **many of the studies purporting to show a relationship between the Internet and economic growth relied on shoddy data and dubious assumptions**. In 1999 the Federal Reserve Bank of Cleveland released a study that concluded (PDF), "… the fraction of a country's population that has access to the Internet is, at least, correlated with factors that help to explain average growth performance." It did so by demonstrating a positive relationship between the number of Internet users in a country in 1999 with gross domestic product growth from 1974 to 1992. Usually we expect the thing being caused (growth in the 1980s) to happen after the things causing it (1999 Internet users).

In defense of the Fed, researchers at the World Bank recently tried to repeat the same trick. They estimated that a 10 percent increase in broadband penetration in a country was associated with a 1.4 percentage point increase in growth rate. This was based on growth rates and broadband penetration from 1980 to 2006. Given that most deployment of broadband occurred well after the turn of the millennium, the only plausible interpretation of the results is that countries that grew faster from 1980 to 2006 could afford more rapid rollouts of broadband. Yet the study is widely cited by broadband boosters. Many are in denial about the failure of the IT revolution to spark considerable growth.

Innovation in information technology has hardly dried up since 2000. YouTube(GOOG) was founded in 2005, and Facebook (FB) is only a year older. Customer-relations manager Salesforce.com (CRM), the first cloud-based solution for business, only just predates the turn of the millennium. And there are now 130 million smartphones in the U.S., each with about the same computing power as a 2005 vintage desktop. Meanwhile, according to the U.S. Department of Commerce (PDF), retail e-commerce as a percentage of total retail sales has continued to climb—e-commerce sales were more than 6 percent of the total by the fourth quarter of 2012, up from less than 2 percent in 2003.

Yet despite continuing IT innovation, we've seen few signs that predictions of "an unprecedented period of sustainable, rapid growth" are coming true. U.S. GDP expansion in the 1990s was a little faster than the 1980s—it climbed from an annual average of 3 percent to 3.2 percent. But GDP growth collapsed to 1.7 percent from 2000 to 2009. Northwestern University economist Robert Gordon notes that U.S. labor productivity growth spiked briefly—rising from 1.38 percent from 1972 to 1996 to 2.46 percent from 1996 to 2004—but fell to 1.33 percent from 2004 and 2012.

Part of the labor productivity spike around the turn of the century was because of the rapidly increasing efficiency of IT production (you get a lot more computer for the same cost nowadays). Another part was because of considerable investments in computers and networks across the economy—what economists call "capital deepening." But even during the boom years it was near-impossible to see an economywide impact of IT on "total factor productivity"—or the amount of output we were getting for a given input of capital and labor combined.

Within the U.S., investment in the uses of the Internet for business applications had an impact on wage and employment growth in only 6 percent of counties—those that already had high incomes, large populations, high skills, and concentrated IT use before 1995, according to a recent analysis (PDF) by Chris Forman and colleagues in the American Economic Review. Investments in computers and software did yield a return for most companies—but the return wasn't anything special.

So what happened to the promised Internet miracle? While the technology has had a dramatic impact on our lives, it hasn't had a huge impact on traditional economic measures. Perhaps that shouldn't come as a surprise.

To understand why, think about television in the 1970s. Broadcast to the home for free, and all we had to pay for was the set and the electricity to run it. Despite that small expenditure, we spent hours a day watching TV. Fast-forward four decades: 209 million Americans spent an average 29 hours online in January, according toNielsen; 145 million U.S. Facebook visitors spent an average six hours in January on that site alone. And each month, YouTube users spend 6 billion hours watching videos—or 684,000 times as long as it took to paint the Sistine Chapel. They pay for the PC and Internet connection, but per hour, surfing the Web is a cheap form of entertainment.

And all that time online has knock-on effects. Andirana Bellou at the University of Montreal suggests that broadband adoption has led to increasing marriage rates among 21- to 30-year-olds as they meet online in chatrooms and dating sites, but has "significantly reduced the time young people spend on socializing and physically communicating." This may be why the link between Internet usage and measures of contentment are pretty weak. According to the World Database of Happiness, answers to a poll that asked if you were not happy (a score of 1), somewhat happy (2), or very happy (3) averaged 2.28 in the U.S. in 1990. That fell to 2.11 in 2010. Studies of Internet use tend to suggest that people who spend more time online are less happy (PDF) than the rest of us—although it may be that less happy people are surfing more rather than surfing being the cause of their misery. Regardless, the Internet has been behind a massive shift in our use of time during the past two decades, and not necessarily one that has generated a huge amount of positive feelings.

Of course, we also use the Internet to sell stuff on e-Bay and look for jobs. While Betsy Stevenson has suggested (PDF) in a National Bureau of Economic Research paper that the widespread use of the Internet in job searches may be one factor behind employed people switching jobs more often, she concludes there's little evidence that the Web helps the unemployed find jobs faster.

Perhaps one reason we haven't seen a huge impact on productivity because of access to the Internet is because, once we find a job, we spend quite a lot of time surfing the Web at the office. (Some of that time is used to look for a different job, apparently.) Ninety percent of workers with a PC also say they surf recreational sites at work. Almost the same number say they send personal e-mails, and more than half report they cybershop. The reality may be worse: Tracking software suggests that 70 percent of employees visit retail sites, and more than one-third check out X-rated sites. Perhaps we're using the Internet to do more in less time at work. Yet we're using the extra hours to check out pictures of Kate Upton or cats playing the piano rather than producing more widgets for the boss.

SSRA HSS

Terrorism/Crime Links

Terrorism

All tools are necessary to prevent a terrorist attack

Dooley and Saenz 5/31 (Erin and Arlette, journalists for ABC News, "NSA Domestic Surveillance Program 'Likely' to Expire Tonight, Former Counterterrorism Official Says," ABC News, 5/31/15, http://abcnews.go.com/Politics/nsa-domestic-surveillance-program-expire-tonight-counterterrorism-official/story?id=31429802)//kjz

"It probably is not as big a deal as the president is making out," he said, noting that the FBI can use other tools, like warrants, in the interim. "We're likely to be faced with only a few days where the FBI won't have a handful of tools that, frankly, they don't often use," said Clarke, who in 2013 recommended that the Obama administration end bulk metadata collection. But CIA Director John Brennan doesn't seem to agree. "I think terrorist elements have watched very carefully what has happened here in the United States," Brennan said on CBS's "Face the Nation" Sunday when asked whether terrorists would take advantage of a brief lapse. "They are looking for the seams to operate within, and this is something that we can't afford to do right now. "Unfortunately, I think that there has been a little too much political grandstanding," Brennan told anchor Bob Schieffer. "These tools are important to American lives." Three provisions of the PATRIOT Act -- including Section 215, which gives the NSA the authority to collect phone metadata -- are set to expire automatically at midnight tonight unless Congress works out a deal. Two other provisions could also run out tonight: one that allows law enforcement to impose roving wiretaps on terror suspects who frequently switch phones, and another that allows officials to monitor suspected terrorists even if they can't establish a connection to a known terrorist organization. (This "lone wolf" provision has never been used.) Some lawmakers, including Senate Majority Mitch McConnell, R-Ky., want Congress to reauthorize the act as-is. Others, like Sens. Ted Cruz, R-Texas, and Patrick Leahy, D-Vermont, are urging Congress to pass instead the USA Freedom Act, which would abolish bulk metadata collection but leave the roving wiretaps and lone wolf provisions intact. (Rather than allowing the NSA to retain metadata, the Freedom Act would put those records in the hands of phone providers, who would turn them over only if the government obtained a specific warrant.) Though the House of Representatives passed the bill 303-121, it fell just three votes short of moving forward in the Senate. In his weekly address, President Obama lauded the House for passing the measure, and encouraged the Senate to do the same. "Terrorists like al Qaeda and ISIL aren't suddenly going to stop plotting against us at midnight tomorrow. And we shouldn't surrender the tools that help keep us safe," the president warned. "It would be irresponsible. It would be reckless. And we shouldn't allow it to happen."

SSRA and encryption hurt counter terror efforts

Kelly 4/2 (Erin, reporter for USA Today "Bill would stop feds from mandating 'backdoor' to data," USA Today, 4/2/15, http://www.usatoday.com/story/news/politics/2015/04/02/encryption-bill-tech-companies-federal-law-enforcement/70734646/)//kjz

WASHINGTON — A bipartisan group of lawmakers is set to push for legislation that would bar federal agents from forcing tech companies to give them access to customers' emails, texts and photos. "I think you have the right to go about your business without government — in a Big

Brother way — listening to your phone calls or reading your emails," said Rep. Mark Pocan, D-Wis. Pocan is sponsoring the Surveillance State Repeal Act with Rep. Thomas Massie, R-Ky. The bill includes a provision that the federal government cannot require electronics or software manufacturers to build in a mechanism to allow the government to bypass privacy technology. The issue, which will come up this spring as part of the debate over whether to reauthorize the Patriot Act, underscores a growing struggle between federal law enforcement agencies and the tech industry over data encryption. The bill's sponsors plan to push for the legislation after Congress returns from its two-week recess. As consumers in the USA and overseas demand more privacy on their electronic devices, tech companies such as Apple and Google have strengthened their data encryption to protect personal information from cyber criminals and government surveillance. Privacy concerns have risen in the wake of the 2013 revelations by former National Security Agency contractor Edward Snowden that the NSA was collecting the phone data of millions of Americans. USA TODAY Phone surveillance critics see chance to end NSA program Top officials at the FBI and the Department of Justice have responded angrily, saying encryption — especially encryption that can only be turned off by users — will hamper efforts to monitor criminal activity and catch bad guys. Federal law enforcement officials want tech companies to give them a "backdoor" into encrypted cellphones and other devices. "The problem," Massie said, "is that If we put in backdoors for the convenience of the government, those backdoors can be exploited by hackers as well." The tech industry says there is no way to create a secure backdoor that cannot be exploited by cyber criminals. "We feel quite confident that it is not technologically possible to only allow good guys to get in," said Josh Kallmer, vice president for global policy at the Information Technology Industry Council. The council's members include Apple, Facebook, Google, Microsoft and Twitter. USA TODAY Broad alliance emerges to fight Obama tech policies Although there is currently no law forcing tech companies to build in ways for the government to bypass privacy technology on electronic communication, Pocan and Massie say there is heavy pressure on companies to do so. FBI Director James Comey has publicly chastised tech companies for installing automatic encryption into their devices and has urged Congress to pass legislation that would prohibit it. Attorney General Eric Holder also has weighed in, saying that quick access to phone data can help law enforcement officers find victims snatched by kidnappers and child molesters. FBI Director James Comey speaks at the Brookings Institution FBI Director James Comey speaks at the Brookings Institution in Washington on Oct. 16. (Photo: Jose Luis Magana, AP) "Encryption threatens to lead us all to a very, very dark place," Comey said during a public appearance at the Brookings Institution in October. "Have we become so mistrustful of government and law enforcement in particular that we are willing to let bad guys walk away, willing to leave victims in search of justice?"

Parts of the SSRA curtail crucial elements for the war on terror

Department of Justice, ’08, (“The USA PATRIOT Act: Preserving Life and Liberty,” Department of Justice, 2008, http://www.justice.gov/archive/ll/highlights.htm)//erg

Congress enacted the Patriot Act by overwhelming, bipartisan margins, **arming law enforcement with new tools to detect and prevent terrorism**: The USA Patriot Act was passed nearly unanimously by the Senate 98-1, and 357-66 in the House, with the support of members from across the political spectrum. The Act Improves Our Counter-Terrorism Efforts in Several Significant Ways: 1. **The Patriot Act allows investigators to use the tools that were already available to investigate organized crime and drug trafficking**. Many of the tools the Act

provides to law enforcement to fight terrorism have been used for decades to fight organized crime and drug dealers, and have been reviewed and approved by the courts. As Sen. Joe Biden (D-DE) explained during the floor debate about the Act, "the FBI could get a wiretap to investigate the mafia, but they could not get one to investigate terrorists. To put it bluntly, that was crazy! What's good for the mob should be good for terrorists." (Cong. Rec., 10/25/01) Allows law enforcement to use surveillance against more crimes of terror. Before the Patriot Act, courts could permit law enforcement to conduct electronic surveillance to investigate many ordinary, non-terrorism crimes, such as drug crimes, mail fraud, and passport fraud. Agents also could obtain wiretaps to investigate some, but not all, of the crimes that terrorists often commit. The Act enabled investigators to gather information when looking into the full range of terrorism-related crimes, including: chemical-weapons offenses, the use of weapons of mass destruction, killing Americans abroad, and terrorism financing. Allows federal agents to follow sophisticated terrorists trained to evade detection. For years, law enforcement has been able to use "roving wiretaps" to investigate ordinary crimes, including drug offenses and racketeering. A roving wiretap can be authorized by a federal judge to apply to a particular suspect, rather than a particular phone or communications device. Because international terrorists are sophisticated and trained to thwart surveillance by rapidly changing locations and communication devices such as cell phones, the Act authorized agents to seek court permission to use the same techniques in national security investigations to track terrorists. Allows law enforcement to conduct investigations without tipping off terrorists. In some cases if criminals are tipped off too early to an investigation, they might flee, destroy evidence, intimidate or kill witnesses, cut off contact with associates, or take other action to evade arrest. Therefore, federal courts in narrow circumstances long have allowed law enforcement to delay for a limited time when the subject is told that a judicially-approved search warrant has been executed. Notice is always provided, but the reasonable delay gives law enforcement time to identify the criminal's associates, eliminate immediate threats to our communities, and coordinate the arrests of multiple individuals without tipping them off beforehand. These delayed notification search warrants have been used for decades, have proven crucial in drug and organized crime cases, and have been upheld by courts as fully constitutional.

FISA, Patriot Act, and warrant system are key for counter-terror operations' effectiveness—modern tech and efficiency

Department of Justice, '08, ("The USA PATRIOT Act: Preserving Life and Liberty," Department of Justice, 2008, http://www.justice.gov/archive/ll/highlights.htm)//erg

Prosecutors and investigators used information shared pursuant to section 218 in investigating the defendants in the so-called "Virginia Jihad" case. This prosecution involved members of the Dar al-Arqam Islamic Center, who trained for jihad in Northern Virginia by participating in paintball and paramilitary training, including eight individuals who traveled to terrorist training camps in Pakistan or Afghanistan between 1999 and 2001. These individuals are associates of a violent Islamic extremist group known as Lashkar-e-Taiba (LET), which operates in Pakistan and Kashmir, and that has ties to the al Qaeda terrorist network. As the result of an investigation that included the use of information obtained through FISA, prosecutors were able to bring charges against these individuals. Six of the defendants have pleaded guilty, and three were convicted in March 2004 of charges including conspiracy to levy war against the United States and conspiracy to provide material support to the Taliban. These nine defendants received sentences ranging

from a prison term of four years to life imprisonment. 3. The Patriot Act updated the law to reflect new technologies and new threats. The Act brought the law up to date with current technology, so we no longer have to fight a digital-age battle with antique weapons-legal authorities leftover from the era of rotary telephones. When investigating the murder of Wall Street Journal reporter Daniel Pearl, for example, law enforcement used one of the Act's new authorities to use high-tech means to identify and locate some of the killers. Allows law enforcement officials to obtain a search warrant anywhere a terrorist-related activity occurred. Before the Patriot Act, law enforcement personnel were required to obtain a search warrant in the district where they intended to conduct a search. However, modern terrorism investigations often span a number of districts, and officers therefore had to obtain multiple warrants in multiple jurisdictions, creating unnecessary delays. The Act provides that warrants can be obtained in any district in which terrorism-related activities occurred, regardless of where they will be executed. This provision does not change the standards governing the availability of a search warrant, but streamlines the search-warrant process.

Patriot Act is vital to prevent ALL types of terrorism—deterrence, harsh punishments, and empirical success

Department of Justice, '08, ("The USA PATRIOT Act: Preserving Life and Liberty," Department of Justice, 2008, http://www.justice.gov/archive/ll/highlights.htm)//erg

Allows victims of computer hacking to request law enforcement assistance in monitoring the "trespassers" on their computers. This change made the law technology-neutral; it placed electronic trespassers on the same footing as physical trespassers. Now, hacking victims can seek law enforcement assistance to combat hackers, just as burglary victims have been able to invite officers into their homes to catch burglars. 4. The Patriot Act increased the penalties for those who commit terrorist crimes. Americans are threatened as much by the terrorist who pays for a bomb as by the one who pushes the button. That's why the Patriot Act imposed tough new penalties on those who commit and support terrorist operations, both at home and abroad. In particular, the Act: Prohibits the harboring of terrorists. The Act created a new offense that prohibits knowingly harboring persons who have committed or are about to commit a variety of terrorist offenses, such as: destruction of aircraft; use of nuclear, chemical, or biological weapons; use of weapons of mass destruction; bombing of government property; sabotage of nuclear facilities; and aircraft piracy. Enhanced the inadequate maximum penalties for various crimes likely to be committed by terrorists: including arson, destruction of energy facilities, material support to terrorists and terrorist organizations, and destruction of national-defense materials. Enhanced a number of conspiracy penalties, including for arson, killings in federal facilities, attacking communications systems, material support to terrorists, sabotage of nuclear facilities, and interference with flight crew members. Under previous law, many terrorism statutes did not specifically prohibit engaging in conspiracies to commit the underlying offenses. In such cases, the government could only bring prosecutions under the general federal conspiracy provision, which carries a maximum penalty of only five years in prison. Punishes terrorist attacks on mass transit systems. Punishes bioterrorists. Eliminates the statutes of limitations for certain terrorism crimes and lengthens them for other terrorist crimes. **The government's success in preventing another catastrophic attack on the American homeland since September 11, 2001, would have been much more difficult, if not impossible, without the USA Patriot Act.** The

authorities Congress provided have substantially enhanced our ability to prevent, investigate, and prosecute acts of terror.

Crime

The Patriot Act is essential for successful crime fighting

Department of Justice, '08, ("The USA PATRIOT Act: Preserving Life and Liberty," Department of Justice, 2008, http://www.justice.gov/archive/ll/highlights.htm)//erg

Allows federal agents to ask a court for an order to obtain business records in national security terrorism cases. Examining business records often provides the key that investigators are looking for to solve a wide range of crimes. Investigators might seek select records from hardware stores or chemical plants, for example, to find out who bought materials to make a bomb, or bank records to see who's sending money to terrorists. Law enforcement authorities have always been able to obtain business records in criminal cases through grand jury subpoenas, and continue to do so in national security cases where appropriate. These records were sought in criminal cases such as the investigation of the Zodiac gunman, where police suspected the gunman was inspired by a Scottish occult poet, and wanted to learn who had checked the poet's books out of the library. In national security cases where use of the grand jury process was not appropriate, investigators previously had limited tools at their disposal to obtain certain business records. Under the Patriot Act, the government can now ask a federal court (the Foreign Intelligence Surveillance Court), if needed to aid an investigation, to order production of the same type of records available through grand jury subpoenas. This federal court, however, can issue these orders only after the government demonstrates the records concerned are sought for an authorized investigation to obtain foreign intelligence information not concerning a U.S. person or to protect against international terrorism or clandestine intelligence activities, provided that such investigation of a U.S. person is not conducted solely on the basis of activities protected by the First Amendment. 2. The Patriot Act facilitated information sharing and cooperation among government agencies so that they can better "connect the dots." **The Act removed the major legal barriers that prevented the law enforcement, intelligence, and national defense communities from talking and coordinating their work to protect the American people** and our national security. The government's prevention efforts should not be restricted by boxes on an organizational chart. **Now police officers, FBI agents, federal prosecutors and intelligence officials can protect our communities** by "connecting the dots" to uncover terrorist plots before they are completed. As Sen. John Edwards (D-N.C.) said about the Patriot Act, "we simply cannot prevail in the battle against terrorism if the right hand of our government has no idea what the left hand is doing" (Press release, 10/26/01)

FISA and the Patriot Act are key to searches and gathering of information for law enforcement

ACLU, no date, ("SURVEILLANCE UNDER THE USA PATRIOT ACT," American Civil Liberties Union, https://www.aclu.org/surveillance-under-usa-patriot-act)//erg

Under the Patriot Act, the FBI can secretly conduct a physical search or wiretap on American citizens to obtain evidence of crime without proving probable cause, as the Fourth Amendment explicitly requires. A 1978 law called the Foreign Intelligence Surveillance Act (FISA) created an exception to the Fourth Amendment's requirement for probable cause when the purpose of a wiretap or search was to gather foreign intelligence. The rationale was that since the search was not conducted for the purpose of gathering evidence to put someone on trial, the standards could be loosened. In a stark demonstration of why it can be dangerous to create exceptions to fundamental rights, however, the Patriot Act expanded this once-narrow exception to cover wiretaps and searches that DO collect evidence for regular domestic criminal cases. FISA previously allowed searches only if the primary purpose was to gather foreign intelligence. But the Patriot Act changes the law to allow searches when "a significant purpose" is intelligence. That lets the government circumvent the Constitution's probable cause requirement even when **its main goal is ordinary law enforcement.** The eagerness of many in law enforcement to dispense with the requirements of the Fourth Amendment was revealed in August 2002 by the secret court that oversees domestic intelligence spying (the "FISA Court"). Making public one of its opinions for the first time in history, the court revealed that it had rejected an attempt by the Bush Administration to allow criminal prosecutors to use intelligence warrants to evade the Fourth Amendment entirely. The court also noted that agents applying for warrants had regularly filed false and misleading information. That opinion is now on appeal.

Politics Links

General

SSRA is a nonstarter in Congress

Hattem 15 - Julian Hattem is a reporter on national security for The Hill. ("House effort would completely dismantle Patriot Act," http://thehill.com/policy/technology/236769-house-effort-would-completely-dismantle-patriot-act 3/24/2015) STRYKER

Reps. Mark Pocan (D-Wis.) and Thomas Massie (R-Ky.) on Tuesday unveiled their Surveillance State Repeal Act, which would overhaul American spying powers unlike any other effort to reform the National Security Agency. "This **isn't just tinkering around the** edges," Pocan said during a Capitol Hill briefing on the legislation. "This is a **meaningful overhaul** of the system, getting rid of essentially all parameters of the Patriot Act." The bill would completely repeal the Patriot Act, the sweeping national security law passed in the days after Sept. 11, 2001, as well as the 2008 FISA Amendments Act, another spying law that the NSA has used to justify collecting vast swaths of people's communications through the Internet. It would also reform the secretive court that oversees the nation's spying powers, prevent the government from forcing tech companies to create "backdoors" into their devices and create additional protections for whistleblowers. "Really, what we need are new whistleblower protections so that the next Edward Snowden doesn't have to go to Russia or Hong Kong or whatever the case may be just for disclosing this," Massie said. The bill is likely to be a **nonstarter for leaders in Congress**, who have been worried that even much milder reforms to the nation's spying laws would tragically handicap the nation's ability to fight terrorists. A similar bill was introduced in 2013 but failed to gain any movement in the House.

SSRA is a nonstarter—empirics and political interests

Syrmopoulos 15 - Jay Syrmopoulos is an investigative journalist, freethinker, researcher, and ardent opponent of authoritarianism. ("Police State USA Finally Gains the Attention of Congress, Bipartisan Bill Will Kill PATRIOT Act," http://thefreethoughtproject.com/patriot-act-killer-congress-surveillance-state-repeal-act/ 4/1/2015) STRYKER

Washington, D.C. – Last week, Reps. Mark Pocan (D-Wis.) and Thomas Massie (R-Ky.), introduced bipartisan legislation, H.R. 1466, to completely repeal the PATRIOT act. The bill would reform the National Security Agency (NSA), and dramatically revamp America's overall espionage apparatus and posture. Aptly named the Surveillance State Repeal Act, the bill, if enacted, would be the **single biggest legislative check** against the unwarranted government overreach and draconian surveillance of Americans that has transpired subsequent the events of 9/11, while at the same time restoring our civil liberties. The bill would also give whistleblowers like Edward Snowden, who exposed the National Security Agency's mass surveillance in 2013, additional protections under the law. "Really, what we need are new whistleblower protections so that the next Edward Snowden doesn't have to go to Russia or Hong Kong or whatever the case may be just for disclosing this," Rep. Massie said. The PATRIOT Act was passed as a fear-based reaction to the events of 9/11 and gave the federal government an unprecedented amount of power to monitor the private communications of U.S. citizens without a warrant. This law is a clear violation of the 4th Amendment, yet it has been allowed to transform our republic into something almost unrecognizable. The Surveillance State Repeal Act would prohibit the government from collecting information on U.S. citizens obtained through private communications without a warrant. In addition, it would also mandate that the Government Accountability Office (GAO) provide monitoring of domestic surveillance programs to ensure compliance with the law. "This isn't just tinkering around the edges," Rep. Pocan said during a Capitol Hill briefing on the legislation. "This is a meaningful overhaul of the system, getting rid of essentially all parameters of the Patriot Act." Another section of the bill specifically disallows the government from mandating that electronic manufacturers install "back door" spy software into their products. This is a legitimate concern due to recent comments by FBI Director James Comey regarding legally forcing companies to provide "back doors" to products so the government could potentially access customer data. According to The Hill: The bill would completely repeal the Patriot Act, the sweeping national security law passed in the days after Sept. 11, 2001, as well as the 2008 FISA Amendments Act, another spying law that the NSA has used to justify collecting vast swaths of people's communications through the Internet. It would also reform the secretive court that oversees the nation's spying powers, prevent the government from forcing tech companies to create "backdoors" into their devices and create additional protections for whistleblowers. The bill is looked at by congressional watchers as a **non-starter**, as there are far too many congressional leaders on both sides of the aisle in Congress that have **strong interests in the Military/Intelligence Industrial Complex**. A similar bill was introduced in 2013 but **didn't garner any traction** as typical militarist talking heads in Congress feigned fear over reforming the nation's domestic spying operations claiming it would endanger U.S. national security.

Intelligence Lobby

SSRA costs political capital—intelligence community lobbying is strong and effective

Ackerman 15 - Spencer Ackerman is an American national security reporter for the Guardian US. ("NSA and FBI fight to retain spy powers as controversial Patriot Act provision nears expiration," http://www.rawstory.com/2015/04/nsa-and-fbi-fight-to-retain-spy-powers-as-controversial-patriot-act-provision-nears-expiration/ 4/15/2015) STRYKER

Last month, Massie introduced a bill going much further. His Surveillance State Repeal Act, co-sponsored with Wisconsin Democrat Mark Pocan, would repeal the entire Patriot Act and a landmark 2008 expansion of the Foreign Intelligence Surveillance Act. As well, the bill carries protections for national-security whistleblowers against retaliation and makes probable cause the basis for foreign-intelligence surveillance of an American or someone on US soil. But the bill, with only five current co-sponsors , **faces questions about its viability**, which even **Massie concedes**. "It's very **long odds**, but it's a statement about what needs to happen. It's a stronger Freedom Act that's not going to get watered down," Massie said. After the NSA briefing on Tuesday, Massie said he sees a "tremendous opportunity" for surveillance reform, and said he thinks the newest members of Congress are likely to determine the fate of the expiring Patriot Act provisions. "A lot of it is going to hinge on the freshmen. Right now, as far as I can tell, the select **intelligence committee is making a real strong play** to persuade the freshmen that all of these public concerns are overblown," Massie said.

Obama Fights Trick

The plan is extremely controversial—Obama will fight it which ensures PC loss

Nelson 15 - Steven Nelson is a reporter at U.S. News & World Report. ("'Surveillance State Repeal' Push Resumes on Capitol Hill," http://www.usnews.com/news/articles/2015/03/24/surveillance-state-repeal-push-resumes-on-capitol-hill 3/24/2015) STRYKER

As the expiration of controversial Patriot Act provisions nears, anti-mass surveillance congressmen and privacy advocates are pushing for wholesale repeal of that 2001 law. "We need to repeal all of this junk and just start over," Rep. Thomas Massie, R-Ky., said Tuesday at a Capitol Hill briefing geared toward congressional staffers. Massie is working with Rep. Mark Pocan, D-Wis., to rally support for a bill that would do just that. The bill, the Surveillance State Repeal Act, would abolish the entire Patriot Act and the FISA Amendment Act of 2008, which gave legal footing to more ambitious Bush administration surveillance programs. "This isn't just tinkering around the edges," Pocan told about two dozen event attendees. The bill would require warrants for collecting Americans' communications, attempt to restrain mass surveillance of Americans under Executive Order 12333 and ban spy agencies from foisting surveillance-enabling product redesigns on tech companies, a reform that passed the House 293-123 last year before being cut from a large spending bill by congressional leaders. Massie said the bill would significantly enhance whistleblower protections, meaning "the next Edward Snowden doesn't need to go to Russia or Hong Kong." Snowden, a former contractor who exposed vast U.S. phone and Internet surveillance beginning in June 2013, "couldn't have come to me legally and exposed it to me," Massie said. His only option would have been to speak with intelligence committee members sympathetic to the programs, he said, "[and] they'd probably take him right to jail." Massie scoffed at what he sees as **fear-mongering from executive branch officials** who, he says, actually hold up photos of the twin towers burning while lobbying against mass surveillance reform in closed congressional hearings. An earlier version of the surveillance-repealing package was introduced in 2013 by Rep. Rush Holt, D-N.J., who has since left Congress. On hand to sell the bill Tuesday were policy advocates who **promised pressure** on members and who attempted to make staffers comfortable with the idea of wholesale repeals. Cato Institute policy analyst Patrick Eddington, a former Holt aide, said it was time to "**raise the bar** on what constitutes reform." Eddington said it was "very disturbing" that NSA officials exaggerated the usefulness of programs such as the dragnet collection of U.S. phone records immediately after Snowden's first leaks, and he questioned whether anything in the Patriot Act prevented a terror attack. Panels probing 9/11 found a lack of information-sharing, not information itself, he said. NSA spy programs, Eddington reminded staffers, did not prevent jihadis from bombing the 2013 Boston Marathon, murdering 13 troops at Fort Hood in 2009 or from boarding and attempting to bomb aircraft with explosives hidden in underwear and shoes. CREDO Mobile campaign manager Zach Malitz said that as the Patriot Act provisions' June expiration approaches, "**the Obama administration will put overwhelming pressure" on lawmakers to renew spy authorities**, likely with a few "flimsy superficial reforms."

SSRA Northwestern

Politics DA

Links

SSRA Unpopular – Bipartisan Opposition

SSRA is unpopular – there's a bipartisan coalition opposing passage—2013 proves

Wachtler 2015, Mark Wachtler, 4/11/2015, HR 1466 Surveillance State Repeal Act of 2015, http://www.whiteoutpress.com/articles/2015/q2/hr-1466-surveillance-state-repeal-act-2015/

Considering the overwhelming outrage by the American people over the government's blanket domestic espionage programs, it's surprising that the 2013 Surveillance State Repeal Act didn't garner more support. The Bill accumulated ten co-sponsors, was assigned to four Committees and six Sub-Committees. But not a single vote was ever taken to advance them out of Committee and to the full House. Supporters of the effort to stop the universal surveillance of the American people hope this year's effort will be more successful.¶ HR 1466 - Surveillance State Repeal Act of 2015¶ In 2013, Rep Mark Pocan (D-WI) was one of ten Democrat Congressmen who co-sponsored the Patriot Act repeal Bill. This time, he's the main sponsor and he has a Republican co-sponsor signed on with him. Introduced on March 19, 2015, the new Bill was proposed by five Congressmen and already has an additional Representative who's signed on since then. The sponsors include Rep Pocan, Rep Thomas Massie (R-KY), Rep Alan Grayson (D-FL), Rep James McGovern (D-MA), Rep Lloyd Doggett (D-TX), Rep Michael Capuano (D-MA).¶ As detailed by the House website, HR 1466 was immediately referred to a number of House Committees upon its introduction. The summary explains that the Surveillance State Repeal Act of 2015 was, 'Referred to the Committee on the Judiciary, and in addition to the Committees on Intelligence (Permanent Select), Financial Services, Foreign Affairs, Energy and Commerce, Education and the Workforce, Transportation and Infrastructure, and Armed Services, for a period to be subsequently determined by the Speaker.'¶ What the Bill would repeal and require¶ HR 1466's official description gives a brief overview of the Bill's ramifications. The legislation, 'Repeals the USA PATRIOT Act and the FISA Amendments Act of 2008 (thereby restoring or reviving provisions amended or repealed by such Acts as if such Acts had not been enacted), except with respect to reports to Congress regarding court orders under the Foreign Intelligence Surveillance Act of 1978 (FISA) and the acquisition of intelligence information concerning an entity not substantially composed of US persons that is engaged in the international proliferation of weapons of mass destruction.'¶ As currently written, the Bill would also prohibit the government from collecting information on an American citizen, 'without a warrant based on probable cause.' If passed, it would also force the Director of the Office of National Intelligence, and its 16 spy agencies to, 'destroy any information collected under the repealed Acts, or acquired under Executive Order 12333 without a warrant.'¶ The law would also protect electronics manufacturers from being forced by the government to include encryption-free back doors to their devices and services allowing spy agencies to monitor their customers. Finally, the Bill attempts to protect future whistleblowers that come forward with evidence that the government isn't abiding by the law.¶ Little chance of passage¶ Illustrating that once you go from Republic to Empire, it's nearly impossible to go back, experts are already warning that HR 1466 has almost no chance of passing. Much like previous attempts to reign in the government's massive blanket domestic espionage programs, this latest effort will most likely pit regular Americans from all walks of the political spectrum supporting the Bill against a bipartisan coalition of the most powerful establishment leaders from both Parties opposing it.¶ That uphill fight isn't deterring the Bill's main sponsor however. "This isn't just tinkering around the edges," Rep Mark Pocan was reported by The Hill explaining during a Capitol Hill briefing after he introduced the legislation, "This is a meaningful overhaul of the system, getting rid of essentially all parameters of the Patriot Act."¶ Republican co-sponsor Rep Thomas Massie also commented on the Bill with targeted remarks about the whistleblower portion of the newly proposed HR 1466. "Really, what we need are new whistleblower protections so that the next Edward Snowden doesn't have to go to Russia or Hong Kong or whatever the case may be just for disclosing this," he said, "We need to repeal all of this junk and just start over."¶ Illustrating the uphill battle the co-sponsors and their supporters have in front of them, The Hill writes, 'The bill is likely to be a nonstarter for leaders in Congress, who have been worried that even much milder reforms to the nation's spying laws would tragically [hurt] handicap the nation's ability to fight terrorists. A similar bill was introduced in 2013 but failed to gain any movement in the House.'

SSRA Unpopular—Link Magnitude

SSRA is unpopular – link magnitude is huge – major opposition

Macri 2015, Giuseppe Macri, Tech Editor for the Daily Caller, 3/24/2015, House Revives Bill To Completely Repeal The Patriot Act, Dismantle NSA Spying,

Wisconsin Democratic Rep. Mark Pocan and Kentucky Republican Rep. Thomas Massie announced in a press release their intention to reintroduce the Surveillance State Repeal Act — a bill first introduced following the Snowden leaks in 2013 that would completely repeal the Patriot Act and the 2008 FISA Amendments Act, as well as introduce reforms to the Foreign Intelligence Surveillance Court.¶ The bill would legally dismantle the National Security Agency's most aggressive surveillance programs, including the bulk collection and retention of virtually all Americans' landline phone records justified under Section 215 of the Patriot Act. The repeal of the 2008 FISA Amendments Act would also prevent the agency from tapping the physical infrastructure of the Internet, such as undersea fiber cables, to intercept "upstream" data in bulk, which critics including the ACLU claim the NSA uses to collect data on Americans. (RELATED: Wikipedia Tells Reddit Why It Thinks It Can Win A Lawsuit Against NSA)¶ Under the new law the FISA Court, which approves secret surveillance requests by the NSA and other intelligence agencies, would be appointed technology experts to advise judges on the privacy implications of government surveillance requests. The court would also be held to new standards for issuing warrants for all surveillance based on probable cause, as opposed to the current lesser standard of reasonable suspicion.¶ The bill would make it illegal to prosecute whistleblowers like former NSA contractor Edward Snowden and prevent the government from mandating companies build "backdoors" into their privacy encryption products like those currently sought by the FBI. (RELATED: Wyden: Don't Give The FBI Backdoors Into Americans' Cellphones)¶ "Really, what we need are new whistleblower protections so that the next Edward Snowden doesn't have to go to Russia or Hong Kong or whatever the case may be just for disclosing this," Massie said during a Capitol Hill briefing Tuesday, according to The Hill.¶ "The warrantless collection of millions of personal communications from innocent Americans is a direct violation of our constitutional right to privacy," Pocan said in the statement. "Revelations about the NSA's programs reveal the extraordinary extent to which the program has invaded Americans' privacy."¶ "I reject the notion that we must sacrifice liberty for security — we can live in a secure nation which also upholds a strong commitment to civil liberties. This legislation ends the NSA's dragnet surveillance practices, while putting provisions in place to protect the privacy of American citizens through real and lasting change."¶ After failing the first time in 2013 amid the immediate public backlash from the Snowden leaks, the bill will likely be dead on arrival in Congress, where much weaker reforms failed to pass the Senate as a result of last-minute Republican attacks — all that while the chamber was still in Democratic control.

SSRA Unpopular—Republican Party

SSRA is unpopular – republican splits makes it difficult to pass

Krieger 2015, former Economic Analyst, Michael Krieger, 3/25/2015, Meet the "Surveillance State Repeal Act" – A Bipartisan Bill to Fully Repeal the Patriot Act, http://libertyblitzkrieg.com/2015/03/25/meet-the-surveillance-state-repeal-act-a-bipartisan-bill-to-fully-repeal-the-patriot-act/

Before discussing the bill in question, some background information is helpful. While the bill appears to have **little chance of going anywhere** due to the total embrace of fascism within Congressional leadership, its introduction seems in part related to positioning ahead of the expiration of key provisions of the Patriot Act, set to expire on June 1st.¶ The Hill covered the importance of this earlier in the year. Here are a few excerpts:¶ In five months, key provisions of the Patriot Act are set to expire, potentially eliminating spying programs that intelligence officials say are critical to keeping the nation safe from terrorists. ¶ The battle over what changes should be made to that law — and whether it should be reauthorized at all — is likely to be an early test of Republican leaders' ability to keep their party unified while controlling both chambers of Congress.¶ "I think there is going to be a very inconvenient and strong difference of opinion within the Republican Party about how to proceed here," said Kevin Bankston, policy director at the New America Foundation's Open Technology Institute and a supporter of reforms to the spying law.

AT Bipartisan

Bipartisanship doesn't make it popular – it has limited bipartisan support, even if it's on both sides of the aisle, and experienced congressmen oppose it

Ward 2015, Stan Ward, writer for Best VPN, 4/20/2015, With Section 215 to Sunset , the NSA and FBI go on the offensive, https://www.bestvpn.com/blog/17490/with-section-215-to-sunset-the-nsa-and-fbi-go-on-the-offensive/

Gaining some traction as an alternative is a measure that has bi-partisan support. Titled the Surveillance State Repeal Act, it would repeal the entire Patriot Act,plus a landmark 2008 expansion of the Foreign Intelligence Surveillance Act (Fisa). The proposed legislation also includes protection from prosecution for whistleblowers, and raises the bar for warrants under Fisa to having to show probable cause. But **though it has backers on both side of the aisle**, the Surveillance State Repeal Act **only has ten co-sponsors**.¶ The fate of surveillance reform, and the demise of the Patriot Act, apparently reside in the hands of many freshman Congressman who are being lobbied hard by both supporters and opponents of strong surveillance. Seasoned veteran Congressmen – especially those on the Select Intelligence Committee – are attempting to play down public outcry from those who champion surveillance reform.

Terror DA

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US counterterrorism is effective now, but threats are increasing

Paul **Richter 6/20**, State Department and foreign policy correspondent for the LA Times, "Terrorist attacks soared in 2014," 6/20/15, www.telegram.com/article/20150620/NEWS/150629898

WASHINGTON — Terrorist violence exploded around the world last year, driven by a surge in attacks by the Islamic State extremist group in the Middle East and Boko Haram in West Africa, the State Department said in a report Friday.¶ The number of terrorist **attacks jumped 35 percent**, to 13,500, while the number of **fatalities soared 81 percent**, to 33,000, the report says. A major factor was an increase in especially deadly attacks, including 20 assaults that killed 100 or more people.¶ The surge in lethality comes as governments have collapsed or come under attack in parts of the Middle East and Africa, including in Syria, Iraq, Yemen, Libya and Nigeria.¶ The number of people kidnapped or taken hostage tripled, to more than 9,400, largely at the hands of Islamic State and Al Nusra Front in Syria and Boko Haram in Nigeria.¶ Tina Kaidanow, the State Department's counterterrorism coordinator, said much of the terrorist violence was confined to a few troubled nations.¶ But she said the **threat of "lone wolf attacks" is growing in the West**, in part because Western governments are making it harder for recruits to travel to join extremist groups abroad. Still, an estimated 16,000 foreign fighters joined Islamic State in Syria and Iraq in 2014.¶ The extremist groups' effective outreach on social media and the Internet is also driving zealots to plot and launch attacks, Kaidanow said. She cited lethal assaults last year by gunmen in Ottawa and Sydney.¶ The statistics came in an annex to the State Department's annual "Country Reports on Terrorism," which was released Friday.¶ At a news briefing, Kaidanow argued that the negative trends, while troubling, aren't a good measure of how well the Obama administration's counter-terrorism programs have performed.¶ Kaidanow said the administration has helped other nations **improve border security, strengthen counterterrorism laws and increase information sharing** to sharpen their defenses against terrorist violence.¶ "We have been **effective in dealing with the capabilities of our partners** globally," she said. "This is not a battle … the United States can undertake alone."¶ She said the threat posed by the core al-Qaida network continued to diminish in 2014 after the deaths and arrests of leaders in Pakistan, Afghanistan and Yemen.

*Surveillance is vital to effective counter-terrorism – **any lapse** creates vulnerabilities*

AFP 6/1, Agence France Presse, "CIA chief: Ending NSA spying would boost terror threat," 6/1/15, www.abs-cbnnews.com/global-filipino/world/05/31/15/cia-chief-ending-nsa-spying-would-boost-terror-threat

WASHINGTON, United States - CIA chief John Brennan warned Sunday that allowing vital surveillance programs to expire could **increase terror threats**, as the US Senate convened for a crunch debate on whether to renew the controversial provisions.¶ With key counterterrorism programs set to expire at midnight Sunday, the top intelligence official made a final pitch to senators, arguing that the bulk data collection of telephone records of millions of Americans unconnected to terrorism has not abused civil liberties and only serves to safeguard citizens.¶ "This is something that **we can't afford to** do right now," Brennan said of **allow**ing **the expiration of counterterrorism provisions**, which "sunset" at the end of May 31.¶ "Because if you look at the horrific terrorist attacks and violence being perpetrated around the globe, we need to keep our country safe, and our oceans are not keeping us safe the way they did century ago," he said CBS' "Face the Nation" talk show.¶ Brennan added that groups like Islamic State have followed the developments "very carefully" and are "looking for the seams to operate."¶ The House has already passed a reform bill, the USA Freedom Act, that would end the telephone data dragnet by the National Security Agency and require a court order for the NSA to access specific records from the vast data base retained by telecommunications companies.¶ If no action is taken by the Senate Sunday, authorities will be forced to shut down the bulk collection program and two other provisions, which allow roving wiretaps of terror suspects who change their mobile phone numbers and the tracking of lone-wolf suspects.¶ Senator Rand Paul, a Republican 2016 presidential candidate adamantly opposed to reauthorizing the surveillance, is threatening to delay votes on the reform bill or an extension of the original USA Patriot Act.¶ That would force the counterterrorism provisions to lapse until at least

Wednesday.¶ Former NSA chief Michael Hayden, who is also a former CIA director, equated such a temporary lapse as "giving up threads" in a broader protective fabric.¶ "It may not make a difference for a while. Then again, it might," he told CNN's State of the Union.¶ "Over the longer term, I'm willing to wager, **it will indeed make a difference**."

*And, Tehran is backing terrorists now – any deal makes an attack **more likely***

Matthew **Lee 6/19**, Bradley Klapper, "Report shows Iran terrorism threat on the rise as nuke deadline nears," 6/19/15, http://www.theglobeandmail.com/news/world/report-shows-iran-terrorism-threat-on-the-rise-as-nuke-deadline-nears/article25047201/

Iran's support for international terrorist groups remained undiminished last year and even expanded in some respects, the Obama administration said Friday, less than two weeks before the deadline for completing a nuclear deal that could provide Tehran with billions of dollars in relief from economic sanctions.¶ The assessment offered a worrying sign of even worse terror-related violence to come after a year in which extremists in the Middle East, Africa and Asia committed **35 per cent more terrorist acts**, **killed nearly twice as many** people and almost tripled the number of kidnappings worldwide. Statistics released by the State Department on Friday also pointed to a **tenfold surge in the most lethal kinds of attacks**.¶ Yet even as the Islamic State and the Taliban were blamed for most of the death and destruction in 2014, the department's annual terrorism report underscored the ongoing threat posed by Iran and its proxies across the Islamic world and beyond.¶ **Tehran increased its assistance to Shia militias** fighting in Iraq and continued its long-standing military, intelligence and financial aid to Lebanon's **Hezbollah**, Syrian President Bashar **al-Assad**'s embattled government, and Palestinian groups **Hamas** and **Islamic Jihad**. While the study said Iran has lived up to interim nuclear deals with world powers thus far, it gave no prediction about how an Iran flush with cash from a final agreement would behave.¶ World powers and Iran are trying to conclude an accord by the end of the month, setting 15 years of restrictions on Iran's nuclear program in exchange for significant relief from the international sanctions that have crippled the Iranian economy.¶ The negotiations don't involve Iran's support for militant groups beyond its border. But Israel and the Sunni monarchies of the Persian Gulf, Iran's regional rivals, fear a **fresh wave of terrorism as a result of any pact**. President Barack Obama, hoping to ease their fears, has said most of the money would go to Iran's economic development.¶ The United States's "grave concern about **Iran's support for terrorism remains unabated**," White House spokesman Eric Shultz said. "That is all the more reason that we need to make sure they don't obtain a nuclear weapon."¶ In total past year, nearly 33,000 people were killed in almost 13,500 terrorist attacks around the world, up from just over 18,000 deaths in nearly 10,000 attacks in 2013. Twenty-four Americans were killed by extremists in 2014, and abductions soared to 9,428 in the calendar year from 3,137 in 2013. The report attributes the rise in attacks to increased terror activity in Iraq, Afghanistan and Nigeria and the sharp spike in deaths to a growth in lethal attacks in those countries and elsewhere.

*Nuclear terror is **feasible** and **likely** – high motivation*

Matthew **Bunn 15**, Professor of Practice at Harvard University's John F. Kennedy School of Government, Nickolas Roth, Research Associate at the Project on Managing the Atom in the Belfer Center for Science and International Affairs at Harvard Kennedy School, "Reducing the risks of nuclear theft and terrorism," from Routledge Handbook of Nuclear Proliferation and Policy ed. Joseph F. Pilat and Nathan E. Busch, 5/15/15, pp. 419-420

But we now live in an age that includes a few groups intent on inflicting large-scale destruction to achieve more global objectives. In the 1990s, the japanese terror cult Anni Shinrikyo first sought to buy nuclear weapons in Russia, then to make them themselves, before turning to biological weapons and the nerve gas they ultimatelv used in the Tokyo subways.¶ Starting also in the 19905, al Qaeda repeatedly sought nuclear

materials and the expertise needed to make them into a nuclear bomb. Ultimately, al Qaeda put together a focused program reporting directly to Ayman al-Zawahiri (now head of the group), which progressed as far as carrying out crude but sensible conventional explosive tests for the nuclear program in the desert of Afghanistan.' ¶ The killing of Osama bin Laden and the many other blows against al Qaeda have surely reduced the risk that al Qaeda could put together and carry through a nuclear bomb project. But by how much? The core organization of al Qaeda has proved resilient in the past.There is every reason to believe Al-Zawahiri **remains eager to inflict destruction on a nuclear scale**. Indeed, despite the large number of al Qaeda leaders who have been killed or captured, **nearly all of the key players in al Qaeda's nuclear program remain alive and at large** - including Abdel Aziz al-Masri, an Egyptian explosives expert who was al Qaeda's "nuclear CEO." No one knows what capabilities a secret cell of al Qaeda may have managed to retain or build. And regional affiliates and other groups in the broader violent Islamic extremist movement — particularly some of the deadly Pakistani terrorist groups — may someday develop the capability and intent to follow a similar path.¶ North Caucasus terrorist groups sought radiological weapons and threatened to sabotage nuclear reactors.There is significant, though less conclusive, **evidence that they sought nuclear weapons** as well — particularly confirmation from senior Russian officials that two teams were caught carrying out reconnaissance at Russian nuclear weapon storage sites, whose very locations are a state secret.¶ More fundamentally, with at least two, and probably three, groups having gone down this path in the past twenty-five years, **there is no reason to expect they will be the last**. The **danger of nuclear terrorism will remain** as long as nuclear weapons, the materials needed to make them, and terrorist groups bent on large-scale destruction co-exist.

Terrorism causes extinction---hard-line responses are key

Nathan **Myhrvold '13**, Phd in theoretical and mathematical physics from Princeton, and founded Intellectual Ventures after retiring as chief strategist and chief technology officer of Microsoft Corporation , July 2013, "Stratgic Terrorism: A Call to Action," The Lawfare Research Paper Series No.2, http://www.lawfareblog.com/wp-content/uploads/2013/07/Strategic-Terrorism-Myhrvold-7-3-2013.pdf

Several powerful trends have aligned to profoundly change the way that the world works. Technology ¶ now allows stateless groups to organize, recruit, and fund ¶ themselves in an unprecedented fashion. That, coupled ¶ with the extreme difficulty of finding and punishing a stateless group, means that stateless groups are positioned to be ¶ lead players on the world stage. They may act on their own, ¶ or they may act as proxies for nation-states that wish to ¶ duck responsibility. Either way, stateless groups are forces ¶ to be reckoned with.¶ At the same time, a different set of technology trends ¶ means that small numbers of people can obtain incredibly ¶ lethal power. Now, for the first time in human history, a ¶ small group can be as lethal as the largest superpower. Such ¶ a group could execute an attack that could kill millions of ¶ people. It is technically feasible for such a group to kill billions of people, to end modern civilization—perhaps even ¶ to drive the human race to extinction. Our defense establishment was shaped over decades to ¶ address what was, for a long time, the only strategic threat ¶ our nation faced: Soviet or Chinese missiles. More recently, ¶ it has started retooling to address tactical terror attacks like ¶ those launched on the morning of 9/11, but the reform ¶ process is incomplete and inconsistent. A real defense will ¶ require rebuilding our **military and intelligence capabilities** from the ground up. Yet, so far, strategic terrorism has ¶ received relatively little attention in defense agencies, and ¶ the efforts that have been launched to combat this existential threat seem fragmented.¶ History suggests what will happen. The only thing that shakes America out of complacency is a direct threat from a determined adversary that confronts us with our shortcomings by **repeatedly attacking** us or hectoring **us for decades**.

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US policies on counter-terrorism are effective now – we're suppressing recruitment, strengthening border security, and increasing intelligence-sharing – but attacks are up 35% and fatalities increased 81% in the past year – that's Richter

More evidence – US counter-terrorism is successful now – recent leadership decapitations

Shane **Harris 6/15**, ASU Feature of War Fellow at New American Foundation, Nancy A. Youssef, "The U.S. Just Killed Al Qaeda's Most-Dangerous Man," 6/15/15, www.thedailybeast.com/articles/2015/06/15/jihadis-say-the-u-s-just-killed-al-qaeda-s-1-threat.html

The head of al Qaeda's branch in Yemen, which U.S. officials say poses the greatest terrorist threat to America, has been killed in a U.S. drone strike, according to Yemeni media reports and statements from the terrorist organization's members.¶ If Nasir al-Wuhayshi was killed—a claim that U.S. officials are so far not disputing—his death would be a significant blow to the already-fragile al Qaeda terrorist organization. And it would be the second major hit in a matter of days on a key al Qaeda leader, following a series of U.S. airstrikes over the weekend in Libya that killed another notorious jihadi, Mokhtar Belmokhtar.¶ Wuhayshi is arguably the bigger prize, having been promoted two years ago to run **all of al Qaeda's global terror attacks**. U.S. intelligence officials have said that his division, al Qaeda in the Arabian Peninsula, or AQAP, has been perfecting methods for sneaking explosives onto airplanes, hidden inside devices that don't alert security screening systems.¶ In other words, as far as the U.S. intelligence community is concerned, Wuhayshi is al Qaeda's No. 1 threat. If he is gone, it would be seen as a **major win for American counterterror operations**.¶ Reports emerged Monday on Twitter from purported AQAP members mourning Wuhayshi's death and praising his already named successor, Qassem al Rimi. The rapid appointment of a new leader speaks to how critical Wuhayshi's position was within the organization. But it also suggests that the group's overall structure remains strong because he was so quickly replaced.¶ "Decapitation strikes have yet to defeat an [al Qaeda] franchise. **It won't defeat AQAP**," Bruce Riedel, a former CIA officer and al Qaeda expert now at the Brookings Institution, told The Daily Beast. "**But it's a welcome development** if true."

Domestic surveillance is high now – the Freedom Act expanded de facto powers

Harold **Pease 6/17**, Professor of Political Science at Taft University, "Spy law looks the same," 6/17/15, www.harlandaily.com/news/opinion_columns/154125060/Spy-law-looks-the-same

Critics find the new spy law more hype than substance with only slightly less intrusive spying laws than the previous citizen spy law — The Patriot Act. Private **communications are still confiscated and stored** against the will of its owner and **without probable cause or warrant**. Once a conspiracy theory, until Edward Snowden, two years ago, provided the indisputable evidence that the government actively spies on its own people in the "freest land in the world."¶ Deep Orwellian governmental intrusion into the lives of innocent Americans is the new normal and is to continue as before with one difference. The notorious Section 215, authorizing bulk data collection, was changed **requiring private telecommunication companies to collect the bulk data** (it is now illegal for them not to) and store the information themselves at their own expense, rather than to immediately give it to the government as before. Amazingly this is just after a US Department of Justice report revealed "the FBI did not identify any major case developments that resulted from use of the

records obtained in response to Section 215 orders." If it has not helped the government catch a single bad guy in all these years, why then do we do it? This is never explained. It must be about power.¶ Section 215 was also used to track financial data and transactions and to obtain companies' Internet business records. It was Edward Snowden who enlightened us on the extent of its invasiveness to personal information. He wrote: "The NSA has built an infrastructure that allows it to intercept almost everything. With this capability, the vast majority of human communications are automatically ingested without targeting. If I wanted to see your emails or your wife's phone, all I have to do is use intercepts. I can get your emails, passwords, phone records, credit cards."¶ Telecommunication **companies now must provide the information** when requested by the **f**ederal **g**overnment. They have lost their freedom not to collect and not to give your private information. They are now, in essence, agents of the federal government and bulk data collection continue under them. As such the USA Freedom Act provides these corporations liability protection should you wish to sue for their disclosure of your sensitive information. Some call it a shell game; the federal government still gets your information just as before.¶ Probably columnist Daniel Mcadams said it best in an article "The Freedom Act is WORSE than the Patriot Act," because it "turns private telecommunications companies into depositories of 'pre-crime' data for future use of state security agencies…. In other words, an individual under no suspicion of any crime and thus deserving full Fourth and Fifth Amendment protection will nevertheless find himself providing evidence against his future self should that person ever fall under suspicion. That is not jurisprudence in a free society." Ironically the 2nd U.S. Circuit Court of Appeals just ruled bulk collection of citizens' records an illegal act. Congress ignored this ruling and essentially declared the same practice legal in the USA Freedom Act. Mcadams asks, "How does making an unconstitutional and illegal act into a legal one a benefit to civil liberties?"¶ Moreover, the Freedom Act **expanded the phone records program** to include cell phone records in addition to landline records. An act to curb the unruly NSA merely enlarged it. **Roving wiretaps** and **lone wolf surveillance** (those deemed by the federal government to be dangerous but not connected with an international terrorist organization) authority remains in place. The Patriot Act is now repackaged with a new name, The USA Freedom Act. And as with the first, which had nothing to do with patriotism, the real patriots are those who oppose and expose this power grab, its sister act has noting to do with freedom. After the change strangely **everything remains the same**.

AT: Freedom Act

The risk is linear – every gap in the bulk data archives decreases the likelihood of stopping an attack

FISC authorization sidesteps amicus oversight

PressTV 6/20, Tehran-based international news network, "US secretive court to renew NSA phone spying," 6/20/15, www.presstv.ir/Detail/2015/06/20/416692/US-NSA-phone-collection-spying

A secretive federal court in the US plans to reauthorize the controversial phone records collection by the National Security Agency for another six months.¶ The Foreign Intelligence Surveillance Court (FISC) that oversees US government spying requests plans to renew the NSA spying in spite of a new reform law that ended the program.¶ Section 215 of the Patriot Act enables the NSA to collect any telephone and business records relevant to a counter-terrorism investigation. The section expired without renewal on June 1.¶ In an order released on Friday, the FISC said a short lapse in some Patriot Act provisions **would not ban the court from allowing the NSA's surveillance**.¶ The court "has the authority to grant the applications and issue the requested orders," FISC Judge F. Dennis Saylor wrote. Saylor noted that the court **does not need approval of an "amicus,"** or panel, of privacy advocates, which was created under the USA Freedom Act.¶ "The statute provides some limited guidance, in that it clearly contemplates that there will be circumstances where an amicus curiae is unnecessary (that is, 'not appropriate')," Saylor said.¶ "At a minimum, it seems likely that those circumstances would include situations where" the court can choose not to use the assistance or advice of amicus curiae as the legal issue is relatively simple or it needs "a single reasonable or rational outcome."

Link/IL

Link – Bulk Surveillance

Bulk surveillance is key to counter-terrorism – financing and cross-referencing

Sergei **Boeke 15**, research fellow at the International Center for Counter-Terrorism, LLM from Vrije Universiteit Amsterdam, Quirine Eijkman, "State surveillance in cyberspace," from Terrorism Online: Politics, Law and Technology ed. Jarvis, MacDonald, Chen, 3/24/15, pp. 133-134

The targets of intelligence services are therefore well aware of the risks of using phones and the Intemet, and when they cannot avoid doing so their wording will be careful. From this perspective Snowden's disclosures will not significantly change their modus operandi, although the second order effects of the leaks - such as ISPS improving security and encryption — will make it more challenging for the services to follow their targets in the cat and mouse game. The disruptive effect of surveillance programmes on terrorism also extends to the **financing of terror groups**, an aspect that is considered **essential in combating terror**. In the realm of dissuasion and disruption the distinction between bulk surveillance and targeted intelligence operations is irrelevant. For the target person in question, bulk surveillance would probably lead to a **perception of greater risk**, although the impact factor and consequences can only be guessed at. There are scenarios, however, where bulk collection can be combined with a legal framework to **significantly aid the tracking of specific individuals**. If, for instance, it is known that a person suspected of terrorist activities visits certain places at specified times, **bulk interception of all signals at these locations can enable cross referencing** and provide a new number to follow and intercept. This hypothetical case would involve discriminating factors, and could merit a legal warrant as it concerns the search for a particular terrorist, but rests on the assumption that the technical **capacity for bulk collection is in place and available**.

Link – Digital Surveillance

Digital surveillance is key – obstructs terrorist organization and execution

Sergei **Boeke 15**, research fellow at the International Center for Counter-Terrorism, LLM from Vrije Universiteit Amsterdam, Quirine Eijkman, "State surveillance in cyberspace," from Terrorism Online: Politics, Law and Technology ed. Jarvis, MacDonald, Chen, 3/24/15, pp. 133

**modified for gendered language; original text retained

Digital surveillance or eavesdropping does, however, have a **severe disruptive effect on the workings of terrorist groups** and their operations. Despite the shroud of secrecy that intelligence services would like to maintain over SIGINT collection, terrorists are well aware of the risks of using the telephone and the Internet. One reason that the search for bin Laden took ten years was his systematic avoidance of all phones and the Internet. It would be his courier, Al Kuwaiti, who would lead the CIA to bin Laden's hideout in Abbottabad, Pakistan. SIGINT, nonetheless, played a vital role. In the summer of 2010, for the first time in almost a year, Al Kuwaiti, a known acquaintance of bin Laden, used the cellphone sim card that US intelligence had linked to him, and he accepted a call with that sim card close to bin Laden's compound (ABC News 2011). He had previously always followed fastidious operational security, driving more than an hour-and-a-half from the compound before inserting the battery in his cell phone, thereby preventing the NSA from pinpointing his starting point. The call he accepted in 2010 was from an old friend who asked what he was up to. Al Kuwaiti replied that he was back with the people he was with before, eliciting the response "may God facilitate" (Woodward 2011). This set analysts on the trail, mobilising further human sources and satellite imagery to finally identify the compound where bin Laden was hiding. This example of targeted surveillance illustrates three important points. First, it makes clear that top terrorist operators follow strict operational security procedures, whereby some avoid telephones completely and others can have many different ones, switching their use and taking the batteries out when they can. The terrorist leaders who avoid phones altogether are forced to communicate through other means, often reverting to the old fashioned letter. This places **serious impediments on the organisation and its ability to**

execute of complex attacks.'" Second, there are indications that whereas terrorist leaders are often exceptionally careful with their telephone or Internet communications when it concerns their "professional" activities, **they can be more careless with their social contacts**. Unless a terrorist is acting completely alone and has perfect online and telephone discipline there is a good chance that somewhere in the chain of cvcnts [they] ~~he~~ cannot resist an old friends call or place a digital misstep during which [they compromise themself] ~~he compromises himself~~ (Schmidt and Cohen 2013). Third, content and context remain essential. Without a good translation (preferably by native speakers) and knowledge of the context, Al Kuwaiti's words would have remained meaningless and the value of his call misunderstood.

Link – Internet Surveillance

*Internet surveillance is key to counter **homegrown terrorism** – threats are **underestimated***

Victor **Beattie 5/11**, Editor of Voice of America, official external broadcast institution of the United States federal government, "Homeland Security Chief: Global Terror Threat Has Entered 'New Phase'," 5/11/15, www.voanews.com/content/us-security-chief-warns-of-new-phase-in-terrorist-threat/2762237.html

U.S. Homeland Security Secretary Jeh Johnson says the fight against global terrorism has entered a new phase with groups like the Islamic State (IS) successfully using social media to inspire others to join them or to launch domestic attacks. Johnson's comments Sunday on the ABC program This Week followed the revelation that federal **law enforcement has hundreds of investigations underway to determine who might pose a threat of homegrown terrorism**.¶ Secretary Johnson noted the Islamic State group's ability to reach into the homeland to recruit homegrown jihadists.¶ "Because of the use of the Internet, **we could have little, or no, notice** in advance of an independent attacker attempting to strike. And so, that's why **law enforcement at the local level needs to be ever more vigilant**, and we're constantly reminding them to do that," said Johnson.¶ Johnson says every attack or attempted attack represents a lesson learned and, as the threat evolves since the September 11, 2001 attacks, there has been closer cooperation among federal, state and local law enforcement officials.¶ Last week, the director of the Federal Bureau of Investigation (FBI), James Comey, warned there might be thousands of **I**slamic **S**tate followers online in the United States and the challenge is to determine who among them poses a real threat.¶ Earlier this month, two gunmen attacked an event near Dallas, Texas, where cartoons of Islam's Prophet Muhammad were being judged in a contest. The gunmen were killed in an exchange of gunfire with police, in which a security guard was also wounded. Comey said his agency had warned the Garland, Texas police to be on the lookout for Elton Simpson and accomplice Nadir Soofi hours before the attack.¶ Johnson said he and other federal officials are trying to counter social media recruitment efforts by reaching out to the Muslim community in the United States.¶ "Since I have been secretary, I have personally participated in engagements with community leaders in the Islamic community and elsewhere. I've been to New York, Boston, Minneapolis, Chicago, Los Angeles and other places where I personally meet with community leaders about countering violent extremism in their communities. That has to be part of our efforts in this new phase," said Johnson.¶ Johnson said a lot of the counter-narrative to what he acknowledges to be a "slick and effective" message by the IS group to would-be terrorists on social media must come from those communities.¶ "It has to come from Islamic leaders who, frankly, can talk the language better than the federal government can and so, when I meet with community leaders, Islamic leaders, it's one of the things we urge them to do. Some have begun it. We've seen some good progress, but **there's a lot more than can be done**," he said.¶ Johnson described as prudent and cautious steps taken by the U.S. military to increase security at bases across the country, after the FBI warned that Islamist militants could target troops or local police.¶ Appearing on the Fox News Sunday broadcast from Paris, Congressman Michael McCaul, chairman of the House Homeland Security Committee, said there has been an uptick in threat streams against local police and military bases.¶ "We're seeing these on an almost daily basis. It's very concerning. I'm over here with the French counter-terrorism experts on the Charlie Hebdo

case, how we can stop foreign fighters coming out of Iraq and Syria to Europe. But then, we have this phenomenon in the United States where they (terrorists) can be activated by the Internet. And, really, **terrorism has gone viral**," said McCaul.¶ McCaul said **the potential terror threat may even be greater** than the FBI has outlined. He said the United States faces two threats: one from fighters coming out of the Middle East and the other from thousands at home who will take up the call to arms when the IS group sends out an Internet message. He warned the threat will only get worse, largely because of the existence of so many failed states in the Middle East and North Africa.

Link – Surveillance-Proof Channels

Any surveillance-proof channels will be used by terrorists

Rahul **Sagar 15**, Associate Professor of Political Science at Yale-NUS College, "Against Moral Absolutism: Surveillance and Disclosure After Snowden," Ethics & International Affairs 29(2),, pp. 145-159

A second deficiency relates to the disproportionality of the disclosures. Even though the NSA's domestic surveillance program was deemed lawful by the FISC, we could take the view that the lack of public debate about the capture of domestic metadata justified Snowden and Greenwald's disclosure of this particular program. But even so, it is hard to see how we could justify their disclosure of domestic surveillance methods, bearing in mind that these methods could help gather intelligence on what even Snowden and Greenwald might consider legitimate targets, namely, **domestic terror plots**.¶ It is harder still to understand what purpose was served by disclosing NSA foreign surveillance methods such as the deployment of "backdoors" in commonly used hardware and software. Apparently the purpose was to alert countries and individuals around the world to the threat that the NSA poses to their privacy. Snowden and Greenwald have since encouraged countries to develop new infrastructure so that their communications do not have to transit through the United States, and have urged individuals to employ encryption and to cease using the services of companies that collaborate with the NSA. But this approach misses the point: if channels of communication that are immune to surveillance exist, these **would be used not only by dissidents but also by terrorists**. This is why the NSA is obliged to use all available means to crack new channels of communications (or else they could rightly be accused of negligence in the wake of a **terrorist attack that relies on such channels**). The approach taken by the President's Review Group is more balanced. Troubled by the prospect that aggressive surveillance methods could lead to a loss of trust in Internet-based services, they recommend that the United States should typically disclose known vulnerabilities in widely used software and hardware, but allow nonetheless that "in rare instances" the government may "briefly authorize" using such a vulnerability for "priority intelligence collection."27

AT: Cyber Link Turn

*The link outweighs the turn – they can't solve cyberterror because the database **still exists**, BUT **any period** without data collection **increases the risk of an attack***

Christi **Parsons 5/28**, Brian Bennett, "If NSA surveillance program ends, phone record trove will endure," 5/28/15, www.latimes.com/nation/la-na-nsa-phones-20150529-story.html#page=1

The National Security Agency will mothball its mammoth archive of Americans' telephone records, isolating the computer servers where they are stored and blocking investigators' access, but **will not destroy the database** if its legal authority to collect the material expires on schedule this Sunday, officials said Thursday.¶ The NSA's determination to keep billions of domestic toll records for counter-terrorism and espionage investigations adds another note of uncertainty to a debate that pits the Obama administration's national security team against opponents who argue the government data trove violates Americans' privacy and civil liberties.¶ The political and legal dispute will come to a head Sunday when the Republican-led Senate returns to work a day early to seek a resolution — hours before the law used to authorize the controversial NSA program, and several other key counter-terrorism provisions, expires at 11:59 p.m.¶ The final eight hours — starting at 3:59 p.m. Sunday — will see a flurry of activity at U.S. phone companies and at the NSA as engineers take

down servers, reconfigure monitoring software and unplug hardware from the main pipeline of telephone data traffic, according to several senior administration officials.¶ If the Senate stalemate pushes past 7:59 p.m., holes in the incoming data will begin to appear — and will grow — until nothing is collected after midnight, the officials said, speaking on condition of anonymity to discuss internal planning.¶ "We're in uncharted waters," one official said. "We have not had to confront addressing the terrorist threat without these authorities. And it's going to be fraught with unnecessary risk."¶ At that point, even if the Senate acts, the officials said it could take three or four days to go back to the Foreign Intelligence Surveillance Court, also known as the FISA court, for a legal order to restart the system and to reboot the complex data transfer networks at the telephone companies and at the NSA headquarters at Ft. Meade, Md.¶ Any Senate action short of approving legislation that already has passed the House will result in a gap in the NSA archive of so-called metadata — records that show the time, date and numbers called, but not the contents — of virtually every domestic phone call.¶ Letting the bulk collection program go dark **even for a few days** is "playing **national security Russian roulette**," said another official, and "hoping that we don't have an instance where the FBI need [the data] to do a national security investigation."¶ If lawmakers vote before 8 p.m. Sunday, the NSA could reverse the shutdown and prevent a gap, the officials said. But that last-hour possibility appears unlikely.¶ Sen. Rand Paul (R-Ky.), who is running for the GOP presidential nomination and who has fought the NSA domestic program and filibustered to stop it, told supporters in a fundraising letter Thursday that he was determined to "relegate the NSA's illegal spy program to the trash bin of history, where it belongs."¶ Administration officials have stepped up their own alarms. On Wednesday, Atty. Gen. Loretta Lynch said a failure to act would cause "**a serious lapse in our ability to protect the American people**."¶ The provision in the law used to authorize the NSA's bulk collection program is one of three legal authorities set to expire. U.S. intelligence and law enforcement officials say all three are **vital to tracking potential terrorists** in the United States.¶ The bulk collection of U.S. phone records was started in secret after the Sept. 11, 2001, terrorist attacks. It was specifically authorized by the FISA court starting in 2006, and was revealed to the public in 2013 in documents leaked by renegade former NSA contractor Edward Snowden.¶ President Obama vowed to change the NSA program after Snowden's disclosures sparked an uproar, and the White House has embraced the so-called USA Freedom Act, which passed the House on May 13 by a bipartisan vote of 338 to 88.¶ The measure would shift the burden of holding the data back to the telephone companies, and require them to configure their systems so the NSA could access the data. It also would require the government to get a court order to search the records for phone numbers linked to suspected terrorists at home and abroad. It sets a six-month transition period for the changes to take effect.¶ Lynch and James R. Clapper, the director of national intelligence, assured House leaders in a letter this month that the bill "preserves the essential operational capabilities of the telephone metadata program and enhances other intelligence capabilities needed to protect our nation and its partners."¶ But the Senate debate hit a roadblock when Paul and others, including Democratic Sen. Ron Wyden of Oregon, argued that the NSA program should simply expire, and efforts to pass the House bill foundered in disarray Saturday before the lawmakers decamped for a weeklong holiday recess.¶ At that point, the NSA put planning teams on "hot standby" and started working through telecommunications engineering to prepare for shutting down the networks that now connect investigators to the phone records, according to one senior official involved in the planning.¶ The NSA contacted telephone companies to explain their plans and discuss how to help the private companies stop the automatic provision of calling records.¶ They also have sought to configure monitoring software so officials can't access the archive. If they do, alerts will trigger and features will block the delivery of off-limits information.¶ "You can't make a mistake on this," said one of the officials. "This is the most regulated thing that we do at NSA." If the authority lapses, he added, the agency would "lock it down with the same certainty with which we operate."¶ The NSA won't wipe the collected data off its servers, officials said, but will lock all doors into the system. Investigators could use the trove only if Congress acts and the FISA court approves new searches.¶ In addition to cutting off the phone searches, the expiration of the law would end the "roving wiretap" authority that lets FBI agents keep up with suspected terrorists or spies who switch "burner" phones to evade surveillance.¶ Another authority set to expire is the "lone wolf" provision that lets the FBI apply to the court for permission to conduct wiretaps on a target they think is engaged in a terrorist activity but who isn't linked to a specific terrorist group.¶ That authority hasn't been used, but it becomes more valuable every time Islamic State militants use the Internet to urge supporters to launch independent attacks, said one senior domestic security official.¶ "As we face a decentralized and increasingly dispersed terrorism threat, and one where [Islamic State] is extolling actors to conduct opportunistic attacks, **this is not a tool that we want to see go away**," the official said.¶ **Counter-terrorism officials would be facing "a big roll of the dice"** if the authorities are allowed to expire, Rep. Adam B. Schiff (D-Burbank), ranking member of the House Intelligence Committee, said in a telephone interview from Los Angeles.

AT: Info Overload

*Surveillance is **necessary** and **effective** – independent reports prove*

Rahul **Sagar 15**, Associate Professor of Political Science at Yale-NUS College, "Against Moral Absolutism: Surveillance and Disclosure After Snowden," Ethics & International Affairs 29(2), pp. 145-159

Greenwald also raises objections from a national security perspective. He warns that mass surveillance undermines national security because "it swamps the intelligence agencies with so much data that they cannot possibly sort through it effectively."11 He also questions the efficacy of communications surveillance, arguing that it has little to show in terms of success in combating terrorism. But these criticisms are equally **unpersuasive**. It is certainly possible that a surveillance program could generate so much raw data that an important piece of information is overlooked. But in such a case **the appropriate response would not be to shut down the program but rather to bulk up the processing power** and manpower devoted to it. Finally, both the **P**resident's **R**eview **G**roup and the **P**rivacy and **C**ivil **L**iberties **O**versight Board have examined the efficacy of the NSA's programs. Both report that the NSA's foreign surveillance programs have contributed to **more than fifty counterterrorism investigations**, leading them to conclude that **the NSA "does in fact play an important role** in the nation's effort to prevent terrorist attacks across the globe."12

AT: Doesn't Solve

It's try-or-die for counter-terrorism – empirics are meaningless in the context of prevention

Rachel **Brand 14**, Senior Advisor to the U.S. Chamber Litigation Center and member of the Privacy and Civil Liberties Oversight Board, "Report on the Telephone Records Program Conducted under Section 215 of the USA PATRIOT Act and on the Operations of the Foreign Intelligence Surveillance Court," 1/23/14, https://www.pclob.gov/library/215-Report_on_the_Telephone_Records_Program.pdf

There is no easy way to calculate the value of this program. But the test for whether the program's potential benefits justify its continuation **cannot be simply whether it has already been the key factor in thwarting a previously unknown terrorist attack**. Assessing the benefit of a preventive program such as this one **requires a longer-term view**.¶ The overwhelming majority of the data collected under this program remains untouched, unviewed, and unanalyzed until its destruction. But its immediate availability if it is needed is the program's primary benefit. Its usefulness may not be fully realized until we face another large-scale terrorist plot against the United States or our citizens abroad. But if that happens, analysts' ability to very quickly scan historical records from multiple service providers to establish connections (or avoid wasting precious time on futile leads) could be **critical in thwarting the plot**.¶ Evidence suggests that if the data from the Section 215 program had been available prior to the attacks of September 11, 2001, it **could have been instrumental in preventing those attacks**.693 The clear implication is that **this data could help the government thwart a future attack**. Considering this, I cannot recommend shutting down the program without an adequate alternative in place, especially in light of what I view to be the relatively small actual intrusion on privacy interests.

Death counts don't quantify efficacy – domestic surveillance confers numerous strategic benefits

Elizabeth **Cook 14**, member of the Privacy and Civil Liberties Oversight Board, "Report on the Telephone Records Program Conducted under Section 215 of the USA PATRIOT Act and on the Operations of the Foreign Intelligence Surveillance Court," 1/23/14, https://www.pclob.gov/library/215-Report_on_the_Telephone_Records_Program.pdf

Finally, I have a different view from the Board as to the efficacy and utility of the Section 215 program. Although the Report purports to consider whether the program might be valuable for reasons other than preventing a specific terrorist attack, the tone and focus of the Report make clear that the Board does believe that to be the most important (and possibly the only) metric. **I consider this conclusion to be unduly narrow**. Among other things, in today's world of multiple threats, a tool that allows investigators to triage and focus on those who are more likely to be doing harm to or in the United States is both good policy and potentially privacy-protective. Similarly, **a tool that allows investigators to more fully understand our adversaries** in a relatively nimble way, allows investigators to **verify and reinforce intelligence** gathered from other programs or tools, **and provides "peace of mind," has value**.¶ I would, however, recommend that the NSA and other members of the Intelligence Community develop metrics for assessing the efficacy and value of intelligence programs, particularly in relation to other tools and programs. The natural tendency is to focus on the operation of a given program, without periodic reevaluations of its value or whether it could be implemented in more privacy-protective ways. Moreover, the natural tendency of the government, the media, and the public is to ask whether a particular program has allowed officials to thwart terrorist attacks or save identifiable lives. Periodic assessments would not only encourage the Intelligence Community to continue to explore more privacy protective alternatives, but also allow the government to explain the **relative value of programs in more comprehensive terms**. I hope that our Board will have the opportunity to work with the Intelligence Community on such an effort.

*Statistics are irrelevant – effective counter-terrorism is a question of **political clout***

Beatrice **de Graaf 10**, Bob de Graaff, "Bringing politics back in: the introduction of the 'performative power' of counterterrorism," Critical Studies on Terrorism 3(2), 2010

In sum, it is almost impossible to measure arithmetically the outcome of counterterrorism efforts. However, this does not mean that we cannot and should not try to assess the effect of governmental policies. The issues outlined above suggest that it is not necessarily the policy measures and their intended results as such, but much more **the way in which they are presented and perceived** that determine the overall effect of the policy in question.¶ The key question is therefore really: What do counterterrorism policy-makers want? They set the agenda with respect to the phenomenon of terrorism, define it in a certain way and link it to corresponding measures. Subsequently, they execute these measures, behind closed doors, and with the tacit permission of the public – or, conversely, they feel forced to 'market' their measures first, in order to generate a substantial level of public and political support.¶ The way in which they perform, or in other words carry out the process of countering terrorism, can have **more impact than the actual arrests being made** (or not being made). This is what we call the performativity of counterterrorism, or its 'performative power'. The authors would like to introduce the concept 'performativity' 1 in this discussion, expressing the extent to which a national government, by means of its official counterterrorism policy and corresponding discourse (in statements, enactments, measures and ministerial remarks), is successful in 'selling' its representation of events, its set of solutions to the terrorist problem, as well as being able to set the tone for the overall discourse regarding terrorism and counterterrorism – thereby **mobilising (different) audiences** for its purposes. 2

AT: Sunset Thumper

Sunset provisions allowed for continuing investigations

Benjamin **Wittes 14**, Senior Fellow in Governance Studies at the Brookings Institution, "On the oddity of the Patriot Act sunset provisions," Nov 2014, http://www.lawfareblog.com/2014/11/on-the-oddity-of-the-patriot-act-sunset-provisions/

Last week, the New York Times's Charlie Savage had what seems to me a pretty big, if under-discussed, scoop—or perhaps we should say that he channelled to the public a pretty big scoop by former Senate Intelligence Committee chief counsel Michael Davidson. The news, which certainly caught me unawares, is that the Patriot Act sunset provision—stated in Section 105 of this law and extended until June 1, 2015 in this one—doesn't quite say what everyone—from advocates to members of Congress to the administration itself—seems to think it says. Writes Savage: The law says that Section 215, along with another section of the Patriot Act, expires on "June 1, 2015, except that **former provisions continue in effect** with respect to any particular foreign intelligence investigation that began before June 1, 2015, or with respect to any particular offense or potential offense that began or occurred before June 1, 2015." Michael Davidson, who until his retirement in 2011 was the Senate Intelligence Committee's top staff lawyer, said this meant that **as long as there was an older counterterrorism investigation still open, the court could keep issuing Section 215 orders** to phone companies indefinitely for that investigation. "It was always understood that no investigation should be different the day after the sunset than it was the day before," Mr. Davidson said, adding: "There are important reasons for Congress to legislate on what, if any, program is now warranted. But considering the actual language of the sunset provision, no one should believe the present program will disappear solely because of the sunset." Mr. Davidson said the widespread assumption by lawmakers and executive branch officials, as well as in news articles in The New York Times and elsewhere, that the program must lapse next summer without new legislation was incorrect.

Impact

2NC OV – Nuke Terror

Curtailing domestic surveillance devastates counter-terrorism efforts – causes extinction via nuclear terror – the impact is massive and it's try-or-die for risk reduction

Matthew **Bunn 15**, Professor of Practice at Harvard University's John F. Kennedy School of Government, Nickolas Roth, Research Associate at the Project on Managing the Atom in the Belfer Center for Science and International Affairs at Harvard Kennedy School, "Reducing the risks of nuclear theft and terrorism," from Routledge Handbook of Nuclear Proliferation and Policy ed. Joseph F. Pilat and Nathan E. Busch, 5/15/15, pp. 421

Consequences, probabilities, and risks

The consequences of **nuclear terrorism would be catastrophic**. The heart of a major city could be reduced to a smoldering radioactive ruin, leaving tens to hundreds of thousands of people dead. The perpetrators or others might claim to have more weapons already hidden in other major cities and threaten to set them off if their demands were not met — potentially provoking uncontrolled evacuation of many urban centers. **Devastating economic consequences** would reverberate worldwide. Kofi Annan, while serving as Secretary-General of the United Nations, warned that the global economic effects of a nuclear terrorist attack in a major city would push "**tens of millions** of people into **dire poverty**," creating a "**second death toll throughout the developing world**."" Nuclear security is not a US problem but a **global problem**.¶ No one knows what the real probability of such an event might be. But the consequences are so extreme that **even a small probability is enough to justify urgent action** to reduce the risk. No one would operate a nuclear power plant upwind of a major city if the probability of a catastrophic release were one in a hundred each year — the risk would be agreed by all to be too high. Yet the world community may face a **still higher risk of catastrophic disaster** from the way that nuclear weapons and the materials needed to make them are managed in the world today.

Threats Now

Attacks are increasing – incidence and fatalities

Micah **Zenko 6/19**, Douglas Dillon fellow in the Center for Preventive Action at the Council on Foreign Relations, "Terrorism Is Booming Almost Everywhere But in the United States," 6/19/15, https://foreignpolicy.com/2015/06/19/terrorism-is-booming-almost-everywhere-but-in-the-united-states-state-department-report/

First, the phenomenon of terrorism has **significantly worsened**, in terms of the number of attacks, their lethality, as well as the size of terrorist organizations. The number of attacks increased 35 percent from 9,707 in 2013 to 13,463 last year. There were 17,981 fatalities in 2013, growing 81 percent to 32,727 in 2014. To give you a fuller sense of how vastly contemporary terrorism has grown, just a dozen years ago, only 725 people were killed worldwide. In President Barack Obama's first full year in office, in 2010, it was 13,186. In other words, **terror deaths grew by more than 4,000 percent** from 2002 and by 160 percent in the past four years.The size of several groups grew in strength, in particular the self-declared Islamic State, which was estimated to include both between 1,000 and 2,000 members in Iraq and a "significant portion" of the 26,000 extremist fighters in Syria in 2013,

and grew in strength to between 20,000 and 31,500 in 2014. Boko Haram also expanded from "hundreds to a few thousand" to "several thousand" fighters. In addition, there were 33 new organizations identified as perpetrators of terrorist attacks in 2014, indicating that more groups are forming to employ this deadly tactic.

AT: Empirics

Empirics don't predict magnitude

Rahul **Sagar 15**, Associate Professor of Political Science at Yale-NUS College, "Against Moral Absolutism: Surveillance and Disclosure After Snowden," Ethics & International Affairs 29(2),, pp. 145-159

In order to ascertain the rightful bounds on communications surveillance we need to weigh the interests it furthers against those it threatens. The interest it furthers is national security. Greenwald questions this link on a number of grounds. He argues that surveillance is a disproportionate response to the threat of terrorism, which has been "plainly exaggerated" because the "risk of any American dying in a terrorist attack is . . . considerably less than the chance of being struck by lightning."4 Furthermore, even if the threat of terrorism is real, surveillance is unjustified because to "venerate physical safety above all other values" means accepting "a life of paralysis and fear."5 He also questions surveillance's relevance to national security on the grounds that it is often employed to further other national or commercial interests. He asks how, for instance, does "spying on negotiation sessions at an economic summit or targeting the democratically elected leaders of allied states" serve national security?6¶ Arguably these criticisms miss the mark. **That terrorist plots thus far have been amateurish does not mean that terrorists will not learn and eventually succeed** in causing greater harm. Nor is being concerned about terrorism tantamount to "pursuing absolute physical safety."7 The terror in terrorism comes from the **unpredictability and the brutality of the violence** inflicted on civilians. There is a difference between voluntarily undertaking a somewhat risky bicycle ride in rush hour traffic and being unexpectedly blown to bits while commuting to work. Finally, it is widely accepted that **countries have a right to pursue their national interests**, subject of course to relevant countervailing ethical considerations. It is not hard to imagine how intercepting Chancellor Angela Merkel's conversation could serve the United States' national security interests (for example, it could provide intelligence on Europe's dealings with Russia).

Terror Real

Terror is a real threat driven by forces the aff can't resolve---we should reform the war on terror, not surrender---any terror attack turns the entire case

Peter **Beinart 8**, associate professor of journalism and political science at CUNY, The Good Fight; Why Liberals – and only Liberals – Can Win the War on Terror and Make America Great Again, vii-viii

APPLYING THAT TRADITION today is not easy. Cold war liberals devel- oped their narrative of national greatness in the shadow of a totalitarian ¶ superpower. Today, the United States faces no such unified threat. Rather, it faces a web of dangers—from disease to environmental degradation to weapons of mass destruction—all fueled by globalization, which leaves America increasingly vulnerable to pathologies bred in distant corners of the world. And at the center of this nexis sits jihadist terrorism, a new totalitarian movement that lacks state power but harnesses the power of globalization instead. ¶ Recognizing that the United States again faces a totalitarian foe does not provide simple policy

prescriptions, because today's totalitarianism takes such radically different form. But it reminds us of something more basic, **that liberalism does not find its enemies only on the right**—a lesson sometimes forgotten in the age of George W. Bush. ¶ Indeed, it is because liberals so despise this president that they increasingly reject his trademark phrase, the "war on terror." Were this just a semantic dispute, it would hardly matter; better alternatives to war on terror abound. But the rejection signifies something deeper: a turn away from the very idea that anti-totalitarianism should sit at the heart of the liberal project. For too many liberals today, George W. Bush's war on terror is the only one they can imagine. This alienation may be understand- able, but that does not make it any less disastrous, for it is liberalism's principles—even more than George W. Bush's—that jihadism threatens. If today's liberals cannot rouse as much passion for fighting a movement that flings acid at unveiled women as they do for taking back the Senate in 2006, they have strayed far from liberalism's best traditions. And if they believe it is only George W. Bush who threatens America's freedoms, they should ponder what will happen if the United States is hit with a nuclear or contagious biological attack. **No matter who is president**, Republican or Democrat, **the reaction will make John Ashcroft look like the head of the ACLU**.

Terrorism studies are epistemologically and methodologically valid---our authors are self-reflexive

Michael J. **Boyle '8**, School of International Relations, University of St. Andrews, and John Horgan, International Center for the Study of Terrorism, Department of Psychology, Pennsylvania State University, April 2008, "A Case Against Critical Terrorism Studies," Critical Studies On Terrorism, Vol. 1, No. 1, p. 51-64

Jackson (2007c) calls for the development of an explicitly CTS on the basis of what he argues preceded it, dubbed 'Orthodox Terrorism Studies'. The latter, he suggests, is characterized by: (1) its poor methods and theories, (2) its state centricity, (3) its problemsolving orientation, and (4) its institutional and intellectual links to state security projects. Jackson argues that the major defining characteristic of CTS, on the other hand, should be 'a skeptical attitude towards accepted terrorism "knowledge"'. An implicit presumption from this is that terrorism scholars have laboured for all of these years without being aware that their area of study has an implicit bias, as well as definitional and methodological problems. In fact, terrorism scholars are not only well aware of these problems, but also have provided their own searching critiques of the field at various points during the last few decades (e.g. Silke 1996, Crenshaw 1998, Gordon 1999, Horgan 2005, esp. ch. 2, 'Understanding Terrorism'). Some of those scholars most associated with the critique of empiricism implied in 'Orthodox Terrorism Studies' have also engaged in deeply critical examinations of the nature of sources, methods, and data in the study of terrorism. For example, Jackson (2007a) regularly cites the handbook produced by Schmid and Jongman (1988) to support his claims that theoretical progress has been limited. But this fact was well recognized by the authors; indeed, in the introduction of the second edition they point out that they have not revised their chapter on theories of terrorism from the first edition, because the failure to address persistent conceptual and data problems has undermined progress in the field. The point of their handbook was to sharpen and make more comprehensive the result of research on terrorism, not to glide over its methodological and definitional failings (Schmid and Jongman 1988, p. xiv). Similarly, Silke's (2004) volume on the state of the field of terrorism research performed a similar function, highlighting the shortcomings of the field, in particular the lack of rigorous primary data collection. A non-reflective community of scholars does not produce such scathing indictments of its own work.

Yes Nuke Terror – Theft

High risk of theft and transfer – massive security vulnerabilities now

Matthew **Bunn 15**, Professor of Practice at Harvard University's John F. Kennedy School of Government, Nickolas Roth, Research Associate at the Project on Managing the Atom in the Belfer Center for Science and International Affairs at Harvard Kennedy School, "Reducing the

risks of nuclear theft and terrorism," from Routledge Handbook of Nuclear Proliferation and Policy ed. Joseph F. Pilat and Nathan E. Busch, 5/15/15, pp. 422

Despite the many elements of nuclear security progress, **serious vulnerabilities remain**. Around the world, there are stocks of nuclear weapons or materials whose security systems are not sufficient to protect against the full range of plausible outsider and insider threats they may face. As incidents like the 2012 intrusion at the Y-12 nuclear facility — where three activists spent more than an hour in a heavily secured area before being detained — make clear, many nuclear facilities and transporters still grapple with serious problems of security culture. It is fair to say that every country where nuclear weapons, weapons-usable nuclear materials, major nuclear facilities, or dangerous radiological sources exist has more to do to ensure that these items are sustainably secured and accounted for. Nuclear security measures in most countries are shrouded in secrecy. **No government or international organization has a complete understanding of the risks of theft** posed by all the different sites and transport operations around the world. Based on the very partial information available in unclassified sources, it appears that some of the most substantial remaining risks are:¶ In **Russia**, which has the world's largest stockpiles of nuclear weapons and materials in the world's largest number of buildings and bunkers, and nuclear security measures that, while much improved, still have important weaknesses (particularly in protecting against **insider theft**):¶ In **Pakistan**, which has a relatively small but rapidly growing nuclear stockpile, at a small number locations, and a substantial nuclear security effort - but where that effort must protect against enormous threats from both insiders and outsiders;¶ In **India**, which also has a relatively small but growing stockpile, a **substantial terrorist threat** (though not comparable to the threat in Pakistan), and which has declined most cooperation on nuclear security; and¶ At **HEU-fueled research reactors**, which often have only **minimal nuclear security measures** in place.¶ More broadly, the global nuclear security framework remains weak. Remarkably, there are no global rules that specify how secure nuclear weapons or the material needed to make them should be; no agreed mechanisms to verify or build confidence that states really have put effective nuclear security measures in place; and, once the nuclear security summits come to an end, no obvious forum for continuing high-level dialogue on what the next steps in nuclear security should be.

Yes Nuke Terror – Materials

Materials are accessible – theft and transfer

Matthew **Bunn 15**, Professor of Practice at Harvard University's John F. Kennedy School of Government, Nickolas Roth, Research Associate at the Project on Managing the Atom in the Belfer Center for Science and International Affairs at Harvard Kennedy School, "Reducing the risks of nuclear theft and terrorism," from Routledge Handbook of Nuclear Proliferation and Policy ed. Joseph F. Pilat and Nathan E. Busch, 5/15/15, pp. 421

Could terrorists plausibly **get nuclear material**?¶ Unfortunately, the answer to this question is also "**yes**." There are approximately twenty welldocumented cases of actual theft and **smuggling of plutonium or HEU** in the public record." Many of these involved only gram quantities of material, but often the smugglers claimed these were only samples of much larger quantities they had available. In all but one of these cases, no one noticed that the material was missing until it was seized — suggesting that **other thefts have likely gone undetected**.¶ At least three lines of evidence confirm that important nuclear security weaknesses continue to exist. First, seizures of stolen HEU and separated plutonium continue to occur, including, mostly recently, HEU seizures in 2003, 2006, 2010 and 2011. These seizures may result from material stolen long ago, but, at a minimum, they make clear that stocks of HEU and plutonium remain **outside of regulatory control**. Second, in cases where countries do realistic tests to probe whether security systems can protect against teams of clever adversaries determined to find a weak point, the adversaries sometimes succeed — even when their

capabilities are within the set of threats the security system is designed to protect against. Third, in real nonnuclear thefts and terrorist attacks around the world, adversaries sometimes demonstrate capabilities and **tactics well beyond** what many **nuclear security systems** would likely be able to handle."

Yes Nuke Terror – Construction

Construction is feasible – it's only a question of materials

Matthew **Bunn 15**, Professor of Practice at Harvard University's John F. Kennedy School of Government, Nickolas Roth, Research Associate at the Project on Managing the Atom in the Belfer Center for Science and International Affairs at Harvard Kennedy School, "Reducing the risks of nuclear theft and terrorism," from Routledge Handbook of Nuclear Proliferation and Policy ed. Joseph F. Pilat and Nathan E. Busch, 5/15/15, pp. 420-421

Could terrorists build a nuclear bomb?¶ Unfortunately, **it does not take a Manhattan Project to make a nuclear bomb**. Indeed, over 90 percent of the Manhattan Project effort was focused on making the nuclear materials, not on designing and building the weapons. Numerous studies by the United States and other governments have concluded that it is plausible that a sophisticated terrorist group could make a crude nuclear bomb if it got enough separated plutonium or highly enriched uranium (HEU). A "gun-type" bomb, such as the weapon that obliterated Hiroshima, fundamentally involves slamming two pieces of HEU together at high speed. An "implosion-type" bomb, which is needed to get a substantial explosive yield from plutonium, requires using explosives to crush nuclear material to a higher density — a more complex task, but **still plausible** for terrorists, especially if they got knowledgeable help.¶ Long before the existence of the Internet and the vast amount of information it made available, and long before globalization and the remarkable resulting spread of technology, a study by the US Office of Technology Assessment summed up the situation:¶ A small group of people, none of whom have ever had access to the classified literature, could possibly design and build a crude nuclear explosive device. Only modest machine-shop facilities that could be contracted for without arousing suspicion would be required.' ¶ Many analysts argue that, since states spend billions of dollars and assign hundreds or thousands of people to building nuclear weapons, it is totally implausible that terrorists could carry out this task. Unfortunately, this argument is wrong. for two reasons. First, by getting **stolen nuclear material**, terrorists would be bypassing making nuclear material, which is what states spend billions seeking to accomplish. Second, it is **far easier to make a crude, unsafe**, unreliable **bomb** of uncertain yield, which might be delivered in the back of a truck, than to make the kind of nuclear weapon a state would want in its arsenal - a safe, reliable weapon of known yield that can be delivered by missile or combat aircraft.

Advantage Counterplan

1NC

The United States federal government should

-publish non-classified descriptions of the doctrine that governs cyber-attacks.

-legalize online gambling in the United States.

Transparency is the best first step to achieving international cyber-security norms

Lewis, CSIS senior fellow, 2011

(James, "Confidence-building and International Agreement in Cybersecurity", http://citizenlab.org/cybernorms2012/Lewis2011.pdf, ldg)

Disparate values and deep distrust shape the environment for negotiation. Fundamental differences over values, despite formal acceptance of universal human rights, means that the initial set of norms likely to be acceptable to many states is limited. **Ultimately, increased stability and security in cyberspace will require common understandings** among states on their national responsibilities, on how the laws of war apply, where restraint in the use of the new military capability is possible, and where red lines or thresholds for escalation might exist. But there is too much distrust among competitors to move immediately towards global norms for cybersecurity. This suggests that international efforts should first focus on CBMs as a foundational element in creating stability and security in cyberspace. CBMs, which require agreement on process rather than on values, could be more attainable in the early phase of creating an international framework for cybersecurity. **Incremental steps that focus on reaching multilateral agreement on confidence-building processes for transparency and communication —such as increased transparency in doctrine— may be the most productive approach for reaching agreement in the near term.**

Plan makes Obama's push for internet freedom credible – key to reversing internet restriction worldwide

Gardner, 10 (Staff Editor & Reporter-Casino Gambling Web, 9/23, Gambling Regulations Will Help Obama's World Internet Freedom Mandate, http://www.casinogamblingweb.com/gambling-news/gambling-law/gambling_regulations_will_help_obama_s_world_internet_freedom_mandate_55752.html)

Gambling Regulations Will Help Obama's World Internet Freedom Mandate President Obama gave a speech today in front of the United Nations General Assembly, and his message was largely one of individual freedom. During the speech, Obama touched on many issues, perhaps the most aggressive of which was having a Palestinian state separate from Israel. Obama spoke of allowing the Palestinians their own state with the hope that Israelis and Palestinians could live side by side in peace. Obama acknowledged that this could take a long time, but that the goal could become a reality. During the speech, Obama spoke about how the Internet should remain free from government interference everywhere in the world. The freedom to surf the Internet would allow people all across the globe to research issues and learn from the wide array of news that is currently found on the Internet. "We will support a free and open Internet, so individuals have the information to make up their own minds," said Obama. "And it is time to embrace and effectively monitor norms that advance the rights of civil society and guarantee its expansion within and across borders." **That statement may have been much better received had the US not had their own blocks on Internet freedom**. **The Internet gambling industry** currently **is operating as a black market in the US** due to the 2006 Unlawful Internet Gambling Enforcement Act. The law is a form of Internet censorship that Representative Barney Frank and other lawmakers have been trying to repeal. In the quest for Internet freedom, **the US proclaims themselves as leaders, however, the country must be careful with their plea**. **If the US can place Internet bans on certain industries, then little could be done to stop other countries from banning different industries** or websites because of their beliefs. For instance, in countries where religion is unified, there could be bans on any material that the country finds outside the rules of their particular religion. In other countries, bans could be placed on industries that are run largely by foreign operators. President Obama took a strong first step today by **promoting Internet freedom. The next step will be making sure the US leads by example**, **and one area to start would be** by **lifting the ban on Internet gambling**. The president has laid down the gauntlet, and now it is time for him to follow his own lead.

Cyber

2NC Solvency Overview

The CP solves norm-setting in cyberspace—encouraging transparency decreases uncertainty, which minimizes the chances of accidental escalation and sends a good-faith signal—that's Lewis

Non binding transparency solves norm creation-restrictions will be manipulated by opponents to hamstring the US

Metz, Army War College national security affairs professor, 2013

(Steven, "Strategic Horizons: Transparency and American Security", 6-26, http://www.worldpoliticsreview.com/articles/13052/strategic-horizons-transparency-and-american-security, ldg)

Two factors kept Americans from accepting government scrutiny as readily as during the Cold War. First, al-Qaida was not as dangerous as a Soviet Union armed with nuclear weapons, massive conventional forces and a global web of sympathizers and left-leaning organizations willing to give it a hand. Second was the coalescence of a transnational anti-authoritarian movement empowered by the intense connectivity of the Internet. Extremists in this movement believed that all information should be freed of government control and all government actions should be transparent to the public. While intellectually descended from the mistrust of government that

inspired America's creators, transparency extremists did not understand what the Founding Fathers did: that if the virtue of government transparency and openness was pushed too far, it became a liability, potentially a dangerous one. In the latest twist, what had been a domestic American debate over transparency and openness is merging with global geopolitics. It is not a coincidence that the nations most interested in helping Snowden avoid arrest and sustain his access to the international media are precisely the ones, like China and Russia, that consider containment of the United States a core strategic objective. That repressive dictatorships should use the current U.S. debate over personal privacy and freedom against the United States borders on the absurd. For instance, the official news agency of North Korea—the most closed and repressive state on earth—wrote that Snowden's disclosure of "such serious human rights abuses as massively gathering information by tapping phone messages and Internet usage of Americans . . . is clear evidence showing the true colors of the U.S. as a criminal state where human rights abuses are organized and legitimatized." While it is easy to dismiss North Korea's farcical rants, the involvement of China and Russia is both more important and more ominous. Being largely immune to domestic political criticism and having no qualms about invasive surveillance for the defense of their respective regimes, Beijing and Moscow are exploiting the extremist position on transparency and openness personified by Julian Assange and the other leaders of WikiLeaks, along with Manning and Snowden, **as part of a broad, sophisticated and multifaceted strategy designed to weaken the United States**. Just as the Soviets attempted to hijack legitimate organizations concerned with civil and labor rights during the Cold War—even though Soviet citizens had few rights of their own—the Russians and Chinese may increasingly try to use organizations focused on government openness and accountability both to hobble the ability of the U.S. government to collect security-related information and as a strategic distraction. However well-intentioned the transparency movement is, it risks becoming the tool of states with values antithetical to its own. As this issue unfolds in the coming years, it should be obvious that the extremist position—demanding that all government actions and programs should be public knowledge—is unrealistic. The Founding Fathers knew this and so too should 21st-century Americans. At the same time, simply trusting the government to collect and use information as it deems appropriate would be dangerous. **The key is building a system that maximizes transparency and openness without giving a decisive advantage to America's enemies, w**hether pathological substate entities like al-Qaida or dictatorial states that are not quite enemies but certainly not friends.

Solvency—International Norms

It generates international norms

Manzo, CSIS Defense and National Security group fellow, 2013

(Vincent, "Stuxnet and the Dangers of Cyberwar", 1-29, http://nationalinterest.org/commentary/stuxnet-the-dangers-cyberwar-8030?page=1, ldg)

For now, greater transparency about U.S. policies governing the use of cyber weapons is a modest and practical approach to establishing international norms for cyber attacks. The United States could articulate a narrative about how it conducts cyber attacks, why, and against what types of countries and targets. U.S. officials must answer these questions to develop a doctrine for the effective use of cyber weapons in any case. The United States could explain its criteria and process for evaluating a cyber attack's risks of unintended and unanticipated damage. Is there a task force that provides an independent "red team" risk assessment of potential operations? Is there a higher threshold for attacks on targets connected to the internet? Is there a testing process for new cyber weapons? Do all cyber attacks require presidential authorization? Explaining how the United States

applies the law of armed conflict to cyber attacks, rather than simply asserting that the law applies, would set a powerful example. **Some countries might not care, but others might impose similarly strict standards on their own operations. At the very least, U.S. officials would have credibility when advocating for tacit or nonbinding standards of conduct in cyberspace.**

Solvency—Transparency Key

Cyber-norms fail without transparency

Waxman, professor of law at Columbia Law School, 15

Matthew, "Cultivating Cyberattack Norms After Snowden and Sony", March 3 2015, Hoover Institution, www.hoover.org/research/cultivating-cyberattack-norms-after-snowden-and-sony

Most discussion and commentary about developing international norms for cyberspace brings to mind formal and centralized international processes, such as multilateral negotiations conducted under the auspices of the United Nations or other international groupings. Especially when it comes to international security and national defense, however, norms and interpretations of international law develop mostly through decentralized state practice: states defend their actions and counteractions with arguments and counterarguments that win support or fail among important international constituencies. That process of developing and refining norms generally works well for conventional military activities because they are so visible. It doesn't work well, though, for activities that take place in the shadows. For that reason I've argued that **intense secrecy around states' cyber capabilities will slow the development and clarification of international law governing cyberattacks** or responses to them. The concealment and low visibility of some states' responsive actions in cyberspace make it difficult to develop consensus understandings even of the fact patterns on which states' legal claims and counterclaims are based, assuming those claims are even leveled publicly at all. Furthermore, secrecy makes it difficult to engage in sustained diplomacy about rules. Officials can talk about them at high levels of generality, but can't get very specific about detailed examples, and it's therefore hard to reach agreement. Secrecy makes it difficult to verify commitments or demonstrate compliance. Perceived distance between mere words and true actions may be large amid high degrees of secrecy. Some transparency — and resistance to the natural tendency of security agencies to protect operational secrecy — is often therefore critical to a strategy of promoting norms.

Solvency—AT: Surveillance Key

Signal of the CP is enough-people aren't looking for tangible restrictions

Lewis, CSIS senior fellow, 2011

(James, “Confidence-building and International Agreement in Cybersecurity”, http://citizenlab.org/cybernorms2012/Lewis2011.pdf, ldg)

The military use of cyber attack is not the most pressing problem for international security, but it is linked to other malicious behaviours and, in some ways, it offers the easiest approach to agreement, given the many applicable precedents in international security. The more difficult problems revolve around the use of cyber techniques for intelligence purposes and engagement with non-state actors. Both issues, however, fall within the ambit of state responsibilities (although the linkages are not yet well-defined), meaning that it is possible to develop measures and norms that limit risk. The effect of norms can be reinforced by confidence-building measures (CBMs), actions taken between states to prevent or reduce ambiguity, doubt and suspicion and improve international cooperation. Norms and CBMs to increase stability in the military use of cyberspace could reduce the concern shared by many states over the potential for cyberwarfare. Common understandings among states about cyberconflict increase the likelihood of deterring malicious action and they also allow for tacit communication in the event of a conflict with an opponent. **Developing such understandings would make cyberconflict easier to prevent or manage**. There is a shared perception among governments that the threat of cyberconflict is escalating out of control—this explains the explosion of national cyber strategies as more than 70 states develop plans and organizations to reduce risk. There is a new willingness to approach the problem of international cybersecurity as an issue that states can manage using established tools of negotiation and agreement. But translating a shared fear into concrete action has proven difficult. Cyberwar has only recently been considered an issue for international discussion despite more than a decade of breathless media accounts of Pearl Harbors and Armageddons. Before 2000, only a few states had just begun to develop attack capabilities, the potential damage from such attack was limited, and these military programmes were highly classified. This was in contrast to the ongoing and energetic international discussions of internet governance, reflecting both the lack of expertise in the internet community and an inability to perceive potential risks to national interests.

Gambling

2NC Solvency Overview

The CP solves the internet advantage—legalizing online gambling shows that the US is committed to its Internet Freedom agenda—leading by example increases trust in US credibility—that’s Gardner

Solves Censorship – 2NC

The counterplan causes the US to comply with a WTO ruling that sets a mass precedent for liberalization.

Wunsch-Vincent, former visiting fellow, is Senior Economic Officer in the Office of the Chief Economist of the World Intellectual Property Organization (WIPO), **2006** Sacha, “The Internet, cross-border trade in services, and the GATS: lessons from US–Gambling” http://www.iie.com/publications/papers/wunsch1205.pdf

The rapid development of the Internet and information technology (IT) has led to the growing electronic cross-border delivery of services.1 Reports and analytical studies on the 'outsourcing' and the cross-border trade of services and digital products, such as software, abound. Yet this type of electronic service trade is still a relatively new phenomenon **when viewed through the lens of international trade rules.** In 1998, the Members of the World Trade Organization (WTO) started a comprehensive WTO Work Programme on E-Commerce.2 Since, the WTO has – in a non-negotiation and non-binding form — started to ask questions on how the multilateral trading sys- tem and in particular the General Agreement on Trade in Services (GATS) **should be applied** in the context of cross-border electronic trade.* But while regional trade agreements increasingly innovate as regards the cross-border deliver)' of services and incorporate chapters on c-commerce,* on the multilateral level the WTO Work Programme on E-Commerce never came to tangible conclusions. Furthermore, as WTO Members have been reluctant to bring cases under the GATS, a few of its core concepts remain ill-defined. This significantly **weakens the function of the GATS, which is supposed to provide a framework for the ever- growing cross-border service trade.**1 A recent GATS case under the WTO dispute settlement system has **advanced matters.** In April 2005, the Appellate Body brought closure to the WTO case 'United States — Measures Affecting the Crass-Border Supply of Gambling and Betting Services' {US—Gambling)} At issue was a complaint by Antigua and Barbuda (hereinafter 'Antigua*) concerning certain measures of the US that allegedly make it unlawful for suppliers located outside the US to supply on-line gambling and betting services to its consumers over the Internet. This case marked the first WTO Dispute Settlement Body's (**DSB) judgment** directly relating to the Internet and only the second case which **centered exclusively on the GATS**. Consequently, hopes were high that the judgments would bring clarity to the thorniest issues concerning cross-border trade in services and thus **maintain the relevance of the multilateral trade framework in a changing technological environment**. It has even been suggested that US—Gambling could function as the **'last nail in the coffin of the WTO Work Programme on E-Commerce*,**s i.e. **effectively resolving most if not all questions raised in the afore- mentioned Work Programme on E-Commerce and thus leading to its conclusion.** The objective of this article is two-fold. It discusses the judgments of the Panel and Appellate Body and distills the relevance of its substantive conclusions in relation to Internet-supplied services, questions raised in the WTO Work Programme on E-Commerce and the GATS. With these insights, it also sheds light on the case's implications for the services negotiations under the ongoing multi- lateral trade round - the Doha Development Agenda (DDA). The latter negotiations have entered a new phase since the Hong Kong Ministerial Declaration in December 2005 in which WTO Members pledged to expand the specific GATS commitments, while committing to a new deadline for revised offers of 31 July 2006 and to final draft schedules by 31 October 2006.' 1. What was the 'gamble' between the US and Antigua about? In 2003, Antigua requested the WTO's DSB to establish a Panel regarding measures applied in the US that affect the cross-border supply of gambling services of foreign providers.10 Antigua claimed that a list of US federal and state measures is making unlawful the supply of gambling and betting services on a cross-border basis, mainly violating GATS Article XVI :1 guaranteeing market access. Whereas the cross-border supply of these services was denied by the US claiming that all types of Internet- supplied gambling were illegal (from domestic or foreign providers alike), Antigua claimed that the US could not uphold such a prohibition in the face of GATS mode 1 commitments. Furthermore, it claimed that the US was allowing and/or tolerating US domestic Internet operators to provide these services," effectively discriminating between domestic and foreign service suppliers, despite of full specific GATS commitments. The US responded that it had never made specific GATS commitments on cross- border gambling services. It argued that any remote supply of such services — no matter if from domestic or foreign suppliers - is prohibited in the US and that this prohibition is enforced equally against domestic and foreign service suppliers. The US also asserted that commitments under GATS Article XVI do not render impossible the 'total prohibition' of the electronic supply of certain services, given that this Article is only concerned with avoiding specified quantitative limitations. Finally, the US argued that, in any case, the GATS exemptions under Article XIV would justify the derogation from existing specific GATS commitments due to overriding public policy considerations such as public morals, fraud and security. The most important aspects at issue in the Panel and Appellate Body decisions were: (i) whether the US GATS Schedule includes specific commitments on Internet-supplied gambling and betting services, (ii) whether a prohibition on the remote supply of gambling and betting services is a limitation within the meaning of Article XVI and whether the underlying US measures thus are inconsistent with these obligations, and (iii) whether the US measures address concerns which fall within the scope of, and arc 'necessary* to, protect 'public morals* and/or 'public order* and whether these measures arc not applied in a manner which would constitute a means of arbitrary or unjustifiable discrimination between countries where like conditions prevail, or a disguised restriction on trade in services [chapeau of GATS Article XIV). The Appellate Body supported the Panel's finding that the US GATS Schedule includes specific commitments on gambling services and that these specific commitments under GATS Article XVI prevent it from upholding a prohibition on the cross-border supply of these services. The Appellate Body also supported the Panel's findings that the US prohibition on the remote supply of gambling can be justified as a general exception to the GATS rules, because the US measures attempt to protect 'public morals' and/or 'public order' pursuant to GATS Article XPV. The difference between the Panel's and the Appellate Body's findings lies mainly with the assessment of whether the US measures are 'necessary to protect public morals or maintain public order', in accordance with the chapeau and paragraph (a) of GATS Article XIV. Contrary to the Panel, the Appellate Body ruled that three out of four US laws at stake arc 'necessary' to protect public morals. The US can thus continue to maintain these measures and will only have to amend one measure (i.e. the Interstate Horscracing Act — IHT) which seems to permit electronic gambling to domestic service providers.12 In sum, foreign pro- viders will not be able to supply electronic gambling services into the US. The DSB adopted the Appellate Body report and the modified Panel report in April 2005. The 'reasonable period of time' for the US to implement the rulings of the DSB expired on 3 April 2006.11 While the US Administration has, in consultation with the US Congress, been working on appropriate steps to resolve this matter, so far the US has not amended or clarified the measure in question." According to Antigua, to date the us has failed to comply with the recommendations and the rulings of the DSB.15 2. GATS now ready for the digital economy and international outsourcing 2. 1 GATS rules and commitments apply to electronically delivered services The rulings in US—Gambling have brought about more legal certainty as to the applicability of WTO and GATS commitments to the electronic cross-border delivery of services. To date, **the situation prevailed that no basic affirmation concerning the applicability of WTO rules to cross-border electronic services has been forthcoming** from WTO Members. During the Work Programme on E-Commerce, certain GATS Members questioned whether the GATS obligations and commitments undertaken in 1994 apply to

services transmitted by a technology that was not yet envisioned at the time of the negotiations (i.e. the Internet). Some WTO Members went as far as stating that new specific commitments may be needed for cross-border electronic service transactions.16 Other Members called for a common understanding that Internet-supplied services are within the scope of the GATS. Given this con- fusion, **the US also has - so far without success - asked for a positive reaffirmation that electronic transactions arc covered by existing GATS commitments.**"1 The greatest progress of US—Gambling is the confirmation that WTO rules are indeed applicable to e-commerce and/or to electronically supplied services. Both rulings apply the GATS framework to the concerned electronic cross-border de- livery of services without hesitation, finding that the specific sub-sector of the US GATS schedule **includes specific commitments** on Internet-delivered gambling services. In particular, the Panel finds that the particular US regulations (e.g. the Wire Act) prohibit the use of at least one or potentially several means of deliver)' included in GATS mode 1,19 and that, accordingly, these regulations **'constitute a zero quota** for, respectively, one, several or all of those means of deliver)",20 'constituting a limitation in the form of numerical quotas within the meaning of GATS Article XVI:2(a) and a limitation "in the form of a quota" within the meaning of GATS Article XVI:2(c). This judgment was confirmed by the Appellate Body.25 For the negotiations under the Doha Development Agenda, this means that the GATS rules and - existing and revised — specific GATS commitments **fully apply to cross-border Internet-based service transactions**. New services that arise through the Internet benefit from a liberal trade treatment, if they are **adequately captured by existing specific GATS commitments and thus the corresponding classifications**. However, as of now WTO Members making new GATS mode 1 commitments must carefully consider and accept that these commitments extend to services electronically supplied across borders. In fields such as gambling, but also in the educational, medical, and other regulated service sectors, **the consequences of these commitments must be taken seriously**; especially in the light of Section 3.1 which illustrates that the total prohibition of the electronic deliver)' of such a service is **not compatible with a specific GATS mode 1 commitment**. 2.2 GATS mode 1 commitments relevant to the cross-border electronic delivery of services US—Gambling may have brought about **improved legal certainty** as to which GATS mode and related commitments apply to the cross-border electronic delivery of services. At the minimum, this ruling provides a good starting point for Members to finalise a related understanding. So far, WTO Members have had difficulties determining whether the electronic cross-border delivery of a service is a service supplied over GATS mode 1 or over mode 2 (sec Table 1).23 In the case of an electronically supplied service, the problem is to determine whether a service supplier was providing a service on a cross-border basis: if one applies GATS Article 1:2 the distinction depends on whether the service is produced abroad and sent across borders to a foreign consumer or whether it is the consumer who 'travels' abroad to consume a service. The answer to this categorization is important because the 'quality' of existing specific GATS commitments-i.e. the level of liberalization - differ widely depending on which mode- applies. Generally, concessions under mode 2 are more liberal than under mode 1 .2* In the WTO Work Programme on E-Commerce, this modal classification debate has not been solved.2* The US sought the most liberal classification and thus questioned whether a mode 2 classification would be preferable, given that there are more mode 2 specific commitments with fewer limitations than mode l.2* To support this position, the US argued that the consumer actually 'visits' the website of an Internet service provider in another country - an argument easily applied to the Internet gambling as well.87 In US—Gambling, it is of interest to find that the concerned parties, Antigua and the US, as well as the Panel and the Appellate Body rulings imply that indeed GATS mode 1 commitments are applicable to cross-border electronic service delivery.28 Whereas Antigua argues that the uncertainty over mode 1 versus mode 2 classification does not arise in this case,29 other parties such as the European Communities (EC) also build their arguments on the understanding that GATS mode I commitments are applicable to these Internet-delivered services. The Panel and Appellate Body followed this interpretation. To begin with, the Panel established that 'cross-border' supply must be distinguished from 'remote' supply.10 It used the term 'remote' supply to refer to 'any situation where the supplier, whether domestic or foreign, and the consumer of gambling and betting services are not physically together*. The logic is that the GATS does not distinguish between remote or on-site supply but between four modes of supply out of which — according to the Panel - only GATS mode 1 can be remote. More importantly, the Panel limits its analysis under GATS Article XVI to the market access column 'mode 1' while clearly stating that *[t]his dispute concerns one of the four modes of supply under the GATS', that is, the so-called 'cross-border supply' of gambling and betting services" and while building on paragraph 19 of the 1993 Scheduling Guidelines.12 The Appellate Body has followed this line of reasoning and has only assessed the US GATS mode 1 commitments.31 In the light of the concerned gambling services, which are supplied over a foreign web page - a text book example for arguing that a US customer effectively 'visits a foreign service supplier operating under a different legal regime' and thus that GATS mode 2 is applicable - this seeming finding on the applicability of mode 1 seems even more evident.3* Based on these facts, it is tempting to conclude that US—Gambling has brought closure to this important uncertainty over the applicable GATS mode. But as neither the Panel nor the Appellate Body had been requested to pronounce themselves on the difference between mode 1 and mode 2 this important question may be less than fully settled.35 The current negotiations under the Doha Development Agenda have shown increased awareness with respect to eliminating this problem.36 So far efforts to reduce this modal imbalance and uncertainty have mainly centered on asking for similar and preferably full commitments in both GATS modes 1 and 2 in as many sectors as possible (i.e. in most cases, to increase the commitment level of mode 1 to the one of mode 2)." These suggestions have resurfaced as India and other Members are growing more interested in pre-empting protectionism with respect to services outsourcing.38 But the Hong Kong Ministerial Declaration only suggests that commitments on mode 2 should be made where commitments on mode 1 exist (which is usually already the case).39 Moreover, so far the revised GATS offers available in June 2006 had rarely achieved identical commitment levels between both modes. In this light, WTO Members should use the opportunity of the US-Gambling rulings to enter into a final binding agreement declaring GATS mode I as fully applicable to all cross-border electronic transactions. Otherwise, further dispute settlement may be needed to bring full legal certainty to the matter. 2.3 WTO members responsible for the clarity of their GATS commitments US—Gambling has **provided important guidelines on how to unmistakably schedule commitments** for specific service sectors and sub-sectors. At the minimum, it has provided a clear warning to those WTO Members who do not. Most GATS Members made sectoral commitments on the basis of the GATS Services Sectoral Classification List (so-called W/12040 that makes numerical reference to the 1991 Provisional Central Product Classification, CPC).41 WTO Members are free to include only certain sectors of the less detailed W/120 in their GATS commitment schedules. They also have the choice of committing sub- activities of a certain sector while omitting others.48 In US—Gambling, it was questioned whether a specific US GATS commitment on 'other recreational services' covered gambling services as supplied by Antigua. Problematically, the US had not used the provisional CPC to enter their GATS commitments, making the straightforward interpretation of its schedule more complicated. In the underlying case, the US has become a victim of this lack of

clarity as the Panel decided that gambling services arc committed through the US commitment on 'other recreational services' (in CPC, gambling and betting services is a sub-classification of 'other recreational services').41 This holds true even though (i) the Scheduling Guidelines arc facilitative and not normative or mandatory; and that (ii) the US had not indicated in its schedules that it was following the CPC." The Panel built its argumentation on the 1993 Scheduling Guidelines, which prescribe that the 'greatest possible degree of clarity in the description of each sector and sub-sector is necessary and that where it is necessary to refine further a sectoral classification, this should he done on the basis of the CPC or other inter- nationally recognised classification*." The Appellate Body ruled in the same way, while using a different methodology.'" Considering the ongoing GATS negotiations, this call for precision in scheduling commitments comes at an important time and will - if taken seriously - increase the clarity of future GATS commitments. Practically speaking. Members are assumed to use the W/120 or an equally precise classification system in the Doha Negotiations and to follow the 2001 GATS Scheduling Guidelines or to state clearly if they deviate from these accepted standards." The Hong Kong Ministerial Declaration reiterates the importance of this precision (note that the US has now inserted CPC numbers in its revised GATS offer!).4*1 In times of **rapid technological evolution,** which increases the tradability and the type of existing services, the clear scheduling of commitments is ever-more important. Since 1994 — the date of the conclusion of the first GATS round - many new services that can be delivered across borders have surfaced.49 In fact, the CPC was updated twice to do justice to the rapid evolutions shaping economic activities and technologies since the end of the Uruguay Round.1* Moreover, a final draft of the third revision of the CPC (i.e. CPC, 2007), containing many updates as regards IT-related services, is now available.11 However, these changes have not been replicated in the WTO, meaning that the ongoing services negotiations arc still based on the provisional W/120 and the CPC of 1991.

Strong GATS key to internet liberalization

Chander, 2009 Anupam Chander, Visiting Professor, Yale Law School; Professor, University of California, Davis, School of Law, 102 Am. Soc'y Int'l L. Proc. 37, 2009, "International Trade and Internet Freedom"

Proponents of human rights have often found themselves at odds with free traders. The desire to liberalize the flow of goods across borders in service of efficient production has at times been insufficiently attentive to the rights of workers and the health of the environment. Cyberspace, however, may offer a context in which the desire for free trade and the wish to promote political freedom go hand-in-hand. **By liberalizing trade in cyberspace, international trade law can bolster the circulation of information that authoritarian regimes would repress**. In this essay, I want to sketch a hopeful possibility: how the Internet under the governance of international trade law might bolster political freedom around the world. Unexpectedly, the **G**eneral **A**greement on **T**rade in **S**ervices 1 **might emerge as a human rights document.** The new bugaboos of repressive governments are search engines, electronic bulletin boards, blogs and YouTube. These are technologies that allow ordinary individuals to communicate outside the mainstream media channels that often prove subservient to governments. 2 This feature, of course, also represents the original nature of the World Wide Web itself, as it eschewed any central intermediating authority in information circulation. **If international trade law can help protect the free circulation of information in cyberspace, it can serve** the cause of **political freedom around the world.** The Intersection of International Trade and Human Rights Human rights law has typically sought to regulate the production of goods in order to avoid the exploitation of labor (or relatedly, the environment). But with respect to trade in services delivered over the Internet, the nature of the work and the presence of an often highly-educated workforce significantly reduce fears of worker exploitation. This does not mean that labor rights are no longer of concern with respect to trade in services, 3 but those concerns are less with sweatshops, below living wage, child labor or perilous working conditions than with the right to organize and the right to privacy. In trade mediated via cyberspace, human rights law comes to bear in a largely novel fashion: to help further the right of individuals to share and receive information. **Trade in services shifts the locus of human rights attention from the production process to its delivery and consumption.** Thus, cyberspace offers new and fertile opportunity for human rights law. Human rights law requires that nations not only provide their citizens with free speech rights within their nation, but also the right to impart information ''regardless of frontiers.'' This formulation is repeated in both the Universal Declaration of Human Rights and in the International Covenant on Civil and Political Rights as well. 4 The Declaration describes the right to ''impart information and ideas through any media regardless of frontiers,'' and the Covenant subsequently reiterated the ''freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers.'' While the legal status of the Universal Declaration is open to question, it nonetheless offers ''the primary source of global human rights standards.'' 5 Because of its nature as an international treaty, the Covenant carries more binding force than the Declaration. 6 The Covenant makes clear that one country's inhabitants have the right both to send and to receive information from another country, and thus imposes obligations on both countries to allow the information exchange. Of course, information regulation is a central business of governments, and governments and courts are unlikely to interpret the human rights principles as putting them out of this business when it comes to domestic or foreign information. Like the freedom of speech guaranteed by the Constitution, the international free speech norm tolerates regulation within appropriate bounds. Indeed, it contemplates it, permitting limitations set forth by law and necessary to support public order. 7 As history's best medium for transmitting information worldwide, the Internet will test the limits of such regulation of crossborder information flows. **International trade law puts pressure on state**

repression of information through two principal mechanisms. First, the **transparency obligations of GATS require** what is often absent in authoritarian states—a set of public rules that governs both citizens and governmental authorities. WTO member states must publish regulations governing services and establish inquiry points where foreign service providers can obtain information about such regulations. 8 A publication requirement written for the benefit of foreigners may prove useful for local citizens, who will be given the opportunity to understand the rules that bind them—and the opportunity therefore to challenge those rules or their interpretation. Second, the market access and national treatment commitments 9 provide opportunities for foreign information service providers to disseminate information that local information service providers might eschew. Censorship by itself may not necessarily constitute either a market access or a national treatment violation. But consider three scenarios: what if a country (1) declared foreign blogging sites off-limits, or (2) required foreign information service providers to route their offerings through special traffic cops, or (3) required local Internet service providers to deny access to certain foreign services in toto?10 In cases like these, the **censorship measures would** likely **run afoul of a country's market access and national treatment obligations.** 11 But that does not end the inquiry. GATS permits derogation for measures ''necessary to protect public morals or to maintain public order.''12 A tricky question for trade law over the coming years will be whether states will be able to derogate from the above responsibilities in ways that sustain the repression of political information. In order to avoid the exception swallowing the trade liberalization obligation, GATS limits permissible derogations through two general requirements: (1) they must be ''necessary'' for the public morals or public order goal; and (2) there must be no ''reasonably available alternative'' to the trade restrictive measure. The necessity requirement is stated directly in GATS article XIV. The second requirement rests in the Appellate Body's review of its first Internet dispute. In that dispute, the United States defended its right to derogate from its free trade agreements with respect to online gambling, asserting the following public order and public morality grounds: ''(1) organized crime; (2) money laundering; (3) fraud; (4) risks to youth, including underage gambling; and (5) public health.''13 The Appellate Body largely upheld the U.S. derogation, but only after concluding that no reasonably available alternatives had been presented to the challenged trade-restrictive measure. The Appellate Body elaborated that a ''reasonably available alternative'' is one that ''preserve[s] for the responding Member its right to achieve its desired level of protection with respect to'' its public order or public morality objectives.14 If one considers the array of recent efforts to censor material mediated by the Internet, **it seems clear** that **many** of them would **fall afoul of the ''reasonably available alternative'' requirement.** That is, many of the stated public order or public morality goals could have been achieved at the desired level of protection by less trade-restrictive means. Consider, for example, the shuttering of Blogger because of one or two offending blogs, or the disabling of YouTube because of one objectionable video, or shutting off of access to Wikipedia presumably because of a few politically charged entries.15

Solves China – 2NC

The counterplan is key to set a precedent to cause Chinese Internet liberalization.

Rivlin 8/22/07 Online gambling case pits Antigua against U.S. and challenges WTO http://www.nytimes.com/2007/08/22/business/worldbusiness/22iht-gamble.4.7214682.html?pagewanted=all&_r=0

The WTO allowed that Washington probably did not intend to include online gambling when it agreed to the inclusion of "recreational services" and other similar language in agreements reached during the early 1990s. But the organization says it has no choice but to enforce the plain language of the pacts. One reason for all the interest is the David-and-Goliath aspect of the case. Another is that the dispute, **as the WTO's first to deal with the Internet**, is likely to **serve as a major precedent** in establishing rules of commerce in an online age and dealing with such **prickly issues as China's attempts to block online content it finds offensive**. Yet another reason the fraternity of trade lawyers and experts is so closely watching the case, said Lode Van Den Hende, an international trade lawyer with the firm of Herbert Smith in Brussels, is "that the U.S. is not behaving as one would expect." **"One day they're out there saying how scandalous it is that China doesn't respect WTO decisions**," Van Den Hende said. "**But then the next day there's a dispute that doesn't go their way and their attitude is: The decision is completely wrong, these judges don't know what they're doing, why should we comply**?"

Gambling is the key precedent for Chinese internet liberalization.

Erixon et al 2009 Fredrik, Director of the European Centre for International Political Economy, Protectionism Online: Internet Censorship and International Trade Law, ECIPE Working Paper • No. 12/2009 http://www.ecipe.org/media/publication_pdfs/protectionism-online-internet-censorship-and-international-trade-law.pdf

A case brought before the WTO over censorship would be very likely to give rise to a debate about sovereignty and the ever-expanding scope of trade-related issues under the WTO. However, such a case would mark an important borderline against disproportionate and arbitrary censorship when a partial blockage would be sufficient to achieve the aims of the censors. It would also be economically significant. Censorship is the most important non-tariff barrier to the provision of online services, and a case might clarify the circumstances in w:hich different forms of censorship arc WTO consistent. Such clarification would reduce legal uncertainty for online businesses. Not all WTO rulings, however, result in actual compliance — as mentioned, the member found to be employing WTO-inconsistent measures might decide to continue to use them and accept the consequent retaliation. Even before the ruling in Online Gambling, the US Trade Representative implied that the offending Federal law could not be changed, and that the only way to correct the "drafting error" was to withdraw from its commitments on "other recreational services",** which it is free to do with three months notice under GATS Article XXI. In following this course, how- ever, the US was required to compensate countries injured by its withdrawal from the commit- ment, i.e. to make a deal that not only satisfied Antigua and Barbuda, but all countries who make a claim of having interests against the US in the dispute settlement. In Online Gambling, Australia, Costa Rica, India, Macau, Canada, Japan and the EU joined in with costly demands for compensa- tion . A defendant in a case over censorship who was found to have behaved inconsistently with its WTO obligations, but refused to lift the censorship or correct its form, would therefore have to cither accept authorised retaliation against it or withdrawal from the relevant obligation through compensation. THE WAY AHEAD WEAKNESS OF UNILATERAL ACTION The issue of online censorship can be approached through various different routes under inter- national trade law. Each route has its own limitations, opportunities and political consequences. A regulation, like the once-proposed US Global Online Freedom Act, would discourage invest- ment and market access. Proposals for such types of legislation have been greeted with scepti- cism, whether the proposal is to be put into effect by the EU, the US, or both together. This route has the disadvantage that it damages the companies seeking to export its services by prohibiting businesses from making certain types of investment abroad, and further penalising those w:ho are already limited in their trade through subjection to a censorship regime. Simply put, it taxes the competitiveness of the actors own companies commercially or limits the room for manoeuvre. Furthermore, past experiences from other embargoes show that they are seldom effective to- wards economies that represent significant commercial market potentials. There is also a question of equal treatment between various sectors of industry, in this case the manufacturers versus services. The routers and servers that make up the Great Firewall/Golden Shield of China were provided by IT firms in EU and US—with the consent of their governments, and in some case, these manufacturers even provide training to the personnel in the ministries that administer the censorship. The question of liability, with potential effects (or lack thereof) makes it a dangerous route. POSSIBLE ACTION THROUGH THE WTO The WTO provides principles of proportionality and can impose sanctions on breaches by its members of their WTO obligations; although it has difficulty in ensuring that members found to have acted inconsistently with the WTO restore WTO consistency rather than treating the sanctions as the price of maintaining the inconsistent policy. It is also true that a WTO member found to have violated its WTO obligations could withdraw from the obligation (as the US did after Online Gambling). These are not cheap options, however. Maintaining a policy that has been found to be WTO in- consistent or withdrawing from a commitment is likely to be expensive in terms of losses of trade or direct compensation, and may also be costly in terms of reductions in terms of capital inflows, investment and know-how and losses of service trade. Creating a great fuss in order to maintain censorship, moreover, might be embarrassing, both in terms of attention drawn to the censor- ship and of the air of desperation that would attach to policy shifts for the purpose of maintaining censorship. The WTO route is weak given it is unlikely to be able to abolish

censorship as such. It may, however, have the potential to discipline the clumsier manifestations of censorship: outright blockages by a government that is capable of enforcing selective filtering for example, **and will persuade governments to use more selective and less trade-disruptive means**. Another drawback of the WTO route is that an online industry wishing to use WTO dispute-settlement cannot do so on its own account, but must convince its government to take action. Also, some countries that might be targets of such action are not members of the WTO (for example, Russia, Iran and North Korea). As final note, although the dispute settlement mechanism of neither the WTO nor other trade instruments could be used to eliminate Internet censorship, they might limit the use of its more commercially damaging forms. For businesses, trade with countries ruled by authoritarian re- gimes, or with countries where the concept of the rule of law: is still under development, will always be difficult —if not outright dangerous. Contesting arbitrary and disproportionate blocks on access to such markets will incrementally help to reduce legal uncertainty and therefore contribute in the long run to a regulatory environment where the risks and costs of market par- ticipation are foreseeable.

AT: Cybersecurity Advantage

UQ/Solvency

1NC—AT: International Norms—Norms Now

International cybersecurity norms prevent major conflict now

Valeriano, senior lecturer at the University of Glasgow, 15

Brandon, Ryan C. Maness, Visiting Fellow of Security and Resilience Studies, Northeastern University, "The Coming Cyberpeace: The Normative Argument Against Cyberwarfare", May 13 2015, Foreign Affairs, https://www.foreignaffairs.com/articles/2015-05-13/coming-cyberpeace

The era of cyberconflict is upon us; at least, experts seem to accept that cyberattacks are the new normal. In fact, however, evidence suggests that **cyberconflict is not as prevalent as many believe**. Likewise, **the severity of individual cyber events is not increasing**, even if the frequency of overall attacks has risen. And an emerging norm against the use of severe state-based cybertactics contradicts fear-mongering news reports about a coming cyberapocalypse. The few isolated incidents of successful state-based cyberattacks do not a trend make. Rather, what **we are seeing** is **cyberespionage and probes, not cyberwarfare**. Meanwhile, the international consensus has stabilized around a number of limited acceptable uses of cybertechnology—one that prohibits any dangerous use of force. Despite fears of a boom in cyberwarfare, **there have been no major or dangerous hacks between countries**. The closest any states have come to such events occurred when Russia attacked Georgian news outlets and websites in 2008; when Russian forces shut down banking, government, and news websites in Estonia in 2007; when Iran attacked the Saudi Arabian oil firm Saudi Aramco with the Shamoon virus in 2012; and when the United States attempted to sabotage Iran's nuclear power systems from 2007 to 2011 through the Stuxnet worm. The attack on Sony from North Korea is just the latest overhyped cyberattack to date, as the corporate giant has recovered its lost revenues from the attack and its networks are arguably more resilient as a result. Even these are more probes into vulnerabilities than full attacks. Russia's aggressions show that Moscow is willing to use cyberwarfare for disruption and propaganda, but not to inflict injuries or lasting infrastructural damage. The Shamoon incident allowed Iran to punish Saudi Arabia for its alliance with the United States as Tehran faced increased sanctions; the attack destroyed files on Saudi Aramco's computer network but failed to do any lasting damage. The Stuxnet incident also failed to create any lasting damage, as Tehran put more centrifuges online to compensate for virus-based losses and strengthened holes in their system. Further, these supposedly successful cases of cyberattacks are balanced by many more examples of unsuccessful ones. If the future of cyberconflict looks like today, **the international community must reassess the severity of the threat. Cyberattacks have demonstrated themselves to be more smoke than fire.** This is not to suggest that incidents are on the decline, however. Distributed denial-of-service attacks and infiltrations increase by the minute—every major organization is probed constantly, but only for weaknesses or new infiltration methods for potential use in the future. Probes and pokes do not destabilize states or change trends within international politics. Even common cyber actions have little effect on levels of cooperation and conflict between states. NORMCORE IS HERE TO STAY **A protocol of restraint has emerged** as the volume of cyberattacks has increased. State-based cyberattacks are expected, and in some cases tolerated, as long as they do not rise to the level of total offensive operations—direct and malicious incidents that could destroy infrastructure or critical facilities. **These options are** apparently

off the table for states, since they would lead to physical confrontation, collateral damage, and economic retaliation. **The reproducibility of cyberattacks has also led states to exercise restraint**. Enemies can replicate successful cyberweapons easily if source code and programs find their way into the wild or are reverse-engineered. Cyberweapons are not simple to design, either, which makes their use limited: Stuxnet took years of work by U.S. intelligence (with help from Israel) and cost hundreds of millions of dollars—**and it still failed**. The risk of creating collateral damage is high, since cyberweaponry cannot provide surgical precision and can spread into other networks of possible allies of the attackers. For example, the Stuxnet worm, intended for Iran's nuclear program's network, showed up in Azerbaijan, India, Indonesia, and Pakistan, among other countries. As witnessed in the Russian attack on Georgia, the potential for conflict diffusion is high, as third-party allies can enter conflicts easily. Estonia sent its Computer Emergency Readiness Team experts to Georgia to keep the country's crucial networks up and running. Poland freed up bandwidth for servers in its territory to keep Georgian government websites up and its people informed. Finally, the risk of retaliation is high, as it is in any war, especially as attribution of perpetrators is getting easier to trace with better forensic techniques. The only drawback is that exposing attribution capabilities often exposes ongoing infiltration methods. **All of these considerations have meant that, so far, cyberconflict has adhered to existing international conflict norms**. That there have been no major operations resulting in death or the destruction of physical equipment (outside of the Saudi Aramco incident and Stuxnet) suggests **trends toward stability and safety.** Cyberoperations are increasing, but only in terms of small-scale actions that have limited utility or damage potential. The truly dangerous cyberactions that many warn against have not occurred, even in situations where observers would think them most likely: within the Ukrainian conflict or during NATO's 2011 operations in Libya. The only demonstrable cyberactivity in the Ukraine crisis has been espionage-level attacks. There is no propaganda, denial of service, or worm or virus activity, as there was in past conflicts involving Russia and post-Soviet states. **The overall trend in cyberwarfare indicates that the international community is enjoying a period of stability**. The chart below demonstrates that although cybertactics are increasingly popular, the severity of these attacks remains low. On a scale of one to five, where one is a nuisance attack (a website being defaced, for example) and five is a cyber-related death, few attacks register above a two.

2NC—AT: International Norms—Norms Now

The US has been formally pushing for international cyber-norms for months

Marks, covers cybersecurity for POLITICO Pro, 15

Joseph, "U.S. makes new push for global rules in cyberspace", Politico, May 5 2015, www.politico.com/story/2015/05/us-makes-new-push-for-global-rules-in-cyberspace-117632.html

The U.S. government has launched an all-out diplomatic push to impose peacetime international rules of the road on cyberspace. Officials have been promoting the idea of guidelines for acceptable nation-state cyber behavior in conferences and bilateral meetings across the globe for several months. Now, in the most significant move to date, the U.S. government has formally proposed a slate of such peacetime cyber "norms" to a United Nations body — norms that U.S. military and civilian

officials pledge to honor and think other nations ought to live by too, a person knowledgeable about the negotiations tells POLITICO. The primary task for the UN Group of Governmental Experts that met in New York earlier this month is to outline how international law should apply in cyberspace during wartime, once the threshold of armed conflict has been crossed. The group, made up of officials from 20 nations, is basically working out how internationally binding humanitarian legal principles — such as proportionality and the obligation to minimize civilian property damage and casualties — will apply to cyberwar. The U.S. submission went a step further, adding a trio of peacetime norms that it believes nations should honor in cyberspace for the sake of global stability. According to POLITICO's source, the norms state that nations should — not launch or support cyberattacks that intentionally damage or impair other nations' critical infrastructure; — not launch cyberattacks that intentionally prevent other nations' cyber emergency responders from dealing with cyber incidents or use their own such teams to launch cyberattacks; and — cooperate with other nations' law enforcement investigations into cybercrime, or efforts to stop cyberattacks, launched from their territories. A norm is a principle in international law that hasn't been formalized through a treaty or through customary state practice —something scholars and officials often call "soft law." Most scholars believe, for example, there was a soft-law norm banning torture before it was codified into a treaty. Some believe that a similar norm is slowly emerging against the death penalty.

1NC—AT: International Norms—Norms Fail

Developing international cyber-norms will fail—key countries don't think restrictions are in their self-interest, and the US refuses to restrain its offensive operations

Mazanec, senior defense analyst and professor @ George Mason University, 15

Brian M., "Why International Order in Cyberspace Is Not Inevitable", Strategic Studies Quarterly, Summer 2015, www.au.af.mil/au/ssq/digital/pdf/Summer_2015/mazanec.pdf

National investments in cyberwarfare capabilities and the development of doctrine and strategies for cyberwarfare provide insight into state perceptions of self-interest and the expectations for behavior and emerging norms for cyberwarfare. So where do state cyberwarfare programs stand today in China, Russia, and the United States? **The three key states** discussed here **are the most significant, due to the breadth and sophistication of their capabilities and activities and the likelihood that these states are serving as the model for many other nations preparing to operate in cyberspace. These states are the key norm leaders in the emerging multipolar world** that norm evolution theory identifies as important to achieving norm emergence. Accordingly, reviewing Chinese, Russian, and US interests and approaches to cyberwarfare is essential to predicting norm evolution and validating or refuting the Forsyth-Pope argument that state interest will converge around constraining international norms. Chinese Interest in Cyberwarfare **China's early activity and interest in cyberwarfare indicate that it likely does not consider the emergence of constraining norms in its selfinterest.** The country has been largely unconstrained by cyber norms and is preparing to use cyberweapons to cause economic harm, damage critical infrastructure, and influence kinetic armed conflict. As such, it is unlikely to be a vocal norm leader. China is best known for its expansive efforts conducting espionage-style cyber operations. For example, in February 2013, the US cybersecurity firm Mandiant released a study detailing extensive and systematic cyberattacks, originating from Chinese military facilities of at least 141 separate US-affiliated commercial and government targets.21 These attacks have led the US Department of Defense (DOD) to classify China as one of "the world's most active and persistent perpetrators of economic espionage" and to point out that China is also "looking at ways to use cyber for offensive operations."22 It is this latter point that is of most interest to this article. China is increasingly developing and fielding advanced capabilities in cyberspace, while its interests in cyberwarfare appear to be asymmetric and strategic. Russian Interest in Cyberwarfare **Like China, Russia's early**

cyberwarfare activity—especially the attacks on Estonia and Georgia—**indicate that it is largely unconstrained by restrictive cyber norms** and is preparing to use cyberweapons in a wide range of conflicts and against a variety of targets. **Russia likely does not consider the emergence of constraining norms in its self-interest.** As such, one would think the nation unlikely to be a vocal norm leader. However, Russia has been a leading proponent of a total ban on cyberweapons. This is similar to the Soviet Union's efforts early in the nuclear era to demonize US possession of nuclear weapons while simultaneously pursuing such weapons themselves. This helps illustrate how powerful states acting in their own self-interest can inadvertently act as norm leaders while simultaneously flouting the touted candidate norm. However, Russia's confusing support for fully constraining norms for cyberwarfare (based on its behavior in the UN and proposal for an "International Code of Conduct for Information Security") may be based on its broader definition of cyberwarfare and the nation's interest in using a constraining norm to prevent what it perceives as "propaganda" inside Russia and in its near abroad.23 However, Russia's position may also be disingenuous, as it was when supporting the Biological Weapons Convention while simultaneously launching a massive, illicit biological weapons program. To achieve any real convergence among the main cyber actors, the authoritarian interest in constraining free speech must be addressed, which could deflate Russian support. That the Russian Federation has a general interest in cyberwarfare is widely known. However, outside of the Estonia and Georgia attacks, little is known of Russia's cyber capabilities. Some believe Russia is a "little too quiet" and that the lack of notoriety is indicative of a high level of sophistication which enables Russian hackers to evade detection.24 That said, there are some indicators of Russian intent as their doctrine now states that future conflict will entail the "early implementation of measures of information warfare to achieve political objectives without the use of military force, and in the future to generate a favorable reaction of the international community to use military force."25 US Interest in Cyberwarfare While China is perhaps the noisiest and Russia the most secretive when it comes to cyberwarfare, the United States is the most sophisticated. The United States is in the process of dramatically expanding its military organization committed to engaging in cyberwarfare and regularly engages in "offensive cyber operations."26 However, unlike Russian attacks and Chinese planning, **the United States appears to exercise restraint** and avoids targeting nonmilitary assets. **This seems to indicate that the United States is acting as a norm leader** for at least a certain category of constraining cyber norms, **although the nation's general "militarization" of cyberspace may be negating the norm-promoting effects of this restraint.** While the United States has recently developed classified rules of engagement for cyberwarfare, the nation has articulated few, if any, limits on its use of force in cyberspace or response to hostile cyberattacks. For example, the May 2011 International Strategy for Cyberspace states that the United States reserves "the right to use all necessary means" to defend itself and its allies and partners, but that it will "exhaust all options before [the use of] military force."27 Additionally, former US Deputy Secretary of Defense William Lynn clearly asserted that "the United State reserves the right, under the law of armed conflict, to respond to serious cyberattacks with an appropriate, proportional, and justified military response."28 **Ultimately, the US behavior and interest in cyberwarfare indicate that it does not consider the emergence of robust constraining norms in its self-interest.**

2NC—AT: International Norms—Norms Fail

Cyber-norms fail—it's too late to preemptively establish norms

Mazanec, senior defense analyst and professor @ George Mason University, 15

Brian M., "Why International Order in Cyberspace Is Not Inevitable", Strategic Studies Quarterly, Summer 2015, www.au.af.mil/au/ssq/digital/pdf/Summer_2015/mazanec.pdf

Too Late to Preemptively Establish Norms for Cyberwarfare Another challenge for norm emergence is that establishing such norms is generally more successful if the candidate norm can be permanently and preemptively established before the weapon exists or is fully capable or widespread. **With cyberwarfare, the train has already left the station** so to speak. From 2006 to 2013, James Andrew Lewis of the Center for Strategic and International Studies identifies 16 significant CNA-style cyberattacks.36 These include major attacks across the globe, occurring in such divergent locations as the former Soviet states of Estonia and Georgia and the Middle Eastern states of Iran and Saudi Arabia. While no one has yet been killed by a cyberattack, the opportunity for permanent preemptive establishment of a norm has long since passed.0

1NC—AT: Public-Private Trust—High Now

Public-private cooperation over cybersecurity is high now—new executive order

Stone, reporter @ International Business Times, 15

Jeff, "Obama Executive Order Takes Aim At 'Wild West' World Of Cybersecurity", Feb 13 2015, IBT, www.ibtimes.com/obama-executive-order-takes-aim-wild-west-world-cybersecurity-1815982

U.S. President Barack **Obama signed an executive order** Friday that marks his administration's **most significant attempt to simplify the sharing of information about cyberattacks between the public and private sectors**, as well as within the latter. The order came after a number of devastating hacks of U.S. companies and amid heavy criticism that the White House's efforts to protect the country against hackers have fallen short. Obama announced he signed the executive order during a speech at Stanford University in California. **The new initiative would help get "all of us working together** to achieve what none of us can do alone," the president said. "I've been grappling with how government protects the American people from adverse events while at the same time making sure the government itself isn't abusing its capabilities. It's hard," Obama said. "This cyberworld is the Wild West, and to some degree we're asked to be the sheriff." Under the executive order, the Department of Homeland Security will become the hub between the government and companies attempting to share security data. Firms that choose to participate will alert their peers as well as the DHS about new information centered on cyberattacks or malware. Participation will be voluntary. The DHS has been added to the list of federal agencies allowed to OK classified-information sharing arrangements. Security professionals have previously complained that threats they have reported to the government were classified as secret, effectively ending their attempts at cooperating with the government. **Giving the DHS more discretion could solve this problem.**

2NC—AT: Public-Private Trust—High Now

Even with the Snowden leaks, companies are beginning to cooperate with the government over sensitive information sharing

Buhr, Writer for TechCrunch, 15

Sarah, Alex Wilhelm, "Obama Signs Executive Order Encouraging Private-Sector Companies To Share Cyber Security Information", Feb 13 2015, Tech Crunch, techcrunch.com/2015/02/13/obama-cyber-security/#.lxjyep:Zno3

President Barack Obama asked for more collaboration and the open sharing of information between private-sector companies and the U.S. government at the White House Cybersecurity Summit at Stanford today. While pushing for that collaboration, he admitted it would be a challenge to both keep up with cyber threats and protect American's right to privacy at the same time. "Protecting the American people while making sure government is not abusing its capabilities is hard. The cyber world is sort of the Wild Wild West and to some degree we are asked to be the sheriff," he told a crowd at the Memorial Auditorium. To encourage the sharing of information between the government and private industry in case of cybersecurity threats, Obama signed an Executive Order at the end of his speech. One of those provisions encourages information sharing and analysis organizations (ISAOs), which would serve as points of contact for information sharing between the government and the private sector. The order added the Department of Homeland Security to the list of government organizations that would be able to approve the sharing of classified information and ensure that proper information is shared between entities. Obama said in his speech that neither the government nor the private sector could take on cyber threats alone and that they would need to come together to share information as partners. The big question here is whether the private sector will be willing to offer this information. Many companies are still reeling from Edward Snowden's revelations that they were handing over consumer information to the U.S. government and have since taken measures to encrypt data, even from themselves. Obama acknowledged the challenge to protect American citizens from cyber threats, but at the same time protect their right to privacy. He mentioned companies such as Symantec, Intel and PG&E as stepping up and using the government's new Cybersecurity Framework, but likened the process of technological development to building a cathedral. "[T]hat cathedral will not just be about technology but about the values we have embedded in this system. It will be about privacy and security and about connection. A magnificent cathedral and we're all going to be a part of that," he said.

1NC—AT: Public-Private Trust—Doesn't Solve

Trust doesn't ensure public-private cooperation—too many hurdles that need to be addressed

Germano, Senior Fellow and Adjunct Professor of Law at New York University School of Law, 14

Judith H., "Cybersecurity Partnerships: A New Era of Public-Private Collaboration", Oct 2014, The Center on Law and Security, NYU School of Law, www.lawandsecurity.org/Portals/0/Documents/Cybersecurity.Partnerships.pdf

II. BARRIERS TO EFFECTIVE COOPERATION Despite its importance and the potentially significant impact of a campaign to harmonize the efforts of the government and private sector in cybersecurity, **there exist legal, pragmatic, cultural, and competitive hurdles to effective cooperation** that need to be addressed. These hurdles mean that many companies may be inclined to refrain from extensive cooperation in addressing their cybersecurity challenges. And, despite the pervasive and persistent threat, a number of **companies only consider working with the government once they are in crisis mode** and responding to a cybersecurity incident, rather than on an ongoing and proactive basis. Major categories of obstacles to effective cooperation between public and private actors combatting pervasive cyberthreats include: (1) issues surrounding trust and control of incident response; (2) questions about obligations regarding disclosure and exposure; (3) the evolving liability and regulatory landscape; (4) challenges faced in the cross-border investigation of cybercrime; and (5) cross-border data transfer restrictions that impede the ability of companies to respond nimbly to cyberthreats and incidents.

2NC—AT: Public-Private Trust—Doesn't Solve

Increasing public-private trust in cyberspace isn't enough—even if the curtailment of surveillance means the government regains the faith of companies, other obstacles prevent sufficient cybersecurity—that's Germano

The disclosure/exposure paradox—companies don't want to admit security vulnerabilities to the government because of the risk of negative press

Germano, Senior Fellow and Adjunct Professor of Law at New York University School of Law, 14

Judith H., "Cybersecurity Partnerships: A New Era of Public-Private Collaboration", Oct 2014, The Center on Law and Security, NYU School of Law, www.lawandsecurity.org/Portals/0/Documents/Cybersecurity.Partnerships.pdf

2. Disclosure & Exposure Yet another barrier to effective public-private sector cooperation is the matter of disclosure and exposure. Many companies remain reluctant to reveal security vulnerabilities, especially before they fully have assessed the scope of the problem. They are concerned that doing so will mean they could face negative press, regulatory scrutiny, and civil litigation. Yet, nationally and internationally, a patchwork of data breach notification laws require prompt disclosure of breaches, on the premise that such notice enables those affected to take protective action, including by changing passwords and more closely monitoring, or shutting down, compromised accounts. This fragmented landscape, however, is complicated by the

wide range of government actors involved, each of which has a different role and focus. For example, the Federal Trade Commission (FTC) is primarily concerned with consumer rights; the Securities and Exchange Commission (SEC) focuses on regulated entities' behavior and disclosure requirements; and the Department of Justice (DOJ) deals primarily with preventing, investigating and prosecuting cyber crime and addressing domestic cyber threats. The National Security Agency and U.S. Cyber Command, meanwhile, are focused on intelligence matters and the use of cyber capabilities by the military. Companies also are reluctant to contact the government for help addressing a cybersecurity incident out of fear they will be exposed in a government press release (or subject to a press leak), which may have negative repercussions for the company before the company has assessed the level of damage or implemented a fix for the security breach. This loss of control over the timing, content, and process of a disclosure makes some companies reluctant—or at least hesitant—to contact the government for help when a vulnerability or breach is discovered.

Regulatory confusion—companies are unable to affectively address vulnerabilities because of various overlapping administrative bodies

Germano, Senior Fellow and Adjunct Professor of Law at New York University School of Law, 14

Judith H., "Cybersecurity Partnerships: A New Era of Public-Private Collaboration", Oct 2014, The Center on Law and Security, NYU School of Law, www.lawandsecurity.org/Portals/0/Documents/Cybersecurity.Partnerships.pdf

3. Cybersecurity's Evolving Regulatory & Liability Landscape19 The evolving cybersecurity regulatory and liability landscape compounds the challenges that companies face from cyberattacks and further complicates the ability of corporate executives and their advisors to understand and effectively manage cyber risk. Companies must prepare for and respond to a potential cyberattack's direct damage, including financial and data loss, system and service interruptions, reputational harm, and compromised security. However, cyberattacks also expose companies to diverse and uncertain regulatory and civil liabilities. Although these risks generally become apparent post-breach, they must be contemplated and managed proactively before a breach occurs. Theories of liability revolve around both the actual breach and the company's response to the breach, including regarding the content and timing of notice and disclosure. And exposure can be grounded in statutory, regulatory, and common law. Recent breaches have triggered a variety of claims based on inadequate security measures constituting unfair or deceptive practices, breach of contract, negligence, unjust enrichment, breach of fiduciary duty and duty of care, and negligent misrepresentation. Ultimately, the divergent theories of liability against which companies might need to defend themselves derive from important differences in the goals and methods of diverse cyber actors, as well as the various institutions within the United States that have responsibility for cybersecurity. Different government agencies take different approaches to disclosure, with some encouraging enhanced cooperation, while others increasingly focus on holding companies accountable, civilly and possibly criminally, when their systems are breached. This challenge underscores why cybersecurity collaboration must be approached with an open mind and innovative approach to problem solving. The SEC, FTC, and state attorneys general, for example, all have different mandates and focuses when guarding against different kinds of harms. When the perpetrator is an organized crime group, whose objective is to steal and then sell PC or other personal data for a quick profit, there may be a large number of people affected, some of whom will subsequently turn into plaintiffs. The Department of Homeland Security, FBI, Secret Service, and other national security-focused

government agencies, in turn, tend to seek different kinds of relationships with companies that have been the subject of a breach. They also tend to address different kinds of threats, namely state-sponsored advanced persistent threats seeking sensitive intellectual property and valuable trade secrets, which do not always lead to identifiable harms outside the company that will generate lawsuits. The decision-making of companies that are facing systematic and strategic cyberthreats, therefore, is fraught with legal uncertainty about the implications of how they prepare for and respond to the threat. With piecemeal statutes and regulations, and emerging technologies, companies must navigate myriad potential sources of civil and criminal liability related to cyber incidents whose doctrinal contours are unsettled. Concerns include, for example, how to: institute and monitor security protections; implement cyber incident response policies and procedures; disclose threat, vulnerability, and incident information; and determine when, whether, and how best to inform, and potentially cooperate with, government agencies and industry counterparts. In addition to the inherent difficulties in determining how to address these concerns, companies must also evaluate how each of those decisions may impact litigation risk. The regulatory duties and liability risks that companies now face take many forms and go far beyond requiring a determination of whether and when a breach is sufficiently material to trigger applicable SEC and state disclosure obligations. Companies might also face enforcement and private civil actions brought by, for example, the FTC, the SEC, state attorneys general, the DOJ, plaintiffs whose data is compromised (e.g., customers, clients, corporate partners, vendors, unrelated third-parties like affected banks, etc.), and shareholders. Congress has also conducted inquires of varying levels of formality in response to data breaches and companies may be accountable to regulatory agencies, including the Consumer Financial Protection Bureau, Federal Communications Commission, and Department of Health and Human Services, among others. Litigation concerns are compounded by the fragmentary condition of state and federal laws governing cybersecurity obligations. The mixture includes statutes and regulations and evolving common law standards that pose an obstacle to formulating stable expectations about cybersecurity behavior. Despite legislative efforts and extensive discussions, there is currently no federal data breach notification law. Instead, there exists a patchwork of, sometimes contradictory, state data breach notification laws

Cyber Impact D

1NC Cyber Impact D—Conventional Terror Outweighs

Conventional terror is more probable and higher magnitude than cyberterror – cost, scope, and inherent limitations

Caroline Kennedy-**Pipe 15**, Professor of Politics and International Studies at the University of Hull, England, Gordon Clubb, Simon Mabon, "Terrorism and Political Violence," 2/16/15, Google Books

A first major reason for scepticism regarding the threat posed by cyberterrorism may be found in analyses of the costs that it poses in relation to other forms of attack (Ratlnnell, 1999).

Although estimations of costs are often challenging and imprecise, it is possible to contrast the (financial) expense of more traditional, offline forms of terrorism with the relatively more prohibitive costs of cyberattacks. Beginning with the former, even a major, coordinated attack such as the 1998 bombing of the US embassies in Kenya an Tanzania cost no more than $10,000, according to the CIA (cited in Hoffman, 2006: 134); 'itself cost less than $500,000, according to the 9/11 Commission (Hoffman, 2006), while Conway (2014) notes that the average cost of constructing a car bomb in Afghanistan in 2006 was $1675. The cost of the 1995 Oklahoma City bombing which resulted in the eath of 168 people was less than $5000. In contrast to these relatively low figures, Giacomello (2004: 397) estimates the cost of a cyberattack on a hydroelectric dam at $1.2-1.3 million, including logistical and personnel costs, and estimates the total cost of an attack against an air-traffic-control system at $2.5-3 million, or five to six times that of the 9/11 attacks. If terrorism is always a 'choice among alternatives' (McCormick, 2003: 474), then so too are the instruments of its conduct; analysed thus cyber weapons appear a relatively unattractive option.

Second, beyond the perceived costs of cyberterrorism **is the issue of its potential benefits**. Many of those who are most sceptical of worst-case scenarios around cyberterrorism are so because of the limited utility they see cyberattacks possessing for terrorist groups. For some, such as Conway (2014), terrorism (and consequently cyberterrorism) have an important communicative or performative dimension. That is, the purpose of terrorism is to impact upon – and, specifically, to cause fear within - an external audience not directly or immediately affected by an attack. Seen in this way, the benefits of cyberterrorism are limited because there is no guarantee that they would generate the publicity sought by their protagonists. As Conway (2014) argues, a cyberattack might go uttnoticed even by its initial target, he mistakenly identified as an accident rather than a deliberate, malicious attack, or might even be hidden by governments or corporations seeking to downplay vulnerabilities to citizens and shareholders.

A third reason for scepticism relates to the difficulties that would be faced by a terrorist organisation seeking to perpetrate a cyberattack. Thus, irrespective of motivation, there are important questions to be asked in relation to the extent to which critical infrastructures are actually vulnerable to penetration (Dunn Cavelty, 2008: 20), and of the technical competence of would-be terrorists seeking to attack via the internet. As Weimann (2005: 143) notes, 'Many computer security experts do not believe that it is possible to use the Internet to inflict death on a large scale.' This is. not least, because of considerable investment in cyber security by governments, corporations and other potential targets. as well as due to the development of techniques such as 'air-gapping' in which nuclear weapons and other military systems are deliberately not connected to the internet (Weimann, 2005). While these mechanisms might not guarantee security from cyberterrorism. they do add a sceptical counterbalance to the more concerned perspectives considered above.

2NC Cyber Impact D—Conventional Terror Outweighs

Terrorists are more likely to use conventional methods instead of a cyber-attack—the means and motivation don't exist

Jason Koebler 14, Vice staff writer, "Cyberterrorism (Probably) Isn't Terrifying Enough for ISIS," 9/29/14, motherboard.vice.com/read/cyberterrorism-probably-isnt-terrifying-enough-for-isis

Is the Islamic State planning a cyber terrorist attack on American companies or American critical infrastructure? Let's face it—probably not. Why? Because, well, has there ever been a horrifying, evocative, or even remotely "terrifying" cyberattack on the West? Does "cyberterrorism" even really fit with a jihadist organization's goals? Not to nitpick, but, just because a hack or an attack comes from a terrorist organization does not necessarily make it terrifying. That didn't stop the FBI from issuing a notice late last week to companies noting that "extremist hackers and hacktivists groups, including but not limited to those aligned with the ISIL ideology, will continue to threaten and may attempt offensive cyber actions against the United States in response to perceived or actual US military operations in Iraq or Syria." The FBI noted that it has "no information at this time to indicate specific cyber threats to US networks or infrastructure." Cyberterrorism has been a buzzword on Capitol Hill for well over a decade now and, while cybersecurity is certainly and has been a serious issue for the US government and American companies, cyberterrorism—that is, hacks or attacks pulled off by strictly jihadist or terror-aligned have been few and far between and haven't exactly captured the public's consciousness in a way that an actual terrorist attack would. In fact, former NSA director Michael Hayden said earlier this year is that **cyber terrorism isn't even a thing (yet): "I don't have a single example of cyber terrorism. Not one incident,"** he said. These are not, for instance, Chinese hackers looking to steal American intellectual property. These are people who want to kill or hurt the West (at least, according to everything they've suggested so far). Lots of people have come to this conclusion: In 2009, the UN Security Council said that "there is not yet an obvious terrorist threat in the [cybersecurity] area." Last week, a paper by the Bipartisan Policy Center asked what should be two very obvious questions: "When it comes to assessing whether terrorists are a likely cyber threat, two critical questions are worth raising. First, under which scenarios could a cyber attack cause the kind of terror among the population that terrorists hope to achieve?" the paper suggested. "Second, is a cyber attack actually the easiest way for terrorists to achieve that goal or are traditional methods cheaper and more effective?" The most apparent answer to the first question is that groups like ISIS and al-Qaeda are looking to kill or otherwise harm western citizens. A cyberattack that causes physical harm is certainly not outside the realm of possibility: An attack on the power grid, or on a wastewater management system, or hell, even on a traffic light could hurt or kill people. But the most sophisticated and destructive cyberattack ever, Stuxnet, was (we think) a clandestine operation undertaken by the best hackers the United States and Israel had (and even that didn't kill anyone and wasn't particularly "terrifying"). There's no doubt that ISIS is tech saavy. But cutting a video using Final Cut Pro and engineering a cyberattack that's sophisticated enough to cause serious physical harm are two completely different skill sets. More likely, the kind of cyberattack that ISIS could pull off would be one similar to those we've seen from the Syrian Electronic Army in recent years. While those attacks have garnered plenty of attention for the group, the attention that temporarily defacing a website or co-opting The Onion's Twitter feed for a few minutes got them pales in comparison to the attention and fear ISIS created when it beheaded journalist James Foley. Even the FBI admits in its warning that the most likely attacks would be "website defacements" that would contain messages supporting ISIS or, perhaps, pictures or video of one of ISIS's decapitations. It cites only "probably aspirational threats" from social media accounts as the impetus for issuing the warning. That brings us to the second question raised in the Bipartisan Policy Center paper: Is a cyber attack easier to pull off and more evocative than, say, a plot to decapitate a random person in Australia? Is it even more evocative than taking a photo of the ISIS flag in front of the White House (even on an iPhone)? Is any cyber attack even remotely likely to conjure up the images we saw or the terror we felt on 9/11? Of course not. At least not anytime soon.

Despite everyone having capabilities no one attack each other-norms and deterrence solve now.

Valeriano et al. Glasgow political science lecturer, 2012

(Brandon, "The Fog of Cyberwar", 11-21, http://www.foreignaffairs.com.proxy.library.emory.edu/articles/138443/brandon-valeriano-and-ryan-maness/the-fog-of-cyberwar?page=2, DOA: 3-16-13, ldg)

Stuxnet was followed by the Flame virus: a new form of malware that infiltrated several networks in Iran and across the Middle East earlier this year. Flame copied text, recorded audio, and deleted fileson the computers into which it hacked. Israel and the United States are again the suspected culprits but deny responsibility. These two attacks generated substantial buzz in the media and among policymakers around the world. Their dramatic nature led some experts to argue that cyberwarfare will fundamentally change the future of international relations, forcing states to rethink their foreign policy. In a speech to the New York business community on October 11, 2012, U.S. Defense Secretary Leon Panetta expressed fear that a cyber version of Pearl Harbor might take the United States by surprise in the near future. He warned that the U.S. government, in addition to national power grids, transportation systems, and financial markets, are all at risk and that cyberdefense should be at the top of the list of priorities for President Barack Obama's second term. The Stuxnet and Flame attacks, however, are not the danger signs that some have made them out to be. First of all, the viruses needed to be physically injected into Iranian networks, likely by U.S. or Israeli operatives, suggesting that the tactic still requires traditional intelligence and military operation methods. Second, Stuxnet derailed Iran's nuclear program for only a short period, if at all. And Flame did nothing to slow Iran's nuclear progression directly, because it seems to have been only a data-collection operation. Some cyberattacks over the past decade have briefly affected state strategic plans, but none has resulted in death or lasting damage. For example, the 2007 cyberattacks on Estonia by Russia shut down networks and government websites and disrupted commerce for a few days, but things swiftly went back to normal. The majority of cyberattacks worldwide have been **minor**: easily corrected annoyances such as website defacements or basic data theft -- basically the least a state can do when challenged diplomatically. Our research shows that although warnings about cyberwarfare have become more severe, **the actual magnitude and pace of attacks do not match popular perception**. Only 20 of 124 active rivals -- defined as the most conflict-prone pairs of states in the system -- engaged in cyberconflict between 2001 and 2011. And there were only 95 total cyberattacks among these 20 rivals. The number of observed attacks pales in comparison to other ongoing threats: a state is 600 times more likely to be the target of a terrorist attack than a cyberattack. We used a severity score ranging from five, which is minimal damage, to one, where death occurs as a direct result from cyberwarfare. Of all 95 cyberattacks in our analysis, the highest score -- that of Stuxnet and Flame -- was only a three. To be sure, states should defend themselves against cyberwarfare, but throwing vast amounts of money toward a low-level threat does not make sense. The Pentagon estimates it spent $2.6 to $3.2 billion on cybersecurity in fiscal year 2012. And it is likely that such spending will only increase. The U.S. Air Force alone anticipates spending $4.6 billion on cybersecurity in the next year. Even if the looming "fiscal cliff" guts the Defense Department's budget, Panetta has made clear that cybersecurity will remain a top funding priority. At a New York conference on October 12, 2012, he described the United States as being in a "pre-9/11 moment" with regards to cyberwarfare and said that the "attackers are plotting," in reference to the growing capabilities of Russia, China, and Iran. Of the 20 ongoing interstate rivals in our study, China and the United States cybertargeted each other the most. According to our study, Beijing attacked U.S. assets 18 times and Washington returned fire twice. Two notable attacks were the 2011 Pentagon raid, which stole sensitive files from the Defense Department, and the 2001 theft of Lockheed Martin's F-35 fighter-jet schematics. These attacks get only a moderate severity score because they targeted specific, nonessential state documents and were not intended to affect the general public. Over the same time span, India and Pakistan targeted each other 11 times (India five times, Pakistan six), as did North and South Korea, with North Korea being the aggressor ten times and South Korea launching one return attack. These ranged from minor incidents, such as Pakistan defacing an Indian government website, to more serious ones, such as North Korea stealing sensitive state documents from South Korea. Israeli-Iranian tensions have risen in recent months, but despite all the talk, this conflict is not playing out in the cybersphere. There were only eight cyberattacks between these states from 2001 to 2011, four launched by Israel, four by Iran. Although Stuxnet and Flame were more severe, Iranian attempts to disrupt government websites have not been very sophisticated. And Israel's near-insistence on an armed conventional attack proves that even the most sophisticated cyberattacks are not changing state behavior. Cyberattacks are rare, and when they do occur, states are **cautious** in their use of force. As with conventional and nuclear conflict, some of the principles of **deterrence and mutually assured destruction** apply. Any aggressor in cyberspace faces the acute threat of blowback: having techniques replicated and repeated against the initiator. Once developed, a cyberweapon can easily be copied and used by a tech-savvy operative with access to a critical system such as the Defense Department's network, which foreign-government hackers have had success infiltrating. Far from making interstate cyberwarfare more common, the ease of launching an attack actually keeps the tactic in check. Most countries' cyberdefenses are weak, and a state

trying to exploit an adversary's weakness may be similarly vulnerable, inviting easy **retaliation**. An unspoken but powerful international **norm against civilian targets** further limits the terms of cyberwarfare.

2NC Cyber Impact D—Deterrence Solves

Cyberattacks impossible – empirics and defenses solve

Rid, King's College war studies reader, 2012

(Thomas, "Think Again: Cyberwar", March/Aprl, http://www.foreignpolicy.com/articles/2012/02/27/cyberwar?page=full, DOA: 10-13-12, ldg)

"Cyberwar Is Already Upon Us." No way. "Cyberwar is coming!" John Arquilla and David Ronfeldt predicted in a celebrated Rand paper back in 1993. Since then, it seems to have arrived -- at least by the account of the U.S. military establishment, which is busy competing over who should get what share of the fight. Cyberspace is "a domain in which the Air Force flies and fights," Air Force Secretary Michael Wynne claimed in 2006. By 2012, William J. Lynn III, the deputy defense secretary at the time, was writing that cyberwar is "just as critical to military operations as land, sea, air, and space." In January, the Defense Department vowed to equip the U.S. armed forces for "conducting a combined arms campaign across all domains -- land, air, maritime, space, and cyberspace." Meanwhile, growing piles of books and articles explore the threats of cyberwarfare, cyberterrorism, and how to survive them. **Time for a reality check: Cyberwar is still more hype than hazard**. Consider the definition of an act of war: It has to be potentially violent, it has to be purposeful, and it has to be political. The cyberattacks we've seen so far, from Estonia to the Stuxnet virus, simply don't meet these criteria. Take the dubious story of a Soviet pipeline explosion back in 1982, much cited by cyberwar's true believers as the most destructive cyberattack ever. The account goes like this: In June 1982, a Siberian pipeline that the CIA had virtually booby-trapped with a so-called "logic bomb" exploded in a monumental fireball that could be seen from space. The U.S. Air Force estimated the explosion at 3 kilotons, equivalent to a small nuclear device. Targeting a Soviet pipeline linking gas fields in Siberia to European markets, the operation sabotaged the pipeline's control systems with software from a Canadian firm that the CIA had doctored with malicious code. No one died, according to Thomas Reed, a U.S. National Security Council aide at the time who revealed the incident in his 2004 book, At the Abyss; the only harm came to the Soviet economy. But did it really happen? After Reed's account came out, Vasily Pchelintsev, a former KGB head of the Tyumen region, where the alleged explosion supposedly took place, denied the story. There are also no media reports from 1982 that confirm such an explosion, though accidents and pipeline explosions in the Soviet Union were regularly reported in the early 1980s. Something likely did happen, but **Reed's book is the only public mention of the incident and his account relied on a single document**. Even after the CIA declassified a redacted version of Reed's source, a note on the so-called Farewell Dossier that describes the effort to provide the Soviet Union with defective technology, the agency did not confirm that such an explosion occurred. **The available evidence on the Siberian pipeline blast is so thin that it shouldn't be counted as a proven case of a successful cyberattack**. Most other commonly cited cases of cyberwar are even less remarkable. Take the attacks on Estonia in April 2007, which came in response to the controversial relocation of a Soviet war memorial, the Bronze Soldier. The well-wired country found itself at the receiving end of a massive distributed denial-of-service attack that emanated from up to 85,000 hijacked computers and lasted three weeks. The attacks reached a peak on May 9, when 58 Estonian websites were attacked at once and the online services of Estonia's largest bank were taken down. "What's the difference between a blockade of harbors or airports of sovereign states and the blockade of government institutions and newspaper websites?" asked Estonian Prime Minister Andrus Ansip. Despite his analogies, the attack was no act of war. It was certainly a nuisance and an emotional strike on the country, but the bank's actual network was not even penetrated; it went down for 90 minutes one day and two hours the next. The attack was not violent, it wasn't purposefully aimed at changing Estonia's behavior, and no political entity took credit for it. **The same is true for the vast majority of cyberattacks on record**. Indeed, **there is no known cyberattack that**

has caused the loss of human life. No cyberoffense has ever injured a person or damaged a building. And if an act is not at least potentially violent, it's not an act of war. Separating war from physical violence makes it a metaphorical notion; it would mean that there is no way to distinguish between World War II, say, and the "wars" on obesity and cancer. Yet those ailments, unlike past examples of cyber "war," actually do kill people. "A Digital Pearl Harbor Is Only a Matter of Time." **Keep waiting**. U.S. Defense Secretary Leon Panetta delivered a stark warning last summer: "We could face a cyberattack that could be the equivalent of Pearl Harbor." Such **alarmist predictions have been ricocheting inside the Beltway for the past two decades**, and some scaremongers have even upped the ante by raising the alarm about a cyber 9/11. In his 2010 book, Cyber War, former White House counterterrorism czar Richard Clarke invokes the specter of nationwide power blackouts, planes falling out of the sky, trains derailing, refineries burning, pipelines exploding, poisonous gas clouds wafting, and satellites spinning out of orbit -- events that would make the 2001 attacks pale in comparison. But the empirical record is less hair-raising, even by the standards of the most drastic example available. Gen. Keith Alexander, head of U.S. Cyber Command (established in 2010 and now boasting a budget of more than $3 billion), shared his worst fears in an April 2011 speech at the University of Rhode Island: "What I'm concerned about are destructive attacks," Alexander said, "those that are coming." He then invoked a remarkable accident at Russia's Sayano-Shushenskaya hydroelectric plant to highlight the kind of damage a cyberattack might be able to cause. Shortly after midnight on Aug. 17, 2009, a 900-ton turbine was ripped out of its seat by a so-called "water hammer," a sudden surge in water pressure that then caused a transformer explosion. The turbine's unusually high vibrations had worn down the bolts that kept its cover in place, and an offline sensor failed to detect the malfunction. Seventy-five people died in the accident, energy prices in Russia rose, and rebuilding the plant is slated to cost $1.3 billion. Tough luck for the Russians, but here's what the head of Cyber Command didn't say: The ill-fated turbine had been malfunctioning for some time, and the plant's management was notoriously poor. On top of that, the key event that ultimately triggered the catastrophe seems to have been a fire at Bratsk power station, about 500 miles away. Because the energy supply from Bratsk dropped, authorities remotely increased the burden on the Sayano-Shushenskaya plant. The sudden spike overwhelmed the turbine, which was two months shy of reaching the end of its 30-year life cycle, sparking the catastrophe. If anything, the Sayano-Shushenskaya **incident highlights how difficult a devastating attack would be to mount**. The plant's washout was an accident at the end of a complicated and unique chain of events. **Anticipating** such vulnerabilities in advance **is extraordinarily difficult** even for insiders; creating comparable coincidences from cyberspace would **be a daunting challenge at best for outsiders**. If this is the most drastic incident Cyber Command can conjure up, perhaps it's time for everyone to take a deep breath. "Cyberattacks Are Becoming Easier." **Just the opposite**. U.S. Director of National Intelligence James R. Clapper warned last year that the volume of malicious software on American networks had more than tripled since 2009 and that more than 60,000 pieces of malware are now discovered every day. The United States, he said, is undergoing "a phenomenon known as 'convergence,' which amplifies the opportunity for disruptive cyberattacks, including against physical infrastructures." ("Digital convergence" is a snazzy term for a simple thing: more and more devices able to talk to each other, and formerly separate industries and activities able to work together.) Just because there's more malware, however, **doesn't mean that attacks are becoming easier**. In fact, potentially damaging or life-threatening cyberattacks should be more difficult to pull off. Why? **Sensitive systems generally have built-in redundancy and safety systems, meaning an attacker's likely objective will not be to shut down a system**, since merely forcing the shutdown of one control system, say a power plant, could trigger a backup and cause operators to start looking for the bug. To work as an effective weapon, malware would have to influence an active process -- but not bring it to a screeching halt. If the malicious activity extends over a lengthy period, it has to remain stealthy. That's a more difficult trick than hitting the virtual off-button. Take Stuxnet, the worm that sabotaged Iran's nuclear program in 2010. It didn't just crudely shut down the centrifuges at the Natanz nuclear facility; rather, the worm subtly manipulated the system. Stuxnet stealthily infiltrated the plant's networks, then hopped onto the protected control systems, intercepted input values from sensors, recorded these data, and then provided the legitimate controller code with pre-recorded fake input signals, according to researchers who have studied the worm. Its objective was not just to fool operators in a control room, but also to circumvent digital safety and monitoring systems so it could secretly manipulate the actual processes. Building and deploying Stuxnet required **extremely detailed intelligence** about the systems it was supposed to compromise, and the same will be true for other dangerous cyberweapons. Yes, "convergence," standardization, and sloppy defense of control-systems software could increase the risk of generic attacks, but the same trend has also caused **defenses against the most coveted targets to improve steadily and has made reprogramming highly specific installations on legacy systems more complex**, not less.

Low risk of cyberwar-too hard to take down multiple targets and keep them down. Only 3 percent of attacks are actually scary.

Cavelty, Center for Security Studies, 2012

(Myriam Dunn, "The Militarisation of Cyber Security as a Source of Global Tension", 10-22, http://isn.ch/Digital-Library/Articles/Special-Feature/Detail/?lng=en&id=153888&tabid=1453350669&contextid774=153888&contextid775=153903, ldg)

However, in the entire history of computer networks, there are no examples of cyber attacks that resulted in actual physical violence against persons (nobody has ever died from a cyber incident), and only very few had a substantial effect on property (Stuxnet being the most prominent). So far, cyber attacks have not caused serious long-term disruptions. They are risks that can be dealt with by individual entities using standard information security measures, and their overall costs remain low in comparison to other risk categories such as financial risks. **These facts tend to be almost completely disregarded in policy circles.** There are several reasons why the threat is overrated. First, as combating cyber threats has become a highly politicised issue, official statements about the level of threat must also be seen in the context of competition for resources and influence between various bureaucratic entities. This is usually done by stating an urgent need for action and describing the overall threat as big and rising. Second, psychological research has shown that risk perception, including the perception of experts, is highly dependent on intuition and emotions. Cyber risks, especially in their more extreme form, fit the risk profile of so-called 'dread risks', which are perceived as catastrophic, fatal, un- known, and basically uncontrollable. **There is a propensity to be disproportionally afraid of these risks despite their low probability,** which translates into pressure for regulatory action of all sorts and the willingness to bear high costs of uncertain benefit Third, the media distorts the threat perception even further. There is no hard data for the assumption that the level of cyber risks is actually rising– beyond the perception of impact and fear. Some IT security companies have recently warned against over-emphasising sophisticated attacks just because we hear more about them. **In 2010, only about 3 per cent of all incidents were considered so sophisticated that they were impossible to stop.** The vast majority of attackers go after low-hanging fruit, which are small to medium sized enterprises with bad defences. These types of incidents tend to remain under the radar of the media and even law enforcement. Cyber war remains unlikely Since the potentially devastating effects of cyber attacks are so scary, the temptation is very high not only to think about worst-case scenarios, but also to give them a lot of (often too much) weight despite their very low probability. However, most experts agree that strategic cyber war remains highly unlikely in the foreseeable future, mainly due to the uncertain results such a war would bring, the lack of motivation on the part of the possible combatants, and their shared inability to defend against counterattacks. Indeed, it is hard to see how cyber attacks could ever become truly effective for military purposes: **It is exceptionally difficult to take down multiple, specific targets and keep them down over time**. The key difficulty is proper reconnaissance and targeting, as well as the need to deal with a variety of diverse systems and be ready for countermoves from your adversary. Furthermore, nobody can be truly interested in allowing the unfettered proliferation and use of cyber war tools, least of all the countries with the offensive lead in this domain. Quite to the contrary, strong arguments can be made that the world's big powers have an overall strategic interest in developing and accepting internationally agreed norms on cyber war, and in creating agreements that might pertain to the development, distribution, and deployment of cyber weapons or to their use (though the effectiveness of such norms must remain doubtful). The most obvious reason is that the countries that are currently openly discussing the use of cyber war tools are precisely the ones that are the most vulnerable to cyber warfare attacks due to their high dependency on information infrastructure. The features of the emerging information environment make it extremely unlikely that any but the most limited and tactically oriented instances of computer attacks could be contained. More likely, computer attacks could 'blow back' through the interdependencies that are such an essential feature of the environment. Even relatively harmless viruses and worms would cause considerable random disruption to businesses, governments, and consumers. This risk would most likely weigh much heavier than the uncertain benefits to be gained from cyber war activities. Certainly, thinking about (and planning for) worst-case scenarios is a legitimate task of the national security

apparatus. Also, it seems almost inevitable that until cyber war is proven to be ineffective or forbidden, states and non-state actors who have the ability to develop cyber weapons will try to do so, because they appear cost-effective, more stealthy, and less risky than other forms of armed conflict. However, cyber war should not receive too much attention at the expense of more plausible and possible cyber problems. Using too many resources for high- impact, low-probability events – and therefore having less resources for the low to middle impact and high probability events – does not make sense, neither politically, nor strategically and certainly not when applying a cost-benefit logic.

2NC Cyber Impact D—Low Risk

Risk is systemically over-estimated and has been for decades

Healey, Atlantic Council Cyber Statecraft Initiative director, 2013

(Jason, "No, Cyberwarfare Isn't as Dangerous as Nuclear War", 3-20, http://www.usnews.com/opinion/blogs/world-report/2013/03/20/cyber-attacks-not-yet-an-existential-threat-to-the-us, ldg)

Eighty years ago, the generals of the U.S. Army Air Corps were sure that their bombers would easily topple other countries and cause their populations to panic, claims which did not stand up to reality. **A study of the 25-year history of cyber conflic**t, by the Atlantic Council and Cyber Conflict Studies Association, **has shown a similar dynamic where the impact of disruptive cyberattacks has been consistently overestimated.** Rather than theorizing about future cyberwars or extrapolating from today's concerns, the history of cyberconflict that have actually been fought, shows that cyber incidents have so far tended to have effects that are either widespread but fleeting or persistent but narrowly focused. **No attacks, so far, have been both widespread and persistent**. There have been no authenticated cases of anyone dying from a cyber attack. Any widespread disruptions, even the 2007 disruption against Estonia**, have been short-lived causing no significant GDP loss**.

1NC Cyber Impact D—Not Likely

No risk of cyberattack and no impact

Birch, former AP foreign correspondent, 10-1-12

(Douglas, "Forget Revolution", Foreign Policy, http://www.foreignpolicy.com/articles/2012/10/01/forget_revolution?page=full, DOA: 10-12-12, ldg)

"That's a good example of what some kind of attacks would be like," he said. "You don't want to overestimate the risks. You don't want somebody to be able to do this whenever they felt like it, which is the situation now. But this is not the end of the world." The question of how seriously to take the threat of a cyber attack on critical infrastructure surfaced recently, after Congress rejected a White House measure to require businesses to adopt stringent- new

regulations to protect their computer networks from intrusions. The bill would have required industries to report cyber security breaches, toughen criminal penalties against hacking and granted legal immunity to companies cooperating with government investigations. Critics worried about regulatory overreach. But the potential cost to industry also seems to be a major factor in the bill's rejection. A January study by Bloomberg reported that banks, utilities, and phone carriers would have to increase their spending on cyber security by a factor of nine, to $45.3 billion a year, in order to protect themselves against 95 percent of cyber intrusions. Likewise, some of the bill's advocates suspect that in the aftermath of a truly successful cyber attack, the government would have to bail the utilities out anyway. Joe Weiss, a cyber security professional and an authority on industrial control systems like those used in the electric grid, argued that a well-prepared, sophisticated cyber attack could have far more serious consequences than this summer's blackouts. "The reason we are so concerned is that cyber could take out the grid for nine to 18 months," he said. "This isn't a one to five day outage. We're prepared for that. We can handle that." But pulling off a cyber assault on that scale is no easy feat. Weiss agreed that hackers intent on inflicting this kind of long-term interruption of power would need to use a tool capable of inflicting physical damage. And so far, the world has seen only one such weapon: Stuxnet, which is believed to have been a joint military project of Israel and the United States. Ralph Langner, a German expert on industrial-control system security, was among the first to discover that Stuxnet was specifically designed to attack the Supervisory Control and Data Acquisition system (SCADA) at a single site: Iran's Natanz uranium-enrichment plant. The computer worm's sophisticated programs, which infected the plant in 2009, caused about 1,000 of Natanz's 5,000 uranium-enrichment centrifuges to self-destruct by accelerating their precision rotors beyond the speeds at which they were designed to operate. Professionals like Weiss and others warned that Stuxnet was opening a Pandora's Box: Once it was unleashed on the world, they feared, it would become available to hostile states, criminals, and terrorists who could adapt the code for their own nefarious purposes. But two years after the discovery of Stuxnet, **there are no reports of similar attacks** against the United States. What has prevented the emergence of such copycat viruses? A 2009 paper published by the University of California, Berkeley, may offer the answer. The report, which was released a year before Stuxnet surfaced, found that in order to create a cyber weapon capable of ~~crippling~~ (destroying) a specific control system ---- like the ones operating the U.S. electric grid -- six coders might have to work for up to six months to reverse engineer the targeted center's SCADA system. Even then, the report says, hackers likely **would need the help of someone with inside knowledge** of how the network's machines were wired together to plan an effective attack. "Every SCADA control center is configured differently, with different devices, running different software/protocols," wrote Rose Tsang, the report's author. Professional hackers are in it for the money -- and it's a lot more cost-efficient to search out vulnerabilities in widely-used computer programs like the Windows operating system, used by banks and other affluent targets, than in one-of-a-kind SCADA systems linked to generators and switches. According to Pollard, only the world's industrial nations have the means to use the Internet to attack utilities and major industries. But given the integrated global economy, there is little incentive, short of armed conflict, for them to do so. "If you're a state that has a number of U.S. T-bills in your treasury, you have an economic interest in the United States," he said. "You're not going to have an interest in mucking about with our infrastructure." There is also the threat of retaliation. Last year, the U.S. government reportedly issued a classified report on cyber strategy that said it could respond to a devastating digital assault with traditional military force. The idea was that if a cyber attack caused death and destruction on the scale of a military assault, the United States would reserve the right to respond with what the Pentagon likes to call "kinetic" weapons: missiles, bombs, and bullets. An unnamed Pentagon official, speaking to the Wall Street Journal, summed up the policy in less diplomatic terms: "If you shut down our power grid, maybe we will put a missile down one of your smokestacks." Deterrence is sometimes dismissed as a toothless strategy against cyber attacks because hackers have such an easy time hiding in the anonymity of the Web. But investigators typically come up with key suspects, if not smoking guns, following cyber intrusions and assaults -- the way suspicions quickly focused on the United States and Israel after Stuxnet was discovered. **And with the U.S. military's global reach, even terror groups have to factor in potential retaliation when planning their operations.**

Cyber war infeasible-multiple reasons and rigorous analysis

Clark, AMU Intelligence studies MA caudate and Chenega Federal Systems senior analyst, 2012

(Paul, "The Risk of Disruption or Destruction of Critical U.S. Infrastructure by an Offensive Cyber Attack", 4-28, http://www.academia.edu/1538543/The_Risk_of_Disruption_or_Destruction_of_Critical_U.S._Infrastructure_by_an_Offensive_Cyber_Attack, DOA: 10-13-12, ldg)

The Department of Homeland Security worries that our critical infrastructure and key resources (CIKR) may be exposed, both directly and indirectly, to multiple threats because of CIKR reliance on the global cyber infrastructure, an infrastructure that is under routine cyberattack by a "spectrum of malicious actors" (National Infrastructure Protection Plan 2009). CIKR in the extremely large and complex U.S. economy spans multiple sectors including agricultural, finance and banking, dams and water resources, public health and emergency services, military and defense, transportation and shipping, and energy (National Infrastructure Protection Plan 2009). The disruption and destruction of public and private infrastructure is part of warfare, without this infrastructure conflict cannot be sustained (Geers 2011). Cyber-attacks are desirable because they are considered to be a relatively "low cost and long range" weapon (Lewis 2010), but prior to the creation of Stuxnet, the first cyber-weapon, the ability to disrupt and destroy critical infrastructure through cyber-attack was theoretical. The movement of an offensive cyber-weapon from conceptual to actual has forced the United States to question whether offensive cyber-attacks are a significant threat that are able to disrupt or destroy CIKR to the level that national security is seriously degraded. It is important to understand the risk posed to national security by cyber-attacks to ensure that government responses are appropriate to the threat and balance security with privacy and civil liberty concerns. The risk posed to CIKR from cyber-attack can be evaluated by measuring the threat from cyber-attack against the vulnerability of a CIKR target and the consequences of CIKR disruption. As the only known cyber-weapon, Stuxnet has been thoroughly analyzed and used as a model for predicting future cyber-weapons. The U.S. electrical grid, a key component in the CIKR energy sector, is a target that has been analyzed for vulnerabilities and the consequences of disruption predicted – the electrical grid has been used in multiple attack scenarios including a classified scenario provided to the U.S. Congress in 2012 (Rohde 2012). Stuxnet will serve as the weapon and the U.S. electrical grid will serve as the target in **this risk analysis that concludes that there is a low risk of disruption or destruction of critical infrastructure** from a an offensive cyber-weapon because of the complexity of the attack path, the limited capability of non-state adversaries to develop cyber-weapons, and the existence of multiple methods of mitigating the cyber-attacks. To evaluate the threat posed by a Stuxnet-like cyber-weapon, the complexity of the weapon, the available attack vectors for the weapon, and the resilience of the weapon must be understood. The complexity – how difficult and expensive it was to create the weapon – identifies the relative cost and availability of the weapon; inexpensive and simple to build will be more prevalent than expensive and difficult to build. Attack vectors are the available methods of attack; the larger the number, the more severe the threat. For example, attack vectors for a cyberweapon may be email attachments, peer-to-peer applications, websites, and infected USB devices or compact discs. Finally, the resilience of the weapon determines its availability and affects its usefulness. A useful weapon is one that is resistant to disruption (resilient) and is therefore available and reliable. These concepts are seen in the AK-47 assault rifle – a simple, inexpensive, reliable and effective weapon – and carry over to information technology structures (Weitz 2012). The evaluation of Stuxnet identified malware that **is "unusually complex and large"** and required code written in multiple languages (Chen 2010) in order to complete a variety of specific functions contained in a "vast array" of components – it is one of the most complex threats ever analyzed by Symantec (Falliere, Murchu and Chien 2011). To be successful, Stuxnet required a high level of technical knowledge across multiple disciplines, a laboratory with the target equipment configured for testing, and a foreign intelligence capability to collect information on the target network and attack vectors (Kerr, Rollins and Theohary 2010). The malware also needed careful monitoring and maintenance because it could be easily disrupted; as a result Stuxnet was developed with a high degree of configurability and was upgraded multiple times in less than one year (Falliere, Murchu and Chien 2011). Once introduced into the network, the cyber-weapon then had to utilize four known vulnerabilities and four unknown vulnerabilities, known as zero-day exploits, in order to install itself and propagate across the target network (Falliere, Murchu and Chien 2011). **Zero-day exploits are incredibly difficult to find and fewer than twelve out of the 12,000,000 pieces of malware discovered each year utilize zero-day exploits** and this rarity makes them valuable, zero-days can fetch $50,000 to $500,000 each on the black market (Zetter 2011). The use of four rare exploits in a single piece of malware is "unprecedented" (Chen 2010). Along with the use of four unpublished exploits, Stuxnet also used the "first ever" programmable logic controller rootkit, a Windows rootkit, antivirus evasion techniques, intricate process injection routines, and other complex

interfaces (Falliere, Murchu and Chien 2011) all wrapped up in "layers of encryption like Russian nesting dolls" (Zetter 2011) – including custom encryption algorithms (Karnouskos 2011). As the malware spread across the now-infected network it had to utilize additional vulnerabilities in proprietary Siemens industrial control software (ICS) and hardware used to control the equipment it was designed to sabotage. Some of these ICS vulnerabilities were published but some were unknown and required such a high degree of inside knowledge that there was speculation that a Siemens employee had been involved in the malware design (Kerr, Rollins and Theohary 2010). The unprecedented technical complexity of the Stuxnet cyber-weapon, along with the extensive technical and financial resources and foreign intelligence capabilities required for its development and deployment, indicates that the malware was likely developed by a nation-state (Kerr, Rollins and Theohary 2010). Stuxnet had very limited attack vectors. When a computer system is connected to the public Internet a host of attack vectors are available to the cyber-attacker (Institute for Security Technology Studies 2002). Web browser and browser plug-in vulnerabilities, cross-site scripting attacks, compromised email attachments, peer-to-peer applications, operating system and other application vulnerabilities are all vectors for the introduction of malware into an Internetconnected computer system. **Networks that are not connected to the public internet are "air gapped,"** a technical colloquialism to identify a physical separation between networks. Physical separation from the public Internet is a common safeguard for sensitive networks including classified U.S. government networks. If the target network is air gapped, infection can only occur through physical means – an infected disk or USB device that must be physically introduced into a possibly access controlled environment and connected to the air gapped network. The first step of the Stuxnet cyber-attack was to initially infect the target networks, a difficult task given the probable disconnected and well secured nature of the Iranian nuclear facilities. Stuxnet was introduced via a USB device to the target network, a method that suggests that the attackers were familiar with the configuration of the network and knew it was not connected to the public Internet (Chen 2010). This assessment is supported by two rare features in Stuxnet – having all necessary functionality for industrial sabotage fully embedded in the malware executable along with the ability to self-propagate and upgrade through a peer-to-peer method (Falliere, Murchu and Chien 2011). Developing an understanding of the target network configuration was a significant and daunting task based on Symantec's assessment that Stuxnet repeatedly targeted a total of five different organizations over nearly one year (Falliere, Murchu and Chien 2011) with physical introduction via USB drive being the only available attack vector. The final factor in assessing the threat of a cyber-weapon is the resilience of the weapon. There are two primary factors that make Stuxnet non-resilient: the complexity of the weapon and the complexity of the target. Stuxnet was highly customized for sabotaging specific industrial systems (Karnouskos 2011) and needed a large number of very complex components and routines in order to increase its chance of success (Falliere, Murchu and Chien 2011). The malware required eight vulnerabilities in the Windows operating system to succeed and therefore would have failed if those vulnerabilities had been properly patched; four of the eight vulnerabilities were known to Microsoft and subject to elimination (Falliere, Murchu and Chien 2011). Stuxnet also required that two drivers be installed and required two stolen security certificates for installation (Falliere, Murchu and Chien 2011); driver installation would have failed if the stolen certificates had been revoked and marked as invalid. Finally, the configuration of systems is ever-changing as components are upgraded or replaced. There is no guarantee that the network that was mapped for vulnerabilities had not changed in the months, or years, it took to craft Stuxnet and successfully infect the target network. Had specific components of the target hardware changed – the targeted Siemens software or programmable logic controller – the attack would have failed. Threats are less of a threat when identified; this is why zero-day exploits are so valuable. Stuxnet went to great lengths to hide its existence from the target and utilized multiple rootkits, data manipulation routines, and virus avoidance techniques to stay undetected. The malware's actions occurred only in memory to avoid leaving traces on disk, it masked its activities by running under legal programs, employed layers of encryption and code obfuscation, and uninstalled itself after a set period of time, all efforts to avoid detection because its authors knew that detection meant failure. As a result of the complexity of the malware, the changeable nature of the target network, and the chance of discovery, Stuxnet is not a resilient system. It is a fragile weapon that required an investment of time and money to constantly monitor, reconfigure, test and deploy over the course of a year. There is concern, with Stuxnet developed and available publicly, that the world is on the brink of a storm of highly sophisticated Stuxnet-derived cyber-weapons which can be used by hackers, organized criminals and terrorists (Chen 2010). As former counterterrorism advisor Richard Clarke describes it, there is concern that the technical brilliance of the United States "has created millions of potential monsters all over the world" (Rosenbaum 2012). Hyperbole aside, technical knowledge spreads. The techniques behind cyber-attacks are "constantly evolving and making use of lessons learned over time" (Institute for Security Technology Studies 2002) and the publication of the Stuxnet code may make it easier to copy the weapon (Kerr, Rollins and Theohary 2010). However, this is something of a zero-sum game because **knowledge works both ways and cyber-security techniques are also evolving**, and "understanding attack techniques more clearly is the first step toward increasing security" (Institute for Security Technology Studies 2002). Vulnerabilities are discovered and patched, intrusion detection and malware signatures are expanded and updated, and monitoring and analysis processes and methodologies are expanded and honed. **Once the element of surprise is lost, weapons and tactics are less useful**, this is the core of the argument that "uniquely surprising" stratagems like Stuxnet are single-use, like Pearl Harbor and the Trojan Horse, the "very success [of these attacks] precludes their repetition" (Mueller 2012). This paradigm has already been seen in the "son of Stuxnet" malware – named Duqu by its discoverers – that is based on the same modular code platform that created Stuxnet (Ragan 2011). With the techniques used by Stuxnet now known, other variants such as Duqu are being discovered and countered by security researchers (Laboratory of Cryptography and System Security 2011). It is obvious that the effort required to create, deploy, and maintain Stuxnet and its variants is massive and

it is not clear that the rewards are worth the risk and effort. Given the location of initial infection and the number of infected systems in Iran (Falliere, Murchu and Chien 2011) it is believed that Iranian nuclear facilities were the target of the Stuxnet weapon. A significant amount of money and effort was invested in creating Stuxnet but yet the expected result – assuming that this was an attack that expected to damage production – was minimal at best. Iran claimed that Stuxnet caused only minor damage, probably at the Natanz enrichment facility, the Russian contractor Atomstroyeksport reported that no damage had occurred at the Bushehr facility, and an unidentified "senior diplomat" suggested that Iran was forced to shut down its centrifuge facility "for a few days" (Kerr, Rollins and Theohary 2010). Even the most optimistic estimates believe that Iran's nuclear enrichment program was only delayed by months, or perhaps years (Rosenbaum 2012). The actual damage done by Stuxnet is not clear (Kerr, Rollins and Theohary 2010) and the primary damage appears to be to a higher number than average replacement of centrifuges at the Iran enrichment facility (Zetter 2011). Different targets may produce different results. The Iranian nuclear facility was a difficult target with limited attack vectors because of its isolation from the public Internet and restricted access to its facilities. What is the probability of a successful attack against the U.S. electrical grid and what are the potential consequences should this critical infrastructure be disrupted or destroyed? An attack against the electrical grid is a reasonable threat scenario since power systems are "a high priority target for military and insurgents" and there has been a trend towards utilizing commercial software and integrating utilities into the public Internet that has "increased vulnerability across the board" (Lewis 2010). **Yet the increased vulnerabilities are mitigated by an increased detection and deterrent capability** that has been "honed over many years of practical application" now that power systems are using standard, rather than proprietary and specialized, applications and components (Leita and Dacier 2012). The security of the electrical grid is also **enhanced by increased awareness** after a smart-grid hacking demonstration in 2009 and the identification of the Stuxnet malware in 2010; as a result **the public and private sector are working together in an "unprecedented effort" to establish robust security guidelines** and cyber security measures (Gohn and Wheelock 2010).

Grid Impact D

1NC Grid Impact D—No Extinction

No deaths from nuclear meltdowns

Drum 11 Kevin, political blogger for Mother Jones, "Nukes and the Free Market", March 14, www.motherjones.com/kevin-drum/2011/03/nukes-and-free-market

We're currently told that the death toll in Japan will be at least **10,000 people of whom** approximately **zero seem to have perished in nuclear accidents**. **What happens when a tsunami hits an offshore drilling platform or a natural gas pipeline? What happens to a coal mine in an earthquake**? How much environmental damage is playing out in Japan right now because of gasoline from cars pushed around? **The main lesson is "try not to put critical infrastructure near a fault line"** but Japan is an earthquakey country, so what are they really supposed to do about this?¶ This is a good point: **energy sources of all kind cause problems. Sometimes the problems create screaming headlines** (nuke meltdowns, offshore oil explosions, mining disasters) **and sometimes they don't** (increased particulate pollution, global warming, devastation of salmon runs). **But the dangers are there for virtually every type of energy production**.¶ Still, it's worth pointing out that **the problem with nuclear power isn't** so much **its immediate capacity to kill people**. As Matt points out, **no one has died in Japan from the partial meltdowns at its damaged nuclear plants, and it's unlikely anyone ever will. The control rods are in place, and even in the worst case the containment vessels will** almost certainly **restrict** the worst **damage**.

2NC Grid Impact D—No Extinction

Meltdowns don't cause extinction

WNA 2012

(World Nuclear Association, "Safety of Nuclear Power Reactors", March, http://www.world-nuclear.org/info/inf06.html, DOA: 10-12-12, ldg)

In the 1950s attention turned to harnessing the power of the atom in a controlled way, as demonstrated at Chicago in 1942 and subsequently for military research, and applying the steady heat yield to generate electricity. This naturally gave rise to concerns about accidents and their possible effects. However, with nuclear power safety depends on much the same factors as in any comparable industry: intelligent planning, proper design with conservative margins and back-up systems, high-quality components and a well-developed safety culture in operations. A particular nuclear scenario was loss of cooling which resulted in melting of the nuclear reactor core, and this motivated studies on both the physical and chemical possibilities as well as the biological effects of any dispersed radioactivity. Those responsible for nuclear power technology in the West devoted extraordinary effort to ensuring that a meltdown of the reactor core would not take place, since it was assumed that a meltdown of the core would create a major public hazard, and if uncontained, a tragic accident with likely multiple fatalities. In avoiding such accidents the industry has been very successful. In over 14,500 cumulative reactor-years of commercial operation in 32 countries, there have been only three major accidents to nuclear power plants - Three Mile Island, Chernobyl, and Fukushima - the second being of little relevance to reactor design outside the old Soviet bloc. It was not until the late 1970s that detailed analyses and large-scale testing, followed by the 1979 meltdown of the Three Mile Island reactor, began to make clear that even the worst possible accident in a conventional western nuclear power plant or its fuel would not be likely to cause dramatic public harm. The industry still works hard to minimize the probability of a meltdown accident, but it is now clear that no-one need fear a potential public health catastrophe simply because a fuel meltdown happens. Fukushima has made that clear, with a triple meltdown causing no fatalities or serious radiation doses to anyone, while over two hundred people continued working on the site to mitigate the accident's effects. The decades-long test and analysis program showed that less radioactivity escapes from molten fuel than initially assumed, and that most of this radioactive material is not readily mobilized beyond the immediate internal structure. Thus, even if the containment structure that surrounds all modern nuclear plants were ruptured, as it has been with at least one of the Fukushima reactors, it is still very effective in preventing escape of most radioactivity. It is the laws of physics and the properties of materials that mitigate disaster, more than the required actions by safety equipment or personnel. In fact, licensing approval for new plants now requires that the effects of any core-melt accident must be confined to the plant itself, without the need to evacuate nearby residents. The three significant accidents in the 50-year history of civil nuclear power generation are: Three Mile Island (USA 1979) where the reactor was severely damaged but radiation was contained and there were no adverse health or environmental consequences Chernobyl (Ukraine 1986) where the destruction of the reactor by steam explosion and fire **killed 31 people** and had significant health and environmental consequences. The death toll has since increased to about 5 Fukushima (Japan 2011) where three old reactors (together with a fourth) were written off and the effects of loss of cooling due to a huge tsunami were inadequately contained. A table showing all reactor accidents, and a table listing some energy-related accidents with multiple fatalities are appended. **These three significant accidents occurred during more than 14,000 reactor-years of civil operation.** Of all the accidents and incidents, only the Chernobyl and Fukushima accidents resulted in radiation doses to the public greater than those resulting from the exposure to natural sources. The Fukushima accident resulted in some radiation exposure of workers at the plant, but not such as to threaten their health, unlike Chernobyl. Other incidents (and one 'accident') have been completely confined to the plant. Apart from Chernobyl, no nuclear workers or members of the public have ever died as a result of exposure to radiation due to a commercial nuclear reactor incident. Most of the serious radiological injuries and deaths that occur each year (2-4 deaths and many more exposures above regulatory limits) are the result of large uncontrolled radiation sources, such as abandoned medical or industrial equipment. (There have also been a number of accidents in experimental reactors and in one military plutonium-producing pile - at Windscale, UK, in 1957, but none of these resulted in loss of life outside the actual plant, or long-term environmental contamination.) See also Table 2 in Appendix.

They conflate minor blackouts with attempted attacks, their evidence is rhetorical hyperbole

Schneier 10 (Bruce, Security Technologist and author of several books on cyber security, "Threat of 'cyberwar' has been hugely hyped" 7/7/10 http://edition.cnn.com/2010/OPINION/07/07/schneier.cyberwar.hyped/)

"The United States is fighting a cyberwar today, and we are losing," said former NSA director -- and current cyberwar contractor -- Mike McConnell. "Cyber 9/11 has happened over the last ten years, but it happened slowly so we don't see it," said former National Cyber Security Division director Amit Yoran. Richard Clarke, whom Yoran replaced, wrote an entire book hyping the threat of cyberwar. General Keith Alexander, the current commander of the U.S. Cyber Command, hypes it every chance he gets. This isn't just rhetoric of a few over-eager government officials and headline writers; the entire national debate on cyberwar is plagued with exaggerations and hyperbole. Googling those names and terms -- as well as "cyber Pearl Harbor," "cyber Katrina," and even "cyber Armageddon" -- gives some idea how pervasive these memes are. Prefix "cyber" to something scary, and you end up with something really scary. Cyberspace has all sorts of threats, day in and day out. Cybercrime is by far the largest: fraud, through identity theft and other means, extortion, and so on. Cyber-espionage is another, both government- and corporate-sponsored. Traditional hacking, without a profit motive, is still a threat. So is cyber-activism: people, most often kids, playing politics by attacking government and corporate websites and networks. These threats cover a wide variety of perpetrators, motivations, tactics, and goals. You can see this variety in what the media has mislabeled as "cyberwar." The attacks against Estonian websites in 2007 were simple hacking attacks by ethnic Russians angry at anti-Russian policies; these were denial-of-service attacks, a normal risk in cyberspace and hardly unprecedented. A real-world comparison might be if an army invaded a country, then all got in line in front of people at the DMV so they couldn't renew their licenses. If that's what war looks like in the 21st century, we have little to fear. Similar attacks against Georgia, which accompanied an actual Russian invasion, were also probably the responsibility of citizen activists or organized crime. A series of power blackouts in Brazil was caused by criminal extortionists -- or was it sooty insulators? China is engaging in espionage, not war, in cyberspace. And so on. One problem is that there's no clear definition of "cyberwar." What does it look like? How does it start? When is it over? Even cybersecurity experts don't know the answers to these questions, and it's dangerous to broadly apply the term "war" unless we know a war is going on. Yet recent news articles have claimed that China declared cyberwar on Google, that Germany attacked China, and that a group of young hackers declared cyberwar on Australia. (Yes, cyberwar is so easy that even kids can do it.) Clearly we're not talking about real war here, but a rhetorical war: like the war on terror. We have a variety of institutions that can defend us when attacked: the police, the military, the Department of Homeland Security, various commercial products and services, and our own personal or corporate lawyers. The legal framework for any particular attack depends on two things: the attacker and the motive. Those are precisely the two things you don't know when you're being attacked on the Internet. We saw this on July 4 last year, when U.S. and South Korean websites were attacked by unknown perpetrators from North Korea.Korea -- or perhaps England. Or was it Florida?

1NC Grid Impact D—Backups Solve

No impact – backups

IBEW 14 – (2014, International Brotherhood of Elctricial Workers, http://www.ibew.org/IBEW/departments/utility/IBEW-Nuclear-FAQ.pdf The International Brotherhood of Electrical Workers (IBEW) represents approximately 750,000 active members and retirees who work in a wide variety of fields, including utilities, construction, telecommunications, broadcasting, manufacturing, railroads and government. The IBEW has members in both the United States and Canada and stands out among the American unions in the AFL-CIO because it is among the largest and has members in so many skilled occupations.

Some of the units at the Japanese plants lost both off - site power and diesel generators. This is called a "station blackout." U.S. nuclear power plants are designed to cope with station blackouts by having multiple back - up power sources at the ready. All U.S. plants are also responsible for demonstrating to the NRC that they can handle such situations in order to legally remain in operation.

2NC Grid Impact D—Backups Solve

GRID THREATS ARE HYPE

Sorebo, chief cybersecurity technologist and vice president – SAIC, **10**, consultant for the government and industry in cybersecurity and smart grid technology, MA – GW University, JD – Catholic U, 2/8/'10

(Gib, "The Many Shades of Project Grey Goose," RSA Conference)

As I noted in my previous post about a recent 60 Minutes segment, we often rely on rumor and innuendo as the basis for journalism in critical infrastructure. If a current or former high-ranking public official says he heard something, then it must be true. Unfortunately, Project Grey Goose, whose stated objective was "to answer the question of whether there has been any successful hacker attacks against the power grid, both domestically and internationally," falls victim to much of the same fear, uncertainty, and doubt. As in all media reports, there are factual bases for findings that **exaggerated the true state of the electric grid.** For example, their statement that "90% of the U.S. Department of Defense's (DOD) most critical assets are entirely dependent on the bulk power grid" is presumably taken from a Government Accountability Office (GAO) report noting that 85 percent of critical DoD assets rely on commercial electric power. However, the "entirely dependent" statement **ignores the wide variety of backup generators that support these assets**, and while not adequate, are nonetheless **a significant contribution to the reliability of critical DoD assets.** So rather than sounding the alarm that military bases, for the most part, do not have their own power plants, a better response would have been to suggest that the military expand the use of backup generators and micro-grid technology to augment commercial power as the GAO report does. Of course, that would not grab as many headlines.

Similarly, the Grey Goose Report note that "[m]ost Grid asset owners and operators have been historically resistant to report cyber attacks against their networks as well as make the necessary investments to upgrade and secure their networks." While it may be true that incidents are underreported, the implication that the electricity industry is deficient compared to other industrial sectors is misleading or even wrong. Most companies do not report security incidents unless legally required to or to mitigate the harm to their customers, and even then the evidence of an intrusion and theft of data had better be definitive. Lost laptops and backup tapes are one thing. You cannot say they are within your control if they go missing. However, organizations in general have a horrible record of even detecting when a successful attack has occurred let alone what was taken. Like many industries, the electricity industry has struggled to pinpoint the source of many disruptions associated with their network infrastructure. More often than not, the problems were inadvertent and not malicious. We can certainly do better, and with technologies like Smart Grid, we have to. However, calling out the electricity industry for failures that we've all been subjected to is not very productive.

The other statements made about the vulnerabilities in the electricity sector are misleading. While North American Electric Reliability Corporation Critical Infrastructure Protection (NERC CIP) still does not apply to many aspects of the electrical grid for a variety of jurisdictional reasons, where it does apply, it is not voluntary, as the many utilities subjected to rigorous and painful audits can attest. The process may not be perfect, but utilities are being subjected to scrutiny. Moreover, anyone receiving stimulus grants under the Department of Energy's Smart Grid grant program has to demonstrate a very rigorous approach to cyber security through the entire implementation life cycle.

Finally, the report cites a litany of vulnerabilities discovered in various Smart Grid devices such as meters and perpetuates speculation about the potential impact on the grid without considering compensating security controls. Nowhere does the report cite names of vulnerable vendors nor does it provide any information about whether these vulnerable products have actually been implemented. It's like saying that tests on personal computers showed that they were vulnerable to attack without identifying the operating system or the applications running on the device.

AT: Internet Adv

Internal Link Answers

Net Neutrality Solves – 1NC

Net Neutrality sets a global model for open internet – overwhelms the NSA scandal

Savov, writer @ The Verge, 2-6-15

(Vlad, "Thank you, America, for finally acting sane about the internet," http://www.theverge.com/2015/2/6/7992195/net-neutrality-and-american-leadership)

I recount this experience now — which will be familiar to countless nations around the world — because this week we finally have a chance to celebrate our global Americanization. On Wednesday, the US government did something right for a change — at this point, it's impressive when it does anything at all — **by deciding to wholeheartedly endorse net neutrality.** As egotistical as the USA can often seem, this decision is one with truly global implications. The Netherlands, Finland, and other countries may have stronger commitments to universal broadband access and net neutrality, but **they don't have the world's ear the way that the US does.** I don't believe that the US embracing net neutrality will automatically enforce the principle around the world, but I am confident that it couldn't get very far without American approval. The United States is deeply invested in setting the world's policy agenda, whether it be through legal means such as the copyright-enforcing Trans-Pacific Partnership (which is still being negotiated) or extra-legal ones as used to undermine the Castro regime in Cuba. Edward Snowden's revelations about the NSA and the Five Eyes spying network also show a country that's actively manipulating and exploiting the internet in destructive ways, forcing others like Brazil to consider breaking off from the global network. American control over the internet is deliberate and a recognition of **net neutrality by this hegemon can only be a good thing. NET NEUTRALITY REVERSES A TRACK RECORD OF THE USA SCREWING UP THE INTERNET** One of the all-time favorite sayings of British economists is that when America sneezes the whole world catches a cold. It's a cliché that was truer in the 1990s than it is today, with China steadily ascending in global economic importance, but it **remains valid when it comes to the internet**. The future of the internet is **shaped by decisions made in the United States**. While the policymakers on the east coast set the rules on how we access it, the tech industry clustered on the west coast determines what we do with it. The iPhone was proudly designed in California, and so were most of the apps and services through which we use the web on a daily basis. Twitter, Facebook, Google, Microsoft, and Amazon all have their headquarters on the western American coast, and it's in their boardrooms and idea labs that the next evolution of the web will take form.

Net Neutrality Solves – 2NC

Net Neutrality solves the internal link – it shows the US is committed to free and open internet which reverses old perceptions of our policy – overwhelms Snowden because it demonstrated a new commitment to openness – that's Savov, UN human right experts agree

UN News Center, 15

("UN expert applauds US decision guaranteeing 'net neutrality'," http://www.un.org/apps/news/story.asp?NewsID=50200#.VY7RbPlViko)

The United States Federal Communications Commission's (FCC) decision to establish new regulations protecting so-called net n0eutrality, or the equal treatment of all Internet traffic, **is "a real victory" for freedom of expression and access to information, a United Nations human rights expert said today.** "I hope the new rules may serve as a model for other governments seeking to protect or expand an open and secure Internet," the Special Rapporteur on freedom of expression, David Kaye, explained in a news release. "It is especially important that the new rules prevent ISPs [internet service providers] from discriminating against some types of content in favour of others, either by slowing down delivery speeds or by creating a fast lane to ensure quicker delivery for only some content providers that have paid extra fees." With the FCC decision, the United States (US) joins a small number of countries – Brazil, Chile, and the Netherlands – that have adopted net neutrality rules in an effort to support "a free and open" Internet and ensure continued access to any lawful content individuals choose, "without **restriction or interference from ISPs.** In addition, the decision classifies broadband Internet as a **public utility**, permitting its regulation by the FCC similar to the way the agency regulates telephone service and other utilities.

Alt Cause – 1NC

No solvency – leadership in the public and private sector has to change to enhance US legitimacy

Walker, Executive Editor of the Government Publishing Group at FierceMarkets, 15

(Molly, "US leadership in the global Internet debate at risk, says former NSC cyber director," http://www.fiercegovernmentit.com/story/us-leadership-global-internet-debate-risk-says-former-nsc-cyber-director/2015-01-07)

While there's been a common **perception** that the United States has an outsized influence on Internet governance, many now want to see that change in light of ongoing leaks about widespread U.S. spying programs, according to a new paper. Such leaks have accelerated an international call to shift such governance to the United Nations, International Telecommunication Union, or other similar organization, says the paper (pdf) by Melissa Hathaway, the former cyber director of the National Security Council. She is now a senior advisor at Harvard Kennedy School's Belfer Center for Science and International Affairs. Additionally, some countries believe the United States, through the California-based Internet Corporation for Assigned Names and Numbers, is unfairly controlling the Domain Name System, which tracks Internet names and addresses, and argue for an alternative, more regional or local system of Internet governance. For the United States to maintain its influential position, Hathaway writes that it must develop and deliver "a new message focused on economic competitiveness and business opportunity that respects the rights of individuals in their liberty, thoughts, and possessions." To further stem such calls for change, she adds it will take more than new rhetoric that portrays U.S. Internet policies as legitimate, fair and transparent. **It may require new people. "Without a new cadre of leaders – both in the government and in the private sector** – it will be very difficult for the United States to engage around the globe without

being **perceived as colonialist or paternalistic," writes Hathaway.** The United States also should also try to create a common vision of how the Internet and its infrastructure should operate in an effort to unify governments.

Alt Cause – 2NC

US – China conflict over internet liberalization is inevitable – thumps all of their balkanization arguments

Creemers, Research Officer in Policy @ Oxford, 15

(Rogier, "Disarming the Great Canon," http://foreignpolicy.com/2015/04/10/great-cannon-china-internet-cyber-attack-baidu/)

China, long known to block undesired online information with an electronic barrier known as the Great Firewall, may now have added to its censorship arsenal **a powerful new cudgel.** Researchers in the United States and Canada **have traced a March cyberattack to a new tool they have dubbed the "Great Cannon,"** apparently utilized by Chinese government authorities to manipulate and redirect foreign web traffic, and in the future perhaps even to expand online surveillance capabilities. Yet while Chinese authorities maintain that such censorship is justified by legitimate national security imperatives, the United States **holds that it severely undermines the integrity of the global Internet. The two conflicting positions present a serious challenge to multilateral Internet governance and the future security of the global Internet.** In late March, a sustained denial of service attack targeted GreatFire.org, a U.S.-based non-governmental organization that seeks to analyze and circumvent the Great Firewall, and its section on the open-source code platform GitHub. The attack, attributed to China's Internet authorities, took place through the insertion of malicious code—which researchers now believe was accomplished using the Great Cannon–into analytics code of Baidu, China's largest search engine. As a result, traffic from all computers accessing websites in which this code was embedded, was redirected towards these websites, drastically slowing service. According to Jason Ng, a fellow at The Citizen Lab at the University of Toronto, both sides have sought to leverage the many passive, apolitical users of the Internet. GitHub is a platform used by many Chinese programmers, and so taking it down would cause a domestic backlash. GreatFire's use of this platform is, in Ng's words in an April 1 ChinaFile Conversation, a "high-stakes dare." The attackers, on the other hand, relied on the substantive quantities of ordinary netizens who, in their daily web use, were unaware of the presence of Baidu's analytics code, let alone its use in the cyberattack. These facts elicit complex questions about public-private relations in cyberspace, in particular with regard to the definition of online security and aggression. In the worst case, they might herald a medieval escalation into continuous wrangling between anyone who can muster enough mercenary forces (and with no guarantee that those mercenaries are actually aware of what is happening). At the heart of this attack lie two fundamentally conflicting views of legitimate governance and security in cyberspace. From the Chinese point of view, the Great Firewall is a critical piece of national security infrastructure that protects against relentless attempts by "foreign hostile powers" to undermine the stability of the regime. The avowed mission of GreatFire.org to unblock censored websites is, in that sense**, an act of sabotage that impinges on China's sovereign right of self-determination.** From the Western point of view, GreatFire.org, which not only monitors censorship trends on the Chinese Internet, but also seeks to unblock censored information, is a courageous defender of the online rights and liberties of China's citizens, as well as of the integrity of the global Internet. From this angle, China's tactics undermine trust in Chinese businesses and regulators and risk the balkanization of the web. **Both positions are self-serving.** One might argue that the U.S. cyber practices revealed in the Snowden revelations did as much to endanger network integrity as any attack from the Chinese side. If the argument is about human rights, the treatment of whistleblowers such as Chelsea Manning and Edward Snowden, or more broadly America's continued pursuit of what has been called extrajudicial murder, provide easy ammunition to allege hypocrisy. For its part, the Chinese side often overlooks the fact that its astonishing economic success owes more than a little to the willingness of other states to accommodate China in the global trading system, often at significant domestic cost. In any case, **these arguments can only lead to a prolonged, unproductive shouting match**. We are already seeing an escalation of threats in cyberspace, including the sanctions targeting foreign hackers President Obama announced a few days ago. If this status quo is undesirable, a deal is necessary. This deal can either be made relatively quickly, or after a prolonged period of strife and recriminations that merely allow for more harm to be inflicted, without shifting the goalposts. In other words, it is time for a bit of realpolitik. The ingredients of an agreement are

relatively simple: defining the nature of online threats to security, defining the role of various parties, including governments, corporations, and individual citizens in maintaining security, as well as liability for alleged aggression, and defining protocols for the attribution of cyberattacks. But such **a deal would be very difficult to sell internally** in either country: it is a characteristic of many governments, and particularly security services, to want others to be bound to rules that they themselves can disregard. Crucially, **mutual trust is non-existent at the moment.** But we are not discussing a typical state-to-state issue. Privately owned online giants, from Apple to Google to Chinese companies like Tencent and Baidu, **wield power in the information space that rivals that of national governments**. And it's also possible for a very small number of individuals with no corporate affiliation to inflict significant damage through the network. The power of these private actors greatly complicates notions of security and aggression. It would be relatively easy to formulate standards for what constitutes inter-state aggression online; international law on conflicts already provides enough handholds in this respect. But civilian acts present a more difficult challenge. If we recognize that all states have legitimate security concerns, a series of difficult choices presents itself: either states need to agree on a mutually recognized list of such concerns, or each state gets to do that for themselves. If the latter is the case, what should the government of country X do when a private party located in that country launches an attack against country Y? If country X does nothing, would it then be legitimate for country Y to retaliate against said private party?

Competitiveness

Competitive Now – 1NC

US internet is competitive now and the plan doesn't address structural alt causes

Layton '13

Roslyn Layton is a PhD fellow in internet economics at Center for Communication, Media and Information Technologies at Aalborg University in Denmark, "America's Broadband Service Is Not Falling Behind," http://www.american.com/archive/2013/february/americas-broadband-service-is-not-falling-behind

A new report from the Washington-based Information Technology and Innovation Foundation (ITIF) provides an excellent review of major broadband studies from the Organization for Economic Cooperation and Development (OECD), the Federal Communications Commission (FCC), Akamai, and others. Each study has a unique focus and methodology, and it is easy to confuse measures such as deployment (the geographic reach of broadband networks) with adoption (the number of users who subscribe). There is no doubt that one could cherry-pick a data point to say the United States is failing, but taking into account the whole picture that the studies provide, the conclusion is clear: the United States is doing well in broadband. End-user prices may be cheaper in some countries, but prices don't tell the whole story. The real cost of broadband may be borne by taxpayers through subsidies or other factors such as South Korean landlords required to upgrade their apartment buildings. Population density drives lower prices for broadband. It takes more equipment, and hence more money, to wire the United States, a largely suburban nation with many single-family homes. Japan, South Korea, and the Netherlands, on the other hand, are much more densely populated, and in Denmark, the population is concentrated in the major cities. But before you pack up and move abroad, keep in mind that people in these countries pay more for gasoline and consumer products than do Americans. Some critics call the American market uncompetitive, but American carriers fight fiercely for customers. A look at the FCC's National Broadband Plan website shows that there are four or more competitors in many markets. But competition is not necessarily driven by the number of players; it's driven by the technology. Where I live in Denmark, the wireline incumbent controls more than 50 percent of that market, but there are still low prices. This is because mobile operators are in a race to upgrade their infrastructure, so the incumbent keeps prices down so its DSL customers won't flock to mobile. Indeed, the United States is rated third in the OECD for intercarrier competition between cable and DSL (behind Belgium and the Netherlands). The ITIF also notes that the United States has the OECD's second-lowest price for entry-level broadband; what you pay scales with what you consume. For some time, adoption of broadband in the United States was hindered by people not having a computer. With the prices for mobile devices falling (half of all Americans owned a smartphone in 2012) coupled with the world's biggest rollout of 4G/LTE, lower-income Americans increasingly purchase broadband. We are reinventing the Internet with mobile while wired networks continue to innovate. In Denmark in 2000, no fewer than 14 local utility cooperatives attempted to create their own fiber networks, arguing that there is little difference between bringing fiber or electricity to homes. They estimated that once one is in the business of providing electricity, the transition can easily be made to providing another pipe service: broadband. Their business case never

worked because the price of broadband on other networks plummeted. Today, fewer than 200,000 Danish homes subscribe to these fiber networks, a number that's small even for Denmark. The Norwegian Centre for Integrated Care and Telemedicine, the world's leading institute for telemedicine, notes that most applications run fine on average broadband levels (for example, video consultation), and even the most advanced app would require no more than 10 megabits per second (Mbps). Indeed the limiting factor for telemedicine is not broadband but rather health care providers who are resistant to change.1 This finding echoes the U.S. Chamber of Commerce study of broadband in schools, which found that many American schools have the requisite level of broadband, **but the bottleneck is teachers who are not up to speed on technology**. Thus, public funds may be better spent on digital literacy and teacher training than on fiber. To be sure, the country with the fastest broadband speeds has bragging rights. Making a broadband target of 100 Mbps or greater is politically expedient, but not necessarily meaningful. It's not the speed that matters, but what you do with it. In South Korea, which has the world's fastest speed of 45 Mbps, the primary uses of broadband by far are still entertainment for consumers and video conferencing for businesses. While broadband has enabled productivity in many industries and supported a marginal "Gangnam Style" entertainment economy, make no mistake: the real money in South Korea's economy still comes from electronics, automobiles, shipbuilding, semiconductors, steel, and chemicals — the same growth engines from the pre-broadband days. Ditto for Japan and Sweden. The United States, however, has diversified its economy because of broadband, and boasts the world's largest internet companies and innovation economy. This was achieved with massive but wise investment in multiple wireline and wireless broadband networks, and shows that we get bang for our broadband buck. In South Korea the national broadband project has not yielded the jobs that were expected. Broadband has enabled entertainment but not employment. A new report by the Korea Information Society Development Institute, "A Study on the Impact of New ICT Service and Technology on Employment," bemoans the situation of "jobless growth." The government is also concerned about internet addiction, which afflicts some 10 percent of the country's children aged between 10 and 19, who essentially function only for online gaming but not in other areas of society. In crafting broadband policy, European Commission Vice President Neelie Kroes is looking not at Sweden or South Korea, but the United States, where she notes "high speed networks now pass more than 80 percent of homes; a figure that quadrupled in three years." Furthermore, she advocates private along with public investment to achieve broadband goals. It is no small accomplishment that some $250 billion of private investment funded American broadband between 2008 and 2011, and that investment continues today. In the last few years, American telecom firms bought more fiber than all of Europe combined. It's easy to think that the grass is greener abroad, but when it comes to broadband being delivered efficiently, there's no place like home.

Zero Sum – 1NC

Internet innovation is not zero sum

Paul '10

Fredric, Editor in Chief, Enterprise Efficiency, "Does Innovation Have to Be a Zero-Sum Game?," 9/23/10, http://www.enterpriseefficiency.com/author.asp?section_id=898&doc_id=197418

The latest EnterpriseEfficiency.com poll confirms that IT leaders are worried about the United States losing its lead in IT innovation. But even if the trend is real, is it really a problem? The results of the poll are unmistakable. When asked to describe the nation's position in the information technology industry, two thirds of respondents called the country "A strong player, but one that is losing its lead." Another 12 percent dissed America as "A former leader whose best days are behind it." Only 22 percent confidently believed the United States is "A global leader that will maintain its influence." Those results roughly mirror the results of a major InformationWeek Analytics report -- "Innovation Mandate" -- as well as the instant poll we ran during a recent EnterpriseEfficiency.com Webcast -- "The Future of Innovation – 5 Critical Factors." OK, I get it. We're all worried that other countries are catching up with the United States in technology innovation. But here's the thing. What if this isn't really a zero-sum competition? Even as the US sees its leadership position erode, that doesn't necessarily mean that innovation is slowing down here. It could just as likely mean that other countries are finally getting their economic and technological acts together and beginning to catch up. If you ask me, that's inevitable, and it's actually a good thing. The entire world is a better place when innovation occurs everywhere, not just in a few places. In today's interconnected world, we

all share in the fruits of innovation, no matter where it occurs. The more innovation, the better. Now, that doesn't mean the United States doesn't have innovation issues, or that we don't need to continue to work both harder and smarter. I just don't believe that the idea of "leadership" is the most helpful way to think about this issue. In fact, innovation builds upon itself, and a breakthrough in China may be followed by a process improvement in Eastern Europe and a commercialization idea in Silicon Valley, with manufacturing happening in Vietnam. Everyone plays a part, and -- hopefully -- everyone benefits. On the other hand, if all the innovation comes from one place, how is the rest of the world supposed to earn enough cash to pay for what gets created? Bottom line: If the United States is falling behind in innovation because we're doing a bad job, then we're definitely in trouble. But if the real situation is simply that the rest of the world is catching up, that's a classic example of how to bake a bigger pie.

Innovation Not Key – 1NC

Innovation isn't key – military developments are inevitable and they're being more efficient.

Sargent, 2013 Anne-Wainscott, forbes citing NSR senior analyst, "Military Bets: Balancing Bandwidth Needs with Increased Efficiency" http://www.satellitetoday.com/publications/2013/11/19/military-betsbalancing-bandwidth-needs-with-increased-efficiency/

"We're focused on how we can be **more efficient with our bandwidth**, how we compress data **more efficiently,** and how we can get access to places that have less-than-adequate infrastructure," says Bruce Bennett, program executive officer for DISA, who oversees the bulk of DoD's strategic satcom transport infrastructure for warfighters. With fewer eyes on the ground, the military will deploy increasingly more sensors. That is especially true as the U.S. military pivots towards Asia, a far-flown geography six times the size of Europe, and two and a half the expanse of North America. Having a mix of space and terrestrial, access and flexibility are key. "I don't care if you give me another 10 WGSs, it would be doubtful that we could cover all the scenarios in the Pacific," says Bennett. He adds that fewer ground forces and the sheer size of the Asia landscape will increase the government's need to partner with commercial operators. Assessing the Asia region, **NSR senior analyst Claude Rousseau doesn't believe the bandwidth concerns are as dire as some think**, considering the number of Ka-band systems coming online in the next few years. NSR reports that from 2012 to 2022, the global government and military satellite communications **market will grow from 632,000 in-service units to close to 1.1 million by the end of 2021**."There are going to be a lot more sensors on airplanes and UAVs, which will make it much easier for anyone in the region to scan and see who is out there," he notes. Miguel Angel Garcia Primo, chief operating officer of Spanish government satellite operator, HisdeSat, says there has alredy been an increase of activity. "We're seeing more requests for providing connectivity to mobile platforms, be it land, sea or aircraft, and the need to use smaller and smaller terminals with higher and higher data rates," he says. Greater Commercial Collaboration At least one global operator, Astrium Services, personifies the power of a public-private partnership (PPP) model. For the last nine years, the company has operated first the Skynet 4 and then the hardened Skynet 5 constellation for the U.K. Ministry of Defense, an approach that Simon Kershaw, executive director, government communications, Astrium Services, contends has enabled his company to better anticipate and respond to the U.K. military's changing requirements. "The PPP model can often work very well for that because we are able to move much faster or anticipate more than the institutions themselves can. We're able to be very nimble, very flexible and be in front when we see a requirement," says Kershaw. "We're seeing much more rapid deployments around the world," he adds, noting that when something happens in a region, it requires a quick response – one that embodies flexibility. In addition, operators need a complete picture of the situation, which underscores the need for integrating UAV imagery with other sources such as telemetry and communications on the ground. **Multi-band, Smaller Terminals on the Rise** As the demand for bandwidth to support high-definition sensors grows, satellite operators and terminal manufacturers alike are achieving **much greater throughput using much smaller systems.** More rugged, lightweight, high bandwidth satcom on the move can be found in terminals such as Astrium's SCOT Patrol terminals being deployed on six U.K. Royal Navy ships over the next five years, and their smaller airborne equivalent, AIR Patrol, flying with the

Canadian Department of National Defense. “It uses the world’s first three-Axis carbon fiber antenna – the lightness of it makes it an easy fit for a small vessel,” explains Kershaw.

Internet Impact D

1NC Internet Impact D—No Balkanization

Institutions and technical barriers means no balkinization

Nye 2014

Joseph, former Dean of the Harvard Kennedy School of Government, The Regime Complex for Managing Global Cyber Activities, May 2014
http://dash.harvard.edu/bitstream/handle/1/12308565/Nye-GlobalCommission.pdf

Some analysts reinforce their pessimistic projections by pointing to realist theories about the decline of US hegemony over the Internet, In its early days, the Internet was largely American, but today, China has twice as many users as the United States. Where once only roman characters were used on the internet and HTML tags were based on abbreviated English words, now there are generic top-level domain names in Chinese, Arabic and Cyrillic scripts, with more alphabets expected to come online shortly (ICANN 2013). And in 2014, the United States announced that it would relax its Department of Commerce's supervision of ICANN and the IANA function. Some experts worried that this would open the way for authoritarian states to try to exert control over the system of root zone servers, and use that to censor the addresses of opponents. Such fears seem exaggerated both on technical grounds and in their underlying premises. Not only would such censorship be difficult, but, as liberal institutionalist theories point out, there are self-interested grounds for states to avoid such fragmentation of the Internet, In addition, the descriptions in the decline in US power in the cyber regime are overstated. Not only does the United States remain the second-largest user of the Internet, but it is also the home of eight of the 10 largest global information companies (Statista 2013).5 Moreover, when one looks at the composition of voluntary multi- stakeholder communities such as the IETF, one sees a disproportionate number of Americans participating for path dependent and technical expertise reasons. From an institutionalist or constructivist viewpoint, the loosening of US influence over ICANN could be seen as a strategy for strengthening the institution and reinforcing the American multi-stakeholder philosophy rather than as a sign of defeat (Zittrain 2014).

2NC Internet Impact D—No Balkanization

“Balkanization” is inaccurate - their impact claims are media-driven confusion

Tim **Maurer and** Robert **Morgus** 2-19-**2014**; Tim Maurer focuses on international affairs and Internet policy at the New America Foundation's Open Technology Institute. Robert Morgus is a researcher at New America's Open Technology Institute.Stop Calling Decentralization of the Internet "Balkanization" http://www.slate.com/blogs/future_tense/2014/02/19/stop_calling_decentralization_of_the_internet_balkanization.html

It's the end of the Internet. That was the headline of the prominent Swiss newspaper NZZ on Feb. 9. And Tim Berners-Lee, the creator of the World Wide Web, recently called for a re-decentralization, declaring, "I want a Web that's open, works internationally, works as well as possible, and is not nation-based." These are the latest voices in the growing chorus over the "balkanization" of the Internet and the emergence of "splinternets"—networks that are walled off from the rest of the Web. This is an important debate, one that will affect the future of the Internet. And with a major global conference on this topic taking place in Brazil in April and the World Summit on the Information Society +10 scheduled for 2015, it is high time to bring more clarity and nuance to it.Unfortunately, the term balkanization itself creates problems. Depending on whom you ask, balkanization can be a positive or negative process. For some, the term represents a move toward freedom from oppression. For others, it is a reminder of centuries of **bloody struggle** to hold together a region that ultimately ended in **violent** fragmentation**,** which makes use of the word **offensive** to some. **Fragmentation** of the Internet is the term we'll use, but maybe a creative mind somewhere will find a better, more evocative way to describe it. The question is: What does fragmentation mean, exactly? Is it the end of the Internet if domain names can no longer only be written using the Roman alphabet? If so, **the Internet ended in 2009**, when ICANN approved alternative alphabet domain names. Is it fragmentation if people around the world using Weibo and Yandex in lieu of Google and Twitter? Or is it data localization and national routing – subjecting data transfers to national boundaries? This debate is a **lot more complex** than most headlines suggest. The Internet is more than Facebook and it is more than the Web itself—more than the content people access every day. However, popular discussion tends to lump these various dimensions together. It obscures the fragmentation efforts that truly undermine the openness and interoperability of the network.

1NC Internet Impact D—Doesn't Solve War

Internet doesn't solve conflict

Elias, 2012 Phillip Elias, board member of the New Media Foundation, 20 January 2012, "Will humanity perish without the internet?," http://www.mercatornet.com/articles/view/will_humanity_perish_without_the_internet

The new Encyclopaedists make the opposite mistake about the future. Inherent in their worldview is the idea that setting up a system where information can be shared quickly, widely, and freely will somehow eliminate corruption, greed and violence from the world. It is almost as though human foibles were glitches in the software of society. But **human vices can never be reduced to social viruses**. They come from deep within us and can find their way **into the most scientific settings**. Do Wikipedians think themselves immune from the temptation to wield their power towards their own ends? Free access to information for everyone could be said to be the Wikipedian creed. It encapsulates the Enlightenment values of liberty and equality. But, like the French terror of the 1790s, it neglects that other ideal needed to give them gumption -- a genuine concern for other human beings. But fraternité is not achieved by giving everyone more information, more freedom and more equality. And it is what is so often lacking on the internet, on blogs, and in other forms of web communication. **Online interaction is so often vitriolic it is unreadable**, and it is at its worst **when the tech-savvy confront each other**. I have seen very few geeks who try to love their enemies. Fraternité comes from empathising with others. This is difficult to learn online. But without it, how can we understand the point of view of those who have different

concepts of freedom or equality, or of troglodytes who don't blog, or of nematodes **who don't have access to the internet**. Believe it or not, there is a life offline and wisdom is wider than the web.

2NC Internet Impact D—Doesn't Solve War

Suitcase internet disproves the "only a risk we solve" logic

Glanz, 2011 (James, New York Times, "U.S. Underwrites Internet Detour Around Censors" 6/12, http://www.nytimes.com/2011/06/12/world/12internet.html?pagewanted=all&_r=0)

The Obama administration **is leading a global effort** to deploy "shadow" Internet and mobile phone systems that dissidents can use to undermine repressive governments that seek to silence them by censoring or shutting down telecommunications networks. The effort includes secretive projects to create independent cellphone networks inside foreign countries, as well as one operation out of a spy novel in a fifth-floor shop on L Street in Washington, where a group of young entrepreneurs who look as if they could be in a garage band are fitting deceptively innocent-looking hardware into a prototype "Internet in a suitcase." Financed with a $2 million State Department grant, the suitcase could be secreted across a border and quickly set up to allow wireless communication over a wide area with a link to the global Internet. The American effort, revealed in dozens of interviews, planning documents and classified diplomatic cables obtained by The New York Times, ranges in scale, cost and sophistication. Some projects involve technology that the United States is developing; others pull together tools that have already been created by hackers in a so-called liberation-technology movement sweeping the globe. The State Department, for example, is financing the creation of stealth wireless networks that would enable activists to communicate outside the reach of governments in countries like Iran, Syria and Libya, according to participants in the projects.

Failed States D

1NC Failed States D—No Impact

No impact to failed states – they aren't a security threat and there is no incentive for massive intervention

Patrick 11 – Stewart M., Senior Fellow and Director of the International Institutions and Global Governance Program, "Why Failed States Shouldn't Be Our Biggest National Security Fear" http://www.cfr.org/fragile-or-failed-states/why-failed-states-shouldnt-our-biggest-national-security-fear/p24689

Failed states have become the bogeyman of the international order, the nightmare that inspires our national security doctrines and keeps our top officials up at night. It began with Sept. 11, 2001. Al-Qaeda's ability to launch the attacks from one of the world's most wretched and poverty-stricken lands — Afghanistan — persuaded the foreign policy establishment that "America is now threatened less by conquering states than we are by failing ones," as President George W. Bush's 2002 national security strategy put it. In the Obama administration, the fear endures. "In the decades to come, the most lethal threats to the United States' safety and security — a city poisoned or reduced to rubble by a terrorist attack — are likely to emanate from states that cannot adequately govern themselves or secure their own territory," Defense Secretary Robert Gates explained last May. "Dealing with such

fractured or failing states is . . . the main security challenge of our time." And just last month, Secretary of State Hillary Rodham Clinton said military intervention in Libya was justified to prevent that country from becoming "a giant Somalia." The message is clear: Failed states are the weak link in the world's collective security. In truth, while failed states may be worthy of America's attention on **humanitarian** and development grounds, most of them are **irrelevant to U.S. national security**. The risks they pose are mainly to their own inhabitants. Sweeping claims to the contrary are not only **inaccurate** but **distracting** and **unhelpful**, providing little guidance to policymakers seeking to prioritize scarce attention and resources. In 2008, I collaborated with Brookings Institution senior fellow Susan E. Rice, now President Obama's permanent representative to the United Nations, on an index of state weakness in developing countries. The study ranked all 141 developing nations on 20 indicators of state strength, such as the government's ability to provide basic services. More recently, I've examined whether these rankings reveal anything about each nation's role in major global threats: transnational terrorism, proliferation of **w**eapons of **m**ass **d**estruction, international crime and infectious disease. The findings are startlingly clear. **Only a handful of the world's failed states pose security concerns** to the United States. Far greater dangers emerge from stronger developing countries that may suffer from corruption and lack of government accountability but come nowhere near qualifying as failed states. The link between failed states and transnational terrorism, for instance, **is tenuous**. Al-Qaeda franchises are concentrated in South Asia, North Africa, the Middle East and Southeast Asia but are **markedly absent in most failed states,** including in sub-Saharan Africa. Why? From a terrorist's perspective, the notion of finding haven in a failed state is an **oxymoron**. Al-Qaeda discovered this in the 1990s when seeking a foothold in anarchic Somalia. In intercepted cables, operatives bemoaned the insuperable difficulties of working under chaos, given their need for security and for access to the global financial and communications infrastructure. Al-Qaeda has generally found it easier to maneuver in **corrupt but functional states**, such as Kenya, where sovereignty provides some protection from outside interdiction. Pakistan and Yemen became sanctuaries for terrorism not only because they are weak but because their governments lack the will to launch sustained counterterrorism operations against militants whom they value for other purposes. Terrorists also need support from local power brokers and populations. Along the Afghanistan-Pakistan border, al-Qaeda finds succor in the Pashtun code of pashtunwali, which requires hospitality to strangers, and in the severe brand of Sunni Islam practiced locally. Likewise in Yemen, al-Qaeda in the Arabian Peninsula has found sympathetic tribal hosts who have long welcomed mujaheddin back from jihadist struggles. Al-Qaeda has met less success in northern Africa's Sahel region, where a moderate, Sufi version of Islam dominates. But as the organization evolves from a centrally directed network to a diffuse movement with autonomous cells in dozens of countries, it is as likely to find haven in the banlieues of Paris or high-rises of Minneapolis as in remote Pakistani valleys. What about failed states and **w**eapons of **m**ass **d**estruction? Many U.S. analysts worry that poorly governed countries will pursue nuclear, biological, chemical or radiological weapons; be unable to control existing weapons; or decide to share WMD materials. **These fears are misplaced**. With two notable exceptions — North Korea and Pakistan — the world's weakest states pose minimal proliferation risks, since they have limited stocks of fissile or other WMD material and are unlikely to pursue them. Far more threatening are capable countries (say, Iran and Syria) intent on pursuing WMD, corrupt nations (such as Russia) that possess loosely secured nuclear arsenals and poorly policed nations (try Georgia) through which proliferators can smuggle illicit materials or weapons. When it comes to crime, the story is more complex. Failed states do dominate production of some narcotics: Afghanistan cultivates the lion's share of global opium, and war-torn Colombia rules coca production. The tiny African failed state of Guinea-Bissau has become a transshipment point for cocaine bound for Europe. (At one point, the contraband transiting through the country each month was equal to the nation's gross domestic product.) And Somalia, of course, has seen an explosion of maritime piracy. Yet failed states have little or no connection with other categories of transnational crime, from human trafficking to money laundering, intellectual property theft, cyber-crime or counterfeiting of manufactured goods. Criminal networks typically prefer operating in functional countries that provide baseline political order as well as opportunities to corrupt authorities. They also accept higher risks to work in nations straddling major commercial routes. Thus narco-trafficking has exploded in Mexico, which has far stronger institutions than many developing nations but borders the United States. South Africa presents its own advantages. It is a country where "the first and the developing worlds exist side by side," author Misha Glenny writes. "The first world provides good roads, 728 airports . . . the largest cargo port in Africa, and an efficient banking system. . . . The developing world accounts for the low tax revenue, overstretched social services, high levels of corruption throughout the administration, and 7,600 kilometers of land and sea borders that have more holes than a second-hand dartboard." Weak and failing African states, such as Niger, simply cannot compete. Nor do failed states pose the greatest threats of pandemic disease. Over the past decade, outbreaks of SARS, avian influenza and swine flu have raised the specter that fast-moving pandemics could kill tens of millions worldwide. Failed states, in this regard, might seem easy incubators of deadly viruses. In fact, recent fast-onset pandemics have bypassed most failed states, which are relatively isolated from the global trade and transportation links needed to spread disease rapidly. Certainly, the world's weakest states — particularly in sub-Saharan Africa — suffer disproportionately from disease, with infection rates higher than in the rest of the world. **But their**

principal health challenges are endemic diseases with local effects, such as malaria, measles and tuberculosis. While U.S. national security officials and Hollywood screenwriters obsess over the gruesome Ebola and Marburg viruses, outbreaks of these hemorrhagic fevers are rare and self-contained. I do not counsel complacency. The world's richest nations have a moral obligation to bolster health systems in Africa, as the Obama administration is doing through its Global Health Initiative. And they have a duty to ameliorate the challenges posed by HIV/AIDS, which continues to ravage many of the world's weakest states. But poor performance by developing countries in preventing, detecting and responding to infectious disease is often shaped less by budgetary and infrastructure constraints than by conscious decisions by unaccountable or unresponsive regimes. Such deliberate inaction has occurred not only in the world's weakest states but also in stronger developing countries, even in promising democracies. The list is long. It includes Nigeria's feckless response to a 2003-05 polio epidemic, China's lack of candor about the 2003 SARS outbreak, Indonesia's obstructionist attitude to addressing bird flu in 2008 and South Africa's denial for many years about the causes of HIV/AIDS. Unfortunately, misperceptions about the dangers of failed states have transformed budgets and bureaucracies. U.S. intelligence agencies are mapping the world's "ungoverned spaces." The Pentagon has turned its regional Combatant Commands into platforms to head off state failure and address its spillover effects. The new Quadrennial Diplomacy and Development Review completed by the State Department and the U.S. Agency for International Development depicts fragile and conflict-riddled states as epicenters of terrorism, proliferation, crime and disease. Yet such preoccupations reflect **more hype than analysis**. U.S. national security officials would be better served — and would serve all of us better — if they turned their strategic lens toward stronger developing countries, from which transnational threats are more likely to emanate.

AT: China Scenario—No Isolation

Internet censorship doesn't isolate China

Dewey 2013

Caitlin, runs The Intersect blog, writing about digital and Internet culture at the Washington Post, Study: China's 'Great Firewall' may not actually isolate Internet users, http://www.washingtonpost.com/blogs/worldviews/wp/2013/05/29/study-chinas-great-firewall-may-not-actually-isolate-internet-users/

Everyone from Hillary Clinton to Amnesty International has bashed China's "Great Firewall" as an impediment to free speech and democracy. That's what makes a new study out of Northwestern University both odd and intriguing: According to its authors, media researchers Harsh Taneja and Angela Xiao Wu, Chinese censorship actually has little impact on what people there read online, and Chinese Internet users aren't particularly isolated, even vis-a-vis users in countries with unrestricted access. What's more, they essentially argue, the Internet isn't that grand, global community that connects and equalizes everyone. Instead, users self-select the cultural communities and content they're most comfortable with -- rather like real life. Claims that firewalls like China's isolate users, they write, "are based on an assumption that Internet users would use all websites if given access. On the contrary, a large body of research on global cultural consumption shows that audiences prefer products that are closer to their culture, even when they have access to products from abroad." But let's step back for a moment and consider the methodology behind these surprising findings. Taneja and Wu came to their conclusions by analyzing data from the Internet's 1,000 most popular Web sites, according to traffic data from ComScore. Using this data, they looked for Web sites with audiences that overlapped more than was typical: Sina Weibo and Renren, the Chinese Twitter and Facebook equivalents, would be expected to overlap, for instance. English-language versions of those social networks would presumably overlap, as well. Those overlaps gradually surfaced a number of interconnected clusters, each corresponding to a corner of the Internet most popular among a certain group. The researchers call these clusters "culturally defined markets," or CDMs, and conclude that they generally correspond to languages or geographic areas. Nothing to this point should seem surprising; after all, the Internet is a big place, and plenty of researchers have demonstrated already that surfing habits vary based on what language you speak and where you

live. (You'll remember this map of which countries tend to e-mail each other most, which found -- surprise! -- that countries with cultural or geographic similarities often had the most to send.) The unusual part of this study is that, when Taneja and Wu went on to measure the isolation of each CDM, they found that China was no more isolated than any other group. In fact, the opposite was true -- despite the state's blocking of certain popular foreign Web sites, including social networks and media sites like NYTimes.com, Chinese users were more connected to the greater Internet than people in Turkey, Vietnam, Italy and Poland. The researchers conclude, essentially, that even if they could access these sites, few Chinese would choose to; that, in other words, "rather than assuming that people use indiscriminatingly [sic] all the websites they have access to, we believe that they mainly prefer culturally proximate websites on the global Internet" -- i.e., Renren and Weibo to the blocked Facebook and Twitter. The conclusion is a bit of a bombshell, given popular wisdom on the Great Firewall (and the great myth of the Internet as a borderless, democratizing utopia). At times, the authors seem a little too forgiving -- even glib -- about the state of Chinese censorship. At one point, for instance, they argue that "only a small number of foreign sites are blocked," when their own research found that one of every 10 sites they tested was not available in China. And their attempts to reduce the Great Firewall to mere politics on the part of pesky Americans seems to underestimate the principle of the thing -- the idea that Chinese users should have the choice to access the greater web, even if they (like us) would usually choose to access local sites. Still, Taneja and Wu make a compelling point that state censorship of messages within the Chinese Internet, such as government filtering on Weibo, could ultimately impact freedom of speech far more than the highly-hyped content blocking. Basically, Chinese Internet users would be more likely to encounter that material, so its absence is more conspicuous. Considering the volume of Chinese censorship, it would be conspicuous anyway: A recent study found the government takes down 12 percent of all messages sent on Weibo, with an eye for political subjects. "Compared to removing the [Great Firewall] of China, on which most policy, popular, and scholarly discourse tends to concentrate, battling against content censorship over domestic websites may bring about much more substantial changes in what Chinese people make use of on the Internet," they write. But it may be harder for outside advocates to fight that battle between China and Chinese Web sites -- particularly since Chinese Internet users don't really seem to mind. A poll by the Pew Internet & American Life Project found that more than 80 percent of Chinese users think the Internet should be censored, and that the government should be the one to do it.

Censorship Inev

Chinese internet censorship Is locked in - authorities are hellbent on establishing cybersovereignty

Jacobsjan 15 - China Further Tightens Grip on the Internet By ANDREW JACOBSJAN. 29, 2015 (http://www.nytimes.com/2015/01/30/world/asia/china-clamps-down-still-harder-on-internet-access.html?ref=topics&_r=0) CM

Jing Yuechen, the founder of an Internet start-up here in the Chinese capital, has no interest in overthrowing the Communist Party. But these days she finds herself cursing the nation's smothering cyberpolice as she tries — and fails — to browse photo-sharing websites like Flickr and struggles to stay in touch with the Facebook friends she has made during trips to France, India and Singapore. Gmail has become almost impossible to use here, and in recent weeks the authorities have gummed up Astrill, the software Ms. Jing and countless others depended on to circumvent the Internet restrictions that Western security analysts refer to as the Great Firewall. Continue reading the main story RELATED COVERAGE Lu Wei has ratcheted up China's sophisticated system of online censorship.Gregarious and Direct: China's Web DoorkeeperDEC. 1, 2014 By interfering with Astrill and several other popular virtual private networks, or V.P.N.s, the government has complicated the lives of Chinese astronomers seeking the latest scientific data from abroad, graphic designers shopping for clip art on Shutterstock and students submitting online applications to American universities. Photo An Internet cafe in Beijing. China has blocked virtual private networks, or V.P.N.s, that once let users skirt online censorship. Credit Ng Han Guan/Associated Press "If it was legal to protest and throw rotten eggs on the street, I'd definitely be up for that," Ms. Jing, 25, said. China has long had some of the world's most onerous Internet restrictions. But until now, the authorities had effectively tolerated the proliferation of V.P.N.s as a lifeline for millions of people, from archaeologists to foreign investors, who rely heavily on less-fettered access to the Internet. But earlier this week, after a number of V.P.N. companies, including StrongVPN and Golden Frog, complained that the Chinese government had disrupted their services with **unprecedented**

sophistication, a senior official for the first time acknowledged its hand in the attacks and implicitly promised more of the same. The move to disable some of the most widely used V.P.N.s has provoked a torrent of outrage among video artists, entrepreneurs and professors who complain that in its quest for so-called cybersovereignty — Beijing's euphemism for online filtering — the Communist Party is stifling the innovation and productivity needed to revive the Chinese economy at a time of slowing growth. "I need to stay tuned into the rest of the world," said Henry Yang, 25, the international news editor of a state-owned media company who uses Facebook to follow American broadcasters. "I feel like we're like frogs being slowly boiled in a pot." Continue reading the main story RELATED IN OPINION Editorial: In Foiling Gmail, China Foils Itself DEC. 31, 2014 Multinational companies are also alarmed by the growing online constraints. Especially worrisome, they say, are new regulations that would force foreign technology and telecom companies to give the government "back doors" to their hardware and software and require them to store data within China. Like their Chinese counterparts, Western business owners have been complaining about their inability to gain access to many Google services since the summer. A few weeks ago, China cut off the ability to receive Gmail on smartphones through third-party email services like Apple Mail or Microsoft Outlook. The recent disabling of several widely used V.P.N.s has made it difficult for company employees to use collaborative programs like Google Docs, although some people have found workarounds — for the time being. Advertisement Continue reading the main story "One unfortunate result of excessive control over email and Internet traffic is the slowing down of legitimate commerce, and that is not something in China's best interest," said James Zimmerman, chairman of the American Chamber of Commerce in China. "In order to attract and promote world-class commercial enterprises, the government needs to encourage the use of the Internet as a crucial medium for the sharing of information and ideas to promote economic growth and development." Chinese authorities have long had the ability to interfere with V.P.N.s, but **their interest in disrupting such programs has mounted** alongside the government's drive for cybersovereignty, especially since President Xi Jinping came to power two years ago. Lu Wei, the propaganda official Mr. Xi appointed as Internet czar, has been unapologetic in promoting the notion that China has the right to block a wide array of online content. A co-founder of Greatfire.org, which tracks online censorship in China, suggested the government had decided that soaring V.P.N. use among ordinary Chinese warranted a more aggressive attack on such software. "This is just a further, logical step," said the co-founder, who requested anonymity to avoid government scrutiny. "**The authorities are hellbent on establishing cybersovereignty in China**. If you look at what has taken place since last summer it is quite astounding." Government officials have denied any role in blocking Google and they have dismissed accusations that Chinese authorities were behind a "man-in-the-middle" attack on Outlook two weeks ago as well as other hacking incidents involving Yahoo and Apple.

US efforts to curtail Chinese censorship fail - they've already snuffed Washington out of the debate and wont back down

Xu 15 - Media Censorship in China Author: Beina Xu Updated: April 7, 2015 CFR Backgrounders (http://www.cfr.org/china/media-censorship-china/p11515) CM

The Chinese government has long kept tight reins on both traditional and new media to avoid potential subversion of its authority. Its tactics often entail strict media controls using monitoring systems and firewalls, shuttering publications or websites, and jailing dissident journalists, bloggers, and activists. Google's battle with the Chinese government over Internet censorship, and the Norwegian Nobel Committee's awarding of the 2010 Peace Prize to jailed Chinese activist Liu Xiaobo, have also increased international attention to censorship issues. At the same time, the country's burgeoning economy relies on the web for growth, and experts say the growing need for Internet freedom is testing the regime's control. Official Media Policy China's constitution affords its citizens freedom of speech and press, but the opacity of Chinese media regulations allows authorities to crack down on news stories by claiming that they expose state secrets and endanger the country. The definition of state secrets in China remains vague, facilitating censorship of any information that authorities deem harmful (PDF) to their political or economic interests. CFR Senior Fellow Elizabeth C. Economy says the Chinese government is in a state of "schizophrenia" about media policy as it "goes back and forth, testing the line, knowing they need press freedom and the information it provides, but worried about opening the door to the type of freedoms that could lead to the regime's downfall." In May 2010, the government issued its first white paper on the Internet that emphasized the concept of "Internet sovereignty," requiring all Internet users in China, **including foreign organizations** and individuals, to abide by Chinese laws and regulations. Chinese Internet companies are now required to sign the "Public Pledge on Self-Regulation and Professional Ethics for China Internet Industry," which entails even stricter rules than those in

the white paper, according to Jason Q. Ng, a specialist on Chinese media censorship and author of Blocked on Weibo. How Free Is Chinese Media? The France-based watchdog group Reporters Without Borders ranked China 175 out of 180 countries in its 2014 worldwide index of press freedom (PDF). Former CFR Edward R. Murrow Press Fellow Matt Pottinger says Chinese media outlets usually employ their own monitors to ensure political acceptability of their content. Censorship guidelines are circulated weekly from the Communist Party propaganda department and the government Bureau of Internet Affairs to prominent editors and media providers. Certain websites that the government deems potentially dangerous—like Wikipedia—are blocked during periods of controversy, such as the June 4 anniversary of the Tiananmen Square massacre. Specific material considered a threat to political stability is also banned, including controversial photos and search terms. The government is particularly keen on blocking reports of issues that could incite social unrest, like official corruption and ethnic strife. The websites of Bloomberg news service and the New York Times were blacked out in 2012 after each ran reports on the private wealth of then Party Secretary Xi Jinping and Premier Wen Jiabao. Restrictions were also placed on micro-blogging services in April 2012 in response to rumors of a coup attempt in Beijing involving the disgraced former Chongqing party chief Bo Xilai. Censors were also swift to block any mention of an October 2013 attack on Tiananmen Square by individuals from Xinjiang province, home to the mostly Muslim Uighur minority group. The Censorship Groups More than a dozen government bodies review and enforce laws related to information flow within, into, and out from China. The most powerful monitoring body is the Communist Party's Central Propaganda Department (CPD), which coordinates with General Administration of Press and Publication and State Administration of Radio, Film, and Television to ensure content promotes party doctrine. Ng says that the various ministries once functioned as smaller fiefdoms of control, but have recently been more consolidated under the State Council Information Office, which has taken the lead on Internet monitoring. Some estimates say that the government employs roughly 100,000 people, hired both by the state and private companies, to constantly monitor China's Internet. Additionally, the CPD gives media outlets editorial guidelines as well as directives restricting coverage of politically sensitive topics. In one high-profile incident involving the liberal Guangdong magazine Southern Weekly, government censors rewrote the paper's New Year's message from a call for reform to a tribute to the Communist Party. The move triggered mass demonstrations by the staff and general public, who demanded the resignation of the local propaganda bureau chief. While staff and censors reached a compromise that would theoretically relax some controls, much of the censorship remained in place. **Exerting Control** The Chinese government deploys myriad ways of censoring the Internet. The Golden Shield Project, colloquially known as the Great Firewall, is the center of the government's online censorship and surveillance effort. Its methods include bandwidth throttling, keyword filtering, and blocking access to certain websites. According to Reporters Without Borders, the firewall makes large-scale use of Deep Packet Inspection technology to block access based on keyword detection. As Ng points out, the government also employs a diverse range of methods to induce journalists to censor themselves, including dismissals and demotions, libel lawsuits, fines, arrests, and forced televised confessions. "To the degree that China's connection to the outside world matters, the digital links are deteriorating." —Evan Osnos, New Yorker As of December, 2014, forty-four journalists were imprisoned in China, according to the Committee to Protect Journalists, a U.S.-based watchdog on press freedom issues. In 2009, Chinese rights activist Liu Xiaobo was sentenced to eleven years in prison for advocating democratic reforms and freedom of speech in Charter 08, a 2008 statement signed by more than two thousand prominent Chinese citizens that called for political and human rights reforms and an end to one-party rule. When Liu won the Nobel Peace Prize, censors blocked the news in China. A year later, journalist Tan Zuoren was sentenced to five years in prison for drawing attention to government corruption and poor construction of school buildings that collapsed and killed thousands of children during the 2008 earthquake in Sichuan province. Early 2014 saw the government detain Gao Yu, a columnist who was jailed on accusations of leaking a Party communiqué titled Document 9. The State Internet Information Office tightened content restrictions in 2013 and appointed a new director of a powerful Internet committee led by President Xi Jinping, who assumed power in late 2012. A July 2014 directive on journalist press passes bars reporters from releasing information from interviews or press conferences on social media without permission of their employer media organizations. And in early 2015, the government cracked down on virtual private networks (VPNs), making it more difficult to access U.S. sites like Google and Facebook. "By blocking these tools, the authorities are leaving people with fewer options and are forcing most to give up on circumvention and switch to domestic services," writes Charlie Smith [pseudonym], a co-founder of FreeWeibo.com and activist website GreatFire.org. "If they can convince more Internet users to use Chinese services—which they can readily censor and easily snoop on—then they have taken one further step towards cyber sovereignty." The restrictions mount on a regular basis, adds the New Yorker's Evan Osnos. "To the degree that China's connection to the outside world matters, the digital links are deteriorating," he wrote in an April 2015 article. "How many countries in 2015 have an Internet connection to the world that is worse than it was a year ago?" Foreign Media China requires foreign correspondents to obtain permission before reporting in the country and has used this as an administrative roadblock to prevent journalists from reporting on potentially sensitive topics like corruption. Eighty percent of respondents in a 2014 survey conducted by the Foreign Correspondents' Club of China said their work conditions had worsened or stayed the same compared to 2013. International journalists regularly face government intimidation, surveillance, and restrictions on their reporting, writes freelance China correspondent Paul Mooney, who was denied a visa in 2013. "Some people in China don't look at freedom of speech as an abstract ideal, but more as a means to an end." —Emily Parker Austin Ramzy, a China reporter for the New York Times, relocated to Taiwan in early 2014 after failing to receive his accreditation and visa. New York Times reporter Chris Buckley was reported to have been expelled in early January 2013—an incident China's foreign ministry said was a visa application suspension due to improper credentials. China observers were most notably shaken by the 2013 suspension of Bloomberg's China correspondent, Michael Forsythe, after Bloomberg journalists accused the news agency of withholding investigative articles for fear of reprisal from Chinese authorities. The treatment of foreign reporters has become a diplomatic issue. In response to the Arab Spring protests in early 2011, then Secretary of State Hillary Clinton pledged to continue U.S. efforts to weaken censorship in countries with repressive governments like China and Iran. In response,

Beijing warned Washington to not meddle in the internal affairs of other countries. On a December 2013 trip to Beijing, Vice President Joe Biden pressed China publicly and privately about press freedom, directly raising the issue in talks with Chinese President Xi Jinping and meeting with U.S. journalists working in China. U.S. Technology in China In more recent years, China has made it exceedingly difficult for foreign technology firms to compete within the country. The websites of U.S. social media outlets like Facebook, Twitter, and Instagram are blocked. Google, after a protracted battle with Chinese authorities over the banning of search terms, quietly gave up its fight in early 2013 by turning off a notification that alerted Chinese users of potential censorship. In late 2014, China banned Google's email service Gmail, a move that triggered a concerned response from the U.S. State Department. In January 2015, China issued new cybersecurity regulations that would force technology firms to submit source code, undergo rigorous inspections, and adopt Chinese encryption algorithms. The move triggered an outcry from European and U.S. companies, who lobbied governmental authorities for urgent aid in reversing the implementation of new regulations. CFR's Adam Segal writes that although the Chinese government has promoted these types of policies in that past, "the fact that the regulations come from the central leading group, and that they seem to reflect an ideologically driven effort to control cyberspace at all levels, **make it less likely that Beijing will back down**."

Heg Impact D

1NC Heg Impact D—Competitiveness Not Key

Competitiveness not key to heg

Wohlforth et al., Dartmouth government professor, 2008

(William, World out of Balance, International Relations and the Challenge of American Primacy, pg 32-5, ldg)

American primacy is also rooted in the county's position as the world's leading technological power. The United States remains dominant globally in overall R&D investments, high-technology production, commercial innovation, and higher education (table 2.3). Despite the weight of this evidence, elite perceptions of U.S. power had shifted toward pessimism by the middle of the first decade of this century. As we noted in chapter 1, this was partly the result of an Iraq-induced doubt about the utility of material predominance, a doubt redolent of the post-Vietnam mood. In retrospect, many assessments of U.S. economic and technological prowess from the 1990s were overly optimistic; by the next decade important potential vulnerabilities were evident. In particular, chronically imbalanced domestic finances and accelerating public debt convinced some analysts that the United States once again confronted a competitiveness crisis.23 If concerns continue to mount, this will count as the fourth such crisis since 1945; the first three occurred during the 1950s (Sputnik), the 1970s (Vietnam and stagflation), and the 1980s (the Soviet threat and Japan's challenge). None of these crises, however, shifted the international system's structure: multipolarity did not return in the 1960s, 1970s, or early 1990s, and each scare over competitiveness ended with the American position of primacy retained or strengthened.24 Our review of the evidence of U.S. predominance is not meant to suggest that the United States lacks vulnerabilities or causes for concern. In fact, it confronts a number of significant vulnerabilities; of course, this is also true of the other major powers.25 The point is that adverse trends for the United States will not cause a polarity shift in the near future. If we take a long view of U.S. competitiveness and the prospects for relative declines in economic and technological dominance, one takeaway stands out: **relative power shifts slowly.** The United States has accounted for a quarter to a third of global output for over a century. No other economy will match its combination of wealth, size, technological capacity, and productivity in the foreseeable future (tables 2.2 and 2.3). The depth, scale, and projected longevity of the U.S. lead in each critical dimension of power are noteworthy. But what truly distinguishes the current distribution of capabilities is American dominance in all of them simultaneously. The chief lesson of Kennedy's 500-year survey of leading powers is that nothing remotely similar ever occurred in the historical experience that informs

modern international relations theory. The implication is both simple and underappreciated: the counterbalancing constraint is inoperative and will remain so until the distribution of capabilities changes fundamentally. The next section explains why.

2NC Heg Impact D—Competitiveness Not Key

US can absorb innovation from anywhere-ensures competitiveness

Beckley, Harvard International Security Program research fellow, 2012

(Michael, "China's Century? Why America's Edge Will Endure", International Security 36.3, lexis, ldg)

In theory, globalization should help developing countries obtain and absorb advanced technology. In practice, however, this may not occur because some of the knowledge and infrastructure necessary to absorb certain technologies cannot be specified in a blueprint or contained within a machine. Instead they exist in peoples' minds and can be obtained only through "hands-on" experience. The World Bank recently calculated that 80 percent of the wealth of the United States is made up of intangible assets, most notably, its system of property rights, its efficient judicial system, and the skills, knowledge, and trust embedded within its society. If this is the case, then a huge chunk of what separates the United States from China is not for sale and cannot be copied. Economies and militaries used to consist primarily of physical goods (e.g., conveyor belts and tanks), but today they are composed of systems that link physical goods to networks, research clusters, and command centers. 72 Developing countries may be able to purchase or steal certain aspects of these systems from abroad, but many lack the supporting infrastructure, or "absorptive capacity," necessary to integrate them into functioning wholes. 73 For example, in the 1960s, Cummins Engine Company, a U.S. technological leader, formed joint ventures with a Japanese company and an Indian company to produce the same truck engine. The Japanese plant quickly reached U.S. quality and cost levels while the Indian plant turned out second-rate engines at three to four times the cost. The reason, according to Jack Baranson, was the "high degree of technical skill . . . required to convert techniques and produce new technical drawings and manufacturing specifications." 74 This case illustrates how an intangible factor such as skill can lead to significant productivity differences even when two countries have access to identical hardware. Compared to developing countries such as China, the United States is primed for technological absorption. Its property rights, social networks, capital markets, flexible labor laws, and legions of **m**ulti**n**ational **c**ompanies not only help it innovate, but also absorb innovations created elsewhere. Declinists liken the U.S. economic system to a leaky bucket oozing innovations out into the international system. But in the alternative perspective**, the United States is more like a sponge, steadily increasing its mass by soaking up ideas, technology, and people from the rest of the world. If this is the case, then the spread of technology around the globe may paradoxically favor a concentration of technological and military capabilities in the United States.**

1NC Heg Impact D—No Impact

Stability exists independently of US power – advocates of unipolarity are biased by a superiority complex

Fettweis, 2014 Christopher, Associate Professor of Political Science at Tulane University, former post-doctoral fellow at the Mershon Center for International Security at Ohio State University, Ph.D. in international relations from the University of Maryland, October 7, "Delusions of Danger: Geopolitical Fear and Indispensability in US Foreign Policy," *A Dangerous World?: Threat Perception and U.S. National Security*, Kindle Edition

According to what might be considered the indispensability fallacy, many Americans believe that U.S. actions are primarily responsible for any stability that currently exists. "All that stands between civility and genocide, order and mayhem," explain Lawrence Kaplan and William Kristol, "is American power." 37 That belief is an offshoot, witting or not, of what is known as "hegemonic stability theory," which proposes that international peace is possible only when one country is strong enough to make and enforce a set of rules. 38 Were U.S. leaders to abdicate their responsibilities, that reasoning goes, unchecked conflicts would at the very least bring humanitarian disaster and would quite quickly threaten core U.S. interests. 39 Brzezinski is typical in his belief that "outright chaos" and a string of specific horrors could be expected to follow a loss of hegemony, from renewed attempts to build regional empires (by China, Turkey, Russia, and Brazil) to the collapse of the U.S. relationship with Mexico as emboldened nationalists south of the border reassert 150- year-old territorial claims. Overall, without U.S. dominance, today's relatively peaceful world would turn "violent and bloodthirsty." 40 The liberal world order that is so beneficial to all would come tumbling down. Like many believers, proponents of hegemonic stability theory **base their view on faith alone.** 41 There is precious **little evidence** to suggest that the United States is responsible for the pacific trends that have swept across the system. In fact, the world remained equally peaceful, relatively speaking, while the United States cut its forces throughout the 1990s, as well as while it doubled its military spending in the first decade of the new century. 42 Complex statistical methods should not be needed to demonstrate that levels of U.S. military spending have been essentially **unrelated to global stability.** Hegemonic stability theory's flaws go way beyond the absence of simple correlations to support them, however. The theory's supporters have never been able to explain adequately how precisely 5 percent of the world's population could force peace on the other 95 percent, unless, of course, **the rest of the world was** simply **not intent on fighting.** Most states are quite free to go to war without U.S. involvement but choose not to. The United States can be counted on, especially after Iraq, to steer well clear of most civil wars and ethnic conflicts. It took years, hundreds of thousands of casualties, and the use of chemical weapons to spur even limited interest in the events in Syria, for example; surely internal violence in, say, most of Africa would be unlikely to attract serious attention of the world's policeman, much less intervention. The continent is, nevertheless, more peaceful today than at any other time in its history, something for which U.S. hegemony cannot take credit. 43 Stability exists today in many such places to which U.S. hegemony simply does not extend. Overall, proponents of the stabilizing power of U.S. hegemony should keep in mind one of the most basic observations from cognitive psychology: rarely are our actions as important to others' calculations as we perceive them to be. 44 The so-called egocentric bias, which is essentially ubiquitous in human interaction, suggests that although it may be natural for **U.S. policymakers** to interpret their role as crucial in the maintenance of world peace, they are almost certainly **overestimating their own importance.** Washington is probably not as central to the myriad decisions in foreign capitals that help maintain international stability as it thinks it is. The indispensability fallacy owes its existence to a couple of factors. First, although all people like to bask in the reflected glory of their country's (or culture's) unique, nonpareil stature, Americans have long been **exceptional in their exceptionalism.** 45 The short history of the United States, which can easily be read as an almost uninterrupted and certainly unlikely story of success, has **led to a** (perhaps natural) **belief that it is morally, culturally, and politically superior to other**, lesser **countries.** It is no coincidence that the exceptional state would be called on by fate to maintain peace and justice in the world. Americans have always combined that feeling of divine providence with a sense of mission to spread their ideals around the world and battle evil wherever it lurks. It is that sense of destiny, of being the object of history's call, that most obviously separates the United States from other countries. Only an American president would claim that by entering World War I, "America had the infinite privilege of fulfilling her destiny and saving the world." 46 Although many states are motivated by humanitarian causes, no other seems to consider promoting its values to be a national duty in quite the same way that Americans do. "I believe that God wants everybody to be free," said George W. Bush in 2004. "That's what I believe. And that's one part of my foreign policy." 47 When Madeleine Albright called the United States the "indispensable nation," she was reflecting a traditional, deeply held belief of the American people. 48 Exceptional nations, like exceptional people, have an obligation to assist the merely average. Many of the factors that contribute to geopolitical fear — Manichaeism, religiosity, various vested interests, and neoconservatism—also help explain American exceptionalism

and the indispensability fallacy. And **unipolarity makes hegemonic delusions possible.** With the great power of the United States comes a sense of great responsibility: to serve and protect humanity, to drive history in positive directions. More than any other single factor, the people of the United States tend to believe that they are indispensable because they are powerful, and power tends to blind states to their limitations. "Wealth shapes our international behavior and our image," observed Derek Leebaert. "It brings with it the freedom to make wide-ranging choices **well beyond common sense.**" 49 It is quite likely that **the world does not need the United States to enforce peace.** In fact, if virtually any of the overlapping and mutually reinforcing explanations for the current stability are correct, the trends in international security may well prove difficult to reverse. None of the contributing factors that are commonly suggested (economic development, complex interdependence, nuclear weapons, international institutions, democracy, shifting global norms on war) seem poised to disappear any time soon. 50 The world will probably continue its peaceful ways for the near future, at the very least, **no matter what the United States chooses to do** or not do. As Robert Jervis concluded while pondering the likely effects of U.S. restraint on decisions made in foreign capitals, "It is very unlikely that pulling off the American security blanket would lead to thoughts of war." 51 The United States will remain fundamentally safe no matter what it does—in other words, despite widespread beliefs in its inherent indispensability to the contrary.

2NC Heg Impact D—No Impact

Alliances are out dated, multi-polarity is stable and there is no scenario for war in a world of US decline

Friedman et al., MIT political science PhD candidate, 2012

(Benjamin, "Why the U.S. Military Budget is 'Foolish and Sustainable", Orbis, 56.2, Science Direct)

Standard arguments for maintaining the alliances come in two contradictory strains. One, drawn mostly from the run-up to World War II, says that without American protection, the ally would succumb to a rival power, either by force or threat of force, heightening the rival's capability and danger to the United States. The other argument says that without the United States, the ally would enter a spiral of hostility with a neighbor, creating instability or war that disrupts commerce and costs America more than the protection that prevented it. The main problem with the first argument is that no hegemon today threatens to unify Europe or Asia. Europe is troubled by debt, not conquest. Russian GDP is today roughly equivalent to that of Spain and Portugal combined. Whatever Russia's hopes, it has no ability to resurrect its Soviet Empire, beyond perhaps those nations in its near abroad that Americans have no good reason to defend. Even today, the military capabilities of Europe's leading powers are sufficient to defend its eastern flank, and they could increase their martial exertions should a bigger threat arise. Asia is tougher case. South Korea's military superiority over its northern neighbor is sufficient to deter it from an attempt at forcible reunification. By heightening North Korea's security, nuclear weapons may reinforce its capacity for trouble-making, but they do not aid offensive forays. U.S. forces long ago became unnecessary to maintaining the peninsula's territorial status quo. Chinese efforts to engage in old-fashioned conquest are unlikely, at least beyond Taiwan. Its more probable objective is a kind of Asian Monroe doctrine, meant to exclude the United States.6 China naturally prefers not to leave its maritime security at the whim of U.S. policymakers and, thus, has sought to improve its anti-access and area-denial capabilities. In the longer term, China's leaders will likely pursue the ability to secure its trade routes by building up longer-range naval forces. They may also try to leverage military power to extract various concessions from nearby states. Washington's defense analysts typically take those observations as sufficient to establish the necessity that U.S. forces remain in Asia to balance Chinese military power. But to justify a U.S. military presence there, one also needs to show both that Asian nations cannot or will not balance Chinese power themselves and that their failure to do so would greatly harm U.S. security. **Neither is likely**. Geography and economics suggest that the states of the region will successfully balance Chinese power—even if we assume that China's economic growth allows it to continue to increase military spending.7 Bodies of water are natural

defenses against offensive military operations. They allow weaker states to achieve security at relatively low cost by investing in naval forces and coastal defenses. That defensive advantage makes balances of power more stable. Not only are several of China's Asian rivals islands, but those states have the wealth to make Chinese landings on their coast prohibitively expensive. India's mountainous northern border creates similar dynamics. **The prospects of Asian states successfully deterring future Chinese aggression will get even better if, as seems likely, threats of aggression provoke more formal security alliances**. Some of that is already occurring. Note for example, the recent joint statement issued by the Philippines and Japan marking a new "strategic partnership" and expressing "common strategic interests" such as "ensuring the safety of sea lines of communication."8 This sort of multilateral cooperation would likely deepen with a more distant U.S. role. Alliances containing disproportionately large states historically produce free-riding; weaker alliance partners lose incentive to shore up their own defenses.9 Even if one assumes that other states in the region would fail to balance China, it is unclear exactly how U.S. citizens would suffer. China's territorial ambitions might grow but are unlikely to span the Pacific. Nor would absorbing a few small export-oriented states slacken China's hunger for the dollars of American consumers. The argument that U.S. alliances are necessary for stability and global commerce is only slightly more credible. One problem with this claim is that U.S. security guarantees can create moral hazard—emboldening weak allies to take risks they would otherwise avoid in their dealings with neighbors. Alliances can then discourage accommodation among neighboring states, heightening instability and threatening to pull the United States into wars facilitated by its benevolence. Another point against this argument is that even if regional balancing did lead to war, it would not obviously be more costly to the U.S. economy than the cost of the alliance said to prevent it. **Neutrality historically pays**.10 The larger problem with the idea that our alliances are justified by the balancing they prevent is that **wars generally require more than the mutual fear that arms competition provokes**. Namely, there is usually a territorial conflict or a state bent on conflict. Historical examples of arms races alone causing wars are few.11 This confusion probably results from misconstruing the causes of World War I—seeing it as a consequence of mutual fear alone rather than fear produced by the proximity of territorially ambitious states.12 Balances of power, as noted, are especially liable to be stable when water separates would-be combatants, as in modern Asia. Japan would likely increase defense spending if U.S. forces left it, and that would likely displease China. But that **tension is very unlikely to provoke a regional conflagration. A**nd even that remote scenario is far more likely than the Rube Goldberg scenario needed to argue that peace in Europe requires U.S. forces stationed there. It is not clear that European states would even increase military spending should U.S. troops depart. If they did do so, one struggles to imagine a chain of misperceived hostility sufficient to resurrect the bad old days of European history.

No transition wars – interdependence and diplomacy check
Fettweis, Poli Sci Prof @ Tulane University, 10

(Christopher, "Dangerous Times?: The International Politics of Great Power Peace," pp. 173-175)

If the only thing standing between the world and **chaos is the U.S. military presence**, then an adjustment in grand strategy would be exceptionally counter- productive. But it is worth recalling that **none of the other explanations for the decline of war—nuclear weapons**, **complex economic interdependence**, inter- national and domestic political institutions, evolution in ideas and norms— necessitate an activist America to maintain their validity. Were America to be- come more restrained, nuclear weapons would still affect the calculations of the would-be aggressor; the process of globalization would continue, deepening the complexity of economic interdependence; the United Nations could still deploy peacekeepers where necessary; and democracy would not shrivel where it cur- rently exists. Most importantly, **the idea that war is a worthwhile way to resolve conflict**

would have no reason to return. As was argued in chapter 2, normative evolution is typically unidirectional. Strategic restraint in such a world would be virtually risk-free.

Econ Impact D

1NC Econ Impact D—No War

Economic collapse doesn't cause war

Bazzi et al., UCSD economics department, 2011

(Samuel, "Economic Shocks and Conflict: The (Absence of?) Evidence from Commodity Prices", November, http://www.chrisblattman.com/documents/research/2011.EconomicShocksAndConflict.pdf?9d7bd4, ldg)

VI. Discussion and conclusions A. Implications for our theories of political instability and conflict The state is not a prize?—Warlord politics and the state prize logic lie at the center of the most influential models of conflict, state development, and political transitions in economics and political science. Yet we see no evidence for this idea in economic shocks, even when looking at the friendliest cases: fragile and unconstrained states dominated by extractive commodity revenues. Indeed, we see the opposite correlation: if anything, **higher rents from commodity prices** weakly 22 **lower the risk and length of conflict.** Perhaps shocks are the wrong test. Stocks of resources could matter more than price shocks (especially if shocks are transitory). But combined with emerging evidence that war onset is no more likely even with rapid increases in known oil reserves (Humphreys 2005; Cotet and Tsui 2010) we regard the state prize logic of war with skepticism.17 Our main political economy models may need a new engine**.** Naturally, an absence of evidence cannot be taken for evidence of absence. Many of our conflict onset and ending results include sizeable positive and negative effects.18 Even so, commodity price shocks are highly influential in income and should provide a rich source of identifiable variation in instability. It is difficult to find a better-measured, more abundant, and plausibly exogenous independent variable than price volatility. Moreover, other time-varying variables, like rainfall and foreign aid, exhibit robust correlations with conflict in spite of suffering similar empirical drawbacks and generally smaller sample sizes (Miguel et al. 2004; Nielsen et al. 2011). Thus we take the absence of evidence seriously. Do resource revenues drive state capacity?—State prize models assume that rising revenues raise the value of the capturing the state, but have ignored or downplayed the effect of revenues on self-defense. We saw that a growing empirical political science literature takes just such a revenue-centered approach, illustrating that resource boom times permit both payoffs and repression, and that stocks of lootable or extractive resources can bring political order and stability. This countervailing effect is most likely with transitory shocks, as current revenues are affected while long term value is not. Our findings are partly consistent with this state capacity effect. For example, conflict intensity is most sensitive to changes in the extractive commodities rather than the annual agricultural crops that affect household incomes more directly. The relationship only holds for conflict intensity, however, and is somewhat fragile. We do not see a large, consistent or robust decline in conflict or coup risk when prices fall. A reasonable interpretation is that the state prize and state capacity effects are either small or tend to cancel one another out. Opportunity cost: Victory by default?—Finally, the inverse relationship between prices and war intensity is consistent with opportunity cost accounts, but not exclusively so. As we noted above, the relationship between intensity and extractive commodity prices is more consistent with the state capacity view. Moreover, we shouldn't mistake an inverse relation between individual aggression and incomes as evidence for the opportunity cost mechanism. The same correlation is consistent with psychological theories of stress and aggression (Berkowitz 1993) and sociological and political theories of relative deprivation and anomie (Merton 1938; Gurr 1971). Microempirical work will be needed to distinguish between these mechanisms. Other reasons for a null result.—Ultimately, however, the fact that commodity **price shocks have no discernible effect on new conflict onsets**, but some effect on ongoing conflict, suggests that political stability **might be less sensitive** to income or temporary shocks than generally believed. One possibility is that successfully mounting an insurgency is no easy task. It comes with considerable risk, costs, and coordination challenges. Another possibility is that the counterfactual is still conflict onset. In poor and fragile nations, income shocks of one type or another are ubiquitous. **If a nation is so fragile that a change in prices could lead to war, then other shocks may trigger war even in the absence of a price shock.** The same argument has been made in debunking the myth that price shocks led to fiscal collapse and low

growth in developing nations in the 1980s.19 B. A general problem of publication bias? More generally, these findings should heighten our concern with publication bias in the conflict literature. Our results run against a number of published results on commodity shocks and conflict, mainly because of select samples, misspecification, and sensitivity to model assumptions, and, most importantly, alternative measures of instability. Across the social and hard sciences, there is a concern that the majority of published research findings are false (e.g. Gerber et al. 2001). Ioannidis (2005) demonstrates that a published finding is less likely to be true when there is a greater number and lesser pre-selection of tested relationships; there is greater flexibility in designs, definitions, outcomes, and models; and when more teams are involved in the chase of statistical significance. The cross-national study of conflict is an extreme case of all these. Most worryingly, almost no paper looks at alternative dependent variables or publishes systematic robustness checks. Hegre and Sambanis (2006) have shown that the majority of published conflict results are fragile, though they focus on timeinvariant regressors and not the time-varying shocks that have grown in popularity. We are also concerned there is a "file drawer problem" (Rosenthal 1979). Consider this decision rule: scholars that discover robust results that fit a theoretical intuition pursue the results; but if results are not robust the scholar (or referees) worry about problems with the data or empirical strategy, and identify additional work to be done. If further analysis produces a robust result, it is published. If not, back to the file drawer. In the aggregate, the consequences are dire: a lower threshold of evidence for initially significant results than ambiguous ones.20

2NC Econ Impact D—No War

Economic collapse doesn't cause war

Daniel **Drezner 14**, IR prof at Tufts, The System Worked: Global Economic Governance during the Great Recession, World Politics, Volume 66. Number 1, January 2014, pp. 123-164

The final significant outcome addresses a dog that hasn't barked: the effect of the Great Recession on cross-border conflict and violence. During the initial stages of the crisis, multiple analysts asserted that the financial crisis would lead states to increase their use of force as a tool for staying in power.42 They voiced genuine concern that the global economic downturn would lead to an increase in conflict—whether through greater internal repression, diversionary wars, arms races, or a ratcheting up of great power conflict. Violence in the Middle East, border disputes in the South China Sea, and even the disruptions of the Occupy movement fueled impressions of a surge in global public disorder. **The aggregate data suggest otherwise**, however. The Institute for Economics and Peace has concluded that "the average level of peacefulness in 2012 is approximately the same as it was in 2007."43 Interstate violence in particular has declined since the start of the financial crisis, as have military expenditures in most sampled countries. Other studies confirm that the Great Recession has not triggered any increase in violent conflict, as Lotta Themner and Peter Wallensteen conclude: "[T]he pattern is one of relative stability when we consider the trend for the past five years."44 The secular decline in violence that started with the end of the Cold War has not been reversed. Rogers Brubaker observes that "the crisis has not to date generated the surge in protectionist nationalism or ethnic exclusion that might have been expected."43

Decline doesn't cause war

Jervis 2011 Robert, Professor in the Department of Political Science and School of International and Public Affairs at Columbia University, December 2011, "Force in Our Times," Survival, Vol. 25, No. 4, p. 403-425

Even if war is still seen as evil, the security community could be dissolved if severe conflicts of interest were to arise. Could the more peaceful world generate new interests that would bring the members of the community into sharp disputes? 45 A zero-sum sense of status would be one example, perhaps linked to a steep rise in nationalism. More likely would be a worsening of the current economic difficulties, which could itself produce greater nationalism, undermine democracy and bring back old-fashioned beggar-my-neighbor economic policies. While these dangers are real, it is hard to believe that the conflicts could be great enough to lead the members of the community to contemplate fighting each other. It is not so much that economic interdependence has proceeded to the point where it could not be reversed – states that were more internally interdependent than anything seen internationally have fought bloody civil wars. Rather it is that even if the more extreme versions of free trade and economic liberalism become discredited, it is hard to see how without building on a preexisting high level of political conflict leaders and mass opinion would come to believe that their countries could prosper by impoverishing or even attacking others. Is it possible that problems will not only become severe, but that people will entertain the thought that they have to be solved by war? While a pessimist could note that this argument does not appear as outlandish as it did before the financial crisis, an optimist could reply (correctly, in my view) that the very fact that we have seen such a sharp economic down-turn without anyone suggesting that force of arms is the solution shows that even if bad times bring about greater economic conflict, it will not make war thinkable.

UPDATES
T-Domestic (SSRA)

1NC

Interp-Domestic Surveillance finds non-public information about US Citizens.

Small 8 (Matthew, US Air Force Academy, "His Eyes are Watching You: Domestic Surveillance, Civil Liberties and Executive Power during Times of National Crisis," 2008, http://cspc.nonprofitsoapbox.com/storage/documents/Fellows2008/Small.pdf)//ghs-VA

Before one can make any sort of assessment of domestic surveillance policies, it is first necessary to narrow the scope of the term "domestic surveillance." **Domestic surveillance is a subset of intelligence gathering**. **Intelligence**, as it is to be understood in this context, **is "information that meets the stated** or understood **needs of policy makers** and has been collected, processed and narrowed to meet those needs" (Lowenthal 2006, 2). In essence, **domestic surveillance is a means to an end; the end being intelligence**. **The intelligence community best understands domestic surveillance as the acquisition of nonpublic information concerning United States persons** (Executive Order 12333 (3.4) (i)). With this definition domestic surveillance remains an overly broad concept.

The SSRA repeals the 2008 FISA Amendments Act

U.S Congress 3/19/15 (https://www.congress.gov/bill/114th-congress/house-bill/1466/all-info "All Bill Information (Except Text) for H.R.1466 - Surveillance State Repeal Act")

Repeals the USA PATRIOT Act and the FISA Amendments Act of 2008 (thereby restoring or reviving provisions amended or repealed by such Acts as if such Acts had not been enacted), except with respect to reports to Congress regarding court orders under the Foreign Intelligence Surveillance Act of 1978 (FISA) and the acquisition of intelligence information concerning an entity not substantially composed of U.S. persons that is engaged in the international proliferation of weapons of mass destruction.

The FISA Amendments Act of 2008 is surveillance of foreign persons

WSJ 08(The Wall Street Journal is a New York-based English-language international daily newspaper with a special emphasis on business and economic news. "FISA Amendments Act of 2008" http://www.wsj.com/articles/SB121391360949290049)

The FISA Amendments Act of 2008 provides critically important authority for the U.S. Intelligence Community to acquire foreign intelligence information **by targeting foreign persons reasonably believed to be outside the United States**. It ensures that the Intelligence Community has the flexibility and agility it needs to identify and respond to terrorist and other foreign threats to our security.

Voting issue—

1. Limits – Would justify an infinite number of affs that curtail contracts between the government and International organizations for surveillance which makes neg prep impossible kills clash.

2. Topic Education – they move the debate away from the core of the topic which is surveillance of U.S citizens within the country and the NSA.

3. Extra-topicality – Justifies any international untopical action, which kills neg prep and causes a rush to generics.

2NC—FISA=Foreign

The FISA Amendments Act of 2008 is surveillance of foreign persons

WSJ 08(The Wall Street Journal is a New York-based English-language international daily newspaper with a special emphasis on business and economic news. "FISA Amendments Act of 2008" http://www.wsj.com/articles/SB121391360949290049)

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The SSRA repeals the FISA act, which conducts foreign surveillance; this is un-topical. The wall between criminal and foreign investigations is murky.

DeRosa 05 (Mary, senior fellow in the Technology and Public Policy Program at the Center for Strategic and International Studies. Previously, she served on the National Security Council staff. "**Section 218. Amending the FISA Standard"** https://apps.americanbar.org/natsecurity/patriotdebates/section-218 **7/6/05 crc)**

Section 218 amends FISA by changing the certification requirement when the government seeks a FISA surveillance or search order. Previously, the government was required to certify that "the purpose" of the application was to obtain foreign

intelligence information. After section 218, the government must certify that obtaining foreign intelligence information is "a significant purpose" of the application. This change was designed to promote information sharing between intelligence and law enforcement officials and to eliminate what has become known as the "wall" that separated law enforcement and intelligence investigations.¶ The FISA, passed in 1978, sets forth procedures for the conduct of electronic surveillance and physical searches for foreign intelligence purposes. Over the years, the Department of Justice interpreted FISA's requirement that "the purpose" of collection be foreign intelligence to restrict the use of FISA collection procedures when a law enforcement investigation was involved. The restriction was designed to ensure that prosecutors and criminal investigators did not use FISA to circumvent the more rigorous warrant requirements for criminal cases. But law enforcement and foreign intelligence investigations often overlap, and enforcing this separation between intelligence and law enforcement investigations—the "wall"—inhibited coordination of these investigations and the sharing of foreign intelligence information with law enforcement officials. The change to "significant purpose" was intended to clarify that no such separation is necessary.¶ It is not clear whether the change in section 218 was legally necessary to eliminate the "wall." The Department of Justice argued to the FISA Court of Review in 2002 that the original FISA standard did not require the restrictions that the Department of Justice imposed over the years, and the court appears to have agreed. This leaves the precise legal effect of a sunset of section 218 somewhat murky.

The 2008 FISA Amendments are a form of foreign surveillance

FISA Amendments Act of 2008(Text of the 2008 FISA Amendments Act http://www.gpo.gov/fdsys/pkg/BILLS-110hr6304enr/pdf/BILLS-110hr6304enr.pdf)

there are procedures in place that have been approved, have been submitted for approval, or will be submitted with the certification for approval by the Foreign Intelligence Surveillance Court that are reasonably designed to— ‘‘(I) ensure that an acquisition authorized under subsection (a) is limited to targeting persons reasonably believed to be located outside the United States

The foreign powers that are targeted by FISA are international, making SSRA un-topical.

McCarthy 05 (Andrew, an attorney, and a Senior Fellow at the Foundation for the Defense of Democracies in Washington, DC, an organization that conducts research and education in national security issues. “**Section 218. Amending the FISA Standard”** https://apps.americanbar.org/natsecurity/patriotdebates/section-218 **7/6/05 crc)**

¶ The suggestion that a "foreign power" under FISA could be any "political organization" comprised predominantly of non-citizens is overwrought. One isn't told what Prof. Cole means by a "political organization"—Hezbollah, Hamas and Sinn Fein, for example, describe themselves as such—but the foreign powers FISA targets, by statutory definition, are those engaged in clandestine intelligence gathering activities, sabotage or international terrorism. See 50 U.S.C. §§ 1801(b)(2)(A), (C).¶ Atop his faulty premise that FISA is suspect, Prof. Cole piles the additional myth that Section 218 is suspect because it permits FISA searches and surveillance "undertaken primarily for criminal law purposes." To the contrary, as the FISA Court of Review reasoned in its 2002 opinion, FISA as written never limited the government to searches whose primary purpose was intelligence gathering. By mandating that intelligence gathering be "a primary purpose," Section 218 actually constrains the government in a way that neither the Fourth Amendment nor FISA does. Given that FISA easily passes Fourth Amendment muster, a provision such as Section 218, which narrows it, a fortiori is not constitutionally suspect.¶ Finally, Professor Cole's mythical account

skews the history of the wall and the purpose of Section 218. Nobody is saying FISA "mandated a 'wall' between law enforcement officials and intelligence agents"—and when I argued that FISA did not require a wall, that palpably was an assertion, not, as Professor Cole oddly spins it, a "conce[ssion]." Yes, the wall was unnecessarily erected by the courts and the Justice Department. But that it was a mistake did not make it any less real. And that there may have been cultural impediments to intelligence sharing does not mean the structural ones manufactured by the wall were not critical.

Aff AT: T-Domestic

2AC

We meet—repealing SSRA curtails domestic surveillance

Buttar 13 (Shahid, a constitutional lawyer, grassroots organizer and executive director of the Bill of Rights Defense Committee. "USA vs. NSA: Legislative Efforts to Curtail Spying" http://www.truth-out.org/news/item/18122-the-nsa-vs-usa 8/14/13 crc)

The sustained grass-roots uproar over domestic surveillance has reached the ear of Congress, which is considering more than a dozen legislative measures to curtail the National Security Agency's various programs that spy on Americans en masse. While most address merely the pieces of the problem, one in particular would address the many facets hidden even in the wake of the Snowden leaks.¶ Even relative to the Leahy and Conyers-Amash proposals, the widest-ranging bill among those pending in Congress is the "Surveillance State Repeal Act" (HR 2818) introduced by Rep. Rush Holt, D-New Jersey, a former Princeton physics professor and former leader of the House Intelligence Committee. The Holt bill, unlike any of the other measures proposed, would fully repeal the Patriot Act and the 2008 FISA amendments in their entirety, essentially restoring limits on executive power and unwinding the surveillance abuses of the George W. Bush and Obama administrations at once.¶ The first two enjoy bipartisan support: the "FISA Accountability and Privacy Protection Act" (SB 1215), introduced by Senate Judiciary Chairman Patrick Leahy, D-Vermont, as well as the Libert-E Act (HR 2399), co-sponsored by Reps. John Conyers, D-MI, and Justin Amash, R-MI. Both bills would curtail powers extended in the FISA amendments of 2008, as well as portions of the Patriot Act.

The FISA amendment act pertains to domestic surveillance

Cato institute 12- ("The Surveillance Iceberg: The FISA Amendments Act and Mass Spying without Accountability") http://www.cato.org/events/surveillance-iceberg-fisa-amendments-act-mass-spying-without-accountability

History teaches that government spying is naturally subject to abuse without strong oversight, yet only the tiniest fraction of electronic surveillance of Americans—the tip of a vast and rapidly growing iceberg—is meaningfully visible to Congress, let alone the general public. Under the controversial FISA (Foreign Intelligence Surveillance Act) Amendments Act of 2008, set to expire at the end of the year, the National Security Agency is empowered to vacuum up the

international communications of Americans under sweeping authorizations that dispense with the need for individual warrants. Despite reports of large-scale overcollection of Americans' e-mails and phone calls**, including purely domestic traffic**, the NSA has brazenly refused to give Congress any estimate of how many citizens' private conversations are being captured in its vast databases, and legislators have shown little willingness to demand greater transparency as they prepare to reauthorize the law. Increasingly, even ordinary criminal investigations employ off-the-books electronic surveillance techniques that circumvent federal reporting requirements. The public is informed about the few thousand wiretaps authorized every year but remains largely in the dark about newer and far more prevalent techniques, such as the routine use of cell phones as sophisticated tracking devices.

Counter-interpretation—domestic means related to

Merriam Webster Online Dictionary NO DATE(http://www.merriam-webster.com/dictionary/domestic)

: of, relating to, or made in your own country : relating to or involving someone's home or family : relating to the work (such as cooking and cleaning) that is done in a person's home

Prefer our interpretation

A. Limits- The AFF only being only restricted to the word domestic opens the doors up to plenty of clash. The negative has more the enough time to prep for any plan that is only affecting the U.S. Now we are only allowed to being up any AFFS within the resolution.
B. Topic education- Under our interpretation we are only surveiling the U.S citizens. We are not surveiling anyone else. We are debating about the core topic here so the negative doesn't lose education.

Reasonability- All the AFF has to do is prove that we meet enough. Reasonability is better because

A. There will be no need to debate interpretations. Debating the interpretations just promotes lazy negative debating.

We Meet

We meet-FISA surveils Americans' International calls but the calls themselves are still domestic

ACLU No Date(The American Civil Liberties Union (ACLU) is a nonpartisan, non-profit organizationwhose stated mission is "to defend and preserve the individual rights and liberties guaranteed to every person in this country by the Constitution and laws of the United States."[7] It works through litigation, lobbying, and community empowerment. "FIX FISA - END WARRANTLESS WIRETAPPING" https://www.aclu.org/fix-fisa-end-warrantless-wiretapping)

The FISA Amendments Act, passed in 2008 and reauthorized in 2012, gives the National Security Agency almost unchecked power to monitor Americans' international phone calls and emails. On October 29, 2012, the Supreme Court heard arguments in the ACLU's challenge to the law. In February 2013, the Supreme Court dismissed the ACLU's lawsuit. The Foreign Intelligence Surveillance Act (FISA), enacted by Congress after the abuses of the 1960s and 70s, regulates the government's conduct of intelligence surveillance inside the United States. It generally requires the government to seek warrants before monitoring Americans' communications. In 2001, however, President Bush authorized the NSA to launch a warrantless wiretapping program, and in 2008 Congress ratified and expanded that program.

We meet-FISA is domestic surveillance

Granick 12(Jennifer Granick is the Director of Civil Liberties at the Stanford Center for Internet and Society. Jennifer returns to Stanford after working with the internet boutique firm of Zwillgen PLLC. Before that, she was the Civil Liberties Director at the Electronic Frontier Foundation. Jennifer practices, speaks and writes about computer crime and security, electronic surveillance, consumer privacy, data protection, copyright, trademark and the Digital Millennium Copyright Act. From 2001 to 2007, Jennifer was Executive Director of CIS and taught Cyberlaw, Computer Crime Law, Internet intermediary liability, and Internet law and policy. Before teaching at Stanford, Jennifer spent almost a decade practicing criminal defense law in California. "THE FISA AMENDMENTS ACT AUTHORIZES WARRANTLESS SPYING ON AMERICANS" http://cyberlaw.stanford.edu/blog/2012/11/fisa-amendments-act-authorizes-warrantless-spying-americans)

By contrast, the FAA allows surveillance of a foreign entity without specifying the people to be monitored or the facilities, places, premises, or property at which surveillance will be directed. Because the target can be any foreign entity, the government can direct surveillance at any facility, even those on American soil, and monitor unspecified Americans' international communications to or from suspected agents of the foreign entity, or even about that entity. However, the government may not target Americans or intentionally acquire purely domestic communications.

SSRA=Domestic Surveillance

the SSRA specifically solves for domestic surveillance.

Greenwald & Hussain 14 (Glenn, a journalist, constitutional lawyer, and author of four **New York Times** best-selling books on politics and law. Murtaza Hussain is a journalist and political commentator. His work focuses on human rights, foreign policy, and cultural affairs.

"Meet the Muslim American leaders the NSA has been spying on" https://firstlook.org/theintercept/2014/07/09/under-surveillance/ 7/9/14 crc)

The individuals appear on an NSA spreadsheet in the Snowden archives called "FISA recap"—short for the Foreign Intelligence Surveillance Act. Under that law, the Justice Department must convince a judge with the top-secret Foreign Intelligence Surveillance Court that there is probable cause to believe

that **American targets** are not only agents of an international terrorist organization or other foreign power, but also "are or may be" engaged in or abetting espionage, sabotage, or terrorism. The authorizations must be renewed by the court, usually every 90 days for U.S. citizens.

Neolib K

Neolib Link—SSRA

Neoliberalism has created an expository society—to ensure profit, public and private actors work to move populations online into "digital amusement parks" to maximize consumption—curtailing surveillance isn't the solution, because surveillance isn't the problem—the problem is we willingly disclose personal information online in order to exist in our digitized neoliberal age—the underlying goal of the aff is to distract citizens with false promises of cyber-security in order to continue the flow of consumers into their digital theme parks

Harcourt, Professor of Law at Columbia University, 14

Bernard, His scholarship intersects social and political theory, the sociology of punishment, and penal law and procedure, served most recently as the Julius Kreeger Professor of Law and Political Science at The University of Chicago, "Digital Security in the Expository Society: Spectacle, Surveillance, and Exhibition in the Neoliberal Age of Big Data", SSRN, http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2455223

How then do we conceptualize and visualize relations of power in our digitized neoliberal age? Where can we find the architectural schematic to understand digital security? **Both of the classic forms—spectacle and surveillance—seem no longer adequate**, and to be honest, the contrast between the two may well have been drawn too sharply. As W.J.T. Mitchell presciently observes in The Spectacle Today, neither term can possibly be understood as mutually exclusive in our contemporary condition; rather, spectacle and surveillance should be seen, as Mitchell explains, as "dialectical forces in the exertion of power and resistance to power."54 I would go further, though, and suggest that **both forms—spectacle and surveillance—are overshadowed or surpassed today**, or ought to be complemented, **by a third: exposure, or exposition, or, perhaps better, the exhibition. Today, we are not coerced into revealing our most intimate desires.** There is no telescreen forcibly anchored into the wall of our apartments that we cannot turn off,55 nor are we forcibly detained in a see-through cell within the omnipresent view of a central watchtower. We are neither forced into the arena, nor compelled to reveal our most intimate desires.56 **No, we are not being surveilled today, so much as we are exposing or exhibiting ourselves knowingly and willingly**, with all our love, lust, and passion. **The relation is now inversed: we, digital subjects, we homo digitalis, we "digital persons,"** 57 **we give ourselves up happily, voluntarily, in a mad frenzy of disclosure.** We expose our most intimate details in play, in love, in desire, in consumption, in a stream of texts, Tweets, emoticons and Instagrams, e-mails and Snapchats, Facebook posts, links, shares and likes—throughout our digital lives, in our work, for our political convictions, to satisfy our appetites, **to become ourselves** Even those of us who do not partake in the rich world of social media have no alternative but to share our intimate lives and political views in texts, e-mails, and Skype conversations—knowing that we are exposing ourselves. We write love notes and political comments, we share intimate photos and inside jokes, we throw ourselves onto the screen in our virtual spectacular forms—often wishing more than anything to be seen, to be "liked," to feel connected, or simply because it is the only way to communicate today. For most of us, **our digital existence is our life—it is practically the pulse, the bloodstream, the very current of our daily routines. We need to be plugged not just to feel fully alive, but to**

be human all too human. Guy Debord spoke of "the society of the spectacle." Foucault drew our attention instead to "the punitive society." But it seems as if, today, **we live in the expository society**. How then can we visualize the architecture of this society of the exhibition? And recall that there are two key stages to visualize: first, the neoliberal moment, with its mix of private and public, of consumption and consumerism, of responsibilization and reregulation, of maximizing and minimizing; and second, the digitization of every aspect of the neoliberal paradigm—digital security. Let's turn first to the neoliberal aspect. **How can we schematize relations of power in our neoliberal condition? What I would propose, as the architectural schema that best captures the neoliberal moment, is the amusement park** or the theme park—or more generally, the themed space. **A private commercial space, for profit, that has been underwritten and made possible by state and municipal governments. A mixed private-public space—or perhaps, more accurately, a space of private profit and public expenditures—that practices a form of management or control of flows of populations, to maximize the number of visitors, to attract more advertising, to stimulate consumption, to facilitate spending. These are quintessential spaces that seek to optimize the movement of large populations in order to maximize their consumption, while at the same time minimizing labor and other expenditures. This is not just a spectacle, because everything is scattered. The goal is to** distribute, not concentrate, the population. To **avoid amassing consumers on any one spectacle. The goal is to** optimize and redirect queues, to make them feel shorter than they are, to learn how to **manage the patience of consumers who want to see, but who are** in fact, **never**, or almost never, **sitting in the arena**. To be sure, **surveillance goes on**; but that is only one dimension of the endeavor. There are, naturally, a large number of CCTV cameras. **The watchful eye is everywhere That is** in fact, **what renders Disneyland so popular—the feeling that everything is monitored, that everything is secure, that the children, or rather the parents have nothing to fear. There is continuous surveillance, but not in a panoptic form. We do not internalize the gaze, we are reassured by it.**

Neolib Alt—SSRA

The alternative solves best—both teams agree that the state depends on private corporate services for surveillance—we need critical frameworks that consider NOT ONLY the domestic security apparatus, but the international capitalist formations that motivate neoliberal abuses of state intelligence for private gains

Price, Professor of Anthropology, 14

David, Professor of Anthropology in the Department of Society and Social Justice at Saint Martin's University, "The New Surveillance Normal", Monthly Review, July-August 2014, https://monthlyreview.org/2014/07/01/the-new-surveillance-normal/

Convergence of State and Corporate Metadata Dreams¶ The past two decades brought an accelerated independent growth of corporate and governmental electronic surveillance programs tracking metadata and compiling electronic dossiers. The NSA, FBI, Department of Defense, and CIA's metadata programs developed independently from, and with differing goals from, the consumer surveillance systems that used cookies and consumer discount cards, sniffing Gmail content, compiling consumer profiles, and other means of tracking individual Internet behaviors for marketing purposes. Public acceptance of electronic monitoring and metadata collection transpired incrementally, with increasing acceptance of corporate-based consumer monitoring programs, and reduced resistance to governmental surveillance.¶ These two surveillance tracks developed with separate motivations, one for security and the other for commerce, but both desire to make individuals and groups legible for reasons of anticipation and control. The collection and use of this metadata finds a synchronic convergence of intrusions, as consumer capitalism and a U.S. national security state leaves Americans vulnerable, and a world open to the probing and control by agents of commerce and security. As Bruce Schneier recently observed, "surveillance is still the business model of the Internet, and every one of those

companies wants to access your communications and your metadata."7¶ But this convergence carries its own contradictions. Public trust in (and the economic value of) cloud servers, telecommunications providers, email, and search engine services suffered following revelations that the public statements of Verizon, Google, and others had been less than forthright in declaring their claims of not knowing about the NSA monitoring their customers. A March 2014 USA Today survey found 38 percent of respondents believed the NSA violates their privacy, with distrust of Facebook (26 percent) surpassing even the IRS (18 percent) or Google (12 percent)—the significance of these results is that the Snowden NSA revelations damaged the reputations and financial standing of a broad range of technology-based industries.8 With the assistance of private ISPs, various corporations, and the NSA, our metadata is accessed under a shell game of four distinct sets of legal authorizations. These allow spokespersons from corporate ISPs and the NSA to make misleading statements to the press about not conducting surveillance operations under a particular program such as FISA, when one of the other authorizations is being used.9¶ **Snowden's revelations reveal a world where the NSA is dependent on private corporate services for the outsourced collection of data, and where the NSA is increasingly reliant on corporate owned data farms where the storage and analysis of the data occurs**. In the neoliberal United States, Amazon and other private firms lease massive cloud server space to the CIA, under an arrangement where it becomes a share cropper on these scattered data farms. These arrangements present nebulous security relationships raising questions of role confusion in shifting patron–client relationships; and whatever resistance corporations like Amazon might have had to assisting NSA, CIA, or intelligence agencies is further compromised by relations of commerce. This creates relationships of culpability, as Norman Solomon suggests, with Amazon's $600 million CIA data farm contract: "if Obama orders the CIA to kill a U.S. Citizen, Amazon will be a partner in assassination."10 Such arrangements diffuse complicity in ways seldom considered by consumers focused on Amazon Prime's ability to speedily deliver a My Little Pony play set for a brony nephew's birthday party, not on the company's links to drone attacks on Pakistani wedding parties.¶ The Internet developed first as a military-communication system; only later did it evolve the commercial and recreational uses distant from the initial intent of its Pentagon landlords. Snowden's revelations reveal how the Internet's architecture, a compromised judiciary, and duplexed desires of capitalism and the national security state are today converging to track our purchases, queries, movements, associations, allegiances, and desires. The rise of e-commerce, and the soft addictive allure of social media, rapidly transforms U.S. economic and social formations. Shifts in the base are followed by shifts in the superstructure, and new generations of e-consumers are socialized to accept phones that track movements, and game systems that bring cameras into the formerly private refuges of our homes, as part of a "new surveillance normal."11¶ **We need to develop critical frameworks considering how NSA and CIA surveillance programs articulate not only with the United States' domestic and international security apparatus, but with current international capitalist formations.** While secrecy shrouds our understanding of these relationships, **CIA history provides examples of some ways that intelligence operations have supported and informed past U.S. economic ventures**. When these historical patterns are combined with details from Snowden's **disclosures we find continuities of means, motive, and opportunity for neoliberal abuses of state intelligence for private gains.**

Sarbanes Oxley Northwestern

Case Answers

Federalism Advantage (Defense)

Federalism Advantage---1NC

No chance of war from economic decline---best and most recent data

Daniel W. **Drezner 12**, Professor, The Fletcher School of Law and Diplomacy, Tufts University, October 2012, "The Irony of Global Economic Governance: The System Worked," http://www.globaleconomicgovernance.org/wp-content/uploads/IR-Colloquium-MT12-Week-5_The-Irony-of-Global-Economic-Governance.pdf

The final outcome addresses a dog that hasn't barked: the effect of the Great Recession on cross-border conflict and violence. During the initial stages of the crisis, multiple analysts asserted that the financial crisis would lead states to increase their use of force as a tool for staying in power.37 Whether through greater internal repression, diversionary wars, arms races, or a ratcheting up of great power conflict, there were genuine concerns that the global economic downturn would lead to an increase in conflict. Violence in the Middle East, border disputes in the South China Sea, and even the disruptions of the Occupy movement fuel impressions of surge in global public disorder.

The aggregate data suggests otherwise, however. The Institute for Economics and Peace has constructed a "Global Peace Index" annually since 2007. A key conclusion they draw from the 2012 report is that "The average level of peacefulness in 2012 is approximately the same as it was in 2007."38 Interstate violence in particular has declined since the start of the financial crisis – as have military expenditures in most sampled countries. Other studies confirm that the Great Recession has not triggered any increase in violent conflict; the secular decline in violence that started with the end of the Cold War has not been reversed.39 Rogers Brubaker concludes, "the crisis has not to date generated the surge in protectionist nationalism or ethnic exclusion that might have been expected."40

None of these data suggest that the global economy is operating swimmingly. Growth remains unbalanced and fragile, and has clearly slowed in 2012. Transnational capital flows remain depressed compared to pre-crisis levels, primarily due to a drying up of cross-border interbank lending in Europe. Currency volatility remains an ongoing concern. Compared to the aftermath of other postwar recessions, growth in output, investment, and employment in the developed world have all lagged behind. But the Great Recession is not like other postwar recessions in either scope or kind; expecting a standard "V"-shaped recovery was unreasonable. One financial analyst characterized the post-2008 global economy as in a state of "contained depression."41 The key word is "contained," however. Given the severity, reach and depth of the 2008 financial crisis, the proper comparison is with Great Depression. And by that standard, the outcome variables look impressive. As Carmen Reinhart and Kenneth Rogoff concluded in This Time is Different: "that its macroeconomic outcome has been only the most severe global recession since World War II – and not even worse – must be regarded as fortunate."42

No federalism conflicts or federal overreach

Donald C. **Langevoort 6**, Thomas Aquinas Reynolds Professor at Georgetown Law, "Federalism in Corporate/Securities Law: Reflections on Delaware, California, and State Regulation of Insider Trading," 40 U.S.F. L. Rev. 879-892 (2006), http://scholarship.law.georgetown.edu/cgi/viewcontent.cgi?article=1535&context=facpub

The approach set forth above decribes the situation but does not necessarily make a normative judgment. To summarize, it describes the political economy of state-federal relations in corporate and securities law in top-down terms, noting that the division of authority reflects Congress' political preference rather than some natural order of things. ¶ The description helps one to pose the questions that grow out of the more recent controversies properly. Once again, everyone should **stop speaking of federal "incursions" into state corporation law**. Congress holds the ultimate power on matters of

interstate commerce, and only by congressional preference do the states have any role in regulating beyond their own borders. Putting aside questions about its wisdom, Sarbanes-Oxley is a national response to a perceived national problem. It exists as a revision of a long-standing political bargain **rather than a power grab**. And one could say the same about SEC initiatives. Statutory authority governs the question: how much of this policy-making did Congress delegate to the Commission, and how much did it keep for itself? "States' rights" do not exist in the relevant analysis apart from Congress' preferences. Given that the SEC acts as Congress' primary agent for holding the potential of federalization over the states,46 a considerable degree of delegation exists. However, without a doubt, Congress wishes, for political reasons if nothing else, to keep some choices to itself.¶ Turning to state activity, federal preference again governs. Some securities laws reflect a policy preference that the SEC cannot deal with some-presumably localized-securities matters. Thus, state enforcement serves as a useful supplement. Because one **cannot easily articulate the dividing line** between what constitutes a localized or a national matter, the statutes do not limit the scope of the state action. Hence, any judicial challenge to the states' activity would have to argue that the federal government's actions have filled the field completely, which is unlikely to be true. For instance, even in mutual fund regulation, which has laws that probably exhibit the same scope as any law at the federal level, courts and the SEC have long recognized the concurrent role of state law.47¶ One could argue that state laws address conduct insufficiently connected to the acting state, making them invalid under the Commerce Clause. But, with few exceptions, the states' aggressiveness has not gone that far. For example, Eliot Spitzer targeted schemes that were launched mainly on Wall Street and had significant effects there. Thus, Congress will have to be much clearer than it has been for "incursions" like Spitzer's to be impermissible.¶ Whether those incursions are normatively good or bad is another matter entirely. Simply from a public policy standpoint, the argument for having aggressive state enforcement beyond essentially local matters underscores Roe's point. Because Congress presumptively centralizes the matter at the federal level, it is easier for business interests to influence the regulatory process in a way that denigrates the interests of the less-well-organized-retail investors particularly. Having fifty states with potentially concurrent jurisdiction creates a check on that, and there exists reason to suspect that Spitzer and other state officials have caused the SEC to act in ways in which it would not have otherwise.¶ That said, however, the absence of any clear line tempts the states to overreach, especially in times of scandal when the threat of federal backlash decreases. The dangers of state criminal prosecution, especially on the fairly loose standards of something like New York's Martin Act,48 are disabling enough to give prosecutors leverage on matters of industry conduct that those in the industry would otherwise resist.49 Local state-level politics should not determine basic policies in the securities industry. Thus, Congress always has a principled argument for removing particular matters from state authority.¶ What the future will bring depends on the states. There exists some reason to believe that some state regulators value their expanded vision of the states' role for both political and economic reasons-financial settlements have produced a good deal of money as well as publicity. And now that everyone recognizes the states' role, it would be hard for the states to pull back without seemingly bowing to political pressure. But the states need to remember that they compete with federal regulation in a way which may be constitutionally aggressive and that, under the circuinstances, Congress could change at any time. I suspect that **all the relevant actors know this**, and the states will judiciously stop short of triggering a backlash. Indeed, as scandals and troubles fade, less incentives will exist to press the issue in the first place. If so, **the federalism tensions will quiet down**, at least until the next episode of troubles and scandals arise.

State and federal law is synergistic---they don't invade each other's territory

Z. Jill **Barclift 11**, Associate Professor of Law, Hamline University School of Law, "Governance in the Public Corporation of the Future: The Battle for Control of Corporate Governance," *Chapman Law Review*, vol 15(1), 2011, http://www.chapman.edu/law/_files/publications/CLR-15-z-jill-barclift.pdf

The relationship between federal securities laws and state corporate law is best described as **synergistic and complimentary**.8 Federal securities laws and regulations, with their emphasis on public disclosures and financial reporting, are complimentary to state law's focus on the relationships between shareholders and corporate managers, and the fiduciary obligations of the board.9 Recognizing the complimentary order of federal and state law, **Congress has been careful not to intrude into areas reserved for state governance** while carving out disclosure rules, which enables shareholders to make informed decisions.10 The D-F Act provides an example of how Congress balances disclosure with state fiduciary obligations of directors. Language in the D-F Act on non-binding shareholders' vote on executive compensation specifically provides a rule of construction in which the non-binding shareholders' vote does not overrule a decision by the board, create or imply a change to fiduciary duties, or create additional fiduciary duties for directors.¶ Notwithstanding the complimentary relationship of state and federal rules, the D-F Act and recent SEC rulemaking continue to demonstrate the

effective use of disclosure rules to influence corporate governance.12 Corporate governance requirements remain within states' regulatory purview and Delaware remains the dominant state for public company incorporation.13 However, it is the truce between federal securities laws and Delaware corporate law, which continues to illustrate how governance, in particular fiduciary duties, develops in response to Congress' desire to act in the face of corporate crises.14 History suggests that Congress acts in response to public pressures for reform.15 Correspondingly, Delaware reacts by either amending its corporate laws or further defining fiduciary obligations of directors.16 As Leo Strine writes, "why the American model of corporate governance has served investors so well is the **synergies** that **arise** from the combination of a strong regulatory structure governing public disclosures and financial integrity, and a more nimble and enabling state law approach to the relations between corporate managers and stockholders."17

Reject their rhetoric---SOX is nothing new

Reza **Dibadj 6**, Associate Professor, University of San Francisco School of Law, "From Incongruity to Cooperative Federalism," *University of San Francisco Law Review*, Vol. 40, Summer 2006, http://lawblog.usfca.edu/lawreview/wp-content/uploads/2014/09/A215.pdf

THE CONVENTIONAL wisdom has been that state law governs the internal affairs of corporations and federal law governs disclosure. Distinguished commentators lament Sarbanes-Oxley's ("SOX") 1 "unprecedented intrusions into corporate governance" 2 and claim that the "federal regime had until then consisted primarily of disclosure requirements rather than substantive corporate governance mandates, which were traditionally left to state corporate law."'3 These assertions, however, have **little basis in today's reality**.¶ Contrary to the usual exhortations, SOX is not a watershed: significant federal layering has been going on for decades.4 As Mark Roe has shown in a series of articles, SOX is **just the latest** in an array of federal incursions, which include the Securities Act of 1933,5 the Securities Exchange Act of 1934,6 the Williams Act,7 and the Foreign Corrupt Practices Act8 . 9 Roe concludes that¶ in nearly **every decade** of the twentieth century, the decade's major corporate law issue either went federal or federal authorities threatened to take it over-from early twentieth-century merger policy, to the 1930s securities laws, to the 1950s proxy fights, to the 1 9 60s Williams Act, to the 1970s going-private transactions.'¶ John Coates sums up the current confusing state of affairs:¶ Commentators have often noted the odd division of labor between federal securities law and state corporate law. Federal regulation of proxies, tender offers, and insider trading are all arguably much more integral to the substantive relationships among investors, firms, directors, and managers that are at the heart of corporate law, than they are to the disclosure-oriented emphasis of the existing federal securities statutes. On the other hand, cash tender offers, mergers and recapitalizations involve investment decisions as important as an initial decision to invest and present similar opportunities for fraud and deception."¶ Indeed, as I have argued elsewhere, a series of layers or "bandages" has developed to recover from recurring scandals-much like an antiquated computer operating system requires downloading patches to hobble along. 12¶ Why the layers? Commentators such as Roe suggest that the mere threat of federal intervention serves as a check on states' powers.' 3 A more Machiavellian reasoning, however, suggests that the federal government helps maintain the status quo by serving as a buffer that deflects attention from what state courts, most prominently in Delaware, are not doing. 14 Regardless of which account one believes, the status quo provides insufficient protections to shareholders. On the one hand, layers of regulation exist everywhere; on the other, problems fester and scandals routinely erupt.

Dodd-Frank alt cause to corporate federalism

Brian R. **Cheffins 14**, University of Cambridge Faculty of Law, European Corporate Governance Institute, "The Race to the Bottom Recalculated: Scoring Corporate Law Over Time," Temple University Bea sley School of Law, Legal Studies Research Paper No. 38, 2014, http://www.hbs.edu/businesshistory/Documents/Cheffins2014.pdf

The Dodd-Frank Act of 2010 constituted another **substantial federal incursion** into the corporate law realm.48 While this post-financial crisis legislation focused primarily on the regulation of banks, it contained a sub-title entitled "Strengthening Corporate Governance" applicable to **all issuers falling under the SEC's jurisdiction**, not just financial companies.49 This sub-title amended federal securities law to

instruct the SEC to introduce rules requiring companies that had failed to split the chief executive officer and chairman of the board roles to explain why and to authorize the SEC to develop a "proxy access" rule permitting shareholders with significant stakes to nominate under prescribed circumstances directors on a company's own proxy card. Another sub-title of the Act dealt with executive compensation, 50 amending Federal securities laws to mandate an advisory "say on pay" vote and additional compensation disclosures for all publicly traded companies subject to SEC jurisdiction.

AT: Federalism---Econ Impact D

Even massive economic decline has zero chance of war

Robert **Jervis 11**, Professor in the Department of Political Science and School of International and Public Affairs at Columbia University, December 2011, "Force in Our Times," Survival, Vol. 25, No. 4, p. 403-425

Even if war is still seen as evil, the security community could be dissolved if severe conflicts of interest were to arise. Could the more peaceful world generate new interests that would bring the members of the community into sharp disputes? 45 A zero-sum sense of status would be one example, perhaps linked to a steep rise in nationalism. More likely would be a worsening of the current economic difficulties, which could itself produce greater nationalism, undermine democracy and bring back old-fashioned beggar-my-neighbor economic policies. While these dangers are real, **it is hard to believe that the conflicts could be great enough** to lead the members of the community to contemplate fighting each other. It is not so much that economic interdependence has proceeded to the point where it could not be reversed – states that were more internally interdependent than anything seen internationally have fought bloody civil wars. Rather it is that **even if the more extreme versions of free trade and economic liberalism become discredited**, it is hard to see how without building on a preexisting high level of political conflict leaders and mass opinion would come to believe that their countries could prosper by impoverishing or even attacking others. Is it possible that problems will not only become severe, but that people will entertain the thought that they have to be solved by war? While a pessimist could note that this argument does not appear as outlandish as it did before the financial crisis, an optimist could reply (correctly, in my view) that the very fact that we have seen **such a sharp economic down-turn** without **anyone** suggesting that force of arms is the solution shows that **even if bad times bring about greater economic conflict**, **it will not make war thinkable**.

Interdependence means zero chance that economic decline causes war

Leslie H. **Gelb 10**, President Emeritus of the Council on Foreign Relations; was a senior official in the U.S. Defense Department from 1967 to 1969 and in the State Department from 1977 to 1979, November/December 2010, "GDP Now Matters More Than Force," Foreign Affairs, Vol. 89, No. 6

To an unprecedented degree, the major powers now need one another to grow their economies, and they are loath to jeopardize this interdependence by allowing traditional military and strategic competitions to escalate into wars. In the past, U.S. enemies--such as the Soviet Union--would have rejoiced at the United States' losing a war in Afghanistan. Today, the United States and its enemies share an interest in blocking the spread of both Taliban extremism and the Afghan-based drug trade. China also looks to U.S. arms to protect its investments in Afghanistan, such as large natural-resource mines. More broadly, no great nation is challenging the balance of power in either Europe or Asia. Although nations may not help one another, they rarely oppose one another in explosive situations.

Given the receding threat of great-power war, leaders around the world can afford to elevate economic priorities as never before. To be sure, leaders throughout history have pursued economic strength as the foundation of state power, but power itself was equated

with military might. Today, the prevailing idea is that economic strength should be applied primarily toward achieving economic--not military--ends. Money is what counts most, so most nations limit their spending on standing armies and avoid military interventions. What preoccupies most leaders is trade, investment, access to markets, exchange rates, additional riches for the rich, and a better life for the rest.

This trend is plain among the rising regional powers known as the BRIC countries (Brazil, Russia, India, and China) and among such others as Indonesia, Mexico, South Africa, and Turkey. Although these countries' leaders have major security concerns--such as India with regard to Pakistan--their paramount objective has become economic strength. For most, economic growth is their prime means of fending off internal political opposition.

China makes perhaps the best case for the primacy of economics. Although it might emerge as a spoiler decades hence, Beijing currently promotes the existing economic order and does not threaten war. Because Beijing has been playing the new economic game at a maestro level--staying out of wars and political confrontations and zeroing in on business--its global influence far exceeds its existing economic strength. China gains extra power from others' expectations of its future growth. The country has become a global economic giant without becoming a global military power. Nations do not fear China's military might; they fear its ability to give or withhold trade and investments.

AT: Federalism---SOX Not Key

Federal encroachment on state securities law inevitable---repealing SOX doesn't solve

Robert B. **Thompson 3**, New York Alumni Chancellor's Professor of Law, Professor of Management, Vandy Law, expert in corporate law and securities regulation, "Securities Fraud as Corporate Governance: Reflections Upon Federalism," Vanderbilt University Law School, Law & Economics Working Paper Number 02-27, SSRN

Federal securities law and enforcement via securities fraud class actions today has become the **most visible presence** in regulating corporate governance. State law, long at center stage in discussions of corporate governance, continues to provide the legal skeleton for the corporate form and state fiduciary duty litigation continues as a frequent means to monitor managers. Yet, in today's world, state law does so almost entirely in the specific contexts of decisions about acquisitions or in self-dealing transactions. The **empirical evidence** in this Article illustrates that corporate governance outside of these areas **has passed to federal law** and in particular to shareholder litigation under Rule 10b-5.¶ The Sarbanes-Oxley Act of 2002, passed by Congress in the wake of the current corporate accountability scandals, provides new evidence of the expanded role of federal law. **But**, the move to federal corporate governance is **broader than that law** and has a **longer history** than the current scandals. The ascendancy of federal law in corporate governance reflects at least three factors. First, disclosure has become the most important method to regulate corporate managers and disclosure has been predominantly a federal, not a state, methodology. Second, state law has focused largely on the duties and liabilities of directors, and not officers, and federal law has increasingly occupied the space defining the duties and liabilities of officers. Officers have become the fulcrum of governance in today's corporations. Third, federal shareholder litigation based on securities fraud has several practical advantages over state shareholder litigation based on fiduciary duty that have contributed to the greater use of the federal forum. As a result of these trends, federal law now occupies the **largest part of the legal corporate governance infrastructure** in the 21st century. The outpouring of suggested reforms that have followed in the wake of Enron and WorldCom have focused on federal law and on the conduct of officers and directors, rather than state law, which in practice, focuses mainly on directors. Indeed, the discussions about reforms have excluded state law almost entirely.

AT: Federalism---No IL/No Conflicts

No federalization of corporate law or slippery slope

John C. **Coates 14**, John F. Cogan, Jr. Professor of Law and Economics at Harvard Law School, and Research Director of the Center on the Legal Profession, "SOX After Ten Years: A Multidisciplinary Review," forthcoming in *Accounting Horizons*, January 2014, http://www.law.harvard.edu/programs/olin_center/papers/pdf/Coates_758.pdf

One prominent criticism immediately following SOX was that it "federalized" corporate law (e.g., Romano 2005; Butler and Ribstein 2006). Straightforwardly, **the law did not do this**. Other than through the changes in the audit committee / audit firm relationship discussed above, and a relatively toothless ban on loans to public company executive officers, **SOX did little directly to alter "corporate governance**" or the state laws and stock exchange listing standards that shape governance practices. While major changes in corporate governance did coincide with SOX, they were the result of changes in listing standards adopted by stock exchanges themselves (see Coates 2007: 109-112) for more discussion).¶ However, it remained possible that SOX would have powerful effects on corporate governance in two indirect ways. First, it might pave the way for more Congressional intervention, representing a step on a slippery slope to a series of federal legislative changes to corporate law and governance (e.g., Ribstein and Butler 2006). Second, it might result in changes in state law as a result of shareholders suing under state law but using SOX's requirements as a basis for doing so, with the result that SOX would effectively create new standards of conduct for corporate directors (e.g., Burch 2006; Ferola 2007; Jones 2004).¶ Ten years later, it is apparent that **neither of these possibilities has come about**. While the Dodd-Frank Act may represent a modest example of the first possible indirect effect, in that it contained general corporate governance provisions that went beyond the financial industry, those changes are even more modest than those in SOX itself. "Say on pay" is perhaps the most well-known part of Dodd-Frank's corporate governance provisions, but that requirement merely imposes a non-binding shareholder vote on executive compensation, and fewer than two percent of US public companies have experienced a negative vote since its implementation. Other aspects of Dodd-Frank fall squarely into the "comply or explain" category, such as a requirement that public companies disclose whether they have two different individuals serving as chairman of the board and CEO, or are extremely modest in their effects, with its authorization for (but not a requirement that) the SEC to adopt regulations permitting shareholders to nominate one to three directors in the company's proxy statement (allowing economization on costs for nomination of a minority of directors), a step that Kahan and Rock (2011) call ―insignificant.‖ Further, the most significant set of changes to US securities laws since SOX can be found not in Dodd-Frank, but in JOBS Act, a 2012 law that mandated the SEC adopt a number of new exemptions from the disclosure and registration requirements of the federal securities laws – precisely **in the opposite direction** that SOX critics predicted. Indeed, by expanding exemptions for widely traded but unlisted firms, the JOBS Act greatly cut back the scope of SOX's coverage.¶ Turning to state law, a comprehensive review of all Delaware court decisions (n=1293) in the period 2002 to 2012 shows that only fifteen referred in any way to SOX or its provisions. Of those, **not one imposed liability on directors** for failing to adhere to standards or live up to obligations created by SOX. In fact, no such decision even allowed such a claim to go to trial. Nor has there been a material change in the formal standards of Delaware case law (for example by tightening the definition of what it means to be an ―independent‖ director, as asserted by Ferola 20074). Nor is there **any evident pattern** in outcomes of decisions holding corporate directors personally liable (see Black, Cheffins, and Klausner 2006), or in a significantly higher risk of liability for officers, despite section 302 of the Act (see Vogel 2009). Broad claims that SOX has distorted Delaware case law turn out to be overstated at best. Roe (2009) may be right that the fact or threat of lawmaking by Congress or the SEC influences Delaware judges, but the influences are subtle and hard to see in the case law overall. It may be more accurate to understood both federal and state lawmakers reacting simultaneously to timevarying public pressures and political demand for corporate accountability.¶ In sum, whatever the effects of SOX more broadly, it has not had the effect of "federalizing" corporate law to any meaningful extent. Delaware (and other states) laws, together with stock exchange listing standards, remain the core of corporate governance in the US, even for public companies. (We discuss data on SOX's effect on federal securities litigation, as opposed to state corporate litigation, below.)

It's symbiotic---Delaware proves

Marcel **Kahan 5**, George P. Lowy Professor of Law, New York University School of Law, "Symbiotic Federalism and the Structure of Corporate Law," *Vanderbilt Law Review*, Vol.

58:5:1573, 2005,
http://scholarship.law.upenn.edu/cgi/viewcontent.cgi?article=1639&context=faculty_scholarship

Enron. Worldcom. Adelphia. Global Crossing. Tyco. Corporate scandals have made the front pages. Congress has gotten in the act. Members have held numerous hearings, given speeches, and, ultimately, passed the Sarbanes-Oxley Act.1 The Securities and Exchange Commission ("SEC") has been busy writing regulations and leaning on the stock exchanges to modify their listing requirements, all in order to restore "investor confidence." Federal prosecutors have indicted executives of Enron, Worldcom, and Adelphia and their minions in the auditing and investment banking industries.2 State officials have also been active. Several states have passed statutes that **resemble or go beyond the strictures of Sarbanes-Oxley**.3 Robert Morgenthau, the Manhattan District Attorney, has indicted the CEO and other officers of Tyco.4 And New York Attorney General Eliot Spitzer has vastly increased his political standing by taking on the brokerage houses, perhaps following in the footsteps of Rudolf Giuliani, another renowned prosecutor of corporate criminals.5 The leaders of corporate America have been galvanized to action, forming committees and task forces, issuing reports, and giving speeches.¶ But where has Delaware been through all this? No bills have been introduced in Delaware's legislature; no hearings held by its committees; its law enforcement agents have taken no action; and its executives have stayed mum. How is it that Delaware—the home of what has long been viewed as the de facto national corporate law—has sat on the sidelines?¶ In this Article, we take a step back from the recent scandals and the responses they have generated and ask some logically prior questions. What is the structure of corporate lawmaking in the United States? What is the relation between federal and state corporate lawmaking?6 And how does that relationship shape the style and content of corporate law?¶ The relationship between federal lawmaking power and state— in particular Delaware—corporate law has become the focus of significant scholarly attention. In a recent article, Mark Roe has argued that, because of the possibility of federal intervention, most Delaware corporate law rules either mimic the rules favored by federal lawmakers or get preempted by federal law.7 In Roe's world, states, and in particular Delaware, are basically federal implementation agents who enjoy little autonomy. Roe views the federal enactment of the Sarbanes-Oxley Act as the ultimate proof of his thesis, with the federal authorities "[d]ropping [p]retense" and "squelching the states with [their] own substantive law."8¶ Responding to Roe in an article contemporaneous to ours, Roberta Romano argues that states compete largely unimpeded by federal threats because states correlatively exercise control over Congress.9 According to Romano, the key components of state corporate law—fiduciary duties and the allocation of authority between managers and shareholders—have not been changed by federal law.10 The Sarbanes-Oxley Act is, at most, a fairly narrow exception as it arguably alters the allocation of authority only in its audit committee provisions.11¶ The articles by Roe and Romano represent the latest chapter of the classic state-competition debate in corporate law, where some scholars posit that federal regulation is needed to prevent a race to the bottom,12 while others maintain that federal intervention is undesirable and existing federal rules should be repealed in order not to impede a race to the top.13 Roe's thesis implies that the whole debate is misconceived because the federal authorities call all the shots. Romano contends that state competition, and the concomitant race to the top, is alive and well even after Sarbanes-Oxley.¶ Our position differs both from Roe's and Romano's. We argue that the possibility of federal preemption constitutes a threat to Delaware, but this threat is significant only in times—such as during the recent corporate scandals—when systemic change is seen as generating a significant populist payoff. Sarbanes-Oxley is **neither the death knell for state competition**, as Roe suggests, **nor an aberration**, as Romano argues, but a response to a particular political climate that constitutes a threat to Delaware's highly-profitable chartering business.¶ We further suggest that Delaware has adapted to this threat by pursuing what we will call a classical or 19th century common law model of lawmaking. But this classical model of lawmaking entails some intrinsic limitations, including that legal change is slow, standard-based, and incremental. These limitations explain how Delaware responded to the recent corporate scandals and, in turn, create a space where the relationship between federal rules and Delaware law is **symbiotic, rather than competitive** as depicted by the classical state-competition debate. Our thesis thus seeks to explain the structure of Delaware corporate law and to offer a proper domain for federal law even for commentators broadly sympathetic to the race-to-the-top view.¶ In Part I, we analyze the institutional and political landscape of corporate lawmaking. Although Delaware exercises a significant lawmaking role, it is faced with an omnipresent specter of a federal takeover, which could threaten the substantial income the state derives from franchise fees. The principal threat for Delaware is the possibility that federal intervention will be triggered by a situation in which systemic change generates significant populist political payoffs. This danger is aggravated by Delaware's apparent lack of democratic legitimacy: why should a small state set national policy for corporate law? It is in Delaware's interest to structure its law to minimize its exposure to such an attack. In addition, Delaware must take account of the rules on personal jurisdiction and on conflict of laws embedded in the federal structure.¶ Part II identifies a number of salient traits that characterize Delaware's corporate law. Most important and controversial legal rules are the product of judge-made law. Judicial opinions are filled with quasi-deterministic reasoning. Statutory amendments to the corporation law are initially drafted by a bar committee, are adopted without change or debate by the legislature, and address largely technical and noncontroversial matters. Delaware's judiciary has substantial expertise on corporate law and is nonpolitical. In contrast to Delaware's first-rate system for the private enforcement of corporate laws, public enforcement is virtually nonexistent. And the scope of corporate law is largely confined to the regulation of the internal affairs of a corporation.¶ In Part III, we argue that these traits can be understood as adaptations to the political and institutional landscape in which Delaware operates. In many respects, Delaware's corporate law may be the last vestige of the classical 19th century common law model in America: most important legal rules are promulgated by a nonpartisan, expert judiciary; these rules are presented as derived from long-standing and widely accepted principles; the law is enforced through civil litigation brought by private parties; and even legislative amendments generate neither debate nor controversy. All this has the effect of creating and enhancing a technocratic, apolitical gloss over Delaware's corporate law and thus helps to shield Delaware from being attacked for lacking democratic legitimacy. At the same time, the scope of Delaware's corporate law is designed to minimize conflicts by assuring that Delaware has the requisite personal jurisdiction over defendants to enforce its law effectively and that the prevailing conflict rules point to substantive Delaware law as applicable to a dispute.¶ In Part IV, we assess Delaware's response to the recent corporate scandals and the division of corporate lawmaking roles between Delaware and the federal government. We argue that Delaware's response to the scandals—or rather, the lack thereof— flows from its adherence to the

classical common law model. Faced with corporate scandals, calls for action, and Sturm und Drang, Congress passed sweeping legislation and Eliot Spitzer crusaded against Wall Street. But Delaware waits until a legal dispute is brought in its courts, and even then addresses the issues only in an incremental fashion. While this means that Delaware has been out of the limelight, potentially hurting its image in the short term, staying out of the political limelight is in Delaware's long-term interest. Spitzer may be a successful politician, and he may even be the right Attorney General for New York, but he would not be the best person to assure that hundreds of millions in annual franchise fees keep flowing into Delaware's coffers. But because the classical common law style, together with jurisdictional and conflict rules, constrain Delaware, federal law is needed to complement Delaware's. This is so where Delaware's common law regime cannot effectively supply the optimal legal regime—e.g., because it requires public enforcement or is highly regulatory—or where the rules on personal jurisdiction or conflicts inhibit Delaware's ability to regulate. In that respect, the relation between federal law and Delaware law is symbiotic, rather than competitive: Delaware is happy to have federal law pick up the slack and thereby reduce the likelihood that ineffective regulation produces a populist backlash.

SOX not an overreach

Lisa M. **Fairfax 5**, Associate Professor of Law, University of Maryland School of Law, "Sarbanes-Oxley, Corporate Federalism, and the Declining Significance of Federal Reforms on State Director Independence Standards," *Ohio Northern University Law Review*, vol 31, 2005, SSRN

However, after analyzing the Act and its impact on corporate boards over the last few years, this Article concludes that the alarming cry by commentators might have raised a **false problem**, because the federal intrusion into states' discretion over concepts of director independence appears to be limited at best. This Article further asserts that given the perceived defects with states' treatment of director independence and the critical role independent directors play in adequate monitoring of corporate affairs, this lack of intrusion might hinder the Act's ability to alter the corporate governance system in any meaningful manner. In fact, this Article argues that Sarbanes-Oxley should have more forcibly intervened in state law by directing listing agencies and states to alter their director independence standards in a manner that accounts for all compromising affiliations, including personal and social ones.¶ Part I of this Article discusses the concept of director independence and its importance to our system of corporate accountability, and then demonstrates how Sarbanes-Oxley appears to preempt state law in the area of director independence. Focusing on Delaware law, Part II reveals that the Act **does not reflect a significant departure from state law rules** and corporate governance norms in existence prior to Sarbanes-Oxley's enactment. Part II then evaluates Delaware law post-Sarbanes-Oxley and illustrates that the Act initially appeared to encourage Delaware courts to alter their independence standards, particularly with respect to considering personal and social relationships when evaluating director's independence. Part II, however, also reveals that Delaware now appears to be retreating from this alteration because the Delaware Supreme Court's recent decision involving director independence significantly discounts the impact of such relationships on director's impartiality. Part II concludes that this apparent retrenchment by Delaware might prevent Sarbanes-Oxley from having any lasting impact on that state's decisions in this area.

AT: Director Independence IL --- Sarbanes-Oxley doesn't preempt state director independence law

Lisa M. **Fairfax 5**, Associate Professor of Law, University of Maryland School of Law, "Sarbanes-Oxley, Corporate Federalism, and the Declining Significance of Federal Reforms on State Director Independence Standards," *Ohio Northern University Law Review*, vol 31, 2005, SSRN

By contrast, Sarbanes-Oxley's focus on defining director independence might be more invasive on state law. Delaware statutes do not define independence. Instead, courts determine a director's independence on a case-by-case basis.85 Under this approach, Delaware courts have articulated a broad definition of independence similar to the one adopted by the NYSE and Nasdaq. Thus, Delaware defines an independent director as one who is not under the domination of, or beholden to, another director or officer.86 How ever, Delaware courts have not identified any specific categories of relation ships that would presumptively prohibit a director from being independent. In fact, those courts have

specifically refused to adopt such rigid categorizations. In doing so, Sarbanes-Oxley reforms appear to deprive Delaware courts of the discretion to make individual assessments of directors' independence. This deprivation may reflect a significant intrusion upon state's power.¶ Moreover, at least one of the relationships that would disqualify a director from being independent under the reforms would not have the same impact under Delaware law. Sarbanes-Oxley disqualifies directors who have received payment of consulting, advisory, or other compensatory fees other than director fees. By contrast, Delaware courts do not view receipt of such fees as compromising a director's independence. To the extent that Sarbanes-Oxley would require Delaware courts to follow its rules for director independence, this inconsistency suggests a true preemption of that state's law.¶ However, Sarbanes-Oxley and related reforms **do not require Delaware to apply their concepts of independence** to the derivative suit analysis or in **any other context** where issues involving independence traditionally arise under state law. Indeed, Sarbanes-Oxley's independence rules only govern the audit committee and hence have a **very limited application to state law**. Certainly the listing standards apply more broadly to the majority of the board and at least two additional board committees. Yet even those standards do not mandate that states apply such criteria to other committees of the board, such as the special litigation committee, or in other contexts involving directors. Because of this lack of mandate, Professors Lyman Johnson and Mark Sides argue that Sarbanes-Oxley does not reflect an express federal intention to "occupy the field" in the area of director independence, and hence cannot be construed as a form of federal preemption.9° In their views, Sarbanes-Oxley introduces a system of dual regulation of directors, which system **leaves state law standards of independence largely intact.**9' Given that the listing standards apply to at least a majority of the board, it is hard to imagine that those standards will not generate some spillover intrusion into state's discretion, ensuring that most directors satisfy federal standards of independence. However, this spillover effect appears to be a limited intrusion into state's authority, underscoring the notion that Sarbanes-Oxley allows states **tremendous freedom** to fashion their own director independence rules.¶ Then too, even this intrusion is not as significant as it appears because there are many parallels between the reforms' definitions of director independence and the manner in which Delaware assesses such independence. For example, the reforms address familial relationships in a manner similar to Delaware law. Thus, reforms not only disqualify directors whose family members are involved in prohibited relationships, but they broadly define family to include a wide range of familial relationships.92 Thus, under both NYSE and Nasdaq rules, immediate family members include spouses, parents, siblings, children, in-laws, and anyone living with the director. In this same vein, Delaware courts have recognized the compromising nature of such relationships and broadly construed construing those relationships. Hence, courts have found the grandson of an interested director to lack independence as well as the brother-in-law of an interested officer. Delaware's disqualification of these relationships appears consistent—and in some cases more expansive—with those covered under the listing standards.¶ Most importantly, the reforms mirror state law's failure to focus on close social or personal ties when assessing a director's independence. With the exception of familial bonds—which both the reforms and state law address— the reforms appear to view independence in terms of financial ties, without specifically focusing on personal and social ties among directors. Given that reports surrounding corporate governance scandals recognized that social and personal ties might have comprised director independence,96 this exclusion appears both significant and troubling. Like many aspects of the reforms, however, this exclusion is consistent with Delaware law. Indeed, Delaware courts have been reluctant to conclude that non-economic relationships compromise independence. Thus, Delaware courts consistently have held that allegations of close personal friendships among directors and corporate officers, even lifelong friendships, would be insufficient to discredit directors' independence. In one case, for example, a fifteen-year personal relationship between a CEO and a director was not sufficient to raise a reasonable doubt as to a director's independence from the CEO. Emphasizing this point, Delaware Supreme Court Chief Justice Norman Veasey has insisted that courts should not rely on any presumption that "friendship, golf companion ship, and social relationships" jeopardize directors' independence.'00 His position underscores Delaware's basic refusal to give credence to such relationships when assessing director independence. This refusal appears to be mirrored in federal reforms' failure to specifically characterize those relationships as detrimental to directors' independence.¶ As this discussion reveals, Sarbanes-Oxley **reflects rather than alters existing corporate rules** and norms regarding director independence. This reflection **minimizes any preemptive impact** that the Act has on state law in this area.

AT: Federalism---Dodd-Frank Alt Cause

Dodd-Frank comparatively outweighs SOX

Jill E. **Fisch 13**, Perry Golkin Professor of Law, University of Pennsylvania Law School, "Leave it to Delaware: Why Congress Should Stay Out of Corporate Governance," *Delaware Journal of Corporate Law*, vol 37, 2013, http://www.djcl.org/wp-content/uploads/2014/07/LEAVE-IT-TO-DELAWARE-WHY-CONGRESS-SHOULD-STAY-OUT-OF-CORPORATE-GOVERNANCE.pdf

Following the governance scandals of the late 1990s, including Enron, WorldCom, and HealthSouth, Congress made its most significant intrusions into state regulation of corporate law.6 In the Sarbanes-Oxley Act of 2002 ("Sarbanes-Oxley")7 Congress imposed certification requirements on corporate officials,8 mandated audit committees,9 and barred loans to corporate officers.10 Commentators criticized these requirements, warning of the creeping federalization of corporate law.11 The characterization of Sarbanes-Oxley as intruding upon state regulation of corporate governance, however, was **largely overstated**. The primary focus of SarbanesOxley—accounting regulation and the auditing process—had historically been a component of **federal rather than state regulation**.12 Sarbanes-Oxley did little to alter the core concern of state corporate law–the balance of power among officers, directors, and shareholders.¶ With its adoption of the Dodd-Frank Wall Street Reform and Consumer Protection Act of 2012 ("Dodd-Frank"),13 Congress **went further** than it did in Sarbanes-Oxley. For the first time, Congress intruded into the allocation of decision-making authority within the corporate entity. In Dodd-Frank, Congress enacted two provisions that specifically enhance shareholder power: say on pay14 and proxy access.15 Congress also required the Securities and Exchange Commission ("SEC") and stock exchanges to adopt additional corporate governance disclosure requirements.16 In so doing, Congress made a deliberate determination that the financial crisis had exposed shareholders' inability to ensure management accountability. The corporate governance provisions in Dodd-Frank reflect a congressional decision to afford shareholders greater control over the election process in general and give them a greater voice, especially on executive compensation issues.

Outsourcing/Manufacturing Advantage

No Compliance Costs/Delisting

SOX compliance costs don't drive delisting from the United States

Lys, 2009, Eric L. Kohler Chair in Accounting, Professor of Accounting Information & Management (Thomas, "Driven Offshore", http://insight.kellogg.northwestern.edu/article/driven_offshore)

Delisting to Protect Private Benefits Nevertheless, the study produced a clear conclusion. "The [delisting] firms experienced a significantly negative price reaction to their delisting announcements—**a result that is contrary to the argument that these SOX-related delistings are primarily undertaken on the basis of cost savings that is associated with the burdensome SOX requirements**," the team writes. "Instead, the evidence suggests that the delistings are motivated by [managers'] desire to protect their private benefits that SOX would curb and investors seem to understand that these delistings are not value enhancing for outside shareholders." From a positive point of view, the team finds no evidence suggesting that the large compliance costs imposed by SOX have played a driving role in foreign firms' delisting decisions, and hence that the legislation has not undermined the competitiveness of U.S. capital markets. However, Lys adds, "The purpose of SOX was to force companies with poor governance to improve. Paradoxically, the ones that stayed were those that have the better governance and the ones that left had poorer governance. In the effort to improve, SOX lost the ability to control." As Lys sees it, his group's research sends a dual message on the success of SOX. "If your primary goal is to prevent U.S. investors investing in assets in which they can be defrauded, you'll want them to improve or leave. To that extent, SOX has been successful. But if you want to make a better world, you have moved these companies offshore—making the rest of the world worse off since overseas regulations are weaker."

There's no impact to costs---profits are still high and SOX had benefits

Robert **Prentice 7**, Ed & Molly Smith Centennial Professor of Business Law, McCombs School of Business, UTA, "Sarbanes-Oxley: The Evidence Regarding the Impact of SOX 404," *Cardozo Law Review*, vol 29(2), 2007, http://section404.org/UserFiles/File/research/CARDOZO_LAW_REVIEW.pdf

Corporations now complaining about SOX are also racking up record profits that were **88% higher in 2006 than in 2002**.62 Although Wall Street has been howling about SOX 404, in 2006 and early 2007 the Dow Jones Industrial Average reached heights that were not touched even during the unsustainable frenzy of the dot-com boom.63 All major Wall Street investment banks reported record profits in 2006.64 Thus, it is **extremely difficult** to find any macro evidence to support assertions that SOX 404 has been throwing "buckets of sand into the gears of the market economy."65 Rather, consider that in October 2002, "the dark days when the market was most nervous about the quality of financial reporting,"66 credit spreads for investment grade companies were 2.5 percentage points over Treasury rate, whereas by 2006 that spread had shrunk to 0.85%. The managing director of Moody's Investors Services has stated that not all of that shrinkage can be "attribute[d] to 404, but if only 10 percent of that reduction is due to 404, put those numbers in your calculator and you get a benefit that is **absolutely enormous**."67

Costs will come down in the future---including for small firms

Robert **Prentice 7**, Ed & Molly Smith Centennial Professor of Business Law, McCombs School of Business, UTA, "Sarbanes-Oxley: The Evidence Regarding the Impact of SOX 404," *Cardozo Law Review*, vol 29(2), 2007, http://section404.org/UserFiles/File/research/CARDOZO_LAW_REVIEW.pdf

Additionally, SOX 404 costs have generally **come down substantially** after initial implementation, which is more expensive than annual maintenance. A 2006 study found a **44% drop for larger companies** and a **30% drop for smaller firms**.157 Two important reasons for the decline are (a) software improvements making the internal control monitoring process more efficient, and (b) firms becoming a little more relaxed–for a time firms all overdid it because no CEO or auditor wanted to be the next headline in The Wall Street Journal.¶ Costs will continue to decline because the SEC and PCAOB have (quite belatedly) begun to issue guidance aimed at reducing costs by clarifying what they expect under SOX 404.159 Because what was required was unclear and corporate managers were risk-averse (and not unreasonably so), auditors exercised the whip hand and seemingly took advantage in order to replace the consulting revenues they lost because of Sarbanes-Oxley with 404 audit revenues.160 By clarifying the need for firms to focus on the kinds of internal processes that create the highest risks to the integrity of financial statements (and to skip trivial matters such as checking employee timesheets), the new guidelines should help to restore the proper balance between auditor and client, thereby **continuing to reduce costs**.

Offshoring Now

Offshoring now and alt causes make it inevitable

Adam **Hersh 14**, Senior Economist at the Center for American Progress, "Offshoring Work Is Taking a Toll on the U.S. Economy," 7/30/14, https://www.americanprogress.org/issues/economy/news/2014/07/30/94864/offshoring-work-is-taking-a-toll-on-the-u-s-economy/

The global economy is becoming a more integrated and competitive neighborhood. Driven by new investments and the jobs that come with them, the expansion of the global economy into coordinated production and supply chains brings both benefits and opportunities. It also raises questions about the source and location of future jobs and growth.¶ Offshoring, the practice of moving production to foreign locales while continuing to sell goods to the U.S. market, is a **pervasive feature of the U.S. economy today**. Market pressures drive businesses to seek reduced production costs, often in places where standards of living and protections for workers and the environment are more lax than in the United States. Moreover, an ineffective tax structure further encourages the relocation of assets and production to foreign countries with lower costs. Policies such as a tax credit that reduces the costs a company incurs when it reshores jobs back to the United States would help slow this trend. In addition, the financial incentive to bring production back would help workers here at home, where production loss has led to broad downward pressure on wages across the economy, even in industries relatively insulated from international trade competition.¶ Offshoring is a **prevalent feature of the U.S. economy**, with much of this trade occurring within multinational companies' corporate families. Figures 1A and 1B show U.S. Census data on imports and exports to and from the United States that occurred between related corporate entities as a share of overall U.S. goods trade from 2002 to 2013. As is clear from Figure 1A, the share of products imported to the United States from related corporate entities constitutes nearly half of all U.S. imports since 2004. As more businesses moved production to lower-cost regions, this share increased to 50 percent in 2013, up from 48 percent in 2004.¶ When looking specifically at the manufacturing sector, imports for capital-intensive industries such as machinery and chemicals—primary drivers of productivity growth and innovation—illustrate the **hollowing out of U.S. industry** through their disproportionately high share of trade between related corporate entities relative to the overall economy average. Paradoxically, U.S. companies were much less likely to engage in production relocation in low-capital and low-skill, labor-intensive manufacturing industries over the past decade, indicating that U.S. and global businesses see the U.S. market more as a destination for sales than as place to invest in production.¶ In comparison to Figure 1A, the related-party exports shown as a share of overall U.S. exports in Figure 1B indicate that offshoring is a two-way street. Multinational companies from other countries are locating production in the United States for sale in other countries' markets but are doing so at a much lower rate than the U.S.-based companies locating production offshore to supply goods to the U.S. market.¶ In reality, offshoring is an **even more pervasive** phenomenon than is displayed here as these data capture only the related-party aspects of the practice. Outsourcing—offshoring through arms-length contractual relationships between separate entities—is common as well.¶ The recent rising U.S. surplus in services trade—particularly financial and legal services and licensing income from intellectual properties—also reflects the offshoring phenomenon, not merely the competitive strength of U.S. service industries. Data from the Bureau of Economic Analysis show the share of trade in services exports that occurs within related corporate entities. (see Figure 2) Starting around 1993, the share of U.S. service exports to related corporate entities began to grow, reaching nearly 68 percent of overall service exports in 2011. This was up from around 45 percent in 1987. The trend is clear: As offshoring practices increase, companies need to provide more wraparound services—the things needed to run a businesses besides direct production—to their offshore production and research and development activities. Rather than indicating the competitive strength of U.S. services businesses to expand abroad, the growth in services exports follows the pervasive offshoring of manufacturing and commercial research activities.¶ The United States tax code actually **incentivizes moving production, jobs, and profits overseas** by favoring overseas investment with a lower effective tax rate. According to a Tax Law Review article by Melissa Costa and Jennifer G. Gravelle, foreign-source income for U.S. multinational corporations saw an average tax rate of 15.7 percent as of 2007, while domestic-based income saw an average rate of 26 percent, a disparity of around 10 percentage points. As noted in a Center for American Progress report on corporate tax reform, this distortion in the tax treatment of foreign and domestic corporate income "violates economic neutrality and does not serve our national interest."¶ Finally, offshoring and import competition are taking a toll on wages in the United States. Recent research from Michael Elsby of the University of Edinburgh, Bart Hobijn of the Federal Reserve Bank of San Francisco, and Aysegul Sahin of the Federal Reserve Bank of New York shows that the more a U.S. industry is exposed to offshoring pressures, the more downward pressure is put on the wage share within it. (see Figure 4) The authors show that this wage effect, steadily building over the past 25 years, has been felt broadly across the economy even—though less intensely—in non-import-competing industries.¶ As is evident from the figures above, increased economic competition, market pressures, and an ineffective tax system have resulted in an increase in the practice of moving production to offshore locales and then selling goods back to the U.S. market. Policies such as a tax credit that reduces the costs of reshoring jobs back to the United States would go far to ameliorate this trend. Similarly, a tax credit could help slow the growing negative pressure on wages evident in most import-competing industries.

Offshoring now

Aird, 2010, Global Leader of the PwC Shared Services and Outsourcing advisory and Business Services Transformation (Charles, "Offshoring in the manufacturing industry", https://www.pwc.com/us/en/outsourcing-shared-services-centers/assets/offshoring-in-the-manufacturing-industry.pdf)

Innovation has always been considered a core competence that should be developed and maintained within an organization. However, over the past decade the growth of global innovation sourcing—driven mainly by the globalization of both technology markets and knowledge workers—has begun to challenge this conventional wisdom. Offshoring goes far beyond the migration of relatively routine tasks like administrative work, IT infrastructure, or call center staffing and now includes product development and design, and research and development. Although the concept of offshoring is not new for manufacturing companies, its previous application usually involved labor arbitrage in low-level, routine manufacturing jobs. Findings from the 2009 Offshoring Research Network (ORN) survey reveal that manufacturing companies are now among the major practitioners of innovation offshoring, including engineering services, research and development, and product design. Chart 1 summarizes the percentage of manufacturing companies that are offshoring a particular function, and clearly demonstrates that, compared to other functions, innovation services are growing the fastest, surpassing other major offshore activities such as information technology and contact center. This trend within manufacturing is particularly noteworthy given its absence from other industries more typically associated with information technology offshoring. Take finance and insurance industry as example. Chart 2 illustrates the slow growth of innovation offshoring in finance and insurance industry in which only 18 percent of companies are currently offshoring their innovation activities. Overall distribution of offshoring by manufacturing companies (Chart 3) shows that more than 60 percent of manufacturing companies engage in innovation offshoring, where their main destinations (see Chart 4) include India (33 percent), China (27 percent) and Western Europe (17 percent). This finding is consistent with service providers' expectations (2009 ORN service provider survey). In response to the question about their expectations of growing destinations for a particular function, **over 30 percent of service providers named India and China as high-growth destinations for innovation offshoring** (see Chart 5). More than a third of participating manufacturers reveal that information technology, finance and accounting, and procurement are among their top offshoring operations. One finding that stands out from the survey is offshore destination choices of manufacturing companies. While India generally remains the most attractive offshoring destination, participating manufacturing companies articulated a strong preference for using European providers for finance and accounting, marketing and sales, and contact center offshoring. Forty-four percent of manufacturing companies offshore their marketing and sales operations to western European providers, with only 10 percent to going to Indian providers. Similarly, Western (22 percent) and Eastern (32 percent) Europe are also the favorite locations for finance and accounting offshoring by manufacturing companies. Cost overruns and declining efficiencies (mostly due to wage inflation and uncoordinated growth of offshoring activities across the company) often trigger a reconsideration of the organizations' offshoring activities, which in many cases results the implementation of corporate-wide strategies for guiding offshoring decisions. According to the 2009 ORN survey, **the top two reasons for contract termination specified by participating service providers are clients' unrealistic expectations and the lack of a clear outsourcing strategy** (see Chart 6). In the context of offshoring and outsourcing, the adoption of a corporate-wide offshoring strategy likely represents a transitional stage in the evolutionary process of developing more elaborated offshoring and outsourcing capabilities. Reflecting this overall trend, the 2009 ORN survey shows a dramatic increase in the number of organizations adopting a company-wide strategy for guiding their offshoring decisions at the business unit and function levels. Compared with the overall sample in which 57 percent of companies have implemented a company-wide strategy guiding their offshoring implementations, only 47 percent of manufacturing industry participants report doing so (see Chart 7). As companies gain offshoring experience, they increasingly adopt a company-wide strategy for guiding offshoring decisions at the business unit and function levels. However, it is notable that more than half of the manufacturing companies in the sample report that although an offshoring strategy has been implemented at a function level it has yet to reach the C-suite. This reality might reflect the decentralized nature of most diversified industrial manufacturing companies. In fact, the manufacturing companies sample includes at least two case studies of companies that began offshoring various processes and functions having first adopted a corporate-wide offshoring strategy. In one case, the offshoring strategy was implemented from the top, down and in the second, from

the bottom, up. During follow-up interviews, manufacturing companies that have yet to adopt company-wide offshoring strategies indicated that they are considering doing so. In moving to a company-wide strategy, companies hope to guide and standardize offshoring decisions across business units and functions such as IT infrastructure (to achieve economies of scale via third-party providers), accounting and finance, and global sourcing of innovation-related work.

AT: Competitiveness

SOX was net beneficial---all aff criticisms are wrong and empirically denied

Julia **Hanna 14**, associate editor of the HBS Alumni Bulletin, "The Costs And Benefits Of Sarbanes-Oxley," 3/10/14, http://www.forbes.com/sites/hbsworkingknowledge/2014/03/10/the-costs-and-benefits-of-sarbanes-oxley/

Its intent was to improve corporate governance and restore the faith of investors, but many in the business world spoke out against SOX, viewing it as a politically motivated over-correction that would lead to a loss of risk-taking and competitiveness.¶ HBS Associate Professor Suraj Srinivasan and Harvard Law School Professor John C. Coates leverage the benefit of hindsight to assess research findings from over 120 papers in accounting, finance, and law to evaluate the act's impact and establish takeaways to guide the creation of future legislation.¶ While current measurement systems are insufficient to make an unambiguous, overarching judgment of the act's net benefits, Srinivasan and Coates isolate a few clear findings and make a case for flexibility and experimentation to guide future laws and reforms in the financial arena.¶ One thing is clear: Despite severe criticism, the act and the institutions it created have survived almost intact since enactment. But so have condemnations. It's a puzzle, say the authors, that "on the one hand, the law continues to be **fiercely and relentlessly attacked** in the US" while those most affected by the act as implemented express "**acquiescence or even mild praise**."¶ The paper, SOX after Ten Years: A Multidisciplinary Review, is scheduled to be published later this year in Accounting Horizons.¶ "We took a cost/benefit approach when considering SOX," explains Srinivasan. The most worrisome part of the act on the business side was the mandate that required public companies to obtain an independent audit of their internal control practices. The cost of this requirement, he says, was felt most acutely by smaller companies, although it was ultimately deferred for companies with market caps of less than $75 million and made permanent in the Dodd-Frank Act. Audit standards also were modified in 2007, a change that reportedly reduced costs for many firms by 25 percent or more per year.¶ "That aspect of flexibility—being able to exempt some smaller companies from the mandate and make it easier for others to implement—is an **important quality** to keep in mind when we discuss future regulation," says Srinivasan, who also cites the important role of the Public Company Accounting Oversight Board (PCAOB), a nonprofit private corporation created by SOX that oversees auditors of SEC-registered companies.¶ MARKETS HAVE BENEFITTED¶ Despite high initial costs of the internal control mandate, evidence shows that it has proved beneficial. "Markets have been able to use the information to assess companies more effectively, managers have improved internal processes, and the internal control testing has become more cost-effective over time," according to Srinivasan.¶ The research does not support the fear that SOX would reduce levels of risk-taking and investment in research and growth. Another concern that the act would shrink the number of IPOs **has not been borne out either**; in fact, the pricing of IPOs post-SOX became less uncertain. The cost of being a publicly traded company did cause some firms to go private, but research shows these were primarily organizations that were smaller, less liquid, and **more fraud-prone**.¶ "Yes, SOX may have cut off public market financing to these companies, but the question is whether it was appropriate for them to be in public markets in the first place," Srinivasan says. "That is a value judgment, to be sure. But **it may not be a bad thing** if certain companies are restricted in their access to financing, simply because loss of trust in public capital markets has big consequences for the entire economy."¶ A 2005 survey by the Financial Executives Research Foundation found that **83 percent of large company CFOs agreed that SOX had increased investor confidence**, with 33 percent agreeing that it had reduced fraud.

No competitiveness impact to Sarbanes-Oxley

Robert **Prentice 7**, Ed & Molly Smith Centennial Professor of Business Law, McCombs School of Business, UTA, "Sarbanes-Oxley: The Evidence Regarding the Impact of SOX 404," *Cardozo Law Review*, vol 29(2), 2007, http://section404.org/UserFiles/File/research/CARDOZO_LAW_REVIEW.pdf

Beyond direct costs, the most urgent complaint about SOX 404 is its impact on the competitiveness of U.S. securities markets. Because the U.S. share of global stock market activity in 2005 was about 50%, slightly higher than the 47% figure of a decade before,186 these complaints should be **closely scrutinized**. Even according to its critics, SOX 404 is not the sole or perhaps even primary part of SarbanesOxley allegedly causing competitiveness problems, and there are also numerous non-legal factors adversely affecting the U.S. securities industry that **no rollbacks of any portion of SOX could impact**. As a final introductory point, over the last decade foreign capital markets have gained on U.S. markets by some measures187 while their governments increased rather than decreased the stringency of their securities regulation.188 In other words, foreign markets have been gaining competitively by **imitating U.S. capital market regulation.**

Hegemony Impact Defense

Heg resilient

Michael **Beckley 12**, research fellow in the International Security Program at Harvard Kennedy School's Belfer Center for Science and International Affairs and assistant professor of political science at Tufts University, "China's Century? Why America's Edge Will Endure," Winter 2011/2012, International Security, Vol. 36, No. 3, belfercenter.ksg.harvard.edu/files/Chinas_Century.pdf

To be sure, the costs of maintaining U.S. military superiority are substantial. By historical standards, however, they are exceptionally small.41 Past hegemons succumbed to imperial overstretch after fighting multifront wars against major powers and spending more than 10 percent (and often 100 or 200 percent) of their GDPs on defense.42 The United States, by contrast, spends 4 percent of its GDP on defense and concentrates its enmity on rogue nations and failed states. Past bids for global mastery were strangled before hegemony could be fully consolidated. The United States, on the other hand, has the advantage of being an extant hegemon—it did not overturn an existing international order; rather, the existing order collapsed around it. As a result, its dominant position is entrenched to the point that "any effort to compete directly with the United States is futile, so no one tries."43¶ The dollar's global role may handicap American exports, but it also comes with perks including seigniorage,44 reduced exchange rate risks for U.S. firms involved in international commerce, competitive advantages for American banks in dollarized financial markets, and the ability to delay and deflect current account adjustments onto other countries.45 More important, foreign governments that hold dollar reserves depend on U.S. prosperity for their continued economic growth and are thus "entrapped," unable to disentangle their interests from those of the United States.46 Rather than seeking to undermine the American economy, they invest in its continued expansion.47¶ Finally, given its position at the top of the world trade regime, the United States can distort international markets in its favor.48 Declinists expect the

hegemon to use its power magnanimously. According to the alternative perspective, however, American foreign economic policy involves the routine use of diplomatic leverage at the highest levels to create opportunities for U.S. firms.49 U.S. trade officials, "acting as self-appointed enforcers of the free trade regime, asserted the right with their own national law to single out and punish countries they judged to be unfair traders."50 Globalization, therefore, may not be a neutral process that diffuses wealth evenly throughout the international system, but a political process shaped by the United States in ways that serve its interests.

Best data concludes no impact to heg

Benjamin H. **Friedman et al 13**, research fellow in defense and homeland security studies; Brendan Rittenhouse Green, the Stanley Kaplan Postdoctoral Fellow in Political Science and Leadership Studies at Williams College; Justin Logan, Director of Foreign Policy Studies at the Cato Institute Fall 2013, "Correspondence: Debating American Engagement: The Future of U.S. Grand Strategy," International Security, Vol. 38, No. 2, p. 181-199

Brooks et al. argue that the specter of U.S. power eliminates some of the most baleful consequences of anarchy, producing a more peaceful world. U.S. security guarantees deter aggressors, reassure allies, and dampen security dilemmas (p. 34). "By supplying reassurance, deterrence, and active management," Brooks et al. write, primacy "reduces security competition and does so in a way that slows the diffusion of power away from the United States" (pp. 39–40). There are three reasons to reject this logic: security competition is declining anyway; if competition increases, primacy will have difficulty stopping it; and even if competition occurred, it would pose little threat to the United States. an increasingly peaceful world. An array of research, some of which Brooks et al. cite, indicates that factors other than U.S. power are diminishing interstate war and security competition.2 These factors combine to make the costs of military aggression very high, and its benefits low.3 A major reason for peace is that conquest has grown more costly. Nuclear weapons make it nearly suicidal in some cases.4 Asia, the region where future great power competition is most likely, has a "geography of peace": its maritime and mountainous regions are formidable barriers to conflict.5 Conquest also yields lower economic returns than in the past. Post-industrial economies that rely heavily on human capital and information are more difficult to exploit.6 Communications and transport technologies aid nationalism and other identity politics that make foreigners harder to manage. The lowering of trade barriers limits the returns from their forcible opening.7 Although states are slow learners, they increasingly appreciate these trends. That should not surprise structural realists. Through two world wars, the international system "selected against" hyperaggressive states and demonstrated even to victors the costs of major war. Others adapt to the changed calculus of military aggression through socialization.8 managing revisionist states. Brooks et al. caution against betting on these positive trends. They worry that if states behave the way offensive realism predicts, then security competition will be fierce even if its costs are high. Or, if nonsecurity preferences such as prestige, status, or glory motivate states, even secure states may become aggressive (pp. 36-37).9 These scenarios, however, are a bigger problem for primacy than for restraint. Offensive realist security paranoia stems from states' uncertainty about intentions; such states see alliances as temporary expedients of last resort, and U.S. military commitments are unlikely to comfort or deter them.10 Nonsecurity preferences are, by definition, resistant to the security blandishments that the United States can offer under primacy Brooks et al.'s revisionist actors are unlikely to find additional costs sufficient reason to hold back, or the threat of those costs to be particularly credible. The literature that Brooks et al. cite in arguing that the United States restrains allies actually suggests that offensive realist and prestige-oriented states will be the most resistant to the restraining effects of U.S. power. These studies suggest that it is most difficult for strong states to prevent conflict between weaker allies and their rivals when the restraining state is defending nonvital interests; when potential adversaries and allies have other alignment options;11 when the stronger state struggles to mobilize power domestically12; when the stronger state perceives reputational costs for non-involvement;13 and when allies have hawkish interests and the stronger state has only moderately dovish interests.14 In other words, the cases where it would be most important to restrain U.S. allies are those in which Washington's efforts at restraint would be least effective. Highly motivated actors, by definition, have strong

hawkish interests. Primacy puts limits on U.S. dovishness, lest its commitments lack the credibility to deter or reassure. Such credibility concerns create perceived reputational costs for restraining or not bailing out allies. The United States will be defending secondary interests, which will create domestic obstacles to mobilizing power. U.S. allies have other alliance options, especially in Asia. In short, if states are insensitive to the factors incentivizing peace, then the United States' ability to manage global security will be doubtful. Third-party security competition will likely ensue anyway. costs for whom? Fortunately, foreign security competition poses little risk to the United States. Its wealth and geography create natural security. Historically, the only threats to U.S. sovereignty, territorial integrity, safety, or power position have been potential regional hegemons that could mobilize their resources to project political and military power into the Western Hemisphere. Nazi Germany and the Soviet Union arguably posed such threats. None exist today. Brooks et al. argue that "China's rise puts the possibility of its attaining regional hegemony on the table, at least in the medium to long term" (p. 38). That possibility is remote, even assuming that China sustains its rapid wealth creation. Regional hegemony requires China to develop the capacity to conquer Asia's other regional powers. India lies across the Himalayas and has nuclear weapons. Japan is across a sea and has the wealth to quickly build up its military and develop nuclear weapons. A disengaged United States would have ample warning and time to form alliances or regenerate forces before China realizes such vast ambitions. Brooks et al. warn that a variety of states would develop nuclear weapons absent U.S. protection. We agree that a proliferation cascade would create danger and that restraint may cause some new states to seek nuclear weapons. Proliferation cascades are nonetheless an unconvincing rationale for primacy. Primacy likely causes more proliferation among adversaries than it prevents among allies. States crosswise with the United States realize that nuclear arsenals deter U.S. attack and diminish its coercive power. U.S. protection, meanwhile, does not reliably stop allied and friendly states from building nuclear weapons. Witness British, French, and Israeli decisionmaking. Proliferation cascades were frequently predicted but never realized during the Cold War, when security was scarcer.15 New research argues that security considerations are often a secondary factor in the proliferation of nuclear weapons, and that states with the strongest appetites for proliferation often lack the technical and managerial capacities to acquire the bomb.16 Finally, even if proliferation cascades occur, they do not threaten U.S. security. Few, if any, states would be irrational enough to court destruction at the hands of the U.S. nuclear arsenal, especially if the United States is not enmeshed in their conflicts.

Hegemony's no longer key to peace---decline just means allies fill in

Elizabeth Cobbs **Hoffman '13**, professor of American foreign relations at San Diego State University, 3/4/13, "Come Home, America," http://www.nytimes.com/2013/03/05/opinion/come-home-america.html?nl=todaysheadlines&emc=edit_th_20130305&pagewanted=print&_r=0

> EVERYONE talks about getting out of Iraq and Afghanistan. But what about Germany and Japan? The sequester — $85 billion this year in across-the-board budget cuts, about half of which will come from the Pentagon — gives Americans an opportunity to discuss a question we've put off too long: Why we are still fighting World War II? Since 1947, when President Harry S. Truman set forth a policy to stop further Soviet expansion and "support free peoples" who were "resisting subjugation by armed minorities or by outside pressures," America has acted as the world's policeman. For more than a century, Britain had "held the line" against aggression in Eurasia, but by World War II it was broke. Only two years after the Allies met at Yalta to hammer out the postwar order, London gave Washington five weeks' notice: It's your turn now. The Greek government was battling partisans supplied by Communist Yugoslavia. Turkey was under pressure to allow Soviet troops to patrol its waterways. Stalin was strong-arming governments from Finland to Iran. Some historians say Truman scared the American people into a broad, open-ended commitment to world security. But Americans were already frightened: in 1947, 73 percent told Gallup that they considered World War III likely. From the Truman Doctrine emerged a strategy comprising multiple alliances: the Rio Pact of 1947 (Latin America), the NATO Treaty of 1949 (Canada and Northern and Western Europe), the Anzus Treaty of 1951 (Australia and New Zealand) and the Seato Treaty of 1954 (Southeast Asia). Seato ended in 1977, but the other treaties remain in force, as do collective-defense agreements with Japan, South Korea and the Philippines. Meanwhile, we invented the practice of foreign aid, beginning with the Marshall Plan. It was a profound turn even from 1940, when Franklin D. Roosevelt won a third term pledging not to plunge the United States into war. Isolationism has had a rich tradition, from Washington's 1796 warning against foreign entanglements to the 1919 debate over the Treaty of Versailles, in which Henry Cabot Lodge argued, "The less we undertake to play the part of umpire and thrust ourselves into European conflicts the better for the United States and for the world." World War II, and the relative impotence of the United Nations, convinced successive administrations that America had to fill the breach, and we did so, with great success. The world was far more secure in the second half of the 20th century than in the disastrous first half. The percentage of the globe's population killed in conflicts between states fell in each decade after the Truman Doctrine. America experienced more wars (Korea, Vietnam, the two Iraq wars, Afghanistan) but the world, as a whole, experienced fewer.

We were not so much an empire — the empire decried by the scholar and veteran Andrew J. Bacevich and celebrated by the conservative historian Niall Ferguson — as an umpire, one that stood for equal access by nation-states to political and economic gains; peaceful arbitration of international conflict; and transparency in trade and business. But conditions have changed radically since the cold war. When the United States established major bases in West Germany and Japan, they were considered dangerous renegades that needed to be watched. Their reconstructed governments also desired protection, particularly from the Soviet Union and China. NATO's first secretary general, Hastings Ismay, famously said the alliance existed "to keep the Russians out, the Americans in, and the Germans down." Today, our largest permanent bases are still in Germany and Japan, which are perfectly capable of defending themselves and should be trusted to help their neighbors. It's time they foot more of the bill or operate their own bases. China's authoritarian capitalism hasn't translated into territorial aggression, while Russia no longer commands central and eastern Europe. That the military brass still talk of maintaining the capacity to fight a two-front war — presumably on land in Europe, and at sea in the Pacific — speaks to the irrational endurance of the Truman Doctrine. Our wars in the Middle East since 2001 doubled down on that costly, outdated doctrine. The domino theory behind the Vietnam War revived under a new formulation: but for the American umpire, the bad guys (Al Qaeda, Iran, North Korea) will win. Despite his supporters' expectations, President Obama has followed a Middle East policy nearly identical to his predecessor's. He took us out of Iraq, only to deepen our commitment to Afghanistan, from which we are just now pulling out. He rejected the most odious counterterrorism techniques of George W. Bush's administration, but otherwise did not change basic policies. Mr. Obama's gestures toward multilateralism were not matched by a commensurate commitment from many of our allies. Cynics assert that the "military-industrial complex" Dwight D. Eisenhower presciently warned against has primarily existed to enrich and empower a grasping, imperialist nation. But America was prosperous long before it was a superpower; by 1890, decades before the two world wars, it was already the world's largest and richest economy. We do not need a large military to be rich. Quite the opposite: it drains our resources. Realists contend that if we quit defending access to the world's natural resources — read, oil — nobody else would. Really? It's not likely that the Europeans, who depend on energy imports far more than the nation that owns Texas and Alaska would throw up their hands and bury their heads in the sand. It's patronizing and naïve to think that America is the only truly "necessary" country. Good leaders develop new leaders. The Libyan crisis showed that our allies can do a lot. The United States can and should pressure Iran and North Korea over their nuclear programs. It must help to reform and strengthen multilateral institutions like the United Nations, the International Monetary Fund and the World Bank. It must champion the right of small nations, including Israel, to "freedom from fear." But there are many ways of achieving these goals, and they don't all involve more borrowing and spending. Partisan debates that focus on shaving a percentage point off the Pentagon budget here or there won't take us where we need to go. Both parties are stuck in a paradigm of costly international activism while emerging powers like China, India, Brazil and Turkey are accumulating wealth and raising productivity and living standards, as we did in the 19th century. The long-term consequences are obvious. America since 1945 has paid a price in blood, treasure and reputation. Umpires may be necessary, but they are rarely popular and by definition can't win. Perhaps the other players will step up only if we threaten to leave the field. Sharing the burden of security with our allies is more than a fiscal necessity. It's the sine qua non of a return to global normalcy.

Emerging powers and regional organizations solve every conceivable impact to hegemony---unipolarity's dead

Amitav **Acharya 14**, Professor of International Relations at American University, 6/19/14, "UNIPOLAR NO MORE: THE OBAMA DOCTRINE AND THE EMERGING POWERS," http://warontherocks.com/2014/06/unipolar-no-more-the-obama-doctrine-and-the-emerging-powers/

The problem with Obama's assertion that if America does not lead, "no one else will," is not just that it sounds a trifle self-serving and arrogant, but it also does not take into account different forms of leadership exercised by others such as Canada, Australia, the EU, and the Scandinavian countries in promoting human rights, transitional justice, and humanitarian law. Collective action can also be decentralized to the regional level. At West Point, Obama talked mostly about NATO, more so than the U.N. or any other global or regional multilateral group and made only passing references to other regional groups (he did mention the OSCE and ASEAN). The emerging powers don't share the same love for NATO. Strangely enough, Obama did not even mention the EU, preferring to use terms such as Europe and European allies. He ignored other non-Western regional groupings such as the African Union and the Organization of American States. Yet, only a relatively blinded analyst of the contemporary world order would fail to recognize that regional multilateral groups such as the EU, ASEAN and the AU have an important place in shaping the security of their respective regions. The United States itself recognizes Indonesia's leadership in Southeast Asia and ASEAN's role in Asia-Pacific security. Regional powers such as Japan, South Africa, and Brazil have played key roles in regional economic development and diplomacy. This does not mean regional organizations are always effective or can substitute for the U.N. But as Hillary Clinton had recognized in her new American moment speech, "few, if any, of today's challenges can be understood or solved without working through a regional context." In that speech, Clinton mentioned region (including "region," "regional," "regionally," "regions," etc.) no less than 24 times. There was an entire section on strengthening regional architecture, (excluding discussion of NATO, which was under a separate preceding section on alliances), and this section was longer than that on global institutions in the 21st century. Instead of claiming leadership solely for itself, might it not be better for the United States to help these other actors lead in different issue areas where they have special interest and expertise? Many regional groups in the developing world could do with greater authority from the U.N. Security Council and support in material resources from powers like the United States in advancing collective action. The unipolar moment in international relations is over and the emerging world order is not multipolar, as many mistakenly characterize it. It is better described as a multiplex world (further elaboration in my book, The End of American World Order). Like in a multiplex cinema running several shows with different scripts, actors, directors, producers within one complex, we live in a global system with multiple key players (traditional great powers, emerging powers, international institutions and non-state actors) interacting closely with each other while bound by complex forms of interdependence. Indeed, when Rice referred to the challenge of U.S. leadership in "a world that is more complex and more interdependent than ever before," she provided an apt description of the multiplex world. But collective action to manage stability of the multiplex world requires shared leadership. The Obama Doctrine's vision for that shared leadership lacks clarity and consistency.

Topicality

Its

Topicality---"Its"---1NC

'Its' is a possessive pronoun showing ownership

Glossary of English Grammar Terms, 2005

(http://www.usingenglish.com/glossary/possessive-pronoun.html)

Mine, yours, his, hers, its, ours, theirs are the possessive pronouns used to substitute a noun and to show possession or ownership.

EG. This is your disk and that's mine. (Mine substitutes the word disk and shows that it belongs to me.)

They don't meet "its" – surveillance is done by the Public Company Accounting Oversight Board – explicitly not part of the federal government

Sarbanes-Oxley Act of 2002, text of the Sarbanes-Oxley Act, http://www.gpo.gov/fdsys/pkg/PLAW-107publ204/html/PLAW-107publ204.htm

(a) **Establishment of Board**.--There is established **the Public Company Accounting Oversight Board**, to oversee the audit of public companies that are subject to the securities laws, and related matters, in order to protect the interests of investors and further the public interest in the preparation of informative, accurate, and independent audit reports for companies the securities of which are sold to, and held by and for, public investors. The Board shall be a body corporate, operate as a nonprofit corporation, and have succession until dissolved by an Act of Congress. (b) Status.--**The Board shall not be an agency or establishment of the United States Government**, and, except as otherwise provided in this Act, shall be subject to, and have all the powers conferred upon a nonprofit corporation by, the District of Columbia Nonprofit Corporation Act. **No member or person employed by, or agent for, the Board shall be deemed to be an officer or employee of or agent for the Federal Government by reason of such service**. (c) Duties of the Board.--The Board shall, subject to action by the Commission under section 107, and once a determination is made by the Commission under subsection (d) of this section-- (1) register public accounting firms that prepare audit reports for issuers, in accordance with section 102; (2) establish or adopt, or both, by rule, auditing, quality control, ethics, independence, and other standards relating to the preparation of audit reports for issuers, in accordance with section 103; (3) conduct inspections of registered public accounting firms, in accordance with section 104 and the rules of the Board; (4) conduct investigations and disciplinary proceedings concerning, and impose appropriate sanctions where justified upon,

Vote neg for limits and ground---allowing surveillance not done by the USFG explodes the limit on topic actors and makes any act of "looking topical"---it also removes all neg ground based on the information going to the USFG like the terrorism DA or counterplans based on the word "curtail" which are central to negative ground.

Exts---Its = Possessive

Its means belonging to something previously mentioned

Cambridge Dictionary ("Its", http://dictionary.cambridge.org/dictionary/british/its)

Definition

belonging to or relating to something that has already been mentioned The dog hurt its paw.

Their house has its own swimming pool.

The company increased its profits.

I prefer the second option - its advantages are simplicity and cheapness.

"Its" is exclusive---means no action other than US surveillance

Douglas F. **Brent 10,** attorney, June 2, 2010, "Reply Brief on Threshold Issues of Cricket Communications, Inc.," online: http://psc.ky.gov/PSCSCF/2010%20cases/2010-00131/20100602_Crickets_Reply_Brief_on_Threshold_Issues.PDF) **Italics and bold in the original**

AT&T also argues that Merger Commitment 7.4 only permits extension of "any given" interconnection agreement for a single three year term. AT&T Brief at 12. Specifically, AT&T asserts that because Cricket adopted the interconnection agreement between Sprint and AT&T, which itself was extended, Cricket is precluded from extending the term of its agreement with AT&T. Id

This argument relies upon an inaccurate assumption: that the agreement (contract) between Sprint and AT&T, and the agreement (contract) between Cricket and AT&T, are one and the same. In other words, to accept AT&T's argument the Commission must conclude that two separate contracts, i.e. the interconnection between Sprint and AT&T in Kentucky ("Sprint Kentucky Agreement") and the interconnection between Cricket and AT&T in Kentucky ("Cricket Kentucky Agreement"), are one and the same.

Upon this unstated (and inaccurate) premise AT&T asserts that "***the ICA*** was already extended"; id. at 14, and "***the ICA*** Cricket seeks to extend was extended by Sprint . . . ."; id. at 15, and, finally, "Cricket cannot extend ***the same ICA*** a second time . . . ." Id. (emphasis added in all). Note that in the quoted portions of the AT&T brief (and elsewhere) AT&T uses vague and imprecise language when referring to either the Sprint Kentucky Agreement, or the Cricket Kentucky Agreement, in hopes that the Commission will treat the two contracts as one and the same.

But it would be a mistake to do so. The contract governing AT&T's duties and obligations with Sprint is a legally distinct and separate contract from that which governs AT&T's duties with Cricket. The Sprint Kentucky Agreement was approved by the Commission in September of 2001 in Case Number 2000-00480. The Cricket Kentucky Agreement was approved by the Commission in September of 2008 in Case Number 2008-033 1.

AT&T ignores the fact that these are two separate and distinct contracts because it knows that the merger commitments apply to ***each*** agreement that an individual telecommunications carrier has with AT&T. Notably, Merger Commitment 7.4 states that "AT&T/BellSouth ILECs shall permit ***a requesting telecommunications carrier*** to extend ***its*** current interconnection agreement . . . . As written, the commitment allows any carrier to extend "***its***" agreement. Clearly, the use of the pronoun "its" in this context is possessive, such that the term "its" means - ***that*** particular carrier's agreement with AT&T (and **not any other carrier's agreement**). Thus, the merger commitment applies to each agreement that an individual carrier may have with AT&T. It necessarily follows then, that Cricket's right to extend its agreement under Merger Commitment 7.4 is separate and distinct right from another carrier's right to extend its agreement with AT&T (or whether such agreement has been extended).

"Its" is a singular possessive pronoun referring to central federal government

Updegrave 91 – W.C., "Explanation of ZIP Code Address Purpose", 8-19, http://www.supremelaw.org/ref/zipcode/updegrav.htm

More specifically, looking at the map on page 11 of the National ZIP Code Directory, e.g. at a local post office, one will see that the first digit of a ZIP Code defines an area that includes more than one State. The first sentence of the explanatory paragraph begins: "A ZIP Code is a numerical code that identifies areas within the United States and its territories for purposes of ..." [cf. 26 CFR 1.1-1(c)]. Note the singular possessive pronoun "its", not "their", therefore carrying the implication that it relates to the "United States" as a corporation domiciled in the District of Columbia (in the singular sense), not in the sense of being the 50 States of the Union (in the plural sense). The map shows all the States of the Union, but it also shows D.C., Puerto Rico and the Virgin Islands, making the explanatory statement literally correct.

Exts---PCAOB Not USFG

The PCAOB is a private sector organization---it's overseen by the SEC, but it's separate---prefer government definitions

SEC 13, Securities and Exchange Commission, "Public Company Accounting Oversight Board (PCAOB)," modified January 16, 2013, http://www.sec.gov/answers/pcaob.htm

The Public Company Accounting Oversight Board (also known as the PCAOB) is a **private-sector, nonprofit corporation** created by the Sarbanes-Oxley Act of 2002 to oversee accounting professionals who provide independent audit reports for publicly traded companies. The PCAOB's responsibilities include the following:

registering public accounting firms;

establishing auditing, quality control, ethics, independence, and other standards relating to public company audits;

conducting inspections, investigations, and disciplinary proceedings of registered accounting firms; and

enforcing compliance with Sarbanes-Oxley.

When Congress created the PCAOB, it gave the SEC the authority to **oversee the PCAOB's operations**, to appoint or remove members, to approve the PCAOB's budget and rules, and to entertain appeals of PCAOB inspection reports and disciplinary actions. You can find SEC orders and other releases concerning the PCAOB in the "Regulatory Actions" section of our website under "PCAOB Rulemaking."

Limits---Link

Their interpretation blows the topic wide open---allowing any non-governmental surveillance be topical allows to remove any law that might <u>somehow affect</u> information that <u>anyone gathers</u>---that allows the aff to change things like individual parole policies, laws affecting things like Facebook and other interpersonal data, etc.

This is a <u>whole separate lit base</u>---the government collects data and does surveillance in a lot of different areas which provides a solid base for the topic---their interpretation shifts debate away from that sector of the literature and makes it impossible to have any coherent topic discussion about surveillance

Limits---Impact

Limits are key to debate's pedagogical benefits---they're necessary to allow the neg to <u>clash</u> with the aff and create in-depth engagement with the substance of the 1AC---training us to debate against a <u>well-prepared opponent</u> is the only true benefit that debate provides and is a necessary skill for action beyond debate---outweighs any fairness or innovation arguments

Ground Overview

Their interpretation <u>nukes</u> neg ground---all topic disads are based on the way that the government uses certain data for things like terrorism and financial regulation, and all counterplans are based on repealing <u>less</u> than the aff in terms of government action or changing the <u>process</u> by which government surveillance occurs---their interpretation makes that lit base irrelevant and shifts debate to how individuals use information about each other

Surveillance

Topicality---Surveillance---1NC

Surveillance is defined as the acquisition of private information

Bedan, 7 - J.D. Candidate, Indiana University School of Law (Matt, "Echelon's Effect: The Obsolescence of the U.S. Foreign Intelligence Legal Regime," Federal Communications Law Journal: Vol. 59: Iss. 2, Article 7. Available at: http://www.repository.law.indiana.edu/fclj/vol59/iss2/7

The definition of surveillance, in pertinent form, is the acquisition of a communication either sent or received by a "particular, known United States person who is in the United States," if the communication was acquired by "intentionally targeting" that person, and if the circumstances are such that they have a reasonable expectation of privacy. 53 Alternatively, "surveillance" also means the acquisition of any communication to or from someone located in the United States, if the acquisition occurs within the United States.54

It is clear from both FISA and Supreme Court precedent that an individual must have a reasonable expectation of privacy for "surveillance" to occur. In United States v. Miller, the Supreme Court held that individuals have no expectation of privacy in information held by a third party.55 Through the use of National Security Letters, the FBI and the NSA routinely exploit this rule of law to acquire vast amounts of personal information on U.S. citizens from private corporations, such as phone companies and Internet service providers. 56 Because FISA's definition of surveillance fails to account for this practice, the government is not required to get a warrant or make any certification of probable cause. Considering how much the technological capacity of the private sector for gathering and retaining personal information has increased in recent years, the privacy implications of government access to this data are huge.

Domestic surveillance means the acquisition of non-public information – it's distinct from the broader 'intelligence gathering' and requires an expectation to privacy

Small, 8 - United States Air Force Academy (Matthew, "His Eyes are Watching You: Domestic Surveillance, Civil Liberties and Executive Power during Times of National Crisis" http://cspc.nonprofitsoapbox.com/storage/documents/Fellows2008/Small.pdf

Before one can make any sort of assessment of domestic surveillance policies, it is first necessary to **narrow the scope of the term "domestic surveillance**." Domestic surveillance is a subset of intelligence gathering. Intelligence, as it is to be understood in this context, is "information that meets the stated or understood needs of policy makers and has been collected, processed and narrowed to meet those needs" (Lowenthal 2006, 2). In essence, domestic surveillance is a means to an end; the end being intelligence. The intelligence community best understands domestic surveillance as the acquisition of **nonpublic** information concerning United States persons (Executive Order 12333 (3.4) (i)). With this definition domestic surveillance remains an overly broad concept.

This paper's analysis, in terms of President Bush's policies, focuses on electronic surveillance; specifically, wiretapping phone lines and obtaining caller information from phone companies. Section f of the USA Patriot Act of 2001 defines electronic surveillance as:

[T]he acquisition by an electronic, mechanical, or other surveillance device of the contents of any wire or radio communication sent by or intended to be received by a particular, known United States person who is in the United States, if the contents are acquired by intentionally targeting that United States person, under circumstances in which a person has a reasonable expectation of privacy and a warrant would be required for law enforcement purposes;

Adhering to the above definition allows for a focused analysis of one part of President Bush's domestic surveillance policy as its implementation relates to the executive's ability to abridge certain civil liberties. However, since electronic surveillance did not become an issue of public concern until the 1920s, there would seem to be a problem with the proposed analysis.

Considering an American citizen's claim to a right to privacy, the proposed analysis is not limited to electronic surveillance alone but rather includes those actions that would seek, or at least appear, to abridge a civil liberty. The previously presented definition of electronic surveillance itself implies an infringement into a person's expected right, in this case the right is to privacy. Acknowledging the intrusion **inherent in the definition**, the question of how far the president can push this intrusion becomes even more poignant. As such, President Bush's policies are not the sole subject of scrutiny, but rather his supposed power to abridge civil liberties in the interest of national security. The first part of the analysis, then, turns to a time where the national security of the United States was most at jeopardy, during its fight for independence.

Violation---the aff gathers information on public corporations---that's distinct from private companies for whom compliance is simply voluntary

Megan N. **Gates 11**, Co-chair of the Securities & Capital Markets Practice Group, concentrates her practice on providing counsel to public companies with respect to compliance and disclosure obligations under the Securities Exchange Act of 1934, "The Impact of Sarbanes-Oxley on Private Companies and Corporate Governance Best Practices," 2011

This Note examines the provisions of the Sarbanes-Oxley Act of 2002 (SOX) that **apply to both private and public companies**. Furthermore, this Note discusses the benefits a company can reap in complying with SOX. In addition, this Note discusses the regulatory burdens under SOX and how SOX affects private companies' best practices. The Sarbanes-Oxley Act of 2002 (SOX) Create far-reaching changes in corporate governance practices, financial statement disclosure, and auditor independence requirements. Generally, **SOX requires public companies to implement practices and policies to ensure that:** A company's financial statements fairly present the condition of the business. Effective internal control systems monitor financial reporting. SOX left few aspects of the corporate governance systems of public companies untouched. SOX and the related rules issued by the SEC address topics including: The Role, duties, and qualifications of a company's audit committee. How companies prepare their reports to the SEC. The code of ethics a company's senior officers must follow. The relationship that a company has with its independent public accountants. The majority of SOX's provisions only apply to companies that either: Have a class of securities registered under Section 12 of the Securities Exchange Act of 1934, as amended (Exchange Act). Are required to file reports under Section 15(d) of the Exchange Act. Have filed a registration statement under the Securities Act of 1933, as amended (Securities Act), that the registrant has not withdrawn. Although **the primary intent of SOX was to regulate the activities and behavior of public companies**, SOX has also significantly elevated the standard of conduct for many private companies in the areas of corporate governance and financial oversight and compliance. By voluntarily complying with some or all of SOX's requirements, larger private companies (or companies with aspirations of achieving significant growth, going public or being acquired by a public company) may be able to reap the rewards associated with:

Exts---Surveillance = Private Not Public

It requires the elimination of a privacy interest – otherwise they make all trivial uses of information 'surveillance'

Huey, 9 – assistant professor of sociology at the University of Western Ontario (Laura, Surveillance: Power, Problems, and Politics. Hier, Sean P., and Greenberg, Joshua, eds. p. 221-222, ebrary

The past few years have witnessed incredible growth in the field of surveillance studies. Remarkably, despite this growth, there is no consensus on what forms of human activity are encompassed by the term "surveillance." Derived from the French for watching over, surveillance encompasses the basic activity of watching others. Brian Martin (1993, 115) uses surveillance in this sense when he describes it as "keeping a close watch on others." However, this basic definition has been variously expanded upon and/or challenged. Gary Marx (1998), among others, suggests that there has been a notable shift in what constitutes surveillance. Marx distinguishes between what he terms traditional surveillance, involving close observation of a targeted individual (e.g., the police officer who trails a suspect), and the new surveillance: technologies designed to systematically extract and collect personal data (e.g., the database that collects, sorts, and creates data profiles of targeted individuals and groups). Whereas traditional surveillance is an exceptional activity, proliferating technologies have made the new surveillance a routine, everyday activity that is largely invisible to those people whom it targets. What these two forms of surveillance share, however, is that each seeks to "eliminate privacy in order to determine normative compliance or to influence the individual" (Marx 2003, 370).

For Colin Bennett (2005), such an understanding of surveillance is insufficient. Bennett argues that the use of technology to systematically capture and analyze data must be understood in relation to institutional, cultural, and political contexts and goals: **an action alone does not constitute surveillance**; it does so **only in relation to its stated uses** and goals. To illustrate this point, Bennett distinguishes between the mundane collection and use of his personal data when taking a flight to Toronto and the experience of someone who has been targeted for close observation and special treatment by virtue of his or her name or meal preferences. According to Bennett, then, understanding surveillance as the simple act of watching over – the mother over the child, for example – **"trivializes" its meanings**, its uses, and the experiences of its targets.

Even the broadest definition doesn't include information provided with consent

Pounder 9 – PhD, Director, Amberhawk Training and Amberhawk Associates

(Chris, "NINE PRINCIPLES FOR ASSESSING WHETHER PRIVACY IS PROTECTED IN A SURVEILLANCE SOCIETY," Scholar)

This paper uses the term "surveillance" in its widest sense to include data sharing and the revealing of identity information in the **absence of consent** of the individual concerned. It argues that the current debate about the nature of a "surveillance society" needs a new structural framework that allows the benefits of surveillance and the risks to individual privacy to be properly balanced.

Surveillance is not shared information

Hypponen 14 - computer security expert and columnist

(Mikko, http://www.brainyquote.com/quotes/quotes/m/mikkohyppo633646.html)

Governmental surveillance is **not** about the government collecting the information you're sharing publicly and willingly; it's about collecting the information you don't think you're sharing at all, such as the online searches you do on search engines... or private emails or text messages... or the location of your mobile phone at any time.

Must be secret

Baker 5 – MA, CPP, CPO

(Brian, "Surveillance: Concepts and Practices for Fraud, Security and Crime Investigation," http://www.ifpo.org/wp-content/uploads/2013/08/surveillance.pdf)

Surveillance is defined as **covert** observations of places and persons for the purpose of obtaining information (Dempsey, 2003). The term covert infers that the operative conducting the surveillance is **discreet and secretive**. Surveillance that maintains a concealed, hidden, undetected nature clearly has the greatest chance of success because the subject of the surveillance will act or perform naturally. Remaining undetected during covert surveillance work often involves physical fatigue, mental stress, and very challenging situations. Physical discomfort is an unfortunate reality for investigators, which varies from stinging perspiration in summer to hard shivers during the winter.

Must be covert

IJ 98

(Info Justice, OPERATIONS, SURVEILLANCE AND STAKEOUT PART 1, http://www.infojustice.com/samples/12%20Operations,%20Surveillance%20And%20Stakeout%20Part%201.html)

Surveillance is defined as the systematic observation of persons, places, or things to obtain information. Surveillance is carried out **without** the knowledge of those under surveillance and is concerned primarily with people.

Exts---Surveillance = Personal Data

Surveillance is the focused, systematic and routine collection of personal details – it excludes surveillance of places or other things

Keiber, 14 – PhD dissertation for the Graduate Program in Political Science at Ohio State (Jason, "The Surveillance of Individuals in International Politics" https://etd.ohiolink.edu/!etd.send_file?accession=osu1397573412&disposition=inline

The study of surveillance has its own discipline, yet it is relatively new. The field of Surveillance Studies "covers a **huge range** of activities and processes, but what they have in common is that, for whatever reason, people and populations are under scrutiny."65 A representative definition of "surveillance" is: "the focused, systematic and routine" collection and analysis of "personal details for purposes of influence, management, protection or direction.66

Various elements of the definition deserve attention. First, surveillance is focused and routine. This suggest it is, at the very least, purposive, and incidental acquisition of data would not count as surveillance proper. Second, it includes both collection and analysis. Note also that collection entails the activity of gathering information as well as the storage of it. Storage, for example of data in a database, is an important component of surveillance because it enables those conducting surveillance to keep track of information over time and recall that information when needed. Analysis is included because often the collected data does not speak for itself. For example most information is classified (sorted) as it gets stored, and classification is itself a form of analysis. Moreover, technology increasingly enables automated data analysis and data mining to discover patterns and novel information. Third, according to the definition above different actors can conduct surveillance—governments, corporations, civic organizations, parents, etc. For my purposes the focus will be on governmental forms of surveillance.

Finally, surveillance is about people. Students of international politics may pause here—what about surveillance of material things like missile sites and nuclear enrichment facilities. Surveillance Studies, which has roots in sociology and human geography, is primarily interested in surveillance as a social and political phenomenon. That being said, sometimes surveillance of objects can provide a lot of information about what certain people are doing. This is well within the purview of surveillance studies. For an IR example, IAEA monitoring of gas centrifuges is similar to workplace monitoring intended to check whether or not employees are doing their job. On the other hand there is some material-focused surveillance which Surveillance Studies doesn't address. For example satellites and seismic and atmospheric monitoring constantly operate to detect nuclear detonations, but this is activity that Surveillance Studies is not too interested in.

Surveillance is defined as 'social sorting'---the deliberate collection of personal information for the purpose of management, protection or detection

Tucker and Wang 14 – *PhD, Professor of Computer Science, **PhD, Professor @ U Portsmouth

(Victoria and John, "On the Role of Identity in Surveillance," http://arxiv.org/pdf/1408.3438.pdf)

David Lyon has emphasised a general conception of surveillance, which he has characterised as "the focused, systematic and routine attention to personal details for purposes of influence, management, protection or detection" (2007a: 14). Furthermore, "this attention to personal details is not random, occasional or spontaneous; it is deliberate and depends on certain protocol and techniques" (ibid.). Lyon (2003, 2007b) has emphasised the significance of considering contemporary surveillance as social sorting. He defined the term to mean the "focus on the social and economic categories and the computer codes by which personal data is organized with a view to influencing and managing people and populations" (Lyon, 2003: 2). **Social sorting** has become the **main purpose** of surveillance, since surveillance today is **overwhelmingly about personal data**. The rise of surveillance leads to an emphasis on monitoring the behaviours from selected individuals, through groups of people, to the entire population. The growth and effectiveness of the monitoring are made possible by all sorts of new technologies, especially software technologies. However, surveillance as social sorting is becoming increasingly significant, not merely because of the abundance and availabilities of new technological devices. Rather, these devices are required because of the increasing number of perceived and actual

risks,∂ and consequently, the desire to monitor the behaviour of the entire population (cf. Lyon,∂ 2003).

Systematic observation and identification of particular attributes of individuals

Tucker and Wang 14 – *PhD, Professor of Computer Science, **PhD, Professor @ U Portsmouth

(Victoria and John, "On the Role of Identity in Surveillance," http://arxiv.org/pdf/1408.3438.pdf)

Indeed, surveillance is about data and essential to contemporary surveillance practices are∂ software technologies and hardware devices that collect, store and process data. Currently,∂ the growth and effectiveness of surveillance are made possible by all sorts of new∂ technologies, especially software technologies. They are increasingly becoming a natural∂ component of our everyday life as various forms of surveillance practices are routinely built∂ into our physical and virtual environments. Surveillance is a process of data gathering that∂ involves the systematic observation of behaviours and individuals, and the identification of∂ the ones that are deemed to have specific attributes (see: Figure 1).

Systematic observation of persons

Wang 11 – PhD, Vice President for Information Services and Chief Information Officer for the RF

(Hao, "Protecting Privacy in China," p. 27)

Surveillance is defined as the systematic investigation or monitoring of the actions or communications of one or more **persons**. Traditionally, surveillance has been undertaken by physical means, such as guarding prisons. In recent decades, it has been enhanced through image amplification devices such as high-resolution satel¬lite cameras.6"1 Most of them are readily available in China today. However, some of them are also privacy invasive. They render current Chinese legal protections seriously inadequate. These devices may include: (I) microphones or listening devices that can be concealed; (2) miniature tape recorders; (3) hidden cameras such as cell phone cameras; (4) hidden monitors that operated by remote control; (5) infrared devices enabling photographs to be taken at night; (6) miniature transmitters; and so on.

Exts---Aff is Public

The plan would include public actions

US Code, 2002 PUBLIC LAW 107–204—JULY 30, 2002, https://www.sec.gov/about/laws/soa2002.pdf

''(g) PROHIBITED ACTIVITIES.—Except as provided in subsection (h), it shall be unlawful for a registered public accounting firm (and any associated person of that firm, to the extent determined appropriate by the Commission) that performs for any issuer any audit required by this title or the rules of the Commission under this title or, beginning 180 days after the date of commencement of the operations of the Public Company Accounting Oversight Board **established under section 101 of the Sarbanes-Oxley Act of 2002** (in this section referred to as

the ‘Board’), the rules of the Board, to provide to that issuer, contemporaneously **with the audit, any non-audit service, including**—

‘‘(1) bookkeeping or other services related to the accounting records or financial statements of the audit client; ‘‘(2) financial information systems design and implementation; VerDate 11-MAY-2000 09:34 Sep 09, 2004 Jkt 019194 PO 00000 Frm 00027 Fmt 6580 Sfmt 6581 O:\TURNEY\PUBL204.116 APPS10 PsN: PUBL204 116 STAT. 772 PUBLIC LAW 107–204—JULY 30, 2002 ‘‘(3) appraisal or valuation services, fairness opinions, or contribution-in-kind reports; ‘‘(4) actuarial services; ‘‘(5) internal audit outsourcing services; ‘‘(6) management functions or human resources; ‘‘(7) broker or dealer, investment adviser, or investment banking services; ‘‘(8) legal services and expert services unrelated to the audit; and ‘‘(9) any other service that the Board determines, by regulation, is impermissible.

‘‘(h) PREAPPROVAL REQUIRED FOR NON-AUDIT SERVICES.—**A registered public accounting firm may engage in any non-audit service, including tax services, that is not described in any of paragraphs** (1) through (9) of subsection (g) for an audit client, only if the activity is approved in advance by the audit committee of the issuer, in accordance with subsection (i).’’. (b) EXEMPTION AUTHORITY.—The Board may, on a case by case basis, exempt any person, issuer, **public accounting firm, or transaction from the prohibition on the provision of services under section 10A(g) of the Securities Exchange Act of 1934** (as added by this section), to the extent that such exemption is necessary or appropriate in the public interest and is consistent with the protection of investors, **and subject to review by the Commission in the same manner as for rules of the Board under section 107**

Limits/Ground/Offense Overview

Case List

Here’s a list of surveillance laws

Congressional Record, 13 (Text of S.1599, a bill to amend the Patriot Act, 10/29, p. S7630)

(2) SURVEILLANCE LAW.—The term ‘‘surveillance law’’ means any provision of any of the following:

(A) **The Foreign Intelligence Surveillance Act** of 1978 (50 U.S.C. 1801 et seq.).

(B) **Section 802(a) of the National Security Act of 1947** (50 U.S.C. 436(a)).

(C) **Section 2709 of title 18,** United States Code.

(D) **Section 1114 of the Right to Financial Privacy Act of 1978** (12 U.S.C. 3414(a)(5)(A)).

(E) **Subsection (a) or (b) of section 626 of the Fair Credit Reporting Act** (15 U.S.C. 1681u(a), 1681u(b)).

(F) **Section 627(a) of the Fair Credit Reporting Act (15 U.S.C. 1681v(a)) (as in effect on the day before the date of the enactment of this Act).**

Dictionary definitions are bad – don't provide a policy context

Marx, 4 – Professor Emeritus from M.I.T. (Gary, "Some Concepts that may be Useful in Understanding the Myriad Forms and Contexts of Surveillance, Intelligence and National Security," 19:2, 226-248, DOI: 10.1080/0268452042000302976

WHAT IS SURVEILLANCE? The dictionary definition of surveillance as it is applied to many contemporary new forms such as video, computer dossiers, electronic location and work monitoring, drug testing and DNA analysis is **woefully inadequate** or worse.7 For example in the Concise Oxford Dictionary surveillance is defined as 'close observation, especially of a suspected person'. Yet today many of the new surveillance technologies are not 'especially' applied to 'a suspected person'. They are commonly applied categorically. In broadening the range of subjects the term 'a suspected person' takes on a different meaning. In a striking innovation, surveillance is also applied to contexts (geographical places and spaces, particular time periods, networks, systems and categories of person), not just to a particular person whose identity is known beforehand. The dictionary definition also implies a clear distinction between the object of surveillance and the person carrying it out and a non-co-operative relationship. In an age of servants listening behind closed doors, binoculars and telegraph interceptions, that separation made sense. It was easy to distinguish the watcher from the person watched. Yet self-surveillance, cosurveillance and reciprocal surveillance have emerged as important themes, often blurring the easy distinction between agent and subject of surveillance. Well-publicised warnings that surveillance might be present seek to create self-restraint. A general ethos of self-surveillance is also encouraged by the availability of home products such as those that test for alcohol level, pregnancy, AIDS and other medical conditions. Nor does the traditional definition capture contemporary cases of 'cooperative' parallel or co-monitoring, involving the subject and an external agent in which the former voluntarily sends a remote message (as with location and some implanted physiological monitoring devices). Individuals may agree to wear badges and have transmitters for toll roads or as anti-theft means installed on their cars. They may join programmes that invite police to search their vehicles if driven late at night. Many bio-metric forms involve some degree of co-operation, or at the least, implicit co-operation by the failure to take steps to block transmission. The border between the watched and the watcher may also be blurred in that there can be a continuous transmission link between sender and receiver as with brain waves or scents. The sender and receiver are in one sense electronically joined. It may be difficult to say where the subject stops and the agent begins. As with questions of copyright and electronic media, new issues of the ownership and control of property appear. Such transmissions are 'personal' but leave the person's body and control. The line between what is public and private is hazy in such settings. The term 'close observation' also fails to capture contemporary practices. Surveillance may be carried out from afar, as with satellite images or the remote monitoring of communications and work. Nor need it be 'close' as in detailed – much initial surveillance involves superficial scans looking for patterns of interest to be pursued later in greater detail. It is both farther away and closer than the conventional definition implies. The dated nature of the definition is further illustrated in its seeming restriction to visual means as implied in 'observation'. The eyes do contain the vast majority of the body's sense receptors and the visual is a master metaphor for the other senses (for example, saying 'I see' for understanding or being able to 'see through people'). Indeed, 'seeing through' is a convenient short-hand for the new surveillance. To be sure the visual is usually an element of surveillance, even when it is not the primary means of data collection (for example, written accounts of observations, events and conversations, or the conversion to text or images of measurements from heat, sound or movement). Yet to 'observe' a text or a printout is in many ways different from a detective or supervisor directly observing behaviour. The eye as the major means of direct surveillance is increasingly joined or replaced by hearing, touching and smelling. The use of multiple senses and sources of data is an important characteristic of much of the new surveillance. A better definition of contemporary forms of surveillance is needed. The new forms of surveillance involve scrutiny through the use of technical means to extract or create personal data, whether from individuals or contexts. The data sought may or may not be known by the subject, who may be willing or unwilling to have it discovered or revealed. It may involve revealed information for which verification is sought. The use of 'technical means' to extract and create the information implies the ability to go beyond what is offered to the unaided senses or voluntarily reported. Many of the examples involve an automated process and most extend the senses by using material artefacts or software of some kind, but the means for rooting out can also be sophisticated forms of deception as with undercover operations, ruses and pretexts. The use of 'contexts' along with 'individuals' recognises that much modern surveillance also looks at settings and patterns of relationships. Systems as well as persons are of interest. This definition excludes the routine,

non-technological surveillance that is a part of everyday life such as looking before crossing the street or seeking the source of a sudden noise or of smoke. An observer on a nude beach or police interrogating a co-operative suspect would also be excluded, because in these cases the information is volunteered and the unaided senses are sufficient. I use the more neutral and broader verb 'scrutinise' rather than 'observe' (with its tilt toward the visual) in the definition because the nature of the means (or the senses involved) suggests sub-types and issues for analysis that ought not to be foreclosed by a definition. For example how do visual, auditory, text and other forms of surveillance compare with respect to factors such as intrusiveness or validity? In addition much surveillance is automated and hence 'observation' (if that is what it is by a machine, is of a different sort). While the above definition captures some common elements among new surveillance means, contemporary tactics are enormously varied.8 There is need for a conceptual language that brings some parsimony and unity to the vast array of old and new surveillance activities and which can permit more systematic comparisons and explanations. The next section suggests dimensions that can be used to categorise the means aspect of surveillance.

Corporate Federalism Bad

1NC

1NC

First is the US turn:

SOX promotes competition between the states and federal government---that's net better for corporate governance

Renee **Jones 4**, Associate Professor, Boston College Law School, JD Harvard Law, "Rethinking Corporate Federalism in the Era of Corporate Reform," 1/1/2004, Boston College Law School Faculty Papers, http://lawdigitalcommons.bc.edu/cgi/viewcontent.cgi?article=1559&context=lsfp

"If we don't fix it, Congress will, but I hope they've gone as far as they're going to have to go."2 This statement from one of our country's most respected jurists forms part of an ongoing effort to retain the state of Delaware's legitimacy and power in the realm of corporate law, in the face of recent federal encroachments on state law territory. Delaware Supreme Court Chief Justice E. Norman Veasey made this statement in the wake of recent corporate scandals and Congress' subsequent adoption of the Sarbanes-Oxley Act of 20023 ("Sarbanes-Oxley" or the "Act").¶ Chief Justice Veasey's words are an unusually blunt acknowledgment that in determining the legal rules that affect America's largest corporations, the state of Delaware is constrained most significantly by the federal government. His words suggest that standard arguments prevalent in academic literature which extol the benefits of competition among states for corporate charters are misconceived. Instead, Chief Justice Veasey tacitly admits that the federal government is Delaware's **main rival** in the development of corporate law rules. This implied **absence of state-to-state competition** suggests the need to reconsider the appropriate role of the federal government as a corporate regulator.¶ To some, Sarbanes-Oxley represents an ill-advised advance in the "creeping federalization of corporate law."4 The Act does indeed federalize some aspects of corporate law, and **properly so.** Because of Delaware's dominant position in the market for out-of-state incorporations, the federalization of corporate law (or at least the threat of federalization) is **necessary** to ensure that corporate law developed at the state level adequately addresses concerns of national scope, rather than furthering **purely local interests**.¶ The longstanding academic debate about whether competition among states for corporate charters has led to a "race-to-the-bottom" or a "race-to-the-top" in corporate law,5 **exaggerates the true extent of competition** among states for corporate charters. Instead, recent scholarship suggests no race exists at all.6 That is, when a corporation considers a state other than its home state in which to incorporate, it almost invariably chooses Delaware.7 These same commentators have observed that other states do not actively compete with Delaware for charters.8 Neither the statutes, the court systems, nor the corporate franchise tax structures of these states appear designed to allow the states to generate additional revenue by attracting out-of-state incorporations.¶ For years, scholars have argued that competition among states leads to greater innovation and experimentation in the development of corporate law rules. The recent assertion that no meaningful interstate competition exists for out-of-state incorporations **detracts from the market-based arguments these scholars invoke** to refute the prescriptions of others who advocate national standards of corporate conduct. The dearth of competition also weakens these same scholars' arguments that the federal system of corporate law has led to the development of efficient or optimal corporate law rules.¶ For regulatory competition actually to impact the development of corporate law in a manner that properly balances management and shareholder interests, **Delaware must have a rival**. **Only the federal government** can offer an alternative regulatory scheme that can compete with Delaware for the public's acceptance. This Article's vision of regulatory competition departs sharply from the model of horizontal competition that dominates corporate law scholarship. In this view, regulatory competition is not driven by the

pursuit of additional corporate charters or franchise fees. Instead, the rival regulators compete for the public's confidence and concomitant regulatory authority and power.¶ In this paradigm, voters play the primary role in achieving a desirable balance between federal and state power in corporate regulation. If the public disapproves of the actions of federal regulators in a substantive area, voters can elect representatives at the national level who will defer to states on such issues. In the context of corporate regulation, if Delaware, the dominant state for corporate law, regulates corporate affairs competently, then Delaware and other states should continue to enjoy broad regulatory authority. Conversely, if the public loses confidence in the existing regulatory regime, voters would be expected to pressure Congress to adopt laws that impose more appropriate standards. Such public pressure might lead Congress to preempt certain provisions of state corporate law. Such pressure may also lead states to take measures to forestall preemption by modifying state law to more closely comport with the demands of the voting public.¶ Delaware's response to the enactment of Sarbanes-Oxley suggests that Congress has the ability to prod Delaware to adopt corporate law rules preferred by voters, without resorting to wholesale replacement of state law with federal law. The Act has been described as "the most far-reaching reforms of American corporate practices since the time of Franklin Delano Roosevelt."10 Unlike the reforms of the Roosevelt era, the Act departs from the securities laws' traditional model of disclosure regulation and mandates corporate governance reforms that previously had been the exclusive province of the states. Among other interventions, the Act forbids all corporate loans to directors and executive officers and dictates the composition and responsibilities of the audit committee of the board of directors.11 With these provisions, the Act displaces some of the basic tenets of state corporate law.¶ The realistic threat of federal preemption posed by Sarbanes-Oxley seems to have **influenced Delaware's judiciary**. In recent decisions, its judges have taken a firmer stance against directors when evaluating shareholders' fiduciary duty claims. It is likely that Sarbanes-Oxley and other corporate reform proposals of national scope prompted or contributed to this shift in Delaware jurisprudence. Delaware's judicially-led reforms suggest that limited preemption of state law can play an **important role** in the development of corporate law at the state level. This dynamic, if fostered, can afford the national citizenry a voice in shaping the corporate law rules devised by a nonrepresentative body of policy-makers, which, in turn, could lead to a **more democratic and more principled regulatory scheme**.¶ In this Article, I argue that the recently renewed federal engagement in corporate law issues should be welcomed and sustained. However, in contrast to other proposals, I do not advocate wholesale federal preemption or the development of an optional federal regulatory scheme.12 Instead, I urge a sustained vigilance from Congress and a willingness to take limited preemptive measures when state corporate law rules fall short in providing adequate protection for investors.¶ Part II reviews the longstanding debate on the corporate law race and, like other recent commentators, concludes that no race exists at all. Part III reviews current thinking about corporate federalism. Part IV proposes an alternative model of vertical regulatory competition, and argues that it represents a better paradigm for analyzing regulatory competition in the corporate law arena. Part V describes the political factors that led Congress to adopt Sarbanes-Oxley. Part VI explains how the Delaware courts have led the state's response to Sarbanes-Oxley's preemptive threat. It analyzes recent developments in Delaware law and argues to the federal preemptive threat prompted them.

A race among states doesn't solve US corporate governance

Mark J. **Roe 5**, professor at Harvard Law School, where he teaches corporate law and corporate bankruptcy, "Regulatory Competition in Making Corporate Law in the United States—And Its Limits," *Oxford Review of Economic Policy*, vol 21, no 2, Oxford Journals

The first and perhaps most significant consequence is that the structure of American corporate law is **much more complicated** than a race between states. In assessing how and why corporate law is made in America we cannot rely on a market that we celebrate (because it races to the top) or denigrate (because it is captured by managers). Federal authorities are **big players**. States might be ready to give managers autonomy, but then federal authorities might tighten up. States might get the relationship between managers and shareholders right, and then Congress could upset a well-tuned balance. And we might conjecture that federal authorities leave to the states the issues that the national players—and American public opinion—care little about, or at least what they, within a range of acceptable state actions, tolerate.¶ With this better understanding of the structure of American corporate lawmaking in mind, we will have to **reinterpret the race**, the public choice structure of American corporate lawmaking, and why Delaware survives. In parallel work, I start to do so (Roe, 2003, 2005).

Second is the EU turn:

The EU models US corporate governance

Manish **Gupta 8**, Attorney at Daller, Greenberg & Dietrich, LLP, J.D.,2006, Temple University Beasley School of Law, "Elan, Enron, and the Aftermath of Scandal: A Comparative Analysis of Recent Irish and American Corporate Governance Legislation," *California Western International Law Journal*, Fall 2008, vol 39, no 1, http://scholarlycommons.law.cwsl.edu/cgi/viewcontent.cgi?article=1091&context=cwilj

A flowchart mapping the development of corporate governance might show that new ideas **come from the United States**, are distilled by the European Union, and applied by Member States as they see fit. Ireland saw fit to copy the audit regulator, the audit committee, and the requirement that directors must personally sign off on financial statements.274 European countries do not wholly plagiarize U.S. legislation, however; the Irish statutes borrow provisions relating to audit regulators, audit committees, and sign-off rules but require different behavior from each.275 Nonetheless, corporate governance rules are converging and Irish laws show this movement.¶ The governments of Ireland, the European Union, and the United States all require foreign auditors to register with a regulatory body, and all three have tightened rules about how auditors may provide non-audit work. The IAASA followed the PCAOB in taking away auditor self-regulation. If the European Union had its way, auditors' self-regulation would end completely because every Member State would set up an auditor regulator of its own.2 7 6 The PCAOB and IAASA surely have their differences: the members of the PCAOB are all independent regulators, whereas accounting bodies comprise IAASA membership.2 7 7 But auditors on both sides of the Atlantic are now governed by and paying fees to a regulator that did not exist prior to the corporate scandals.¶ **Convergence in board structure** has brought the audit committee to Ireland, and it has been described as "a new concept in Irish company law." 278 Where previously optional, audit committees are now required in the United States and Ireland, and the European Union wants all Member State companies to have them. All three governments insist that the committees be comprised of independent directors even though they define independence differently. 279 Here, there are issues of efficacy:¶ [t]he parallels with America's corporate scandals do not end with the fallibility of auditors. The lack of independence of nonexecutive directors on the board is another issue in common. Parmalat's was stuffed with family members and local cronies. Despite a 1999 reform that imposed independent directors on listed Italian companies, big ones such as Parmalat were allowed to opt out.¶ Both SOX and the CAAA make directors personally liable for their company's financial statements by requiring that they sign the statements to attest to their accuracy. 281 There are differences between the laws as well: Ireland requires directors, companies, and auditors to sign off on the accuracy of financial statements, 282 whereas the United States only requires executives to sign compliance statements.283 Some have questioned whether this will hurt Ireland's position as an attractive location for foreign investment.¶ Enron was the catalyst for change in Europe as well as in the United States. The EU Action Plan stated that its goal was to "review further corporate governance and auditing issues in the light of the Enron case.",285 Similarly, commentators have noted "Europeans should stop smugly believing that corporate malfeasance is an American vice that cannot occur in the old continent. Instead, they should fix their corporate-governance and accounting problems with as much vigour as their American cousins showed after the Enron wake-up call.",286 Others have commented on the impact of U.S. legislation in Europe, stating that SOX "seems to have kicked Europe's protracted process into gear. 'Parmalat was an extra boost, but the real motor was Sarbanes-Oxley ... Europe had to stand up and be counted.'"¶ B. Proportionality¶ Commentators often note how quickly SOX became law: Enron collapsed on November 9, 2001, and President George W. Bush signed SOX into law less than nine months later.288 By contrast, the Irish took more time before passing legislation.289 The reason for this disparity may be founded on the size of the problem faced in the respective countries.¶ The U.S. scandals were much larger than those in Ireland. In the United States, scandals were measured in billions, while the Irish scandals were only measured in millions. A U.S. imprimatur touches every old-world scandal: Elan is headquartered in New York, trades on the New York Stock Exchange, and conducts its activities mainly in the United States.290 AIB's troubles came from an American trader working at a U.S. subsidiary; it was sued by an American investor in an American court.291 Ahold's problems were the result of malfeasance at USF, an American subsidiary.2 92 Parmalat could not have hidden so much debt for so long without the complicity of Bank of America, Grant Thornton, and Deloitte & Touche. Clearly, scandals in Ireland and Europe are as much American as they are Irish and European.¶ When Ireland passed the CAAA, it responded harshly to scandals small in comparison to those in the United States. The CAAA contains many provisions similar to SOX: both create auditing regulatory bodies, address auditors and non-audit work, mandate audit committees, have "report up, report out" provisions, and require certification of financial statements.293 However, there are numerous differences among the similarities: the CAAA has criminal penalties; Irish auditors are only barred from providing services that lead to conflicts of interest whereas U.S. auditors may not provide any nonaudit services; Irish directors, even if they are not currently employed by the company, may not sit on the audit committee if they worked for the company within the last three years; and Ireland requires directors, companies, and auditors to certify the accuracy of financial statements whereas the United States only requires executives to sign compliance statements. 294 SOX merely allows attorneys to "report up, report out" whereas the CLEA requires auditors to report company law breaches to the DCE.295 Furthermore, Irish companies have to deal with the DCE whose sole job is to enforce the Companies Acts-criminal provisions and all. When one considers the full extent of the Companies Acts, 296 the vast power of the DCE, and the fact that Ireland had less of a corporate crisis to begin with, Irish attempts to prevent future corporate malfeasance are disproportionate to the problem.¶ Surely Ireland had corporate problems, but they were compliance issues, not governance issues. Ireland's compliance problems received their due response: a watchdog in the DCE. The CLEA deals more with compliance than governance-it was passed in early 2001, before Enron and the other corporate scandals came to light, and it forced companies to answer to the government rather than to various stakeholders. Even so, the CLEA is harsh; the DCE has incredible power-police power, prosecutorial power, regulatory power, even banishment power.2 97 The Director himself can make a company's life very hard; there is not any one U.S. regulator with that much influence.¶ With regard to the EU's role in its Member States' affairs, the British newspaper The Economist concisely explained the need for EU corporate regulation:¶ Italy has a reputation for poor corporate governance combined with the shameless exploitation of minority shareholders. But much the same can be said of other European countries, including France, the Netherlands and Switzerland, where this week Adecco, the world's largest temporary-employment agency, said it expects to delay the announcement of its 2003 results because of "possible accounting, control and compliance issues ... in certain countries." Most European countries have mere codes of practice for corporate governance, rather than legal statutes, and progress towards meeting the standards of the codes has been patchy at best.¶ Yet instead of mandating those statutes, the EU's response seems more academic than binding. The main conclusion of the Action Plan was that the European Union did not need a Europe-wide corporate governance code. 299 The European Union sees its role as a body that facilitates the exchange of best practices rather than as a creator or 300 sc enforcer of such practices. In such a role, the European Union should study the effects of SOX, the CLEA, and the CAAA and propose their pearls to other European countries. The European Union created the European Corporate Governance Forum to do just that, notwithstanding the fact that the Forum has had the predictable result of much talk and only one substantive recommendation. 30¶ VI. CONCLUSIONS¶ Convergence is necessary because Parmalat was not just an Italian problem, AIB was not just an Irish concern, and Enron was not just an American crisis. "The question is whether Europe's principles-based approach can endure., 30 2 The answer seems to be no: with Ireland as an indication, Europe is moving to a rules-based approach where government mandates accounting standards and nearly every aspect of the company is regulated.¶ Convergence, however, is not without its critics. As reported in The Economist:¶ America's rules are much more prescriptive and numerous. For example, the American ban on accounting firms providing some (but not all) non-audit work to audit clients, the

certification of company accounts by company bosses and the requirement that a "financial expert" (painstakingly defined by the SEC) be on each audit committee do not feature in the ... (EU) proposals.¶ Europeans have questioned the efficacy of some American ideas: "[r]otation of auditors-one of the more controversial measures introduced in July 2002 by the Sarbanes-Oxley act [sic] . . . seems to have been of little use [in the Parmalat scandal]. 30 4 Even if the rotation of auditors was of little use in Parmalat, we simply cannot know how many time bombs such an auditor rotation may have diffused.¶ On balance, the United States has the **soft power to influence worldwide corporate governance** and the European Union has the hard power to converge its Members' laws. Through its legislative power to direct Member State law, the European Union can streamline European corporate law and governance. If proposals and action plans are any indication, the European Union plans to do more. Ireland is a prime example of the European move towards American-style, rulebased governance.

The attempt to model American-style corporate federalism in Europe causes regulatory failure---the success of certain types of federalism is dependent on particular institutional conditions which differ between the US and Europe---means federal regulation in Europe is advantageous and necessary, and decentralization destroys corporate governance

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All markets rest on institutional foundations.2 These 'rules of the game' are not solely concerned with protecting existing markets, by enforcing contracts and penalising collusion. At a more basic level, they constitute markets by defining the elements of exchange, and in so doing inevitably frame the process of competition. The market for laws is no different. The possibility of regulatory competition only exists because of rules that set limits to what is permissible by way of arbitrage. Often referred to as 'derogations' from the principle of freedom of movement, these constraints might better be thought of as **constitutive norms**, without which the market process itself would lack necessary form and definition.¶ There is a tendency to think of competition as a neutral and technical process which serves no particular end, other than the goal of efficiency. Since 'efficiency' is to be understood in terms of the maximisation of the aggregate welfare or, in certain alternative formulations, the wealth of market actors,3 it is a goal that is likely to command general assent. Legal rules, by contrast, and in particular legislative ones, are seen as serving political goals, which are often redistributive in nature, and so likely to be highly contested. But if markets are, themselves, 'instituted' orders,4 which cannot operate in the absence of certain normative underpinnings, they too can be seen all too clearly to serve particular purposes and values, values that cannot be reduced to the all-embracing logic of welfare or wealth maximisation. So it is with the case of **regulatory competition**: outcomes are critically dependent on the way in which the rules of the game are designed.¶ The design of those rules will for the foreseeable future be perhaps the most pressing issue in global economic governance. A number of models are available for consideration. The experience of federal and quasi-federal systems of law operating within national and transnational trading blocks will be drawn upon. Thus the US model of inter-state competition provides one possible template for global trading rules. However, it is not the only model available. The **Western European experience**, exemplified in the law governing the construction of the single market, is also an important one, which offers an alternative perspective. In particular, it suggests ways in which the 'framing' of regulatory competition can reconcile the conflicting demands of transnational economic integration and national legal diversity. The distinctiveness of the European approach is nevertheless under threat, in part because it is being compared to an **idealised version of the US experience**, one that abstracts from its historical origins and **glosses over some of its consequences**.¶ To address these themes, this article will first of all outline rival theories of regulatory competition, and in doing so will compare the assumptions underlying, respectively, the US and European Union approaches to this issue (Section II). It will then contrast the experience of harmonisation and convergence in the fields of corporate and labour law in the American and European contexts, drawing out the essential differences between them (Section III). Section IV concludes by reflecting on the future of the European model.¶ II Theories and Varieties of Regulatory Competition¶ Regulatory competition can be defined as a process whereby legal rules are selected and de-selected through competition between decentralised, rule-making entities, which could be nation states, or other political units, such as regions or localities. A number of beneficial effects are expected to flow from this process. In so far as it avoids the imposition of rules by a centralised, 'monopoly' regulator, it promotes diversity and experimentation in the search

for effective laws. In addition, by providing mechanisms for the preferences of the different users of laws to be expressed and for alternative solutions to common problems to be compared, it enhances the flow of information on what works in practice. Above all, it allows the content of rules to be matched more effectively to the preferences or wants of those consumers, that is, the citizens of the polities concerned. In some versions of the theory, the first two of these goals are, in essence, simply the means by which the third is achieved.¶ The idea of regulatory competition is not new,5 but it was first formalised within the framework of modern welfare economics in the mid-1950s, in relation to the issue of the production of local public goods. The timing is significant: Tiebout's celebrated article, entitled 'A pure theory of public expenditure', was, essentially, an application of theories of general equilibrium that were prevalent at the time.6 The article constructs a model in which competition operates on the basis of mobility of persons and resources across the boundaries of local government units within a sovereign state. In the model, local authorities compete to attract residents by offering packages of services in return for levying taxes at differential rates. Consumers with similar wants then 'cluster' in particular localities. The effect is to match local preferences to particular levels of service provision, thereby maximising the satisfaction of wants, while also maintaining diversity and promoting information flows between jurisdictions.¶ Tiebout's model is of wider interest because laws, like aspects of local public infrastructure, can be seen as indivisible public goods. By showing formally that they can be understood as products which jurisdictions supply in response to the demands of consumers of the laws, Tiebout demonstrated the relevance, even to public goods of this kind, of a market analogy. However, in Tiebout's 'pure theory', freedom of movement was assumed for the purpose of setting up the formal economic model. The model was aimed at showing that, given an effective threat of exit, spontaneous forces would operate in such a way as to discipline states against enacting laws that set an inappropriately high (or low) level of regulation. Tiebout's article did not set out the institutional conditions that would have to be met for the process of competition to occur in the '**real' world**; in common with other applications of the general equilibrium model at this time, these conditions were **simply assumed**. However, the model could be, and was, used as a benchmark against which to judge institutional measures aimed at creating regulatory competition. Since the mid-1950s, the identification of these conditions has become the central question uniting various new-institutional movements in economics and law; it is no longer adequate simply to assume their existence. Sensitivity to the need to consider the institutional framework has not, however, avoided a tendency on the part of many analyses to present the 'pure model' of unfettered competition as the goal to which laws and institutions should be directed, and the debate over regulatory competition is no exception to this.¶ The most obvious institutional implication of the Tieboutian model is that regulatory competition, in its various forms, requires a particular division of labour between different levels of rule making. It cannot work unless effective regulatory authority is exercised by entities operating at a devolved or local level. Law-making powers should be conferred on lower-level units, subject only to the principle that there must be some level below which further decentralisation becomes infeasible because of diseconomies of scale.¶ But even this gives rise to a need for a federal or transnational body that involves **superintending the process of competition** between the lower level units. Individual units could shut down competition unilaterally, either by placing barriers to the movement of the factors of production beyond their own territory, or by denying access to incoming capital, labour, and services, or both. Hence the central or federal authority has the task of guaranteeing effective freedom of movement. This task, in and of itself, may well require active interventions of various kinds.¶ Since, in the 'real' world, mobility of persons and of non-human economic resources is self-evidently more limited than it is in the world of pure theory, three prerequisites for making exit effective may be identified. One is the legal guarantee of freedom of movement—entry and exit—for persons and resources. The second is a requirement of non-discrimination, sometimes described in terms of 'mutual recognition' or the concept of 'most favoured nation' status in international economic law. The third is the acceptance of the presence of unwanted side effects of competition: 'externalities' or spill-over effects of various kinds. Even if there is in general a presumption against federal intervention and in favour of allowing rules to emerge through the competitive process, a space remains for **harmonisation to protect standards against a 'race to the bottom'**. Only the most Panglossian or willfully unobservant would deny that this problem exists; the controversy relates to how serious it is, and whether harmonisation at the federal level is the best way to deal with it.¶ According to the school of thought that can be identified with the theory known as 'competitive federalism', the task of analysis is to identify how far the 'real world' departs from the pure theory, and to use legal mechanisms to realign the two. Selected institutional interventions can be deployed in such a way as to bring supply and demand for laws into equilibrium. Van den Bergh7 has described how this approach would work in the context of the European Union: it could be used, in principle, to justify a range of mechanisms, including the development by the Court of Justice of its extensive case law on mutual recognition and non-discrimination. The Cassis de Dijon8 principle can be seen as speeding-up regulatory competition, since in requiring free movement of goods subject to a mutual recognition principle, it not only sets into competition producers from different countries, but does the same for the different regulatory régimes under which they were producing. The principle of freedom of movement for goods, regarded as a fundamental principle within the legal order of the EU and as foundation of the internal market, is also a means to the end of more efficient law making within the quasi-federal order.¶ The theory of competitive federalism could also be used to justify measures aimed at harmonisation in clear cases of a negative externality arising from imperfect competition. However, Van den Bergh argued that there should be a presumption against federal-level harmonising legislation, because the negative effects of politically motivated rent-seeking, that is to say, wealth-destroying conflicts over distribution. This was because there would be no equivalent, at federal level, to the inter-state competition that was going on at the lower levels, and that would (according to this approach) restrain rent-seeking.9¶ Just as there is more than one model of competition in economics, so there is more than way of understanding regulatory competition. One alternative to competitive federalism has been called the model of **reflexive harmonisation**. 10 This begins with the idea that competition is not so much a state of affairs in which welfare is maximised, but a process of discovery through which knowledge and resources are mobilised, the end point of which cannot necessarily be known. This type of competition depends on norms that establish a balance between 'particular' and 'general' mechanisms,11 between, that is, the autonomy of local actors, and the effectiveness of mechanisms for learning based on experience and observation. One essential prerequisite is the preservation of local-level diversity, since without diversity, the stock of knowledge and experience on which the learning process depends is necessarily limited in scope.¶ The observation that 'hidden in

the historical experience of economic integration, there is...a very important aspect of "system dynamics": international competition in the field of the welfare state serves as a kind of process of discovery to identify which welfare state package—for whatever reason—turns out to be economically viable in practice'12 might seem to rule out substantial harmonising legislation, and, indeed, it was advanced with precisely this goal in mind, at a time when there was an active debate about extending labour law directives to avoid 'social dumping'. In the vein of a neo-Austrian or Hayekian economic analysis, intervention with the aim of curing so-called imperfections that prevent the market from arriving at an optimal allocation, if not simply beside the point, is actively harmful. These 'imperfections', which are simply the differences between systems, are the very basis on which learning can take place in a federal order. In this sense, diversity of national systems is an objective in its own right. It is only on the basis of diversity that a wide range of potential solutions to common regulatory problems can emerge.¶ One implication of this point of view is that to intervene with the aim of institutionalising a single 'best' solution, through harmonisation, would be misguided. However, there is another implication, which is that **federal-level harmonisation** has a role in maintaining the appropriate relationship between 'particular' mechanisms operating at the sub-federal level, and the 'general' mechanisms by which learning across the federal unit as a whole takes place. The model of reflexive harmonisation holds that the principal objectives of judicial intervention and legislative harmonisation alike are two-fold: first, to protect the autonomy and diversity of national or local rule-making systems, while, second, seeking to 'steer' or channel the process of adaptation of rules at state level away from 'spontaneous' solutions that would lock in sub-optimal out-comes, such as a '**race to the bottom'**.13 In this model, the process by which states may observe and emulate practices in jurisdictions to which they are closely related by trade and by institutional connections is more akin to the concept of 'co-evolution' than to convergence around the 'evolutionary peak' or end-state envisaged by Tiebout's general equilibrium model. The idea of co-evolution, borrowed from the modern evolutionary synthesis in the biological sciences, argues that a variety of diverse systems can coexist within an environment, with each one retaining its viability.14 It thereby combines diversity and autonomy of systems with their interdependence within a single, overarching set of environmental parameters.¶ More generally, theories of reflexive law aim to move beyond a straightforward dichotomy between, on the one hand, 'instrumentalist' theories of regulation and, on the other, 'deregulatory' theories that argue for the removal of all external regulatory controls.15 One of the problems with the competitive federalism model is that it appears to envisage **just two forms of regulation**: 'monopoly' control from the centre, and the complete absence of such formal controls, in favour of competitive forces. In practice, **a range of options is available,** some of which combine regulation and competition. Reflexive law theory maintains that it is possible for regulatory interventions to achieve their ends not by direct prescription, but by inducing 'second-order effects' on the part of social actors. Thus this approach aims to 'couple' external regulation with self-regulatory processes including those of the market. The 'procedural' orientation of reflexive finds expression in laws, for example, which underpin and encourage autonomous processes of adjustment, in particular by supporting mechanisms of group representation and participation, an approach also finds a concrete manifestation in legislation which seeks, in various ways, to devolve or confer rule-making powers to self-regulatory bodies. Thus, laws that allow collective bargaining by trade unions and employers to make qualified exceptions to limits on working time or similar labour standards,16 or that confer statutory authority on the rules drawn up by professional associations for the conduct of financial transactions,17 are examples of this effect.¶ In essence, the idea of reflexive harmonisation takes this idea from reflexive law theory in general, and applies it to the level of transnational economic law and the 'rules of the game' that govern regulatory competition. However, the distinction between competitive federalism, derived from general equilibrium economics and the economic analysis of law, and reflexive harmonisation, derived from systems theory, is not simply an abstract or theoretical one; it is rooted in practice. In particular, as the next section explains, it reflects the **different experience of regulatory competition in the USA and the European Union**.¶ III Regulatory Competition and the Evolution of the Law Governing the Business Enterprise in the USA and the EU¶ The case of Delaware is rightly seen as key to understanding the dynamics of regulatory competition in the USA. The state of Delaware is the principal site for the incorporation of larger US companies: over 40% of companies listed on the New York Stock Exchange, and over 50% of the top Fortune 500 companies are incorporated in that state. At the two extremes of the debate over the Delaware effect are two views: one holds that the Delaware legislature and courts attracted incorporations by diluting standards of shareholder protection, thereby engineering a 'race to the bottom';18 the other maintains that Delaware has succeeded because its laws offer the best available set of solutions to the problem of agency costs arising between shareholders and managers.19 Adherents of the 'race to the bottom' hypothesis claim that, although the process of law making in Delaware is susceptible to the threat of disincorporation by companies, it is managers rather than shareholders who typically take decisions relating to the company's legal domicile. In the event of potential conflicts of interests between shareholders and managers, it is the interests of the latter that will tend to prevail. This can be seen in the willingness in the 1990s of the Delaware legislature, and to a certain extent of the courts, to adopt rules that can be construed as pro-management in the sense of allowing potential takeover targets to put defensive mechanisms in place against the threat of hostile takeover,20 and in the passage in the 1990s of a law allowing companies to opt out of stringent standards of care with respect to directors' liability for negligence.21 The idea that Delaware law represents a lowest common denominator has, however, been challenged by accounts which insist that any attempt by managers to downgrade shareholder interests would, over time, have led to a hostile response by the capital markets. Managers would have an incentive to incorporate under the law of a state which favoured shareholder interests and to shun states that harmed investors, in such a way as to drive up the cost of capital.¶ Despite the huge literature that this argument has produced,23 it is unlikely that the debate over the optimality or otherwise of Delaware laws will ever be clearly resolved, not least because Delaware's dominance of US corporate law makes it difficult to find meaningful benchmarks against which its own performance can be measured. At its best, the claim that Delaware's laws have been selected for their efficiency lends an air of **ex-post rationalisation** to a process that would have looked very different at most stages in its evolution. Delaware's preeminence is the result of a series of unexpected turns, but also of institutional steps that were taken in the nineteenth century, which had the effect (not necessarily intended) of putting in place the conditions for inter-state competition over incorporations. These are often neglected in the debate.¶ Thus US regulatory competition rests upon the existence of a set of prior conditions, which provided the basis for freedom of companies to incorporate in the state of their choice. A nineteenth-century US Supreme Court decision, Paul v Virginia (1868),24 established that states were not able to attach special requirements to corporations that had been chartered in other jurisdictions as a condition of allowing

them to do business on their territory. This was later interpreted as meaning that states had to operate a rule of mutual recognition, according to which an incorporation that was effective in one state was acknowledged by the others.25 This shift occurred in the final quarter of the nineteenth century, when New-York based corporations began to reincorporate in New Jersey to take advantage of a looser regulatory régime, designed by members of the New York corporate bar. In the 1890s and 1900s Delaware displaced New Jersey when the latter, under the influence of the Progressive political movement, introduced a number of regulatory constraints on large corporations, including controls over the holding of shares in one company by another. The Delaware corporate régime had been initially designed to facilitate the operations of the Du Pont corporation, which, at that stage, was the only significant company that was registered in the state. The Delaware law had been 'drafted under the auspices of the Du Pont family to protect their managerial and shareholder interests', and 'appeared relatively favourable to managersshareholders of other corporations as well'.26 Since it obtained its initial advantage, a number of factors have served to consolidate Delaware's position. In particular, specialisation means that Delaware now enjoys an advantage over other states in terms of the large body of case law that it has built up, the expertise of its courts, and the speed with which they can deal with complex corporate litigation, and a concentration of professional legal and financial expertise with links to the state.¶ There has been no tendency towards convergence in European company law to parallel that of the Delaware effect in the United States. This could be ascribed, straightforwardly enough, to the much shorter period of time during which convergence could have taken place since the foundation of the European Community in the 1950s. Alternatively, the currently influential theory of legal origin could be invoked:28 given the variety of legal systems, common law, and civil law (French, German, and Scandinavian) present in the European Union, by contrast to the overwhelmingly common-law origin of the legal systems of the USA, convergence was not to be expected.¶ However, it is important, again, to avoid reading history in a teleological fashion, so as to confer an overly functional explanation on outcomes that could well have turned out differently. The Treaty of Rome of 1957 contained far-reaching powers to introduce harmonising measures in the field of company law. These were (and remain) essentially ancillary to the rights of freedom of establishment in Articles 43 (ex 52) and 48 (ex 58) of the EC Treaty. Some degree of parity or equivalence in the laws protecting shareholders and 'others'—the latter term could include a range of stakeholder groups29—was deemed by the Treaty's drafters to be necessary in order to remove disincentives to the movement of companies from one Member State to another. Moreover, during the early development of the Community's company law programme, an active case for harmonisation was made that echoed the claims advanced at around the same time by the 'race to the bottom' school in the USA.30 It was in this spirit of protective regulation that the early company law directives, the so-called first generation directives, which were heavily prescriptive in their approach, were adopted.31 However, this early emphasis on uniformity and prescription soon gave way to more flexible approaches that placed greater stress on member state autonomy. 'Second-generation' measures typically laid down basic accounting and audit standards in the form of a set of options that essentially represented the predominant approaches which were then in operation in various member states, while 'third' and 'fourth generation' directives opened up the harmonisation process to the influence of norms generated outside the legal process by inter-professional and sectoral bodies.¶ Why, if harmonisation has not resulted in uniformity, has the alternative of a market for incorporations emerged, so far at any rate, in the EU? This is in large part the consequence of the lack of a consistent approach on the part of the EU Member States on the issue of the applicable law of corporate constitutions, which in turn is a function of legal diversity. The UK, along with Ireland, The Netherlands, and Denmark, operates a 'state of incorporation' rule, according to which the applicable law is that of the state in which the company is incorporated or registered. The effect of the incorporation approach is that, as in the United States, the applicable law is a matter of choice for managers of the company or, in the final analysis, for its shareholders (to the extent that they can mandate the board to take a particular view of this issue, which is by no means always the case, or bring about the same outcome through a proxy fight to replace one set of directors with another); a company can carry on business in one Member State while being incorporated in another. The company laws of the state of incorporation will prevail.¶ This is in contrast to the position in Member States that have operated the so-called 'real seat' or siège réel doctrine. The effects of the siège réel doctrine are complex and differ from one state to another, and according to the context that is being considered. Essentially, however, it means that courts will regard the applicable law as that of the Member State in which the company has its main centre of operations—its head office or principal place of business. If the company in question has incorporated elsewhere, a number of consequences may then follow. In some instances, the effect will be to deny certain advantages of corporate form to the shareholders; in others, the law of the state in which the company has its head office will be applied over that of the state of incorporation. In either event, the effect of the siège réel doctrine is to limit freedom of incorporation; in that sense, it obstructs the emergence of a 'Delaware effect', since a key aspect of that is the principle that entities can be incorporated in a state where they have no physical or other business presence.¶ The legality of the siège réel doctrine under EU law has often been called into question under the EC Treaty, most importantly as a result of the Centros decision of the European Court of Justice of 9 March 1999, and later cases in the same line, Überseering and Inspire Art. 32 In Centros, two Danish citizens incorporated a private company of which they were the sole shareholders, named Centros Ltd., in the UK. One of the two shareholders then applied to have a 'branch' of the company registered in Denmark for the purposes of carrying on business there. A 'branch', for this purpose, refers not to a subsidiary company, but simply to a business or trading presence, in one country, of a company that is registered in another country.¶ The Danish Registrar of companies refused to register the branch as requested, on the grounds that what the company was trying to do was not to register a branch but, rather, its principal business establishment. The Registrar took the view that by incorporating in the UK, which has no minimum capital requirement for private companies, and subsequently seeking to carry on business in Denmark through a branch, the company's owners were seeking to evade the Danish minimum capital requirements, which are designed to protect third-party creditors and minimise the risk of fraud. In ruling that the refusal to accede to the registration request was contrary to the right of freedom of establishment under Article 43 (ex 52) of the Treaty, read with Articles 46 (ex 56) and 48 (ex 58), the Court of Justice took a wide view of the market access principle.33 It is essential to note that at the time of the registration request, Centros Ltd. had never traded in the UK, nor was it intended to. Thus the issue in this case was not whether the founders of the company could have access to British company law—they could, had they wished to trade anywhere but Denmark—nor whether they could trade in Denmark—they could have done that too, by incorporating a company there. The issue was purely whether their inability to take advantage of UK company law was a sufficiently significant distortion of the 'competitive space' of the internal market to constitute an interference with freedom of establishment. In finding that it did, the Court of Justice was placing itself at the outer limits of free movement jurisprudence, since this was a case involving, at best, a de facto rather than a formal barrier to market access. Nor was this a clear case of discrimination on the grounds of nationality. In then going on to conclude that the Danish government had failed to show that the refusal to register was proportionate in the circumstances, it substituted its own view for that of the legislature on the far from straightforward question of how to control for the likely negative effects on third parties of liberalising incorporation rules.¶ The judgment of the Court of Justice in Centros does not necessarily signify the demise of the siège reel principle. Denmark was one of the states that operated under the incorporation rule, so the siège reel principle was not, strictly speaking, before the Court of Justice. Nevertheless, dicta in Centros suggest that the siège reel principle, as such, may well at some point be seen as contrary to the single market rules. The post-Centros case law suggests that this is the direction in which the Court of Justice is heading.35 Thus Centros is likely to herald a move, sooner or later, towards greater jurisdictional competition in EU company law.36 There is empirical evidence to the effect that this is already happening, as the number of start-ups from other EU Member States that are incorporated in the United Kingdom has sharply increased since the early 2000s, while minimum capital requirements have been **watered down** in several countries.¶ A market for incorporations would therefore empower shareholders, and possibly managers; it is less clear what its effects on other corporate constituencies, such as creditors and employees,

would be. The Centros case itself illustrates how creditors might be negatively affected: if companies had the right to move between jurisdictions at will, they would be able to **avoid otherwise mandatory state laws** that were designed for the protection of creditors such as, in this case, a minimum capital requirement. A 'race to the bottom' could well result.¶ In the same way, companies could choose whether to observe mandatory laws relating to employee participation or co-determination rights, insofar as the application of such laws was a function of the legal domicile of the company as opposed to its physical or economic presence on the territory of a particular jurisdiction. The principle of territoriality tends to determine the application of most labour law rights, rather than the domicile of the company.39 This is not always the case, however. The German rules on stakeholder membership of supervisory boards relate to the corporate form or legal entity through which an organisation is constituted, and not just to its physical or business presence. Moreover, EU law may one day take a more critical view of the territoriality principle in labour law. If that occurs, the type of distinctions drawn by the Court of Justice in the Centros case will begin to loom large for the future of social policy and not simply for corporate law.¶ If companies could outflank co-determination laws, for example, through reincorporation outside the jurisdiction, avoiding the principle of the territorial effect of labour laws, there would be little point in states retaining them. If legislators and policy makers begin to act in the way predicted by the theory of regulatory competition, they will **repeal such mandatory laws** with the aim of attracting more incorporations or retaining those which they already have. The implications for third parties excluded from the decision on incorporation will most likely be negative: 'states competing to attract incorporations will have an incentive to focus on the interests of managers and shareholders and to ignore the interests of third parties not involved in incorporation decisions'.40 It seems highly possible, then, that a market for incorporations would lead to a reduction in mandatory employment and insolvency laws of all kinds. It is not even necessary for there to be large-scale corporate movements for this to occur; **the threat might be sufficient**.¶ The siège réel principle was not an historical accident; it was a manifestation of the organisational emphasis and stakeholder orientation of the company law systems of those member states that had long recognised it. As long as that principle remained in place, it was a significant obstacle to convergence of systems upon a shareholder-orientated model. In that sense it was also a significant guarantor of the diversity that the European Union systems demonstrated, and which distinguished the European model from the American one. If the siège réel principle is now fraying at the edges, the implications for the future of European corporate law are profound.¶ In the context of the case law on freedom of movement, Centros is an outlier, dependent upon what are arguably artificial notions of what constitutes an obstacle to market access.41 In terms of its implications for the construction of the single market, it threatens to replace the distinctive approach to regulatory competition that has marked the European experience to date. It is not difficult to believe that the Court of Justice has had an eye on the Delaware experience in developing its approach in the Centros line of cases. But if that is the case, it may well have overvalued the supposed benefits of the Delaware effect, and underestimated its drawbacks.¶ This difference between the USA and Europe is not a straightforward distinction between a US solution, which favours competitive solutions and a European one, which favours regulation. US corporate law contains many highly regulative and rigid elements. The essence of the Delaware effect is a race neither to the top nor the bottom, but a race to converge. Delaware represents a race to converge through competition, and has arrived at the predictable result, for such unregulated competition, of a near-monopoly supplier.42 But it is also important to bear in mind the **role of the federal regulator**. The recent adoption of the Sarbanes-Oxley Act is a reminder that there are extensive federal powers to legislate in the field of corporate and securities law, and that Delaware's pre-eminence is to a large degree the consequence of the decision of the federal legislature not to intervene when it could do so. There is, indeed, a substantial track record of intervention by the federal legislature when inter-state competition is seen to have failed. Moreover, harmonisation here tends to take a particularly rigid form that is **largely absent from EU corporate and labour law**: this is the solution of federal preemption. This is, perhaps, why critics of US federal regulation in such areas as company law and labour law argue so vociferously that it acts as a 'monopoly regulator', excluding all scope for state initiative.43 The restriction of state initiative has occurred in relation both to securities regulation and the law governing collective bargaining. In each of these areas, the federal legislature intervened in the 1930s to cure what were seen as fundamental failings of state-level regulation. The courts subsequently applied the preemption doctrine to hold that these federal regulations 'occupied the field' in such a way as to prevent the states legislating in the area. This form of pre-emption contains a strong version of centrally imposed uniformity: where it applies, states are not simply prevented from derogating from the standards set by the federal legislature; it is very often the case that they cannot improve on them either. The Securities Act of 1933, the Securities and Exchange Act 1934 and the National Labor Relations Act 1935 are still very largely in force today, notwithstanding long-standing criticisms from commentators on all sides of the policy debate who argue that a return to state autonomy would better serve the policy goals of intervention in these areas.¶ A core characteristic of US-style competitive federalism, then, is not simply the presence of a particular form of inter-state competition, but also the use of a certain type of centralised regulation as a way of achieving policy goals when inter-state competition breaks down. The description of a 'monopoly regulator' that US critics use to attack federal intervention is entirely appropriate in a system that tends to react to extreme failures in the market for regulation by shutting down competition entirely. The criticisms may be justified, but the critics should also recognise that the counterpoint of unbridled competition versus monopoly regulation has a certain logic to it: it is precisely because the system of decentralised lawmaking so often led to extreme coordination failures, as in the case of the capital markets and labour markets of the 1930s, that the federal legislature, in its turn,

came to intervene with the goal of shutting down inter-competition entirely in contexts where it was perceived to have failed.¶ A different logic underpins the transnational harmonisation of laws in the European Community. Here, the purpose of harmonisation is not to substitute for state-level regulation; hence, the transnational standard **only rarely operates to 'occupy the field'** in the manner of a 'monopoly regulator'. Rather, transnational standards in effect seek to promote diverse, local-level approaches to regulatory problems by creating a space for autonomous solutions to emerge when, because of market failures, they would not otherwise do so.44 Directives in the areas of labour law offer a good example of this, since they are almost invariably interpreted as setting basic standards in the form of a 'floor of rights'. Although 'downwards' derogation is prohibited, Member States are allowed, and implicitly encouraged, to improve on the standards set centrally.45 **Far from being a 'straitjacket'**, then, which restricts local autonomy, central-level intervention is the precondition for continued local-level experimentation.¶ Directives in the area of corporate law have also drawn on this philosophy. In particular, company law harmonisation was influenced by the 'new approach' to harmonisation that the Commission instituted around the time of the passage of the Single European Act in 1986 and the initiation of the single market programme. The 'new approach' began in the context of product standard harmonisation, where it estab-lished a principle that Community intervention should be limited to the harmonisation of essential safety-related requirements. It also established the 'reference to standards' approach, under which it was presumed that a product that conformed to a standard set by a European-level body, or, failing that, with the relevant national standard, also complied with EC law.46 In this context, the Twelfth Company Law Directive, on single-member private companies (1989),47 which was adopted in pursuance of the Community's goal of promoting the growth of small and medium-sized enterprises, explicitly left a range of regulatory issues concerning disclosure of information and creditor protection to be decided at Member-State level. Later measures took the process a stage further by adopting a 'framework' model for directives. This again favoured the articulation of general principles or standards rather than the promulgation of rigidly prescriptive rules. However, new techniques were also involved. The aim was to achieve policy goals by linking regulatory interventions to the activities and processes of autonomous rule-making bodies, such as industry-level associations and self-governing professional organisations in the financial sector. The more recent Thirteenth Directive,48 on takeover bids, exemplifies this approach, in particular in the scope it provides for its general principles to be implemented through local-level action by self-regulatory bodies such as takeover panels, and in the specific provision which it makes for continued national-level divergence on matters such as takeover defences and the role of employee consultation.¶ In short, **there is no one, all-embracing model of regulatory competition**. The Delaware experience is the singular case of a particular trajectory, possibly unique, and is unlikely to be repeated in the same form elsewhere. The European Union's different trajectory reflects the particular conditions under which the national systems evolved and under which the harmonisation programme developed. In both systems, it can be seen that the nature of regulatory competition is **dependent on the particular institutional environment** or 'framework' that defines the relevant relationships between the different levels of rule making. Systems that approximate to the model described above in terms of 'competitive federalism' tend to give rise to a race to converge that could be either a race to the top or to the bottom; an optimal outcome is not guaranteed. The solution to extreme market failures, which would otherwise lock in inefficient rules, is pre-emption, that is, federal intervention that occupies the field to the complete exclusion of local initiative; but this, too, risks locking in inefficiency. By contrast, in the model of 'reflexive harmonisation', intervention has the goal of preserving diversity in order to **make it possible for regulatory competition to operate** as a process of discovery, based on mutual learning between states.¶ IV Conclusion: the Prospects for the European Model of Regulatory Competition¶ This article has argued that regulatory competition in corporate and labour law in Europe has taken a distinctive form, through which harmonisation, far from limiting national diversity as some of its critics have feared, has served to maintain it. This is a feature of a particular regulatory style, referred to here as 'reflexive harmonisation', which developed to match the highly divergent régimes that operate within the EU for the regulation of the business enterprise. By contrast, the predominant regulatory style in the USA has been a 'race to converge' through, on the one hand, jurisdictional competition that has been unmediated by any harmonising framework of basic rules and, second, federal legislation which, where it applies, pre-empts state-level initiative. It was further suggested that the advantages of inter-state competition as a mode of regulatory inteaction should be thought of in terms of the learning process that it engenders, which presupposes the maintenance of diversity, rather than in terms of the convergence of systems on a supposedly single best model.¶ At a fundamental level, the debate between European and American approaches is one of the prevailing conception of the relationship between regulation and the market. The US literature, particularly the standard law and economics approach, **views regulation as external interference** in private ordering, to be justified only where a clear market failure can be demonstrated. By contrast, the predominant European approach has been to see regulation, and the legal system more generally, as **constituting the market order**, an approach that is compatible with the idea that regulatory and market forces will more often complement than oppose each other. It would be **paradoxical**, under these circumstances, for the European approach to mimic US practice, and seek to initiate a Delaware-style process of interstate competition in company law, or any other area for that matter. That may well be **the direction to which EU policy is leaning**. But when state laws are seen as a 'distortion' of competition in the otherwise empty 'space' of the single market, a reassessment of that policy is overdue.

Corporate fraud destroys the EU economy---effective corporate governance is key

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Going back to the early history of business organizations is quite instructive, as it has clearly illustrated that the problem caused by bad corporate governance is no new phenomenon. In actual fact, corporate governance is a subject area that is as old as the corporate form itself.103 The examination of the corporate scandals showed that all the corporate governance mechanisms, from the management and the directors to the shareholders and the auditors, either failed in their role or their performance was below standard. This problem requires a solution that we should continue to search for. The regulators failed, the same happened with the supervisors and so far no set of rules seems good enough to cure all corporate diseases and eliminate fraud and corruption. In this context, what are the odds of having a **European Enron** or WorldCom in the near future? ¶ Even someone, who is inherently optimistic, would not confident in giving a negative answer to the above question and this is by no means satisfactory. Nobody wishes the repetition of such a disaster, especially during the current financial crisis. The crisis is not directly linked with corporate governance as such, but there are some **common symptoms**: failure to exercise proper due diligence, unsound risk management practices and weak supervision. Moreover, the causes can be traced back to the pre-crisis phase, the _tranquillity period'. During the period of strong global growth and prolonged stability, market participants sought higher yields without an adequate appreciation of the risks and failed to keep pace with financial innovation, or take into account the systemic ramifications of domestic regulatory actions.104 Instead _in the middle of the crisis, when circumstances look dire and chunks of the financial system are falling off, proposals get radical. But after each crisis is over, these radical plans are tidied away' and what remains is calls for better disclosure, greater transparency independence and risk management. 105 The current financial crisis drew our attention to an old lesson that we need to revise. Legislation needs to be proactive rather than reactive. It is essential to **control the period of growth and stability**, in order to be able to avoid - or at least to predict - any forthcoming crises. Action should be focused on achieving that end. We cannot keep our fingers crossed or just hope that new scandals will not take place.¶ The EU has made **significant steps forward** and corporate regulation has been one of the priorities during the last few years. The jigsaw is not yet complete. Adding the missing pieces will allow everybody to have a clear picture of the final regulatory face of Europe. So far the regulatory framework looks deficient, as the Commission has not produced a complete legal framework for corporate governance. The EU is not ready to face the new challenges and a possible wave of scandals will find Europe ill-prepared. New scandals will have **disastrous consequences** on the European capital markets and the **public confidence will hit rock-bottom**. This is not a pessimistic prediction; it is a realistic one. If an Enron-like scandal happens in Europe soon, it would destroy the current atmosphere of positivism. In such an occasion, nobody can predict the real impact of the scandal and the economic knock-on effects globally. One scenario is that the EU institutions will be obliged to follow the American course of action being in a **state of panic**. It will not make any difference whether the final choice is the adoption of SoX as it is, or the adoption of identical provisions through a number of consequent Directives. An alternative scenario is the creation of a pan-European Code of Corporate Governance, which will be introduced in a rush (as with the SoX), simply in order to reverse the negative climate, boost investor confidence and prevent another stock market crisis.

European economic collapse causes global nuclear war

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Eurozone in crisis: The death of the euro could trigger **World War III** The slow-motion demise of the euro isn't just financial Armageddon—it could just be one step down the slippery path to World War III. At the risk of being accused of scaremongering, I'll state my point simply and up front: Things in Europe are not as bad as they seem—they're worse. And though the commentariat is queuing up to predict the imminent demise of the euro currency and to lament the ongoing recession, that's not even the half of it: We're looking at World War III. _As major corporations start drawing up contingency plans for a world without the euro and as weaknesses in government finances become ever more glaring, the end of the euro currency becomes an increasingly realistic prospect. Related, the total absence of business growth, or trading among European nations raises the question of what benefits a unified trading block offers. The driving motive behind the original Coal and Steel alliance that ultimately became today's European Union was a desire among nations, traumatised by the worst war in their collective history, to provide a deterrent against another war. My concern is that that

trauma has faded, and that the fear of war has been replaced by the fear of recession. As anyone with even a fleeting familiarity with European history can confirm, ours is not exactly a history of love and peace. In fact, the period since the end of World War II has been probably the longest period of relative peace the region has ever known. Arguably, it's no coincidence that that period of peace has coincided exactly with the ever strengthening ties that have been forged between European nations over these past 60 years. If the bonds that tie Europe an nations together are weakened, the incentives to avoid **total war** dwindle. And its not as dramatic or far fetched a theory as it may at first sound. The end of the euro currency and a reversion to national currencies could quite possibly provide the impetus for a further dissolution of the union. The unraveling of painstakingly negotiated ties becomes easier and easier as each strand frays and breaks. Combine this unraveling with an ongoing or even deepening recession, and it all makes for a **combustible atmosphere**. Unfortunately, it is human nature to blame others for our woes. In an environment of unemployment, austerity, and general resentment, it is not difficult to imagine nations starting to point the finger at their neighbours. And without the unifying effect of a common currency, thriving trading relations, free movement of peoples, and common interests, Europe would find itself **increasingly susceptible to war**. Moreover, as so few Europeans in my generation, let alone subsequent generations, have even the slightest inkling about how horrific war is, it may be tempting to consider it as a solution to problems, or at minimum an acceptable response to perceived slights.

US Impact

Exts---States Bad

Devolution to the states is much worse---doesn't solve econ

Reza **Dibadj 6**, Associate Professor, University of San Francisco School of Law, "From Incongruity to Cooperative Federalism," *University of San Francisco Law Review*, Vol. 40, Summer 2006, http://lawblog.usfca.edu/lawreview/wp-content/uploads/2014/09/A215.pdf

One proposal is to devolve securities regulation to the states, where corporate law ostensibly resides. The most eloquent proponent of this approach is Roberta **Romano**, who argues that firms should be allowed to "select their securities regulator from among the fifty states and the District of Columbia, the SEC, or other nations." 15 She would thus prefer "a market-oriented approach of competitive federalism that would expand, not reduce, the role of the states in securities regulation."¶ On one level, the argument is quite seductive. After all,¶ [c]ompetitive federalism harnesses the high-powered incentives of markets to the regulatory state in order to produce regulatory arrangements compatible with investors' preferences. This is because firms will locate in the domicile whose regime investors prefer in order to reduce their cost of capital, and states have financial incentives (such as incorporation and registration fees) to adapt their securities regimes to firms' locational decisions.¶ Consistent with her work in corporate law, Romano assumes that such an approach would lead to a "race to the top. 18 s The thesis, however, relies on a **host of implausible assumptions**, notably that investors have perfect information and that the corporate form does not present externalities. Charles Tiebout's hypothetical and perfectly informed citizen-voter is **magically assumed** to be a real-world investor.¶ A little bit of history should drive the point home. Over the past century, states competed for charters by offering **reduced public regulatory oversight** of the corporation. 20 Delaware, of course, has taken the lead in the quest to attract incorporations. To do so, it has created a legal regime protective of insiders, leading some critics to label it "the brothel of corporate law." 2 1 It is unfair, however, to single out Delaware. As Jill Fisch has pointed out, "state corporation statutes contain relatively little substantive variation. Careful empirical research reveals that corporate codes tend toward uniformity."2 2 The reason for this consistency is intimately related to the competition for incorporations: state corporate codes must be attractive enough both for new local companies to incorporate at home rather than bear the additional costs of going to Delaware, 23 as well as for existing local corporations to remain in-state rather than reincorporate in Delaware.¶ Lured by contractarianism, corporate law statutes are "enabling."25 Through clever tools such as the business judgment rule, fiduciary rules set "standards of review" well below "standards of

conduct."26 They focus on directors, **not officers who actually run a corporation**. 27 And the list goes on.28 The bottom line is simple: impressive-sounding obligations can be carefully skirted through clever process. 29 As Edward Rock suggests in his study of how Delaware cor-porate law is actually made, "we come much closer to understanding the role of courts in corporate law if we think of judges more as preachers than as policemen."'¶ Predictably, as a fresh batch of scandals began rocking the corporate world in 2001, state law was **conspicuously absent**:¶ But where has Delaware been through all this? No bills have been introduced in Delaware's legislature; no hearings held by its committees; its law enforcement agents have taken no action; and its executives have staid mum. How is it that Delaware-the home of what has long been viewed as the defacto national corporate law-has sat on the sidelines?¶ The problem, of course, is not confined to Delaware.3 2 As Robert Thompson notes, "the response in state corporate law has been largely one of silence that has left any modifications in corporate governance to ... other actors"3 3 ; in the end, "no one thought that state law was the place to address these problems."¶ In the wake of corporate scandals, Romano has written a strong rebuke of SOX, 3 5 instead suggesting an enabling statute akin to those in corporate law. 36 Tellingly though, she does not discuss the possibility that contractarian state corporate statutes and anemic fiduciary duties might have **allowed scandals to develop**. After all, it would be difficult to argue that the perpetrators in the recent corporate scan-dals were either careful or loyal. 37 Perhaps "the SOX initiatives are not to be found in any state corporation codes"38 precisely because state corporation codes have not protected shareholders. 39¶ Indeed, devolving to simple dual regulation will likely **make things worse, not better**, by making Delaware's position even more prominent than it is today.40 This will exacerbate the existing "democratic deficit"41 in corporate law, where a small state with approximately 800,000 citizens enjoys making de facto national law. 42 A cynic might be forgiven for wondering whether dual federalism could serve as an apologia for naive deregulation of securities regulation. 43

No state competition for corporate law---makes state corporate governance failure inevitable

Renee **Jones 4**, Associate Professor, Boston College Law School, JD Harvard Law, "Rethinking Corporate Federalism in the Era of Corporate Reform," 1/1/2004, Boston College Law School Faculty Papers, http://lawdigitalcommons.bc.edu/cgi/viewcontent.cgi?article=1559&context=lsfp

Despite the longevity of the race debate, **recent empirical studies** demonstrate the fallacy of the fundamental assumption upon which the great debate rests—that states actively compete for corporate charters. In separate studies, Lucian Bebchuk and Assaf Hamdani, and Marcel **Kahan** and Ehud **Kamar** have asserted that the interstate competition which has been credited with fueling the corporate law race is largely illusory.30 These commentators show that not only is Delaware the clear leader in chartering publicly-traded corporations, but that **no other state serves as a credible rival** to Delaware in attracting charters from out-of-state corporations.¶ It is common knowledge that Delaware is the state of incorporation for more than half of all publicly-traded companies.32 Yet, the true extent of Delaware's dominance in the market for corporate charters becomes apparent only when the field is defined as the market for "out-of-state" incorporations. With the market so defined Delaware's market share increases to **85%.**33 In addition, several factors protect Delaware from being displaced from its dominant position by other states. Much of the value that Delaware's legal system offers corporations stems from the large number of other firms that choose to incorporate there. For example, Delaware's extensive body of corporate law decisions developed only because of the volume and diversity of cases presented to its courts.34 In addition, Delaware's institutional infrastructure, including its specialized court system, expert judiciary, and specialized bar would be difficult for other states to readily duplicate. These advantages work together to protect Delaware's dominant position.35 As a result, Delaware has **no meaningful competition** in the market for out-of-state incorporations.¶ In addition to Bebchuk's and Hamdani's insights, Professors Kahan and Kamar argue that contrary to the central assumption in the corporate race debate, other states are not making serious efforts to compete with Delaware for corporate charters.37 Kahan and Kamar analyzed the corporate franchise tax and fee structures of all states, and concluded that states other than Delaware stand to gain little economically from attracting additional incorporations.38 For example, Nevada, the so-called "Delaware of the West," earns marginal annual revenues of only $26,200 from the eighteen companies that went public as Nevada corporations between 1996 and 2000.¶ By persuasively demonstrating the absence of interstate competition

in the development of corporate law, these recent studies detract from the standard arguments of corporate federalists who advance and defend the free-market approach to corporate law embodied in the states' enabling corporate law codes.40 Because there is no meaningful interstate competition for corporate charters, competition could not have affected the development of corporate law in the way that corporate federalists posit. Thus, corporate federalists' defense of the states' enabling corporate codes must rest on other grounds.¶ The absence of vigorous competition among states for corporate charters does not by itself establish that fundamental problems exist in the corporate law rules that states created. It is one thing to refute the assertion that interstate competition exists, and has led to optimal corporate law rules, and quite another to demonstrate that the existing rules are flawed. Nonetheless, there are valid reasons to suspect that **certain problems will persist** in corporate law when the rules are established through a political process that managerial interests dominate. Such problems are likely to arise with respect to three broad categories of issues: (1) management's ability to retain its **powers and privileges** (i.e., election of directors and takeover defenses); (2) **managerial self-dealing** (i.e., executive compensation, conflicts of interest, unfair dealing with minority interests); and (3) interests of stakeholders and society (i.e., rights of creditors, employees and externalities).¶ Simply put, when legal rules require a balancing of competing interests, a lack of input in the regulatory process from all concerned interests makes it **unlikely that an optimal balance will be achieved**. An extensive body of literature explores the legal problems that arise in the areas identified above.42 Part VI of this Article examines corporate law doctrine in Delaware and highlights many of the problems implicated here.

Exts---Federal Good

Vertical competition involving federal influence is far superior to state-only competition

Renee **Jones 4**, Associate Professor, Boston College Law School, JD Harvard Law, "Rethinking Corporate Federalism in the Era of Corporate Reform," 1/1/2004, Boston College Law School Faculty Papers, http://lawdigitalcommons.bc.edu/cgi/viewcontent.cgi?article=1559&context=lsfp

The vertical model has **normative appeal** because it recognizes the need for policymakers to consider a broader range of interests than the horizontal competition model deems important. As Cary and others have observed, a policymaking process characterized by horizontal competition encourages policy makers to appeal to management interests, to the **exclusion of the interests of all other corporate constituents,** because management initiates the selection of the state of incorporation and retains control over any reincorporation decision.66¶ The race-to-the-top paradigm advanced by Winter and others relegates investors to a reactive role and accepts their exclusion from participation in the policy debate when legal rules are crafted. In Winter's paradigm, the only role for shareholders in the regulatory process is that of ratifying or rejecting management's choice by choosing whether or not to invest in a corporation chartered in a particular state. Under this model, investors face a "take it or leave it" proposition. Because of the convergence of modern corporate law rules, the law of all states is essentially the same and investors are deprived of any meaningful choice.¶ In contrast, the presence of vertical competition pushes policy-makers at both the state and federal level to give **greater consideration to the interests of investors and broader societal issues**. Nationally dispersed shareholders lack direct political influence in Delaware, while management interests are well-represented.67 At the national level, in contrast, representatives of shareholder interests, can participate directly in policy debates.68 Sophisticated and organized aggregations of shareholders can and do lobby Congress and the SEC to ensure that shareholder interests are considered. Labor unions, public pension funds, and trade groups such as the Council for Institutional Investors have the wherewithal to make a persuasive case to Congress and the SEC.69¶ As a policy matter, encouraging vertical competition is **preferable to promoting horizontal competition** among states. Federal engagement provides voters throughout the country an opportunity to persuade Congress to preempt those state law provisions that lack popular support. This dynamic allows investors to influence state corporate law, if only indirectly. A posture of absolute federal deference to state regulators would deprive citizens of this power, **enhancing management's dominance** of the state regulatory process.

The federal government has a <u>huge role</u> in corporate governance---sole state action is irrelevant

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Who makes American corporate law? And what institutional structure surrounds its passage?¶ The usual answer is that states make American law, that states compete to make that law, and that a large tax prize—now about $500m annually—goes to the winner. The idea of jurisdictional competition—of a race—is deeply embedded in American corporate-law scholarship; and the nature of state competition for corporate charters—is it a race to the top, or to the bottom?—has been one of American corporate law's enduring controversies, one that dates back to the early-twentieth-century origins of the modern American corporation.¶ Yet there has always been a curious undertow here. Commentators often argue that this or that corporate governance rule was made in Washington, contravening the usual understanding that American corporate law is state-made. States make merger law, they make the rules on how stock is voted, they authorize and hence control the rules governing the structure of the American boardroom, and they decide what duties shareholders and managers have. But a commentator or two notices that (as an exception, they usually say) Washington makes merger law—indeed from 1968, with the passage of the Williams Act, to 1987, Washington was a key player in merger law, especially in keeping the states in the 1980s from making strong anti-takeover laws. Then another commentator shows how stock-exchange rules demanded by the Securities and Exchange Commission (SEC) determine key structures of the American board, by forcing an audit committee and requiring the independence of its members. And then another analyses shareholder voting only through the SEC's proxy rules while ignoring state rules. And then another argues that SEC rules effectively determine (or strongly influence) the duties shareholders and managers have inside the firm and to one another. These are nearly always thought to be exceptions for a particularly big issue, and not the normal run of American corporate law.¶ Here I argue that the cumulative impact of these exceptions to the concept of a state race makes that race debate misconceived—and **badly so**. The undertow here is as important as the tide. Whether or not the states are racing, and whether they are racing to the top or to the bottom, the United States is a federal system where Washington can, and often does, take over economic issues of national importance. The issues most likely to move into the national arena are precisely those that could affect firm value **so much** that they would be central to state-to-state competition. That happened for securities trading during the Depression, takeovers in the 1970s and 1980s, and corporate governance after the Enron and WorldCom scandals. And if fundamental issues of corporate governance **often move into the federal arena**, then Delaware and the states are not deciding all key corporate-law matters. The United States does not just have competition among states to make the law that governs large public corporations. It has two parallel systems of corporate law. One is statemade and one—incomplete but powerful—is Washington-made.¶ Some examples from three groups of statutes: The 1933 and 1934 securities laws, the Williams Act in 1968, and Sarbanes–Oxley in 2002, were all made in Washington, not in Delaware and the states. The securities laws govern most issues of share voting through Section 14 of the 1934 Act.2 They also govern insider trading. (States could deal with insider trading, but generally did not attack it as vigorously as have federal authorities; under some state law, insider trading is legal.) The Williams Act, passed by Congress in 1968, was a mild takeover statute. But it was interpreted during the 1980s as being the supreme law of the United States on takeovers, pre-empting most state efforts seriously to regulate takeovers (i.e. striking down those state laws as not permitted under the Williams Act), making much of American takeover law federal rather than state during that critical era for takeovers. (The United States Supreme Court reversed its earlier interpretation of the Williams Act in 1987, thereafter allowing states to act more freely.) The **Sarbanes–Oxley Act** of 2002 and related reforms mandate much corporate governance, including the relationships between accountants and the firm and the structure of boardroom committees.¶ In addition to these major statutes, federal authorities have acted on—or threatened to act on—the major transactions of most decades (and some minor ones as well). In the 1950s they made the most important rules concerning proxy contests to gather the votes of shareholders in the public corporation. In the 1960s and 1970s they expanded federal anti-fraud law so that federal law was effectively displacing the Delaware common law judge in regulating fiduciary fairness. In the 1970s, the SEC regularly acted on the quintessential transactions of that time—the 'going private' transactions (in which a controlling shareholder by fiat eliminated the minority stockholders, paying them for their stock)—with SEC Commissioner A. A. Sommer castigating state-made law there, asking, 'Where state law provides inadequate protection for shareholders, particularly minority shareholders, should federal law be interpreted broadly to supply safeguards lacking in state law?' (Sommer, 1974, 1975). For the SEC's concept release on going private, see SEC (1975). Eventually the SEC promulgated important rules regulating the transactions,

stating as it did so that it had its eye on the states in considering whether to push its (limited) authority to act even further: 'Further developments in the remedies provided by state law for unfairness in going private transactions will . . . be important' (SEC, 1979, p. 46,736). Moreover, federal authorities often tell institutional investors what kind of duties they have in holding stock, how they must treat their proxy for voting in annual corporate elections, and how they must construct their portfolios; these instructions deeply affect the structure and governance of the American public corporation. And the SEC twisted the arms of the American stock exchanges to force corporate governance rules on the American public corporation: nearly three decades ago, it demanded that the stock exchanges mandate that the boardroom of the American public company have an audit committee independent of management (NYSE, 1977, pp. 14,793, 14,794, and n. 11). When it lacked direct authority to bar dual-class common stock—a common structural feature for many corporations in several European countries—it induced the American stock exchanges to ban changes to dual-class stock for most listed companies. The American dual-class rule is functionally federal-made, not state-made.¶ Thus, we have the first qualification to the jurisdictional-competition concept for the United States: there are vast areas of American corporate governance that states simply have not governed alone, or sometimes at all—Washington has. Since **it is the mix that ultimately determines the effect of law on the economics of corporate governance**, organization, and ownership, some portion—and it intuitively seems to be a very large portion—of the law governing the corporation is **not made in a jurisdictional race** but by a national political authority— either Congress or the SEC or the federal courts.¶ And that reality of powerful federal action leads to the second qualification: since Congress and the federal authorities could act, and have acted in quite powerful ways in American corporate governance, that which persists at the state level is that which the federal authorities tolerate. One needs to assess state law's importance in light of the vast federal presence and the vast federal potential: anything could be federalized, at any time. Yes, federal authorities do give the states a wide range in which to act, but that range for the states is not without limit. And when scandals and economic reversals occur—when corporate transactions grab the attention of the American public and the United States Congress—Congress could act and often does act; if the state results are grossly out of line with what a Washington consensus wants, Washington is more likely to act. Yes, Washington acts only sporadically, it is often divided, and it often has more important things than corporate governance rules on its agenda; it is that inattention that gives the states in general—and Delaware in particular—room to manoeuvre. But that range, as I say, although quite wide, is not without limit.¶ That federal potential to act even more leads to the third and more contestable qualification to the conventional story: Delaware players are not oblivious to the possibility that federal authorities can act. When the issue is big enough to attract Washington's attention, they have reason to consider what Washington would do, and they often have reason not to instigate Washington to displace them; they have reason to act inside the Washington boundaries; and they have said often enough that they are taking Washington into account. And there is good reason why: the raw fact is that the big gorilla of American economic lawmaking is the United States Congress, not the Delaware Chancery Court, not the Delaware legislature, and not the Delaware corporate law council, which drafts Delaware's corporate law.¶ Thus, I argue here, we must **reconceptualize who makes American corporate law**, and how it is made. Yes, Delaware must look to what the other states do. But that is not where American corporate law ends: Washington is not just a potential big player, but an actual big player, nearly always considering and usually acting on the most important corporate governance issues of nearly every decade of the twentieth century. And Washington could always do more. This reality of Washington action and potential suggests that the American jurisdictional structure is more triangular—states at the base, the federal authority at the top vertex—than just horizontal.

EU---Link/Internal Link

Exts---Federal Good/Decentralization Bad

Pure competition is impossible---means EU corporate federalism fails without considering federal influence

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Is it a market of competing states that produces American corporate law? A market, we might think, produced American corporate law, and markets hone efficiency, and often do so better than governments. A market may well have produced American corporate law, but that widely believed conclusion is harder to assess than is commonly thought. The reason it is harder to assess

is that there is a **vast federal presence** in the law governing the American corporation, and there could be more of it. That there is not even more may indicate that the broad polity in the United States tolerates Delaware's shareholder- and manager-oriented corporate law. European policy-makers, however, might find it **harder to construct jurisdictional competition** if deference to shareholder and manager values would be the outcome, as it is in the United States, and if the European polity is less tolerant of having its major corporations run for shareholders and managers, with little regard for other constituencies.¶ Properly conceived, the movement from a state forum to a federal forum need not even involve the identical issue. Consider this: we can array the rules on a continuum of managerial autonomy versus shareholder control. States might, say, shut down the takeover market with strong anti-takeover laws. But then shareholders might go federal and induce the SEC to loosen up restrictions on shareholders in policing management. A case can be made that this is what happened in the late 1980s and early 1990s: states passed anti-takeover laws and their courts rendered anti-takeover decisions, then institutional investors asked the SEC to loosen up restrictions on their organizing to toss out directors. And the SEC then did so. We are only beginning to scratch the surface conceptually and empirically on how this interplay works, but we have to realize that there is a major federal legal presence in the governance of the American public corporation. The complementarity, substitutability, and interaction of federal and state corporate law are all in play, and they still need to be better analysed.¶ American corporate lawmaking should be seen not as horizontal regulatory competition, but as **triangular**. Firms arise in their home states, corresponding roughly to an EU real seat. Then they decide whether to stay put or move to Delaware, usually when they take on a big transaction, such as an initial public offering or a merger (Bebchuk and Cohen, 2003). So on the left-hand corner of that triangle is the home state; on the right-hand corner is Delaware. In between are the other states. Sitting atop the triangle, though—and thereby giving the structure verticality—is **Washington**, which sporadically enters the world of corporate governance—often in reaction to a scandal, as with Sarbanes–Oxley, or an economic downturn—and could always do more.¶ The play of interest groups and ideas differs between Delaware and Congress. Delaware's interest groups are narrow, basically shareholders, managers, and their advisors. Congress has more interest groups, and broader ideas of efficiency, fairness, and sometimes power-levelling are in play in Washington. In the EU, these might roughly translate as social policy considerations. Depending on one's view of the importance and relevance of social policy to corporate law, these considerations induce analysts to applaud Delaware—because it minimizes such considerations—or induce critics to be wary of it, if their policy preference is to keep social considerations in play in making corporate law.¶ Thus, the mechanisms that would make for a pure interstate race are absent in a true federal system such as America's. Yes, there is interstate mobility for corporations in the United States. But that is not all there is. Hardly a decade has gone by in which the federal government did not consider taking over the major corporate issue of the time. Oftentimes, it did. Thus, Delaware's strongest competitor has been, and probably still is, Washington. The interplay between the horizontal movement and the vertical authority **needs to be taken into account** for any full conceptualization of the making of American corporate law. This federal reality weakens the mechanisms of a strong race because, if the issue is important, it often becomes a federal one. The race analysis therefore must yield to a wider perspective on what is, and who makes, corporate law. And in understanding whether jurisdictional competition would be valuable for the EU or not, one must keep in mind that it is not just the state-to-state, or nation-to-nation, relationships that count, but also the strength, effectiveness, play of interests, and good sense at the centre—in Washington in the United States, and **in Brussels** in the EU.¶ The simple and clear facts are that there is today a very large federal presence in corporate law in the United States. In nearly every decade of the twentieth century the major corporate issue either went federal or threatened to go federal. Delaware has a great deal of discretion, especially on technical matters, but that discretion, even though wide, is not without limit. When the issue is big, it is often Washington that acts.

Regulatory competition in Europe causes a race to the bottom in corporate law

Martin **Gelter 8**, Olin Fellow in Law and Economics at Harvard Law School, "The Structure of Regulatory Competition in European Corporate Law," Discussion Paper No. 20, July 2008, SSRN

We have seen that countries seeking to offer attractive corporate law could employ two alternative strategies, one that seems desirable ("firm value maximization") and one that seems undesirable ("maximization of private benefits"), as private benefits will almost certainly decrease firm value beyond a certain level. Conceivably, we might see states pursuing either strategy. However, if there were actually fierce competition between Member States, a **movement "to the bottom**" could happen if it is easier to leave private benefits of control unchecked than to develop "good law" maximizing firm value for competing states. Instead of using political clout within a particular county to maintain private benefits, large blockholders might **capture the regulatory competition process**.161 Thus, if in a control-oriented system of corporate governance, pressures from

capital market and even the need to resort to them are smaller, one should, at the very least, expect a greater danger of a movement to the bottom than in a corporate governance system characterized of public corporations with dispersed ownership such as the one of the US.¶ Admittedly, one factor that could mitigate possible negative effects of regulatory competition would be product markets. A firm with excessive private benefits will most likely be at a competitive disadvantage in the long run.¶ Still, if one follows the theory that developed legal minority protection is correlated to or even a prerequisite for the development of dispersed ownership and capital markets,162 one might even predict a weakening of minority protection in some countries **and**, as a consequence, **of stock markets** as a result of regulatory competition (in the absence of significant countervailing factors). The US is **not a good model with which to oppose this argument**: First, dispersed ownership was firmly in place as early as 1932, allowing Berle and Means to write their pathbreaking study on the separation of ownership and control.163 More importantly, other mechanisms were in place that prevented the rise of controlling shareholders.¶ Race-to-top advocates might conclude that European laws will remain more strongly committed to a regulatory approach in corporate law: Where the forces of capital markets are weaker in disciplining managers and controlling shareholders an approach favoring mandatory law may be economically superior.165 Given that controlling shareholders will usually be able also to initiate a reincorporation, they might want to find a way of committing to a regime friendly to the minority, for example by enhanced supermajority requirements in the company's charter. However, such a commitment to a specific mandatory corporate law regime would be difficult and probably come with costs of reduced flexibility. It seems much more likely that companies would rather subject themselves to a strong regime of securities regulation,166 which would not necessarily affect the development of corporate law.¶ Following the hypothesis that Delaware law is tailored to the needs of typical American publicly traded firms, one would expect the European market to exhibit more fragmentation and less uniformity also because of ownership patterns, even once it extends also to large corporations. As long as many large public companies continue to deviate from what has been called the "standard model" of corporate law168, the market should be expected to demand a high degree of diversity to accommodate a great variety of idiosyncratic structures and problems, which precludes the existence of a one-size-fits-all solution.

Total devolution to state competition is unstable and causes regulatory failure

Stylianos **Andreadakis 10**, LL.B, LL.M, Faculty of Law, University of Leicester, thesis submitted for PhD, "Corporate Governance in the Aftermath of the Scandals: The EU Response and the Role of Ethics," January 2010, https://lra.le.ac.uk/bitstream/2381/9532/2/Andreadakis%20PhD%20Thesis.pdf

In this context, EU corporate governance regulation cannot be seen isolated from the whole system of law-making and its characteristics. The creation of the internal market has created a vigorous debate about whether harmonization is the most appropriate method. Globalization and the multinational character of modern companies have raised a lot of questions about whether there is one method that can safely lead to the much-desired convergence of corporate governance laws. Harmonization has been the choice of the EU legislators, but it cannot be so easily applied in practice, as we have witnessed in the last few years. Harmonization in the area of company law has proved to be remarkably burdensome and there were several difficulties due to the different legal systems and traditions. Differences in terminology and multiplicity in the legal concepts have led the EU legislators to adopt a strategy of common minimum standards, according to which a limited number of topics are harmonized. This 'salami' process of harmonization is not consistent and inevitably leads to lack of homogeneity, as only a certain number of topics are covered, while other closely related ones remain unaffected. 46 Such a solution cannot be characterized as successful and has been at the centre of criticism as being a '**fragmentary and compromise solution**'.¶ Mutual recognition, minimum standards and subsidiarity provide a framework for regulatory competition, which **reduces the scope for strategic regulation** and dilemmas.48 Regulatory competition includes a comparative element, and the idea of searching for the best solution created high expectations for better results than the Commission-driven harmonization. Nevertheless, regulatory competition can become **unstable** if, for example, mutual recognition is not achieved. Additionally, there is always the fear that regulatory competition will end up leading to a race to the bottom if there is no framework to control and regulate it. Lastly, 'the more pluralistic orientation of many

European company laws (for instance, towards employee representation) **does not permit a simple choice** between the different national laws which would be necessary for an effective competition'. 49 In the United States, the result has been an 'uneasy and fluid allocation of corporate law between the federal government on the one hand and the individual states (led by Delaware) on the other'. 50 For this reason, actually, the SoX dealt with corporate governance from an extensive scope, limiting the autonomy of the states.¶ From what it appears, both harmonization and regulatory competition are neither a panacea nor a menace. In fact, they should be seen as complements, rather than substitutes to one another.51 Reflexive harmonization, which seems to be an **intermediate solution**, considers diversity among Member States as a 'resource, which, when coupled with mutual monitoring and benchmarking, provides a basis for experimentation and mutual learning'.52 As discussed in chapter 2, the focus is on the process and the methods used, not on the end result as such. It is a new and innovative solution that builds on the weaknesses of the other options and the special requirements of the EU environment. It will soon become obvious whether it can stand the test of time and prove to be more successful than the two previously mentioned solutions.

Federal regulatory harmonization is occurring the EU now---key to maintain growth

Stylianos **Andreadakis 10**, LL.B, LL.M, Faculty of Law, University of Leicester, thesis submitted for PhD, "Corporate Governance in the Aftermath of the Scandals: The EU Response and the Role of Ethics," January 2010, https://lra.le.ac.uk/bitstream/2381/9532/2/Andreadakis%20PhD%20Thesis.pdf

Following the introduction of the Company Law Directives, the adoption of the FSAP and the overall progress of the EU Law harmonization project, the EU has made **significant progress in most areas of corporate governance regulation**, such as disclosure, corporate mobility, shareholders rights, and remuneration of directors. The goal of harmonization has not yet been accomplished, but we should not neglect the fact that the objective of the EU was not to create homogeneity in the Common Market, but a well-functioning Internal Market.67 National legal systems must be compatible, if not harmonized, sharing good practices and respecting diversity. If the corporate governance standards are raised and competitiveness is promoted, **market confidence and credibility of national markets** to foreign investors will be increased. The Union still needs to modernize its company law and corporate governance regulatory framework, in order to overcome the obstacles standing in its way to the future: the continuous integration of the European capital markets, the challenges of the recent enlargements, the Lisbon Treaty objectives, as well as the impact of corporate scandals and the financial crisis. In this context, the Action Plan looks more like a means to an end, rather than an end itself; it is a toolbox, which the Commission has used and will continue to use until all barriers for businesses are removed from the EU and/or the dream of harmonization of law becomes a reality.

Yes Modeling---Corporate Law

The EU's current initiatives for corporate governance were enacted BECAUSE of Sarbanes-Oxley (also uniqueness?)

Luca **Enriques 6**, Professor of Business Law, University of Bologna, and ECGI Research Assistant, "The Uneasy Case for Top-Down Corporate Law Harmonization in the European Union," *University of Pennsylvania Journal of International Economic Law*, vol 27(4), 2006, http://scholarship.law.upenn.edu/cgi/viewcontent.cgi?article=1203&context=jil

Following the wave of U.S. corporate scandals and the prompt, tough response by Congress with the **Sarbanes-Oxley Act** of 2002,152 the European Commission **decided it needed to play a major role** in reforming corporate governance to restore public confidence.153 In May 2003, the

Commission released a comprehensive action plan, Modernising Company Law and Enhancing Corporate Governance in the European Union (the "Action Plan"), containing twenty-four proposed measures, some of which have already been enacted and the rest of which are expected mainly before 2009.154 In December 2005, the European Commission launched a public consultation on the future priorities of the Action Plan.

Yes Modeling---Federalism

The EU models the federal structure of the US

Alex **Mills 10**, Slaughter and May Lecturer in Law, Selwyn College, University of Cambridge, "Federalism in the European Union and the United States: Subsidiarity, Private Law, and the Conflict of Laws," *University of Pennsylvania Journal of International Law*, vol 32(2), 2010, https://www.law.upenn.edu/journals/jil/articles/volume32/issue2/Mills32U.Pa.J.Int'lL.369(2010).pdf

ABSTRACT¶ The United States has long been a source of **influence and inspiration** to the developing federal system in the European Union. As E.U. federalism matures, increasingly both systems may have the opportunity to profit from each other's experience in federal regulatory theory and practice. This article analyzes aspects of the federal ordering in each system, comparing both historical approaches and current developments. It focuses on three legal topics, and the relationship between them: (1) the federal regulation of matters of private law; (2) rules of the conflict of laws, which play a critical role in regulating cross-border litigation in an era of global communications, travel and trade; and (3) "subsidiarity," which is a key constitutional principle in the European Union, and arguably also plays an implicit and underanalyzed role in **U.S. federalism**. The central contention of this Article is that the treatment of each of these areas of law is related —that they should be understood collectively as part of the range of competing regulatory strategies and techniques of each federal system. It is not suggested that "solutions" from one system can be simply transplanted to the other, but rather that the experiences of each federal order demonstrate the interconnectedness of regulation in these three subject areas, offering **important insights** from which each system might benefit.¶ INTRODUCTION¶ It has long been recognized that the **maturing federal system** of the European Union has much to learn from what is commonly considered the oldest enduring federal system in the world—the United States. As the European Union develops its own regulatory theories and practices, increasingly both systems may have the opportunity to profit from each other's experience. The fields of **federal private law** and conflict of laws,3 which have been areas of intensive and controversial regulatory and academic activity in the history of the development of E.U. and U.S. law, are particularly apposite subjects for comparative study. The central contention of this Article is that the treatment of these two areas of law is related, and that this can be highlighted through analysis of a third, the principle of "subsidiarity," which has a key constitutional role in the European Union, and a largely latent but potentially important role in the United States. This Article thus explores the interrelation of subsidiarity, federal private law, and the conflict of laws, comparing approaches and developments in E.U. and U.S. federalism.

Key to Econ/AT: Alt Causes

Effective federalized corporate governance overwhelms alt causes and solves the EU economy

Shuangge **Wen 13**, Lecturer in Law, Swansea Law School, Swansea University; Member of the Institute of International Shipping and Trade Law; Visiting Professor in Law, Jilin University, "Less is More - A Critical View of Further EU Action Towards a Harmonized Corporate Governance Framework in the Wake of the Crisis," *Washington University Global Studies Law*

Review, vol 12, issue 1,
http://openscholarship.wustl.edu/cgi/viewcontent.cgi?article=1424&context=law_globalstudies

Since the summer of 2007, the EU has slipped into and been in the midst of the **deepest financial turmoil since the 1930s**, involving banking systems, stock markets, and the flow of credit. As of the writing of this article, one of the most influential regional economies, the Eurozone, is facing its greatest challenge so far: the depth of the current debt crisis.71 Confronting this catastrophic situation, EU legislators have once more decided to resort to the dubious remedy of a coordinated framework, which will predictably lead to even more strenuous efforts towards integration.72 In particular, further legislative action at the EU level to develop a **synchronized corporate governance framework** is seen as crucial in achieving this policy priority.73 Corporate governance plays a central role in running and regulating modern enterprises in globally integrated markets, and it is anticipated that a well-coordinated framework will **overcome the current Eurozone contagion** fear as well as create the necessary climate for investment and economic revival. As noted, a harmonious EU corporate governance framework will "inspire investor and lender confidence, spur both domestic and foreign investment, and improve corporate competitiveness."

European Scandals Possible/Likely

European corporate fraud is possible and likely

Stylianos **Andreadakis 10**, LL.B, LL.M, Faculty of Law, University of Leicester, thesis submitted for PhD, "Corporate Governance in the Aftermath of the Scandals: The EU Response and the Role of Ethics," January 2010,
https://lra.le.ac.uk/bitstream/2381/9532/2/Andreadakis%20PhD%20Thesis.pdf

Many Europeans were of the impression that corporate scandals were supposed to be strictly American affairs. A classic short-sighted response to a collapse like Enron's is that '**it will not happen in our company'** or 'it could not happen here'. Such a response sounds rather **selfish or self-centered**, because as it is naïve to believe that the US scandals had nothing to do with Europe. The incentive, and the opportunity, to commit fraud are not limited to any particular system of goernance, geographic region, industry, or size of company.32 This point should have been clear, even before the scandals of Parmalat and Ahold. It was definitely the 'American sense of greed' 33 that encouraged executives at Enron and WorldCom to falsify the financial results of the company and cross the line between lawful (creative) accounting and fraudulent accounting accompanied with conspiracy and corruption. The significance of Enron is further highlighted by it being the first time in corporate history that a foreign scandal initiated a Company Law reform. 34 But what Enron also made clear was that the world market is interdependent and any abnormality can rapidly cross the Atlantic Ocean and becomes a '**European problem'** as well. Europe felt its impact and, consequently, had to change its perspective regarding corporate regulation. The thrust wave of the American scandals, in combination with the subsequent European scandals, revealed that there is **no shield protecting Europe** from mismanagement. The fraudulent behaviour at Parmalat was equally **large and widespread**. Profits were overstated, fictitious bank accounts with billions of euros were created and approximately €1 billion of investors' money was siphoned off for personal use by Parmalat's founder, Calisto Tanzi, and his friends and family.

EU---Impact

Exts---EU Decline = War

European economic collapse causes multiple scenarios of global war.

Wright 12, Thomas, fellow with the Managing Global Order at the Brookings Institution, Summer 2012, "What if Europe Fails?" The Washington Quarterly, http://csis.org/files/publication/twq12SummerWright.pdf, Accessed 7/25/14

Yet, verbal warnings from nervous leaders and economists aside, there has been remarkably little analysis of what **the end of European integration** might mean for Europe and the rest of the world. **This article does not predict that failure will occur it only seeks to explain the geopolitical implications if it does.** The severity and trajectory of the crisis since 2008 suggest that **failure is a high-impact event with a non-trivial probability.** It may not occur, but it certainly merits serious analysis. Failure is widely seen as an imminent danger.¶ **Would the failure of the Euro really mean the beginning of the end of democracy in Europe? Could the global economy survive** without a vibrant European economy? What would European architecture look like after the end of European integration? What are the implications for the United States, China, and the Middle East? **Since the international order has** been primarily a Western construction, with **Europe as a key pillar, would the disintegration of the** European Union or the **Eurozone have lasting and deleterious effects on world politics in the coming decade?¶** Thinking through and prioritizing the consequences of a failed Europe yield five of the utmost importance. First, **the most immediate casualty of the failure of the European project would be the global economy. A disorderly collapse** (as opposed to an orderly failure, which will be explained shortly) **would** probably **trigger a new depression and** could **lead to the unraveling of economic integration as countries introduce protectionist measures to limit the contagion effects of a collapse. Bare survival would** drag down Europe's economy and would **generate increasing and dangerous levels of volatility in the international economic order.¶** Second, the geopolitical consequences of an economic crisis depend not just on the severity of the crisis but also the geopolitical climate in which it occurs. **Europe's geopolitical climate is as healthy as can be** reasonably **expected.** This would prevent a simple repeat of the 1930s in Europe, which has been one of the more alarming predictions from some observers, **although** certain **new and fragile democracies in Europe might come under pressure.¶** Third, **failure would cement Germany's rise as the leading country in Europe and as an indispensable hub in the E**uropean **U**nion and Eurozone, if they continue to exist, **but anti-Germanism would be**come a **more potent force in politics on the European periphery.¶** Fourth, **economic downturn** as a result of disintegration **would undermine political authority** in those parts of the world **where** the **legitimacy of governments is shallow, and** it would **exacerbate international tensions where the geopolitical climate is relatively malign. The places most at risk are the Middle East and China.¶** Fifth, **disintegration would weaken Europe on the world stage–**it would **severely damage the transatlantic alliance**, both **by sapping** its **resources and** by **diverting Europe's attention to its internal crisis–and** would, finally, **undermine the multilateral order.¶** Taking these five implications in their totality, one thing is clear. **Failure will badly damage Europe and the international order,** but some types of failure–most notably a disorderly collapse–are worse than others. Currently, the pain is concentrated on the so-called European periphery (Greece, Portugal, Spain, Italy, and Ireland). **Disorderly collapse would affect all European countries, as well as North America and East Asia.** If a solution to the Eurocrisis is perceived as beyond reach, leaders of the major powers will shift their priorities to managing failure in order to contain its effects. This will be strenuously resisted on the periphery, which is already experiencing extremely high levels of pain and does not want to accept the permanence of the status quo. Consequently, their **electorates will become more risk-acceptant and** will **pressure Germany and other** core **member states to accommodate them through financial transfers** and assistance in exchange for not deliberately triggering a break-up. **This bitter split will divide** and largely define **a failing Europe.** Absent movement toward a solution, EU politics is about to take an ugly turn.

Ethnic conflict in Eastern Europe is likely --- violent nationalist parties are being elected now and the core issues behind conflict haven't been resolved.

Irina **Papkova**, Spring **2008**. PhD Comparative Politics @ Georgetown, MA in Russian and East European Studies @ Georgetown, Assistant Professor @ Central European University. "ETHNIC AND NATIONAL CONFLICT IN EASTERN EUROPE AND EURASIA," http://www.hc.ceu.hu/ires/courses0708/ethnic_and_national.html.

The collapse of the communist bloc from 1989-1991 was accompanied by numerous bloody conflicts in the former Yugoslavia as well as the new states of Georgia, Armenia, Azerbaijan, Tajikistan, the Russian Federation, and Moldova. In all of these cases national and ethnic identity occupied central stage as societies entering a new mode of political and economic organization were torn apart by conflicting visions of the new order. With the emergence of these violent confrontations nationalism suddenly seemed on the rise as a political force that would increasingly shape world politics. This was unexpected. As an ideology, nationalism had contributed directly to the violence of both World Wars, and in their aftermath had been widely condemned. Entire political institutions – including the United Nations and what would become the European Union – were erected to ensure that nationalism would not erupt again as a destructive force. The sudden reappearance of nationalism/ethnic identity as potent political forces in the last decade of the 20th century required scholars to engage in a serious rethinking of their theoretical understanding of these phenomena. Though the violence seems to have largely subsided, none of the conflicts mentioned above have reached a satisfactory resolution of the core issues driving the conflict, thus **making it possible that the cycle of violence will reignite at any time**. At the same time, even in those post-communist countries that have generally been regarded as peaceful and successful models of democratic transition – the countries of Eastern and Central Europe outside of Yugoslavia – we see the recent intensification of nationalism and xenophobia, accompanied by the rise of nationalist political parties that seem less and less interested in a conflict-free relationship with their neighbors (the recent troubles between Hungary and Slovakia being only one example of this tendency). Thus, it appears that **nationalism is alive and well, and with it the possibility of ethnic/national conflict remains a real threat in the region of Eastern Europe and Eurasia**.

Europe war causes nuclear escalation

Glaser 93 (Charles, Assistant Prof. Public Policy Studies—U. Chicago, International Security, "Why NATO is Still Best: Future Security Arrangements for Europe", 18:1, JSTOR)

However, although the lack of an imminent Soviet threat eliminates the most obvious danger, U.S. security has not been entirely separated from the future of Western Europe. The ending of the Cold War has brought many benefits, but has not eliminated the possibility of major power war, especially since such a war could grow out of a smaller conflict in the East. And, although nuclear weapons have greatly reduced the threat that a European hegemony would pose to U.S. security, a sound case nevertheless remains that a major European war could threaten U.S. security. The United States could be drawn into such a war, even if strict security considerations suggested it should stay out. A major power war could escalate to a nuclear war that, especially if the United States joins, could include attacks against the American homeland. Thus, the United States should not be unconcerned about Europe's future.

Turns US Econ

Europe economic decline collapses the US economy

Robert **Kahn** 8/16/**13**, Steven A. Tananbaum Senior Fellow for International Economics at the Council on Foreign Relations, What is the impact of the Eurozone crisis on the U.S. economy?, http://www.cfr.org/financial-crises/impact-eurozone-crisis-us-economy/p31407

Europe's debt crisis and recession have been felt around the world, and the United States has not been spared. The economies of all seventeen euro-area countries comprised 17 percent of the world economy in 2012, generating $12.2 trillion in GDP (close to the $15.7 trillion U.S. economy). Germany's economy alone is the fourth largest in the world. Strong trade, investment, and financial ties with the United States ensure that shocks in one region have important effects on the other.

The crisis in Europe has been directly felt through lost trade, as lower European incomes reduce demand for U.S. goods. The eurozone is the third largest export destination of the United States, accounting for 15 percent of total U.S. goods exports and one-third of service exports.

Cross-border investments have increased dramatically in recent decades. U.S. assets abroad and foreign-owned assets in the United States increased more than six fold between 1994 and 2010, according to a U.S. government report, and it has been estimated that one quarter of the earnings of top U.S. companies come directly or indirectly from Europe. Consequently, U.S. companies and investors have an important stake in a European recovery.

Financial sector linkages also matter. While U.S. banks do not have many direct financial holdings in Europe's "peripheral" countries experiencing the most formidable fiscal woes, the indirect effects of a European debt blow-up could be "quite significant" in U.S. financial markets, according to Federal Reserve Chairman Ben Bernanke.

UQ---European Econ High

Europe economy high

- Strong growth forecasts
- Cheap oil → consumer spending
- Weak euro → exports
- Stimulus from ECB
- Deflation risk gone
- Unemployment falling

Mark **Thompson 3/5**, writer @ CNN Money, "Three reasons to cheer Europe's economy," http://money.cnn.com/2015/03/05/news/economy/europe-economy-recovery/

But here are three reasons to buy champagne (or perhaps Spanish cava), even if you may want to keep it on ice for a while: 1. **Growth returning**: The European Central Bank upgraded its forecast for eurozone growth in 2015 to **1.5%** Thursday. If achieved, that would represent a **significant acceleration** over last year's meager expansion of 0.9%. "We expect the economic recovery to **broaden and strengthen** gradually," ECB President Mario

Draghi told reporters. **Cheap oil** is helping consumers, the weak euro is giving exporters an edge, and anticipation of massive stimulus by the ECB is already having an impact, even though it hasn't yet begun. Borrowing costs for homeowners, companies and governments have sunk to record lows, and in some cases even turned negative as investors pile into bonds before the ECB starts buying on Monday at a rate of €60 billion a month. Surveys suggest confidence is growing, with companies in manufacturing and services the most **bullish** they've been since July 2014. Even reform laggard France appears to be emerging from stagnation. **All four of the eurozone's biggest economies saw expansion in February.** Related: European stocks love QE. Can the rally last? 2. Deflation risk fading: The risk that falling prices could create a vicious circle of weak demand, and then even weaker prices, prompted the ECB to unveil its €1.1 trillion stimulus program in January. Consumer prices across the eurozone fell for a third consecutive month in February, but at 0.3% the rate of deflation was half that of January. The ECB, and many independent experts, say there could be a few more months of falling prices before inflation returns to the eurozone around the middle of this year. Inflation should then pick up to around 1.5% in 2016. That's still below the ECB's target of just below 2%, hence its plan to continue buying assets until September 2016 and beyond if necessary. 3. Unemployment falling: 18 million people are still out of work in the 19 countries that make up the eurozone, with Greece and Spain suffering the most. But **unemployment is falling** -- it dropped to 11.2% in January, down from nearly 12% a year ago and the lowest rate recorded in nearly three years. About a million fewer people are without work now than a year ago. Germany's labor market is in robust health, and its powerful unions are beginning to win big pay rises again. There are encouraging signs elsewhere too. Spain saw the eurozone's biggest monthly fall in unemployment in January, although with a rate of more than 23% it still has a long way to go.

Quantitative easing solves

Keating 3/9 Dave Keating - European Voice "Draghi's medicine: the health claims may be overblown," www.europeanvoice.com/article/draghis-medicine-the-health-claims-may-be-overblown/

In a similar vein, merely the **declaration** that the ECB was ready to embark on **q**uantitative **e**asing (in the face of determined opposition from the QE-averse head of the German central bank, Jens Weidmann) is now being credited with **transformative powers** – at least by Draghi himself. He said last Thursday, as he gave details of the QE plans, that January's declaration had **already had** an effect on inflation – or rather, on the developing problem of deflation. "Our monetary policy decisions have stopped a decline in inflation expectations that had started at the end of July last year," he said. "The risks remain on the downside, but have diminished." He also announced that the ECB was raising its forecast for economic growth in the eurozone this year from 1% to 1.5%. He was gracious enough to acknowledge that this was not all attributable to the ECB's declaration of QE intent or to low interest rates: the sharp drop in the price of oil had played a big part. What is important to note here is that at least parts of the eurozone economy are **already on the mend** even without QE. Retail sales figures in Germany and even in France suggest a revival in consumer demand. So controversial is QE – and the argument over whether the eurozone should pursue this course is almost ideological – that we should expect fierce arguments in the coming months over how much credit to attribute to QE for any subsequent improvement in the economy.

AT: Greece Alt Cause

Grexit doesn't have an impact on Europe

Clem **Chambers 6/9**/15, contributor to Forbes, Grexit: Will Greece Leave The Euro And What Will Happen If It Does?, http://www.forbes.com/sites/investor/2015/06/09/grexit-will-greece-leave-the-euro-and-what-will-happen-if-it-does/

A no to Greece from Europe means the birth of the "new drachma." (I'd like to be short of that right now.) The new drachma will pay wages and pensions in the public sector and likely pay non-secured debts, like hospital drugs bill and anything outstanding without preference. It **will settle all government bills** and convert 1:1 on the moment of the issue of the new currency.

1 euro = 1 new drachma.

Of course if the drachma tumbles, it will be euro versus Swiss franc this spring, all over again, but bigger.

"Foop," is a word I've heard to describe what happens next. The new drachma collapses. How far? Imagine if Greece got a 50% debt forgiveness. They would be cock-a-hoop. So imagine the drachma halving in short order with Greece in euro debt default.

The new drachma, if it floats, should reach equilibrium roughly where it is worth to pay Greece's foreign debts at. If it can revitalize its economy being able to print its own cash, it can then slowly retire the euro debt.

Lots of wriggle room spins off from the malfunction of default. It's the Argentinian solution and it's grizzly **but it won't look too bad on either side of the economic-political divide**. The G-less PIIS (PIIGS) will look on aghast and not want to go the Syriza route. The austere north will tut tut, "told you so."

Grexit fears overblown

Jain 2/16 Siddharth Jain - Senior Vice President & Managing Director, South Asia, for Turner International India Private Limited (Turner), "Grexit: An Overblown Fear?," https://ilcmarkets.wordpress.com/2015/02/16/grexit-an-overblown-fear/

Greece has been a thorn in the Eurozone's side ever since its bailout in 2009. Now, because of an early parliamentary election, the Eurozone may be forced to relieve the pain of the sovereign debt crisis. The winner of the elections was a far-left Populist Party called Syriza. More importantly, the party and its leader, Alexis Tsipras, plan to end the country's austerity program and stop paying back its debt to wealthier European nations. With Greece's membership in the Eurozone already controversial, Syriza's victory has frustrated many national leaders, particularly Germany's chancellor Angela Merkel. In response, the ECB has refused to provide emergency liquidity to Greece's banks or buy up its bonds unless Ms. Tsipras' government finds an agreement with its creditors. Although Mr. Tsipras insists he wants Greece to stay in the euro, there is now a decent possibility of a Grexit. The first time these fears arose, Germany eventually gave in to pressure and bailed Greece out. However, after two bailouts, even the Netherlands and Finland are hesitant to keep Greece in and this political victory could mean a big change for the euro. There are two potential effects of Tsipras' policies: Stimulus—Europe's austerity may have been excessive, as both the continent and Greece have struggled post-recession. A massive spending spree can potentially stimulate the Greek economy; however abandoning privatization and raising the minimum wage will dampen the efficacy of such a program. Domino effect—Greece's decision will shape what other countries decide to do in regards to their own austerity policies. Voters in countries like Spain and Portugal may also demand an end to their own austerity and populists in France and Italy would be able to more effectively fight against their countries' membership in the euro. Although the markets have become more volatile due to a potential Grexit, fears are probably **overblown**. Mr. Tsipras' ability to steamroll such aggressive legislation is **limited** and the Eurozone provides the **stability** that he will need in his first few months in office. Unless creditors raise their limit on short-term borrowing, the country may run out of cash as soon as early March and have **no choice** but to abide to Germany's wishes. With Greeks already rapidly yanking cash from banks, over 15 billion euros in 2 months, there is a high risk of a bank run absent a big injection of cash. In addition, the ECB's massive bond buyback program should neutralize the effect of Greek turbulence on the market and introduce the possibility of a modest debt restructuring that could prevent a Greek exit. So to conclude, keep your eyes open for negotiations between Greek officials and Eurozone leaders, but don't expect anything too drastic. For all of Mr. Tsipras' grandstanding, change is painful and unlikely to happen.

China Impact

Eurozone collapse leads to Chinese Trade wars

Reuters 11 (5-20, "Euro Woes Increase Risk of Trade Wars", http://blogs.reuters.com/great-debate/2010/05/20/euro-woes-increase-risk-of-trade-wars/)

Europe won't just be exporting deflation to the rest of the world, it will exportserious trade tensionsas well: first between the United States and China, and, possibly, eventually between Europe and the United States. The austerity required to get Greece and other weak euro zone nations' budgets in shape will exert a powerful deflationary force, as many countries which formerly imported more than they exported will be forced to cut back. As well, the euro has dropped very sharply. Germany's quixotic campaign against speculators — banning naked short selling against government debt and government credit default swaps — gave the euro its latest shove downward, but the trend has been strong for months. The euro is now about 15 percent below where it started the year against the dollar, making U.S. exports less competitive and adding to pressure on the United States to be the world's foiegras goose: being force-fed everyone else's exports while its own unemployment rate remains high. That Britain is now embarking on its own round of budget cuts will only make matters worse, adding up to one more important actor trying to consume less and export more courtesy of a devaluing currency. Perhaps the best outcome isrisingtrade and currency tensions between the United States and China, while at worst this could set the stage for **broader conflicts** and a round of tit-for-tat tariffs to match similar currency devaluations. Michael Pettis, a professor at Peking University, explains the issue succinctly on his blog, in which he says: "Make no mistake, if southern European trade deficits decline, someone somewhere must bear the brunt of the corresponding adjustment. The only question is who?" The scale of the adjustment is large; taken together Spain, Italy, Portugal and Greece account for about 16 percent of global trade deficits. Add in France, which will surely share some of the pain, and we get up to about 20 percent. You simply cannot have savage recessions and budget cutbacks in these countries without it exerting a powerful force on their trade partners. Clearly the first fault lines will not be across the Atlantic. Talk of the potential for coordinated intervention to support the euro, or at least to make its fall against the dollar a two-way market, attest to the strength of U.S.-European relationships. This is a group that managed the 2007 and 2008 conflagration without ending up at each others' throats. CHINA MAY BALK AT REVALUATION Pettis points out that within China there is an attitudethat the fall in the euro against the dollar, which has made theyuan correspondingly stronger against the euro, is an argument for caution by China in revaluing its currency. Remember too that the European Union comprises China's largest export market, so it will suffer a double blow, once now by a rising currency and again going forward as Europe adjusts. U.S. Treasury Secretary Timothy Geithner is traveling to Beijing next week to press trade and currency issues. Expectations had been that this would lay the groundwork for some measure of a revaluation of the yuan, which is kept artificially low by the Chinese. The euro zone mess seems to have put paid to that immediate hope. Washington and Geithner are unlikely to want to make already fragile international markets even more so by talking tough next week, but, as the U.S. elections in November near, and, if U.S. unemployment fails to fall, the pressure to take action against China in the form of not just verbal battering but actual tariffs may become too much. I'd note that the U.S. primary elections on Tuesday showed voter anger is focused on incumbents in general and Washington in specific. It would not be a surprise for the administration to try to focus that anger outside the country. So, rising trade tensions with China, but there is also a meaningful chance that tensions will rise eventually between the United States and Europe. Thus far European efforts to address euro zone issues have been disorganized and riven by internal dissension. Germany did not, it appears, consult its partners about its short selling plan. While the European Central Bank's excellent relationship with the Federal Reserve will help, there is a real chance that the euro suffers a disorganized meltdown and that Europe cannot agreeamong itself about how, or whether, to stop it. That, especially if combined with Chinese intransigence, could prove to be intolerable for the United States. Trade wars added greatly to the depth and length of the Great Depression. The world's ability to avoid a similar fight has been one of the blessings of the last two years. Not everyone can export their way back into the black, at least not everyone at the same time. How that is resolved as Europe melts into another recession will be one of the key issues of 2010 and 2011.

That spills over into Chinese military conflict

Landy 7 (Ben, Director of Research and Strategy at the Atlantic Media Company, publisher of the Atlantic Monthly, National Journal, and Government Executive magazines April 3, http://chinaredux.com/2007/04/03/protectionism-and-war/#comments)

The greatest threat for the 21st century is that these economic flare-ups between the US and China will not be contained, but mightspill over intothe realm ofmilitary aggressionbetween these two world powers. Economic conflict breeds military conflict. The **stakes of trade override the ideological power of the Taiwan issue**. China's ability to continue growing at a rapid rate takes precedence,

since there can be no sovereignty for China without economic growth. The United States' role as the world's superpower is dependent on its ability to leadeconomically. As many of you will know from reading this blog, I do not believe that war between the US and China is imminent, or a foregone conclusion in the future. I certainly do not hope for war. But I have little doubt that **protectionist policies** on both sides **greatly increase the likelihood of conflict–far more than increases in military budgets and anti-satellite tests.**

Escalates to nuclear war

Sydney J. **Freedberg** Jr. **13**, deputy editor for defense publication Breaking Defense and 13 year journalist at National Journal and has won awards from the association of Military Reporters & Editors in 2008 and 2009, as well as an honorable mention in 2010, 10/1/13, China's Fear Of US May Tempt Them To Preempt: Sinologists, http://breakingdefense.com/2013/10/chinas-fear-of-us-may-tempt-them-to-preempt-sinologists/

Because China believes it is much weaker than the United States, they are more likely to launch a massive **preemptive strike** in a crisis. Here's the other bad news: The current US concept for high-tech warfare, known as Air-Sea Battle, might escalate the conflict even further towards a "limited" **nuclear war**, says one of the top American experts on the Chinese military. [This is one in an occasional series on the crucial strategic relationship and the military capabilities of the US, its allies and China.] What US analysts call an "anti-access/area denial" strategy is what China calls "counter-intervention" and "active defense," and the Chinese appraoch is born of a deep sense of vulnerability that dates back 200 years, China analyst Larry Wortzel said at the Institute of World Politics: "The People's Liberation Army still sees themselves as an inferior force to the American military, and that's who they think their most likely enemy is." That's fine as long as it deters China from attacking its neighbors. But if deterrence fails, the Chinese are likely to go big or go home. Chinese **military history** from the Korean War in 1950 to the Chinese invasion of Vietnam in 1979 to more recent, albeit vigorous but non-violent, grabs for the disputed Scarborough Shoal suggests a preference for a sudden use of overwhelming force at a crucial point, what Clausewitz would call the enemy's "center of gravity." "What they do is very heavily built on preemption," Wortzel said. "The problem with the striking the enemy's center of gravity is, for the United States, they see it as being in Japan, Hawaii, and the West Coast.…That's **very escalatory**." (Students of the American military will nod sagely, of course, as we remind everyone that President George Bush made preemption a centerpiece of American strategy after the terror attacks of 2001.) Wortzel argued that the current version of US Air-Sea Battle concept is also likely to lead to escalation. "China's dependent on these ballistic missiles and anti-ship missiles and satellite links," he said. Since those are almost all land-based, any attack on them "involves striking the Chinese mainland, which is pretty escalatory." "You don't know how they're going to react," he said. "They do have nuclear missiles. They actually think we're more allergic to nuclear missiles landing on our soil than they are on their soil. They think they can withstand a limited nuclear attack, or even a big nuclear attack, and **retaliate**."

Trade Wars Impact

Eurozone collapse leads to global trade wars

Reuters 11 (5-20, "Euro Woes Increase Risk of Trade Wars", http://blogs.reuters.com/great-debate/2010/05/20/euro-woes-increase-risk-of-trade-wars/)

Europe won't just be exporting deflation to the rest of the world, it will exportserious trade tensionsas well: first between the United States and China, and, possibly, eventually between Europe and the United States. The austerity required to get Greece and other weak euro zone nations' budgets in shape will exert a powerful deflationary force, as many countries which formerly imported more than they exported will be forced to cut back. As well, the euro has dropped very sharply. Germany's quixotic campaign against speculators — banning naked short selling against government debt and government credit default swaps — gave the euro its latest shove downward, but the trend has been strong for months. The euro is now about 15 percent below where it started the year against the dollar, making U.S. exports less competitive and adding to pressure on the United States to be the world's foiegras goose: being force-fed everyone else's exports while its own unemployment rate remains high. That Britain is now embarking on its own round of budget cuts will only make matters worse, adding up to one more important actor trying to consume less and export more courtesy of a devaluing currency. Perhaps the best outcome isrisingtrade and currency tensions between the United States and China, while at worst this could set the stage for **broader conflicts** and a round of tit-for-tat tariffs to match similar currency devaluations. Michael Pettis, a professor at Peking University, explains the issue succinctly on his blog, in which he says: "Make no mistake, if southern European trade deficits decline, someone somewhere must bear the brunt of the corresponding adjustment. The only question is who?" The scale of the adjustment is large; taken together Spain, Italy, Portugal and Greece account for about 16 percent of global trade deficits. Add in France, which will surely share some of the pain, and we get up to about 20 percent. You simply cannot have savage recessions and budget cutbacks in these countries without it exerting a powerful force on their trade partners. Clearly the first fault lines will not be across the Atlantic. Talk of the potential for coordinated intervention to support the euro, or at least to make its fall against the dollar a two-way market, attest to the strength of U.S.-European relationships. This is a group that managed the 2007 and 2008 conflagration without ending up at each others' throats. CHINA MAY BALK AT REVALUATION Pettis points out that within China there is an attitudethat the fall in the euro against the dollar, which has made theyuan correspondingly stronger against the euro, is an argument for caution by China in revaluing its currency. Remember too that the European Union comprises China's largest export market, so it will suffer a double blow, once now by a rising currency and again going forward as Europe adjusts. U.S. Treasury Secretary Timothy Geithner is traveling to Beijing next week to press trade and currency issues. Expectations had been that this would lay the groundwork for some measure of a revaluation of the yuan, which is kept artificially low by the Chinese. The euro zone mess seems to have put paid to that immediate hope. Washington and Geithner are unlikely to want to make already fragile international markets even more so by talking tough next week, but, as the U.S. elections in November near, and, if U.S. unemployment fails to fall, the pressure to take action against China in the form of not just verbal battering but actual tariffs may become too much. I'd note that the U.S. primary elections on Tuesday showed voter anger is focused on incumbents in general and Washington in specific. It would not be a surprise for the administration to try to focus that anger outside the country. So, rising trade tensions with China, but there is also a meaningful chance that tensions will rise eventually between the United States and Europe. Thus far European efforts to address euro zone issues have been disorganized and riven by internal dissension. Germany did not, it appears, consult its partners about its short selling plan. While the European Central Bank's excellent relationship with the Federal Reserve will help, there is a real chance that the euro suffers a disorganized meltdown and that Europe cannot agreeamong itself about how, or whether, to stop it. That, especially if combined with Chinese intransigence, could prove to be intolerable for the United States. Trade wars added greatly to the depth and length of the Great Depression. The world's ability to avoid a similar fight has been one of the blessings of the last two years. Not everyone can export their way back into the black, at least not everyone at the same time. How that is resolved as Europe melts into another recession will be one of the key issues of 2010 and 2011.

Trade conflicts escalate to global war

Patrick 09 – Director of the Program on International Institutions & Global Governance CFR

(Stewart-, March 13, National Interest, "Protecting Free Trade", http://www.nationalinterest.org/Article.aspx?id= 21084; Jacob)

President Obama has committed to working with U.S. trade partners to avoid "escalating protectionism." He is wise to do so. As never before, U.S. national security requires a commitment to open trade.

President Obama and his foreign counterparts should reflect on the lessons of the 1930s—and the insights of Cordell Hull. The longest-serving secretary of state in American history (1933–1944), Hull helped guide the United States through the Depression and World War II. He also understood a fundamental truth: "When goods move, soldiers don't."

In the 1930s, global recession had catastrophic political consequences—in part because policymakers took exactly the wrong approach. Starting with America's own Smoot Hawley Tariff of 1930, the world's major trading nations tried to insulate themselves by adopting inward looking protectionist and discriminatory policies. The result was a vicious, self-defeating cycle of tit-for-tat retaliation. As states took refuge in prohibitive tariffs, import quotas, export subsidies and competitive devaluations, international commerce devolved into a desperate competition for dwindling markets. Between 1929 and 1933, the value of world trade plummeted from $50 billion to $15 billion. Global economic activity went into a death spiral, exacerbating the depth and length of the Great Depression.

The economic consequences of protectionism were bad enough. The political consequences were worse. As Hull recognized, global economic fragmentation lowered standards of living, drove unemployment higher and increased poverty—accentuating social upheaval and leaving destitute populations "easy prey to dictators and desperadoes." The rise of Nazism in Germany, fascism in Italy and militarism in Japan is impossible to divorce from the economic turmoil, which allowed demagogic leaders to mobilize support among alienated masses nursing nationalist grievances.

Open economic warfare poisoned the diplomatic climate and exacerbated great power rivalries, raising, in Hull's view, "constant temptation to use force, or threat of force, to obtain what could have been got through normal processes of trade." Assistant Secretary William Clayton agreed: "Nations which act as enemies in the marketplace cannot long be friends at the council table."

This is what makes growing protectionism and discrimination among the world's major trading powers today so alarming. In 2008 world trade declined for the first time since 1982. And despite their pledges, seventeen G-20 members have adopted significant trade restrictions. "Buy American" provisions in the U.S. stimulus package have been matched by similar measures elsewhere, with the EU ambassador to Washington declaring that "Nobody will take this lying down." Brussels has resumed export subsidies to EU dairy farmers and restricted imports from the United States and China. Meanwhile, India is threatening new tariffs on steel imports and cars; Russia has enacted some thirty new tariffs and export subsidies. In a sign of the global mood, WTO antidumping cases are up 40 percent since last year. Even less blatant forms of economic nationalism, such as banks restricting lending to "safer" domestic companies, risk shutting down global capital flows and exacerbating the current crisis.

If unchecked, such economic nationalism could raise diplomatic tensions among the world's major powers. At particular risk are U.S. relations with China, Washington's most important bilateral interlocutor in the twenty-first century. China has called the "Buy American" provisions "poison"—not exactly how the Obama administration wants to start off the relationship. U.S. Treasury Secretary Timothy Geithner's ill-timed comments about China's currency "manipulation" and his promise of an "aggressive" U.S. response were not especially helpful either, nor is Congress' preoccupation with "unfair" Chinese trade and currency practices. For its part, Beijing has responded to the global slump by rolling back some of the liberalizing reforms introduced over the past thirty years. Such practices, including state subsidies, collide with the spirit and sometimes the law of open trade.

The Obama administration must find common ground with Beijing on a coordinated response, or risk retaliatory protectionism that could severely damage both economies and escalate into political confrontation. A trade war is the last thing the United Statesneeds, given that China holds $1 trillion of our debt and will be critical to solving flashpoints ranging from Iran to North Korea.

In the 1930s, authoritarian great-power governments responded to the global downturn by adopting more nationalistic and aggressive policies. Today, the economic crisis may well fuel rising nationalism and regional assertiveness in emerging countries. Russiais a case in point. Although some predict that the economic crisis will temper Moscow's international ambitions,evidence for such geopolitical modesty is slim to date. Neither the collapse of its stock market nor the decline in oil prices has kept Russia from flexing its muscles from Ukraine to Kyrgyzstan. While some expect the economic crisis to challenge Putin's grip on power, there is no guarantee that Washington will find any successor regime less nationalistic and aggressive.

Beyond generating great power antagonism, misguided protectionism could also exacerbate political upheaval in the developing world. As Director of National Intelligence Dennis Blair recently testified, the downturn has already aggravated political instability in a quarter of the world's nations. In many emerging countries, including important players like South Africa, Ukraine and Mexico, political stability rests on a **precarious balance**.Protectionist policies could well push developing economies and emerging market exporters **over the edge.** InPakistan, a protracted economic crisis could precipitate the collapse of the regime and fragmentation of the state. No surprise, then, that President Obama is the first U.S. president to receive a daily economic intelligence briefing, distilling the security implications of the global crisis.

What guidance might Cordell Hull give to today's policymakers? To avoid a protectionist spiral and its political spillovers, the United States must spearhead multilateral trade liberalization involving all major developed and developing countries.

Corporate Governance DA

1NC

1NC---General

Sarbanes-Oxley controls corporate fraud now---repeal causes catastrophe

Terrance **Heath 12**, campaigner and online producer at Campaign for America's Future, "Mitt Romney Takes Us Back To The Age of Enron," 3/5/12, http://ourfuture.org/20120305/Mitt_Romney_Takes_Us_Back_To_The_Age_of_Enron

Mitt Romney, just in time for Super Tuesday, says he wants to take us back to that. Well, not in so many words. Romney actually pledged to repeal the Sarbanes-Oxley Act (SOX) — which would leave nothing to prevent another Enron disaster, and almost **guarantee a repeat of the scandal**.¶ Mitt Romney pledged during a campaign event Saturday to repeal the Sarbanes-Oxley corporate accounting overhaul.¶ After Mr. Romney vowed to repeal President Barack Obama's health care overhaul and the Dodd-Frank financial regulation law, a voter in the crowd asked whether his list of repeals would include Sarbanes-Oxley, as well.¶ "Yes," Mr. Romney said. "People who have spent their life in Washington in many cases … don't understand that when they write a piece of legislation what kind of impact that's going to have in the private sector, how many people's lives will be affected by it."¶ Mr. Romney's 59-point economic plan offers a more modest proposal to deal with the law. It includes a line item to amend the law "to relieve mid-size companies from onerous requirements."¶ This latest tactical (not ideological) shift pretty much marks the demise of the 59-point plan Romney introduced in September of last year — just six months ago. It's also the latest stage in the Romney's metamorphosis from "Massachusetts Moderate" to a candidate now within spitting distance of positioning himself to the right of Rick Santorum and Newt Gingrich. (In fact, with this latest tactical/ideological transformation, Romney has caught up to Gingrich, who said back in December that — with the help of the Republican majorities his supporters will elect to Congress — he would sign the repeal of Sarbanes-Oxley on Inauguration Day.¶ Let's back up a minute, and answer the obvious question: What is Sarbanes-Oxley? According to the "Sarbanes-Oxley For Dummies" cheat sheet:¶ Enacted in the wake of corporate mismanagement and accounting scandals, Sarbanes-Oxley (SOX) offers guidelines and spells out regulations that publicly traded companies must adhere to. Sarbanes-Oxley guidelines offer best-practice principles for any company, especially those providing services to other businesses bound by SOX.¶ If that's not clear enough, Wikipedia says that it covers everything from "board responsibilities to criminal penalties, and requires the Securities and Exchange Commission to implement ruling on the requirements to comply with the law." Basically, SOX brought some standards of governance to "U.S. public company boards, management and public accounting firms," where the standard-operating-procedure rivaled the **mythic lawlessness of the "wild west**."¶ Seriously. To understand the importance of SOX, you have to first understand that in 2002 it passed the House by a vote of 423 to 3, and passed the Senate by a vote of 99 to 1. In other words, 10 years ago, there was almost no one in Washington, Democrat or Republican, who didn't want this thing passed. That's because a spate of "corporate wilding" made clear the need for "a new sheriff in town."¶ 2002 was the year of the corporate scandal—as company after company was revealed to have claimed "assets" to their stockholders and stakeholders that were actually nothing but vapor. A major corporate reform bill, Sarbanes-Oxley, passed as a result. What have we learned? Not much. Now it's banks like Citigroup writing down phantom assets. When conservative failures infect the government, it's always corporations gone wild.¶ As mentioned before, there was Enron — the big one, credited with giving birth to SOX. In truth, SOX had many corporate criminal fathers, including: Tyco International, Adelphi Communications, Qwest, Peregrine Systems, WorldCom, and lots more. It was a painful birth for countless people who lost their livelihoods, retirement savings, and with them any hope of economic security.¶ SOX was born to help keep the the one percent from engaging in fiscal shenanigans that **wreak havoc on the 99 percent**, or at least keep them from getting away with it. And, while it's not perfect, SOX works.¶ Cast your mind back. The scandals erupted in some of the purportedly best, most recognizable companies in America. Enron and WorldCom were the two biggest names and the two biggest failures. Tyco and Adelphia were in the second tier. But there were appalling accounting disgraces at HealthSouth, Rite Aid and Sunbeam. Waste Management and Xerox barely survived theirs.¶ Today, there are certainly debates about stocks and their valuations — and some questionable accounting — but no company that finds itself under scrutiny now is anywhere near as large, respected or publicized as those were then.¶ Something else characterized those dark days: the frauds often lasted and lasted. Investors known as short-sellers, who make money when stocks collapse, waged battles for years over certain companies. Today, accounting disputes are **finished before they start**. An accounting scandal at Groupon, the online coupon company, came and went in a matter of weeks back in the fall — resolved by the regulators before the company went public.¶ …The main criticisms of the law **haven't panned out**. Corporate earnings have soared, and no company has ever missed a quarterly estimate because it was spending too much on its accounting and internal controls.¶ Critics railed that it would cost small companies too much, which it may have, though the evidence is debated. They also argued that it would hurt initial public offerings, which it didn't. Yet, there remains vestigial criticism from the right; Newt Gingrich called for its repeal the other day on the campaign trail.¶ That, of course, explains why conservatives want to do away with it. It amounts to a return to the "bad old

days" because, as with health care and financial reform, conservatives are long on "repeal" rhetoric and short on solutions that will "replace" the reforms they want to erase, and address the problems that revealed the need for and gave rise to those reforms.¶ That's because there are some problems conservatives don't want to solve, don't believe should be solved, and don't even recognize as problems in the first place. In the conservative mind, corporate wilding that costs hard-working Americans their livelihoods and their retirement "nest eggs" isn't the problem. Reforms that prohibit corporate executives from engaging in fraud and theft to further line their pockets at the expense of the other 99 percent is a huge problem.¶ Whether Mitt Romney believes this or not is anybody guess. Mitt Romney believes he should be president. Thus Romney's pandering grows more obvious with each passing day. He says whatever he thinks he needs to say to get his party's nomination, and thus get his shot at the Oval Office.¶ Even many Republicans don't care if he believes it nor not. As Grover Norquist says, at bare minimum they need a president with opposable thumbs, who can hold a pen and sign what they pass. Thus it matters to the rest us, whether Romney believes it or not, if elected conservatives will expect him to practice what he pandered to get elected, and put his name on whatever they pass.¶ So, if conservatives manage to repeal Sarbanes-Oxley, President Romney will sign it if he wants to keep his job. And **the days of Enron will be upon us once more**.

Corporate fraud collapses the economy

M.L. **Bhasin 13**, Bang College of Business, KIMEP University, Almaty, Republic of Kazakhstan, "Corporate Accounting Fraud: A Case Study of Satyam Computers Limited," March 2013, *Open Journal of Accounting*, 2, 26-38

Moreover, financial statement fraud was a contributing factor to the recent financial crisis and it threatened the **efficiency, liquidity and safety** of both debt and capital markets [6]. Furthermore, it has **significantly increased uncertainty and volatility** in financial markets, shaking investor confidence worldwide. It also reduces the creditability of financial information that investors use in investment decisions. When taking into account the loss of investor confidence, as well as, reputational damage and potential fines and criminal actions, it is clear why financial misstatements should be every manager's **worst** fraud-related **nightmare**.

U.S. growth is key to the overall global economic order---failure causes global great power war

John F. **Troxell 14**, Research Professor of National Security and Military Strategy, Strategic Studies Institute, U.S. Army War College, 7/15/14, "Op-Ed: Global Leadership — Learning From History," http://www.strategicstudiesinstitute.army.mil/index.cfm/articles/Global-Leadership-Learning-From-History/2014/07/15

Leader complacency, caused by repeatedly running to the edge of crises prior to reaching a resolution, leads to a false sense of security. Our political establishment has mastered the art of kicking the can down the road and muddling through, and has become complacent about the need to address pressing problems, most readily demonstrated in our fiscal mismanagement. How many times have we dangerously approached the fiscal cliff? The need for a grand bargain to balance revenues, entitlements, and government services has been recognized, studied, and "commissioned" for years without effective action. Bruce Jones, author of the recent and appropriately titled book, Still Ours to Lead, offers this thought, ". . . if the United States does not rectify a perception that it is becoming incapable of managing its global financial role, the willingness to participate in a system still overwhelmingly managed by the United States will be undermined."7

Perhaps we have become complacent in another matter. In a recent Brookings Essay, Margaret MacMillan argues that:

Like our predecessors a century ago, we assume that large-scale, all-out war is something we no longer do. In short, we have grown accustomed to peace as the normal state of affairs. We expect that the international community will deal with conflicts when they arise, and that they will be short-lived and easily containable. But this is not necessarily true.8

Decreased attention may already have contributed to worsening situations in the Middle East, Ukraine, and the Western Pacific.

World War I was botched on the front end and the back end.9 The failure to achieve a just and lasting peace in 1919 led to the outbreak of World War II. Economic distress during the interwar years resulted in the rise of fascist states and easily rekindled the embers of nationalist revanchism. President Woodrow Wilson's 14 points were not adhered to, including the all-important point 3: "the removal, as far as possible, of all economic barriers and the establishment of an equality of trade conditions among all nations consenting to the peace and associating themselves for its maintenance." In terms of post-war economic relations, the opposite occurred as nations scrambled to respond to the 1929 crash. Nations participated in a series of competitive devaluations and enacted crippling tariffs, sending the global economy into a death spiral.

Our second major commemoration of this summer is the Bretton Woods conference, convened shortly after the D-Day landings and well before the end of World War II. It was focused on creating a post-war international regime based on rules designed to govern the global economy. Following the collapse of the Soviet empire, these rules now govern the vast majority of the globally interconnected economy. The results of this conference point to the importance of institutional arrangements to monitor and support the global economy, including the International Monetary Fund (IMF) and the European Bank of Reconstruction and Development, better known today as it has evolved into the World Bank (WB); and the commitment to free trade. Conference attendees initially debated the creation of the International Trade Organization, which at the time proved to be a bridge too far, and thus they settled on the General Agreement on Tariffs and Trade (GATT). Through a series of multinational negotiating rounds and agreements, culminating in the creation of the World Trade Organization (WTO) in 1995, GATT, and now the WTO, have succeeded in broad tariff reductions and a dramatic increase in global trade. The liberal world economy, based on open markets and free trade, and managed by rules-based, international monetary and trade regimes, has furthered both individual and collective interests and promoted international cooperation. When it comes to the support for international institutions, the President is correct in highlighting their importance. But some of that support should also be expressed in action, particularly as it relates to the global economy. Once again the President is right to focus on the "key source of American strength: a growing economy," and there is nothing wrong with domestic nation building, but only if it does not replace an equal emphasis on the management and continued engagement in geoeconomic affairs.

International regimes, particularly those related to the global economy, require the willingness to fight for proven common benefits. Globalization has provided proven benefits, but it has always been a hard sell with the American people and thus our politicians need to continue to make the case. The United States is currently engaged in two potential game changing trade negotiations: the Trans-Pacific Partnership (TPP), and the Trans-Atlantic Trade and Investment Partnership (TTIP). These are both characterized as comprehensive and high-standard 21st century trade agreements and could knit together most of the major trading nations, generating increased economic benefits for all. Of the two, the TPP holds the most promise because of the possibility that China may join, further integrating their economy into the international rules-based trading regime. Encouraging our negotiating partners to take the necessary political risks to finalize these agreements would be facilitated if the United States showed leadership and passed Trade Promotion Authority. The President called for this action in his State of the Union address, and was immediately rejected by Senator Harry Reid. Congress also needs to make progress on IMF reforms. Economics represents a positive-sum game and leads to international cooperation. The United States needs to level with the American people and show leadership in this area.

Bretton Woods points to the essential role of the United States in supporting these global economic arrangements. The Bretton Woods conference represented "a made in America" approach to the global economy,10 and the United States was willing to fulfill that essential leadership role. Political economist Robert Gilpin argues that:

there can be no liberal international economy unless there is a leader that uses its resources and influence to establish and manage an international economy based on free trade, monetary stability, and freedom of capital movement. The leader must also encourage other states to obey the rules and regimes governing international economic activities.11

Global economic leadership requires the United States to lead by example and demonstrate competent policy outcomes.

Uniqueness

UQ---Accounting/Fraud/SOX Solves

Corporate fraud is managed now---Sarbanes-Oxley instituted new standards and created accountability which keeps fraud under control and intercepts scandals before they escalate---that's 1NC Heath.

Corporate governance is high now---SOX is key---consensus of sources

Paul **Sweeney 12**, freelance writer in Austin, TX, writing for *Financial Executive*, "Sarbanes-Oxley – A Decade Later," *Financial Executive*, July/August 2012, http://www.financialexecutives.org/KenticoCMS/Financial-Executive-Magazine/2012_07/Sarbanes-Oxley--A-Decade-Later.aspx#axzz3dlDpibw8

"If you look at the cases of stock-option backdating," Henning says, "they **all occurred before 2002**. It's likely the practice would have continued had not Sarbanes-Oxley stopped it **dead in the water**."¶ This important yet largely unheralded achievement of Sarbanes-Oxley is only one of many striking effects of the law described in interviews with a diverse array of sources, including financial executives, representatives of the Big Four accounting firms, former government regulators, forensic accountants, attorneys, academic experts and investor advocates, as well as one noted whistleblower. All were asked to comment on the major impact of the legislation as it turns 10 years old.¶ Despite criticism from free-market advocates and politicians of the conservative stripe that Sarbanes-Oxley has been costly to business and a poster child for regulatory overreach, a **much-stated opinion** of business and professional sources — including defense lawyers tasked with pleading the cases of alleged violators of Sarbanes-Oxley — is that the law has had a salutary effect on business, commerce, finance, the accounting profession and the United States economy.¶ "Regardless of which partner you talk to at our firm and probably at all the largest ones as well, most would say that Sarbanes-Oxley has been incredibly beneficial," says Laura Cox-Kaplan, principal in charge of government and regulatory affairs at PwC and a former deputy assistant secretary for banking and finance at the U.S. Treasury Department.¶ Paul Regan, president of accountancy Hemming Morse in San Francisco and a pioneer forensic accountant, notes that "there's still plenty of fraud. But if we didn't have Sarbanes-Oxley, the misstatements would be **significantly worse**."¶ Barbara Roper, director of investor protection at the Consumer Federation of America, expresses reservations about the law's efficacy but only because of continued congressional tampering and persistent legal assaults from disgruntled parties.¶ "Sarbanes-Oxley has clearly enhanced the integrity of the financial markets and the quality of financial reporting," she says. "My criticism is that the reforms are being eroded. It's chugging along but still facing challenges."¶ Signed into law a decade ago on July 30, 2002 by President George W. Bush, the Sarbanes-Oxley Act was enacted by spectacularly lopsided votes in both chambers of Congress: 423-3 in the House and 99-0 in the 100-member Senate. The 78-page document was designed to shore up the integrity of financial statements after accounting fraud and deceit at several brand-name companies had become public.¶ "Starting in the 1990s, there was a spate of corporate fraud and fraudulent accounting statements at Sunbeam, Waste Management, Rite-Aid and some others even before you got to the gargantuan cases in the early 2000s involving Enron, WorldCom, Adelphia, Qwest and Global Crossing," recalls Lynn Turner, former chief accountant at the SEC.¶ To accomplish massive fraud, corporate schemers invented fictitious sales and bogus revenue streams, concealed losses, inflated inventories and manufactured phony profits.¶ Sarbanes-Oxley makes it **far more difficult** for such deceit to occur, especially at large public companies, says April Klein, an accounting professor at the Stern School of Business at New York University. "We don't want another Enron or WorldCom and the law has been very successful at preventing that," she says.¶ The act created the Public Company Accounting Oversight Board to police the accounting profession and set auditing standards. It shored up the role of the audit committee, making it independent and responsible for hiring, firing and overseeing external auditors, removing that authority from management.¶ Under Section 404, companies were required to establish internal controls and procedures for financial reporting. Another section mandated that both the chief executive and chief financial officer personally attest that they have reviewed the auditors' report and that it "does not contain any material untrue statements or material omission" or anything that could be "considered misleading."¶ Sarbanes-Oxley also instituted "clawback" provisions requiring CEOs and CFOs to return ill-gotten gains to their employer. In one notable case, Ian McCarthy, former CEO at Atlanta-based Beazer Homes USA Inc., and former CFO James O'Leary both agreed to return all of their cash bonuses, incentive and equity-based compensation for 2006. McCarthy had to relinquish more than $5.7 million in cash plus $772,232 in stock sale profits along with some 120,000 in restricted stock shares; O'Leary returned $1.4 million.¶ One wrinkle in the case: neither McCarthy nor O'Leary was directly to blame for the fraudulent financial reporting. The chief accounting officer, Michael Rand, was. He engineered the fraud and was eventually convicted of seven criminal counts.¶ Deborah Meshulam, a law partner at DLA Piper in Washington, D.C., and former SEC enforcement attorney, says, "Generally I think Sarbanes-Oxley

has met its goals. But to me the concept that the SEC can claw back money from CEOs and CFOs who may not have been at fault for misstatements is troubling."¶ The message has been sent. No longer can corporate chieftains plead ignorance, or say "I'm not an accountant," as Enron's former (and now-imprisoned) CEO Jeffrey Skilling claimed in congressional testimony. Says Les Brorsen, vice-chair for Public Policy at Ernst & Young: "The law was spawned by massive inaccuracies and massive restatements. So all the changes in the law were designed to improve — and have improved — the accuracy of financial reporting."¶ ¶ Strengthening Financial Reporting¶ Toby Bishop, director of the Chicago-based forensic center at Deloitte, says: "From the perspective of someone who enjoys a nice big juicy fraud, life has become a little boring. What I am seeing, though, is that small- and medium-sized companies that have not been through the Sarbanes-Oxley process have weaknesses in their internal controls that can be exploited."¶ Section 404 of Sarbanes-Oxley, which requires management to assess and disclose the adequacy of internal controls over financial reporting, has been the whipping boy of the legislation. So much so that it has twice been modified by regulators, most recently in 2007, and targeted for changes by Congress.¶ An in-depth examination commissioned by the SEC sought to determine whether Section 404 "imposed large out-of-pocket and opportunity costs without commensurate benefits" and "adds layers of financial reporting procedures to no avail." After questioning 3,138 "corporate insiders" at 2,907 companies, the four-person research team concluded that this "common view" was "overstated."¶ Gary Kabureck, vice president and chief accounting officer at Xerox Corp., an FEI member and a member of FEI's Committee on Corporate Reporting, says of the changes wrought by Section 404: "It's been good for us. We've got a robust set of internal control procedures and my closes go smoother, audits go easier and there are very few surprises that weren't already observed."¶ At Corning Inc., the costs of complying with Section 404 shot up by as much as 60 percent in the first year and persisted for another two years before returning to prior levels, reports Tony Tripeny, corporate controller and principal accounting officer.¶ "It took some additional spending but we took advantage of the law to look at our internal controls process and make it stronger," he says. "We made the decision to get something positive out of it." Tripeny, an FEI member, serves on FEI's Committee on Corporate Reporting.¶ Meanwhile, many other public companies were forced to reckon with — and disclose — inadequacies, notes Turner.¶ A March 2006 report by corporate-governance research firm Glass Lewis disclosed that the number of restatements of financial reports by publicly traded companies ballooned to 1,295 in 2005, or roughly one in 12 U.S. companies. That record number was more than triple the total in 2002, the year Sarbanes-Oxley was enacted.¶ ¶ Sarbanes-Oxley Limitations¶ Sarbanes-Oxley is sometimes faulted for not preventing the financial crisis and the great recession of 2008-09, from which the U.S. economy has yet to recover. But defenders argue that it wasn't designed to do more than **insure that accounting rules were followed**.¶ "If you've got employees who are stealing stuff out the back door of the warehouse, Sarbanes-Oxley would tell you whether you have inventory controls in place, not whether the door is locked," Kabureck says.¶ Turner faults lax law enforcement as "the number one reason we had a financial crisis. We've got lots of laws saying, 'You can't rob a bank,' " he says. "But if people realize the cops won't do anything, they'll do it anyway." At mortgage lenders and financial companies where shady lending practices proliferated, Turner notes, "we really didn't see much in the way of prosecution."¶ That also rankles Sherron Watkins, the whistleblower at Enron who was named one of three "Persons of the Year" by Time magazine in 2002. She questions, for example, why charges weren't brought under Sarbanes-Oxley against top executives at the banks, mortgage lenders and Wall Street firms playing fast and loose with the law.¶ "Dick Fuld of Lehman Brothers Holdings Inc. was signing off on the financial statements," she notes. "I fear that the Department of Justice was politicized."¶ One consolation, says Turner, is that Sarbanes-Oxley no doubt mitigated the force of the financial crisis, which could have been worse. "We didn't see the huge rash of fraudulent reporting like we saw in the 1996-2002 time period," he says. "So that would tell you, 'Yes, **the legislation did accomplish its goal.**' "¶ Ernst & Young's Brorsen sees creation of the PCAOB to police the auditing profession — coupled with corporate governance rules' putting a public company's board-level audit committee, rather than company management, in charge of the auditing process — as "the top two fundamental changes" brought about by the act. "It's fair to say that the largest single impact of Sarbanes-Oxley was to end 100 years of self-regulation," he says.¶ Related to that, Brorsen adds, "**Improved corporate governance** is one of the hallmarks of the legislation."

SOX massively strengthened auditing

James S. **Turley 12**, Global Chairman and CEO of Ernst & Young accounting, "The Sarbanes-Oxley Act at 10," July 2012

SOX was designed to enhance the reliability of financial reporting and to improve audit quality. At Ernst & Young, we believe it has done both; although, more work surely remains. SOX forged a **new era for the US audit profession** by ending over 100 years of self-regulation and establishing independent oversight of public company audits by the Public Company Accounting Oversight Board (PCAOB). SOX strengthened corporate governance, shifting responsibility for the external auditor relationship away from corporate management to independent audit committees. It instituted whistleblower programs, CEO and CFO certification requirements and stricter criminal penalties for wrongdoing, including lying to the auditor. These measures and others were geared toward improving the reliability of corporate financial reporting.¶ Over the last 10 years, key elements of the Act have been replicated around the world, perhaps the purest form of flattery. Today, on the heels of the global financial crisis, many jurisdictions are looking anew at policy improvements similar to those instituted by SOX.¶ To be sure, Sarbanes-Oxley has received its share of criticism over the years, the bulk of which has focused on Section 404 relating to internal controls over financial reporting. Such concerns have been addressed since the passage of SOX through a series of regulatory and legislative

actions, including changes enacted earlier this year.¶ At Ernst & Young, we believe history has shown, and will continue to show, that the Sarbanes-Oxley Act as a whole has afforded a substantial benefit to investors and US capital markets. We believe that one of the greatest successes of the Sarbanes-Oxley Act was to align the interests of **auditors**, **independent audit committees** and **audit oversight authorities** with those of shareholders. In our view, as the 10th anniversary of the Sarbanes-Oxley Act approaches, the Act continues to provide a solid foundation from which to further this alignment.

AT: Counterexamples/Recession

SOX isn't perfect but it's still offense for the neg and still works

Jesse **Eisinger 12**, senior reporter at ProPublica, covering Wall Street and finance, writes a regular column for The New York Times's Dealbook section, Pulitzer Prize winner, two-time finalist for the Goldsmith Prize for Investigative Reporting, "To Envision Dodd-Frank's Future, Look to Its Predecessor," 2/8/12, http://dealbook.nytimes.com/2012/02/08/to-envision-dodd-franks-future-look-to-its-predecessor/?_r=0

As fears mount that Dodd-Frank, the financial overhaul law, is about to be emasculated, it's worth reflecting on the 10-year anniversary of **a major regulatory success**.¶ I'm speaking of the mocked, patronized and vilified Sarbanes-Oxley, the law that cleaned up American corporate accounting.¶ SOX, as it's known, was a response to an epidemic in corporate accounting fraud that swept American business in the late 1990s and early 2000s. Because the 2008 financial crisis dwarfs that earlier round of scandal, it's easy to forget how rotten things were, said Broc Romanek, editor of TheCorporateCounsel.net, a site devoted to securities law and corporate governance. "Everyone had lost faith in the numbers put out by big public companies," he said.¶ Cast your mind back. The scandals erupted in some of the purportedly best, most recognizable companies in America. Enron and WorldCom were the two biggest names and the two biggest failures. Tyco and Adelphia were in the second tier. But there were appalling accounting disgraces at HealthSouth, Rite Aid and Sunbeam. Waste Management and Xerox barely survived theirs.¶ Today, there are certainly debates about stocks and their valuations — and some questionable accounting — but no company that finds itself under scrutiny now is anywhere near as large, respected or publicized as those were then.¶ Something else characterized those dark days: the frauds often lasted and lasted. Investors known as short-sellers, who make money when stocks collapse, waged battles for years over certain companies. Today, accounting disputes are finished before they start. An accounting scandal at Groupon, the online coupon company, came and went in a matter of weeks back in the fall — resolved by the regulators before the company went public.¶ When SOX was passed, it was attacked — almost exactly like Dodd-Frank is today. Sarbanes-Oxley got "horrible press," said Jack T. Ciesielski, who edits the Analyst's Accounting Observer. People mocked it for requiring companies "to flow chart the keys to the executive washroom," he said. But the result is that accounting at American companies is **much cleaner today**.¶ The main criticisms of the law haven't panned out. Corporate earnings have soared, and no company has ever missed a quarterly estimate because it was spending too much on its accounting and internal controls.¶ Critics railed that it would cost small companies too much, which it may have, though the evidence is debated. They also argued that it would hurt initial public offerings, which it didn't. Yet, there remains vestigial criticism from the right; Newt Gingrich called for its repeal the other day on the campaign trail.¶ Is Sarbanes-Oxley perfect? Of course not. The financial crisis included accounting problems. The books of the American International Group, Lehman Brothers and Merrill Lynch misrepresented the true state of the companies. The auditors have managed to skirt blame — even more so than other gatekeepers, like the ratings agencies, have. But at its heart, the financial crisis **wasn't an accounting scandal**. It was a bubble, albeit one exacerbated by some book-cooking.¶ But the evidence in SOX's favor is that one big dog didn't bark. Even as the financial panic turned into the Great Recession, corporate America weathered the worst of the downturn without a series of major accounting frauds.¶ SOX required that chief executives and chief financial officers personally sign off on their companies' financial statements. That seems minor. No doubt a Madoff wouldn't be deterred by a little dissembling signature. But blackhearts aren't the typical accounting fraudsters.¶ At huge corporations, corruption usually develops slowly, incrementally, starting with a minor crossing of the line. At the end of a quarter, a sale is booked before it was actually ordered — to make the numbers for Wall Street. Over time, the fraud builds on itself and it's easier to keep the game going than to clean it up. ¶ Requiring a step where the top dogs actually have to mark the books as their own territory halts that process. It steels their concentration and improves the culture, preventing those initial halting steps toward fraud.¶ The accounting industry has been improved as well. The new SOX-created industry overseer, the Public Company

Accounting Oversight Board, has made inroads. Accountants have done a better job, remembering the devastating collapse of the accounting firm Arthur Andersen in the wake of the Enron debacle.

AT: Doesn't Work

SOX works---multiple studies confirm

Yousef **Jahmani 8**, Associate Professor of Accounting in the College of Business Administration at Savannah State University, "The Impact of Sarbanes-Oxley Act," *Journal of Business & Economics Research*, vol 6, no 10, October 2008, http://cluteinstitute.com/ojs/index.php/JBER/article/viewFile/2479/2525

The original purpose behind the effort that produced SOX was to restore public confidence in the financial statements prepared by public companies. One of the main of objectives of the internal control must be to produce reliable financial information as the more effective internal controls are, the more reliable the information produced will be. As one of SOX's requirements is the maintenance of effective internal controls one should reasonably expect that reliable information would be produced. Support for this expectation can be found in **several studies**.¶ Hammersly and et al. (2005) examined changes in price and trading volume to SOX disclosures of material internal control weaknesses. Their results indicated that on the day of the disclosure of a material internal control weakness, returns were significantly negative for disclosing firms. Clearly, the market expects appropriate controls and punishes those firms where controls are found to be deficient.¶ DeFranco et al. (2005) found that the market reacted negatively to corporate reports of internal control deficiencies, suggesting, "Investors did not previously have the information and they deemed it economically significant".¶ **Further support** for the worth of SOX can be found in Chang et al. (2006). In this study the researchers determined that the "bid-asked" spread decreased after 302 certifications by CEOs and CFOs. This was interpreted as a market affirmation of the worth of such certifications on the reliability of the information.¶ Li, Pincus, and Rego in 2004 and Jain and Rezaee in 2006 found that SOX was a **significant contributing factor** in restoring public confidence and trust in the integrity of capital markets and marker participants' willingness to execute trades based on the company's published financial information.¶ (2) Strengthening Corporate Governance:¶ Organizations possessing strong corporate governance provide discipline for employees and a tacit structure for the company as a whole. The presence of ethical values and of a business culture of "honesty" results in better bottom line performance. Prentice and Spence (2007) show significant positive correlation between corporate governance and financial performance.¶ Governance Metrics International (2005) found in a study of 2500 international companies that SOX led to a 10% improvement in corporate governance performance of U.S. companies versus their foreign counterparts.¶ Shadab (2007) demonstrated that corporate governance structures have a powerful positive impact on innovation by public corporations. SOX places more emphasis on financial reporting and control. It increases the independence of and size of the board of directors. SOX increases both director and manager turnover and heightens the companies' focus on **regulatory compliance at all levels**.¶ (3) Reduction of Financial Statement Fraud:¶ Again, a major impetus behind the Sarbanes-Oxley Act was deliberate financial statement fraud. When committed on a large scale (as was the case with Enron and WorldCom), billions of dollars can be lost and investor confidence in financial market will be reduced. Since SOX was enacted, there has not been a major domestic corporate financial scandal uncovered other than the options back-dating scandal that occurred before July 2002 (Prentice, 2007). Further, evidence suggests that the incidence of fraud has **declined relative to the pre-SOX era** (Cornerstone Research 2007). Finally, with respect to this topic, in a review of SEC enforcement releases, Deloitte (2007) reported a decline in fraud incidences. This can only be interpreted as suggesting that SOX has had a positive impact.¶ (4) Model for private and nonprofit companies:¶ SOX's requirements have attracted many private and nonprofit companies to implement its provisions as best practice. This is the case even though SOX was never intended for non-public and nonforprofit companies. In a survey of the fastest-growing private US companies conducted by PriceWaterhouseCoopers' (2005), thirty percent (30%) of the companies surveyed indicated that they were impacted or would be impacted in the near future by SOX. The most significant outcomes associated with SOX compliance was perceived by the private companies to be (1) improving documentation and testing,(2) strengthening of

governance procedures, (3) strengthening of ethics and conduct codes,(4) the adopting of the “best practices" by public companies, and (5) the updating or addition of “whistleblower" policies. Most private companies see these SOX initiatives as ex ante preventative maintenance rather than ex post problem solving. Motivation was ranked as the second reason behind the adoption of SOX following the adoption as “a best business practice”. Apparently, like their public counterparts, private companies are adopting SOX provisions in the quest to gain value through operational and control efficiencies.

Link

Link---Whistleblowers

SOX whistleblower provisions are key to SEC action against fraud---state action doesn't solve

Gwendolyn Yvonne **Alexis 9**, Associate Professor at Monmouth University, PhD, New School for Social Research, JD, Harvard Law School, MAR, Yale University Divinity School, “Legislative Excess or Regulatory Brilliance? Corporate Governance after SARBOX,” chapter 11 of *DOING WELL AND GOOD: The Human Face of the New Capitalism*, 2009, http://www.researchgate.net/publication/236980618_Legislative_Excess_or_Regulatory_Brilliance_Corporate_Governance_after_SARBOX

More than any other provisions of SARBOX, the whistleblowing provisions symbolize **regulatory brilliance**. With the SARBOX whistleblowing incentives and directives, Congress has instituted a system of checks and balances within the corporate environment that improves the corporate moral climate while lightening the regulatory burden on the SEC. Like most federal agencies, the SEC must carry out both administrative and regulatory functions while staying within tight budgetary constraints and operating with limited manpower. The Enforcement staff can only investigate a small fraction of the securities fraud cases that occur during any given year; and these investigations are long and drawn out due to the immense complexity of these types of cases, especially in this age of sophisticated communications technology. ¶ It is therefore **imperative** that the SEC be able to conscript those inside the corporation to supplement its efforts to detect wrongdoing. Mandatory whistleblowing for attorneys and accountants is an **essential tool in the regulatory arsenal**. The SEC enforcement effort would be **greatly hampered** if these professionals were allowed to remain mum even after their special expertise allows them to detect irregularities in the accounting practices of a company months, and very often years before the SEC could uncover these irregularities by monitoring the corporate filings of the companies. Likewise, Section 806—which encourages the low-level non-managerial employee to come forward—is critical to the enforcement effort. It is generally low-level employees who are coerced into straying from generally accepted accounting principles by supervisors who stand to gain from having the corporate financial picture presented in the most favorable light. Clearly, these non-managerial employees offer the best chance of stopping a corporate scheme to defraud during the early stages.¶ **State corporations law cannot be relied upon as an adequate substitute** for a federal-level statute that encourages whistleblowers to come forward (Sections 307 and 806), protects employees who do blow the whistle from retaliation (Section 1107) and creates coercive incentives for corporations to put whistleblowing systems in place (Sections 301 and 805). The federal interest is so overwhelming when it comes to whistleblowing that preemption is not really an issue; indeed, the federal action is the **only game in town**.

SEC enforcement is a key internal link

Thomas O. **Gorman 13**, attorney at Dorsey & Whitney, has practiced in a wide range of civil and criminal securities and business litigation matters, “The SEC Should Make Financial Fraud an Enforcement Priority Now,” 6/3/13,

http://www.lexisnexis.com/legalnewsroom/securities/b/securities/archive/2013/06/03/the-sec-should-make-financial-fraud-an-enforcement-priority-now.aspx

What was not mentioned is enforcement. While standard setting is clearly important, **effective implementation requires consistent enforcement.** Over the years financial fraud has been a critical focus for the SEC. In recent years, however, the number of actions brought in this area has significantly declined, according to a report issued earlier this year by Cornerstone Research (here).¶ The decline in financial fraud cases could be based on the success of the Sarbanes Oxley and the Board. At the same time, that point seems difficult to fully harmonize with the findings in the same Cornerstone Report that about 60% of the securities class actions being brought center on financial and related disclosure issues. Concerns raised by that finding are bolstered by the fact that a significant number of CFO's who responded to a recent E&Y survey stated that they would be willing to engage in improper conduct to win business for the firm (here). These factors suggest that if accounting principles are going to accurately reflect the substance of transactions, enforcement by the SEC **continues to be important**.¶ Recent reports that the agency may again be focusing on financial fraud and is developing a computer program to read the tags on Edgar filings, seems to recognize this point. While searches on a computer are a good start, they are not enough. Someone has to analyze the financial data and conduct what are often difficult investigations. That takes expertise and dedication which requires time to develop. Now is that time. Before the next scandal emerges - and history tells us there will be one - the SEC has the opportunity to get ahead of the curve. Now is the time to form a specialty group focused on financial fraud, develop the expertise and make rooting out financial fraud a priority.

AT: Dodd-Frank Solves**https://www.tnwinc.com/resources/sox-whistleblower/**

Dodd-Frank goes in the opposite direction

Paul **Sweeney 12**, freelance writer in Austin, TX, writing for *Financial Executive*, "Sarbanes-Oxley – A Decade Later," *Financial Executive*, July/August 2012, http://www.financialexecutives.org/KenticoCMS/Financial-Executive-Magazine/2012_07/Sarbanes-Oxley--A-Decade-Later.aspx#axzz3dlDpibw8

But Congress has been moving in the opposite direction. Two recent laws — the Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010 and this year's Jumpstart Our Business Startups Act (the JOBS Act) — have largely served to **weaken Sarbanes-Oxley**.¶ Dodd-Frank exempted public companies with a "public float" below $75 million, thereby removing 42 percent of public companies, according to figures cited by the Council of Institutional Investors and Center for Audit Quality in a joint letter last November. The letter implored both the chairman and ranking member of the House Financial Services Committee to not further reduce safeguards, to no avail.

Link---Auditor Independence

SOX key to auditor independence---independently key to prevent devastating corporate fraud

Don **Moore 12**, associate professor, Berkeley Haas School of Business, "How can we prevent another Enron, or worse?" 7/10/12, http://fortune.com/2012/07/10/how-can-we-prevent-another-enron-or-worse/

FORTUNE — Remember the adage that those who forget the past are condemned to repeat it? Unfortunately, history lessons don't seem to appeal much to the corporate world, even the firms tasked with making sure companies' books are on the up and up: **the auditors**.¶ Take the case, for example, of Ernst & Young, one of the Big Four audit firms. E&Y also operates a lobbying firm that also works with its audit clients, including companies like Amgen AMGN 0.37% , Verizon VZ -0.65% , and yes, Groupon GRPN -1.81% . Groupon stock is now trading around $8 per share, down from a February high of over $24. In March, the startup revised its profit numbers downward and E&Y voiced concerns about the company's accounting systems. Wasn't E&Y required to voice such concerns before Groupon's November 2011 IPO? No, it turns out that audit regulation applies to public companies, not to companies planning to go public. Nor does the law require Groupon to disclose what other services E&Y has provided the tech company.¶ Although Ernst & Young has argued that its work complied with the rules, we think the rules may be the problem. Just think back a few years to when Arthur Andersen was auditing Enron's books. While that auditing firm was approving the company's misleading financial statements, it was also collecting some $27 million in consulting fees from Enron. Arthur Andersen also argued that its arrangement didn't violate auditor independence rules.¶ The problem is not compliance with the rules. No, the problem is the rules themselves, which permit conflicts of interest and ultimately undermine auditor independence.¶ Auditor independence is a **cornerstone of our capital markets**. It means that auditors should be able to objectively assess whether publicly traded companies are telling the truth about their finances. And this independence is threatened by cozy, long-term partnerships that develop between firms and their auditors.¶ So, then, what can we do to make sure we don't have to face yet another (and another) Enron, **or worse**?¶ Enter the Public Companies Accounting Oversight Board (PCAOB), which was **created by the Sarbanes-Oxley Act** to oversee the auditing profession. Make no mistake, they have a difficult task ahead of them as they consider regulatory reform — a task made all the more difficult since it's being done without the benefit of the kind of public anger that immediately follows a scandal. Reforms born from that sort of post-mortem pressure, however, typically close the barn door after the horse has been stolen. This time, the PCAOB has anticipated a **likely cause of future scandals** and iss considering closing the door before it's too late.¶ Speaking at a meeting of the PCAOB last spring, we identified three core threats to independence, all of which focus on the incentives auditors have to keep their clients happy. First is the desire to retain the audit client. Auditor rotation is a useful response to this threat. We also noted that selling other services like consulting or lobbying undermines independence. Finally, auditors taking jobs in the firms they audit also leads to conflicts. All these should be under careful scrutiny by the PCAOB.¶ Reform will not come easily. There are entrenched interests lined up to oppose any change that disturbs the convenient and lucrative status quo. That is what happened with Sarbanes-Oxley in 2002. As drafted, the act included audit firm rotation, but thanks to heavy lobbying by accounting firms, it was watered down to require only the rotation of the manager from the audit firm overseeing the audit. When we testified before the PCAOB, one of the corporations speaking against reform had been with its accounting firm for 129 years. Teaching new auditors about their financial systems every 10 years, it argued, would lead to increased costs and reduced flexibility. We think that's a small price to pay for honest audits.¶ The benefits of a system that delivers true auditor independence are enormous. **Equity markets depend** on the truthful and reliable public disclosure of information about public companies. If reforming our system could reduce the probability of another Enron or WorldCom, even by a little bit, we should be willing to endure costly and disruptive change to do it.

It's key to prevent future scandals

Marianne **Ojo 6**, School of Sciences and Law, Oxford Brookes University, "Avoiding Another Enron: The Role of the External Auditor in Financial Regulation and Supervision," June 2006, http://mpra.ub.uni-muenchen.de/1591/1/MPRA_paper_1591.pdf

Section 404 of the Act places a requirement on directors to document and confirm the effectiveness of internal controls on spending and usage of company assets and also to report on any discovered weaknesses. A representative of the European Employers' Federation, Jerome Chauvin, stated that European companies felt that costs of Sarbanes Oxley were disproportionate and that there was need for reform so that objectives of Sarbanes Oxley were met at a reasonable cost. Other criticisms directed at the Sarbanes Oxley Act include: The fact that disclosure has proven to be a more efficient means of regulating markets and reduces the need for substantive regulation; that increasing substantive regulation would prevent issuers from coming to the markets; that substantive regulation is likely to increase costs and that markets can regulate themselves. Espinosa (2004) counters these arguments by concluding amongst other things that disclosure does not reduce the need for substantive regulation and that strong regulation does not prevent access to the markets. He also concludes that the US Congress, in adopting Sarbanes Oxley, considered that though disclosure was still vital in ensuring transparency within the financial markets, reforms were still necessary to ensure that the source of such disclosure was free from conflicts of interests and thereby obtain correct and accuarte disclosure.¶ CONCLUSION¶ The role of the external auditor in financial services regulation and supervision is one which could be harnessed in such a way as to **prevent further corporate scandals such as Enron.** This is possible

where necessary safeguards are in place to ensure that the external auditor's integrity, objectivity and independence are not compromised. The Sarbanes Oxley Act **has gone a long way** to ensure this.¶ A post Enron consequence is the decline in auditors' undertaking consultancy or non-audit services and an increased perception of auditor independence. Post Enron developments, in particular the US Sarbanes – Oxley Act meant that financial services firms with a US listing were not allowed to have their auditors undertaking consultancy work. Section 166 skilled persons' reports being commissioned by Britain's Financial Services Authority and if undertaken by auditors, arguably should not be classified as "consultancy". lxxvi However if the FSA perceived a conflict of interest, it had the power to require others to be appointed.¶ Following the collapse of Enron, a lot of comparisons were drawn between the principles based approach which exists in the UK and the US rules-based approach. Under David Tweedie's guidance during the 1990s, the UK Accounting Standards Board developed accounting standards which relied heavily on rules but still looked at the substance of the transactions, and if the rules did not produce the right answer, then one would have to look to the substance to produce the answer. One of the major problems with Enron was the off balance-sheet debt which resulted from direct following of rules without being able because the accounting standards did not permit, to consider the substance of the transaction. Many of the differences between the UK and US accounting practices resulted from changes driven by corporate collapses of the 80s and early 1990s and such differences need to be considered when deciding whether to adopt certain post Enron reforms which have been adopted in the US.¶ In contrast to the US, the European Union's reaction to financial scandals has been less stringent. Whilst the US has enacted rules on corporate governance to ensure full and accurate dsclosure, the EU issued codes of ethics for public companies. In view of all that has already been mentioned in this paper, although the US would need to embrace international trends – including the possibility of adopting a single regulator operating on a federal level, Europe could also well benefit from considering a move towards Sarbanes Oxley. Historical developments, differences between the regulatory and accounting practices existing between the different jurisdictions involved would need to be considered. Conglomeratisation and globalisation are however factors peculiar to both the EU and the US and which justify a need for change. One of the greatest benefits of having a single regulator for financial services is the ability of a single regulator to manage cross sector services' risks more effectively. ¶ Debates about whether the UK has its principles-based regulatory tool to thank for avoiding another major corporate scandal are sure to continue. The impact of the adoption of a single regulator of financial services in the UK is a significant move which cannot be ignored. The **crucial role** that can be played by external auditors within this framework governed by the single financial services regulator is one which should be exploited.

Link---Financial Statements/Misdisclosure

Repeal causes runaway fraud and misdisclosure---independent internal link to the economy

Matt **Kelly 12**, editor & publisher of Compliance Week, writer on regulatory developments, legislative actions in Washington, and other events in the area of compliance and corporate governance, "Congress Moves to Turn Back SOX, Dodd-Frank Compliance," 3/12/12, https://www.complianceweek.com/blogs/the-big-picture/congress-moves-to-turn-back-sox-dodd-frank-compliance#.VYSXTvlViko

Congress enacted the Sarbanes-Oxley Act in 2002 to achieve one goal: improve the reliability of financial statements. We had seen a whole parade of businesses restating results—many due to simple management competence, but the most egregious due to outright fraud—and the voting public wanted better assurances that scam artists on Wall Street wouldn't **tank the market** and ruin their 401(k) balances. SOX was the result.¶ As usually happens with Congress, the result was far from perfect—but it did work. Companies started cracking open their accounting systems in 2004, found all sorts of flaws, restated all sorts results in 2005 and 2006, and then… things got better! Corporate America, particularly those subject to Section 404(b), started reporting fewer financial restatements. Number of restatements from accelerated filers in 2005: 513. Number of restatements from that same group in 2010: 136.¶ Compliance with SOX 404 is nobody's idea of a good time, but we do live under a capitalist system. Owners of capital—a group often overlooked in Congress, commonly known as "investors"—need an accurate understanding of their risks, including the risk of restatement, if the market is going to set accurate prices for company stock. When you under-estimate that risk (by exempting companies from Section 404(b) of SOX), the investment seems safer, so the price rises. That enriches the company insiders and the Wall Street firms taking a startup public, but should a restatement ever occur, the pain will be **that much sharper** for the rest of the market.¶ Consider, for example, Groupon. Had this jobs bill been in effect last year, Groupon could have submitted a confidential registration statement to the SEC for a preliminary review before its IPO last fall—and nobody would have known that the SEC objected to Groupon's cockamamie, self-invented accounting metric to make its growth prospects more promising. That would be no service to the investing public, which is entitled to know when a company going public is run by unimpressive executives. Groupon, by the way, is currently trading at half its offering price.¶ Do

you want to say that financial reporting rules have grown too complex? I agree. But wishing away the need to test controls is not the solution, any more than wishing away the building inspector makes a complex construction project safer to build. We have much need for reform of capital markets in this country—but repealing **prudent inspection** of companies entering those markets **isn't one of them.**

SOX key to solve corporate misdisclosure

Charles W. **Murdock 8**, Professor and Loyola Faculty Scholar, Loyola University Chicago School of Law, "Sarbanes-Oxley Five Years Later: Hero or Villain," *Loyola University Chicago Law Journal*, vol 39, 2008, http://lawecommons.luc.edu/cgi/viewcontent.cgi?article=1131&context=luclj

[Graphs omitted]

While much criticism has been directed at Sarbanes-Oxley, there is substantial data to indicate that there have also been **significant benefits**. Some of the benefits are arguably quantifiable, but others, such as a change in tone at the top levels of management, are more amorphous. 14 1 One clear trend is that, immediately following the enactment of Sarbanes-Oxley, there was a dramatic increase in the number of financial restatements filed by public companies. This trend is illustrated by the graph on the following page:¶ In discussing the upsurge in restatements in 2003 and 2004, a report by the Huron Consulting Group (the "Huron Report") opined:¶ The intense focus brought by Section 404 and its requirements for the management of public registrants to thoroughly document, test and take responsibility for the effectiveness of their company's safeguards for quality financial reporting has resulted in an unprecedented period of scrutiny on how registrants produce financial results for investors.¶ The Huron Report also noted that 15% of the 2004 restatements were by "repeat filers" who had reported erroneous information on more than one occasion since 1997.143 In addition, the number of companies reporting errors in at least three of the prior annual periods rose to nearly 40%.144 If a company files restatements for multiple periods, that suggests the company has "flawed accounting policies, practices and errors occurring over a period of time, as opposed to one-time errors." 145 Thus, Sarbanes-Oxley has brought increased attention to the way in which companies conduct their accounting, forcing necessary changes that **might have otherwise gone unnoticed**.¶ The Business Roundtable even acknowledged that Sarbanes-Oxley has done some good. Thomas Lehmer, a spokesman for the Business Roundtable, stated, "There is without question greater accountability in the board room . . . . In the minds of the investing public, [the Sarbanes-Oxley requirements] are important safeguards, and I think they are."' 146 Officials at a publicly traded company that spent $2.5 million and 10,000 hours of employee time opined that the costs were excessive, but acknowledged that the company was now a better-run business. 147 They stated, "[d]irectors meet more often without executives present. Multiple ombudsmen field employee complaints. Ethics training is more rigorous."' 148 The CEO of the company now requires his lieutenants to take more responsibility for their results and concluded, "[I]nvestors are better protected because Sarbanes-Oxley regulations have been put in place."¶ The Interim Report attempted to conduct a quantitative analysis of whether the benefits of Sarbanes-Oxley outweigh the costs. 150 It used two approaches. One was based on a 2006 GAO study that analyzed the market responses to announcements of a financial restatement by comparing the stock price the day before the announcement with the stock price at a point in time thereafter. 151 The Interim Report concluded that the benefits approximate cost.152 However, it may have understated the benefits because it used the price from the day before the restatement was announced, whereas companies may have announced an intent to restate at a previous point in time. In addition, the news may well have leaked into the market.¶ The second approach was to use a cost of capital analysis based on two different studies that examined the impact of disclosure by firms that reported internal control deficiencies. 153 One study found a Sarbanes-Oxley benefit to be $85-255 billion, whereas another study found no impact on cost of capital. 154 These latter two analyses seem contradictory and inconclusive at best.¶ In addition to the restatement data, there is compelling evidence that companies have been manipulating earnings, something that is less likely after Sarbanes-Oxley began requiring top management certification. Former SEC Chairman Arthur Levitt spotlighted this problem during his tenure. He stated that "we are witnessing an erosion in the quality of earnings, and therefore, the quality of financial reporting. Managing may be giving way to manipulation; integrity may be losing out to illusion."' 155 Given the frequency with which Chairman Levitt raised this issue, the problem could hardly be a surprise to anyone.¶ Chairman Levitt focused on five of what he considered the "more popular" techniques to manufacture earnings. 156 The first was the "Big Bath" restructuring charges in which a company overstates the charges so that earnings will take a one-time hit; later, those charges are converted into earnings when the charges turn out to be less than reserved against. 157 The second was "creative acquisition accounting" in which companies classify part of the acquisition price as in process research and development so the amount can be written off in a onetime charge. 158 The third is the "Cookie Jar" reserve approach, which involves utilizing unrealistic assumptions to estimate liabilities for such items as sales returns, loan losses or warranty costs. 159 In this approach, the company stashes accruals in cookie jars during the good times to utilize in bad times by reducing recognized expenses because of the accruals already made. 160 The fourth technique involves revenue recognition. 161 This has been a fairly common problem. 162 It involves recognizing revenue before sale is complete, before the product is delivered, or when the customer still has options to terminate or delay the sale.¶ The fifth technique involves misusing the concept of materiality. Chairman Levitt set forth the following model:¶ [S]ome companies misuse the concept of materiality. They intentionally record errors within a defined percentage ceiling. They then try to excuse that fib by arguing that the effect on the bottom line is too small to matter. If that's the case, why do they work so hard to create these errors? Maybe because the effect can matter, especially if it picks up that last penny of the consensus estimate. When either management or the outside auditors are questioned about these clear violations of GAAP, they answer sheepishly.. "It doesn't matter. It's immaterial."¶ In markets where missing an earnings projection by a penny can result

in a loss of millions of dollars in market capitalization, I have a hard time accepting that some of these so-called non-events simply don't matter.¶ The Interim Report argued that the SEC should define materiality in terms of a 5% pre-tax income threshold. 165 The assumption is that a less than 5% error in earnings would be immaterial and of no concern to investors. As Chairman Levitt pointed out, however, missing an earnings projection by a penny can have a **multimillion dollar impact** on market capitalization. Moreover, there is a huge difference between a company reporting flat earnings versus 5% growth, particularly when the market is expecting 5% growth. The effect on value is compounded because earnings will be less, and the price-earnings multiple could well be reduced also.¶ Lest there be any question as to whether earnings manipulation is prevalent, CFO Magazine reported that financial executives can use "allowable discretion" to boost or lower earnings by a few percentage points. 167 The magazine conducted a survey in which they asked CFOs how much discretion they could use to affect reported earnings.¶ The results of the survey, set forth in the chart below, show that almost half of the CFOs could boost or lower earnings 3-5%, a change that could have a huge impact on investors. 168¶ In commenting upon the situation, the magazine stated:¶ And the methods involved don't require a Ph.D. in finance. Operational levers include such time-honored tactics as delaying operational spending, accelerating order processing, and driving the sales team harder. Accounting steps, which are less common, include changing the timing of an accounting charge and adjusting estimates, both of which can be permissible under [Generally Accepted Accounting Principles]. ¶ On a positive note, thus far in 2007, the number of accounting restatements has decreased. 170 This may indicate that executives are playing less loosely with their financials, possibly because the certification requirements in Sarbanes-Oxley have pushed management toward placing a greater emphasis on internal controls.

Link---CEO Overconfidence

SOX is key to solve CEO overconfidence

Suman **Banerjee 14**, Associate Prof @ Wyoming, PhD, University of Iowa, MA, Delhi School of Economics, "Restraining Overconfident CEOs Through Improved Governance: Evidence from the Sarbanes-Oxley Act," 10/20/14, forthcoming in the *Review of Financial Studies*, http://www.valuewalk.com/2015/05/overconfident-ceos-mergers/

We have several important findings. We first examine the investment choices by overconfident CEOs. Our results indicate that, prior to SOX, overconfident CEOs invest more aggressively than their peers. However, after the passage of SOX, overconfident CEOs appear to **moderate their capital expenditures**, bringing them more in line with the CEOs of otherwise comparable firms in their industries. For example, before SOX, the average CAPEX/Assets for our entire sample was about 5.8%, whereas the average for firms run by overconfident CEOs was about 6.7%. After SOX, firms with overconfident CEOs significantly reduced CAPEX/Assets to around 6.02%. SOX is also associated with a reduction in asset growth and PP&E growth. The pattern is similar for Sales, General and Administrative expenses (SG&A). In this, we follow the argument in Chen et al. (2013) that overconfident CEOs are less likely to downward-adjust SG&A, reflecting their inflated beliefs about future growth prospects and SG&A needs. Focusing on the firms that were not compliant with SOX before its passage, for the median firm, SOX led to a 52% reduction in CAPEX, and a 39.7% reduction in PP&E, as compared to the firms that were compliant with SOX's provisions prior to its passage.¶ SOX also affects the sensitivity of investment to cash flows of overconfident managers. As Malmendier and Tate (2005) show, overconfident CEOs spend more of their cash flows on capital expenditures, reflecting their greater propensity to invest available internal funds. We find that, post-SOX, overconfident CEOs' investment-sensitivity-to-cash-flow decreases. In addition, post-SOX, firms with overconfident CEOs exhibit a **significant drop in risk**, both systematic and firm-specific.¶ An important question is whether the reduction in investment and risk-taking works to the benefit of shareholders. In other words, does SOX curb the value-destroying tendencies of overconfident CEOs or does it, instead, hinder value-creation by these CEOs and force them to abandon positive-NPV projects? For our tests, we use several measures of firm performance. We use both market-based and accounting-based measures of firm performance, namely Tobin's Q, Earnings Before Interest & Tax (EBIT), and Standard & Poor's Earning Quality (EQ) measure. We also examine the impact of overconfidence on the value of R&D and CAPEX. Our results are unambiguous – along with the reduction in investment-expenditure and risk, overconfident CEOs create **more shareholder value post-SOX.** For example, relative to other CEOs, overconfident

CEOs are associated with a 0.043 point lower Tobin's Q prior to SOX and a 0.026 point larger Q afterwards, representing an increase of 0.069 in Tobin's Q. Similarly, when we focus on the firms that were not compliant with SOX prior to its passage, we find that, for the median firm, SOX improved the impact of CEO overconfidence on Q by around 13.87% relative to the firms that were compliant.¶ Next we examine the performance of overconfident CEOs in the context of acquisitions. Malmendier and Tate (2008) find that overconfident CEOs tend to undertake acquisitions that create significantly less shareholder wealth. After the passage of SOX, however, takeovers by overconfident CEOs create **relatively more long-term shareholder wealth** (or equivalently, destroy less shareholder wealth). Another issue is that of dividend payout. With the drop in investment expenditure of overconfident CEOs, firms would have more free-cash-flow available to distribute in the form of dividend payout. We find that while payout tends to be low for overconfident firms (see e.g., Deshmukh et al., 2013), there is a significant increase in payout, post- SOX. While it is difficult to disentangle the impact of SOX from that of the (nearly) contemporaneous dividend tax cut, when coupled with the reduction in expenditures, SOX appears to encourage overconfident CEOs to distribute cash to shareholders.¶ We conduct a number of robustness tests to increase our confidence in the results and their interpretation. As noted above, we conduct falsification tests to show that, for the most part, these SOX-related changes are concentrated in the companies that were not previously compliant with SOX and the listing rule requirements (in relation to the need for an independent audit committee and a majority independent board). Specifically, by using both difference-indifference type tests, and sub-sample tests, we find that the impact of SOX on overconfident CEOs concentrates in those firms that were previously non-compliant with SOX's mandates.3 Also, the SOX-related effects observed for overconfident managers are not present for CEOs with confidence in the bottom quartile. Together, these falsification tests suggest that our results reflect the impact of SOX in moderating the implications of CEO overconfidence.¶ We undertake several additional robustness tests in order to mitigate econometric issues. As noted, we control for various firm, CEO, and governance characteristics, and include firm/industry and year fixed effects. Given that our results relate to a strong exogenous event (SOX), and we support these results with the aforementioned falsification tests, endogeneity (reverse-causality) is unlikely to drive our results. Nonetheless, we conduct some **additional robustness tests** to mitigate reverse-causality concerns. We confirm that overconfi- dence tends to be 'sticky' over time (as Malmendier and Tate, 2005, have previously shown), suggesting that it is a stable behavioral characteristic rather than a function of contemporaneous firm performance. We also conduct robustness tests using alternative measures of CEO overconfidence: it is shown that results hold when using a press-based measure of overconfidence; a Holder67 measure of overconfidence; and a measure based on the value of the CEO's vested-but-unexercised options scaled by his/her salary.

Key to prevent fraud and mismanagement

Suman **Banerjee 14**, Associate Prof @ Wyoming, PhD, University of Iowa, MA, Delhi School of Economics, "Restraining Overconfident CEOs Through Improved Governance: Evidence from the Sarbanes-Oxley Act," 10/20/14, forthcoming in the *Review of Financial Studies*, http://www.valuewalk.com/2015/05/overconfident-ceos-mergers/

Overconfident CEOs, by definition, are **overly optimistic** about their investments and opportunities. They are more likely to undertake hubristic takeovers (see e.g., Hayward and Hambrick, 1997; Roll, 1986), and to spend more resources internally i.e., in CAPEX or asset growth (Malmendier and Tate, 2008). Overconfident CEOs also engage in **increased personal and corporate risk-taking** (see e.g., Cain and McKeon, 2013). The argument is that because overconfident CEOs over-estimate the expected value of their investments, and under-estimate the downside risk, they are more likely to increase corporate risk than are other CEOs.¶ The Sarbanes-Oxley Act of 2002 (SOX) is ostensibly intended to **restrict managerial excesses**, increase transparency, and improve corporate governance. Several of its provisions are aimed at enhancing corporate governance (for a complete summary, see Coates, 2007): These include having an independent audit committee (Section 301), executive certification of financial reports (Section 302), disclosure of managerial assessment of internal controls (Section 404), and a code of ethics for senior financial officers (Section 406). SOX also prevents accounting firms from providing both auditing and non-auditing services to the same firm and increased penalties for corporate fraud. Put together, the increased environment of disclosure and monitoring by a more independent board, can help to moderate managerial excesses. Consistent with this, Duarte et al. (2014) argue that SOX significantly reduced the ability of insiders to extract value from minority shareholders. It is an empirical question as to whether such constraints can restrain CEO overconfidence and enhance shareholder wealth.¶ There is evidence suggesting that SOX might impose significant costs on some companies (see e.g., Iliev, 2010; Leuz et al., 2008). However, despite the potential

costs, there is evidence that SOX enables better protection for minority shareholders against extraction of value by insiders (Duarte et al., 2014), improvements in disclosure and governance (see e.g., Arping and Sautner, 2013; Ashbaugh-Sakife et al., 2009), and increases in market value (Switzer, 2007). Overall, the literature suggests that SOX is generally associated with better governance and disclosure. Given that overconfident CEOs might be expected to overinvest and to assume more risk than optimal from a shareholder's perspective, and may be less likely to learn from past mistakes when doing so (Chen et al., Forthcoming), we hypothesize that stronger governance may curtail these excesses. This is all the more so in light of prior evidence that overconfident CEOs are **more likely to be dismissed** than other CEOs in boards dominated by outsiders (Campbell et al., 2011). The above discussion gives rise to the following hypotheses:¶ Hypothesis 1. SOX reduces the impact of CEO overconfidence on corporate investment. ¶ Hypothesis 2. SOX weakens the impact of CEO overconfidence on firms' exposure to systematic as well as unsystematic risk.

AT: Overconfidence Good

SOX eliminates negative effects of overconfidence but maintains its benefits

Suman **Banerjee 14**, Associate Prof @ Wyoming, PhD, University of Iowa, MA, Delhi School of Economics, "Restraining Overconfident CEOs Through Improved Governance: Evidence from the Sarbanes-Oxley Act," 10/20/14, forthcoming in the *Review of Financial Studies*, http://www.valuewalk.com/2015/05/overconfident-ceos-mergers/

The literature suggests that CEO overconfidence can convey benefits as well as costs. While CEO overconfidence is associated with innovation (see e.g., Hirshleifer et al., 2012), it is also associated with over-investment and risk-taking (see e.g., Malmendier and Tate, 2005, 2008), potentially leading to increased CEO turnover (Campbell et al., 2011). We hypothesize that improving internal governance and disclosure can help to restrain overconfident CEOs. Hence, appropriate changes to governance and advisory structures could help **capiltalize on the optimism of overconfident-CEOs to create shareholders value**. The concurrent passage of Sarbanes-Oxley and changes to the NYSE/NASDAQ listing rules (collectively 'SOX'), though not usually attributed to CEO overconfidence, serves as a natural experiment to test whether increased oversight and exposure to diverse view-points from majority independent boards improves decision-making by overconfident CEOs.¶ We find that SOX reduces over-investment and risk-taking by overconfident CEOs. Further, **SOX enhances the impact of CEO-overconfidence** on firm-value, earnings, earningsquality, the value of R&D, and the value of CAPEX. Post-SOX, overconfident CEOs' acquisitions create significantly more value (or at least destroy significantly less value). We also find evidence that SOX is associated with an increase in dividends by overconfident CEOs

Overconfidence is net bad

Guoli **Chen 14**, INSEAD Assistant Professor of Strategy, "Can Your Firm Afford an Overconfident CEO?" 8/4/14, http://knowledge.insead.edu/leadership-organisations/can-your-firm-afford-an-overconfident-ceo-3494

Overconfident CEOs are innovative and fearless but are also prone to **repeat mistakes**.¶ It's no secret that firms often make mistakes. Whether it's a simple manufacturing over-run or a catastrophic blunder like the Fukushima Daiichi nuclear disaster, mistakes can be sudden and brutal.¶ Companies respond to this negative reaction in very different ways. Some deal with product recalls and declining product sales by fundamentally overhauling production processes or making substantial investments in research and development, while others may make small, superficial changes.¶ The ultimate decision on how a company reacts is a reflection of its CEO and is indicative of whether the mistake will be repeated again.¶ Making the same mistakes all over again¶ Diligent CEOs will assess what went wrong, how the company was to blame and what they could have done better. They will accept the mistakes as

valuable lessons and move on. CEOs who don't listen to the feedback, those who refuse to believe an error was the result of something they had control over and instead see it as the consequence of external or accidental forces, are likely to keep **making the same mistakes again and again** to the detriment of the company.¶ To date, there has been very little research focusing on the characteristics of CEOs when seeking a better understanding of why firms act as they do. In our research paper – Making the Same Mistake All Over Again: CEO Overconfidence and Corporate Resistance to Corrective Feedback, we look at how a CEO's overconfidence impacts his or her firm's actions, specifically the extent to which his or her firm incorporates and responds to corrective feedback ensuing from prior errors. Overconfidence, one of the most widely-studied cognitive biases, refers to the extent to which individuals overestimate the veracity of their knowledge and judgments. Overconfident people tend to be generally optimistic and to underestimate the likelihood they may have made an error. Like most individuals who succeed at a task or have their predictions proven correct, overconfident people tend to take credit themselves. However, when they fail or are proven incorrect, they blame bad luck and unforeseeable factors. As with all cognitive biases, the extent and nature of overconfidence varies substantially.¶ While past documentation associates a CEO's overconfidence with a firm's acquisition frequency, the size of acquisitions, and general risk taking, we looked at how the overconfidence levels of top executives influenced their responsiveness to corrective feedback in improving management forecasts, using forecasting behaviours of more than 300 CEOs over a 15-year period.¶ Forecasting accuracy is a powerful mechanism by which CEOs and firms build positive reputations in capital markets. While forecasting errors (the difference between a management forecast and actual earnings) are inevitable in an uncertain business environment, significant misjudgments have negative consequences for CEOs and investors. These errors are easy to measure and provide important feedback to executives as they construct subsequent management forecasts.¶ Ignoring feedback¶ Overconfidence has been measured in a number of different ways. To ensure our findings were robust, we assessed it in **three different ways**, taking into account the CEO's portrayal in the media, their tendency to hold on to "in-the-money" stock options, and their recent successes.¶ As expected, the more overconfident CEOs were, the less notice they took of previous errors when making subsequent earnings forecast. By ignoring this feedback, they made **significantly smaller improvements in forecast accuracy** over time compared to their less overconfident counterparts.¶ We also found CEOs with low levels of overconfidence were more likely to cease issuing voluntary forecasts if a significant error was made, while CEOs with high levels of overconfidence continued to make regular forecasts regardless of prior errors, which is consistent with their attributing these previous errors to random, period-specific events.¶ Further analysis showed that the negative relationship between CEO overconfidence and improvement in forecast accuracy was more pronounced when there had been a long period of time between the management forecast date and the fiscal year-end. This suggests that when overconfident CEOs were more able to attribute blame to external factors, they were even less likely to learn from their mistakes.¶ These results can be extended beyond the context of corporate earnings forecasts. Firms with highly overconfident CEOs can be expected to be much slower to react when faced with major accidents or evidence of pervasive corporate malfeasance, and may be more likely to attribute events to bad luck, external parties such as customers, suppliers or to a few "bad apples" within the company. By shifting the blame, they are less likely to investigate the root cause of errors and are therefore **more likely to repeat them**.¶ The attractiveness of an overconfident leader¶ Struggling firms have a tendency to "search for a saviour" when engaging a new CEO. They look for an individual who is larger than life. But be warned - charismatic leaders with visibility and track records of success are more likely to possess high levels of overconfidence.¶ In some situations, this may work to a firm's advantage. In fact, there may be some situations where a high level of overconfidence is a highly desirable attribute in a firm's senior executives. Overconfident CEOs may be more likely to persevere with a product or strategy that has been initially unsuccessful, and in doing so can help promote an innovative culture within a firm. But, although an overconfident CEO's optimism can create an energetic and positive work environment, this may also **come with a cost.** As we document in this study, overconfident CEOs tend to be significantly less responsive to corrective feedback, suggesting that their firms are more likely to make the same mistakes all over again.

AT: Self-Regulation

Auditor self-regulation fails---oversight key

James R. **Doty 12**, chairman of the Public Company Accounting Oversight Board, "Sarbanes-Oxley and the Importance of Independent Audit Oversight," 7/24/12, http://www.nytimes.com/roomfordebate/2012/07/24/has-sarbanes-oxley-failed/sarbanes-oxley-and-the-importance-of-independent-audit-oversight

The board has replaced the auditing profession's self-regulation, which had been based on peer reviews of standards **written by the firms themselves**. In 25 years of operation, the profession's self-regulatory system never issued an adverse or qualified report on a major accounting firm. Yet board inspections have identified **scores of problems** in audits by firms in each of the large accounting firm networks and other firms that audit public company financial statements. The inspection process doesn't stop there; it focuses firms on the need to do something to correct deficient audits. The board does not oversee or interact with public companies themselves, but in numerous instances, the audit-firm response to these deficiencies has led to restatements or other corrections to financial statements. These are **big differences from the pre-Enron days**.¶ What's not different from the pre-Enron days, though, is that public companies still appear to structure transactions for no other reason than to reach strained accounting results, and auditors are pressured to sign off on those accounts. Those pressures can destroy an auditor's objectivity.¶ Through rigorous and skillful inspections and enforcement, the board aims to maintain auditing as the attest function it is intended to be. Many things went wrong in the recent financial crisis, but the investing public would have been **worse off without independent audit oversight**. We are again at a point where new reforms are needed to strengthen investor protection. In a nutshell, the global audit firm is not too big to fail, and it is **too important to leave unregulated**.¶ Our federal securities laws were not premised on the government's making business judgments for enterprise, but on a vision that investor protection would further our national interest in capital formation and build investor confidence in our markets. That has worked for us, and we need to hold fast to that vision.

Government regulation key

Cary **Coglianese 4**, Edward B. Shils Professor of Law and professor of political science at the University of Pennsylvania, director of the Penn Program on Regulation, "The Role of Government in Corporate Governance," Regulatory Policy Program, Kennedy School of Government, Harvard, 2004, http://www.hks.harvard.edu/m-rcbg/research/rpp/reports/RPPREPORT8.pdf

Recent corporate scandals have led to public pressure to reform business practices and increase regulation. Of course, dishonesty, greed, and cover-ups are not new societal concerns. Indeed, much of the existing system of corporate regulation in the United States emerged in response to vagaries of the late 1920s and the subsequent stock market crash. What has changed in recent years, though, is the **frequency and public salience** of corporate scandals. As a measure of public attention, consider that, in 1998, The Economist published no editorials devoted to corporate governance issues. By 2002, it published twenty of them, followed by twenty more in 2003 and more still in 2004.¶ The public outcry over the recent scandals has made it clear that **the status quo is no longer acceptable**; the public is demanding accountability and responsibility in corporate behavior. It is widely believed that it will take **more than just leadership by the corporate sector** to restore public confidence in our capital markets and ensure their ongoing vitality. It will also take effective government action, in the form of reformed regulatory systems, improved auditing, and stepped up law enforcement.¶ Already policymakers have adopted numerous reforms. In 2002, Congress speedily passed the Sarbanes-Oxley Act, imposing (among other things) new financial control and reporting requirements on publicly traded companies. The Securities and Exchange Commission (SEC) and the self-regulatory organizations it oversees—both the New York Stock Exchange (NYSE) and the National Association of Securities Dealers (NASD)—have adopted new standards for public companies and securities dealers. The newly created Public Company Accounting Oversight Board (PCAOB) is working to revamp oversight of auditors. Finally, state and federal enforcement officials have responded by aggressively pursuing a number of highly publicized prosecutions against corporate leaders and others accused of violating financial rules.¶ These

responses make clear that the governance of corporations has become a central item on the public policy agenda. The recent scandals themselves demonstrate that lax regulatory institutions, standards, and enforcement can have **huge implications for the economy and for the public.** Of course, government responses to scandals should be well considered and effective. Regulatory reforms that over-react or that address symptoms while ignoring underlying causes can be costly and counterproductive. Government's task is to restore corporate integrity and market confidence without stifling the dynamism that underlies a strong economy.

Impact

Exts---Econ Decline Impact

Global economic order's fragile---great power war's possible and causes extinction

Chas W. **Freeman 14**, served in the United States Foreign Service, the State and Defense Departments in many different capacities over the course of thirty years, past president of the Middle East Policy Council, co-chair of the U.S. China Policy Foundation and a Lifetime Director of the Atlantic Council, 9/13/14, "A New Set of Great Power Relationships," http://chasfreeman.net/a-new-set-of-great-power-relationships/

We live in a time of great strategic fluidity. Borders are shifting. Lines of control are blurring. Long-established spheres of influence are fading away. Some states are decaying and dissolving as others germinate and take root. The global economic order is precarious. New economic and geopolitical fault lines are emerging.

The great powers of North and South America are barely on speaking terms. Europe is again riven by geopolitical antagonisms. Ukraine should be a prosperous, independent borderland between the European Union and Russia. It has instead become a cockpit of strategic contention. The United States and Russia have relapsed into hostility. The post-Ottoman borders of West Asia and North Africa are being erased. Neither Europeans, nor Russians, nor Americans can now protect or direct their longstanding clients in the Middle East. Brazil, China, and India are peacefully competing for the favor of Africa. But, in the Indo-Pacific, China and Japan are at daggers drawn and striving to ostracize each other. Sino-American relations seem to be following US-Russian relations into mutual exasperation and intransigence.

No one surveying this scene could disagree that the world would benefit from recrafting the relationships between its great powers. As President Xi Jinping has proposed, new types of relations might enable the great powers to manage their interactions to the common advantage while lowering the risk of armed conflict. This is, after all, the nuclear age. A war could end in the annihilation of all who take part in it. Short of that, unbridled animosity and contention between great powers and their allies and friends have high opportunity costs and foster the tensions inherent in military posturing, arms races, instability, and impoverishment.

Perception of global economic decline triggers lashout and global war---economic institutions won't check, which answers impact D

Harold **James 14**, Professor of history at Princeton University's Woodrow Wilson School who specializes in European economic history, 7/2/14, "Debate: Is 2014, like 1914, a prelude to world war?," http://www.theglobeandmail.com/globe-debate/read-and-vote-is-2014-like-1914-a-prelude-to-world-war/article19325504/

As we get closer to the centenary of Gavrilo Princip's act of terrorism in Sarajevo, there is an ever more vivid fear: it could happen again. The approach of the hundredth anniversary of 1914 has put a spotlight on the fragility of the world's political and economic security systems.

At the beginning of 2013, Luxembourg's Prime Minister Jean-Claude Juncker was widely ridiculed for evoking the shades of 1913. By now he is looking like a prophet. By 2014, as the security situation in the South China Sea deteriorated, Japanese Prime Minister Shinzo Abe cast China as the equivalent to Kaiser Wilhelm's Germany; and the fighting in Ukraine and in Iraq is a sharp reminder of the dangers of escalation.

Lessons of 1914 are about more than simply the dangers of national and sectarian animosities. The main story of today as then is the precariousness of financial globalization, and the consequences that political leaders draw from it.

In the influential view of Norman Angell in his 1910 book The Great Illusion, the interdependency of the increasingly complex global economy made war impossible. But a quite opposite conclusion was possible and equally plausible – and proved to be the case. Given the extent of fragility, a clever twist to the control levers might make war easily winnable by the economic hegemon.

In the wake of an epochal financial crisis that almost brought a complete global collapse, in 1907, several countries started to think of finance as primarily an instrument of raw power, one that could and should be turned to national advantage.

The 1907 panic emanated from the United States but affected the rest of the world and demonstrated the fragility of the whole international financial order. The aftermath of the 1907 crash drove the then hegemonic power – Great Britain - to reflect on how it could use its financial power.

Between 1905 and 1908, the British Admiralty evolved the broad outlines of a plan for financial and economic warfare that would wreck the financial system of its major European rival, Germany, and destroy its fighting capacity.

Britain used its extensive networks to gather information about opponents. London banks financed most of the world's trade. Lloyds provided insurance for the shipping not just of Britain, but of the world. Financial networks provided the information that allowed the British government to find the sensitive strategic vulnerabilities of the opposing alliance.

What pre-1914 Britain did anticipated the private-public partnership that today links technology giants such as Google, Apple or Verizon to U.S. intelligence gathering. Since last year, the Edward Snowden leaks about the NSA have shed a light on the way that global networks are used as a source of intelligence and power.

For Britain's rivals, the financial panic of 1907 showed the necessity of mobilizing financial powers themselves. The United States realized that it needed a central bank analogous to the Bank of England. American financiers thought that New York needed to develop its own commercial trading system that could handle bills of exchange in the same way as the London market.

Some of the dynamics of the pre-1914 financial world are now re-emerging. Then an economically declining power, Britain, wanted to use finance as a weapon against its larger and faster growing competitors, Germany and the United States. Now America is in turn obsessed by being overtaken by China – according to some calculations, set to become the world's largest economy in 2014.

In the aftermath of the 2008 financial crisis, financial institutions appear both as dangerous weapons of mass destruction, but also as potential instruments for the application of national power.

In managing the 2008 crisis, the dependence of foreign banks on U.S. dollar funding constituted a major weakness, and required the provision of large swap lines by the Federal Reserve. The United States provided that support to some countries, but not others, on the basis of an explicitly political logic, as Eswar Prasad demonstrates in his new book on the "Dollar Trap."

Geo-politics is intruding into banking practice elsewhere. Before the Ukraine crisis, Russian banks were trying to acquire assets in Central and Eastern Europe. European and U.S. banks are playing a much reduced role in Asian trade finance. Chinese banks are being pushed to expand their role in global commerce. After the financial crisis, China started to build up the renminbi as a major international currency. Russia and China have just proposed to create a new credit rating agency to avoid what they regard as the political bias of the existing (American-based) agencies.

The next stage in this logic is to think about how financial power can be directed to national advantage in the case of a diplomatic tussle. Sanctions are a routine (and not terribly successful) part of the pressure applied to rogue states such as Iran and North Korea. But financial pressure can be much more powerfully applied to countries that are deeply embedded in the world economy.

The test is in the Western imposition of sanctions after the Russian annexation of Crimea. President Vladimir Putin's calculation in response is that the European Union and the United States cannot possibly be serious about the financial war. It would turn into a boomerang: Russia would be less affected than the more developed and complex financial markets of Europe and America.

The threat of systemic disruption generates a new sort of uncertainty, one that mirrors the decisive feature of the crisis of the summer of 1914. At that time, no one could really know whether clashes would escalate or not. That feature contrasts remarkably with almost the entirety of the Cold War, especially since the 1960s, when the strategic doctrine of Mutually Assured Destruction left no doubt that any superpower conflict would inevitably escalate.

The idea of network disruption relies on the ability to achieve advantage by surprise, and to win at no or low cost. But it is inevitably a gamble, and raises prospect that others might, but also might not be able to, mount the same sort of operation. Just as in 1914, there is an enhanced temptation to roll the dice, even though the game may be fatal.

AT: Drezner

Drezner concedes his argument isn't predictive of future resilience

Daniel W. **Drezner 12**, Professor, The Fletcher School of Law and Diplomacy, Tufts University, October 2012, "The Irony of Global Economic Governance: The System Worked," http://www.globaleconomicgovernance.org/wp-content/uploads/IR-Colloquium-MT12-Week-5_The-Irony-of-Global-Economic-Governance.pdf

This does not mean that global economic governance will continue to function effectively going forward. It is worth remembering that there were genuine efforts to provide global public goods in 1929 as well, but they eventually fizzled out. The failure of the major economies to assist Austria after the CreditAnstalt bank failed in 1931 led to a cascade of bank failures across Europe and the United States. The collapse of the 1933 London conference guaranteed an ongoing absence of policy coordination for the next several years.

The start of the Great Depression was bad. International policy coordination failures made it worse. Such a scenario could play out again. There is no shortage of latent or ongoing crises that could lead to a serious breakdown in global economic governance. The IMF's reluctance to take more critical actions to address the eurozone crisis have already prompted one angry resignation letter from an IMF staffer. The summer 2012 drought in the midwestern United States could trigger another spike in food prices. The heated protectionist rhetoric of the 2012 presidential campaign in the United States, or the nationalist rhetoric accompanying China's 2012 leadership transition, could spark a Sino-American trade war. If global economic growth continues to be mediocre, the surprising effectiveness of global economic governance could peter out. Incipient signs of backsliding in the WTO and G-20 might mushroom into a true "GZero" world.

AT: Resilience

Global economy's no longer resilient---rapid change in financial architecture makes shocks to the system highly destabilizing

Walter Russell **Mead 14**, Professor of Foreign Affairs and Humanities at Bard College; Editor-at-Large of The American Interest magazine, 11/13/14, "The Risk of Nation-State Conflict," http://www.the-american-interest.com/2014/11/16/the-risk-of-nation-state-conflict/

Finally, one should note that international economic policy has been one of America's best tools in ensuring the development of a peaceful and stable international order. However, the same rapid change that destabilizes international politics has made and will make the task of international economic management significantly more challenging. It is not only that the international economy is developing both financial and trade linkages that challenge the ability of policy makers to develop effective policies to stabilize the international financial and economic systems. It is also the case that technological advances are steadily transforming financial markets, speeding up the pace of trading, allowing for the development of increasingly complex financial instruments and trading strategies that collectively produce new kinds of risk that both market participants and regulators struggle to understand. Economic theory and economic policy tools are likely to lag behind the new economic realities that will be created in the coming years and decades; this will be an added factor that tends to destabilize international politics.

Section 702 DDI

Strat Sheet

Their 1AC and a sample 1NC are included below. The plan text doesn't specify which agency does the plan but their solvency evidence specifies congress so you can read XO if you want. Other than XO, there is T-Domestic, a PIC for "tangible" w/ the net benefit of terror, specific Terror DA links and a Security K. The PIC argues that "tangible threat" is too specific and doesn't take in account fake threats. We should analyze all threats regardless of being fake or real.

1NC – Security K, PIC w/ Terror DA, T-Domestic, Case

2NC- Security K or PIC, Case

1NR – Terror DA

2NR – Security K or PIC w/ Terror DA, Case

-Allen Xu

Questions? Email xuallen99@gmail.com

Their 1AC

1AC – Inherency

The recent USA Freedom Act, did not reform the NSA's the mass collection of domestic communication under Section 702 of the FISA Amendments Act.

Goitein 15,

Elizabeth, Co-Director of the Brennan Center for Justice's Liberty and National Security Program, 6-5-2015, "Who really wins from NSA reform?," MSNBC, http://www.msnbc.com/msnbc/freedom-act-who-really-wins-nsa-reform

The USA Freedom Act will end the bulk collection of phone metadata and prohibit similar programs for any type of business records under foreign intelligence collection authorities. For phone records, the government may obtain metadata on an ongoing basis only for suspected terrorists and those in contact with them. For other types of records, the government must tie its request for records to a "specific selection term," such as a person, address, or account. Given the surge in surveillance since 9/11, the USA Freedom Act's imposition of constraints on collection is historic. Indeed, the USA Freedom Act is the most significant limitation on foreign intelligence surveillance since the 1970s. If faithfully implemented – a critical caveat, to be sure – the law will meaningfully curtail the overbroad collection of business records. Even under USA Freedom,

however, the government is still able to pull in a great deal of information about innocent Americans. Needless to say, not everyone in contact with a suspected terrorist is guilty of a crime; even terrorists call for pizza delivery. Intelligence officials also may need to obtain records – like flight manifests – that include information about multiple people, most of whom have nothing to do with terrorism. Some of this "overcollection" may be inevitable, but its effects could be mitigated. For instance, agencies could be given a short period of time to identify information relevant to actual suspects, after which they would have to destroy any remaining information. USA Freedom fails to impose such limits. More fundamentally, bulk collection of business records is only one of the many intelligence activities that abandoned the individualized suspicion approach after 9/11. Until a few years ago, if the NSA, acting within the United States, wished to obtain communications between Americans and foreigners, it had to convince the FISA Court that the individual target was a foreign power or its agent. Today, under Section 702 of the FISA Amendments Act, the NSA may target any foreigner overseas and collect his or her communications with Americans without obtaining any individualized court order. Under Executive Order 12333, which governs the NSA's activities when it conducts surveillance overseas, the standards are even more lax. The result is mass surveillance programs that make the phone metadata program seem dainty in comparison. Even though these programs are nominally targeted at foreigners, they "incidentally" sweep in massive amounts of Americans' data, including the content of calls, e-mails, text messages, and video chats. Limits on keeping and using such information are weak and riddled with exceptions. Moreover, foreign targets are not limited to suspected terrorists or even agents of foreign powers. As the Obama administration recently acknowledged, foreigners have privacy rights too, and the ability to eavesdrop on any foreigner overseas is an indefensible violation of those rights. Intelligence officials almost certainly supported USA Freedom because they hoped it would relieve the post-Snowden pressure for reform. Their likely long-term goal is to avoid changes to Section 702, Executive Order 12333, and the many other authorities that permit intelligence collection without any individualized showing of wrongdoing. Privacy advocates who supported USA Freedom did so because they saw it as the first skirmish in a long battle to rein in surveillance authorities. Their eye is on the prize: a return to the principle of individualized suspicion as the basis for surveillance. If intelligence officials are correct in their calculus, USA Freedom may prove to be a Pyrrhic victory. But if the law clears the way for further reforms across the full range of surveillance programs, history will vindicate the privacy advocates who supported it. The answer to what USA Freedom means for our liberties lies, not in the text of the law, but in the unwritten story of what happens next.

And, the NSA has massively expanded its surveillance since 2008, American internet communication have been intercepted by NSA surveillance operations far more often than the intended surveillance targets.

Gellman, 2014

Barton Gellman, Washington Post national staff. Contributed to three Pulitzer Prizes for The Washington Post, 7-5-2014, "In NSA-intercepted data, those not targeted far outnumber the foreigners who are," Washington Post, https://www.washingtonpost.com/world/national-security/in-nsa-intercepted-data-those-not-targeted-far-outnumber-the-foreigners-who-are/2014/07/05/

Ordinary Internet users, American and non-American alike, far outnumber legally targeted foreigners in the communications intercepted by the National Security Agency from U.S. digital networks, according to a four-month investigation by The Washington Post. Nine of 10 account holders found in a large cache of intercepted conversations, which former NSA contractor Edward Snowden provided in full to The Post, were not the intended surveillance targets but were caught in a net the agency had cast for somebody else. Many of them were Americans. Nearly half of the surveillance files, a strikingly high proportion, contained

names, e-mail addresses or other details that the NSA marked as belonging to U.S. citizens or residents. NSA analysts masked, or "minimized," more than 65,000 such references to protect Americans' privacy, but The Post found nearly 900 additional e-mail addresses, unmasked in the files, that could be strongly linked to U.S. citizens or U.S.residents. The surveillance files highlight a policy dilemma that has been aired only abstractly in public. There are discoveries of considerable intelligence value in the intercepted messages — and collateral harm to privacy on a scale that the Obama administration has not been willing to address. Among the most valuable contents — which The Post will not describe in detail, to avoid interfering with ongoing operations — are fresh revelations about a secret overseas nuclear project, double-dealing by an ostensible ally, a military calamity that befell an unfriendly power, and the identities of aggressive intruders into U.S. computer networks. Months of tracking communications across more than 50 alias accounts, the files show, led directly to the 2011 capture in Abbottabad of Muhammad Tahir Shahzad, a Pakistan-based bomb builder, and Umar Patek, a suspect in a 2002 terrorist bombing on the Indonesian island of Bali. At the request of CIA officials, The Post is withholding other examples that officials said would compromise ongoing operations. Many other files, described as useless by the analysts but nonetheless retained, have a startlingly intimate, even voyeuristic quality. They tell stories of love and heartbreak, illicit sexual liaisons, mental-health crises, political and religious conversions, financial anxieties and disappointed hopes. The daily lives of more than 10,000 account holders who were not targeted are catalogued and recorded nevertheless. In order to allow time for analysis and outside reporting, neither Snowden nor The Post has disclosed until now that he obtained and shared the content of intercepted communications. The cache Snowden provided came from domestic NSA operations under the broad authority granted by Congress in 2008 with amendments to the Foreign Intelligence Surveillance Act. FISA content is generally stored in closely controlled data repositories, and for more than a year, senior government officials have depicted it as beyond Snowden's reach.The Post reviewed roughly 160,000 intercepted e-mail and instant-message conversations, some of them hundreds of pages long, and 7,900 documents taken from more than 11,000 online accounts. The material spans President Obama's first term, from 2009 to 2012, a period of exponential growth for the NSA's domestic collection. Taken together, the files offer an unprecedented vantage point on the changes wrought by Section 702 of the FISA amendments, which enabled the NSA to make freer use of methods that for 30 years had required probable cause and a warrant from a judge. One program, code-named PRISM, extracts content stored in user accounts at Yahoo, Microsoft, Facebook, Google and five other leading Internet companies. Another, known inside the NSA as Upstream, intercepts data on the move as it crosses the U.S. junctions of global voice and data networks. No government oversight body, including the Justice Department, the Foreign Intelligence Surveillance Court, intelligence committees in Congress or the president's Privacy and Civil Liberties Oversight Board, has delved into a comparably large sample of what the NSA actually collects — not only from its targets but also from people who may cross a target's path.

1AC – Privacy Rights

Advantage One is Privacy

First, surveillance under Section 702 is a substantial invasive of privacy because of the broad targetting guidelines in the FISA Amendments Act.

Laperruque, 2014,
Jake, Center for Democracy and Tehcnology Fellow on Privacy, Surveillance, and Security. Previously served as a law clerk for Senator Al Franken on the Subcommittee on Privacy, Technology, and the Law, and as a policy fellow for Senator Robert Menendez. "Why Average Internet Users Should Demand Significant Section 702 Reform," Center For Democracy & Technology., 7-22-2014, https://cdt.org/blog/why-average-internet-users-should-demand-significant-section-702-reform/

Section 702 Surveillance Is Fundamentally More Invasive

While incidental collection of the communications of a person who communicates with a target is an inevitable feature of communications surveillance, it is tolerated when the reason for the surveillance is compelling and adequate procedural checks are in place. In other instances of communications surveillance conducted in the US, surveillance requires court approval of a target, and that target must be a suspected wrongdoer or spy, a terrorist, or another agent of a foreign power. Section 702 requires neither of these elements.

Under Section 702, targeting can occur for the purpose of collecting foreign intelligence information even though there is no court review of any particular target. Instead, the super secret FISA court merely determines whether the guidelines under which the surveillance is conducted are reasonably designed to result in the targeting of non-Americans abroad and that "minimization guidelines" are reasonable. This means incidental surveillance may occur purely because someone communicated with an individual engaged in activities that may have broadly defined "foreign intelligence" value. For example, the communications of someone who communicates with a person abroad whose activities might relate to the conduct of U.S. foreign affairs can be collected, absent any independent assessment of necessity or accuracy.

As another example, under traditional FISA – for intelligence surveillance in the U.S. of people in the U.S. – your communications could be incidentally collected only if you were in direct contact with a suspected agent of a foreign power, and additionally if the Foreign Intelligence Surveillance Court had affirmed this suspicion based on probable cause. Under Section 702, your personal information could be scooped up by the NSA simply because your attorney, doctor, lover, or accountant was a person abroad who engaged in peaceful political activity such as protesting a G8 summit.

And, these invasions are magnified because the data is the full content of the communication.

Goitein 15,
Elizabeth, Co-Director of the Brennan Center for Justice's Liberty and National Security

Program., 6-5-2015, "Who really wins from NSA reform?," MSNBC, http://www.msnbc.com/msnbc/freedom-act-who-really-wins-nsa-reform

Some of this "overcollection" may be inevitable, but its effects could be mitigated. For instance, agencies could be given a short period of time to identify information relevant to actual suspects, after which they would have to destroy any remaining information. USA Freedom fails to impose such limits. More fundamentally, bulk collection of business records is only one of the many intelligence activities that abandoned the individualized suspicion approach after 9/11. Until a few years ago, if the NSA, acting within the United States, wished to obtain communications between Americans and foreigners, it had to convince the FISA Court that the individual target was a foreign power or its agent. Today, under Section 702 of the FISA Amendments Act, the NSA may target any foreigner overseas and collect his or her communications with Americans without obtaining any individualized court order. Under Executive Order 12333, which governs the NSA's activities when it conducts surveillance overseas, the standards are even more lax. The result is mass surveillance programs that make the phone metadata program seem dainty in comparison. Even though these programs are nominally targeted at foreigners, they "incidentally" sweep in massive amounts of Americans' data, including the content of calls, e-mails, text messages, and video chats. Limits on keeping and using such information are weak and riddled with exceptions. Moreover, foreign targets are not limited to suspected terrorists or even agents of foreign powers. As the Obama administration recently acknowledged, foreigners have privacy rights too, and the ability to eavesdrop on any foreigner overseas is an indefensible violation of those rights. Intelligence officials almost certainly supported USA Freedom because they hoped it would relieve the post-Snowden pressure for reform. Their likely long-term goal is to avoid changes to Section 702, Executive Order 12333, and the many other authorities that permit intelligence collection without any individualized showing of wrongdoing. Privacy advocates who supported USA Freedom did so because they saw it as the first skirmish in a long battle to rein in surveillance authorities. Their eye is on the prize: a return to the principle of individualized suspicion as the basis for surveillance. If intelligence officials are correct in their calculus, USA Freedom may prove to be a Pyrrhic victory. But if the law clears the way for further reforms across the full range of surveillance programs, history will vindicate the privacy advocates who supported it. The answer to what USA Freedom means for our liberties lies, not in the text of the law, but in the unwritten story of what happens next.

And, indiscriminate wide-scale NSA Surveillance erodes privacy rights and violates the constitution

Sinha, 2014

G. Alex Sinha is an Aryeh Neier fellow with the US Program at Human Rights Watch and the Human Rights Program at the American Civil Liberties Union, July 2014 "With Liberty to Monitor All How Large-Scale US Surveillance is Harming Journalism, Law, and American Democracy" Human Rights Watch, http://www.hrw.org/node/127364

The United States government today is implementing a wide variety of surveillance programs that, thanks to developments in its technological capacity, allow it to scoop up personal information and the content of personal communications on an unprecedented scale. Media reports based on revelations by former National Security Agency (NSA) contractor Edward Snowden have recently shed light on many of these programs. They have revealed, for example, that the US collects vast quantities of information—known as "metadata"—about

phone calls made to, from, and within the US. It also routinely collects the content of international chats, emails, and voice calls. It has engaged in the large-scale collection of massive amounts of cell phone location data. Reports have also revealed a since-discontinued effort to track internet usage and email patterns in the US; the comprehensive interception of all of phone calls made within, into, and out of Afghanistan and the Bahamas; the daily collection of millions of images so the NSA can run facial recognition programs; the acquisition of hundreds of millions of email and chat contact lists around the world; and the NSA's deliberate weakening of global encryption standards. In response to public concern over the programs' intrusion on the privacy of millions of people in the US and around the world, the US government has at times acknowledged the need for reform. However, it has taken few meaningful steps in that direction. On the contrary, the US—particularly the intelligence community—has forcefully defended the surveillance programs as essential to protecting US national security. In a world of constantly shifting global threats, officials argue that the US simply cannot know in advance which global communications may be relevant to its intelligence activities, and that as a result, it needs the authority to collect and monitor a broad swath of communications. In our interviews with them, US officials argued that the programs are effective, plugging operational gaps that used to exist, and providing the US with valuable intelligence. They also insisted the programs are lawful and subject to rigorous and multi-layered oversight, as well as rules about how the information obtained through them is used. The government has emphasized that it does not use the information gleaned from these programs for illegitimate purposes, such as persecuting political opponents. The questions raised by surveillance are complex. The government has an obligation to protect national security, and in some cases, it is legitimate for government to restrict certain rights to that end. At the same time, international human rights and constitutional law set limits on the state's authority to engage in activities like surveillance, which have the potential to undermine so many other rights. The current, large-scale, often indiscriminate US approach to surveillance carries enormous costs. It erodes global digital privacy and sets a terrible example for other countries like India, Pakistan, Ethiopia, and others that are in the process of expanding their surveillance capabilities. It also damages US credibility in advocating internationally for internet freedom, which the US has listed as an important foreign policy objective since at least 2010.As this report documents, US surveillance programs are also doing damage to some of the values the United States claims to hold most dear. These include freedoms of expression and association, press freedom, and the right to counsel, which are all protected by both international human rights law and the US Constitution.

And, these privacy violations are more dangerous than any risk of terrorism, which is magnified by the fact that surveillance fails to prevent attacks.

Schneier, 2014

Bruce Schneier a fellow at the Berkman Center for Internet and Society at Harvard Law School, a board member of the Electronic Frontier Foundation, an Advisory Board Member of the Electronic Privacy Information Center, and the CTO at Resilient Systems, Inc.,1-6-2014, "Essays: How the NSA Threatens National Security," Schneier On Security, https://www.schneier.com/essays/archives/2014/01/how_the_nsa_threaten.html

We have no evidence that any of this surveillance makes us safer. NSA Director General Keith Alexander responded to these stories in June by claiming that he disrupted 54 terrorist plots. In October, he revised that number downward to 13, and then to "one or two." At this point, the only "plot" prevented was that of a San Diego man sending $8,500 to support a Somali militant group. We have been repeatedly told that these surveillance programs would have been able to stop 9/11, yet the NSA didn't detect the Boston bombings—even though one of the two terrorists was on the watch list and the other had a sloppy social media trail. Bulk collection of data and metadata is an ineffective

counterterrorism tool. Not only is ubiquitous surveillance ineffective, it is extraordinarily costly. I don't mean just the budgets, which will continue to skyrocket. Or the diplomatic costs, as country after country learns of our surveillance programs against their citizens. I'm also talking about the cost to our society. It breaks so much of what our society has built. It breaks our political systems, as Congress is unable to provide any meaningful oversight and citizens are kept in the dark about what government does. It breaks our legal systems, as laws are ignored or reinterpreted, and people are unable to challenge government actions in court. It breaks our commercial systems, as U.S. computer products and services are no longer trusted worldwide. It breaks our technical systems, as the very protocols of the Internet become untrusted. And it breaks our social systems; the loss of privacy, freedom, and liberty is much more damaging to our society than the occasional act of random violence. And finally, these systems are susceptible to abuse. This is not just a hypothetical problem. Recent history illustrates many episodes where this information was, or would have been, abused: Hoover and his FBI spying, McCarthy, Martin Luther King Jr. and the civil rights movement, anti-war Vietnam protesters, and—more recently—the Occupy movement. Outside the U.S., there are even more extreme examples. Building the surveillance state makes it too easy for people and organizations to slip over the line into abuse.

The First impact is the loss of personal autonomy and agency. Privacy is a gateway right, it enables all of our other freedoms.

PoKempne 2014,

Dinah, General Counsel at Human Rights Watch, "The Right Whose Time Has Come (Again): Privacy in the Age of Surveillance" 1/21/14 http://www.hrw.org/world-report/2014/essays/privacy-in-age-of-surveillance

Technology has invaded the sacred precincts of private life, and unwarranted exposure has imperiled our security, dignity, and most basic values. The law must rise to the occasion and protect our rights. Does this sound familiar? So argued Samuel Warren and Louis Brandeis in their 1890 Harvard Law Review article announcing "The Right to Privacy." We are again at such a juncture. The technological developments they saw as menacing—photography and the rise of the mass circulation press—appear rather quaint to us now. But the harms to emotional, psychological, and even physical security from unwanted exposure seem just as vivid in our digital age. Our renewed sense of vulnerability comes as almost all aspects of daily social life migrate online. At the same time, corporations and governments have acquired frightening abilities to amass and search these endless digital records, giving them the power to "know" us in extraordinary detail.

In a world where we share our lives on social media and trade immense amounts of personal information for the ease and convenience of online living, some have questioned whether privacy is a relevant concept. It is not just relevant, but crucial.

Indeed, privacy is a gateway right that affects our ability to exercise almost every other right, not least our freedom to speak and associate with those we choose, make political choices, practice our religious beliefs, seek medical help, access education, figure out whom we love, and create our family life. It is nothing less than the shelter in which we work out what we think and who we are; a fulcrum of our autonomy as individuals.

The importance of privacy, a right we often take for granted, was thrown into sharp relief in 2013 by the steady stream of revelations from United States government files released by former National Security Agency (NSA) contractor

Edward Snowden, and published in the Guardian and other major newspapers around the world. These revelations, supported by highly classified documents, showed the US, the UK, and other governments engaged in global indiscriminate data interception, largely unchecked by any meaningful legal constraint or oversight, without regard for the rights of millions of people who were not suspected of wrongdoing.

The Second impact is Totalitarianism, the loss of autonomy due to surveillance enables "turnkey totalitarianism," destroying democracy.

Haggerty, 2015

Kevin D. Professor of Criminology and Sociology at the University of Alberta, "What's Wrong with Privacy Protections?" in A World Without Privacy: What Law Can and Should Do? Edited by Austin Sarat p. 230

Still others will say I am being alarmist. My emphasis on the threat of authoritarian forms of rule inherent in populations open to detailed institutional scrutiny will be portrayed as overblown and over dramatic, suggesting I veer towards the lunatic fringe of unhinged conspiracy theorists.66 But one does not have to believe secret forces are operating behind the scenes to recognize that our declining private realm presents alarming dangers. Someone as conservative and deeply embedded in the security establishment as William Binney – a former NSA senior executive – says the security surveillance infrastructure he helped build now puts us on the verge of "turnkey totalitarianism."67 The contemporary expansion of surveillance, where monitoring becomes an ever-more routine part of our lives, represents a tremendous shift in the balance of power between citizens and organizations. Perhaps the greatest danger of this situation is how our existing surveillance practices can be turned to oppressive uses. From this point forward our expanding surveillance infrastructure stands as a resource to be inherited by future generations of politicians, corporate actors, or even messianic leaders. Given sufficient political will this surveillance infrastructure can be re-purposed to monitor – in unparalleled detail – people who some might see as undesirable due to their political opinions, religion, skin color, gender, birthplace, physical abilities, medical history, or any number of an almost limitless list of factors used to pit people against one another. The twentieth century provides notorious examples of such repressive uses of surveillance. Crucially, those tyrannical states exercised fine-grained political control by relying on surveillance infrastructures that today seem laughably rudimentary, comprised as they were of paper files, index cards, and elementary telephone tapping.68 It is no more alarmist to acknowledge such risks are germane to our own societies than it is to recognize the future will see wars, terrorist attacks, or environmental disasters – events that could themselves prompt surveillance structures to be re-calibrated towards more coercive ends. Those who think this massive surveillance infrastructure will not, in the fullness of time, be turned to repressive purposes are either innocent as to the realities of power, or whistling past a graveyard. But one does not have to dwell on the most extreme possibilities to be unnerved by how enhanced surveillance capabilities invest tremendous powers in organizations. Surveillance capacity gives organizations unprecedented abilities to manipulate human

behaviors, desires, and subjectivities towards organizational ends – ends that are too often focused on profit, personal aggrandizement, and institutional self-interest rather than human betterment.

Freedom and dignity are ethically prior to security.

Cohen, 2014

Elliot D. Ph.D., ethicist and political analyst. He is the editor in chief of the International Journal of Applied Philosophy, Technology of Oppression: Preserving Freedom and Dignity in an Age of Mass, Warrantless Surveillance.. DOI: 10.1057/9781137408211.0011.

The threat posed by mass, warrantless surveillance technologies

Presently, such a threat to human freedom and dignity lies in the technological erosion of human privacy through the ever-evolving development and deployment of a global, government system of mass, warrantless surveillance. Taken to its logical conclusion, this is a systematic means of spying on, and ultimately manipulating and controlling, virtually every aspect of everybody's private life—a thoroughgoing, global dissolution of personal space, which is supposed to be legally protected. In such a governmental state of "total (or virtually total) information awareness," the potential for government control and manipulation of the people's deepest and most personal beliefs, feelings, and values can transform into an Orwellian reality—and nightmare. As will be discussed in Chapter 6, the technology that has the potential to remove such scenarios from the realm of science fiction to that of true science is currently being developed. This is not to deny the legitimate government interest in "national security"; however, the exceptional disruption of privacy for legitimate state reasons cannot and should not be mistaken for a usual and customary rule of mass invasion of people's private lives without their informed consent. Benjamin Franklin wisely and succinctly expressed the point: "Those who surrender freedom for security will not have, nor do they deserve, either one." In relinquishing our privacy to government, we also lose the freedom to control, and act on, our personal information, which is what defines us individually, and collectively, as free agents and a free nation. In a world devoid of freedom to control who we are, proclaiming that we are "secure" is an empty platitude.

1AC – Economy Advantage

Advantage Two is the Economy.

NSA surveillance has put the US ecomony and competive advantage at risk because of losses in the technology sector. The USA freedom act won't solve the problem.

Mindock 2015

Clark Mindock - Reporting Fellow at International Business Times – Internally quoting The Information Technology and Innovation Foundation. ITIF is a non-partisan research and educational institute – a think tank "NSA Surveillance Could Cost Billions For US Internet Companies After Edward Snowden Revelations" - International Business Times - June 10 2015 http://www.ibtimes.com/nsa-surveillance-could-cost-billions-us-internet-companies-after-edward-snowden-1959737

Failure to reform National Security Administration spying programs revealed by Edward Snowden could be more economically taxing than previously thought, says a new study published by the Information Technology and Innovation Foundation Tuesday. The study suggests the programs could be affecting the technology sector as a whole, not just the cloud-computing sector, and that the costs could soar much higher than previously expected. Even modest declines in cloud computing revenues from the revealed surveillance programs, according to a previous report, would cost between $21.5 billion and $35 billion by 2016. New estimates show that the toll "will likely far exceed ITIF's initial $35 billion estimate." "The U.S. government's failure to reform many of the NSA's surveillance programs has damaged the competitiveness of the U.S. tech sector and cost it a portion of the global market share," a summary of the report said. Revelations by defense contractor Snowden in June 2013 exposed massive U.S. government surveillance capabilities and showed the NSA collected American phone records in bulk, and without a warrant. The bulk phone-record revelations, and many others in the same vein, including the required complacency of American telecom and Internet companies in providing the data, raised questions about the transparency of American surveillance programs and prompted outrage from privacy advocates. The study, published this week, argues that unless the American government can vigorously reform how NSA surveillance is regulated and overseen, U.S. companies will lose contracts and, ultimately, their competitive edge in a global market as consumers around the world choose cloud computing and technology options that do not have potential ties to American surveillance programs. The report comes amid a debate in Congress on what to do with the Patriot Act, the law that provides much of the authority for the surveillance programs. As of June 1, authority to collect American phone data en masse expired, though questions remain as to whether letting that authority expire is enough to protect privacy. Supporters of the programs argue that they provide the country with necessary capabilities to fight terrorism abroad. A further reform made the phone records collection process illegal for the government, and instead gave that responsibility to the telecom companies.

Reform is necessary to regain US leadership in the global marketplace.

Castro and Mcquinn 2015

Daniel Castro is the Vice President of the Information Technology and Innovation Foundation and Director of the Center for Data Innovation; *Alan McQuinn* is a Research Assistant with The Information Technology and Innovation Foundation. Prior to joining ITIF, he was a telecommunications fellow for Congresswoman Anna Eshoo, an Honorary Co-Chair of ITIF, 6/9/15, "Beyond the USA Freedom Act: How U.S. Surveillance Still Subverts U.S. Competitiveness" "Information Technology & Innovation Foundation" http://www.itif.org/publications/2015/06/09/beyond-usa-freedom-act-how-us-surveillance-still-subverts-us-competitiveness

When historians write about this period in U.S. history it could very well be that one of the themes will be how the United States lost its global technology leadership to other nations. And clearly one of the factors they would point to is the long-standing privileging of U.S. national security interests over U.S. industrial and commercial interests when it comes to U.S. foreign policy. This has occurred over the last few years as the U.S. government has done relatively little to address the rising commercial challenge to U.S. technology companies, all the while putting intelligence gathering first and foremost. Indeed, policy decisions by the U.S. intelligence community have reverberated throughout the global economy.

If the U.S. tech industry is to remain the leader in the global marketplace, then the U.S. government will need to set a new course that balances economic interests with national security interests. The cost of inaction is not only short-term economic losses for U.S. companies, but a wave of protectionist policies that will systematically weaken U.S. technology competiveness in years to come, with impacts on economic growth, jobs, trade balance, and national security through a weakened industrial base. Only by taking decisive steps to reform its digital surveillance activities will the U.S. government enable its tech industry to effectively compete in the global market.

The US is the driving force behind global economic recovery

Economist 2015

"American shopper," 2-14, http://www.economist.com/news/leaders/21643188-world-once-again-relying-too-much-american-consumers-power-growth-american-shopper

A Global economy running on a single engine is better than one that needs jump leads. The American economy is motoring again, to the relief of exporters from Hamburg to Hangzhou. Firms added more than 1m net new jobs in the past three months, the best showing since 1997 (see article). Buoyed up by cheap petrol, Americans are spending; in January consumer sentiment jumped to its highest in more than a decade. The IMF reckons that American growth will hit 3.6% in 2015, faster than the world economy as a whole. All this is good. But growing dependence on the American economy—and on consumers in particular—has unwelcome echoes. A decade ago American consumers borrowed heavily and recklessly. They filled their ever-larger houses with goods from China; they fuelled gas-guzzling cars with imported oil. Big exporters recycled their earnings back to America, pushing down interest rates which in turn helped to feed further borrowing. Europe was not that different. There, frugal Germans financed debt binges around the euro area's periphery.After the financial crisis, the hope was of an end to these imbalances. Debt-addicted Americans and Spaniards would chip away at their obligations; thrifty German and Chinese consumers would start to enjoy life for once. At first, this seemed to be happening. America's trade deficit, which was about 6% of GDP in 2006, had more than halved by 2009. But now the world is slipping back into some nasty habits. Hair grows faster than the euro zone, and what growth there is depends heavily on exports. The countries of the single currency are running a current-account surplus of about 2.6% of GDP, thanks largely to exports to America. At 7.4% of GDP, Germany's trade surplus is as large as it has ever been. China's growth, meanwhile, is slowing—and once again relying heavily on spending elsewhere. It notched up its own record trade surplus in January. China's exports have actually begun to drop, but imports are down by more. And over the past year the renminbi, which rose by more than 10% against the dollar in 2010-13, has begun slipping again, to the annoyance of American politicians. America's economy is warping as a result. Consumption's contribution to growth in the fourth quarter of 2014 was the largest since 2006. The trade deficit is widening. Strip out oil, and America's trade deficit grew to more than 3% of GDP in 2014, and is approaching its pre-recession peak of about 4%. The world's reliance on America is likely to deepen. Germans are more interested in shipping savings abroad than investing at home (see article). Households and firms in Europe's periphery are overburdened with debt, workers' wages squeezed and banks in no mood to lend. Like Germany, Europe as a whole is relying on exports. China is rebalancing, but not fast enough: services have yet to account for more than half of annual Chinese output.

Additionally, NSA surveillance has created a global move towards "data nationalisation" which threatens to fragment the internet.

Omtzigt 15,

Pieter Herman Omtzigt is a Dutch politician. As a member of the Christian Democratic Appeal he was an MP from June 3, 2003 to June 17, 2010 and is currently an MP since October 26, 2010. He focuses on matters of taxes, pensions and additions. "Explanatory memorandum by Mr Pieter Omtzigt, rapporteur" Committee on Legal Affairs and Human Rights, Mass surveillance Report, 1/26/2015, http://website-pace.net/documents/19838/1085720/20150126-MassSurveillance-EN.pdf

108. In response to growing discontent with US surveillance, one political response has been to push for more "technological sovereignty" and "data nationalisation". The Snowden disclosures have therefore had serious implications on the development of the Internet and hastened trends to "balkanize" the Internet to the detriment of the development of a wide, vast and easily accessible online network. The Internet as we knew it, or believed we knew it, is a global platform for exchange of information, open and free debate, and commerce. But Brazil and the European Union, for example, announced plans to lay a $185 million undersea fibre-optic cable between them to thwart US surveillance. German politicians also called for the development of a "German internet" for German customers' data to circumvent foreign servers and the information to stay on networks that would fully be under Germany's control. 159 Russia passed a law obliging internet companies to store the data of Russian users on servers in Russia.160 After a six-month inquiry following the Snowden disclosures, the European Parliament adopted a report on the NSA surveillance programme in February 2014 161, which argues that the EU should suspend bank data and 'Safe Harbour' agreements on data privacy (voluntary data protection standards for non-EU companies transferring EU citizens' personal data to the US) with the United States. MEPs added that the European Parliament should only give its consent to the EU-US free trade deal (TTIP) that is being negotiated, if the US fully respects EU citizens' fundamental rights. The European Parliament seeks tough new data protection rules that would place US companies in the difficult situation of having to check with EU authorities before complying with mandatory requests made by US authorities. The European Parliament's LIBE Committee also advocated the creation of a "European data cloud" that would require all data from European consumers to be stored or processed within Europe, or even within the individual country of the consumer concerned. Some nations, such as Australia, France, South Korea, and India, have already implemented a patchwork of data-localisation requirements according to two legal scholars.162

This regional fragmentation of the internet would collapse the global economy and create the necessary conditions for global instability.

Jardine, 2014

Eric CIGI Research Fellow, Global Security & Politics, 9-19-2014, "Should the Average Internet User in a Liberal Democracy Care About Internet Fragmentation? ," Cigi, https://www.cigionline.org/blogs/reimagining-internet/should-average-internet-user-liberal-democracy-care-about-internet-fragme

Even though your average liberal democratic Internet user wouldn't see it, at least at the content level, the fragmentation of the Internet would matter a great deal. If the Internet was to break apart into regional or even national blocks, there would be large economic costs in terms of lost future potential for global GDP growth. As a recent McKinsey & Company report illustrates, upwards of 15 to 25 percent of Global GDP is currently determined by the movement of goods,

money, people and data. These global flows (which admittedly include more than just data flows) contribute yearly between 250 to 400 billion dollars to global GDP growth. The contribution of global flows to global GDP growth is only likely to grow in the future, provided that the Internet remains a functionally universal system that works extraordinarily well as a platform for e-commerce. Missing out on lost GDP growth harms people economically in liberal democratic countries and elsewhere. Average users in the liberal democracies should care, therefore, about the fragmentation of the broader Internet because it will cost them dollars and cents, even if the fragmentation of the Internet would not really affect the content that they themselves access.Additionally, the same Mckinsey & Company report notes that countries that are well connected to the global system have GDP growth that is up to 40 percent higher than those countries that have fewer connections to the wider world. Like interest rates, annual GDP growth compounds itself, meaning that early gains grow exponentially. If the non-Western portions of the Internet wall themselves off from the rest (or even if parts of what we could call the liberal democratic Internet do the same), the result over the long term will be slower growth and a smaller GDP per capita in less well-connected nations. Some people might look at this situation and be convinced that excluding people in non-liberal democracies from the economic potential of the Internet is not right. In normative terms, these people might deserve to be connected, at the very least so that they can benefit from the same economic boon as those in more well connected advanced liberal democracies. In other words, average Internet users in liberal democracies should care about Internet fragmentation because it is essentially an issue of equality of opportunity.Other people might only be convinced by the idea that poverty, inequality, and relative deprivation, while by no means sufficient causes of terrorism, insurgency, aggression and unrest, are likely to contribute to the potential for an increasingly conflictual world. Most average Internet users in Liberal democracies would likely agree that preventing flashes of unrest (like the current ISIL conflict in Iraq and Syria) is better than having to expend blood and treasure to try and fix them after they have broken out. Preventive measures can include ensuring solid GDP growth through global interconnection in every country, even if this is not, as I mentioned before, going to be enough to fix every problem every time. Overall, the dangers of a fragmented Internet are real and the average user in liberal democracies should care. With truly global forces at play, it is daunting to think of what the average user might do to combat fragmentation. Really only one step is realistic. Users need to recognize that the system works best and contributes most to the content and material well-being of all Internet users when it approaches its ideal technical design of universal interoperability. Societies will rightly determine that some things need to be walled off, blocked or filtered because this digital content has physical world implications that are not acceptable (child pornography, vitriolic hate speech, death threats, underage bullying on social media, etc.). However, in general, citizens should resist Internet fragmentation efforts in any form by putting pressure on their national politicians, Internet Service Providers, and content intermediaries, like Google, to respect the fundamental (and fundamentally beneficial) universally interoperable structure of the Internet. To do otherwise is to accept the loss of potential future global prosperity and to encourage a world that is unequal and prone to conflict and hardship.

The impact of economic decline is great power war.

James, 2014

Harold, Princeton history professor,"Debate: Is 2014, like 1914, a prelude to world war?", 7-2, http://www.theglobeandmail.com/globe-debate/read-and-vote-is-2014-like-1914-a-prelude-to-world-war/article19325504/

Some of the dynamics of the pre-1914 financial world are now re-emerging. Then an economically declining power, Britain, wanted to use finance as a weapon against its larger and faster growing competitors, Germany and the United States. Now America is in turn obsessed by being overtaken by China – according to some calculations, set to become the world's largest economy in 2014. In the aftermath of the 2008 financial crisis, financial institutions appear both as dangerous weapons of mass destruction, but also as potential instruments for the application of national power. In managing the 2008 crisis, the dependence of foreign banks on U.S. dollar funding constituted a major weakness, and required the provision of large swap lines by the Federal Reserve. The United States provided that support to some countries, but not others, on the basis of an explicitly political logic, as Eswar Prasad demonstrates in his new book on the "Dollar Trap." Geo-politics is intruding into banking practice elsewhere. Before the Ukraine crisis, Russian banks were trying to acquire assets in Central and Eastern Europe. European and U.S. banks are playing a much reduced role in Asian trade finance. Chinese banks are being pushed to expand their role in global commerce. After the financial crisis, China started to build up the renminbi as a major international currency. Russia and China have just proposed to create a new credit rating agency to avoid what they regard as the political bias of the existing (American-based) agencies. The next stage in this logic is to think about how financial power can be directed to national advantage in the case of a diplomatic tussle. Sanctions are a routine (and not terribly successful) part of the pressure applied to rogue states such as Iran and North Korea. But financial pressure can be much more powerfully applied to countries that are deeply embedded in the world economy. The test is in the Western imposition of sanctions after the Russian annexation of Crimea. President Vladimir Putin's calculation in response is that the European Union and the United States cannot possibly be serious about the financial war. It would turn into a boomerang: Russia would be less affected than the more developed and complex financial markets of Europe and America. The threat of systemic disruption generates a new sort of uncertainty, one that mirrors the decisive feature of the crisis of the summer of 1914. At that time, no one could really know whether clashes would escalate or not. That feature contrasts remarkably with almost the entirety of the Cold War, especially since the 1960s, when the strategic doctrine of Mutually Assured Destruction left no doubt that any superpower conflict would inevitably escalate. The idea of network disruption relies on the ability to achieve advantage by surprise, and to win at no or low cost. But it is inevitably a gamble, and raises prospect that others might, but also might not be able to, mount the same sort of operation. Just as in 1914, there is an enhanced temptation to roll the dice, even though the game may be fatal.

1AC – Internet Freedom

NSA spying has undermined American foreign policy. It undercut any credibility to push for democratic freedom in repressive regimes, repressive surveillance is growing worldwide as a result.

Schneier 15

Bruce Schneier a fellow at the Berkman Center for Internet and Society at Harvard Law School, a board member of the Electronic Frontier Foundation, an Advisory Board Member of the Electronic Privacy Information Center, and the CTO at Resilient Systems, Inc 3/2/15, *Data and Goliath: The Hidden Battles to Collect Your Data and Control Your World.* P. 106

In 2010, then secretary of state Hillary Clinton gave a speech declaring Internet freedom a major US foreign policy goal. To this end, the US State Department funds and supports a variety of programs worldwide, working to counter censorship, promote encryption, and enable anonymity, all designed "to ensure that any child, born anywhere in the world, has access to the global Internet as an open platform on which to innovate, learn, organize, and express herself free from undue interference or censorship." This agenda has been torpedoed by the awkward realization that the US and other democratic governments conducted the same types of surveillance they have criticized in more repressive countries. Those repressive countries are seizing on the opportunity, pointing to US surveillance as a justification for their own more draconian Internet policies: more surveillance, more censorship, and a more isolationist Internet that gives individual countries more control over what their citizens see and say. For example, one of the defenses the government of Egypt offered for its plans to monitor social media was that "the US listens in to phone calls, and supervises anyone who could threaten its national security." Indians are worried that their government will cite the US's actions to justify surveillance in that country. Both China and Russia publicly called out US hypocrisy. This affects Internet freedom worldwide. Historically, Internet governance—what little there was—was largely left to the United States, because everyone more or less believed that we were working for the security of the Internet instead of against it. But now that the US has lost much of its credibility, Internet governance is in turmoil. Many of the regulatory bodies that influence the Internet are trying to figure out what sort of leadership model to adopt. Older international standards organizations like the International Telecommunications Union are trying to increase their influence in Internet governance and develop a more nationalist set of rules. This is the cyber sovereignty movement, and it threatens to fundamentally fragment the Internet. It's not new, but it has been given an enormous boost from the revelations of NSA spying. Countries like Russia, China, and Saudi Arabia are pushing for much more autonomous control over the portions of the Internet within their borders. That, in short, would be a disaster. The Internet is fundamentally a global platform. While countries continue to censor and control, today people in repressive regimes can still read information from and exchange ideas with the rest of the world. Internet freedom is a human rights issue, and one that the US should support.

Further, this hypocrisy has created the conditions that will accelerate the global rise of authoritarianism.

Chenoweth & Stephan 2015

Erica Chenoweth, political scientist at the University of Denver.& Maria J. Stephan, Senior Policy Fellow at the U.S. Institute of Peace, Senior Fellow at the Atlantic Council.7-7-2015, "How Can States and Non-State Actors Respond to Authoritarian Resurgence?," Political Violence @ a Glance, http://politicalviolenceataglance.org/2015/07/07/how-can-states-and-non-state-actors-respond-to-authoritarian-resurgence/

Chenoweth: Why is authoritarianism making a comeback? Stephan: There's obviously no single answer to this. But part of the answer is that democracy is losing its allure in parts of the world. When people don't see the economic and governance benefits of democratic transitions, they lose hope. Then there's the compelling "stability first" argument. Regimes around the world, including China and Russia, have readily cited the "chaos" of the Arab Spring to justify heavy-handed policies and consolidating their grip on power. The "color revolutions" that toppled autocratic regimes in Serbia, Georgia, and Ukraine inspired similar dictatorial retrenchment. There is nothing new about authoritarian regimes adapting to changing circumstances. Their resilience is reinforced by a combination of violent and non-coercive measures. But authoritarian paranoia

seems to have grown more piqued over the past decade. Regimes have figured out that "people power" endangers their grip on power and they are cracking down. There's no better evidence of the effectiveness of civil resistance than the measures that governments take to suppress it—something you detail in your chapter from my new book. Finally, and importantly, democracy in this country and elsewhere has taken a hit lately. Authoritarian regimes mockingly cite images of torture, mass surveillance, and the catering to the radical fringes happening in the US political system to refute pressures to democratize themselves. The financial crisis here and in Europe did not inspire much confidence in democracy and we are seeing political extremism on the rise in places like Greece and Hungary. Here in the US we need to get our own house in order if we hope to inspire confidence in democracy abroad.

American surveillance is the primary driver behind this authoritarian accelleration.

The plan is necessary to restore US credibility.

Jackson, 2015

Dean Jackson is an assistant program officer at the International Forum for Democratic Studies. He holds an M.A. from the University of Chicago's Committee on International Relations, 7-14-2015, "The Authoritarian Surge into Cyberspace," International Forum For Democratic Studies, http://www.resurgentdictatorship.org/the-authoritarian-surge-into-cyberspace/

This still leaves open the question of what is driving authoritarian innovation in cyberspace. Deibert identifies increased government emphasis on cybersecurity as one driver: cybercrime and terrorism are serious concerns, and governments have a legitimate interest in combatting them. Unfortunately, when democratic governments use mass surveillance and other tools to police cyberspace, it can have the effect of providing cover for authoritarian regimes to use similar techniques for repressive purposes—especially, as Deibert notes, since former NSA contractor Edward Snowden's disclosure of US mass surveillance programs. Second, Deibert observes that authoritarian demand for cybersecurity technology is often met by private firms based in the democratic world—a group that Reporters Without Borders (RSF) calls the "Corporate Enemies of the Internet." Hacking Team, an Italian firm mentioned in the RSF report, is just one example: The Guardian reports that leaked internal documents suggest Hacking Team's clients include the governments of "Azerbaijan, Kazakhstan, Uzbekistan, Russia, Bahrain, Saudi Arabia, and the United Arab Emirates." Deibert writes that "in a world where 'Big Brother' and 'Big Data' share so many of the same needs, the political economy of cybersecurity must be singled out as a major driver of resurgent authoritarianism in cyberspace." Given these powerful forces, it will be difficult to reverse the authoritarian surge in cyberspace. Deibert offers some possible solutions: for starters, he writes that the "political economy of cybersecurity" can be altered through stronger export controls, "smart sanctions," and a monitoring system to detect abuses. Further, he recommends that cybersecurity trade fairs open their doors to civil society watchdogs who can help hold governments and the private sector accountable. Similarly, Deibert suggests that opening regional cybersecurity initiatives to civil society participation could mitigate violations of user rights. This might seem unlikely to occur within some authoritarian-led intergovernmental organizations, but setting a normative expectation of civil society participation might help discredit the efforts of bad actors. Deibert concludes with a final recommendation that society develop "models of cyberspace security that can show us how to prevent disruptions or threats to life and property without sacrificing liberties and rights." This might restore democratic states to the moral high ground and remove oppressive regimes' rhetorical cover, but developing such models will require confronting powerful vested interests and seriously examining the tradeoff between cybersecurity and Internet freedom. Doing so would be worth it: the Internet is far too important to cede to authoritarian control.

The impact – the failure of global democratic consolidation causes extinction.

Diamond, 1995

Larry, Senior Fellow at the Hoover Institution, Promoting Democracy in the 1990s, December, http://www.wilsoncenter.org/subsites/ccpdc/pubs/di/fr.htm

This hardly exhausts the lists of threats to our security and well-being in the coming years and decades. In the former Yugoslavia nationalist aggression tears at the stability of Europe and could easily spread. The flow of illegal drugs intensifies through increasingly powerful international crime syndicates that have made common cause with authoritarian regimes and have utterly corrupted the institutions of tenuous, democratic ones. Nuclear, chemical, and biological weapons continue to proliferate. The very source of life on Earth, the global ecosystem, appears increasingly endangered. Most of these new and unconventional threats to security are associated with or aggravated by the weakness or absence of democracy, with its provisions for legality, accountability, popular sovereignty, and openness. LESSONS OF THE TWENTIETH CENTURY The experience of this century offers important lessons. Countries that govern themselves in a truly democratic fashion do not go to war with one another. They do not aggress against their neighbors to aggrandize themselves or glorify their leaders. Democratic governments do not ethnically "cleanse" their own populations, and they are much less likely to face ethnic insurgency. Democracies do not sponsor terrorism against one another. They do not build weapons of mass destruction to use on or to threaten one another. Democratic countries form more reliable, open, and enduring trading partnerships. In the long run they offer better and more stable climates for investment. They are more environmentally responsible because they must answer to their own citizens, who organize to protest the destruction of their environments. They are better bets to honor international treaties since they value legal obligations and because their openness makes it much more difficult to breach agreements in secret. Precisely because, within their own borders, they respect competition, civil liberties, property rights, and the rule of law, democracies are the only reliable foundation on which a new world order of international security and prosperity can be built.

1AC – Plan

Plan: The United States federal government should limit the scope of its domestic surveillance under Section 702 of the Foreign Intelligence Surveillance Act to communications whose sender or recipient is a valid intelligence target and whose targets pose a tangible threat to national security.

1AC – Solvency

The plan solves, limiting the purposes of 702 collection to a "tangible threat to national security" is critical to solve overcollection.

Sinha, 2014

G. Alex Sinha is an Aryeh Neier fellow with the US Program at Human Rights Watch and the Human Rights Program at the American Civil Liberties Union, July 2014 "With Liberty to Monitor All How Large-Scale US Surveillance is Harming Journalism, Law, and American Democracy" Human Rights Watch, http://www.hrw.org/node/127364

Narrow the purposes for which all foreign intelligence surveillance may be conducted and limit such surveillance to individuals, groups, or entities who pose a tangible threat to national security or a comparable state interest. o Among other steps, Congress should pass legislation amending Section 702 of FISA and related surveillance authorities to narrow the scope of what can be acquired as "foreign intelligence information," which is now defined broadly to encompass, among other things, information related to "the conduct of the foreign affairs of the United States." It should be restricted to what is necessary and proportionate to protect legitimate aims identified in the ICCPR, such as national security. In practice, this should mean that the government may acquire information only from individuals, groups, or entities who pose a tangible threat to national security narrowly defined, or a comparable compelling state interest.

And, this limit solves without damaging counterterrorism.

Laperruque 2014,

Jake, CDT's Fellow on Privacy, Surveillance, and Security. Previously served as a law clerk for Senator Al Franken on the Subcommittee on Privacy, Technology, and the Law, and as a policy fellow for Senator Robert Menendez. "Why Average Internet Users Should Demand Significant Section 702 Reform," Center For Democracy & Technology., 7-22-2014, https://cdt.org/blog/why-average-internet-users-should-demand-significant-section-702-reform/

Where Do We Go From Here? There are sensible reforms that can significant limit the collateral damage to privacy caused by Section 702 without impeding national security. Limiting the purposes for which Section 702 can be conducted will narrow the degree to which communications are monitored between individuals not suspected of wrongdoing or connected to national security threats. Closing retention loopholes present in the Minimization Guidelines governing that surveillance will ensure that when Americans' communications are incidentally collected, they are not kept absent national security needs. And closing the backdoor search loophole would ensure that when Americans' communications are retained because they communicated with a target of Section 702 surveillance, they couldn't be searched unless the standards for domestic surveillance of the American are met.

And, the plan eliminates the collection of communication "about" targets -that solves upstream collection.

Nojeim, 2014

Greg, Director, Project on Freedom, Security & Technology Comments To The Privacy And Civil Liberties Oversight Board Regarding Reforms To Surveillance Conducted Pursuant To Section 702 Of Fisa April 11, 2014
https://d1ovv0c9tw0h0c.cloudfront.net/files/2014/04/CDT_PCLOB-702-Comments_4.11.13.pdf

C. Collection of communications "about" targets that are neither to nor from targets should be prohibited. The Government takes the position that Section 702 permits it to collect not only communications that are to or from a foreign intelligence target, but also communications that are "about" the target because they mention an identifier associated with the target.17 The practice directs the focus of surveillance away from suspected wrongdoers and permits the NSA to target communications between individuals with no link to national security investigations. Because this is inconsistent with the legislative history of the statute, and raises profound constitutional and operational problems, PCLOB should recommend that "about" collection be ended, and that Section 702 surveillance be limited to communications to and from targets. Section 702 authorizes the government to target the communications of persons reasonably believed to be abroad, but it never defines the term "target." However, throughout Section 702, the term is used to refer to the targeting of an individual rather content of a communication.18 Further, the entire congressional debate on Section 702 includes no reference to collecting communications "about" a foreign target, and significant debate about collecting communications to or from a target.19 To collect "about" communications, the NSA engages in "upstream" surveillance on the Internet backbone,20 meaning "on fiber cables and infrastructure as data flows past,"21 temporarily copying the content of the entire data stream so it can be searched for the same "selectors" used for the downstream or "PRISM" surveillance. As a result, the NSA has the capability to search any Internet communication going into or out of the U.S.22 without particularized intervention by a provider. Direct access creates direct opportunity for abuse, and should not be permitted to a military intelligence agency. This dragnet scanning also results in the collection of "multi-communication transactions," (MCTs) which include tens of thousands wholly domestic communications each year.23 The FISC required creation of new minimization rules for MCTs in 2011, but did not limit their collection.24 The mass searching of communications content inside the United States, knowing that it the communications searched include tens of thousands of wholly domestic communications each year, raises profound constitutional questions. Abandoning collection of communications "about" targets would remove any justification for upstream collection, eliminate the serious problems posed by direct government access to the Internet infrastructure, eliminate the collection of tens of thousands of wholly domestic

communications in contravention of the statute, an make surveillance under Section 702 consistent with the congressional intent.

And, these limits restore US leadership.

Edgar, 2015

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The United States should also pivot from its defensive position and take the lead on global privacy. The United States has an impressive array of privacy safeguards, and it has even imposed new ones that protect citizens of every country. Despite their weaknesses, these safeguards are still the strongest in the world. The U.S. government should not be shy about trumpeting them, and should urge other countries to follow its lead. It could begin by engaging with close allies, like the United Kingdom, Germany, and other European countries, urging them to increase transparency and judicial supervision of their own communications surveillance activities.

Finally, the plan is a critical step to fight the politics of fear and regain privacy rights.

Snowden, 2015,

Edward J. Snowden, a former Central Intelligence Agency officer and National Security Agency contractor, is a director of the Freedom of the Press Foundation. 6-4-2015, "Edward Snowden: The World Says No to Surveillance," New York Times, http://www.nytimes.com/2015/06/05/opinion/edward-snowden-the-world-says-no-to-surveillance.html

Though we have come a long way, the right to privacy — the foundation of the freedoms enshrined in the United States Bill of Rights — remains under threat. Some of the world's most popular online services have been enlisted as partners in the N.S.A.'s mass surveillance programs, and technology companies are being pressured by governments around the world to work against their customers rather than for them. Billions of cellphone location records are still being intercepted without regard for the guilt or innocence of those affected. We have learned that our government intentionally weakens the fundamental security of the Internet with "back doors" that transform private lives into open books. Metadata revealing the personal associations and interests of ordinary Internet users is still being intercepted and monitored on a scale unprecedented in history: As you read this online, the United States government makes a note. Spymasters in Australia, Canada and France have exploited recent tragedies to seek intrusive new powers despite evidence such programs would not have prevented attacks. Prime Minister David Cameron of Britain recently mused, "Do we want to allow a means of communication between people which we cannot read?" He soon found his answer, proclaiming that "for too long, we have been a passively tolerant society, saying to our citizens: As long as you obey the law, we will leave you alone." At the turning of the millennium, few imagined that citizens of developed democracies would soon be required to defend the concept of an open society against their own leaders. Yet the balance of power is beginning to

shift. We are witnessing the emergence of a post-terror generation, one that rejects a worldview defined by a singular tragedy. For the first time since the attacks of Sept. 11, 2001, we see the outline of a politics that turns away from reaction and fear in favor of resilience and reason. With each court victory, with every change in the law, we demonstrate facts are more convincing than fear. As a society, we rediscover that the value of a right is not in what it hides, but in what it protects.

Sample 1NC

T-Domestic

Interpretation – Domestic surveillance deals with communication inside the US

HRC 14 (Human Rights Council 2014, IMUNC2014, https://imunc.files.wordpress.com/2014/05/hrc-study-guide.pdf)
Domestic surveillance: Involves the monitoring, interception, collection, analysis, use, preservation, retention of, interference with, or access to **information that includes, reflects, or arises from or a person's communications in the past, present or future with or without their consent or choice, existing or occurring inside a particular country.**

Violation – the affirmative limits the scope of foreign intelligence collection under section 702 of FISA, which is distinct from domestic surveillance

McCarthy 6 (Andrew, former assistant U.S. attorney, now contributing editor of National Review and a senior fellow at the National Review Institute, National Review It's Not "Domestic Spying"; It's Foreign Intelligence Collection, May 15, 2006, http://www.nationalreview.com/corner/122556/its-not-domestic-spying-its-foreign-intelligence-collection-andrew-c-mccarthy)

Eggen also continues the mainstream media's propagandistic use of the term "domestic surveillance [or 'spying'] program." In actuality, the electronic surveillance that the NSA is doing — i.e., eavesdropping on content of conversations — is not "domestic." **A call is not considered "domestic" just because one party to it happens to be inside the U.S., just as an investigation is not "domestic" just because some of the subjects of interest happen to reside inside our country.** Mohammed Atta was an agent of a foreign power, al Qaeda. Surveilling him — had we done it — would not have been "domestic spying." **The calls NSA eavesdrops on are "international," not "domestic." If that were not plain enough on its face, the Supreme Court made it explicit in the Keith case** (1972). There, even though it held that judicial warrants were required for wiretapping purely domestic terror organizations**, the Court excluded investigations of threats posed by foreign organizations and their agents operating both within and without the U.S.** That is, the Court understood what most Americans understand but what the media, civil libertarians and many members of Congress refuse to acknowledge: **if we are investigating the activities of agents of foreign powers inside the United States, that is not DOMESTIC surveillance. It is FOREIGN counter-intelligence.** That, in part, is why the statute regulating wiretaps on foreign powers operating within the U.S. — the one the media has suddenly decided it loves after bad-mouthing it for years as a rubber-stamp — is called the FOREIGN Intelligence Surveillance Act (FISA). **The United States has never needed court permission to conduct wiretapping outside U.S. territory; the**

wiretapping it does inside U.S. territory for national security purposes is FOREIGN INTELLIGENCE COLLECTION, not "domestic surveillance."

Voters:

1. Limits- The aff's interpretation allows them to have a surveillance policy that affects any country, which overstretches the neg's research burden by a factor 196, because all surveillance becomes topical, no matter what the target country is.

Security K

Framing the economy in terms of security discourse leads states to implement unreliable policies, destroying the economic strength they attempt to preserve

Lipschutz 98 (Ronnie Lipschutz, PhD in Politics and Director at UC Santa Cruz, 1998, "On Security" p. 11-12, http://people.ucsc.edu/~rlipsch/index.html/A.Lipschutz%20VITA.11.pdf)

The ways in which the framing of threats is influenced by a changing global economy is seen nowhere more clearly than in recent debates over competitiveness and "economic security." What does it mean to be competitive? Is a national industrial policy consistent with global economic liberalization? How is the security component of this issue socially constructed? Beverly **Crawford** (Chapter 6: "Hawks, Doves, but no Owls: The New Security Dilemma Under International Economic Interdependence") **shows how strategic economic interdependence**--a consequence of the growing liberalization of the global economic system, the increasing availability of advanced technologies through commercial markets, and the ever-increasing velocity of the product cycle--**undermines the ability of states to control those technologies that, it is often argued, are critical to economic strength and military might. Not only can others acquire these technologies, they might also seek to restrict access to them. Both contingencies could be threatening.** (Note, however, that by and large the only such restrictions that *have* been imposed in recent years have all come at the behest of the United States, which is most fearful of its supposed vulnerability in this respect.) **What, then, is the solution to this "new security dilemma,"** as Crawford has stylized it? According to Crawford**, state decisionmakers can respond in three ways. First, they can try to restore state autonomy through self-reliance although, in doing so, they are likely to undermine state strength via reduced competitiveness. Second, they can try to restrict technology transfer to potential enemies, or the trading partners of potential enemies**, although this begins to include pretty much everybody. **It also threatens to limit the market shares of those corporations that produce the most innovative technologies. Finally, they can enter into co-production projects or encourage strategic alliances among firms. The former approach may slow down technological development; the latter places control in the hands of actors who are driven by market, and not military, forces. They are, therefore, potentially unreliable. All else being equal, in all three cases, the state appears to be a net loser where its security is concerned.** But this does not prevent the state from trying to gain.

Limiting surveillance to resolve the fear of apocalypse creates an endless cycle of violence and governmentality

Coviello 2K (Peter, Professor of English and Acting Program Director of Africana Studies – Bowdoin College, Queer Frontiers, p. 40-41, https://books.google.com/books/about/Queer_frontiers.html?id=GR4bAAAAYAAJ)

Perhaps. But to claim that American culture is at present decisively postnuclear is not to say that the world we inhabit is in any way postapocalyptic. Apocalypse, as I began by saying, changed-it did not go away. And here I want to hazard my second assertion**: if, in the nuclear age of yesteryear, apocalypse signified an event threatening everyone and everything with** (in Jacques Derrida's suitably menacing phrase) `remainderless and a-symbolic **destruction,"**6 **then in the postnuclear world apocalypse is an affair whose parameters are definitively local**. In shape and in substance, **apocalypse is defined now by the affliction it brings somewhere else, always to an "other" people whose very presence might then be written as a kind of dangerous contagion, threatening the safety and prosperity of a cherished "general population:'** This fact seems to me to stand behind Susan Sontag's incisive observation, from 1989, that, "**Apocalypse is now a long-running serial: not `Apocalypse Now' but 'Apocalypse from Now On.""** The decisive point here in the perpetuation of the threat of apocalypse (the point Sontag goes on, at length, to miss) is that **apocalypse is ever present because, as an element in a vast economy of power, it is ever useful. That is, through the perpetual threat of destruction-through the constant reproduction of the figure of apocalypse-agencies of power ensure their authority to act on and through the bodies of a particular population**. No one turns this point more persuasively than Michel Foucault, who in the final chapter of his first volume of The History of Sexuality addresses himself to the problem of a power that is less repressive than productive, less life-threatening than, in his words, "life-administering:' Power, he contends, "exerts a positive influence on life . . . [and] endeavors to administer, optimize, and multiply it, subjecting it to precise controls and comprehensive regulations:' In his brief comments on what he calls "the atomic situation;' however, Foucault insists as well that the productiveness of modern power must not be mistaken for a uniform repudiation of violent or even lethal means. For **as "managers of life and survival, of bodies and the race," agencies of modern power presume to act "on the behalf of the existence of everyone:' Whatsoever might be construed as a threat to life and survival in this way serves to authorize any expression of force, no matter how invasive or, indeed, potentially annihilating. "If genocide is indeed the dream of modern power;**' Foucault writes, **"this is not because of a recent return to the ancient right to kill; it is because power is situated and exercised at the level of life, the species, the race, and the large-scale phenomena of population:'8 For a state that would arm itself** not with the power to kill its population, but **with a more comprehensive power over the patterns and functioning of its collective life, the threat of an apocalyptic demise, nuclear or otherwise, seems a civic initiative that can scarcely be done without.**

Reject the affirmative's fear-drive politics-critical analysis of the politics of security and resultant militarism gives us a new political view to articulate a truly democratic politics---activating your role as an ethical educator is the only way to avoid war

Giroux 13 (Henry, Chair in English and Cultural Studies at McMaster University, Violence, USA, 2013, monthlyreview.org/2013/05/01/violence-usa)

In addition, as the state is hijacked by the financial-military-industrial complex, the "most crucial decisions regarding national policy are not made by representatives, but by the financial and military elites."**53 Such massive inequality and the suffering and political corruption it produces point to the need for critical analysis in which the separation of power and politics can be understood. This means developing terms that clarify how power becomes global even as politics continues to function largely at the national level**, with the effect of reducing the state primarily to custodial, policing, and punishing functions—at least for those

populations considered disposable. The state exercises its slavish role in the form of lowering taxes for the rich, deregulating corporations, funding wars for the benefit of the defense industries, and devising other welfare services for the ultra-rich. There is no escaping the global politics of finance capital and the global network of violence it has produced. **Resistance must be mobilized globally and politics restored to a level where it can make a difference in fulfilling the promises of a global democracy. But such a challenge can only take place if the political is made more pedagogical and** matters **of education take center stage in the struggle for desires, subjectivities, and social relations that refuse the normalizing of violence** as a source of gratification, entertainment, identity, and honor. **War** in its expanded incarnation **works in tandem with a state organized around the production of widespread violence. Such a state is necessarily divorced from public values and the formative cultures that make a democracy possible.** The result is a weakened civic culture that allows violence and punishment to circulate as part of a culture of commodification, entertainment, distraction, and exclusion. In opposing the emergence of the United States as both a warfare and a punishing state**, I am not appealing to a form of left moralism meant simply to mobilize outrage** and condemnation. These are not unimportant registers, but they do not constitute an adequate form of resistance. **What is needed are modes of analysis that do the hard work of uncovering the effects of the merging of** institutions of capital, wealth, and power, and how this merger has extended the reach of a **military-industrial-carceral and academic complex**, especially since the 1980s. **This complex of ideological and institutional elements designed for the production of violence must be addressed by making visible its** vast national and **global interests and militarized networks**, as indicated by the fact that the United States has over 1,000 military bases abroad.54 Equally important is the need to highlight how this military-industrial-carceral and academic complex uses punishment as a structuring force to shape national policy and everyday life. **Challenging the warfare state also has an important educational component**. C. Wright Mills was right in arguing that **it is impossible to separate the violence of an authoritarian social order from the cultural apparatuses that nourish it.** As Mills put it, the major cultural apparatuses not only "guide experience, they also expropriate the very chance to have an experience rightly called 'our own.'"55 This narrowing of experience shorn of public values locks people into private interests and the hyper-individualized orbits in which they live. Experience itself is now privatized, instrumentalized, commodified, and increasingly militarized. **Social responsibility gives way to organized infantilization and a flight from responsibility. Crucial here is the need to develop new cultural and political vocabularies that can foster an engaged mode of citizenship capable of naming the corporate and academic interests that support the warfare state and its apparatuses of violence, while simultaneously mobilizing social movements to challenge and dismantle its vast networks of power. One central pedagogical and political task in dismantling the warfare state is, therefore, the challenge of creating the cultural conditions and public spheres that would enable the U.S. public to move from being spectators of war and everyday violence to being informed and engaged citizens. Unfortunately, major cultural apparatuses like** public and **higher education**, which have been historically responsible for educating the public, **are becoming little more than market-driven and militarized knowledge factories**. In this particularly insidious role, **educational institutions deprive students of the capacities that would enable them not only to assume public responsibilities, but also to actively participate in the process of governing. Without the public spheres for creating a formative culture equipped to challenge the educational, military,** market, and religious **fundamentalisms that dominate U.S. society, it will be virtually impossible to resist the normalization of war as a matter of domestic and foreign policy. Any viable notion of resistance to the current authoritarian order must also address the issue of what it means pedagogically to imagine a more democratically oriented notion of knowledge, subjectivity, and agency and what it might mean to bring such notions into the public sphere**. This is more than what Bernard Harcourt calls "**a new grammar of political disobedience."56 It is a reconfiguring of the nature and substance of the political so that matters of pedagogy become central to the very definition of what constitutes the political and the practices that make it meaningful. Critical understanding motivates transformative action, and the**

affective investments it demands can only be brought about by breaking into the hardwired forms of common sense that give war and state-supported violence their legitimacy. War does not have to be a permanent social relation, nor the primary organizing principle of everyday life, society, and foreign policy. The war of all-against-all and the social Darwinian imperative to respond positively only to one's own self-interest represent the death of politics, civic responsibility, and ethics, and set the stage for a dysfunctional democracy, if not an emergent authoritarianism. The existing neoliberal social order produces individuals who have no commitment, except to profit, disdain social responsibility, and loosen all ties to any viable notion of the public good. This regime of punishment and privatization is organized around the **structuring forces of violence and militarization, which produce a surplus of fear, insecurity, and a weakened culture of civic engagement—one in which there is little room for reasoned debate, critical dialogue, and informed intellectual exchange**. Patricia Clough and Craig Willse are right in arguing that **we live in a society "in which the production and circulation of death functions as political and economic recovery."57 The** United States understood as a **warfare state prompts a new urgency for a collective politics and a social movement capable of negating the current regimes of political and economic power, while imagining a different and more democratic social order. Until the ideological and structural foundations of violence** that are pushing U.S. society over the abyss **are addressed, the current warfare state will be transformed into a full-blown authoritarian state that will shut down any vestige of democratic values, social relations, and public spheres. At the very least, the U.S. public owes it to its children and future generations, if not the future of democracy itself, to make visible and dismantle this machinery of violence** while also reclaiming the spirit of a future that works for life rather than death—the future of the current authoritarianism, however dressed up they appear in the spectacles of consumerism and celebrity culture. **It is time for educators**, unions, young people, liberals, religious organizations, and other groups **to connect the dots, educate themselves, and develop powerful social movements that can restructure the fundamental values and social relations of democracy while establishing the institutions and formative cultures that make it possible. Stanley Aronowitz is right in arguing that: the system survives on the eclipse of the radical imagination**, the absence of a viable political opposition with roots in the general population, **and the conformity of its intellectuals who, to a large extent, are subjugated by their secure berths in the academy** [and though] we can take some solace in 2011, the year of the protester…it would be premature to predict that decades of retreat, defeat and silence can be reversed overnight without a commitment to what may be termed "a long march" through the institutions, the workplaces and the streets of the capitalist metropoles.58 The current protests among young people, workers, the unemployed, students, and others are making clear that **this is not—indeed, cannot be—only a short-term project for reform, but must constitute a political and social movement of sustained growth, accompanied by the reclaiming of public spaces**, the progressive use of digital technologies**, the development of democratic public spheres, new modes of education, and the safeguarding of places where democratic expression, new identities, and collective hope can be nurtured and mobilized**. Without broad political and social movements standing behind and uniting the call on the part of young people for democratic transformations, any attempt at radical change will more than likely be cosmetic. **Any viable challenge to the new authoritarianism and its theater of cruelty and violence must include developing a variety of cultural discourses and sites where new modes of agency can be imagined and enacted, particularly as they work to reconfigure a new collective subject, modes of sociality, and "alternative conceptualizations of the self and its relationship to others."59 Clearly, if the United States is to make a claim to democracy, it must develop a politics that views violence as a moral monstrosity and war as virulent pathology**. How such a claim to politics unfolds remains to be seen. In the meantime, resistance proceeds, especially among the young people who now carry the banner of struggle against an encroaching authoritarianism that is working hard to snuff out all vestiges of democratic life.

Counterplan

Plan: The United States federal government should limit the scope of its domestic surveillance under Section 702 of the Foreign Intelligence Surveillance Act to communications whose sender or recipient is a valid intelligence target and whose targets pose a threat to national security.

Tangible threat requires facts of danger

Supreme Court of Georgia 6 ("Decatur County v. Bainbridge Post Searchlight", SUPREME COURT OF GEORGIA, Fulton County D. Rep. 2191, July 6, 2006, Lexis)

In our litigious society, a governmental agency always faces some threat of suit. To construe the term "potential litigation" to include an unrealized or idle threat of litigation would seriously undermine the purpose of the Act. Such a construction is overly broad. HN4Go to this Headnote in the case. Construing OCGA § 50-14-2 (1) narrowly, we hold that a meeting may not be closed to discuss potential litigation under the attorney-client exception unless the governmental entity can show a realistic and **tangible threat** of legal action against it or its officer[s] or employee[s], **a threat that goes beyond a mere fear or suspicion** of being sued. A realistic and **tangible threat** of litigation is one that **can be characterized with reference to objective factors** which may include, but which are not limited to, (1) a formal demand letter or some comparable writing that presents the party's claim and manifests a solemn intent to sue, [cit.]; (2) previous or pre-existing litigation between the parties or proof of ongoing litigation concerning similar claims, [cit.]; or (3) proof that a party has both retained counsel with respect to the claim at issue and has expressed an intent to sue, [cit.] This list is not intended to be exhaustive but merely illustrative of circumstances that a trial court may consider, in the exercise of its discretion, that take the threat of litigation out of the realm of "remote and speculative" and into the realm of "realistic and tangible."

NSA surveillance on real and fake treats have thwarted terrorism

Sterman et al 14 (David, a program associate at New America and holds a master's degree from Georgetown's Center for Security Studies, gis work focuses on homegrown extremism and the maintenance of New America's datasets on terrorism inside the United States and the relative roles of NSA surveillance and traditional investigative tools in preventing such terrorism, Emily Schneider, senior program associate for the International Security Program at New America, Peter Bergen, Vice President, Director of Studies, Director, International Security, Future of War, and Fellows Programs, "DO NSA'S BULK SURVEILLANCE PROGRAMS STOP TERRORISTS?", January 13th 2014, https://www.newamerica.org/international-security/do-nsas-bulk-surveillance-programs-stop-terrorists/)

On June 5, 2013, the Guardian broke the first story in what would become a flood of revelations regarding the extent and nature of the NSA's surveillance programs. Facing an uproar over the threat such programs posed to privacy, the Obama administration scrambled to defend them as legal and essential to U.S. national security and counterterrorism. Two weeks after the first leaks by former NSA contractor Edward Snowden were published, **President Obama defended the NSA surveillance programs during a visit to Berlin, saying: "We know of at least 50 threats that have been averted** because of this information not just in the United States, but, in some cases, threats here in Germany. So lives have been saved." Gen. Keith Alexander, the director of the NSA, testified before Congress that: "**the information gathered from these programs provided the U.S. government with critical leads to help prevent over 50 potential terrorist events in more than 20 countries around the world."** Rep. Mike Rogers (R-Mich.), chairman of the House Permanent Select Committee on Intelligence, said on the House floor in July that "**54 times [the NSA programs] stopped and thwarted terrorist attacks** both here and in Europe – saving real lives."

Increasing transparency alerts terrorists of NSA tactics – increases the risk of cyberterrorism

De 14 (Rajesh,General Counsel, National Security Agency, "The NSA and Accountability in an Era of Big Data", JOURNAL OF NATIONAL SECURITY LAW & POLICY, May 8th 2014,p.4, http://jnslp.com/wp-content/uploads/2014/05/The-NSA-and-Accountability-in-an-Era-of-Big-Data.pdf)

Perhaps the most alarming trend is that the digital communications infrastructure is increasingly also becoming the domain for foreign threat activity. In other words, it is no longer just a question of "collecting" or even "connecting" the dots in order to assess foreign threats amidst more and more digital noise, it is also a question of determining which of the so-called "dots" may constitute the threat itself. As President Obama has recognized, "the cyber threat to our nation is one of the most serious economic and national security challenges we face." Many of us read in the papers every day about cyber-attacks on commercial entities. Hackers come in all shapes and sizes, from foreign government actors, to criminal syndicates, to lone individuals. But as former Secretary of Defense Leon Panetta warned a few months ago, "the greater danger facing us in cyberspace goes beyond crime and it goes beyond harassment. A cyber-attack perpetrated by nation states or violent extremist groups **could be as destructive as the terrorist attack on 9/11**." And as the President warned in his recent State of the Union address, **we know that our enemies are "seeking the ability to sabotage our power grid, our financial institutions, our air-traffic control systems." We also have seen a disturbing trend in the evolution of the cyber threat** around the world. As General Keith Alexander, the Director of NSA, describes it, **the trend is one from "exploitation" to "disruption" to "destruction."** In fundamental terms, the cyber threat has evolved far beyond simply stealing – the stealing of personal or proprietary information, for example-to include more disruptive activity, such as distributed denial of service attacks that may temporarily degrade websites; and more alarmingly, we now see an evolution toward truly destructive activity. Secretary Panetta, for example, recently discussed what he described as "probably the most destructive attack the private sector has seen to date" – a computer virus used to infect computers in the Saudi Arabian State Oil Company Aramco in mid-2012, which virtually destroyed 30,000 computers. *** Within this context, big data presents opportunities and challenges for the government and the private sector. Improving our ability to gain insights from large and complex collections of data holds the promise of accelerating progress across a range of fields from health care to earth science to biomedical research. But perhaps nowhere are the challenges and opportunities of big data as stark as in the national security field, where the stakes are so high – both in terms of the threats we seek to defeat, and of the liberties we simultaneously seek to preserve. This reality is readily apparent in the evolving and dynamic cyber environment, and perhaps no more so than for an agency at the crossroads of the intelligence and the defense communities, like NSA. Of course, **NSA must necessarily operate in a manner that protects its sources and methods from public view.** If a person being investigated by the FBI learns that his home phone is subject to a wiretap, common sense tells us that he will not use that telephone any longer. The same is true for NSA**. If our adversaries know what NSA is doing and how it is doing it – or even what NSA is not doing and why it is not doing it – they could well find ways to evade surveillance, to obscure themselves and their activities, or to manipulate anticipated action or inaction by the U.S. government. In sum, they could more readily use the ocean of big data to their advantage.**

Cyberterrorists could break into computers and launch an attack on a nuclear state—triggers global nuclear war

Fritz 09

(Jason, May 2009, International Commission on Nuclear Non-Proliferation and Disarmament, "Hacking Nuclear Command and Control," Jason is a defense researcher, served as a cavalry officer in the US Army for 6 years, masters in IR @ Bond University, icnnd.org/documents/jason_fritz_hacking_nc2.doc, 7/15/15)

In order to see how cyber terrorists could detonate a nuclear weapon it is important to identify the structures which they would be attempting to penetrate. Nuclear command and control (NC2), sometimes referred to as nuclear command and control and communications (NC3) includes the personnel, equipment, communications, facilities, organisation, procedures, and chain of command involved with maintaining a nuclear weapon capability. A Command and Control Centre is typically a secure room, bunker, or building in a government or military facility that operates as the agency's dispatch centre, surveillance monitoring centre, coordination office and alarm monitoring centre all in one. A state may have multiple command and control centres within the government and military branches which can act independently or, more commonly, be used in the event a higher node is incapable of performing its function. A minimum of eight states possess a nuclear arsenal, providing eight varying nuclear command and control structures for cyber terrorist to target. The eight states which possess nuclear weapons are, in order of acquisition, the US, Russia (former Soviet Union), the UK, France, China, India, Pakistan, and North Korea. South Africa formerly possessed nuclear weapons, but has since dismantled its arsenal. Israel is also widely believed to have nuclear weapons, but has not officially confirmed their status as a nuclear state. There are approximately 20,000 active nuclear weapons in the world. The vast majority of these belong to the US and Russia, stemming from the Cold War. ∂ Nuclear command and control has inherent weaknesses in relation to cyber warfare. The concept of mutually assured destruction means a state must have the capability to launch nuclear weapons in the event of a decapitating strike. This requires having nuclear weapons spread out in multiple locations (mobility and redundancy), so an enemy could not destroy all of their capabilities. Examples of this include land based mobile launch platforms and submarine-launched ballistic missiles (SLBM). This provides terrorists with multiple locations for attaining access to these weapons. Further, under NATO nuclear weapons sharing, the US has supplied nuclear weapons to Belgium, Germany, Italy, the Netherlands, and Turkey for storage and possible deployment. **This further increases the number of access points for terrorists, allowing them to assess not only installations and procedures, but also which borders and state specific laws may be easier to circumvent**. The weapons themselves may all be under the complete control of the US, but the operational plans of terrorists may include items such as reconnaissance, social engineering, and crossing borders which remain unique between states. The potential collapse of a state also presents a challenge. Following the collapse of the Soviet Union, Belarus, Kazakhstan, and Ukraine were in possession of nuclear weapons. These have since been transferred to Russia, but there was, and still is, considerable concern over the security and integrity of those weapons, especially in the face of a destabilized government and civilian hardship. Mutually assured destruction also promotes a hair trigger launch posture and the need for launch orders to be decided on quickly. The advent of SLBMs increased this high pressure tension, as the ability of a submarine to sneak up close to a state's border before launch significantly reduced response time. These short decision times make it easier for terrorists to provoke a launch as little time, and little discussion, is given to assess a situation in full. The desire to reduce the time it takes to disseminate plans to nuclear forces may expand the use of computers in nuclear command and control, or lead to the introduction of fail-deadly and autonomous systems.∂ This chapter is by no means comprehensive, However it sheds some light on the operations of nuclear command and control and the difficulties in defending those systems from cyber terrorism. Many of the details of nuclear command and control are classified, so the information provided below may be outdated. However it points towards a pattern, and there is no certainty these systems and procedures have been updated since entering open source knowledge. Further, terrorists do not have to restrict themselves to unclassified data, and therefore may be able to obtain up to date information.∂ The United States∂ The US employs a nuclear deterrence triad consisted of nuclear-capable long range bombers, SLBMs, and land based intercontinental ballistic missiles (ICBMs), as well as an arsenal of nonstrategic (tactical) nuclear weapons. US nuclear command and control covers a geographically dispersed force with the US President, as Commander in Chief, being the highest authority in the decision to make a nuclear launch. There is a hierarchy of succession in the event the President cannot perform this duty, such as if the President were killed in an attack. Additionally, once the order to launch is given, it travels down a chain of command; the President does not press the button, so to speak, nor is the President physically present at the launch location. These locations would be targets in a nuclear war, so it is imperative that the leader not be there. Additionally, multiple independent launch locations make this impossible (except for cases in which multiple missiles are tied together in a Single Integrated Operational Plan). So it is theoretically possible to subvert this control by falsifying the order at any number of locations down that chain of command. The infrastructure that supports the President in his decision to launch nuclear weapons is the Nuclear Command and Control System (NCCS). "The NCCS must support situation monitoring, tactical warning and attack assessment of missile launches, senior leader decision making, dissemination of Presidential force-direction orders, and management of geographically dispersed forces" (Critchlow 2006).∂ Key US nuclear command centres include fixed locations, such as the National Military Command Center (NMCC) and the Raven Rock Mountain Complex (Site R), and mobile platforms, such as the E-4B National Airborne Operations Center (NAOC) and the Mobile Consolidated Command Center (MCCC). The US seeks to integrate its nuclear forces into its vision of command, control, computers, communications, intelligence, surveillance, and reconnaissance (C4ISR) hinting towards a greater reliance on computer technology in maintaining and upgrading its nuclear force, not only to combat against Cold War style nuclear war, but also against perceived emerging threats from China, Iran and North Korea. In particular the US recognises these states' potential to use nuclear weapons detonated at high altitude to create an electromagnetic pulse (EMP). The threat of EMP was known during the Cold War, and a considerable amount of attention has been paid to hardening nuclear systems (Critchlow 2006).∂ The Minimum Essential Emergency Communications Network (MEECN) links to the ICBMs, bombers, and submarine forces. Information widely available on the internet shows the US is seeking to upgrade the MEECN's satellite communications capability through Advanced Extremely High Frequency and the Transformational Communications Satellite programs. Cyber terrorists may use this knowledge to research these new forms, or to expose weaknesses in the old system before upgrades are completed. Early warning systems and communications are essential to assessing whether a nuclear launch has been made and communicating the orders to launch a retaliatory strike. Falsifying the data provided by either of these systems would be of prime interest to terrorists. Commands emanating from the NAOC for example, include Extremely High Frequency and Very Low Frequency/Low Frequency links, and its activation during a traditional terrorist attack, as happened on 9/11, could provide additional clues as to its vulnerabilities. Blogging communities have also revealed that the 9/11 terrorist attacks revealed insights into the US continuity of operations plan as high level officials were noted heading to specific installations (Critchlow 2006).∂ One tool designed by the US for initiating a nuclear launch is the 'nuclear football'. It is a specially outfitted briefcase which can be used by the President to authorize a nuclear strike when away from fixed command centres. The President is accompanied by an aide carrying the nuclear football at all times. This aide, who is armed and possibly physically attached to the football, is part of a rotating crew of Presidential aides (one from each of the five service branches). The football contains a secure satellite communication link and any other material the President may need to refer to in the event of its use, sometimes referred to as the 'playbook'. The attack options provided in the football include single ICBM launches and large scale pre-determined scenarios as part of the Single Integrated Operational Plan. Before initiating a launch the President must be positively identified using a special code on a plastic card, sometimes referred to as 'the gold codes' or 'the biscuit'. The order must also be approved by a second member of the

government as per the two-man rule (Pike 2006). ∂ In terms of detecting and analysing a potential attack, that is, distinguishing a missile attack from the launch of a satellite or a computer glitch, the US employs dual phenomenology. This means two different systems must be used to confirm an attack, such as radar and satellite. Terrorists trying to engage a launch by falsifying this data would need to determine which two systems were being used in coordination at the target location and spoof both systems. Attempting to falsify commands from the President would also be difficult. Even if the chain of command is identified, there are multiple checks and balances. For example, doctrine recommends that the President confer with senior commanders. The Chairman of the Joint Chiefs of Staff is the primary military advisor to the President. However, the President may choose to consult other advisors as well. Trying to identify who would be consulted in this system is difficult, and falsification may be exposed at any number of steps. The 2006 Quadrennial Defense Review emphasizes that new systems of command and control must be survivable in the event of cyber warfare attacks. On the one hand, this shows that the US is aware of the potential danger posed by computer network operations and are taking action to prevent it. On the other hand, this shows that they themselves see computer network operations as a weakness in their system. And the US continues to research new ways to integrate computer systems into their nuclear command and control, such as IP-based communications, which they admit, "has not yet been proven to provide the high degree of assurance of rapid message transmission needed for nuclear command and control" (Critchlow 2006).∂ The US nuclear arsenal remains designed for the Cold War. This means its paramount feature is to survive a decapitating strike. In order to do so it must maintain hair-trigger posture on early warning and decision-making for approximately one-third of its 10,000 nuclear weapons. According to Bruce G. Blair, President of the Center for Defense Information, and a former Minuteman launch officer:∂ Warning crews in Cheyenne Mountain, Colo., are allowed only three minutes to judge whether initial attack indications from satellite and ground sensors are valid or false. Judgments of this sort are rendered daily, as a result of events as diverse as missiles being tested, or fired — for example, Russia's firing of Scud missiles into Chechnya — peaceful satellites being lofted into space, or wildfires and solar reflections off oceans and clouds. If an incoming missile strike is anticipated, the president and his top nuclear advisors would quickly convene an emergency telephone conference to hear urgent briefings. For example, the war room commander in Omaha would brief the president on his retaliatory options and their consequences, a briefing that is limited to 30 seconds. All of the large-scale responses comprising that briefing are designed for destroying Russian targets by the thousands, and the president would have only a few minutes to pick one if he wished to ensure its effective implementation. The order would then be sent immediately to the underground and undersea launch crews, whose own mindless firing drill would last only a few minutes (Blair 2003). ∂ These rapid response times don't leave room for error. Cyber terrorists would not need deception that could stand up over time; they would only need to be believable for the first 15 minutes or so. The amount of firepower that could be unleashed in these 15 minutes, combined with the equally swift Russian response, **would be equivalent to approximately 100,000 Hiroshima bombs** (Blair 2008).

Case

Privacy Rights

Surveillance outweighs and privacy violations are overstretched post-Snowden – solves security threats

Gallington 13 -- (Daniel J. Gallington, senior policy and program adviser at the George C. Marshall Institute in Arlington VA, served in senior national policy positions in the Office of the Secretary of Defense, the Department of ?Justice, and as bipartisan general counsel for the U.S. Senate Select Committee on Intelligence, "The Case for Internet Surveillance," US News, http://www.usnews.com/opinion/blogs/world-report/2013/09/18/internet-surveillance-is-a-necessary-part-of-national-security, Accessed 07-02-15)

If the answer to these questions continues to be yes – and it most likely is – then the recent public debate brought on by Edward Snowden's disclosures is **far more mundane, and far less sensational** than the media would perhaps like it to be. Also In that case, the real issue set boils down to the following set of key questions, best answered by our Congress – specifically the Intelligence committees working with some other key committees – after a searching inquiry and a series of hearings, as many of them open as possible. Were the established and relevant laws, regulations and procedures complied with? Are the established laws, regulations and procedures up to date for current Internet and other technologies? Is there reason to add new laws, regulations and procedures? Is there a continued requirement – based on public safety – to be able to do intrusive surveillance, including Internet surveillance, against spies, terrorists or criminals? In sum, the idea that we have somehow "betrayed" or "subverted" the Internet (or the telephone for that matter) is – as my mom also used to say – "**just plain silly**." Such kinds of inaccurate statements are emotional and intended mostly for an audience with preconceived opinions or that hasn't thought very hard about the

dangerous consequences of an Internet totally immune from surveillance. In fact, it seems time for far less sensationalism – primarily by the media – and far more objectivity. In the final analysis, my mom probably had it right: "Those kind of people, sure".

The public doesn't feel strongly about surveillance.

Rieff 13

(David, Author with focus on immigration, international conflict, and humanitarianism, "Why Nobody Cares About the Surveillance State", August 22, 2013, http://foreignpolicy.com/2013/08/22/why-nobody-cares-about-the-surveillance-state/, kc)

And yet, apart from some voices from the antiwar left and the libertarian right, the reaction from this deceived public has been strangely muted. Polls taken this summer have shown the public almost evenly split on whether the seemingly unlimited scope of these surveillance programs was doing more harm than good. Unlike on issues such as immigration and abortion, much of the public outrage presupposed by news coverage of the scandal does not, in reality, seem to exist.¶ It is true that the revelations have caused at least some on the mainstream right, both in Congress and in conservative publications like National Review, to describe the NSA's activities as a fundamental attack on the rights of citizens. For their part, mainstream Democrats find themselves in the uncomfortable position of either defending what many of them view as indefensible or causing trouble for a beleaguered president who seems increasingly out of his depth on most questions of national security and foreign policy.¶ The press can certainly be depended on to pursue the story, not least because of a certain "guild" anger over the detention recently of Guardian journalist Glenn Greenwald's partner, David Miranda, by British police at London's Heathrow Airport, and the British government's decision to force the Guardian to destroy the disks it had containing Snowden's data — in the paper's London office with two officials from CGHQ, the British equivalent of the NSA, looking on. But while the surveillance scandal has both engaged and enraged the elites, when all is said and done, the general public does not seem nearly as concerned.¶ Why? In an age dominated by various kinds of techno-utopianism — the conviction that networking technologies are politically and socially emancipatory and that massive data collection will unleash both efficiency in business and innovation in science — the idea that Big Data might be your enemy is antithetical to everything we have been encouraged to believe. A soon-to-be-attained critical mass of algorithms and data has been portrayed as allowing individuals to customize the choices they make throughout their lives. Now, the data sets and algorithms that were supposed to set us free seem instead to have been turned against us.

No impact to Totalitarianism – privacy is just as likely to be used to cursh dissent

Siegel 11 (Lee Siegel, a columnist and editor at large for The New York Observer, is the author of "Against the Machine: How the Web Is Reshaping Culture and Commerce — and Why It Matters. "'The Net Delusion' and the Egypt Crisis", February 4, 2011, http://artsbeat.blogs.nytimes.com/2011/02/04/the-net-delusion-and-the-egypt-crisis)

¶Morozov takes the ideas of what he calls "cyber-utopians" and shows how reality perverts them in one political situation after another. In Iran, the regime used the internet to crush the internet-driven protests in June 2009. In Russia, neofascists use the internet to organize pogroms. And on and on. Morozov has written hundreds of pages to make the point that technology is amoral and cuts many different ways. Just as radio can bolster democracy or — as in Rwanda — incite genocide, so the internet can help foment a revolution but can also help crush it. This seems obvious, yet it has often been entirely lost as grand claims are made for the internet's positive, liberating qualities. ¶And suddenly here are Tunisia and, even more dramatically, Egypt, simultaneously proving and refuting Morozov's argument. In both cases, social networking allowed truths that had been whispered to be widely broadcast and commented upon. In Tunisia and Egypt — and now across the Arab world — Facebook and Twitter have made people feel less alone in their rage at the governments that stifle their lives. There is nothing more politically emboldening than to feel, all at once, that what you have experienced as personal bitterness is actually an objective condition, a universal affliction in your society that therefore can be universally opposed. ¶Yet at the same time, the Egyptian government shut off the internet, which is an effective way of using the internet. And according to one Egyptian blogger, misinformation is being spread through Facebook — as it was in Iran — just as real information was shared by anti-government protesters. This is the "**dark side of internet freedom"** that Morozov is warning against. It is the freedom to wantonly crush the forces of freedom. ¶All this should not surprise anyone. It seems that, just as with every other type of technology of communication, the internet is not a solution to human conflict but an amplifier for all aspects of a conflict. As you read about pro-government agitators charging into crowds of protesters on horseback and camel, you realize that nothing has changed in our new internet age. The human situation is the same as it always was, except that it is the same in a newer and more intense way. Decades from now, we will no doubt be celebrating a spanking new technology that promises to liberate us from the internet. And the argument joined by Morozov will occur once again.

Econ

Growth rates are unsustainable – we are exceeding the earth's biophysical limits

Klitgaar and Krall 11 (Kent A. Klitgaard, , Lisi Krall, ,"Ecological economics, degrowth, and institutional change", 12/12/2011, Ecological Economics journal issue no. 84 pages 247-248, www.elsevier.com/ locate/ecolecon)

The age of economic growth is coming to an end. The mature economies of the industrial North have already entered the initial stages of the era of degrowth. This is evidenced by data that show overall economic activity has increased at a decreasing rate since the "Golden Age" of 1960s postwar capitalism turned into the era of stagflation in the 1970s. Despite the supposed revival of growth in the neoliberal age, percentage growth rates have continued their secular decline. In the United States real GDP growth was lower in the1980s and 1990s than in the 1970s and lower still in the first years of the 21st century (Tables 1). While percentage growth rates may have declined over the last five decades the absolute size of the economy, as measured by real gross domestic product (for all its flaws) has increased, more than tripling from 1970 until 2011. This creates a dilemma within our present institutional context. Absolute growth, which uses more resources, especially fossil fuel resources, destroys more habitat, and emits more carbon and other pollutants

into the planet's sinks, has grown exponentially. At the same time, relative, or percentage growth, upon which employment depends, has fluctuated over the same decades and shows a downward trend. We are growing too fast to remain within the limits of the biophysical system. At the same time the world economy is growing too slowly to provide sufficient employment and there appears to be a secular decline at work. Despite rapid and sustained rates of economic growth in many newly emerging market economies (e.g. Brazil, India and China) patterns of declining growth rates also exist for the world economy (Table 2). The reduction in the long-term growth rates, especially for mature market economies, is not something we must contend with in the distant future. They have been occurring for decades. Neither are they simply the result of "misguided" policy, as growth rates have fallen in times of both liberal and conservative policy regimes. Rather, we believe the growth rate decline is embedded deeply within the institutional structure of the economy, as well as within biophysical limits. Clearly a better understanding of the complex dynamics of the interactions of the economic and biophysical systems is needed to provide important insights for the degrowth and steady-state agendas. While ecological economics has addressed ecological limits, it has not explored as fully the limits to growth inherent in a market system. The analysis of biophysical limits has been the strength of ecological economics. Beginning with the work of Herman Daly, who placed the economy within the context of a finite and non-growing biophysical system, through the first 1997 text by Robert Costanza and colleagues, ecological economists have carefully delineated limits such as the climate change, the human appropriation of the products of photosynthesis, and biodiversity loss (Costanza et al., 1997). Subsequent analyses by Rees and Wackernagel showed that the human ecological footprint now exceeds the earth's biocapacity, and the Limits to Growth studies by Meadows et al. concluded that human activity has overshot the carrying capacity and the scale of human activity is unlikely to be maintained into the next century. The work of many energy analysts (Campbell, 2005; Campbell and Laherrere, 1998; Deffeyes, 2001; Hall and Klitgaard, 2011; Hallock et al., 2004; Heinberg, 2005; Simmons, 2006) concludes that we are at or near the global peak of fossil hydrocarbons and future economic activity will be impacted strongly by more expensive and less available petroleum. The second set of limits is internal and is to be found in the dynamics of the accumulation process, involving the complex structural interaction of production, consumption, and distribution. The internal limits that gear the economy toward both cyclical variation and secular stagnation have not been considered systematically by ecological economists. When the economy reached these limits historically the result has been a series of periodic recessions and depressions. Renewed growth has been the answer, just as it is now. If the system reaches its own internal limits at the same time the world reaches its external biophysical limits we will have a profound challenge because we need a way to facilitate decent standards of living when economic growth can no longer be the vehicle to maintain incomes and assure social stability. In the last instance, a system in overshoot can neither growits way out of its inherent tendency toward stagnation, nor can it grow its way into sustainability. We believe it is unlikely that the present system of capitalism, dominated by multinational corporations, globalization, speculative finance, and dependence upon fossil fuels, can adjust to the era of degrowth and remain intact as is. In order to devise an economy that meets human needs as it approaches both sets of limits, ecological economics needs to understand more fully the structural and institutional dimensions of the internal and external limits, as well as the interaction between the two. This is our challenge, and it is a difficult one. Ecological economics can better understand the necessary institutional configuration of the non-growing economy only by an improved understanding of the dynamics of growth and capital accumulation, because it is here that the inherent tendencies to stagnate and the resolution to stagnation are found.

Only econ collapse solves in the necessary timeframe

Abramsky 10 (Koyla, visiting fellow at the Institute of Advanced Studies in Science, Technology and Society; fmr. coordinator of the Danish-based World Wind Energy Institute, Racing to "Save" the Economy and the Planet: Capitalist or Post capitalist Transition to a Post-petrol World?, in Sparking A Worldwide Energy Revolution, ed. Koyla Abramsky, pg. 7)

The stark reality is that the only two recent periods that have seen a major reduction in global CO2 emissions both occurred in periods of very sudden, rapid, socially disruptive, and painful periods of forced economic degrowth-namely the breakdown of the Soviet bloc and the current financial-economic crisis. Strikingly, in May 2009, the International Energy Agency reported that, for the first time since 1945, global demand for electricity was expected to fall. Experience has town that a lot of time and political energy have been virtually wasted on developing a highly-ineffective regulatory framework to tackle climate change. Years of COPs and MOPs-the international basis for regulatory efforts have simply proven to be hot am And, not surprisingly, hot air has resulted in global warming. **Only unintended degrowth** has had the effect that years of intentional regulations sought to achieve. Yet, the dominant approaches to-climate change continue to focus on promoting regulatory reforms, rather than on more fundamental changes in social relations. This is true for governments, multilateral institutions, and also large sectors of so-called 'civil society:' especially the major national and international trade unions and their federations, and NOOs. And despite the patent inadequacy of this approach, regulatory efforts will certainly continue to be pursued. Furthermore, they may well **contribute to shoring up legitimacy**, at least in the short term, and in certain predominantly-northern countries where the effects Of climate changes are less immediately visible and impact on pepplds lives less directly. Nonetheless, it is becoming increasingly clear that solutions will not be found at this level.

The impact is linear – the greater growth, the quicker extinction happens. It magnifies all impacts and social problems

Pradanos 15 (Luis Pradanos, writer and Assistant Professor of Spanish at Miami University, "An economy focused solely on growth is environmentally and socially unsustainable", 4/7/2015, The Conversation, http://theconversation.com/an-economy-focused-solely-on-growth-is-environmentally-and-socially-unsustainable-39761)

Most world leaders seem to believe that economic growth is a panacea for many of society's problems. Yet there are many links between our society's addiction to economic growth, the disturbing ecological crisis, the rapid rise of social inequality and the decline in the quality of democracy. These issues tend to be explored as disconnected topics and often misinterpreted or manipulated to match given ideological preconceptions and prejudices. The fact is that they are deeply interconnected processes. A large body of data and research has emerged in the last decade to illuminate such connections. Studies in social sciences consistently show that, in rich countries, greater economic growth on its own does very little or nothing at all to enhance social well-being. On the contrary, reducing income inequality is an effective way to resolve social problems such as violence, criminality, imprisonment rates, obesity and mental illness, as well as to improve children's educational performance, population life expectancy, and social levels of trust and mobility. Comparative studies have found that societies that are more equal do much better in all the aforementioned areas than more unequal ones, independent of their gross

domestic product (GDP). Economist Thomas Piketty, in his recent book Capital in the Twenty-First Century, has assembled extensive data that shows how unchecked capitalism historically tends to increase inequality and undermine democratic practices. The focus of a successful social policy, therefore, should be to reduce inequality, not to grow the GDP for its own sake. Placing economic growth above all else contributes to environmental degradation and social inequality. Concurrently, recent developments in earth system science are telling us that our frenetic economic activity has already transgressed several ecological planetary boundaries. One could argue that the degradation of our environmental systems will jeopardize socioeconomic stability and worldwide well-being. Some scientists suggest that we are in a new geological epoch, the Anthropocene, in which human activity is transforming the earth system in ways that may compromise human civilization as we know it. Many reports insist that, if current trends continue, humanity will soon face dire and dramatic consequences. If we consider all these findings as a whole, a consistent picture emerges, and the faster the global economy grows, the faster the living systems of the planet collapse. In addition, this growth increases inequality and undermines democracy, multiplying the number of social problems that erode human communities. In a nutshell, we have created a dysfunctional economic system that, when it works according to its self-imposed mandate of growing the pace of production and consumption, destroys the ecological systems upon which it depends. And when it does not grow, it becomes socially unsustainable. In a game with these rules, there is no way to win!

Decoupling means US isn't key to the global economy

Bloomberg 10 ["Wall Street Sees World Economy Decoupling From U.S.", October 4th, 2010, http://www.bloomberg.com/news/2010-10-03/world-economy-decoupling-from-u-s-in-slowdown-returns-as-wall-street-view.html, Chetan]

The main reason for the divergence: "Direct transmission from a U.S. slowdown to other economies through exports is just not large enough to spread a U.S. demand problem globally," Goldman Sachs economists Dominic Wilson and Stacy Carlson wrote in a Sept. 22 report entitled "If the U.S. sneezes..." Limited Exposure Take the so-called BRIC countries of Brazil, Russia, India and China. While exports account for almost 20 percent of their gross domestic product, sales to the U.S. compose less than 5 percent of GDP, according to their estimates. That means even if U.S. growth slowed 2 percent, the drag on these four countries would be about 0.1 percentage point, the economists reckon. Developed economies including the U.K., Germany and Japan also have limited exposure, they said. Economies outside the U.S. have room to grow that the U.S. doesn't, partly because of its outsized slump in house prices, Wilson and Carlson said. The drop of almost 35 percent is more than twice as large as the worst declines in the rest of the Group of 10 industrial nations, they found. The risk to the decoupling wager is a repeat of 2008, when the U.S. property bubble burst and then morphed into a global credit and banking shock that ricocheted around the world. For now, Goldman Sachs's index of U.S. financial conditions signals that bond and stock markets aren't stressed by the U.S. outlook. Weaker Dollar The break with the U.S. will be reflected in a weaker dollar, with the Chinese yuan appreciating to 6.49 per dollar in a year from 6.685 on Oct. 1, according to Goldman Sachs forecasts. The bank is also betting that yields on U.S. 10-year debt will be lower by June than equivalent yields for Germany, the U.K., Canada, Australia and Norway. U.S. notes will rise to 2.8 percent from 2.52 percent, Germany's will increase to 3 percent from 2.3 percent and Canada's will grow to 3.8 percent

from 2.76 percent on Oct. 1, Goldman Sachs projects. Goldman Sachs isn't alone in making the case for decoupling. Harris at BofA Merrill Lynch said he didn't buy the argument prior to the financial crisis. Now he believes global growth is strong enough to offer a "handkerchief" to the U.S. as it suffers a "growth recession" of weak expansion and rising unemployment, he said. Giving him confidence is his calculation that the U.S. share of global GDP has shrunk to about 24 percent from 31 percent in 2000. He also notes that, unlike the U.S., many countries avoided asset bubbles, kept their banking systems sound and improved their trade and budget positions. Economic Locomotives A book published last week by the World Bank backs him up. "The Day After Tomorrow" concludes that developing nations aren't only decoupling, they also are undergoing a "switchover" that will make them such locomotives for the world economy, they can help rescue advanced nations. Among the reasons for the revolution are greater trade between emerging markets, the rise of the middle class and higher commodity prices, the book said. Investors are signaling they agree. The U.S. has fallen behind Brazil, China and India as the preferred place to invest, according to a quarterly survey conducted last month of 1,408 investors, analysts and traders who subscribe to Bloomberg. Emerging markets also attracted more money from share offerings than industrialized nations last quarter for the first time in at least a decade, Bloomberg data show. Room to Ease Indonesia, India, China and Poland are the developing economies least vulnerable to a U.S. slowdown, according to a Sept. 14 study based on trade ties by HSBC Holdings Plc economists. China, Russia and Brazil also are among nations with more room than industrial countries to ease policies if a U.S. slowdown does weigh on their growth, according to a policy- flexibility index designed by the economists, who include New York-based Pablo Goldberg. "Emerging economies kept their powder relatively dry, and are, for the most part, in a position where they could act countercyclically if needed," the HSBC group said. Links to developing countries are helping insulate some companies against U.S. weakness. Swiss watch manufacturer Swatch Group AG and tire maker Nokian Renkaat of Finland are among the European businesses that should benefit from trade with nations such as Russia and China where consumer demand is growing, according to BlackRock Inc. portfolio manager Alister Hibbert. "There's a lot of life in the global economy," Hibbert, said at a Sept. 8 presentation to reporters in London.

No impact—statistics prove

Drezner 12 – Daniel is a professor in the Fletcher School of Law and Diplomacy at Tufts. ("The Irony of Global Economic Governance: The System Worked", October 2012, http://www.globaleconomicgovernance.org/wp-content/uploads/IR-Colloquium-MT12-Week-5_The-Irony-of-Global-Economic-Governance.pdf)

The final outcome addresses a dog that hasn't barked: the effect of the Great Recession on cross-border conflict and violence. During the initial stages of the crisis, multiple analysts asserted that the financial crisis would lead states to increase their use of force as a tool for staying in power.37 Whether through greater internal repression, diversionary wars, arms races, or a ratcheting up of great power conflict, there were genuine concerns that the global economic downturn would lead to an increase in conflict. Violence in the Middle East, border disputes in the South China Sea, and even the disruptions of the Occupy movement fuel impressions of surge in global public disorder. The **aggregate data suggests otherwise**, however. The Institute for Economics and Peace has constructed a "Global Peace Index" annually since 2007. A key conclusion they draw from the 2012 report is that "The average level of peacefulness in 2012 is approximately the same as it was in 2007."38 Interstate violence in particular has declined since the start of the financial

crisis – as have military expenditures in most sampled countries. Other studies confirm that the Great Recession has **not triggered any increase in violent conflict**; the secular decline in violence that started with the end of the Cold War has not been reversed.39 Rogers Brubaker concludes, "the crisis has not to date generated the surge in protectionist nationalism or ethnic exclusion that might have been expected."40 None of these data suggest that the global economy is operating swimmingly. Growth remains unbalanced and fragile, and has clearly slowed in 2012. Transnational capital flows remain depressed compared to pre-crisis levels, primarily due to a drying up of cross-border interbank lending in Europe. Currency volatility remains an ongoing concern. Compared to the aftermath of other postwar recessions, growth in output, investment, and employment in the developed world have all lagged behind. But the Great Recession is not like other postwar recessions in either scope or kind; expecting a standard "V"-shaped recovery was unreasonable. One financial analyst characterized the post-2008 global economy as in a state of "contained depression."41 The key word is "contained," however. Given the severity, reach and depth of the 2008 financial crisis, the proper comparison is with Great Depression. And by that standard, the outcome variables look impressive. As Carmen Reinhart and Kenneth Rogoff concluded in This Time is Different: "that its macroeconomic outcome has been only the most severe global recession since World War II – and not even worse – must be regarded as fortunate."42

Internet Freedom

And US allies destroy i-freedom signal

Hanson 10/25/12, Nonresident Fellow, Foreign Policy, Brookings
http://www.brookings.edu/research/reports/2012/10/25-ediplomacy-hanson-internet-freedom

Another challenge is dealing with close partners and allies who undermine internet freedom. In August 2011, in the midst of the Arab uprisings, the UK experienced a different connection technology infused movement, the London Riots. On August 11, in the heat of the crisis, Prime Minister Cameron told the House of Commons: Free flow of information can be used for good. But it can also be used for ill. So we are working with the police, the intelligence services and industry to look at whether it would be right to stop people communicating via these websites and services when we know they are plotting violence, disorder and criminality. This policy had far-reaching implications. As recently as January 2011, then President of Egypt, Hosni Mubarak, ordered the shut-down of Egypt's largest ISPs and the cell phone network, a move the United States had heavily criticized. Now the UK was contemplating the same move and threatening to create a rationale for authoritarian governments everywhere to shut down communications networks when they threatened "violence, disorder and criminality." Other allies like Australia are also pursuing restrictive internet policies. As OpenNet reported it: "Australia maintains some of the most restrictive Internet policies of any Western country…" When these allies pursue policies so clearly at odds with the U.S. internet freedom agenda, several difficulties arise. It undermines the U.S. position that an open and free internet is something free societies naturally want. It also gives repressive authoritarian governments an excuse for their own monitoring and filtering activities. To an extent, U.S. internet freedom policy responds even-handedly to this challenge because the vast bulk of its grants are for open source circumvention tools that can be

just as readily used by someone in London as Beijing, but so far, the United States has been much more discreet about criticising the restrictive policies of allies than authoritarian states.

Even absent data localization private companies will voluntarily self-censor – nominal internet freedom is irrelevant

Morozov 11 (Evgeny Morozov, visting scholar at Stanford University, Schwartz Fellow at the New America Foundation, 2011, "The Net Delusion," ch. 8)

What is clear is that, contrary to the expectations of many Western policymakers, **Facebook is hardly ideal for promoting democracy; its own logic, driven by profits or ignorance of the increasingly global context in which it operates, is, at times, extremely antidemocratic.** Were Kafka to pen his novel The Trial—in which the protagonist is arrested and tried for reasons that are never explained to him—today, El Ghazzali's case could certainly serve as inspiration. That much of digital activism is mediated by commercial intermediaries who operate on similar Kafkaesque principles is cause for concern, if only because it introduces too much unnecessary uncertainty into the activist chain, imagine that El Ghazzali's group was planning a public protest on the very day that its page got deleted: The protest could have easily been derailed. Until there is complete certainty that a Facebook group won't be removed at the most unfortunate moment, many dissident groups will shy away from making it their primary channel of communication. In reality, there is no reason why Facebook should even bother with defending freedom of expression in Morocco, which is not an appealing market to its advertisers, and even if it were, it would surely be much easier to make money there without crossing swords with the country's rulers. We do not know how heavily Facebook polices sensitive political activity on its site, but we do know of many cases similar to El Ghazzali s. In February 2010, for example, Facebook was heavily criticized by its critics in Asia for removing the pages of a group with 84,298 members that had been formed to oppose the Democratic Alliance for the Betterment and Progress of Hong Kong, the pro-establishment and pro-Beijing party. According to the group's administrator, the ban was triggered by opponents flagging the group as "abusive" on Facebook. This was not the first time that Facebook constrained the work of such groups. In the run-up to the Olympic torch relay passing through Hong Kong in 2008, it shut down several groups, while many pro-Tibetan activists had their accounts deactivated for "persistent misuse of the site." It's not just politics: Facebook is notoriously zealous in policing other types of content as well. In July 2010 it sent multiple warnings to an Australian jeweler for posting photos of her exquisite porcelain doll, which revealed the doll's nipples. Facebook's founders may be young, but they are apparently puritans. Many other intermediaries are not exactly unbending defenders of political expression either. Twitter has been accused of silencing online tribute to the 2008 Gaza War. Apple has been bashed for blocking Dalai Lama-related iPhone apps from its App Store for China (an application related to Rebiya Kadeer, the exiled leader of the Uighur minority, was banned as well). Google, which owns Orkut, a social network that is surprisingly popular in India, has been accused of being too zealous in removing potentially controversial content that may be interpreted as calling for religious and ethnic violence against both Hindus and Muslims. Moreover, a 2009 study found that Microsoft has been censoring what users in the United Arab Emirates, Syria, Algeria, and Jordan could find through its Bing search engine much more heavily than the governments of those countries.

Solvency

And the exec can circumvent via national security letters

Sanchez 15 (Julien, a Senior Fellow at the Cato Institute, Don't (Just) Let the Sun Go Down on Patriot Powers, May 29, 2015, http://motherboard.vice.com/read/dont-just-let-the-sun-go-down-on-patriot-powers)

Also permanent are National Security Letters or NSLs, which allow the FBI to obtain a more limited range of telecommunications and financial records without even needing to seek judicial approval. Unsurprisingly, the government loves these streamlined tools, and used them so promiscuously that the FBI didn't even bother using 215 for more than a year after the passage of the Patriot Act. Inspector General reports have also made clear that the **FBI is happy to substitute NSLs for 215 orders** when even the highly accommodating FISC manages a rare display of backbone. In at least one case, when the secret court refused an application for journalists' records on First Amendment grounds, the Bureau turned around and **obtained the same data** using National Security Letters.

Plan is too small to overcome requirements that are necessary to change the status quo

Kehl et al 14 (Danielle Kehl is a Policy Analyst at New America's Open Technology Institute (OTI). Kevin Bankston is the Policy Director at OTI, Robyn Greene is a Policy Counsel at OTI, and Robert Morgus is a Research Associate at OT, New America's Open Technology Institute Policy Paper, Surveillance Costs: The NSA's Impact on the Economy, Internet Freedom & Cybersecurity, July 2014)

Two months later, many of the same companies and organizations issued another letter supporting surveillance transparency legislation proposed by Senator Al Franken (D-MN) and Representative Zoe Lofgren (D-CA) that would have implemented many of the original letter's recommendations.334 Elements of both bills, consistent with the coalition's recommendations, were included in the original version of the USA FREEDOM Act introduced in the House and the Senate—as were new strong transparency provisions requiring the FISA court to declassify key legal opinions to better educate the public and policymakers about how it is interpreting and implementing the law. Such strong new transparency requirements are consistent with several recommendations of the President's Review Group335 and would help address concerns about lack of transparency raised by the UN High Commissioner for Human Rights.336

Offcase

T-Domestic

Interpretation – Domestic surveillance deals with communication inside the US

HRC 14 (Human Rights Council 2014, IMUNC2014, https://imunc.files.wordpress.com/2014/05/hrc-study-guide.pdf)
Domestic surveillance: Involves the monitoring, interception, collection, analysis, use, preservation, retention of, interference with, or access to **information that includes, reflects, or arises from or a person's communications in the past, present or future with or without their consent or choice, existing or occurring inside a particular country.**

Violation – the affirmative limits the scope of foreign intelligence collection under section 702 of FISA, which is distinct from domestic surveillance

McCarthy 6 (Andrew, former assistant U.S. attorney, now contributing editor of National Review and a senior fellow at the National Review Institute, National Review It's Not "Domestic Spying"; It's Foreign Intelligence Collection, May 15, 2006, http://www.nationalreview.com/corner/122556/its-not-domestic-spying-its-foreign-intelligence-collection-andrew-c-mccarthy)

Eggen also continues the mainstream media's propagandistic use of the term "domestic surveillance [or 'spying'] program." In actuality, the electronic surveillance that the NSA is doing — i.e., eavesdropping on content of conversations — is not "domestic." **A call is not considered "domestic" just because one party to it happens to be inside the U.S., just as an investigation is not "domestic" just because some of the subjects of interest happen to reside inside our country.** Mohammed Atta was an agent of a foreign power, al Qaeda. Surveilling him — had we done it — would not have been "domestic spying." **The calls NSA eavesdrops on are "international," not "domestic." If that were not plain enough on its face, the Supreme Court made it explicit in the Keith case** (1972). There, even though it held that judicial warrants were required for wiretapping purely domestic terror organizations**, the Court excluded investigations of threats posed by foreign organizations and their agents operating both within and without the U.S.** That is, the Court understood what most Americans understand but what the media, civil libertarians and many members of Congress refuse to acknowledge: **if we are investigating the activities of agents of foreign powers inside the United States, that is not DOMESTIC surveillance. It is FOREIGN counter-intelligence.** That, in part, is why the statute regulating wiretaps on foreign powers operating within the U.S. — the one the media has suddenly decided it loves after bad-mouthing it for years as a rubber-stamp — is called the FOREIGN Intelligence Surveillance Act (FISA). **The United States has never needed court permission to conduct wiretapping outside U.S. territory; the wiretapping it does inside U.S. territory for national security purposes is FOREIGN INTELLIGENCE COLLECTION, not "domestic surveillance."**

Voters:

1. Limits- The aff's interpretation allows them to have a surveillance policy that affects any country, which overstretches the neg's research burden by a factor 196, because all surveillance becomes topical, no matter what the target country is.

PIC "Tangible"

1NC

Plan: The United States federal government should limit the scope of its domestic surveillance under Section 702 of the Foreign Intelligence Surveillance Act to communications whose sender or recipient is a valid intelligence target and whose targets pose a threat to national security.

Tangible threat requires facts of danger

Supreme Court of Georgia 6 ("Decatur County v. Bainbridge Post Searchlight", SUPREME COURT OF GEORGIA, Fulton County D. Rep. 2191, July 6, 2006, Lexis)

In our litigious society, a governmental agency always faces some threat of suit. To construe the term "potential litigation" to include an unrealized or idle threat of litigation would seriously undermine the purpose of the Act. Such a construction is overly broad. HN4Go to this Headnote in the case. Construing OCGA § 50-14-2 (1) narrowly, we hold that a meeting may not be closed to discuss potential litigation under the attorney-client exception unless the governmental entity can show a realistic and **tangible threat** of legal action against it or its officer[s] or employee[s], **a threat that goes beyond a mere fear or suspicion** of being sued. A realistic and **tangible threat** of litigation is one that **can be characterized with reference to objective factors** which may include, but which are not limited to, (1) a formal demand letter or some comparable writing that presents the party's claim and manifests a solemn intent to sue, [cit.]; (2) previous or pre-existing litigation between the parties or proof of ongoing litigation concerning similar claims, [cit.]; or (3) proof that a party has both retained counsel with respect to the claim at issue and has expressed an intent to sue, [cit.] This list is not intended to be exhaustive but merely illustrative of circumstances that a trial court may consider, in the exercise of its discretion, that take the threat of litigation out of the realm of "remote and speculative" and into the realm of "realistic and tangible."

NSA surveillance on real and fake treats have thwarted terrorism

Sterman et al 14 (David, a program associate at New America and holds a master's degree from Georgetown's Center for Security Studies, gis work focuses on homegrown extremism and the maintenance of New America's datasets on terrorism inside the United States and the relative roles of NSA surveillance and traditional investigative tools in preventing such terrorism, Emily Schneider, senior program associate for the International Security Program at New America, Peter Bergen, Vice President, Director of Studies, Director, International Security, Future of War, and Fellows Programs, "DO NSA'S BULK SURVEILLANCE PROGRAMS STOP TERRORISTS?", January 13th 2014, https://www.newamerica.org/international-security/do-nsas-bulk-surveillance-programs-stop-terrorists/)

On June 5, 2013, the Guardian broke the first story in what would become a flood of revelations regarding the extent and nature of the NSA's surveillance programs. Facing an uproar over the threat such programs posed to privacy, the Obama administration scrambled to defend them as legal and essential to U.S. national security and counterterrorism. Two weeks after the first leaks by former NSA contractor Edward Snowden were published, **President Obama defended the NSA surveillance programs during a visit to Berlin, saying: "We know of at least 50 threats that have been averted** because of this information not just in the United States, but, in some cases, threats here in Germany. So lives have been saved." Gen. Keith Alexander, the director of the NSA, testified before Congress that: "**the information gathered from these programs provided the U.S. government with critical leads to help prevent over 50 potential**

terrorist events in more than 20 countries around the world." Rep. Mike Rogers (R-Mich.), chairman of the House Permanent Select Committee on Intelligence, said on the House floor in July that "**54 times [the NSA programs] stopped and thwarted terrorist attacks** both here and in Europe – saving real lives."

******Insert Net Benefit of Terrorism DA******

2NC

Broad NSA access to US data is crucial to preventing terrorist attacks in the US – their authors vastly underestimate the probability of attack. You need to evaluate link through a very high probability of attempted attack

Lewis 14 (James, senior fellow and director of the Strategic Technologies Program at the Center for Strategic and International Studies, Underestimating Risk in the Surveillance Debate, http://csis.org/files/publication/141209_-Lewis_UnderestimatingRisk_Web.pdf)

Americans are reluctant to accept terrorism is part of their daily lives, but attacks have been planned or attempted against American targets (usually airliners or urban areas) almost every year since 9/11. Europe faces even greater risk, given the thousands of European Union citizens who will return hardened and radicalized from fighting in Syria and Iraq. The threat of attack is easy to exaggerate, but that does not mean it is nonexistent. Australia's then-attorney general said in August 2013 that communications surveillance had stopped four "mass casualty events" since 2008. **The constant planning and preparation for attack by terrorist groups is not apparent to the public. The dilemma in assessing risk is that it is discontinuous. There can be long periods with no noticeable activity, only to have the apparent calm explode. The debate over how to reform communications surveillance has discounted this risk. Communications surveillance is an essential law enforcement and intelligence tool. There is no replacement for it. Some suggestions for alternative approaches to surveillance, such as the idea that the National Security Agency (NSA) only track known or suspected terrorists, reflect wishful thinking, as it is the unknown terrorist who will inflict the greatest harm.** The Evolution of Privacy Some of the unhappiness created by the Edward Snowden leaks reflects the unspoken recognition that online privacy has changed irrevocably. The precipitous decline in privacy since the Internet was commercialized is the elephant in the room we ignore in the surveillance debate. America's privacy laws are both limited in scope and out of date. Although a majority of Americans believe privacy laws are inadequate, the surveillance debate has not led to a useful discussion of privacy in the context of changed technologies and consumer preferences. Technology is more intrusive as companies pursue revenue growth by harvesting user data. Tracking online behavior is a preferred business model. On average, there are 16 hidden tracking programs on every website. The growing market for "big data" to predict consumer behavior and target advertising will further change privacy. Judging by their behavior, Internet users are willing to exchange private data for online services. A survey in a major European country found a majority of Internet users disapproved of Google out of privacy concerns, but more than 80 percent used Google as their search engine. The disconnect between consumer statements and behavior reduces the chances of legislating better protections. We have global rules for finance and air travel, and it is time to create rules for privacy, but governments alone cannot set these rules, nor can a single region impose them. Rules also need to be reciprocal. NSA bears the brunt of criticism, but its actions are far from unique. All nations conduct some kind of communications surveillance on their own populations, and many collect against foreign targets. Getting this consensus will be difficult. There is no international consensus on privacy and data protection. EU efforts to legislate for the entire world ignore broad cultural differences in attitudes toward privacy, and previous EU privacy rules likely harmed European companies' ability to innovate. Finding a balance between privacy, security, and innovation will not be easy since unconstrained collection creates serious concerns while a toorestrictive approach threatens real economic harm. Espionage and Counterterrorism NSA carried out two kinds of signals intelligence programs: bulk surveillance to support counterterrorism and collection to support U.S. national security interests. The debate over surveillance unhelpfully conflated the two programs. Domestic bulk collection for counterterrorism is politically problematic, but assertions that a collection program is useless because it has not by itself prevented an attack reflect unfamiliarity with intelligence. Intelligence does not work as it is

portrayed in films—solitary agents do not make startling discoveries that lead to dramatic, last-minute success. Success is the product of the efforts of teams of dedicated individuals from many agencies, using many tools and techniques, working together to assemble fragments of data from many sources into a coherent picture. In practice, analysts must simultaneously explore many possible scenarios. A collection program contributes by not only what it reveals, but also what it lets us reject as false. The Patriot Act Section 215 domestic bulk telephony metadata program provided information that allowed analysts to rule out some scenarios and suspects. The consensus view from interviews with current and former intelligence officials is that while metadata collection is useful, it is the least useful of the collection programs available to the intelligence community. If there was one surveillance program they had to give up, it would be 215, but this would not come without an increase in risk. Restricting metadata collection will make it harder to identify attacks and increase the time it takes to do this. **Spying on Allies NSA's mass surveillance programs for counterterrorism were carried out in cooperation with more than 30 countries.** Unilateral U.S. collection programs focused on national security problems: nonproliferation, counterintelligence (including Russian covert influence operations in Europe), and arms sales to China. The United States failed to exercise sufficient oversight over intelligence collection, but the objectives set for NSA reflect real security problems for the United States and its allies. The notion that "friends don't spy on friends" is naive. The United States has friends that routinely spy on it and yet are strong security partners. Relations among powerful states are complex and not explained by simple bromides drawn from personal life. The most startling thing about U.S. espionage against Germany was the absence of a strategic calculation of risk and benefit. There are grounds for espionage (what other major power has a former leader on Russia's payroll?), but the benefits were outweighed by the risk to the relationship. The case for spying on Brazil is even weaker. While Brazil is often antagonistic, it poses no risk to national security. If economic intelligence on Brazil is needed, the private sector has powerful incentives and legitimate means to obtain information and usually has the best data. Risk Is Not Going Away **Broad surveillance of communications is the least intrusive and most effective method for discovering terrorist and espionage activity. Many countries have expanded surveillance programs since the 9/11 attacks to detect and prevent terrorist activity,** often in cooperation with other countries, including the United States. Precise metrics on risk and effectiveness do not exist for surveillance, and we are left with conflicting opinions from intelligence officials and civil libertarians as to what makes counterterrorism successful. Given resurgent authoritarianism and continuing jihad, **the new context for the surveillance debate is that the likelihood of attack is increasing. Any legislative change should be viewed through this lens.**

NSA mass surveillance is critical – we're drawing down in every other area of intelligence gathering which means it's essential to preventing terrorism

Wittes 14 (Benjamin, Senior Fellow @ the Brookings Institute, "Is Al Qaeda Winning: Grading the Administration's Counter terrorism Policy", April 8th 2014 Brookings Institute)

As I said at the outset of this statement, the question of intelligence collection under Section 702 of the FAA may seem connected to the AUMF's future in only the most distant fashion. In fact, **the connection between intelligence collection authorities and the underlying regime authorizing the conflict itself is a critical one. Good intelligence is key to any armed conflict and good technical intelligence is a huge U.S. strength in the fight against Al Qaeda.** Yet ironically, the more one attempts to narrow the conflict, the more important technical intelligence becomes. The fewer boots on the ground we have in Afghanistan, for example, the greater our reliance will become on technical collection. The more we rely on drone strikes, rather than large troop movements, in areas where we lack large human networks, the more we rely on technical intelligence. Particularly if one imagines staying on offense against a metastasizing Al Qaeda in the context of a withdrawal from Afghanistan and a narrowing—or a formal end—of the AUMF conflict, the burden on technical intelligence collection to keep us in the game will be huge even ignoring the many other foreign intelligence and national security interests Section 702 surveillance supports.¶ **Section 702** is a complicated statute, and it is only one part of a far more complicated, larger statutory arrangement. But broadly speaking, it **permits the NSA to acquire without an individualized warrant the communications of non-US persons reasonably believed to be overseas when those communications are transiting the United States or stored in the United States. Under these circumstances, the NSA can order production of such communications from telecommunications carriers and internet companies under broad programmatic orders issued by the Foreign Intelligence Surveillance Court (FISC), which reviews both targeting and minimization procedures under which the collection then takes place.** Oversight is thick, both within the executive branch, and in reporting requirements to the congressional intelligence

committees.¶ Make no mistake: **Section 702 is a very big deal in America's counterterrorism arsenal**. It is far more important than the much debated bulk metadata program, which involves a few hundred queries a year. **Section 702 collection, by contrast, is vast, a hugely significant component not only of contemporary counterterrorism but of foreign intelligence collection** more generally. In 2012, the Senate Select Committee on Intelligence wrote that "[T]he authorities provided [under section 702] have greatly increased the government's ability to collect information and act quickly against important foreign intelligence targets. . . . [**The] failure to reauthorize [section 702] would 'result in a loss of significant intelligence and impede the ability of the Intelligence Community to respond quickly to new threats and intelligence opportunities.'"[8] The President's Review Group** on Intelligence and Communications Technologies, after quoting this language, **wrote that "Our own review is not inconsistent with this assessment. . . . [W]e are persuaded that section 702 does in fact play an important role in the nation's effort to prevent terrorist attacks across the globe."[9] The Washington Post has reported that 702 was in 2012 the single most prolific contributor to the President's Daily Brief.[10]**

Terror DA

Links

Increasing transparency alerts terrorists of NSA tactics – increases the risk of cyberterrorism

De 14 (Rajesh,General Counsel, National Security Agency, "The NSA and Accountability in an Era of Big Data", JOURNAL OF NATIONAL SECURITY LAW & POLICY, May 8th 2014,p.4, http://jnslp.com/wp-content/uploads/2014/05/The-NSA-and-Accountability-in-an-Era-of-Big-Data.pdf)

Perhaps the most alarming trend is that the digital communications infrastructure is increasingly also becoming the domain for foreign threat activity. In other words, it is no longer just a question of "collecting" or even "connecting" the dots in order to assess foreign threats amidst more and more digital noise, it is also a question of determining which of the so-called "dots" may constitute the threat itself. As President Obama has recognized, "the cyber threat to our nation is one of the most serious economic and national security challenges we face." Many of us read in the papers every day about cyber-attacks on commercial entities. Hackers come in all shapes and sizes, from foreign government actors, to criminal syndicates, to lone individuals. But as former Secretary of Defense Leon Panetta warned a few months ago, "the greater danger facing us in cyberspace goes beyond crime and it goes beyond harassment. A cyber-attack perpetrated by nation states or violent extremist groups **could be as destructive as the terrorist attack on 9/11**." And as the President warned in his recent State of the Union address, **we know that our enemies are "seeking the ability to sabotage our power grid, our financial institutions, our air-traffic control systems." We also have seen a disturbing trend in the evolution of the cyber threat** around the world. As General Keith Alexander, the Director of NSA, describes it, **the trend is one from "exploitation" to "disruption" to "destruction."** In fundamental terms, the cyber threat has evolved far beyond simply stealing – the stealing of personal or proprietary information, for example-to include more disruptive activity, such as distributed denial of service attacks that may temporarily degrade websites; and more alarmingly, we now see an evolution toward truly destructive activity. Secretary Panetta, for example, recently discussed what he described as "probably the most destructive attack the private sector has seen to date" – a computer virus used to infect computers in the Saudi Arabian State Oil Company Aramco in mid-2012, which virtually destroyed 30,000 computers. *** Within this context, big data presents opportunities and challenges for the government and the private sector. Improving our ability to gain insights from large and complex collections of data holds the promise of accelerating progress across a

range of fields from health care to earth science to biomedical research. But perhaps nowhere are the challenges and opportunities of big data as stark as in the national security field, where the stakes are so high – both in terms of the threats we seek to defeat, and of the liberties we simultaneously seek to preserve. This reality is readily apparent in the evolving and dynamic cyber environment, and perhaps no more so than for an agency at the crossroads of the intelligence and the defense communities, like NSA. Of course, **NSA must necessarily operate in a manner that protects its sources and methods from public view.** If a person being investigated by the FBI learns that his home phone is subject to a wiretap, common sense tells us that he will not use that telephone any longer. The same is true for NSA**. If our adversaries know what NSA is doing and how it is doing it – or even what NSA is not doing and why it is not doing it – they could well find ways to evade surveillance, to obscure themselves and their activities, or to manipulate anticipated action or inaction by the U.S. government. In sum, they could more readily use the ocean of big data to their advantage.**

Requiring individualized determinations for targets creates a massive bureaucratic drain, disturbing investigations

Cordero 15 (Carrie, Director of National Security Studies, Georgetown University Law Center, Adjunct Professor of Law, "The Brennan Center Report on the FISA Court and Proposals for FISA Reform" 4/2, Lawfare, http://www.lawfareblog.com/brennan-center-report-fisa-court-and-proposals-fisa-reform)

1. "End Programmatic Surveillance"…"or If Programmatic Surveillance Continues, Reform It" One of the major criticisms of the government's use of FISA to emerge in the recent debate is that the Court has shifted from approving individual surveillance or search requests directed at a particular agent of a foreign power or foreign power, to a practice of approving "programmatic" requests for collection authority. The criticism is a repudiation of not only the bulk telephone metadata program, but also of section 702 of FISA, which was added to the Act in 2008. Section 702 authorizes the Director of National Intelligence and the Attorney General to issue directives to communications service providers under a set of procedures and certifications that have been approved by FISC. Referring to the collection authorized by Section 702 as "programmatic" can lead to misunderstanding. **Acquisition under section 702 is programmatic in the sense that the Court approves rules and procedures by which the acquisition takes place. The Court does not, under section 702, make a substantive finding about a particular target. It does not approve individual requests for collection. Instead, the FISC approves the rules and procedures, and then intelligence community personnel abide by a decision-making process in which there are actual intended targets of acquisition**. In his February 4, 2015 remarks at Brookings, ODNI General Counsel Bob Litt described it this way: "Contrary to some claims, **this [section 702 collection] is not bulk collection; all of the collection is based on identifiers**, such as telephone numbers or email addresses, **that we have reason to believe are being used by non-U.S. persons** abroad to communicate or receive foreign intelligence information." Regardless of the characterization, however, it is correct to say that **section 702 allows the intelligence community, not the Court, to make the substantive determination about what targets to collect against. Those decisions are made consistent with intelligence community leadership and policymaker strategic priorities**, which Litt also discussed in his February 4th remarks. **Targets are selected based on their anticipated or demonstrated foreign intelligence value**. And targeting decisions are subject to continuous oversight by compliance, legal and civil liberties protection authorities internal to NSA, and external at the Office of the Director of National Intelligence and the Department of Justice. The question, then, is why was the change needed in 2008? And, if the Brennan Center's recommendation were accepted, what would be the alternatives? What follows is a shorthand answer to the first question (which I previously addressed here): basically, the change was needed because the pre-2008 definitions in FISA technically required that the government obtain a probable-cause based order from the Court in order to collect the communications of Terrorist A in Afghanistan with Terrorist B in Iraq. This was a problem for at least two reasons: one, as non-U.S. persons outside the United States, Terrorist A and Terrorist B are not entitled to Constitutional protections; and two, **the**

bureaucratic manpower it took to supply and check facts, prepare applications and present these matters to the Court were substantial. As a result, only a subset of targets who may have been worth covering for foreign intelligence purposes were able to be covered. This is an extremely condensed version of the justification for 702 and does not cover additional reasons that 702 was sought. But, from my perspective, **it is the bottom line**, and one **that cannot be overlooked when suggestions are made to scale back 702 authority.**

Section 702 has empirically been used to stop terrorist attacks

Young 14 (Mark, President and General Counsel of Ronin Analytics, LLC. and former NSA senior leader, "National Insecurity: The Impacts of Illegal Disclosures of Classified Information", I/S: A Journal of Law and Policy for the Information Society, 2014, http://moritzlaw.osu.edu/students/groups/is/files/2013/11/Young-Article.pdf)

The Deputy Attorney General has noted that the Federal Bureau of Investigation benefited from NSA's Section 702 collection in the fall of 2009. **Using Section 702 collection** and "while monitoring the activities of Al Qaeda terrorists in Pakistan, **the** National Security Agency **(NSA) noted contact from an individual in the U.S. that the** Federal Bureau of Investigation **(FBI)** subsequently **identified as Colorado-based Najibulla Zazi. The U.S. Intelligence Community, including the FBI and NSA, worked in concert to determine his relationship with Al Qaeda, as well as identify any foreign or domestic terrorist links**."44 "The FBI tracked Zazi as he traveled to New York to meet with co-conspirators, where they were planning to conduct a terrorist attack. **Zazi and his co-conspirators were subsequently arrested**. Zazi, upon indictment, **pled guilty to conspiring to bomb the NYC subway system. Compelled collection (authorized under Foreign Intelligence Surveillance Act, FISA, Section 702) against foreign terrorists was critical to the discovery and disruption of this threat against the U.S."**45 Regardless of the accuracy of the information released by Snowden, the types of programs described by the material contribute to national security and its release, regardless of its validity, will negatively impact US security.

Limiting section 702 means probable cause requirements would be applied to foreign investigations

Cordero 15 (Carrie, Director of National Security Studies, Georgetown University Law Center, Adjunct Professor of Law, "The Brennan Center Report on the FISA Court and Proposals for FISA Reform" 4/2, Lawfare, http://www.lawfareblog.com/brennan-center-report-fisa-court-and-proposals-fisa-reform)

Which brings us to the second question I posed above—what are the alternatives if Section 702 authority, were, as the Brennan Center recommends, repealed? **One option is to revert to the pre-2008 practice: obtaining Court approval based on probable cause for non-U.S. persons located outside the United States**. **The operational result would be to forego collection on legitimate targets of foreign intelligence collection, thereby potentially losing insight on important national security threats**. Given the challenging and complex national security picture the United States faces today, I would think that most responsible leaders and policymakers would say, "no thanks" to that option. A second option would be to conduct the acquisition, but without FISC supervision. This would be a perverse outcome of the surveillance debate. It is also, probably, in the current environment, not possible as a practical matter, because an additional reason **702 was needed was to be able to serve lawful process, under a statutory framework, on communications service providers, in order to effectuate the collection. In light of these options: collect less information pertaining to important**

foreign intelligence targets, or, collect it without statutory grounding (including Congressional oversight requirements) **and judicial supervision, the collection framework established under 702 looks pretty good.**

Security K

1NC

Framing the economy in terms of security discourse leads states to implement unreliable policies, destroying the economic strength they attempt to preserve

Lipschutz 98 (Ronnie Lipschutz, PhD in Politics and Director at UC Santa Cruz, 1998, "On Security" p. 11-12, http://people.ucsc.edu/~rlipsch/index.html/A.Lipschutz%20VITA.11.pdf)

The ways in which the framing of threats is influenced by a changing global economy is seen nowhere more clearly than in recent debates over competitiveness and "economic security." What does it mean to be competitive? Is a national industrial policy consistent with global economic liberalization? How is the security component of this issue socially constructed? Beverly **Crawford** (Chapter 6: "Hawks, Doves, but no Owls: The New Security Dilemma Under International Economic Interdependence") **shows how strategic economic interdependence**--a consequence of the growing liberalization of the global economic system, the increasing availability of advanced technologies through commercial markets, and the ever-increasing velocity of the product cycle--**undermines the ability of states to control those technologies that, it is often argued, are critical to economic strength and military might. Not only can others acquire these technologies, they might also seek to restrict access to them. Both contingencies could be threatening.** (Note, however, that by and large the only such restrictions that *have* been imposed in recent years have all come at the behest of the United States, which is most fearful of its supposed vulnerability in this respect.) **What, then, is the solution to this "new security dilemma,"** as Crawford has stylized it? According to Crawford**, state decisionmakers can respond in three ways. First, they can try to restore state autonomy through self-reliance although, in doing so, they are likely to undermine state strength via reduced competitiveness. Second, they can try to restrict technology transfer to potential enemies, or the trading partners of potential enemies**, although this begins to include pretty much everybody. **It also threatens to limit the market shares of those corporations that produce the most innovative technologies. Finally, they can enter into co-production projects or encourage strategic alliances among firms. The former approach may slow down technological development; the latter places control in the hands of actors who are driven by market, and not military, forces. They are, therefore, potentially unreliable. All else being equal, in all three cases, the state appears to be a net loser where its security is concerned.** But this does not prevent the state from trying to gain.

Limiting surveillance to resolve the fear of apocalypse creates an endless cycle of violence and governmentality

Coviello 2K (Peter, Professor of English and Acting Program Director of Africana Studies – Bowdoin College, Queer Frontiers, p. 40-41, https://books.google.com/books/about/Queer_frontiers.html?id=GR4bAAAAYAAJ)

Perhaps. But to claim that American culture is at present decisively postnuclear is not to say that the world we inhabit is in any way postapocalyptic. Apocalypse, as I began by saying, changed-it did not go away. And here I want to hazard my second assertion**: if, in the nuclear age of yesteryear, apocalypse signified an event threatening**

everyone and everything with (in Jacques Derrida's suitably menacing phrase) `remainderless and a-symbolic **destruction,"**6 **then in the postnuclear world apocalypse is an affair whose parameters are definitively local**. In shape and in substance, **apocalypse is defined now by the affliction it brings somewhere else, always to an "other" people whose very presence might then be written as a kind of dangerous contagion, threatening the safety and prosperity of a cherished "general population:'** This fact seems to me to stand behind Susan Sontag's incisive observation, from 1989, that, "**Apocalypse is now a long-running serial: not `Apocalypse Now' but 'Apocalypse from Now On."'"** The decisive point here in the perpetuation of the threat of apocalypse (the point Sontag goes on, at length, to miss) is that **apocalypse is ever present because, as an element in a vast economy of power, it is ever useful. That is, through the perpetual threat of destruction-through the constant reproduction of the figure of apocalypse-agencies of power ensure their authority to act on and through the bodies of a particular population**. No one turns this point more persuasively than Michel Foucault, who in the final chapter of his first volume of The History of Sexuality addresses himself to the problem of a power that is less repressive than productive, less life-threatening than, in his words, "life-administering:' Power, he contends, "exerts a positive influence on life . . . [and] endeavors to administer, optimize, and multiply it, subjecting it to precise controls and comprehensive regulations:' In his brief comments on what he calls "the atomic situation;' however, Foucault insists as well that the productiveness of modern power must not be mistaken for a uniform repudiation of violent or even lethal means. For **as "managers of life and survival, of bodies and the race," agencies of modern power presume to act "on the behalf of the existence of everyone:' Whatsoever might be construed as a threat to life and survival in this way serves to authorize any expression of force, no matter how invasive or, indeed, potentially annihilating. "If genocide is indeed the dream of modern power;**' Foucault writes, "**this is not because of a recent return to the ancient right to kill; it is because power is situated and exercised at the level of life, the species, the race, and the large-scale phenomena of population:'8 For a state that would arm itself** not with the power to kill its population, but **with a more comprehensive power over the patterns and functioning of its collective life, the threat of an apocalyptic demise, nuclear or otherwise, seems a civic initiative that can scarcely be done without.**

Reject the affirmative's fear-drive politics-critical analysis of the politics of security and resultant militarism gives us a new political view to articulate a truly democratic politics---activating your role as an ethical educator is the only way to avoid war

Giroux 13 (Henry, Chair in English and Cultural Studies at McMaster University, Violence, USA, 2013, monthlyreview.org/2013/05/01/violence-usa)

In addition, as the state is hijacked by the financial-military-industrial complex, the "most crucial decisions regarding national policy are not made by representatives, but by the financial and military elites."**53 Such massive inequality and the suffering and political corruption it produces point to the need for critical analysis in which the separation of power and politics can be understood. This means developing terms that clarify how power becomes global even as politics continues to function largely at the national level**, with the effect of reducing the state primarily to custodial, policing, and punishing functions—at least for those populations considered disposable. The state exercises its slavish role in the form of lowering taxes for the rich, deregulating corporations, funding wars for the benefit of the defense industries, and devising other welfare services for the ultra-rich. There is no escaping the global politics of finance capital and the global network of violence it has produced. **Resistance must be mobilized globally and politics restored to a level where it can make a difference in fulfilling the promises of a global democracy. But such a challenge can only take place if the political is made more pedagogical and** matters **of education take center stage in the struggle for desires, subjectivities, and social relations that refuse the normalizing of violence** as a source of

gratification, entertainment, identity, and honor. **War** in its expanded incarnation **works in tandem with a state organized around the production of widespread violence. Such a state is necessarily divorced from public values and the formative cultures that make a democracy possible.** The result is a weakened civic culture that allows violence and punishment to circulate as part of a culture of commodification, entertainment, distraction, and exclusion. In opposing the emergence of the United States as both a warfare and a punishing state**, I am not appealing to a form of left moralism meant simply to mobilize outrage** and condemnation. These are not unimportant registers, but they do not constitute an adequate form of resistance. **What is needed are modes of analysis that do the hard work of uncovering the effects of the merging of** institutions of capital, wealth, and power, and how this merger has extended the reach of a **military-industrial-carceral and academic complex**, especially since the 1980s. **This complex of ideological and institutional elements designed for the production of violence must be addressed by making visible its** vast national and **global interests and militarized networks**, as indicated by the fact that the United States has over 1,000 military bases abroad.54 Equally important is the need to highlight how this military-industrial-carceral and academic complex uses punishment as a structuring force to shape national policy and everyday life. **Challenging the warfare state also has an important educational component**. C. Wright Mills was right in arguing that **it is impossible to separate the violence of an authoritarian social order from the cultural apparatuses that nourish it.** As Mills put it, the major cultural apparatuses not only "guide experience, they also expropriate the very chance to have an experience rightly called 'our own.'"55 This narrowing of experience shorn of public values locks people into private interests and the hyper-individualized orbits in which they live. Experience itself is now privatized, instrumentalized, commodified, and increasingly militarized. **Social responsibility gives way to organized infantilization and a flight from responsibility. Crucial here is the need to develop new cultural and political vocabularies that can foster an engaged mode of citizenship capable of naming the corporate and academic interests that support the warfare state and its apparatuses of violence, while simultaneously mobilizing social movements to challenge and dismantle its vast networks of power. One central pedagogical and political task in dismantling the warfare state is, therefore, the challenge of creating the cultural conditions and public spheres that would enable the U.S. public to move from being spectators of war and everyday violence to being informed and engaged citizens. Unfortunately, major cultural apparatuses like** public and **higher education**, which have been historically responsible for educating the public, **are becoming little more than market-driven and militarized knowledge factories**. In this particularly insidious role, **educational institutions deprive students of the capacities that would enable them not only to assume public responsibilities, but also to actively participate in the process of governing. Without the public spheres for creating a formative culture equipped to challenge the educational, military,** market, and religious **fundamentalisms that dominate U.S. society, it will be virtually impossible to resist the normalization of war as a matter of domestic and foreign policy. Any viable notion of resistance to the current authoritarian order must also address the issue of what it means pedagogically to imagine a more democratically oriented notion of knowledge, subjectivity, and agency and what it might mean to bring such notions into the public sphere**. This is more than what Bernard Harcourt calls "**a new grammar of political disobedience."56 It is a reconfiguring of the nature and substance of the political so that matters of pedagogy become central to the very definition of what constitutes the political and the practices that make it meaningful. Critical understanding motivates transformative action, and the affective investments it demands can only be brought about by breaking into the hardwired forms of common sense that give war and state-supported violence their legitimacy. War does not have to be a permanent social relation,** nor the primary organizing principle of everyday life, society, and foreign policy. The war of all-against-all and the social Darwinian imperative to respond positively only to one's own self-interest represent the death of politics, civic responsibility, and ethics, and set the stage for a dysfunctional democracy, if not an emergent authoritarianism. The existing neoliberal social order produces individuals who have no commitment, except to profit, disdain social responsibility, and loosen all ties to any viable notion of the public good. This regime of punishment and privatization is organized

around the **structuring forces of violence and militarization, which produce a surplus of fear, insecurity, and a weakened culture of civic engagement—one in which there is little room for reasoned debate, critical dialogue, and informed intellectual exchange**. Patricia Clough and Craig Willse are right in arguing that **we live in a society "in which the production and circulation of death functions as political and economic recovery."57 The** United States understood as a **warfare state prompts a new urgency for a collective politics and a social movement capable of negating the current regimes of political and economic power, while imagining a different and more democratic social order. Until the ideological and structural foundations of violence** that are pushing U.S. society over the abyss **are addressed, the current warfare state will be transformed into a full-blown authoritarian state that will shut down any vestige of democratic values, social relations, and public spheres. At the very least, the U.S. public owes it to its children and future generations, if not the future of democracy itself, to make visible and dismantle this machinery of violence** while also reclaiming the spirit of a future that works for life rather than death—the future of the current authoritarianism, however dressed up they appear in the spectacles of consumerism and celebrity culture. **It is time for educators**, unions, young people, liberals, religious organizations, and other groups **to connect the dots, educate themselves, and develop powerful social movements that can restructure the fundamental values and social relations of democracy while establishing the institutions and formative cultures that make it possible. Stanley Aronowitz is right in arguing that: the system survives on the eclipse of the radical imagination**, the absence of a viable political opposition with roots in the general population, **and the conformity of its intellectuals who, to a large extent, are subjugated by their secure berths in the academy** [and though] we can take some solace in 2011, the year of the protester…it would be premature to predict that decades of retreat, defeat and silence can be reversed overnight without a commitment to what may be termed "a long march" through the institutions, the workplaces and the streets of the capitalist metropoles.58 The current protests among young people, workers, the unemployed, students, and others are making clear that **this is not—indeed, cannot be—only a short-term project for reform, but must constitute a political and social movement of sustained growth, accompanied by the reclaiming of public spaces**, the progressive use of digital technologies**, the development of democratic public spheres, new modes of education, and the safeguarding of places where democratic expression, new identities, and collective hope can be nurtured and mobilized**. Without broad political and social movements standing behind and uniting the call on the part of young people for democratic transformations, any attempt at radical change will more than likely be cosmetic. **Any viable challenge to the new authoritarianism and its theater of cruelty and violence must include developing a variety of cultural discourses and sites where new modes of agency can be imagined and enacted, particularly as they work to reconfigure a new collective subject, modes of sociality, and "alternative conceptualizations of the self and its relationship to others."59 Clearly, if the United States is to make a claim to democracy, it must develop a politics that views violence as a moral monstrosity and war as virulent pathology.** How such a claim to politics unfolds remains to be seen. In the meantime, resistance proceeds, especially among the young people who now carry the banner of struggle against an encroaching authoritarianism that is working hard to snuff out all vestiges of democratic life.

2NC – Framework

Interp: The aff must defend the political implications of the plan as well as the epistemological and methodological groundings of the 1AC. The securitized ideology of the 1ac must be justified, before moving on to questions of policy.

Giroux says Debate is primarily an educational activity – the signal sent intellectually outweighs any specific policy proposal- our method is comparatively better than any roleplaying strategy- we must use pedagogical approaches to deconstruct the securitized logic. Only through critical analysis can we create a new political vocabulary that challenges the militarism of the squo

1. Education –

A) Real world – as intellectuals we can move thought in the direction of a new modernity that challenges securitization and the assumptions behind the plan – the same way that intellectuals during the Enlightenment contributed to a general shift in human thinking – if our vision of the world would result in less violence, you should vote for it.

B) Policy failure – if their assumptions continually result in data/error replication, there is no reason to use debate to train us to be advocates in that system – focusing on short-term problem solving instead of broader theoretical issues guarantees policy failure – that's Cuomo- we have to deal with the way war is woven into the fabric of life or else it will result in crisis politics that results in constant securitization – look at what happened after 9/11 and WW2

Security politics assures the constant reproduction of the very problems it seeks to eradicate

Dillon & Reid 00 (Michael, Senior Lecturer in Politics and International Relations at the University of Lancaster, & Julian, Lecturer in International Relations in the Department of War Studies at King's College London, Alternatives: Global, Local, Political, 25:1, Jan-Mar, "Global Governance, Liberal Peace, and Complex Emergency," http://www.jstor.org/stable/40644986?seq=1#page_scan_tab_contents)

More specifically, **where there is a policy problematic there is expertise, and where there is expertise there, too, a policy problematic will emerge**. Such problematics are detailed and elaborated in terms of discrete forms of knowledge as well as interlocking policy domains. **Policy domains reify the problematization of life in certain ways by turning these epistemically and politically contestable orderings of life into "problems" that require the continuous attention** of policy science and the continuous resolutions of policymakers. Policy "actors" develop and compete on the basis of the expertise that grows up around such problems or clusters of problems and their client populations. Here, too, we may also discover what might be called "epistemic entrepreneurs."

Albeit the market for discourse is prescribed and policed in ways that Foucault indicated, bidding to formulate novel problematizations they seek to "sell" these, or otherwise have them officially adopted. In principle, **there is no limit to the ways in which the management of population may be problematized**. All aspects of human conduct, any encounter with life, is problematizable. Any problematization is capable of becoming a policy problem. **Governmentality thereby creates a market for policy**, for science and for policy science, in which problematizations go looking for policy sponsors while policy sponsors fiercely compete on behalf of their favored problematizations.¶ Reproblematization of problems is constrained by the institutional and ideological investments surrounding accepted "problems," and by the sheer difficulty of challenging the inescapable ontological and epistemological assumptions that go into their very formation. There is nothing so fiercely contested as an epistemological or ontological assumption. And there is nothing so fiercely ridiculed as the suggestion that the real problem with problematizations exists precisely at the level of such assumptions. Such **"paralysis of analysis" is** precisely **what policymakers seek to avoid** since they are compelled constantly to respond to circumstances over which they ordinarily have in fact both more and less control than they proclaim. What they do not have is precisely the control that they want. **Yet serial policy failure--the fate and the fuel of all policy--compels them into a continuous search for the new analysis** that will extract them from the aporias in which they constantly find themselves enmeshed.[35]¶ **Serial policy failure is no simple shortcoming that** science and policy--and **policy science--will ultimately overcome. Serial policy failure is rooted in the ontological and epistemological assumptions that fashion the ways in which global governance encounters and problematizes life as a process** of emergence through fitness landscapes **that** constantly adaptive and **changing ensembles have continuously to negotiate. As a particular kind of intervention into life, global governance promotes the very changes and unintended outcomes that it then serially reproblematizes in terms of policy failure. Thus, global liberal governance is not a linear problem-solving process committed to the resolution of objective policy problems** simply by bringing better information and knowledge to bear upon them. A **nonlinear economy of power/knowledge, it deliberately installs socially specific and radically inequitable distributions of wealth, opportunity, and mortal danger both locally and globally through the very detailed ways in which life is variously (policy) problematized by it.¶ In consequence, thinking and acting politically is displaced by the institutional and epistemic rivalries that infuse its power/ knowledge networks, and by the local conditions of application that govern the introduction of their policies**. These now threaten to exhaust what "politics," locally as well as globally, is about.[36] It is here that the "emergence" characteristic of governance begins to make its appearance. For it is increasingly recognized that **there are no definitive policy solutions to objective, neat, discrete policy problems**. The "subjects" of policy increasingly also become a matter of definition as well, since the concept population does not have a stable referent either and has itself also evolved in biophilosophical and biomolecular as well as Foucauldian "biopower" ways.

2NC - Links

Democratic global peace is an act of securitization that ensures total war

Burke 7 (Anthony Burke, Senior Lecturer at School of Politics and International Relations at University of New South Wales, Beyond Security, Ethics and Violence: War against the Other pg 231-232,https://books.google.com/books/about/Security_Strategy_and_Critical_Theory.html?id=RYgi4GOgy_0C)

Yet **the first act in America's 'forward strategy of freedom' was to invade and attempt to subjugate Iraq, suggesting that, if 'peace' is its object, its means is war**: **the engine of history is violence, on an enormous and tragic scale, and violence is ultimately its only meaning**. This

we can glimpse in 'Toward a Pacific Union', a deeply disingenuous chapter of Fukuyama's The End of History and the Last Man. This text divides the earth between a 'post-historical' world of affluent developed democracies where 'the old rules of power-politics have decreasing relevance', and a world still 'stuck in history' and 'riven with a variety of religious, national and ideological conflicts'. The two worlds will maintain 'parallel but separate existences' and interact only along axes of threat, disturbance and crucial strategic interest: oil, immigration, terrorism and the proliferation of weapons of mass destruction. Because 'the **relationship between democracies and nondemocracies will still be characterised by mutual distrust and fear', writes Fukuyama, the 'post-historical half must still make use of realist methods when dealing with the part still in history ... force will still be the ultima ratio in their relations**'. For all the book's Kantian pretensions, **Fukuyama naturalises war and coercion as the dominant mode of dealing with billions of people defined only through their lack of 'development' and 'freedom'. Furthermore, in his advocacy of the 'traditional moralism of American foreign policy' and his dismissal of the United Nations in favour of a NATO-style 'league of truly free states ... capable of much more forceful action to protect its collective security against threats arising from the non-democratic part of the world' we can see an early premonition of the historicist unilateralism of the Bush administration. 72 In this light, we can see the invasion of Iraq as continuing a long process of 'world-historical' violence that stretches back to Columbus' discovery of the Americas, and the subsequent politics of genocide, warfare and dispossession through which the modem United States was created and then expanded - initially with the colonisation of the Philippines and coercive trade relationships with China and Japan, and eventually to the self-declared role Luce had argued so forcefully for: guarantor of global economic and strategic order after 1945. This role involved the hideous destruction of Vietnam and Cambodia, 'interventions' in Chile, El Salvador, Panama, Nicaragua and Afghanistan (or an ever more destructive 'strategic' involvement in the Persian Gulf that saw the United States first building up Iraq as a formidable regional military power, and then punishing its people with a 14-year sanctions regime that caused the deaths of at least 200,000 people), all of which we are meant to accept as proof of America's benign intentions, of America putting its 'power at the service of principle'. They are merely history working itself out, the 'design of nature' writing its bliss on the world.73 The bliss 'freedom' offers us, however, is the bliss of the graveyard, stretching endlessly into a world marked not by historical perfection or democratic peace, but by the eternal recurrence of tragedy, as ends endlessly disappear in the means of permanent war and permanent terror**. This is how we must understand both the prolonged trauma visited on the people of Iraq since 1990, and the inflammatory impact the US invasion will have on the new phenomenon of global antiWestern terrorism. American exceptionalism has deluded US policymakers into believing that they are the only actors who write history, who know where it is heading, and how it will play out, and that in its service it is they (and no-one else) who assume an unlimited freedom to act. As a senior adviser to Bush told a journalist in 2002: 'We're an empire now, and when we act, we create our own reality . . We're history's actors."

Economic security discourse attempts to violently re-order the world

Neocleous 08 (Mark, Professor of Critique of Political Economy at Brunel University 2008, "Critique of Security", Pg. 101-102, https://books.google.com/books/about/Critique_of_Security.html?id=OFaB6_OgP94C)

In other words, **the new international order moved very quickly to reassert the connection between economic and national security:** the commitment to the former simultaneously a commitment to the latter, and vice versa. As the doctrine of **national security was being born, the major player on the international stage would aim to use** perhaps its most important power of all – **its economic strength – in order to re-order the world**. And **this** re-ordering **was conducted through the idea of 'economic security'.** Despite the fact that 'economic security' would never be formally defined beyond 'economic order' or economic

well-being', the significant conceptual consistency between economic security and liberal order-building also had a strategic ideological role**. By playing on notions of 'economic well-being', economic security seemed to emphasize economic and thus 'human' needs over military ones. The reshaping of global capital**, international order **and the exercise of state power could** thus **look decidedly liberal and 'humanitarian'. This** appearance **helped co-opt the liberal Left into the process and**, of course, **played on individual desire for personal security by using notions such as 'personal freedom' and 'social equality'**. Marx and Engels once highlighted the historical role of the bourgeoisie in shaping the world according to its own interests. "The need of a constantly expanding market for its products chases the bourgeoisie over the whole surface of the glove. It must nestle everywhere, settle everywhere, establish connections everywhere… It compels all nations, on pain of extinction, to adopt the bourgeois mode of production; it compels them… to become bourgeois in themselves. In one word, it creates a world after its own image." In the second half of the twentieth century this ability to 'batter down all Chinese walls' would still rest heavily on the logic of capital, but would also come about it part under the guise of security. **The whole world became a garden to be cultivated – to be recast according to the logic of security. In the space of fifteen years the concept 'economic security' had moved** from connoting insurance policies for working people **to the desire to shape the world in a capitalist fashion** – and back again. **In fact, it has constantly shifted between these registers ever since, being used for the constant reshaping of world order and resulting in a comprehensive level of intervention and policing all over the globe. Global order has come to be fabricated and administered according to a security doctrine underpinned by the logic of capital-accumulation and a bourgeois conception of order**. By incorporating within it a particular vision of economic order, the concept of national security implies the interrelatedness of so many different social, economic, political and military factors that more or less any development anywhere can be said to impact on liberal order in general and America's core interests in particular. **Not only could bourgeois Europe be recast around the regime of capital, but so too could the whole international order as capital not only nestled, settled and established connections, but also 'secured' everywhere.**

Their model of economic security commodifies risk by framing the future as a product to be appropriated by private actors

Kessler 2011 (Oliver, Kyung Hee University, South Korea and University of Groningen, The Netherlands, "Beyond sectors, before the world: Finance, security and risk," Security Dialogue 42:2, http://sdi.sagepub.com/content/42/2/197.)

For example, in security studies the argument is made that the concept of security prevalent within the discipline of international relations does not capture contemporary security practices.21 While the notion of security signifies an existential threat that triggers the employment of exceptional measures, **the notion of risk highlights how security practices have become part of our everyday lives and take place in airports, railway stations and the private home computer**. The change from security to risk highlights how the exception becomes routinized, how the exception becomes **everyday experience**. Within political economy, it has been pointed out that **economic risk models are constitutive for financial practices and have created their own reality** (see, in particular, MacKenzie, 2006). Economics is a part of economic practices, yet it is unable to reflect the consequences of a practical application of economic models. Further, **economists' general disregard for true uncertainty has blinded them to questions related to the systemic risks that new practices like securitization produce** (see Kessler, 2009b). In both areas, the notion of **risk captures the way in which the future is 'commodified' or made subject to the art of government**. In security studies, for example**, it highlights the changing relationship between the present and the future by introducing ideas of precaution. Through an assemblage of material and discursive elements, risk enacts actors and is therefore** not just a characteristic of our society but is '**ordering our world through managing social**

problems and surveying populations' (Aradau and Van Munster, 2007: 97). In particular, the **employment of precautionary measures acting on the 'limits' of knowledge, or probably even beyond those limits, enables the governance of the unknown**. As a result, '**global risks' are divided and controlled through proactive security policies and the surveillance of populations and movements** (or circulations), where **private actors make profits not by reducing risks (even if they claim otherwise), but by managing and controlling contingency**. In finance, the trends are quite similar: **banks do not make money from the risks they avoid, but from the risks they make tradable. The temporality of derivatives is detached from production** chains and **markets and works on the level of anticipated cash flows,** movements, futures. In the social dimension, **we witness in both areas a de-bordering of world politic**s. Up to the 1970s, the risk discourse formed part of a broader discourse of war and peace. Major economic topics like exchange rates or capital controls were subject to security considerations. Since the 1980s, however, **the transformation of global finance and the redefinition of national borders that accompanied it have brought new 'masters of risk'** (Sinclair, 2005) who are dispersed globally. Today, **financial data are given meaning by an assemblage of economic actors, models and practices** – and not by nation-states' representatives. In addition, **the 'war on terror' has been redefining the social dimension of world society** in three ways. First, we witness the advent of new security actors and practices. Increasingly, **insurance companies and banks are seen as security actors that shape practices** (Aradau & Van Munster, 2007). Insurances and banks may hedge terrorism-related risks, **dividing those risks up and selling them** to those willing to take the risks (Lobo-Guerrero, 2008). Second, **private military companies are increasingly seen as stand-alone actors**. Third, as Mick Dillon and Luis Lobo-Guerrero (2008) have pointed out, **security** is not something that takes place at national borders, but **affects our everyday lives (see also Lobo-Guerrero, 2008). New security practices change the ways in which 'human beings' are included and excluded. Ultimately, risk even impacts on how things, events, facts are produced. Risk redefines the boundary between knowledge and non-knowledge, defining the kind of knowledge that is constitutive for producing something as a political,** legal or financial entity. In this context, it is noteworthy that some commentators speak of a commodification of the future, of life and of security (Krahmann, 2006: 379–404).

Democratic peace theory is used to justify military interventions and mask war-making—it doesn't result in democracy

Mueller 9 (John, pol sci prof and IR, Ohio State. Widely-recognized expert on terrorism threats in foreign policy, AB from U Chicago, MA in pol sci from UCLA and PhD in pol sci from UCLA, Faulty Correlation, Foolish Consistency, Fatal Consequence: Democracy, Peace, and Theory in the Middle East, 15 June 2007, http://psweb.sbs.ohio-state.edu/faculty/jmueller/KENT2.pdf)

Philosophers and divines not only encased democracy in a vaporously idealistic or ideological mystique, they have done the same for the democracy-peace correlation. After all, if correlation is taken to be cause, it follows that peace will envelop the earth right after democracy does. Accordingly for those who value peace, the promotion of democracy, by force or otherwise, becomes a central mission. This notion has been brewing for some time. Woodrow Wilson's famous desire to "make the world safe for democracy" was in large part an antiwar motivation. He and many others in Britain, France, and the United States had become convinced that, as Britain's Lloyd George put it, "Freedom is the only warranty of Peace" (Rappard 1940, 42-44). With the growth in the systematic examination of the supposed peace-democracy connection by the end of the century, such certain pronouncements became commonplace. Notes Bruce Russett, sentiments like those have "issued from the White House

ever since the last year of the Reagan administration" (2005, 395). Foolish consistency, fatal consequence: the role of little statesmen It was left to George W. Bush to put mystique into practice. As he stressed to reporter Bob Woodward during the runup to his war with Iraq, "I say that freedom is not America's gift to the world. Freedom is God's gift to everybody in the world. I believe that. As a matter of fact, I was the person that wrote that line, or said it. I didn't write it, I just said it in a speech. And it became part of the jargon. And I believe that. And I believe we have a duty to free people. I would hope we wouldn't have to do it militarily, but we have a duty" (2004, 88-89). And in an address shortly before the war, he confidently proclaimed, "The world has a clear interest in the spread of democratic values, because stable and free nations do not breed the ideologies of murder. They encourage the peaceful pursuit of a better life" (quoted, Frum and Perle 2003, 158). In this, Bush was only trying to be consistent (foolishly so, perhaps, but nonetheless), a quality that endears him to so many of his followers. **If democracy is so wonderful, and if in addition it inevitably brings both peace and creates favorable policy preferences, then forcefully jamming it down the throats of the decreasing number of nondemocratic countries in the world must be all to the good**. He had already done something like that, with a fair amount of success, in Afghanistan; his father had crisply slapped Panama into shape; Reagan had straightened out Grenada; and Bill Clinton had invaded Haiti and bombed the hell out of Bosnia and Serbia with the same lofty goal at least partly in mind. Further, the Australians had recently done it in East Timor and the British in Sierra Leone (Mueller 2004, ch. 7). Critics have argued that democracy can't be spread at the point of a gun, but these cases, as well as the experience with the defeated enemies after World War II, suggests that it sometimes can be, something that supporters of the administration were quick to point out (Kaplan and Kristol 2003, 98-99. Frum and Perle 2003, 163). Even Russett, a prominent democratic-peace analyst, eventually, if rather reluctantly, concedes the possibility (2005, 398-400; see also Peceny and Pickering 2006). **However, Bush and some of his supporters--particularly those in the neo-Conservative camp--foolishly, if consistently, extrapolated to develop an even more extravagant mystique. Not only would the invasion crisply bring viable democracy to Iraq, but success there would have a domino effect: democracy would eventually spread from its Baghdad bastion to envelop the Middle East. This would not only bring (it needs hardly to be said) blissful peace in its wake (because, as we know, democracies never fight each other), but the new democracies would also adopt all sorts of other policies** as well including, in particular, love of, or at least much diminished hostility toward, the United States and Israel (because, as we know, the democratic process itself has a way of making people think nice thoughts). Vice President Dick Cheney attests, reports Woodward, to Bush's "abiding faith that if people were given freedom and democracy, that would begin a transformation process in Iraq that in years ahead would change the Middle East" (Woodward 2004, 428). Moreover, since force can establish democracy and since democracies rather automatically embrace peaceful and generally nice thoughts, after Iraq was forced to enter the democratic (and hence peaceful and nice-thinking) camp, military force would be deftly applied as necessary to speed up the domino-toppling process wherever necessary in the area. Such extravagant, even romantic, visions fill war-advocating neo-Conservative fulminations. **In their book, The War Over Iraq, Lawrence Kaplan and William Kristol apply due reverence to the sanctified correlation--"democracies rarely, if ever, wage war against one another"--and then extrapolate fancifully to conclude that "The more democratic the world becomes, the more likely it is to be congenial to America"** (2003, 104-5). And war architect Paul Wolfowitz also seems to have believed that the war would become an essential stage on the march toward freedom and democracy (Woodward 2004, 428). In a 2004 article proposing what he calls "democratic realism," Charles Krauthammer urges taking "the risky but imperative course of trying to reorder the Arab world," with a "targeted, focused" effort that would (however) be "limited" to "that Islamic crescent stretching from North Africa to Afghanistan" (2004 23, 17). And in a speech in late 2006, he continued to champion what he calls "the only plausible answer," an ambitious undertaking that involves "changing the culture of that area, no matter how slow and how difficult the process. It starts in Iraq and Lebanon, and must be allowed to proceed." Any other policy, he has divined, "would ultimately bring ruin not only on the U.S. but on the very idea of freedom." And Kaplan and Kristol stress that "The mission begins in Baghdad, but does not end there....War in Iraq represents but the first installment...Duly armed, the United States can act to secure its safety and to advance the cause of liberty--in Baghdad and beyond" (2003, 124-25). **With that**, laments Russett, democracy and **democratic peace theory became "Bushwhacked"** (2005). Democratic processes of pressure and policy promotion were deftly used by a dedicated group to wage costly war to establish both peace and congenial policy in the otherwise intractable Middle East. It could be argued, then, that the little statesmen of the Bush administration had the courage of the mystical convictions of the democracy and democratic peace philosophers and divines. However, although Bush's simple faith in democracy may perhaps have its

endearing side, how deeply that passion is (or was) really shared by his neo-Conservative allies could be questioned. That is, did they really believe that the United States which, as Francis Fukuyama notes, "cannot eliminate poverty or raise test scores in Washington, DC," could "bring democracy to a part of the world that has stubbornly resisted it and is virulently anti-American to boot" (2004, 60)? Although they hype democracy, David Frum and Richard Perle carefully caution that "in the Middle East, democratization does not mean calling immediate elections and then living with whatever happens next," but rather "opening political spaces," "creating representative institutions," "deregulating the economy," "shrinking and reforming the Middle Eastern pubic sector," and "perhaps above all" changing the educational system (2003, 162-63). Similarly, Krauthammer's "democratic realism" approach doesn't seem, actually, to stress democracy all that much. (Its wildly extravagant calls for massive warfare over a very substantial portion of the globe--only "limited" in comparison to Bush's exuberant crusadery--suggests it is rather lacking in realism as well.) Most interesting is a call issued by neo-Conservatism's champion guru, Norman Podhoretz, in the runup to the war. He strongly advocated expanding Bush's "axis of evil" beyond Iraq, Iran, and North Korea "at a minimum" to embrace "Syria and Lebanon and Libya, as well as 'friends' of America like the Saudi royal family and Egypt's Hosni Mubarak, along with the Palestinian Authority." However**, Podhoretz proved to be less mystical (or simply less devious) than other neocons about democracy by pointedly adding "the alternative to these regimes could easily turn out to be worse, even (or especially) if it comes into power through democratic elections**." Accordingly, he emphasized, "it will be necessary for the United States to impose a new political culture on the defeated parties."14 (Although Podhoretz may be more realistic that others about democracy, his extravagant notion that the US would somehow have the capacity to impose a new political culture throughout the non-Israeli Middle East is, like Krauthammer's comparable vision, so fantastic as to border on the deranged.) **Indeed, after one looks beneath the boilerplate about democracy and the democratic peace, what seems to be principally motivating at least some of these people is a strong desire for the United States to use military methods to make the Middle East finally and once and for all safe for Israel** (Drew 2003, 22; Fukuyama 2004; Roy 2003). All of them are devoted supporters of Israel, and they seem to display far less interest in advocating the application of military force to deal with unsavory dictatorial regimes in other parts of the world that do not seem to threaten Israel--such as Burma, Zimbabwe, Sudan, Haiti, or Cuba. As John Mearsheimer and Stephen Walt point out in their discussion of what they call "The Israel Lobby" (2006), such policy advocacy is entirely appropriate and fully democratic: "There is nothing improper about American Jews and their Christian allies attempting to sway US policy" (although they also note that Jewish Americans generally actually were less likely to support the war than was the rest of the population). Democracy, as noted earlier, is centrally characterized by the contestings of isolated, self-serving, and often tiny special interest groups and their political and bureaucratic allies. **What happened with Iraq policy was democracy in full flower**. It does not follow, of course, that policies so generated are necessarily wise, and Mearsheimer and Walt consider that the results of much of the Lobby's efforts--certainly in this case--have been detrimental to American (and even Israeli) national interest, although their contentions that the Lobby was "critical" or "a key factor" in the decision to go to war or that that decision would "have been far less likely" without the Lobby's efforts would need more careful analysis. It is also their view that the Lobby has too much influence over U.S foreign policy--a conclusion, as it happens, that is shared by 68 percent of over 1000 international relations scholars who responded to a 2006 survey.15 However that may be, it could certainly be maintained that, as an Israeli scholar puts it, the United States by its action eliminated what Israel considered at the time to be a most "threatening neighbor" (Baram 2007). Following this line of thinking, then, **the Israel Lobby and its allies skillfully and legitimately used democracy to Bushwhack the democracy and democratic peace mystiques as part of its effort to nudge, urge, or impel the United States into a war that, as it happens, has proven to be its greatest foreign debacle in its history after Vietnam.** It should be noted, however, that, although Bush and Cheney and at least some of the neocons may actually have believed their pre-war fantasies about the blessings that imposed democracy would in turn impose on the Middle East, the arguments they proffered for going to war stressed national security issues, not democracy ones--the notion that Saddam's Iraq was a threat to the United States because of its development, or potential development, of weapons of mass destruction and of its connections to terrorist groups out to get the United States (Roy 2003). **The democracy argument rose in significance**, notes Russett, only **after those security arguments for going to war proved to be empty** (2005, 396). As Fukuyama has crisply put it, a prewar request to spend "several hundred billion dollars and several thousand American lives in order to bring democracy to...Iraq" would "have been laughed out of court" (2005). Moreover, when given a list of foreign policy goals, the American public has rather consistently ranked the promotion of democracy lower--often much lower--than

such goals as combating international terrorism, protecting American jobs, preventing the spread of nuclear weapons, strengthening the United Nations, and protecting American businesses abroad (see Figure 1).

2NC – Alternative

A complete rejection of dominant security allows us to recraft security to include a structuralist and pluralist paradigm-The affsvision views of security fail in the context of Latin America

Pettiford 96 (Lloyd, "Changing Conceptions of Security in the Third World" Third World Quarterly, vol. 17, no. 2, pg. 289-306, Published by Taylor and Francis Group, http://www.jstor.org/stable/3993094)

Security is potentially **a more complex** concept **than is traditionally understood** ¶ and the increasing number of people working on the concept suggests that it will ¶ be an important area for future investigation. **The traditional Realist definition of ¶ security in International Relations is relatively simple. However, Pluralist and ¶ Structuralist paradigms emphasise that other linkages exist between various ¶ actors and issues, the inclusion of which might enrich current concepts of ¶ security. ¶ Security as understood in the traditional sense is not free of political meaning ¶ and interest. The traditional definition** of security **developed to represent the ¶ view of the most important issue for Western developed states. Security thus ¶ came to be a dominant organizing concept in the study of International Relations ¶ but it was not the only way of looking at the subject.** Non-Realist interpretations ¶ 303 ¶ This content downloaded from 129.105.215.146 on Tue, 23 Jul 2013 20:53:29 PM¶ All use subject to JSTOR Terms and ConditionsLLOYD PETTIFORD ¶ of International Relations from the Pluralist and Structuralist paradigms suggest ¶ that **traditional concepts of security have kept important issues off the political ¶ agenda.** Of course, attempts to re-conceptualise security will not be free of ¶ political implications either. ¶ With the ending of the Cold War and the recognition of, for example, ¶ environmental problems, even for Western developed states, other concerns have ¶ become a part of the mainstream political and International Relations agenda. ¶ **Thus some attempts to expand the concept of security seem to fit the new ¶ interests of the world's powerful** in the extent to which they include environmen- ¶ tal matters and the definition of sustainable development used. In redefining ¶ security to include the environment in ways which do not suggest the need for ¶ significant restructuring of the global political economy, the concerns of the ¶ world's most powerful states are kept at the forefront of International Relations. ¶ In this sense the definition of security may be changing but it will still be a ¶ concept which, while it can be applied to the Third World, will be inadequate ¶ for a full understanding of it. ¶ **One can go beyond the traditional definition of security** or the limited ¶ expansion envisaged by those arguing for environmental security**. Security can ¶ be re-conceptualised** as, or including, ecological sustainability and the need for ¶ fundamental structural changes in the political system. There seems to be an ¶ important danger in this; too many new concerns may be squeezed into security, ¶ causing the concept to become so broad that the division between security and ¶ International Relations in general become very blurred. ¶ It is thus difficult to avoid the conclusion that the debate over expanding ¶ security is not entirely useful. **Traditional concepts of security developed for ¶ reasons which were valid at the time for the people who used them. However, ¶ they are clearly limited in attempting to understand Third World regions such as ¶ Central America.** But getting involved in complex debates over how to redefine ¶ security may not be the answer. To improve our understanding of InternThe traditional concept of security does not show itself amenable to stretching. ¶ Stretching causes the concept to lose meaning without offering any compensat- ¶ ing advantage. Thus, rather than redefine security, as traditionally understood, it ¶ might be enough to recognise its limitations in terms of when and where it ¶ should be applied, and to investigate its linkages to other areas of International ¶ Relations. Traditional security could then continue to exist alongside more ¶ serious considerations of problems of more interest to Third World states, such ¶ as environmental problems and survival within the world economy, using ¶ non-Realist tools of analysis. ¶ The current period of change and uncertainty about the future suggests that ¶ International Relations would be well served by a period of coexistent ational ¶ Relations it may be more important to recognise that the current historical ¶ juncture allows us to broaden the focus of what is seen as important and worthy ¶ of study. **Pluralist and Structuralist paradigms make us aware of actors and ¶ issues other than the state and its security from external attack, and consequently ¶ give new insights into International Relations. In the case of Central**

America, ¶ a Structuralist approach, based on sustainability, would seem a particularly ¶ valuable path to take. ¶ The traditional concept of security does not show itself amenable to stretching. ¶ Stretching causes the concept to lose meaning without offering any compensat- ¶ ing advantage. Thus**, rather than redefine security,** as traditionally understood, **it ¶ might be enough to recognise its limitations** in terms of when and where it ¶ should be applied, **and to investigate its linkages to other areas of International ¶ Relations.** The current period of change and uncertainty about the future suggests that ¶ International Relations would be well served by a period of coexistent paradigms. However, **if the position of Realism is not weakened the conse- ¶ quences might be serious.** The evidence brought to light by **research on Central ¶ America suggests that a traditional Realist concept of security fails to recognise ¶ or adequately deal with important environmental problems which may ultimately ¶ threaten life on earth; neither does it address fundamental structural disadvan- ¶ tages in the world economy which condemn ever larger numbers of people to ¶ live in misery.**

Your intellectual choices influence war more than specific policy – academic actvity is key

Jones 99 (Richard Wyn, Professor International Politics @ Aberystwyth University, Security, Strategy, and Critical Theory, p. 155-163, https://books.google.com/books/about/Security_Strategy_and_Critical_Theory.html?id=RYgi4GOgy_0C)

The central political task of the intellectuals is to aid in the construction of a counterhegemony and thus undermine the prevailing patterns of discourse and interaction that make up the currently dominant hegemony. This task is accomplished through educational activity, because, as Gramsci argues, **"every relationship of 'hegemony' is necessarily a pedagogic relationship"** (Gramsci 1971: 350). Discussing the relationship of the "philosophy of praxis" to political practice, Gramsci claims: It [the theory] does not tend to leave the "simple" in their primitive philosophy of common sense, but rather to lead them to a higher conception of life. If it affirms the need for contact between intellectuals and "simple" it is not in order to restrict scientific activity and preserve unity at the low level of the masses, but precisely in order to construct an intellectual-moral bloc which can make politically possible the intellectual progress of the mass and not only of small intellectual groups. (Gramsci 1971: 332-333). According to Gramsci, this attempt to construct an alternative "intellectual-moral bloc" should take place under the auspices of the Communist Party – a body he described as the "modern prince." Just as Niccolo Machiavelli hoped to see a prince unite Italy, rid the country of foreign barbarians, and create a virtu-ous state, Gramsci believed that the modern price could lead the working class on its journey toward its revolutionary destiny of an emancipated society (Gramsci 1971: 125-205). Gramsci's relative optimism about the possibility of progressive theorists playing a constructive role in emancipatory political practice was predicated on his belief in the existence of a universal class (a class whose emancipation would inevitably presage the emancipation of humanity itself) with revolutionary potential. It was a gradual loss of faith in this axiom that led Horkheimer and Adorno to their extremely pessimistic prognosis about the possibilities of progressive social change. But does a loss of faith in the revolutionary vocation of the proletariat necessarily lead to the kind of quietism ultimately embraced by the first generation of the Frankfurt School? The conflict that erupted in the 1960s between them and their more radical students suggests not. Indeed, contemporary critical theorists claim that the deprivileging of the role of the proletariat in the struggle for emancipation is actually a positive move. Class remains a very important axis of domination in society, but it is not the only such axis (Fraser 1995). Nor is it valid to reduce all other forms of domination – for example, in the case of gender – to class relations, as orthodox Marxists tend to do. To recognize these points is not only a first step toward the development of an analysis of forms of exploitation and exclusion within society that is more attuned to social reality; it is also a realization that there are other forms of emancipatory politics than those associated with class conflict.1 This in turn suggests new possibilities and problems for emancipatory theory. Furthermore, the abandonment of faith in revolutionary parties is also a positive development. The history of the European left during the twentieth century provides myriad examples of the ways in which the fetishization of party organizations has led to bureaucratic immobility and the confusion of means with ends (see, for example, Salvadori 1990). The failure of the Bolshevik experiment illustrates how disciplined, vanguard parties are an ideal vehicle for totalitarian domination (Serge 1984). Faith in the "infallible party" has obviously been the source of strength and comfort to many in this period and, as the experience of the southern Wales coalfield demonstrates, has inspired brave and progressive behavior (see, for example, the account of support for the Spanish Republic in Francis 1984). But such parties have so often been the enemies of emancipation that they should be treated with the utmost caution. Parties are necessary, but their fetishization is potentially disastrous. **History furnishes examples of progressive developments that have been positively influenced by organic intellectuals operating outside the bounds of a particular party structure** (G. Williams 1984). **Some of these developments have occurred in the particularly intractable realm of security. These examples may be considered as "resources of hope" for critical security studies** (R. Williams 1989). **They illustrate**

that ideas are important or, more correctly, that **change is the product of the dialectical interaction of ideas and material reality. One clear** security-related **example** of the role of critical thinking and critical thinkers in aiding and abetting progressive social change is the experience of **the peace movement of the 1980s**. At that time **the ideas of dissident defense intellectuals** (the "alternative defense" school) **encouraged and drew strength from peace activism. Together they had an effect not only on short-term policy but on the dominant discourses of strategy and security, a far more important result in the long run. The synergy** between critical security intellectuals and critical social movements and the potential influence of both working in **tandem can be witnessed** particularly clearly **in the fate of common security**. As Thomas Risse-Kappen points out, the term "common security" originated in the contribution of peace researchers to the German security debate of the 1970s (Risse-Kappen 1994: 186ff.); it was subsequently popularized by the Palme Commission report (Independent Commission on Disarmament and Security Issues 1982). **Initially, mainstream defense intellectuals dismissed the concept as hopelessly idealistic**; it certainly had no place in their allegedly hardheaded and realist view of the world. **However, notions of common security were taken up by a number of different intellectuals communities**, including the liberal arms control community in the United States, Western European peace researchers, security specialists in the center-left political parties of Western Europe, and Soviet "institutchiks" – members of the influential policy institutes in the Soviet Union such as the United States of America and Canada Institute (Landau 1996: 52-54; Risse-Kappen 1994: 196-200; Kaldor 1995; Spencer 1995). These communities were subsequently **able to take advantage of public pressure exerted through social movements in order to gain broader acceptance for common security.** In Germany, for example, "in response to social movement pressure, German social organizations such as churches and trade unions quickly supported the ideas promoted by peace researchers and the SPD" (Risse-Kappen 1994: 207). **Similar pressures even had an effect on the Reagan administration**. As Risse-Kappen notes: When the Reagan administration brought hard-liners into power, the US arms control community was removed from policy influence. **It was the American peace movement and what became known as the "freeze campaign" that revived the arms control process** together with pressure from the European allies. (Risse-Kappen 1994: 205; also Cortright 1993: 90-110). Although it would be difficult to sustain a claim that the combination of critical movements and intellectuals persuaded the Reagan government to adopt the rhetoric and substance of common security in its entirety, it is clear **that it did at least have a substantial impact on ameliorating U.S. behavior. The most dramatic** and certainly the most unexpected **impact of** alternative defense ideas **was felt in the Soviet Union**. Through various East-West links, which included arms control institutions, Pugwash conferences, interparty contacts, and even direct personal links, **a coterie of Soviet policy analysts and advisers were drawn toward common security** and such attendant notions as "nonoffensive defense" (these links are detailed in Evangelista 1995; Kaldor 1995; Checkel 1993; Risse-Kappen 1994; Landau 1996 and Spencer 1995 concentrate on the role of the Pugwash conferences). **This group**, including Palme Commission member Georgii Arbatov, Pugwash attendee Andrei Kokoshin , and Sergei Karaganov, a senior adviser who was in regular contact with the Western peace researchers Anders Boserup and Lutz Unterseher (Risse-Kappen 1994: 203), **then influenced** Soviet leader Mikhail **Gorbachev.** Gorbachev's subsequent championing of common security may be attributed to several factors. It is clear, for example, that **new Soviet leadership had a strong interest in alleviating tensions in East-West relations in order to facilitate much-needed domestic reforms** ("the interaction of ideas and material reality"). But what is significant is that **the Soviets' commitment to common security led to significant changes in force sizes and postures. These in turn aided in the winding down of the Cold War, the end of Soviet domination over Eastern Europe, and even the collapse of Russian control over much of the territory of the former Soviet Union**. At the present time, in marked contrast to the situation in the early 1980s, common security is part of the common sense of security discourse. As MccGwire points out, the North Atlantic Treaty Organization (NATO) (a common defense pact) is using the rhetoric of common security in order to justify its expansion into Eastern Europe (MccGwire 1997). **This points to an interesting and potentially important aspect of the impact of ideas on politics. As concepts** such as common security, and collective security before it (Claude 1984: 223-260), **are adopted by governments and military services, they inevitably become somewhat debased. The hope is that enough of the residual meaning can survive to shift the parameters of the debate in a potentially progressive direction**. Moreover, the adoption of the concept of common security by official circles provides critics with a useful tool for (immanently) critiquing aspects of security policy (as MccGwire 1997 demonsrates in relation to NATO expansion). The example of common security is highly instructive. First, it indicates that **critical intellectuals can be politically engaged and play a role** – a significant one at that **– in making the world a better and safer place. Second, it points to potential future addressees for critical international theory in general, and critical security studies in particular. Third, it also underlines the role of ideas in the evolution in society. C**RITICAL SECURITY STUDIES AND THE

THEORY-PRACTICE NEXUS Although most proponents of critical security studies reject aspects of Gramsci's theory of organic intellectuals, in particular his exclusive concentration on class and his emphasis on the guiding role of the party, the desire for engagement and relevance must remain at the heart of their project. The example of the peace movement suggests that critical theorists can still play the role of organic intellectuals and that this organic relationship need not confine itself to a single class; it can involve alignment with different coalitions of social movements that campaign on an issue or a series of issues pertinent to the struggle for emancipation (Shaw 1994b; R. Walker 1994). Edward **Said captures this broader orientation when he suggests that critical intellectuals "are always tied to and ought to remain an organic part of an ongoing experience in society:** of the poor, the disadvantaged, the voiceless, the unrepresented, the powerless" (Said 1994: 84). In the specific case of critical security studies, **this means placing the experience of those men and women and communities for whom the present world order is a cause of insecurity rather than security at the center of the agenda and making suffering humanity rather than raison d'etat the prism through which problems are viewed**. Here the project stands full-square within the critical theory tradition**. If "all theory is for someone and for some purpose," then critical security studies is for "the voiceless, the unrepresented, the powerless," and its purpose is their emancipation. The theoretical implications** of this orientation have already been discussed in the previous chapters. They **involve a fundamental reconceptualization of security with a shift in referent object and a broadening of the range of issues considered** as a legitimate part of the discourse. They also involve a reconceptualization of strategy within this expanded notion of security. **But the question remains at the conceptual level of how these alternative types of theorizing** – even if they are self-consciously aligned to the practices of critical or new social movements, such as peace activism, the struggle for human rights, and the survival of minority cultures – **can become "a force for the direction of action."** Again, Gramsci's work is insightful. In the Prison Notebooks, Gramsci advances a sophisticated analysis of how dominant discourses play a vital role in upholding particular political and economic orders, or, in Gramsci's terminology, "historic blocs" (Gramsci 1971: 323-377). Gramsci adopted Machiavelli's view of power as a centaur, ahlf man, half beast: a mixture of consent and coercion. Consent is produced and reproduced by a ruling hegemony that holds sway through civil society and takes on the status of common sense; it becomes subconsciously accepted and even regarded as beyond question. Obviously, for Gramsci, there is nothing immutable about the values that permeate society; they can and do change. In the social realm, ideas and institutions that were once seen as natural and beyond question (i.e., commonsensical) in the West, such as feudalism and slavery, are now seen as anachronistic, unjust, and unacceptable. In Marx's well-worn phrase, "All that is solid melts into the air." Gramsci's intention is to harness this potential for change and ensure that it moves in the direction of emancipation. To do this he suggests a strategy of a "war of position" (Gramsci 1971: 229-239). Gramsci argues that in states with developed civil societies, such as those in Western liberal democracies, any successful attempt at **progressive social change requires a slow, incremental, even molecular, struggle to break down the prevailing hegemony and construct an alternative counterhegemony** to take its place. Organic intellectuals have a crucial role to play in this process by helping to undermine the "natural," "commonsense," internalized nature of the status quo. This in turn helps create political space within which alternative conceptions of politics can be developed and new historic blocs created. I contend that Gramsci's strategy of a war of position suggests an appropriate model for proponents of critical security studies to adopt in relating their theorizing to political practice. THE TASKS OF CRITICAL SECURITY STUDIES **If the project of critical security studies is conceived in terms of war of position, then the main task of those intellectuals who align themselves with the enterprise is to attempt to undermine the prevailing hegemonic security discourse. This may be accomplished by utilizing** specialist information and **expertise to engage in an immanent critique of the prevailing security regimes, that is, comparing the justifications of those regimes with actual outcomes. When this is attempted in the security field, the prevailing structures and regimes are found to fail grievously on their own terms. Such an approach also involves challenging the pronouncements of those intellectuals**, traditional or organic, **whose views serve to legitimate, and hence reproduce, the prevailing world order. This challenge entails teasing out the often subconscious and certainly unexamined assumptions that underlie their arguments while drawing attention to the normative viewpoints that are smuggled into mainstream thinking about security behind its positivist façade**. In this sense, **proponents of critical security studies approximate to Foucault's notion of "specific intellectuals" who use their expert knowledge to challenge the prevailing "regime of truth"** (Foucault 1980: 132). However, critical theorists might wish to reformulate this sentiment along more familiar Quaker lines of "speaking truth to power" (this sentiment is also central to Said 1994) or even along the eisteddfod lines of speaking "truth against the world." Of course, traditional strategists can, and indeed do, sometimes claim a similar role. Colin S. Gray, for example, states that "strategists must be prepared to 'speak truth to power'" (Gray 1982a: 193). But the difference between Gray and proponents of critical security studies is that, whereas the former seeks to influence policymakers in particular directions without questioning the basis of their power, the latter aim at a thoroughgoing critique of all that traditional security studies has taken for granted. Furthermore, **critical theorists base their critique on the presupposition, elegantly stated by Adorno, that "the need to lend suffering a voice is the precondition of all truth"** (cited in Jameson 1990: 66). The aim of critical security studies in attempting to undermine the prevailing orthodoxy is ultimately educational. As Gramsci notes,

"every relationship of 'hegemony' is necessarily a pedagogic relationship" (Gramsci 1971: 350; see also the discussion of critical pedagogy in Neufeld 1995: 116-121). Thus, **by criticizing the hegemonic discourse and advancing alternative conceptions of security** based on different understandings of human potentialities, **the approach is simultaneously playing apart in eroding the legitimacy of the ruling historic bloc and contributing to the development of a counterhegemonic position**. There are a number of avenues of avenues open to critical security specialists in pursuing this educational strategy. **As teachers, they can try to foster and encourage skepticism toward accepted wisdom and open minds to other possibilities. They can also take advantage of the seemingly unquenchable thirst of the media for instant pundistry to forward alternative views onto a broader stage. Nancy Fraser argues: "As teachers, we try to foster an emergent pedagogical counterculture …. As critical public intellectuals we try to inject our perspectives into whatever cultural or political public spheres we have access to"** (Fraser 1989: 11). Perhaps significantly, support for this type of emancipatory strategy can even be found in the work of the ultrapessimistic **Adorno, who argues: In the history of civilization there have been not a few instances when delusions were healed not by focused propaganda, but**, in the final analysis**, because scholars, with their unobtrusive yet insistent work habits, studied what lay at the root of the delusion.** (cited in Kellner 1992: vii) Such "unobtrusive yet insistent work" does not in itself create the social change to which Adorno alludes**. The conceptual and the practical dangers of collapsing practice into theory must be guarded against. Rather, through their educational activities, proponent of critical security studies should aim to provide support for those social movements that promote emancipatory social change. By providing a critique of the prevailing order and legitimating alternative views, critical theorists can perform a valuable role in supporting the struggles of social movements**. That said, the role of theorists is not to direct and instruct those movements with which they are aligned; instead, the relationship is reciprocal. The experience of the European, North American, and Antipodean peace movements of the 1980s shows how influential social movements can become when their efforts are harnessed to the intellectual and educational activity of critical thinkers. For example, in his account of New Zealand's antinuclear stance in the 1980s, Michael C. **Pugh cites the importance of the visits of critical intellectuals such as Helen Caldicott and Richard Falk in changing the country's political climate and encouraging the growth of the antinuclear movement** (Pugh 1989: 108; see also COrtright 1993: 5-13). In the 1980s peace movements and critical intellectuals interested in issues of security and strategy drew strength and succor from each other's efforts. If such critical social movements do not exist, then this creates obvious difficulties for the critical theorist. But even under these circumstances, the theorist need not abandon all hope of an eventual orientation toward practice. Once again, the peace movement of the 1980s provides evidence of the possibilities. At that time, the movement benefited from the intellectual work undertaken in the lean years of the peace movement in the late 1970s. Some of the theories and concepts developed then, such as common security and nonoffensive defense, were eventually taken up even in the Kremlin and played a significant role in defusing the second Cold War. Those ideas developed in the 1970s can be seen in Adornian terms of the a "message in a bottle," but in this case, contra Adorno's expectations, they were picked up and used to support a program of emancipatory political practice. Obviously, one would be naïve to understate the difficulties facing those attempting to develop alternative critical approaches within academia. Some of these problems have been alluded to already and involve the structural constraints of academic life itself. Said argues that many problems are caused by what he describes as the growing "professionalisation" of academic life (Said 1994: 49-62). **Academics are now so constrained by the requirements of job security and marketability that they are extremely risk-averse. It pays** – in all senses **– to stick with the crowd and avoid the exposed limb by following the prevalent disciplinary preoccupations**, publish in certain prescribed journals, and so on. **The result is the navel gazing so prevalent in the study of international relations and the seeming inability of security specialists to deal with the changes brought about by the end of the Cold War (Kristensen 1997 highlights the search of U.S. nuclear planners for "new targets for old weapons").** And, of course, the **pressures for conformism are heightened in the field of security studies when governments have a very real interest in marginalizing dissent. Nevertheless, opportunities for critical thinking do exist, and this thinking can connect with the practices of social movements and become a "force for the direction of action."** The experience of the 1980s, when, in the depths of the second Cold War, critical thinkers risked demonization and in some countries far worse in order to challenge received wisdom, thus arguably playing a crucial role in the very survival of the human race, should act as both an inspiration and a challenge to critical security studies.

Individual analysis of security allows us to resituate our relationship to others

Burke 7 (Anthony Burke, Senior Lecturer at School of Politics and International Relations at University of New South Wales, "Beyond Security, Ethics and Violence: War Against the Other",https://books.google.com/books?id=4vd9AgAAQBAJ&pg=PA52&lpg=PA52&dq=It+is+perhaps+easy+to+become+despondent,+but+as+countless+struggles+for+freedom&source=bl&ots=Mg50LDvj3o&sig=vMxj5FZMultitajyYke6z5Th0K4&hl=en&sa=X&ved=0CB8Q6AEwAGoVChMIrYnS8Ir1xgIVSaseCh3WSwXp#v=onepage&q=It%20is%20perhaps%20easy%20to%20become%20despondent%2C%20but%20as%20countless%20struggles%20for%20freedom&f=false)

It is perhaps easy to become despondent, but as **countless struggles for freedom, justice, and social transformation have proved, a sense of seriousness can be tempered with the knowledge that many tools are already available—and where they are not, the ef-fort to create a productive new critical sensibility is well advanced.** There is also a crucial political opening within the liberal problematic itself, in the sense that it assumes that power is most effec-tive when it is absorbed as truth, consented to and desired—which creates an important space for refusal. As Colin Gordon argues, Foucault thought that the very possibility of governing was condi-tional on it being credible to the governed as well as the govern-ing. This throws weight onto the question of how security works as a technology of subjectivity. It is to take up Foucault's challenge, framed as a reversal of the liberal progressive movement of being we have seen in Hegel, not to discover who or what we are so much as to refuse what we are. Just as security rules subjectivity as both a totalizing and individualizing blackmail and promise, it is at these levels that we can intervene. **We can critique the machinic frame-works of possibility represented by law, policy, economic regulation, and diplomacy, while challenging the way these institutions deploy language to draw individual subjects into their consensual web.** This suggests, at least provisionally, a dual strategy. The first as-serts the space for agency, both in challenging available possibilities for being and their larger socioeconomic implications. Roland Bleiker formulates an idea of agency that shifts away from the lone (male) hero overthrowing the social order in a decisive act of re-bellion to one that understands both the thickness of social power and its "fissures," "fragmentation," and "thinness." **We must**, he says, "**observe how an individual may be able to escape the discur-sive order and influence its shifting boundaries.** ... By doing so, **discursive terrains of dissent all of a sudden appear where forces of domination previously seemed invincible." Pushing beyond security requires tactics that can work at many-levels—that empower individuals to recognize the larger social, cul-tural, and economic implications of the everyday forms of desire, subjection, and discipline they encounter, to challenge and rewrite them, and** that in turn contribute to collective efforts to **transform the larger structures of** being, exchange, and **power** that sustain (and have been sustained by) these forms. As Derrida suggests, this is to open up aporetic possibilities that transgress and call into question the boundaries of the self, society, and the international that security seeks to imagine and police. The second seeks new ethical principles based on a critique of the rigid and repressive forms of identity that security has heretofore offered. Thus writers such as Rosalyn Diprose, William Con-nolly, and Moira Gatens have sought to imagine a new ethical rela-tionship that thinks difference not on the basis of the same but on the basis of a dialogue with the other that might, allow space for the unknown and unfamiliar, for a "debate and engagement with the other's law and the other's ethics"—an encounter that involves a transformation of the self rather than the other. Thus while the sweep and power of **security must be acknowledged, it must also be refused: at the simultaneous levels of individual identity, social order, and macroeconomic possibility, it would entail another kind of work on "ourselves"—a political refusal of the One, the imagination of an other that never returns to the same. It would be to ask if there is a world after security, and what its shimmering possi-bilities might be.**

Voting neg opens up the space necessary for emancipation from endless securitization

Neocleous 8 (Mark, Professor of Critique of Political Economy at Brunel University 2008, "Critique of Security", Pg. 185-186, https://books.google.com/books/about/Critique_of_Security.html?id=OFaB6_OgP94C)

The only way out of such a dilemma, to escape the fetish, is perhaps to eschew the logic of security altogether - to reject it as so ideologically loaded in favour of the state that any real political thought other than the authoritarian and reactionary should be pressed to give it up. That is clearly something that can not be achieved within the limits of bourgeois thought and thus **could never even begin to be imagined by the security intellectual. It is** also something **that the constant iteration of the refrain 'this is an insecure world' and reiteration of one fear**, anxiety and insecurity after another **will also make it hard to do**. But **it is something that the critique of security suggests we may have to consider if we want a political way out of the impasse of security.** This impasse exists because **security has now become so all-encompassing that it marginalises all else, most notably the constructive conflicts, debates and discussions that animate political life. The constant prioritising of a mythical security as a political end - as the political end constitutes a rejection of politics in any meaningful sense of the term. That is, as a mode of action in which differences can be articulated, in which the conflicts and struggles** that arise from such differences **can be** fought for and **negotiated, in which people might come to believe that another world is possible -** that they might transform the world and in turn be transformed. Security politics simply removes this; worse, it remoeves it while purportedly addressing it. In so doing it **suppresses all issues of power and turns political questions into debates about the most efficient way to achieve 'security'**, despite the fact that we are never quite told - never could be told - what might count as having achieved it. **Security politics is, in this sense, an anti-politics**,"' dominating political discourse in much the same manner as the security state tries to dominate human beings, **reinforcing security fetishism and the monopolistic character of security on the political imagination. We therefore need to get beyond security politics, not add yet more 'sectors' to it** in a way that simply expands the scope of the state and legitimises state intervention in yet more and more areas of our lives. Simon Dalby reports a personal communication with Michael Williams, co-editor of the important text Critical Security Studies, in which the latter asks: if **you take away security, what do you put in the hole that's left behind?** But I'm inclined to agree with Dalby: **maybe there is no hole**."' The mistake has been to think that there is a hole and that this hole needs to be filled with a new vision or revision of security in which it is re-mapped or civilised or gendered or humanised or expanded or whatever. All of these ultimately remain within the statist political imaginary, and consequently end up reaffirming the state as the terrain of modern politics, the grounds of security. **The real task is not to fill the supposed hole** with yet another vision of security, **but to fight for an alternative political language which** takes us beyond the narrow horizon of bourgeois security and which therefore **does not constantly throw us into the arms of the state**. That's the point of critical politics: to develop a new political language more adequate to the kind of society we want. Thus while much of what I have said here has been of a negative order, part of the tradition of critical theory is that **the negative may be as significant as the positive in setting thought on new paths.** For if security really is the supreme concept of bourgeois society and the fundamental thematic of liberalism, then **to keep harping on about insecurity and to keep demanding 'more security'** (while meekly hoping that this increased security doesn't damage our liberty) **is to blind ourselves to the possibility of building real alternatives to the authoritarian tendencies in contemporary politics. To situate ourselves against security politics would allow us to circumvent the** debilitating effect achieved through the constant securitising of social and political issues, debilitating in the **sense that 'security' helps consolidate the power of** the existing **forms of social domination** and justifies the short-circuiting of even the most democratic forms. **It would also allow us to forge another kind of politics centred on a different conception of the good**. We need a new way of thinking and talking about social being and politics that moves us beyond security. **This would perhaps be emancipatory in the true sense of the word. What this might mean,** precisely, must be open to debate. But it certainly requires recognising that security is an illusion that has forgotten it is an illusion; it requires recognising that security is not the same as solidarity**; it requires accepting that insecurity is part of the human condition, and thus** giving up the search for the certainty of security and instead **learning to tolerate the uncertainties, ambiguities and 'insecurities' that come with being human;** it requires accepting that **'securitizing' an issue does not mean dealing with it politically, but**

bracketing it out and handing it to the state; it requires us to be brave enough to return the gift."'

2NC – Impact

This quest for security in an inherently chaotic and insecure world guarantees extinction

Burke 7 (Anthony Burke, Senior Lecturer at School of Politics and International Relations at University of New South Wales, Beyond Security, Ethics and Violence: War against the Other, https://books.google.com/books/about/Security_Strategy_and_Critical_Theory.html?id=RYgi4GOgy_0C)

Bacon thought of the new scientific method not merely as way of achieving a purer access to truth and epistemological certainty, but as liberating a new power that would enable the creation of a new kind of Man. He opened the Novum Organum with the statement that 'knowledge and human power are synonymous', and later wrote of his 'determination...to lay a firmer foundation, and extend to a greater distance the boundaries of human power and dignity'.67 In a revealing and highly negative comparison between 'men's lives in the most polished countries of Europe and in any wild and barbarous region of the new Indies' -- one that echoes in advance Kissinger's distinction between post-and pre-Newtonian cultures -- Bacon set out what was at stake in the advancement of empirical science: anyone making this comparison, he remarked, 'will think it so great, that man may be said to be a god unto man'.68 # **We may be forgiven for blinking, but in Bacon's thought 'man' was indeed in the process of stealing a new fire from the heavens and seizing God's power over the world for itself. Not only would the new empirical science lead to 'an improvement of mankind's estate, and an increase in their power over nature', but would reverse the primordial humiliation** of the Fall of Adam: For man, by the fall, lost at once his state of innocence, and his empire over creation, both of which can be partially recovered even in this life, the first by religion and faith, the second by the arts and sciences. For creation did not become entirely and utterly rebellious by the curse, but in consequence of the Divine decree, 'in the sweat of thy brow thou shalt eat bread'; she is now compelled by our labours (not assuredly by our disputes or magical ceremonies) at length to afford mankind in some degree his bread...69 # **There is a breathtaking, world-creating hubris in this statement -- one that, in many ways, came to characterise western modernity itself, and which is easily recognisable in a generation of modern technocrats like Kissinger.** The Fall of Adam was the Judeo-Christian West's primal creation myth, one that marked humankind as flawed and humbled before God, condemned to hardship and ambivalence. Bacon forecast here a return to Eden, but one of man's own making. This truly was the death of God, of putting man into God's place, and **no pious appeals to the continuity or guidance of faith could disguise the awesome epistemological violence which now subordinated creation to man**. Bacon indeed argued that inventions are 'new creations and imitations of divine works'. As such, there is nothing but good in science: 'the introduction of great inventions is the most distinguished of human actions...inventions are a blessing and a benefit without injuring or afflicting any'.70 # And what would be mankind's 'bread', the rewards of its new 'empire over creation'**? If the new method and invention brought modern medicine, social welfare, sanitation, communications, education and comfort, it also enabled the Armenian genocide, the Holocaust and two world wars; napalm, the B52, the hydrogen bomb, the Kalashnikov rifle and military strategy. Indeed some of the 20th Century's most far-reaching inventions** -- radar, television, rocketry, computing, communications, jet aircraft, the Internet -- **would be the product of drives for national security and militarisation. Even the inventions Bacon thought so marvellous and transformative -- printing, gunpowder and the compass -- brought in their wake upheaval and tragedy: printing, dogma and bureaucracy; gunpowder, the rifle and the artillery battery; navigation, slavery and the genocide of indigenous peoples. In short, the legacy of the new empirical science would be ambivalence as much as certainty; degradation as much as enlightenment; the destruction of nature as much as its utilisation**. Doubts and Fears: Technology as Ontology # If Bacon could not reasonably be expected to foresee many of these developments, the idea that scientific and technological progress could be destructive did occur to him. However it was an anxiety he summarily dismissed: ...let none be alarmed at the objection of the arts and sciences becoming depraved to malevolent or luxurious purposes and the like, for the same can

be said of every worldly good; talent, courage, strength, beauty, riches, light itself...Only let mankind regain their rights over nature, assigned to them by the gift of God, and obtain that power, whose exercise will be governed by right reason and true religion.71 # By the mid-Twentieth Century, after the destruction of Hiroshima and Nagasaki, such fears could no longer be so easily wished away, as the physicist and scientific director of the Manhattan Project, J. Robert Oppenheimer recognised. He said in a 1947 lecture: We felt a particularly intimate responsibility for suggesting, for supporting and in the end in large measure achieving the realization of atomic weapons...In some sort of crude sense which no vulgarity, no humor, no over-statement can quite extinguish, the physicists have known sin, and this is a knowledge they cannot lose.72 # Adam had fallen once more, but into a world which refused to acknowledge its renewed intimacy with contingency and evil. Man's empire over creation -- **his discovery of the innermost secrets of matter and energy, of the fires that fuelled the stars -- had not 'enhanced human power and dignity' as Bacon claimed, but instead brought destruction and horror. Scientific powers that had been consciously applied in the defence of life and in the hope of its betterment now threatened its total and absolute destruction**. This would not prevent a legion of scientists, soldiers and national security policymakers later attempting to apply Bacon's faith in invention and Descartes' faith in mathematics to make of the Bomb a rational weapon. # Oppenheimer -- who resolutely opposed the development of the hydrogen bomb -- understood what the strategists could not: that **the weapons resisted control, resisted utility, that 'with the release of atomic energy quite revolutionary changes had occurred in the techniques of warfare'**.73 Yet Bacon's legacy, one deeply imprinted on the strategists, was his view that truth and utility are 'perfectly identical'.74 In 1947 Oppenheimer had clung to the hope that 'knowledge is good...it seems hard to live any other way than thinking it was better to know something than not to know it; and the more you know, the better'; by 1960 he felt that 'terror attaches to new knowledge. It has an unmooring quality; it finds men unprepared to deal with it.'75 # Martin Heidegger questioned this mapping of natural science onto the social world in his essays on technology -- which, as 'machine', has been so crucial to modern strategic and geopolitical thought as an image of perfect function and order and a powerful tool of intervention. He commented that, given that modern technology 'employs exact physical science...the deceptive illusion arises that modern technology is applied physical science'.76 Yet as the essays and speeches of Oppenheimer attest**, technology and its relation to science, society and war cannot be reduced to a noiseless series of translations of science for politics, knowledge for force, or force for good**. # Instead, Oppenheimer saw a process frustrated by roadblocks and ruptured by irony; in his view there was no smooth, unproblematic translation of scientific truth into social truth, and technology was not its vehicle. **Rather his comments raise profound and painful ethical questions that resonate with terror and uncertainty.** Yet this has not prevented technology becoming a potent object of desire, not merely as an instrument of power but as a promise and conduit of certainty itself. In the minds of too many rational soldiers, strategists and policymakers, **technology brings with it the truth of its enabling science and spreads it over the world. It turns epistemological certainty into political certainty; it turns control over 'facts' into control over the earth**. # Heidegger's insights into this phenomena I find especially telling and disturbing -- because they underline the ontological force of the instrumental view of politics. In The Question Concerning Technology, Heidegger's striking argument was that in the modernising West technology is not merely a tool, a 'means to an end'. Rather technology has become a governing image of the modern universe, one that has come to order, limit and define human existence as a 'calculable coherence of forces' and a 'standing reserve' of energy. Heidegger wrote: 'the threat to man does not come in the first instance from the potentially lethal machines and apparatus of technology. The actual threat has already affected man in his essence.'77 # This process Heidegger calls 'Enframing' and through it the scientific mind demands that 'nature reports itself in some way or other that is identifiable through calculation and remains orderable as a system of information'. **Man is not a being who makes and uses machines as means, choosing and limiting their impact on the world for his ends; rather man has imagined the world as a machine and humanity everywhere becomes trapped within its logic. Man, he writes, 'comes to the very brink of a precipitous fall...where he himself will have to be taken as standing-reserve. Meanwhile Man, precisely as the one so threatened, exalts himself to the posture of lord of the earth.'78 Technological man not only becomes the name for a project of lordship and mastery over the earth, but incorporates humanity within this project as a calculable resource. In strategy, warfare and geopolitics human bodies, actions and aspirations are caught, transformed and perverted by such calculating, enframing reason: human lives are reduced to tools, obstacles, useful or obstinate matter.**

Focus on security undermines human security and human rights

Aravena 2 (Francisco Rojas, Aravena is Director of the Facultad Latinoamericana de Ciencias Sociales (FLACSO)-Chile, Human Security: Emerging Concept of Security in the Twenty-First Century, 2002, http://www.peacepalacelibrary.nl/ebooks/files/UNIDIR_pdf-art1442.pdf)

Globalization has universalized such values as human rights, democracy and the market.22 This 'universalization' has a strongly western flavour. Associated technological and economic processes have generated greater global interdependence with both positive and negative aspects, such as increased trade, wider dissemination of scientific knowledge and more global information. There is also greater danger to the environment, terrorism has acquired a global dimension, organized crime is worldwide, and financial crises know no borders. Generating stability and global governance without proper institutions is hard. Significant deficiencies can be observed in this area. In turn, there is increasing differentiation and multiplication of international actors and that has a bearing on the degree of importance and means of power with which each one deals with the processes and seeks to influence future courses of action. A vision of the future is essential. In **this framework within the international system's current period, various different global concepts in specific areas such as security have not been honed. Human security visualizes a new global order founded on global humanism. The core issue is to solve the population's basic needs within the framework of globalization and interdependence.** This delicate balance demands, on the one hand, a tendency to unify behaviour, consumption and ideals centred on universal values and, on the other, the requirement to recognize and respect diversity and particular identities and cultures. We have seen, however, that globalization also increases differences and does not—in and of itself—meet any needs. **It also has an adverse effect on cultural practices and national and local identities. All of this is taking place in a context of economic and social polarization in various areas of the world. The result is local ungovernability, which transfers instability to the global system and regional sub-systems. A 'zero-sum' security concept asserts that there is no absolute security and that the greater security of one actor must mean a greater degree of insecurity for another. In the case of human security, we can assert that the vulnerabilities of one are manifested as vulnerabilities of all.** For example, in Latin America this requires that we pay greater attention to and seek more alternatives for the Colombian conflict.

2NC – Perm

The permutation fails – you can't re-appropriate your security discourse—the 1AC leaves it unquestioned

Burke 2 (Anthony Burke, Senior Lecturer at School of Politics and International Relations at University of New South Wales "Aporias of Security," January-March 2002, http://www.jstor.org/stable/40645035?seq=1#page_scan_tab_contents)

Thus **humanist critiques of security uncover an aporia within the concept of security. An aporia is an event that prevents a metaphysical discourse from fulfilling its promised unity--not a contradiction that can be brought into the dialectic, smoothed over, and resolved into the unity of the concept, but an untotalizable problem at the heart of the concept, disrupting its trajectory, emptying out its fullness, opening out its closure**. Derrida writes of aporia being an "impasse," a path that cannot be traveled; an "interminable experience" that, however, "must remain if one wants to think, to make come or to let come any event of decision or responsibility." (13) As an event, Derrida sees the aporia as something like a stranger crossing the threshold of a foreign land: yet **the aporetic stranger "does not simply cross a given threshold" but "affects the very experience of the threshold . . . to the point of annihilating or rendering indeterminate all the distinctive signs of a prior identity, beginning with the very border that delineated a legitimate home and assured lineage, names and language**." (14)

Thus it is important to open up and focus on **aporias: they bring possibility, the hope of breaking down the hegemony and assumptions of powerful political concepts, to think and create new social, ethical, and economic relationships outside their oppressive structures of political and epistemological order**--in short, they help us to think new paths. Aporias mark not merely the failure of concepts but a new potential to experience and imagine the impossible. This is where the critical and life-affirming potential of genealogy can come into play. My particular concern with **humanist discourses of security is that**, whatever their critical value, they **leave in place (and possibly strengthen) a key structural feature of the elite strategy they oppose: its claim to embody truth and fix the contours of the real. In particular, the ontology of security/threat or security/insecurity--which forms the basic condition of the real for mainstream discourses of international policy--remains powerfully in place, and security's broader function as a defining condition of human experience and modern political life remains invisible and unexamined. This is to abjure a powerful critical approach that is able to question the very categories in which our thinking, our experience, and actions remain confined.**

Permutation only masks the security logic of the 1AC guaranteeing violence

Burke 7 (Anthony Burke, Senior Lecturer at School of Politics and International Relations at University of New South Wales, "Ontologies of War: Violence, Existence and Reason," December 7th 2007,https://muse.jhu.edu/login?auth=0&type=summary&url=/journals/theory_and_event/v010/10.2burke.html)

Schmitt claims that his theory is not biased towards war as a choice ('It is by no means as though the political signifies nothing but devastating war and every political deed a military action...it neither favours war nor militarism, neither imperialism nor pacifism') **but it is hard to accept his caveat** at face value.36 **When such a theory takes the form of a social discourse** (which it does in a general form) **such an ontology can only support, as a kind of originary ground, the** basic Clausewitzian **assumption that war can be a rational way of resolving political conflicts -- because the import of Schmitt's argument is that such 'political' conflicts are ultimately expressed through the possibility of war. As he says: 'to the enemy concept belongs the ever-present possibility of combat'.37 Where Schmitt meets Clausewitz, as I explain further below, the existential and rationalistic ontologies of war join into a closed circle of mutual support and justification.**

The permutation's is a cover for a flawed ontology—dooms their action to replicate violence.

Burke 7 ((Anthony Burke, Senior Lecturer at School of Politics and International Relations at University of New South Wales, "Ontologies of War: Violence, Existence and Reason," December 7th 2007, https://muse.jhu.edu/login?auth=0&type=summary&url=/journals/theory_and_event/v010/10.2burke.html)

I was motivated to begin the larger project from which this essay derives by a number of concerns. I felt that the **available critical, interpretive or performative languages of war -- realist and liberal international relations theories, just war theories**, and various Clausewitzian derivations of strategy -- **failed us, because they either perform or refuse to place under suspicion the underlying political ontologies that I have sought to unmask and question here. Many realists have quite nuanced and critical attitudes to the use of force, but ultimately affirm strategic thought and remain embedded within the existential framework of the nation-state. Both liberal internationalist and just war doctrines seek mainly to improve the accountability of decision-making in security affairs and to limit some of the worst moral enormities of war, but** (apart from the more radical versions of cosmopolitanism) **they fail to question the ontological claims of political community or strategic theory**.82 # In the case of a theorist like Jean Bethke Elshtain, just war doctrine is in fact allied to a softer, liberalised form of the Hegelian-Schmittian ontology. She dismisses Kant's Perpetual Peace as 'a fantasy of at-oneness...a world in which differences have all been rubbed off' and in which 'politics, which is the way human beings have devised for dealing with their differences, gets eliminated.'83 She remains a committed liberal democrat and espouses a moral community that stretches beyond the nation-state, which strongly contrasts with Schmitt's hostility to liberalism and his claustrophobic distinction between friend and enemy. However her image of politics -- which at its limits, she implies, requires the resort to war as the only existentially satisfying way of resolving deep-seated conflicts -- reflects much of Schmitt's idea of the political and Hegel's ontology of a fundamentally alienated world of nation-states, in which war is a performance of being. She categorically states that any effort to dismantle security dilemmas 'also requires the dismantling of human beings as we know them'.84 Whilst this would not be true of all just war advocates, I suspect that even as they are so concerned with the ought, moral theories of violence grant too much unquestioned power to the is. The problem here lies with the confidence in being -- of 'human beings as we know them' -- which ultimately fails to escape a Schmittian architecture and thus eternally exacerbates (indeed reifies) antagonisms. **Yet we know from the work of Deleuze and especially William Connolly that exchanging an ontology of being for one of becoming, where the boundaries and nature of the self contain new possibilities through agonistic relation to others, provides a less destructive and violent way of acknowledging and dealing with conflict and difference**.85 # My argument here, whilst normatively sympathetic to Kant's moral demand for the eventual abolition of war, militates against excessive optimism.86 Even as I am arguing that war is not an enduring historical or anthropological feature, or a neutral and rational instrument of policy -- that it **is** rather **the product of hegemonic forms of knowledge about political action and community** -- my analysis does suggest some sobering conclusions about its power as an idea and formation. Neither the progressive flow of history nor the pacific tendencies of an international society of republican states will save us. **The violent ontologies I have described here in fact dominate the conceptual and policy frameworks of modern republican states and have come, against everything Kant hoped for, to stand in for progress, modernity and reason**. Indeed what Heidegger argues, I think with some credibility, is that the enframing world view has come to stand in for being itself. Enframing, argues Heidegger, 'does not simply endanger man in his relationship to himself and to everything that is...it drives out every other possibility of revealing...the rule of Enframing threatens man with the possibility that it could be denied to him to enter into a more original revealing and hence to experience the call of a more primal truth.'87 # What I take from Heidegger's argument -- **one that I have sought to extend by analysing the militaristic power of modern ontologies of political existence and security -- is a view that the challenge is posed not merely by a few varieties of weapon, government, technology or policy, but by an overarching system of thinking and understanding that lays claim to our entire space of truth and existence. Many of the most destructive features of contemporary modernity -- militarism, repression, coercive diplomacy, covert intervention, geopolitics, economic exploitation and ecological destruction -- derive not merely from particular choices by policymakers based on their particular interests, but from calculative, 'empirical' discourses of scientific and political truth rooted in powerful enlightenment images of being**. Confined within such an epistemological and cultural universe, policymakers' choices become necessities, their actions become inevitabilities, and humans suffer and die. Viewed in this light, 'rationality' is the name we give the chain of reasoning which builds one structure of truth on another until a course of action, however violent or dangerous, becomes preordained through that reasoning's very operation and existence. It creates both discursive constraints -- available choices may simply not be seen as credible or legitimate -- and material constraints that derive from

the mutually reinforcing cascade of discourses and events which then preordain militarism and violence as necessary policy responses, however ineffective, dysfunctional or chaotic.

Case

Economy Advantage

DeDev – 1NC

Growth rates are unsustainable – we are exceeding the earth's biophysical limits

Klitgaar and Krall 11 (Kent A. Klitgaard, , Lisi Krall, ,"Ecological economics, degrowth, and institutional change", 12/12/2011, Ecological Economics journal issue no. 84 pages 247-248, www.elsevier.com/ locate/ecolecon)

The age of economic growth is coming to an end. The mature economies of the industrial North have already entered the initial stages of the era of degrowth. This is evidenced by data that show overall economic activity has increased at a decreasing rate since the "Golden Age" of 1960s postwar capitalism turned into the era of stagflation in the 1970s. Despite the supposed revival of growth in the neoliberal age, percentage growth rates have continued their secular decline. In the United States real GDP growth was lower in the1980s and 1990s than in the 1970s and lower still in the first years of the 21st century (Tables 1). While percentage growth rates may have declined over the last five decades the absolute size of the economy, as measured by real gross domestic product (for all its flaws) has increased, more than tripling from 1970 until 2011. This creates a dilemma within our present institutional context. Absolute growth, which uses more resources, especially fossil fuel resources, destroys more habitat, and emits more carbon and other pollutants into the planet's sinks, has grown exponentially. At the same time, relative, or percentage growth, upon which employment depends, has fluctuated over the same decades and shows a downward trend. We are growing too fast to remain within the limits of the biophysical system. At the same time the world economy is growing too slowly to provide sufficient employment and there appears to be a secular decline at work. Despite rapid and sustained rates of economic growth in many newly emerging market economies (e.g. Brazil, India and China) patterns of declining growth rates also exist for the world economy (Table 2). The reduction in the long-term growth rates, especially for mature market economies, is not something we must contend with in the distant future. They have been occurring for decades. Neither are they simply the result of "misguided" policy, as growth rates have fallen in times of both liberal and conservative policy regimes. Rather, we believe the growth rate decline is embedded deeply within the institutional structure of the economy, as well as within biophysical limits. Clearly a better understanding of the complex dynamics of the interactions of the economic and biophysical systems is needed to provide important insights for the degrowth and steady-state agendas. While ecological economics has addressed ecological limits, it has not explored as fully the limits to growth inherent in a market system. The analysis of biophysical limits has been the strength of ecological economics. Beginning with the work of Herman Daly, who placed the economy within the context of a finite and non-growing biophysical system, through the first 1997 text by Robert Costanza and colleagues, ecological economists have carefully delineated limits such as the climate change, the human appropriation of the products of photosynthesis, and biodiversity loss (Costanza et al., 1997). Subsequent analyses by Rees and Wackernagel showed that the human ecological footprint now exceeds the earth's biocapacity, and the Limits to Growth studies by Meadows et al. concluded that human activity has overshot the carrying capacity and the scale of human activity is unlikely to be maintained into the next century. The work of many energy analysts (Campbell, 2005; Campbell and Laherrere, 1998; Deffeyes, 2001; Hall and Klitgaard,

2011; Hallock et al., 2004; Heinberg, 2005; Simmons, 2006) concludes that we are at or near the global peak of fossil hydrocarbons and future economic activity will be impacted strongly by more expensive and less available petroleum. The second set of limits is internal and is to be found in the dynamics of the accumulation process, involving the complex structural interaction of production, consumption, and distribution. The internal limits that gear the economy toward both cyclical variation and secular stagnation have not been considered systematically by ecological economists. When the economy reached these limits historically the result has been a series of periodic recessions and depressions. Renewed growth has been the answer, just as it is now. If the system reaches its own internal limits at the same time the world reaches its external biophysical limits we will have a profound challenge because we need a way to facilitate decent standards of living when economic growth can no longer be the vehicle to maintain incomes and assure social stability. In the last instance, a system in overshoot can neither growits way out of its inherent tendency toward stagnation, nor can it grow its way into sustainability. We believe it is unlikely that the present system of capitalism, dominated by multinational corporations, globalization, speculative finance, and dependence upon fossil fuels, can adjust to the era of degrowth and remain intact as is. In order to devise an economy that meets human needs as it approaches both sets of limits, ecological economics needs to understand more fully the structural and institutional dimensions of the internal and external limits, as well as the interaction between the two. This is our challenge, and it is a difficult one. Ecological economics can better understand the necessary institutional configuration of the non-growing economy only by an improved understanding of the dynamics of growth and capital accumulation, because it is here that the inherent tendencies to stagnate and the resolution to stagnation are found.

Only econ collapse solves in the necessary timeframe

Abramsky (visiting fellow at the Institute of Advanced Studies in Science, Technology and Society; fmr. coordinator of the Danish-based World Wind Energy Institute) **10**
(Koyla, Racing to "Save" the Economy and the Planet: Capitalist or Post capitalist Transition to a Post-petrol World?, in Sparking A Worldwide Energy Revolution, ed. Koyla Abramsky, pg. 7)

The stark reality is that the only two recent periods that have seen a major reduction in global CO2 emissions both occurred in periods of very sudden, rapid, socially disruptive, and painful periods of forced economic degrowth-namely the breakdown of the Soviet bloc and the current financial-economic crisis. Strikingly, in May 2009, the International Energy Agency reported that, for the first time since 1945, global demand for electricity was expected to fall. Experience has town that a lot of time and political energy have been virtually wasted on developing a highly-ineffective regulatory framework to tackle climate change. Years of COPs and MOPs-the international basis for regulatory efforts have simply proven to be hot am And, not surprisingly, hot air has resulted in global warming. **Only unintended degrowth** has had the effect that years of intentional regulations sought to achieve. Yet, the dominant approaches to-climate change continue to focus on promoting regulatory reforms, rather than on more fundamental changes in social relations. This is true for governments, multilateral institutions, and also large sectors of so-called 'civil society:' especially the major national and international trade unions and their federations, and NOOs. And despite the patent inadequacy of this approach, regulatory efforts will certainly continue to be pursued. Furthermore, they may well **contribute to shoring up legitimacy**, at least in the short term, and in certain predominantly-northern countries where the effects Of climate changes are less immediately visible and impact on pepplds lives less directly. Nonetheless, it is becoming increasingly clear that solutions will not be found at this level.

The impact is linear – the greater growth, the quicker extinction happens. It magnifies all impacts and social problems

Pradanos 15 (Luis Pradanos, writer and Assistant Professor of Spanish at Miami University, "An economy focused solely on growth is environmentally and socially unsustainable", 4/7/2015, The Conversation, http://theconversation.com/an-economy-focused-solely-on-growth-is-environmentally-and-socially-unsustainable-39761)

Most world leaders seem to believe that economic growth is a panacea for many of society's problems. Yet there are many links between our society's addiction to economic growth, the disturbing ecological crisis, the rapid rise of social inequality and the decline in the quality of democracy. These issues tend to be explored as disconnected topics and often misinterpreted or manipulated to match given ideological preconceptions and prejudices. The fact is that they are deeply interconnected processes. A large body of data and research has emerged in the last decade to illuminate such connections. Studies in social sciences consistently show that, in rich countries, greater economic growth on its own does very little or nothing at all to enhance social well-being. On the contrary, reducing income inequality is an effective way to resolve social problems such as violence, criminality, imprisonment rates, obesity and mental illness, as well as to improve children's educational performance, population life expectancy, and social levels of trust and mobility. Comparative studies have found that societies that are more equal do much better in all the aforementioned areas than more unequal ones, independent of their gross domestic product (GDP). Economist Thomas Piketty, in his recent book Capital in the Twenty-First Century, has assembled extensive data that shows how unchecked capitalism historically tends to increase inequality and undermine democratic practices. The focus of a successful social policy, therefore, should be to reduce inequality, not to grow the GDP for its own sake. Placing economic growth above all else contributes to environmental degradation and social inequality. Concurrently, recent developments in earth system science are telling us that our frenetic economic activity has already transgressed several ecological planetary boundaries. One could argue that the degradation of our environmental systems will jeopardize socioeconomic stability and worldwide well-being. Some scientists suggest that we are in a new geological epoch, the Anthropocene, in which human activity is transforming the earth system in ways that may compromise human civilization as we know it. Many reports insist that, if current trends continue, humanity will soon face dire and dramatic consequences. If we consider all these findings as a whole, a consistent picture emerges, and the faster the global economy grows, the faster the living systems of the planet collapse. In addition, this growth increases inequality and undermines democracy, multiplying the number of social problems that erode human communities. In a nutshell, we have created a dysfunctional economic system that, when it works according to its self-imposed mandate of growing the pace of production and consumption, destroys the ecological systems upon which it depends. And when it does not grow, it becomes socially unsustainable. In a game with these rules, there is no way to win!

Growth is not sustainable—models prove

Fagnart 14 (Jean-Francois Fagnart, Marc Germain, "Energy, complexity and sustainable long-term growth", *Elsevier,* September 2nd, 2014)

This note has reconsidered what type of long-term growth is possible in a model with expanding product variety à la Gross- man and Helpman (1991) where all human activities require en- ergy. In this framework, we have linked the complexity of final production to the number of different components (or inputs) en- tering into its assembly process. We have considered two cases, whether complexity is costly or not, i.e. whether product complex- ity increases the energy requirements of production operations or not. A balanced growth path combining ''quantitative'' and ''non- quantitative'' growth has appeared possible only if the potential of energy efficiency gains is unbounded in all (production and re- search) activities. This requires in particular a decrease (towards zero) of the energy intensiveness of final production in spite of its increased complexity. Less optimistic assumptions unavoidably lead to less favourable long-term growth scenarios. If the energy intensiveness of intermediate and/or final productions is bounded from below by a strictly positive constant, quantitative growth is not sustainable in the long-run but a purely ''non-quantitative'' growth path remains possible (i) if the impact of complexity on energy consumption is nil or not too strong and (ii) if the energy intensiveness of the innovation process (the research activities in the present model) tends towards zero. If either one of these two conditions is not met, zero-growth is the most favourable long-run scenario. It is not obvious to assess the realism of the conditions under which long-term growth (even limited to its ''non quantitative'' dimension) is possible. First, even though common perception suggests an increasing complexity of human productions and pro- cesses, and of the economy as a whole, we do not have at our dis- posal an ''objective'' index of the complexity of our economies. A fortiori, we do not have a quantification of the link between complexity and energy intensiveness at the aggregate level. How- ever, the present note tends to reinforce the pessimistic view of ecological economics with respect to the feasibility of long-term growth: in a finite world, even the intermediary case of a purely non-quantitative long-term growth is only feasible under rather restrictive conditions, as discussed above.

Economic growth kills the environment – scientific study proves

Ahmet Atıl **Asici**, Istanbul Technical University, 6-18-20**12**, "Economic growth and its impact on environment: A panel data analysis" Ecological Indicators.

3. Methodology 3.1. Data and descriptive analysis: **With a panel of 213 low, middle and high-income countries, between 1970 and 2008, we employ a panel regression analysis to investigate** the relationship between log real per capita income and log real pressure on nature. Our dependent variable, per capita pressure on nature, in constant 2005 US $, is defined as; Pressure on nature p.c. = carbon dioxide damage p.c. +mineral depletion p.c. +energy depletion p.c. +net forest depletion p.c. Unless otherwise indicated, all variables are extracted from World Development Indicator (WDI) database3 of the World Bank (World Bank, 2012), and are summarized in Table 2. See Table A1 for a detailed explanation and sources of all variables. Table 1 shows that the pressure on nature takes different forms in different income groups. Comparatively, net deforestation and mineral depletion in low-income countries, energy depletion and CO2 damage in middle-income countries and energy depletion in high-income countries constitute the major sources of the pressure on nature. When we look at the shares of each component in the total pressure on nature, we come up with a similar picture. In Fig. 1 we see that, in high and middle income countries CO2 damage and energy depletion constitute the majority of the total pressure on nature, whereas in low income countries, it is dominated by forest depletion, followed by CO2 damage and mineral depletion. This uneven distribution of components across different income groups requires more attention and we will turn back to this issue in the regression analysis part. Preliminary cross-country **analysis**, by using the plot diagram in Fig. 2, **reveals** that there is a positive relationship between income and pressure on nature. In other words, **as countries grow richer, so do their pressure on nature.** However, the relationship is not linear across different income groups. Due to the possible existence of endogeneity and omitted variable biases cross-country relationship does not necessarily prove causation. Consider for example Turkey and Finland. Finland is richer and exerts less pressure on her nature, so a simple crosscountry comparison would suggest that higher per capita income causes less pressure on nature. But the right question to ask should be whether a country is more likely to exert less pressure on nature as it becomes richer or not. In Fig. 3, we plot the changes in log per capita income against changes in pressure on nature between 1970 and

2008. This helps to eliminate the time-invariant country- fixed effects. But even after eliminating them, the positive relation between income and pressure on nature remains. While differencing variables helps to remove the time-invariant characteristics of countries, it does not necessarily heal the simultaneity bias. That is, the positive relationship emerged in the plot-diagram may be arisen due to some other factor affecting both economic growth and pressure on nature. The preliminary analysis of the data by plot diagrams presented in Figs. 2 and 3 helps us to find the right econometric method to study the economic growth-environmental pressure relationship. We will come back to this issue in the next subsection. Table 2 presents the descriptive statistics of the observations included in the regression analysis.

Economic growth kills the environment – data shows income, trade, and open structure increase pressure on nature

Ahmet Atıl **Asici**, Istanbul Technical University, 6-18-20**12**, "Economic growth and its impact on environment: A panel data analysis" Ecological Indicators.

In other components, like mineral depletion and CO2 damage, regression results indicate a negative scale effect of increasing income. As for energy depletion, we do not find a statistically significant effect. Lastly, we investigate the influences of some structural and institutional covariates. Table 7 presents the fixed-effects IV model results. The results are fairly supportive of the race-to-the-bottom hypothesis which asserts that countries tend to lower down their environmental standards in order to attract more investment. Increasing integration to the global system through trade increases the pressure on environment. We found that 10% increase in openness ratio increases the per capita pressure on nature by 9.5%. This is in line with the conclusion reached by Borghesi and Vercelli (2003). The regression results support our hypothesis that the governance structure is positively related with environmental sustainability which also confirms the findings of the earlier studies mentioned above. More specifically, we found that a unit increase in the rule of law indicator decreases the per capita pressure on nature by 0.5%. Together with the effects of increasing openness to trade, **the positive relationship between rule of law** (or quality of institutions) **and environmental protection calls for a closer look at the current globalization patterns**. The environmental consequences of deregulation efforts by international institutions like IMF, WB and WTO during the sample period is worth to mention. As Tisdell (2001) and Esty (2001) argue, existing environmental and social constraints were gradually eroded by the indiscriminate deregulation of world trade. In the same spirit, Daly (1993) argues that free trade promotes competition that results in lowering of environmental standards as well as wages, which in turn, increases environmental degradation in developing and unemployment in high-income countries. The experience of Mexico, as a middleincome country receiving a good deal of foreign direct investment especially after the NAFTA agreement is telling. Steininger (1994) reports that lower environmental standards in Mexico played a crucial role in the concentration of maquiladoras along the USbordering area, and this resulted in increasing unemployment in US and environmental damage and health problems in Mexico. Coming to the education, we find a statistically significant result between the secondary school enrollment rate and pressure on nature, yet the positive sign of the estimate is not as expected, possibly due to the very limited availability of data especially for low and middle-income countries. Overall, we see that even after controlling for various structural and institutional indicators, the positive relationship between income and pressure on nature continues to hold. 5. Concluding remarks Our results suggest that **there is a positive relationship between income per capita and per capita pressure on nature.** The effect is much stronger in middle-income countries than in low and high-income countries. After controlling for various covariates, institutional and structural, the positive effect still continues to hold. Our conclusions are fairly robust to the inclusion of these covariates, and to the inclusion and exclusion of countries from the sample. The regression results shed doubts on the environmental sustainability of the growth process especially in middle-income countries. Increasing prosperity leads more consumption and thereby more pressure on nature especially in the form of CO2 damage and mineral depletion. However, we found an opposite effect on forestry resources. The institutional quality, as measured by the extent of enforceability of rule of law, has a significant negative effect on the pressure on nature along with our expectations. Our results suggest that **increasing trade has a negative impact on environment** and this finding clearly can be taken as a support for race-to-the-bottom hypothesis. Although the formulation of MDGs clearly demonstrates that economic growth and environmental protection are mutually reinforcing, there are serious doubts on our ability in decoupling of economic growth from pressure on nature in absolute terms (Moldan et al., 2011). Our results support those studies indicating that the current economic growth paradigm is unsustainable especially in middle-income countries. Given the increasing importance of these countries as recipients of FDI flows and as producers in the global supply chain, achieving environmental sustainability without jeopardizing the other determinants of human welfare continues to be a big challenge that has to be confronted.

It's resilient—global economic governance worked

Drezner 12 – Daniel is a professor in the Fletcher School of Law and Diplomacy at Tufts. ("The Irony of Global Economic Governance: The System Worked", October 2012, http://www.globaleconomicgovernance.org/wp-content/uploads/IR-Colloquium-MT12-Week-5_The-Irony-of-Global-Economic-Governance.pdf)

It is equally possible, however, that a renewed crisis would trigger a **renewed surge in policy coordination**. As John Ikenberry has observed, "the complex interdependence that is unleashed in an open and loosely rule-based order generates some expanding realms of exchange and investment that result in a growing array of firms, interest groups and other sorts of political stakeholders who seek to preserve the stability and openness of the system."[103] **The post-2008 economic order has remained open**, entrenching these interests even more across the globe. Despite uncertain times, the open economic system that has been in operation since 1945 **does not appear to be closing anytime soon**.

Global Econ Resiliant – 2NC

Now, the global economy is resilient – 2008 proves economic decline could trigger renewed growth measurements that are likely to maintain the post 2008 economic order. Assumes their warrants for diversionary theory and decoupling – That's Drezner

Aff is one sided scenario planning – economic decline could solve all conflict - Your evidence

Merlini 11 (Senior Fellow – Brookings)

(Cesare. A Post-Secular World? Survival, Volume 53, Issue 2 April 2011 , pages 117 – 130)

The opposite scenario contemplates not an unprecedented era of peace and prosperity, but rather continuity in the international system, with further consolidation rather than rupture. Current conflicts and those most likely to emerge from existing tensions are contained, thanks to diplomatic or coercive instruments, and major wars are avoided. Economic and financial give-and-take is kept under control and gives way to a more stable global game, including increased safeguarding of public goods such as the health of the planet. This scenario does not entail the United Nations becoming a global government, nor the European Union turning into a fully fledged federation, nor the various 'Gs' becoming boards of a global corporation. But these international

organisations, reformed to improve representativeness and effectiveness, would remain to strengthen the rule of law globally.

Global Economy is resilient

Zakaria, 9 — Ph.D. in Political Science from Harvard University and Editor of Newsweek International (Fareed, "The Secrets of Stability", Newsweek, 12/21/2009, lexis)

One year ago, the world seemed as if it might be coming apart. The global financial system, which had fueled a great expansion of capitalism and trade across the world, was crumbling. All the certainties of the age of -globalization--about the virtues of free markets, trade, and technology--were being called into question. Faith in the American model had collapsed. The financial industry had crumbled. Once-roaring emerging markets like China, India, and Brazil were sinking. Worldwide trade was shrinking to a degree not seen since the 1930s. Pundits whose bearishness had been vindicated predicted we were doomed to a long, painful bust, with cascading failures in sector after sector, country after country. In a widely cited essay that appeared in The Atlantic this May, Simon Johnson, former chief economist of the International Monetary Fund, wrote: "The conventional wisdom among the elite is still that the current slump 'cannot be as bad as the Great Depression.' This view is wrong. What we face now could, in fact, be worse than the Great Depression." Others predicted that these economic shocks would lead to political instability and violence in the worst-hit countries. At his confirmation hearing in February, the new U.S. director of national intelligence, Adm. Dennis Blair, cautioned the Senate that "the financial crisis and global recession are likely to produce a wave of economic crises in emerging-market nations over the next year." Hillary Clinton endorsed this grim view. And she was hardly alone. Foreign Policy ran a cover story predicting serious unrest in several emerging markets. Of one thing everyone was sure: nothing would ever be the same again. Not the financial industry, not capitalism, not globalization. One year later, how much has the world really changed? Well, Wall Street is home to two fewer investment banks (three, if you count Merrill Lynch). Some regional banks have gone bust. There was some turmoil in Moldova and (entirely unrelated to the financial crisis) in Iran. Severe problems remain, like high unemployment in the West, and we face new problems caused by responses to the crisis--soaring debt and fears of inflation. But overall, things look nothing like they did in the 1930s. The predictions of economic and political collapse have not materialized at all. A key measure of fear and fragility is the ability of poor and unstable countries to borrow money on the debt markets. So consider this: the sovereign bonds of tottering Pakistan have returned 168 percent so far this year. All this doesn't add up to a recovery yet, but it does reflect a return to some level of normalcy. And that rebound has been so rapid that even the shrewdest observers remain puzzled. "The question I have at the back of my head is 'Is that it?' " says Charles Kaye, the co-head of Warburg Pincus. "We had this huge crisis, and now we're back to business as usual?" This revival did not happen because markets managed to stabilize themselves on their own. Rather, governments, having learned the lessons of the Great Depression, were determined not to repeat the same mistakes once this crisis hit. By massively expanding state support for the economy--through central banks and national treasuries--they buffered the worst of the damage. (Whether they made new mistakes in the process remains to be seen.) The extensive social safety nets that have been established across the

industrialized world also cushioned the pain felt by many. Times are still tough, but things are nowhere near as bad as in the 1930s, when governments played a tiny role in national economies. It's true that the massive state interventions of the past year may be fueling some new bubbles: the cheap cash and government guarantees provided to banks, companies, and consumers have fueled some irrational exuberance in stock and bond markets. Yet these rallies also demonstrate the return of confidence, and confidence is a very powerful economic force. When John Maynard Keynes described his own prescriptions for economic growth, he believed government action could provide only a temporary fix until the real motor of the economy started cranking again--the animal spirits of investors, consumers, and companies seeking risk and profit. Beyond all this, though, I believe there's a fundamental reason why we have not faced global collapse in the last year. It is the same reason that we weathered the stock-market crash of 1987, the recession of 1992, the Asian crisis of 1997, the Russian default of 1998, and the tech-bubble collapse of 2000. The current global economic system is inherently more resilient than we think. The world today is characterized by three major forces for stability, each reinforcing the other and each historical in nature.

US Not Key – 1NC

Decoupling means US isn't key to the global economy

Bloomberg 10 ["Wall Street Sees World Economy Decoupling From U.S.", October 4th, 2010, http://www.bloomberg.com/news/2010-10-03/world-economy-decoupling-from-u-s-in-slowdown-returns-as-wall-street-view.html, Chetan]

The main reason for the divergence: "Direct transmission from a U.S. slowdown to other economies through exports is just not large enough to spread a U.S. demand problem globally," Goldman Sachs economists Dominic Wilson and Stacy Carlson wrote in a Sept. 22 report entitled "If the U.S. sneezes..." Limited Exposure Take the so-called BRIC countries of Brazil, Russia, India and China. While exports account for almost 20 percent of their gross domestic product, sales to the U.S. compose less than 5 percent of GDP, according to their estimates. That means even if U.S. growth slowed 2 percent, the drag on these four countries would be about 0.1 percentage point, the economists reckon. Developed economies including the U.K., Germany and Japan also have limited exposure, they said. Economies outside the U.S. have room to grow that the U.S. doesn't, partly because of its outsized slump in house prices, Wilson and Carlson said. The drop of almost 35 percent is more than twice as large as the worst declines in the rest of the Group of 10 industrial nations, they found. The risk to the decoupling wager is a repeat of 2008, when the U.S. property bubble burst and then morphed into a global credit and banking shock that ricocheted around the world. For now, Goldman Sachs's index of U.S. financial conditions signals that bond and stock markets aren't stressed by the U.S. outlook. Weaker Dollar The break with the U.S. will be reflected in a weaker dollar, with the Chinese yuan appreciating to 6.49 per dollar in a year from 6.685 on Oct. 1, according to Goldman Sachs forecasts. The bank is also betting that yields on U.S. 10-year debt will be lower by June than equivalent yields for Germany,

the U.K., Canada, Australia and Norway. U.S. notes will rise to 2.8 percent from 2.52 percent, Germany's will increase to 3 percent from 2.3 percent and Canada's will grow to 3.8 percent from 2.76 percent on Oct. 1, Goldman Sachs projects. Goldman Sachs isn't alone in making the case for decoupling. Harris at BofA Merrill Lynch said he didn't buy the argument prior to the financial crisis. Now he believes global growth is strong enough to offer a "handkerchief" to the U.S. as it suffers a "growth recession" of weak expansion and rising unemployment, he said. Giving him confidence is his calculation that the U.S. share of global GDP has shrunk to about 24 percent from 31 percent in 2000. He also notes that, unlike the U.S., many countries avoided asset bubbles, kept their banking systems sound and improved their trade and budget positions. Economic Locomotives A book published last week by the World Bank backs him up. "The Day After Tomorrow" concludes that developing nations aren't only decoupling, they also are undergoing a "switchover" that will make them such locomotives for the world economy, they can help rescue advanced nations. Among the reasons for the revolution are greater trade between emerging markets, the rise of the middle class and higher commodity prices, the book said. Investors are signaling they agree. The U.S. has fallen behind Brazil, China and India as the preferred place to invest, according to a quarterly survey conducted last month of 1,408 investors, analysts and traders who subscribe to Bloomberg. Emerging markets also attracted more money from share offerings than industrialized nations last quarter for the first time in at least a decade, Bloomberg data show. Room to Ease Indonesia, India, China and Poland are the developing economies least vulnerable to a U.S. slowdown, according to a Sept. 14 study based on trade ties by HSBC Holdings Plc economists. China, Russia and Brazil also are among nations with more room than industrial countries to ease policies if a U.S. slowdown does weigh on their growth, according to a policy- flexibility index designed by the economists, who include New York-based Pablo Goldberg. "Emerging economies kept their powder relatively dry, and are, for the most part, in a position where they could act countercyclically if needed," the HSBC group said. Links to developing countries are helping insulate some companies against U.S. weakness. Swiss watch manufacturer Swatch Group AG and tire maker Nokian Renkaat of Finland are among the European businesses that should benefit from trade with nations such as Russia and China where consumer demand is growing, according to BlackRock Inc. portfolio manager Alister Hibbert. "There's a lot of life in the global economy," Hibbert, said at a Sept. 8 presentation to reporters in London.

US Not Key – 2NC

Now, the US isn't key to the global economy - internal resolution states with countries disincentives massive violence by limiting the effects of a single nation's economic decline, proved recently by the economic devastation in Greece's minimal impact on the economy. – That's Bloomberg

U.S. not key to the global economy.

Caryl 10 [Christian, Senior Fellow at the Center for International Studies at the Massachusetts Institute of Technology and a contributing editor to Foreign Policy. His column, "Reality Check," appears weekly on ForeignPolicy.com, Crisis? What Crisis? APRIL 5, 2010, http://www.foreignpolicy.com/articles/2010/04/05/crisis_what_crisis?page=full]

Many emerging economies entered the 2008-2009 crisis with healthy balance sheets. In most cases governments reacted quickly and flexibly, rolling out stimulus programs or even expanding poverty-reduction programs. Increasingly, the same countries that have embraced globalization and markets are starting to build **social safety nets.** And there's another factor: Trade is becoming **more evenly distributed** throughout the world. China is now a bigger market for Asian exporters than the United States. Some economists are talking about **"emerging market decoupling."** Jonathan Anderson, an emerging-markets economist at the Swiss bank UBS, showed in one recent report how car sales in emerging markets have actually been rising during this latest bout of turmoil -- powerful evidence that **emerging economies no longer have to sneeze when America catches a cold**. Aphitchaya Nguanbanchong, a consultant for the British-based aid organization Oxfam, has studied the crisis's effects on Southeast Asian economies. "The research so far shows that the result of the crisis isn't as bad as we were expecting," she says. Indonesia is a case in point: "People in this region and at the policy level learned a lot from the past crisis." Healthy domestic demand cushioned the shock when the crisis hit export-oriented industries; the government weighed in immediately with hefty stimulus measures. Nguanbanchong says that she has been surprised by the extent to which families throughout the region have kept spending money on education even as incomes have declined for some. And that, she says, reinforces a major lesson that emerging-market governments can take away from the crisis: "Governments should focus more on social policy, on health, education, and services. They shouldn't be intervening so much directly in the economy itself."

Doesn't Lead to War – 1NC

No impact—statistics prove

Drezner 12 – Daniel is a professor in the Fletcher School of Law and Diplomacy at Tufts. ("The Irony of Global Economic Governance: The System Worked", October 2012, http://www.globaleconomicgovernance.org/wp-content/uploads/IR-Colloquium-MT12-Week-5_The-Irony-of-Global-Economic-Governance.pdf)

The final outcome addresses a dog that hasn't barked: the effect of the Great Recession on cross-border conflict and violence. During the initial stages of the crisis, multiple analysts asserted that the financial crisis would lead states to increase their use of force as a tool for staying in power.37 Whether through greater internal repression, diversionary wars, arms races, or a ratcheting up of great power conflict, there were genuine concerns that the global economic downturn would lead to an increase in conflict. Violence in the Middle East, border disputes in the South China Sea, and even the disruptions of the Occupy movement fuel impressions of surge in global public disorder.

The **aggregate data suggests otherwise**, however. The Institute for Economics and Peace has constructed a "Global Peace Index" annually since 2007. A key conclusion they draw from the 2012 report is that "The average level of peacefulness in 2012 is approximately the same as it was

in 2007."38 Interstate violence in particular has declined since the start of the financial crisis – as have military expenditures in most sampled countries. Other studies confirm that the Great Recession has **not triggered any increase in violent conflict**; the secular decline in violence that started with the end of the Cold War has not been reversed.39 Rogers Brubaker concludes, "the crisis has not to date generated the surge in protectionist nationalism or ethnic exclusion that might have been expected."40

None of these data suggest that the global economy is operating swimmingly. Growth remains unbalanced and fragile, and has clearly slowed in 2012. Transnational capital flows remain depressed compared to pre-crisis levels, primarily due to a drying up of cross-border interbank lending in Europe. Currency volatility remains an ongoing concern. Compared to the aftermath of other postwar recessions, growth in output, investment, and employment in the developed world have all lagged behind. But the Great Recession is not like other postwar recessions in either scope or kind; expecting a standard "V"-shaped recovery was unreasonable. One financial analyst characterized the post-2008 global economy as in a state of "contained depression."41 The key word is "contained," however. Given the severity, reach and depth of the 2008 financial crisis, the proper comparison is with Great Depression. And by that standard, the outcome variables look impressive. As Carmen Reinhart and Kenneth Rogoff concluded in This Time is Different: "that its macroeconomic outcome has been only the most severe global recession since World War II – and not even worse – must be regarded as fortunate."42

Doesn't Lead to War – 2NC

Now, there Economic decline doesn't cause war – would be dis-incentivized to escalate to war if the internal state within a particular country – Prefer decoupling model – their Clarfeld evidence says countries like Europe are key to the global economy meaning the Greece debt transaction should have escalated.

Europe should have escalated – your evidence

Clarfeld 12

[Rob, Forbes Contributor, Decouple This!, 1/25/12,

http://www.forbes.com/sites/robclarfeld/2012/01/25/decouple-this/, accessed 7/20/15)

During the first few weeks of 2012, the markets are following the prevailing narrative that the U.S. economy has "decoupled" from the widely known troubles of Europe, and the somewhat less discussed prevailing risks from China. In a "decoupling" scenario, a country or region is deemed to be able to withstand the troubles going on outside of its own borders because of its own internal economic strength. I see two major problems with this thesis. First, the U.S. economy is not growing at the recently predicted robust rate of 4-5%; rather it is struggling to achieve a rate of 2-2.5%. This leaves little cushion to withstand the "contagion" from a major economic fallout from either Europe or China, or for that matter, economic shocks that have yet to surface. A significant European debt default, banking failure, natural disasters or geopolitical events, would surely impact the U.S. economy and markets beyond the current level of fragile growth – we simply don't have the levels of productivity requisite to absorb a major blow. Second, it was only a few years ago when the decoupling thesis was widely espoused following the U.S. banking crisis and ensuing recession. At the time the thinking was that the robust growth experienced in the emerging markets would be able to withstand the U.S. slowdown and pick up some of the slack in the global economy. We now know how that worked out – it didn't! When the U.S. went into a major recession it dragged down the rest of the world with it. We need to deal with it — the global economy remains highly interdependent. If a number of dominoes begin to fall, it is highly unlikely that any individual country or region will be able to escape the carnage. Again, any financial crisis would be occurring from levels of growth that have not yet fully recovered from their recessionary lows. In relative terms, some countries and regions will do better than others, but the "decoupling" thesis is highly flawed.

No link between economic decline or government instability and conflict initiation

Sirin 11 (Cigdem V. Sirin, , University of Texas at El Paso, Department of Political Science, "Is it cohesion or diversion? Domestic instability and the use of force in international crises," International Political Science Review 2011 32: 303, 5/12/11) DOI: 10.1177/0192512110380554

Specifically, when a country suffers from increased mass violence, a leader may choose to use external force with the anticipation that such foreign policy action will increase national solidarity and consequently (although indirectly) solve the problem of mass violence.4 By comparison, an economic downturn or government instability will not necessarily generate incentives for the cohesionary use of force, since increasing national solidarity does not typically constitute a

possible solution for dealing with such domestic problems. In sum, exploring the cohesionary incentives of political leaders and examining mass violence as a causal factor presents a more plausible route to untangling the relationship between domestic instability and the use of force in international crises (see DeRouen and Goldfinch, 2005). These considerations lead to my baseline hypothesis: Hypothesis 1: A country's likelihood of using external force in an international crisis increases in the presence of an increased level of mass violence within its borders. There exists a consensus among scholars that external conflict increases internal cohesion and political centralization. That said, most scholars note that the level of cohesion in a group achieved by an external conflict also depends on certain conditions pertaining to the nature of the group and   the nature of the external conflict (see Coser, 1956; Stein, 1976). Among these necessary preconditions (which act as intervening variables), the most important factors that scholars propose are (1) the presence of a degree of group consensus (solidarity) pre-dating the external conflict, and (2) a given group's perception of the external conflict as a severe threat. Regarding the nature of the external conflict, Coser (1956) – who sought to systematize and qualify Simmel's (1955) original in-group/out-group argument – differentiates between violent and non-violent conflict by arguing that only violent conflict generates a sense of a serious threat to a given group and thereby increases cohesion. Taking into account this qualification, I focus on international crises that involve violent military acts. To capture the role of pre-existing group solidarity, I take into consideration whether a given country is made up of a heterogeneous society with ethno-religious divisions. Many scholars suggest that civil violence seems to break out more frequently in countries with multiple ethnic, linguistic, or religious groups (e.g. Ellingsen, 2000; Vanhanen, 1999). I expect that one's attachment to the nation as a whole (rather than to his or her sub-national ethnic group) is likely to be weaker in a country that is composed of ethnically diverse groups compared with a country that is ethnically more homogenous. This is because sub-national group affiliations in an ethnically plural society may inhibit the potential for developing strong overall group identity affiliations at the national level. Consequently, given an identity divided between national and ethnoreligious attachments, external conflict is less likely to elicit as much cohesionary power in a plural society as it is in a more homogenous one. In such cases, the political leader of an ethnically divided country may have less incentives to resort to cohesionary external conflict and may thus choose to deal with ongoing mass violence through other policy means such as the suppression of violent groups or the co-opting of opposition groups (see Bueno de Mesquita, 1980: 361–98; Richards et al., 1993). On the other hand, I expect that a political leader of a homogenous society has more incentives to engage in external conflict in the presence of increased social unrest. This occurs because the presence of minimum divisions beyond an existing group identity at the national level makes external conflict a viable venture for increasing cohesion and, therefore, stopping ongoing mass violence. These considerations lead to the following hypothesis on the effect of mass violence, which is conditional upon the level of ethno-religious heterogeneity in a country: Hypothesis 2: Countries with lower levels of ethno-religious heterogeneity are more likely to use external force in an international crisis in the presence of an increased level of mass violence within their borders. Nevertheless, even in the presence of ethnic and religious divisions in a country, a sense of national identity may persist, especially if the defining characteristics and membership rules of such national identity go beyond ethno-religious attributes (as in the case of the United States). This brings us to the difference between civic and ethnic nationalism. Civic nationalism concerns one's membership and loyalty to a state in terms of citizenship, common laws, and political participation regardless of ethnicity and lineage (Brown, 2000; Ipperciel, 2007). Ethnic

nationalism, in contrast, defines an individual's membership in and loyalty to a nation-state in terms of ethnicity and lineage; hence, individuals belonging to different ethnicities, even if they reside in and are citizens of a state, cannot become part of the dominant national group (Alter, 1994; Ignatieff, 1993; Smith, 1991). In the case of ethnic nationalism, there already exists a strong sense of cohesion among the dominant group and little interest in extending the cohesion to domestic out-groups (see Shulman, 2002). In such instances, options for dealing with rising mass violence are likely to exclude cohesionary policy acts, since pre-existing ethnic nationalist group solidarity often produces a 'ceiling Sirin 309 effect', which limits the cohesionary influence that the external use of force may have for curbing mass violence. On the other hand, civic nationalism often fails to be the sole (or at least primary) basis for group identification and falls short of evoking strong emotional attachment to the nation. As Shulman (2002: 580) puts it: most civic components of nationhood are external to the individual, whereas ethnic and cultural components are internal. Territory, political institutions and rights, and citizenship exist outside the individual, whereas ancestry, race, religion, language, and traditions are a part of a person's physical and psychological makeup. As a result, the intensity of attachment to communities founded predominantly on the latter will likely exceed those founded predominantly on the former. When one considers regime type differences from the theoretical framework of cohesionary incentives, democracies are more likely than autocracies to promote a civic (rather than ethnic) nationalist identity (Habermas, 1996; Ipperciel, 2007; Kymlicka, 2001). Under conditions of increased mass violence, therefore, the incentives for democratic leaders to attempt to increase national cohesion through external conflict should be stronger. Accordingly, in terms of regime differences on the cohesionary use of force, I hypothesize that: Hypothesis 3a: Democracies are likely to use external force in an international crisis in the presence of an increased level of mass violence within their borders. Hypothesis 3b: In contrast to democracies, autocracies are unlikely to use external force in an international crisis in the presence of an increased level of mass violence within their borders. As a separate note, a dominant perception in the diversionary literature is that different factors of domestic instability are interchangeable with one another such that selecting one of them is a matter of conceptual taste and analytical convenience (but see, e.g., Pickering and Kisangani, 2005; Russett, 1990, 123–40). However, if different sources of domestic disturbance generate different policy incentives, the measures of domestic problems may not always act as proxies or alternatives to each other. In that sense, it would be better to incorporate these different measures simultaneously in an analytical model to control for and compare their distinctive impact on the propensity for leaders to use external force. Data and research design For empirical testing of my hypotheses, I employ data from the International Crisis Behavior (ICB) Project that covers 139 countries from 1918 to 2005. The ICB dataset is unique in the sense that it provides data on international crises and different forms of domestic problems (i.e. social, economic, and political) for a broad range of countries within a long time span. The ICB project allows one to examine the data on two different levels: actor level and system level. The variables that I use in my analyses are from the actor-level ICB dataset, with the exception of the variable 'contiguity', which I adopt from the system-level dataset. I exclude all the intra-war crises within this period to avoid confounding the results, given that such crises have already escalated to violence and war (see Brecher and Wilkenfeld, 2000; DeRouen and Sprecher, 2004). I employ a monadic analysis because the theoretical focus of this project centers on whether and how specific sources of instability in a country determine the incentives and utility of that country for using force in international crises. Specifically, I am testing whether particular sources of

310 International Political Science Review 32(3) domestic strife have an independent effect on a state's international crisis behavior rather than whether certain characteristics of the target state will influence the behavior of that state. Thus, the research question at hand requires a monadic test. Accordingly, the analytical models used here are not designed to elucidate strategic interactions between crisis actors, such as whether democracies or autocracies tend to use force against states with similar or different political systems in international crises or whether likely targets may strategically avoid violent conflict with states experiencing domestic instability. I do, however, introduce several control variables into my models to account for certain international environmental characteristics (such as power discrepancy) and crisis-specific factors (such as crisis trigger) that have been shown to affect a state's likelihood of using force in an international crisis.5 Dependent variable External use of force. The ICB 'major response' variable identifies the specific action a state takes after it perceives a threat from an event or act that triggers a crisis. This variable ranges across nine categories, from no action to violent military action. Since the focus of my analysis is the use of force, I determine the cut-off criterion for the dependent variable as violent versus non-violent acts. I collapse the variable into a dichotomous measure by coding the events that involve violent military action where the crisis actor resorts to the use of force (ICB categories 8–9; e.g. invasion of air space, border clash, etc.) as '1' and '0' otherwise (ICB categories 1–7; e.g. no response, verbal acts such as protest, economic acts such as embargo, etc.). Major independent variables Mass violence. This variable assesses the level of violence within the society of the crisis actor as evidenced by insurrections, civil war, and revolution. The ICB dataset uses a code of '1' if there is a significant increase in the level of domestic violence during the relevant period preceding the crisis, a code of '2' if the level is normal, and a code of '3' if there is a significant decrease. I collapse the ICB variable into a dichotomous variable and code it as '1' if there is a significant increase in the level of mass violence and '0' otherwise. In this way, I obtain a more direct measure to test my hypotheses. Last, the ICB dataset uses a code of '4' if the crisis actor is a newly independent state. I exclude the observations of this category from the analysis for this variable (as well as for the measures of economic downturn and government instability), since such cases do not provide information on the level of the domestic problem under investigation. Economic downturn. This variable assesses the overall state of the economy for the crisis actor during the period preceding a crisis. I base this measure on the ICB variable labeled 'economic status of actor', which provides a summary indicator of the cost of living, unemployment, food prices, labor disruption, and consumer goods shortages. Since there is a considerable amount of missing data for a number of individual economic indicators, this composite index takes advantage of the available partial information, and thus enables a more parsimonious model. The data are examined from the year of the crisis to the fourth preceding year. The ICB dataset has the values coded as '1' if there is an increase in economic problems, '2' if the economic situation is normal, and '3' if there is a decrease in economic problems. For a more direct measure of worsening economic conditions, I generate a dichotomous variable and code the cases where there is a significant increase in economic problems as '1' and '0' otherwise. Sirin 311 Government instability. The ICB actor-level dataset provides information on whether the crisis actor experiences government instability, which may include executive, constitutional, legal, and/ or administrative structure changes within the relevant period preceding an international crisis. For this measure, the ICB dataset codes the observations as '1' if there is a significant increase in government instability, '2' if the government is stable, and '3' if there is a significant decrease in government instability. For a more direct measure of escalating governmental instability, I create a dichotomous variable coding the cases where there is a

significant increase in the level of government instability as '1' and '0' otherwise. Ethno-religious heterogeneity. For the operationalization of this concept, I use two different measures that I adopt from the dataset of Fearon and Laitin's (2003) study. The first measure is the number of distinct languages spoken by groups exceeding 1 percent of the country's population (see Grimes and Grimes, 1996). The second alternative measure captures the level of religious fractionalization, which Fearon and Laitin constructed using data from the CIA Factbook and other sources. In order to test my interactive hypothesis (H2), I generate two alternative multiplicative variables by interacting mass violence separately with each of the two measures of ethno-religious heterogeneity. Regime type. The ICB dataset provides five different categories of this indicator including democratic regime, civil authoritarian regime, military-direct rule, military-indirect rule, and military dual authority. I generate a dummy variable where '1' denotes democratic regimes and '0' denotes authoritarian regimes, mainly because the original variable does not differentiate between levels of democracy while providing dissimilar types of authoritarianism.6 Control variables Power discrepancy. Several studies of state dyads have demonstrated that disparity in a dyad's capabilities reduces the likelihood of violence initiation (see, e.g., Bremer, 1992). On the other hand, some scholars argue that states that possess a power advantage over an adversary are much more likely to take military action in crisis situations (see, e.g., Prins, 2005). My model controls for this external determinant of interstate conflict by including the ICB variable 'power discrepancy'. The ICB dataset assigns a power score for each crisis actor and its principal adversary based on six separate scores measuring population size, GNP, territorial size, alliance capability, military expenditure, and nuclear capability at the onset of a crisis. The power that a crisis actor possesses and has at its disposal from alliance partners (i.e. those countries that are connected to the crisis actor through some type of collective security agreement) immediately prior to an international crisis is then compared with that of the actor's principal adversary (or adversaries) to create a final power discrepancy score, which ranges from −179 to +179. Negative values indicate a power discrepancy that is to the disadvantage of a crisis actor whereas positive values demonstrate that a crisis actor is stronger than an adversary. To generate a measure that indicates less power disparity as the score gets closer to zero (and vice versa), I take the square of the original ICB power discrepancy variable. This allows one to also capture the potential non-linear nature of this variable. Contiguity. On contiguity, Geller (2000: 413) presents two major perspectives. The first is that geographic opportunity provides physical opportunity for wars and increases a nation's   involvement in a foreign conflict. The second thesis suggests that proximity structures the 'context of interaction', which increases the probability of conflictual relations and enhances the motivations for war. At the dyad level, proximity is the strongest predictor of war probability (see Henderson, 1997; Vasquez, 1993). Hence, I control for this factor with the expectation that when crisis actors share a border, there will be a greater likelihood of the external use of force. The ICB system level data refers to this variable as the geographical proximity of principal adversaries. The coding values are '1' distant, '2' near neighbors, and '3' contiguous. Gravity. This ICB variable identifies the 'gravest' threat a crisis actor faces during a crisis, which ranges from 0 to 7. Most studies suggest that increases in this measure lead to increases in the likelihood of violence in an international crisis (see Hewitt and Wilkenfeld, 1999; Trumbore and Boyer, 2000). That said, DeRouen and Sprecher (2004) find that gravity – as a measure of domestic political loss – has a negative impact on the use of force due to a tendency to reject violence as an initial policy option when the regime is threatened. Following DeRouen and Sprecher, I recode the original ICB variable as '1' if there is a political threat and '0' otherwise to capture any serious political risk a crisis actor faces during a crisis.

Trigger level. The trigger or precipitating cause of a foreign policy crisis refers to the specific act, event, or situational change that leads to (1) a crisis actor's perception of the crisis as a threat to one's basic values, (2) constrained time pressure for responding to the threat, and (3) heightened probability of involvement in military hostilities (Brecher and Wilkenfeld, 2000). It is reasonable to expect that states will react to a crisis with the level of action (be it economic, diplomatic, or military) that matches the level of the trigger (see Trumbore and Boyer, 2000). More specifically, I expect that the likelihood of the use of force will increase in response to more violent triggers. For this variable, I employ the original ICB indicator 'trigger to foreign policy crisis', which ranges from 1 (verbal act) to 9 (violent act) in line with the trigger's level of intensity. Empirical results Some states are more likely than others to get involved in international crises, such as major powers and enduring rivals. An attempt to identify possible factors that are specific to each crisis actor would be a strenuous and redundant task. Instead, I employ a panel-estimated approach – random effects probit – to control for country-specific effects likely to be present in the error term. In accordance with my theoretical framework, I adopt the crisis actor as my unit of analysis. The baseline analytical model is as follows: Pr(Y ij = 1 | X ij , v i) = f(b 0 + b 1 (mass violence) ij + b 2 (economic downturn) ij + b 3 (government instability) ij + b 4 (power discrepancy) ij + b 5 (contiguity) ij + b 6 (gravity) ij + b 7 (trigger level) ij + b 8 (regime type) ij + v i) where Pr(Y ij = 1 | X ij , v i) denotes the probability of external use of force; vi represents unit-specific effects. For the analysis of the interactive effects of mass violence and ethno-religious heterogeneity, I add a multiplicative interaction variable to the baseline model, along with the constitutive terms of that interaction. For the testing of my hypotheses regarding regime type differences, I run the baseline model (excluding the regime type variable) for the subsets of democracies and autocracies. As the Wald λ2 results of the analyses demonstrate (see Tables 2, 3 and 4), the fit of each model is good. Downloaded from ips.sagepub.com at Harvard Libraries on October 5, 2014 Sirin 313 Table 1. Frequency of the Use of Force according to a Crisis Actor's Experience of Domestic Problems Prior to an International Crisis, 1918–2005 Mass violence Economic downturn Government instability 0 1 0 1 0 1 No use of force Use of force 443 226 76 52 317 178 151 67 403 212 117 64 Use of force % 33% 40% 36% 30% 34% 35% Table 1 provides descriptive statistics on the cross-tabulations of the use of force in international crises with three different forms of domestic problems (mass violence, economic downturn, and government instability). Among crisis actors who experience increased mass violence prior to the crisis, 40 percent use force. By comparison, if the country does not experience an increase in mass violence, only 33 percent resort to the use of force. In cases of economic decline, 30 percent of crisis actors use force, whereas cases of no economic downturn demonstrate the use of force 36 percent of the time. Finally, a change in the level of government instability indicates almost no variation across the use of force and non-use of force options (34 percent for no government instability and 35 percent for increased government instability). These preliminary results fall in line with my theoretical expectations that increased mass violence is more likely to lead to the use of force rather than other forms of domestic problems.

Internet Freedom Advantage

Doesn't Solve I-Freedom 1NC

And US allies destroy i-freedom signal

Hanson 10/25/12, Nonresident Fellow, Foreign Policy, Brookings
http://www.brookings.edu/research/reports/2012/10/25-ediplomacy-hanson-internet-freedom

Another challenge is dealing with close partners and allies who undermine internet freedom. In August 2011, in the midst of the Arab uprisings, the UK experienced a different connection technology infused movement, the London Riots. On August 11, in the heat of the crisis, Prime Minister Cameron told the House of Commons: Free flow of information can be used for good. But it can also be used for ill. So we are working with the police, the intelligence services and industry to look at whether it would be right to stop people communicating via these websites and services when we know they are plotting violence, disorder and criminality. This policy had far-reaching implications. As recently as January 2011, then President of Egypt, Hosni Mubarak, ordered the shut-down of Egypt's largest ISPs and the cell phone network, a move the United States had heavily criticized. Now the UK was contemplating the same move and threatening to create a rationale for authoritarian governments everywhere to shut down communications networks when they threatened "violence, disorder and criminality." Other allies like Australia are also pursuing restrictive internet policies. As OpenNet reported it: "Australia maintains some of the most restrictive Internet policies of any Western country…" When these allies pursue policies so clearly at odds with the U.S. internet freedom agenda, several difficulties arise. It undermines the U.S. position that an open and free internet is something free societies naturally want. It also gives repressive authoritarian governments an excuse for their own monitoring and filtering activities. To an extent, U.S. internet freedom policy responds even-handedly to this challenge because the vast bulk of its grants are for open source circumvention tools that can be just as readily used by someone in London as Beijing, but so far, the United States has been much more discreet about criticising the restrictive policies of allies than authoritarian states.

Doesn't Solve I-Freedom – 2NC

Now, the Aff doesn't solve internet freedom – The United States believes that countries inherently want free internet access and have criticized actions of authoritarian states, such as China and Iran – That's Hanson

Gambling ban spills over to internet freedom generally

Hammond 3/12/14, writer for RedState
http://www.redstate.com/diary/mikehammond/2014/03/12/crony-online-gambling-ban-threatens-gun-owners-rights/

And, frankly, the fact is that neither the sponsors nor the beneficiaries of the Internet gambling regulation are people who have given a lot of thought to constitutional principle — or the precedential impact of extending regulation into this area. Sen. Dean Heller (R-NV) is sponsoring the ban on behalf of the owner of a Las Vegas casino, and Sen. Lindsey Graham (R-SC) is

reportedly jumping on board. Heller represents Nevada and will hawk the interests of the casino owners who handed Harry Reid his current six-year term. Thanks for that! Graham has a different reason for his involvement. Billionaire casino owner Sheldon Adelson has pledged to "spend whatever it takes" to have it the federal ban enacted. And Graham, after years of stabbing conservatives in the back, has his back against the wall. With a contentious primary and polls suggesting Graham could be forced into a runoff, he would like nothing more than a billionaire casino owner to rain campaign ads from the heavens to help him survive. True, billionaire Las Vegas casino owners are on both sides of this issue. And I certainly don't begrudge billionaires their billions. But I'm staking my claim with the billionaires who don't believe that Big Government should stick its heavy hand into the market in order to protect their billions. The bottom line? **This "camel's nose in the tent" of Internet regulation creates a dangerous precedent for those concerned about Internet freedom.** It should scare those who want to stop Chuck Schumer and his gun-grabber choir form moving the central element of Barack Obama's gun control agenda. To coin a phrase, "Ideas have consequences." And regulation of Internet gaming opens the door to regulation of other things congressmen or billionaire political spenders find objectionable. Obviously, that includes firearms.

China undermines global i-freedom

Chang 14 (Research Associate, Technology & National Security Program, the Center for a New American Security)

(Amy Chang, How the 'Internet with Chinese Characteristics' Is Rupturing the Web, 12/15/2014, http://www.huffingtonpost.com/amy-chang-/china-internet-sovereignty_b_6325192.html)

China is openly undermining the United States' vision of a free and open Internet. Motivated by maintaining the fragile balance between information control, social and political stability, and continued modernization and economic growth for an online population of over 600 million, the Chinese government is attempting to alter how nations understand their role in Internet governance through a concept called "Internet sovereignty."

Internet sovereignty refers to the idea that a country has the right to control Internet activity within its own borders, and it is what China refers to as a natural extension of a nation-state's authority to handle its own domestic and foreign affairs. For the United States and other Western nations, however, Internet governance is delegated to an inclusive and distributed set of stakeholders including government, civil society, the private sector, academia, and national and international organizations (also known as the multi-stakeholder model of Internet governance).

Gambling ban undoes internet freedom promotion

Aronson 14 Institute for International Economic Policy Working Paper Series Elliott School of International Affairs The George Washington University Can Trade Policy Set Information Free? IIEP-WP-2014-9 Susan Ariel Aaronson George Washington University

http://www.gwu.edu/~iiep/assets/docs/papers/2014WP/AaronsonIIEPWP20149.pdf

T here is a contradiction at the heart of the Internet. Al though the Internet has become a platform for trade, trade policies have both enhanced and undermined Internet freedom and the open Internet. Two recent events illuminate this paradox. First, The New York Times (America's paper of record) reported it had b een repeatedly hacked after it published several articles delineating the financial holdings of the families of China's highest leaders. The hackers inserted malware and stolen its employees' e - mail account passwords, allegedly to find out information abou t the Times' sources. Soon thereafter, The Wall Street Journal, Washington Post, Bloomberg, Voice of America and other media outlets publicly claimed their computers were hacked, allegedly also by Chinese hackers. And in late February the government of A ntigua announced that it would retaliate against America's ban of Antiguan online gambling sites. The World Trade Organization (WTO) gave the small island nation approval to sell items protected under US copyright law as a means of compensation for trade p ractices that "devastated" its economy. Antigua plans to set up a website to sell US - copyrighted material without paying the copyright holders. In short , while China was using trade to steal information and in so doing reduce Internet openness , Antigua will use trade to undermine property rights while advancing information flows. Although t he global Internet is creating a virtuous circle of expanding growth, opportunity, and information flows , policymakers and market actors are taking steps tha t undermine access to information, reduce freedom of expression and **splinter the Internet**. Almost every country has adopted policies to protect privacy, enforce intellectual property rights, protect national security, or thwart cyber - theft, hacking, and sp am. While these actions may be necessary to achieve important policy goals, these policies may distort cross - border information flows and trade. Meanwhile, US, Canadian and European firms provide much of the infrastructure as well as censor ware or blockin g services to their home governments and repressive states such as Iran, Russia, and China

US Online gambling ban kills internet freedom signal

Kibbe 4/28/14 (Matt, FreedomWorks, "Coalition Letter: No Federal Ban on Internet Gambling")

We, the undersigned individuals and organizations, are writing to express our deep concerns about the Restoration of America's Wire Act (H.R. 4301), which would institute a de facto ban on internet gaming in all 50 states. The legislation is a broad overreach by the federal government over matters traditionally reserved for the states. H.R. 4301 will reverse current law in many states and drastically increase the federal government's regulatory power. As we have seen in the past, a ban will not stop online gambling. Prohibiting states from legalizing and regulating the practice only ensures that it will be pushed back into the shadows where crime can flourish with little oversight. In this black market, where virtually all sites are operated from abroad, consumers have little to no protection from predatory behavior.¶ Perhaps even more concerning is the fact that this bill allows the federal government to take a heavy hand in regulating the Internet, opening the door for increased Internet regulation in the future. By banning a select form of Internet commerce**, the federal government is setting a troubling precedent** and providing fodder to those who would like to see **increased Internet regulation in the future**. We fear that H.R. 4301 will begin **a dangerous process of internet** censorship that will simultaneously be circumvented by calculated international infringers while constraining the actions of private individuals and companies in the United States.

Online gambling is the BIGGEST internal link

Braithwaite and Blitz 5/6/9 http://www.ft.com/cms/s/0/7d47231c-3a82-11de-8a2d-00144feabdc0.html#axzz3E1KKpH4h staff, Financial Times

Barney Frank, chairman of the House financial services committee, presented legislation on Wednesday that would **legalise internet gambling** in the US and pave the way for overseas companies to return to the market. Calling existing law "**the single biggest example of an intrusion" into internet freedom**, Mr Frank said he was confident of some cross-party support for the bill, which would regulate and tax online gambling.

Doesn't Solve Censorship – 1NC

Even absent data localization private companies will voluntarily self-censor – nominal internet freedom is irrelevant

Morozov 11 (Evgeny Morozov, visting scholar at Stanford University, Schwartz Fellow at the New America Foundation, 2011, "The Net Delusion," ch. 8)

What is clear is that, contrary to the expectations of many Western policymakers, **Facebook is hardly ideal for promoting democracy; its own logic, driven by profits or ignorance of the increasingly global context in which it operates, is, at times, extremely antidemocratic.** Were Kafka to pen his novel The Trial—in which the protagonist is arrested and tried for reasons that are never explained to him—today, El Ghazzali's case could certainly serve as inspiration. That much of digital activism is mediated by commercial intermediaries who operate on similar Kafkaesque principles is cause for concern, if only because it introduces too much unnecessary uncertainty into the activist chain, imagine that El Ghazzali's group was planning a public protest on the very day that its page got deleted: The protest could have easily been derailed. Until there is complete certainty that a Facebook group won't be removed at the most unfortunate moment, many dissident groups will shy away from making it their primary channel of communication. In reality, there is no reason why Facebook should even bother with defending freedom of expression in Morocco, which is not an appealing market to its advertisers, and even if it were, it would surely be much easier to make money there without crossing swords with the country's rulers. We do not know how heavily Facebook polices sensitive political activity on its site, but we do know of many cases similar to El Ghazzali s. In February 2010, for example, Facebook was heavily criticized by its critics in Asia for removing the pages of a group with 84,298 members that had been formed to oppose the Democratic Alliance for the Betterment and

Progress of Hong Kong, the pro-establishment and pro-Beijing party. According to the group's administrator, the ban was triggered by opponents flagging the group as "abusive" on Facebook. This was not the first time that Facebook constrained the work of such groups. In the run-up to the Olympic torch relay passing through Hong Kong in 2008, it shut down several groups, while many pro-Tibetan activists had their accounts deactivated for "persistent misuse of the site." It's not just politics: Facebook is notoriously zealous in policing other types of content as well. In July 2010 it sent multiple warnings to an Australian jeweler for posting photos of her exquisite porcelain doll, which revealed the doll's nipples. Facebook's founders may be young, but they are apparently puritans. Many other intermediaries are not exactly unbending defenders of political expression either. Twitter has been accused of silencing online tribute to the 2008 Gaza War. Apple has been bashed for blocking Dalai Lama-related iPhone apps from its App Store for China (an application related to Rebiya Kadeer, the exiled leader of the Uighur minority, was banned as well). Google, which owns Orkut, a social network that is surprisingly popular in India, has been accused of being too zealous in removing potentially controversial content that may be interpreted as calling for religious and ethnic violence against both Hindus and Muslims. Moreover, a 2009 study found that Microsoft has been censoring what users in the United Arab Emirates, Syria, Algeria, and Jordan could find through its Bing search engine much more heavily than the governments of those countries.

Doesn't Solve Censorship – 2NC

Non-state actors and social media monitoring make censorship impossible to counter

Morozov 11 (Evgeny Morozov, visting scholar at Stanford University, Schwartz Fellow at the New America Foundation, 2011, "The Net Delusion," ch. 4)

But governments do not need to wait until breakthroughs in artificial intelligence to make more accurate decisions about what it is they need to censor. One remarkable difference between the Internet and other media is that online information is hyperlinked. To a large extent, all those links act as nano-endorsements. If someone links to a particular page, that page is granted some importance. Google has managed to aggregate all these nano-endorsements—making the number of incom- ing links the key predictor of relevance for search results—and build a mighty business around it. Hyperlinks also make it possible to infer the context in which particular bits of information appear online without having to know the meaning of those bits. If a dozen antigovernment blogs link to a PDF published on a blog that was previously unknown to the Internet police, the latter may assume that the document is worth blocking without ever reading it. The links—the "nano-endorsements" from antigovernment bloggers—speak for themselves. The PDF is simply guilty by association. Thanks to Twitter, Facebook, and other social media, such associations are getting much easier for the secret police to trace. If authoritarian governments master the art of aggregating the most popular links that their opponents share on Twitter, Facebook, and other social media sites, they can create a very elegant, sophisticated, and, most disturbingly, accurate solution to their censorship needs. Even though the absolute amount of information—or the number of links, for that matter—may be growing, it does not follow that

there will be less "censorship" in the world. It would simply become more fine-tuned. If anything, there might be less one-size-fits-all "wasteful" censorship, but this is hardly a cause for celebration. The belief that the Internet is too big to censor is dangerously naive. As the Web becomes even more social, nothing prevents governments— or any other interested players— from building censorship engines powered by recommendation technology similar to that of Amazon and Netflix. The only difference, however, would be that instead of being prompted to check out the "recommended" pages, we'd be denied access to them. The "social graph"—a collection of all our connections across different sites (think of a graph that shows everyone you are connected to on different sites across the Web, from Facebook to Twitter to YouTube)—a concept so much beloved by the "digerati," could encircle all of us. The main reason why censorship methods have not yet become more social is because much of our Internet browsing is still done anonymously. When we visit different sites, the people who administer them cannot easily tell who we are. There is absolutely no guarantee that this will still be the case five years from now; **two powerful forces may destroy online anonymity**. From the commercial end, we see stronger integration between social networks and different websites— you can now spot Facebook's "Like" button on many sites—so there are growing incentives to tell sites who you are. Many of us would eagerly trade our privacy for a discount coupon to be used at the Apple store. From the government end, growing concerns over child pornography, copyright violations, cybercrime, and cyberwarfare also make it more likely that there will be more ways in which we will need to prove our identity online. The future of Internet control is thus a function of numerous (and rather complex) business and social forces; sadly, many of them originating in free and democratic societies. Western governments and foundations can't solve the censorship problem by just building more tools; they need to identify, publicly debate, and, if necessary, legislate against each of those numerous forces. The West excels at building and supporting effective tools to pierce through the firewalls of authoritarian governments, but it is also skilled at letting many of its corporations disregard the privacy of their users, often with disastrous implications for those who live in oppressive societies. Very litde about the currently fashionable imperative to promote Internet freedom suggests that Western policymakers are committed to resolving the problems that they themselves have helped to create. We Don't Censor; We Outsource! Another reason why so much of today's Internet censorship is invisible is because it's not the governments who practice it. While in most cases it's enough to block access to a particular critical blog post, it's even better to remove that blog post from the Internet in its entirety. While governments do not have such mighty power, companies that enable users to publish such blog posts on their sites can do it in a blink. Being able to force companies to police the Web according to a set of some broad guidelines is a dream come true for any government. It's the companies who incur all the costs, it's the companies who do the dirty work, and it's the companies who eventually get blamed by the users. Companies also are more likely to catch unruly content, as they know their online communities better than government censors. Finally, no individual can tell companies how to run those communities, so most appeals to freedom of expression are pointless. Not surprisingly, this is the direction in which Chinese censorship is evolving. According to research done by Rebecca MacKinnon, who studies the Chinese Internet at New America Foundation and is a former CNN bureau chief in Beijing, censorship of Chinese user-generated content is "highly decentralized," while its "implementation is left to the Web companies themselves". To prove this, in mid-2008 she set up anonymous accounts on a dozen Chinese blog platforms and published more than a hundred posts on controversial subjects, from corruption to AIDS to Tibet, to each of them. MacKinnon's objective was to test if and how soon they would be deleted. Responses differed widely across companies: The most vigilant ones

deleted roughly half of all posts, while the least vigilant company censored only one. There was little coherence to the companies' behavior, but then this is what happens when governments say "censor" but don't spell out what it is that needs to be censored, leaving it for the scared executives to figure out. The more leeway companies have in interpreting the rules, the more uncertainty there is as to whether a certain blog post will be removed or allowed to stay. This Kafkaesque uncertainty can eventually cause more harm than censorship itself, for it's hard to plan an activist campaign if you cannot be sure that your content will remain available. This also suggests that, as bad as Google and Facebook may look to us, they still probably undercensor compared to most companies operating in authoritarian countries. Global companies are usually unhappy to take on a censorship role, for it might cost them dearly. Nor are they happy to face a barrage of accusations of censorship in their own home countries. (:Local companies, on the other hand, couldn't care less Social networking sites in Azerbaijan probably have no business in the United States or Western Europe, nor are their names likely to be mispronounced at congressional hearings.) But this is one battle that the West is already losing. Users usually prefer local rather than global services; those are usually faster, more relevant, easier to use, and in line with local cultural norms. Look at the Internet market in most authoritarian states, and you'll probably find at least five local alternatives to each prominent Web 2.0 start-up from Silicon Valley. For a total online population of more than 300 million, Facebook's 14,000 Chinese users, by one 2009 count, are just a drop in the sea (or, to be exact, 0.00046 percent). Companies, however, are not the only intermediaries that could be pressured into deleting unwanted content. RuNet (the colloquial name for the Russian-speaking Internet), for example, heavily relies on "com-munities," which are somewhat akin to Facebook groups, and those are run by dedicated moderators. Most of the socially relevant online activism in Russia happens on just one platform, Livejournal. When in 2008 the online community of automobile lovers on Livejournal became the place to share photos and reports from a wave of unexpected protests organized by unhappy drivers in the far eastern Russian city of Vladivostok, its administrators immediately received requests from FSB, KGB's successor, urging them to delete the reports. They complied, although they complained about the matter in a subsequent report that they posted to the community's webpage (within just a few hours that post disappeared as well). Formally, though, nothing has been blocked; **this is the kind of invisible censorship that is most difficult to fight**. The more intermediaries—whether human or corporate—are involved in publishing and disseminating a particular piece of information, the more points of control exist for quietly removing or altering that information. The early believers in "dictator's dilemma" have grossly underestimated the need for online intermediaries. Someone still has to provide access to the Internet, host a blog or a website, moderate an online community, or even make that community visible in search engines. As long as all those entities have to be tied to a nation state, there will be ways to pressure them into accepting and facilitating highly customized censorship that will have no impact on economic growth.

Privacy Advantage

Surveillance Good – 1NC

Surveillance outweighs and privacy violations are overstretched post-Snowden – solves security threats

Gallington 13 -- (Daniel J. Gallington, senior policy and program adviser at the George C. Marshall Institute in Arlington VA, served in senior national policy positions in the Office of the

Secretary of Defense, the Department of ?Justice, and as bipartisan general counsel for the U.S. Senate Select Committee on Intelligence, "The Case for Internet Surveillance," US News, http://www.usnews.com/opinion/blogs/world-report/2013/09/18/internet-surveillance-is-a-necessary-part-of-national-security, Accessed 07-02-15)

If the answer to these questions continues to be yes – and it most likely is – then the recent public debate brought on by Edward Snowden's disclosures is **far more mundane, and far less sensational** than the media would perhaps like it to be. Also In that case, the real issue set boils down to the following set of key questions, best answered by our Congress – specifically the Intelligence committees working with some other key committees – after a searching inquiry and a series of hearings, as many of them open as possible. Were the established and relevant laws, regulations and procedures complied with? Are the established laws, regulations and procedures up to date for current Internet and other technologies? Is there reason to add new laws, regulations and procedures? Is there a continued requirement – based on public safety – to be able to do intrusive surveillance, including Internet surveillance, against spies, terrorists or criminals? In sum, the idea that we have somehow "betrayed" or "subverted" the Internet (or the telephone for that matter) is – as my mom also used to say – "**just plain silly**." Such kinds of inaccurate statements are emotional and intended mostly for an audience with preconceived opinions or that hasn't thought very hard about the **dangerous consequences of an Internet totally immune from surveillance**. In fact, it seems time for far less sensationalism – primarily by the media – and far more objectivity. In the final analysis, my mom probably had it right: "Those kind of people, sure".

Public Perception – 1NC

The public is only mildly concerned

Dukeman 14

(Ryan, European Union Program Undergraduate Fellow at Princeton University, "Surprisingly mild reaction to NSA surveillance", February 11, 2014, http://dailyprincetonian.com/opinion/2014/02/surprisingly-mild-reaction-to-nsa-surveillance/, kc)

One of the legacies 2013 will leave behind, as Andrea Peterson wrote recently in The Washington Post, is that it was "the year that proved your paranoid friend right." Since January of last year, we've learned that the National Security Agency is collecting massive amounts of phone call metadata, emails, location information of cell phones and is even listening to Xbox Live. Shocking as this obviously was to me, as a citizen of the country of "We the People," one founded on civil liberties, what was perhaps more shocking was how mild the reaction of many Americans was. While polls showed that a small majority of U.S. citizens opposed the NSA's collection of phone and Internet usage data, after months of reassurances by the President that the programs would be reformed and used responsibly, the numbers seem to have changed (or at least, the story seems to be dying down).¶ The problem here is that a story like this shouldn't ever go away, not until the sought reforms are accomplished or at least until we as a society reach an informed consensus about the core issues at stake. Every day that we wait, every day that such programs are allowed to continue without public scrutiny or reform, is a day in which rights are unduly sacrificed without the informed consent of the public.

Privacy is already dead- companies surveil more than the government and will not change

Gillmor 14

(Dan, Professor of Digital Media Literacy and Entrepreneurship at Arizona State University, "As we sweat government surveillance, companies like Google collect our data", April 18, 2014, http://www.theguardian.com/commentisfree/2014/apr/18/corporations-google-should-not-sell-customer-data, kc)

As security expert Bruce Schneier (a friend) has archly observed, "Surveillance is the business model of the internet." I don't expect this to change unless and until external realities force a change – and I'm not holding my breath.¶ Instead, the depressing news just seems to be getting worse. Google confirmed this week what many people had assumed: even if you're not a Gmail user, your email to someone who does use their services will be scanned by the all-seeing search and the advertising company's increasingly smart machines. The company updated their terms of service to read:¶ Our automated systems analyze your content (including e-mails) to provide you personally relevant product features, such as customized search results, tailored advertising, and spam and malware detection. This analysis occurs as the content is sent, received, and when it is stored.¶ My system doesn't do this to your email when you send me a message. I pay a web-hosting company that keeps my email on a server that isn't optimized for data collection and analysis. I would use Gmail for my email, if Google would let me pay for service that didn't "analyze (my) content" apart from filtering out spam and malware. Google doesn't offer that option, as far as I can tell, and that's a shame – if not, given its clout, a small scandal.¶ Also this week, Advertising Age, a top trade journal for the ad industry, reported that tech companies led by Google, Microsoft, Apple and Facebook are moving swiftly to fix what they plainly see as a bug in the system: It's more difficult to spy on us as effectively when we use our mobile devices than when we're typing and clicking away on our laptops. Here's a particularly creepy quote in the story, courtesy of a mobile advertising executive:¶ The universal ID today in the world is your Facebook log-in. This industry-wide challenge of mobile tracking has sort of quietly been solved, without a lot of fanfare.¶ Facebook may be getting the message that people don't trust it, which shouldn't be surprising given the company's long record of bending its rules to give users less privacy. CEO Mark Zuckerberg told the New York Times' Farhad Manjoo that many upcoming products and services wouldn't even use the name "Facebook," as the company pushes further and further into its users' lives. The report concluded:¶ If the new plan succeeds, then, one day large swaths of Facebook may not look like Facebook — and may not even bear the name Facebook. It will be everywhere, but you may not know it.¶ Maybe. But Facebook will know you. And like Google, Facebook won't let me pay for its otherwise excellent service, something I'd gladly do if it would agree not to spy on me.¶ Barring that, what I do to employ countermeasures wherever possible, and to make choices in the services I use – such as relying more and more on the DuckDuckGo search engine. DuckDuckGo isn't as likely to give me the results I want as easily as Google, but it has proved to be good enough for most purposes.¶ But in a week when news organizations (like this one) won Pulitzer prizes for revealing vast abuses of surveillance by the government, one might hope that corporations would show even the slightest sign of retreating from their longstanding practices that, if conducted by the government, would give most citizens pause.

The public doesn't feel strongly about surveillance.

Rieff 13

(David, Author with focus on immigration, international conflict, and humanitarianism, "Why Nobody Cares About the Surveillance State", August 22, 2013, http://foreignpolicy.com/2013/08/22/why-nobody-cares-about-the-surveillance-state/, kc)

And yet, apart from some voices from the antiwar left and the libertarian right, the reaction from this deceived public has been strangely muted. Polls taken this summer have shown the public almost evenly split on whether the seemingly unlimited scope of these surveillance programs was

doing more harm than good. Unlike on issues such as immigration and abortion, much of the public outrage presupposed by news coverage of the scandal does not, in reality, seem to exist.¶ It is true that the revelations have caused at least some on the mainstream right, both in Congress and in conservative publications like National Review, to describe the NSA's activities as a fundamental attack on the rights of citizens. For their part, mainstream Democrats find themselves in the uncomfortable position of either defending what many of them view as indefensible or causing trouble for a beleaguered president who seems increasingly out of his depth on most questions of national security and foreign policy.¶ The press can certainly be depended on to pursue the story, not least because of a certain "guild" anger over the detention recently of Guardian journalist Glenn Greenwald's partner, David Miranda, by British police at London's Heathrow Airport, and the British government's decision to force the Guardian to destroy the disks it had containing Snowden's data — in the paper's London office with two officials from CGHQ, the British equivalent of the NSA, looking on. But while the surveillance scandal has both engaged and enraged the elites, when all is said and done, the general public does not seem nearly as concerned.¶ Why? In an age dominated by various kinds of techno-utopianism — the conviction that networking technologies are politically and socially emancipatory and that massive data collection will unleash both efficiency in business and innovation in science — the idea that Big Data might be your enemy is antithetical to everything we have been encouraged to believe. A soon-to-be-attained critical mass of algorithms and data has been portrayed as allowing individuals to customize the choices they make throughout their lives. Now, the data sets and algorithms that were supposed to set us free seem instead to have been turned against us.

Public Perception – 2NC

Facebook proves- consumers have "privacy fatigue"- don't care about privacy anymore

Huffington Post 11

(Huffington Post, "Facebook Users Experience Privacy Fatigue", 03/11/2011, http://www.huffingtonpost.co.uk/2011/11/03/facebook-users-privacy-fatigue_n_1073131.html, kc)

Facebook Users Experience Privacy Fatigue -- Facebook users are struggling to keep up with the "dizzying" number of changes to privacy settings made by the social network, a survey has found.¶ Almost half (48%) of those questioned by consumer magazine Which? Computing confessed they had failed to keep track of all the security changes that had been introduced, while almost a fifth (19%) said they had never altered their privacy settings.¶ Despite concerns about the amount of personal information being published by users of the website, many could be suffering "privacy fatigue", the magazine suggested.¶ Although Facebook has introduced a slew of changes over the past two years, respondents had on average changed their privacy settings just twice.¶ Rob Reid, scientific policy adviser for Which?, said: "Many Facebook users have never changed their privacy settings and those who have do it far less often than Facebook makes changes.¶ "This may reflect a disregard or lack of awareness for privacy or, more worryingly, privacy fatigue stimulated by the dizzying number of changes."¶ Which? Computing interviewed 953 people in September about their Facebook use.

Public apathy about privacy violations.

Kelly 13

(Heather, Technology Reporter for CNNMoney, Writer/Producer at CNN Digital, Degree in Journalism from NYU, "Some shrug at NSA snooping: Privacy's already dead", June 10, 2013, http://www.cnn.com/2013/06/07/tech/web/nsa-internet-privacy, kc)

A series of revelations about the National Security Agency's surveillance programs sparked outrage among many this week, including the expected privacy activists and civil libertarians.¶ But there seems to be a gap between the roiling anger online and the attitudes of other people, especially younger ones, who think it's just not that big a deal.¶ It's the rare issue that crosses party lines in terms of outrage, apathy and even ignorance. When interviewing people about the topic in downtown San Francisco, we found a number of people of all ages who had not heard the news, and more than one who asked what the NSA was.¶ The rest had various reasons for not being terribly concerned.¶ Privacy is already dead¶ When the news broke on Wednesday, a number of people responded online by saying an extensive government surveillance program wasn't surprising and just confirmed what they already knew.¶ The lack of shock wasn't limited to savvy technologists who have been following reports from organizations like the Electronic Frontier Foundation, or EFF, that cover possible monitoring going back to 2007. Many people already assumed that information online was easily accessible by corporations and the government.¶ A survey conducted by the Allstate/National Journal Heartland Monitor just days before the NSA news broke found that 85% of Americans already believed their phone calls, e-mails and online activity were being monitored.¶ Allen Trember from San Luis Obispo, California, said he knew when he started using the Internet that his information wasn't going to be private, but still lamented that privacy no longer exists.¶ "I don't like it, but what can I do about it?" he said. "I'm just glad that we have as much freedom as we do."

Efficiency gains from surveillance outweigh

Swire 99 – Peter P. Swire, Chief Counselor for Privacy—United States Office of Management and Budget, Professor at the Ohio State University College of Law, 1999 (**"**F. Hodge O'Neal Corporate and Securities Law Symposium: The Modernization of Financial Services Legislation: Article: Financial Privacy and The Theory of High-Tech Government Surveillance**," LexisNexis Academic, Accessed 06-29-2015)**

In discussing the advantages of allowing flows of financial data to government, the focus has been on preventing or prosecuting illegal behavior. Greater information flows can restrict money laundering, help track deadbeat parents who fail to pay child support, and otherwise **reduce the harms to society** that inefficient surveillance permits. An even more general rationale, however, often exists for providing information to the government - **efficiency**. Free flows of information, in both the public and private sector, can lead to a variety of efficiency gains. Think, for example, of the burden of filling out government paperwork. Suppose that in an electronic future an individual would never have to provide information more than once to any government. In this technocratic utopia, the record would be entered once and then be available automatically for all authorized uses. With this efficiency in assembling and matching data, there would be far less burden on individuals who wish to apply for government benefits, enter into a contract with any government unit, file a report in connection with environmental or other regulatory programs, or otherwise transfer information to the government. Better coordination might also be possible between governments at the local, state, national, and even international levels. In the private sector, free flows of financial data also create efficiency gains. From a seller's point of view, detailed information about the buyer allows more efficient provision of goods and services. Detailed information permits "one-to-one" marketing, so buyers get precisely what they most value, and so sellers can avoid unwanted inventory and can produce exactly what buyers want. [n87] Ever-expanding computing power and the growth of the Internet mean that the costs of assembling, processing, and communicating personal data continue to fall rapidly. As the private sector develops new means for processing personal information, the information also becomes potentially available to the government. [*493] In the area of information processing, the public and private sectors are linked more closely than is often realized. Any data in private hands are only a subpoena away

from the government. The efficiency gains in the private sector mean efficiency gains for law enforcement and the government more generally.

Doesn't Solve Totalitarianism – 1NC

No impact to Totalitarianism – privacy is just as likely to be used to cursh dissent

Siegel 11 (Lee Siegel, a columnist and editor at large for The New York Observer, is the author of "Against the Machine: How the Web Is Reshaping Culture and Commerce — and Why It Matters. "'The Net Delusion' and the Egypt Crisis", February 4, 2011, http://artsbeat.blogs.nytimes.com/2011/02/04/the-net-delusion-and-the-egypt-crisis)

¶Morozov takes the ideas of what he calls "cyber-utopians" and shows how reality perverts them in one political situation after another. In Iran, the regime used the internet to crush the internet-driven protests in June 2009. In Russia, neofascists use the internet to organize pogroms. And on and on. Morozov has written hundreds of pages to make the point that technology is amoral and cuts many different ways. Just as radio can bolster democracy or — as in Rwanda — incite genocide, so the internet can help foment a revolution but can also help crush it. This seems obvious, yet it has often been entirely lost as grand claims are made for the internet's positive, liberating qualities. ¶And suddenly here are Tunisia and, even more dramatically, Egypt, simultaneously proving and refuting Morozov's argument. In both cases, social networking allowed truths that had been whispered to be widely broadcast and commented upon. In Tunisia and Egypt — and now across the Arab world — Facebook and Twitter have made people feel less alone in their rage at the governments that stifle their lives. There is nothing more politically emboldening than to feel, all at once, that what you have experienced as personal bitterness is actually an objective condition, a universal affliction in your society that therefore can be universally opposed. ¶Yet at the same time, the Egyptian government shut off the internet, which is an effective way of using the internet. And according to one Egyptian blogger, misinformation is being spread through Facebook — as it was in Iran — just as real information was shared by anti-government protesters. This is the "**dark side of internet freedom"** that Morozov is warning against. It is the freedom to wantonly crush the forces of freedom. ¶All this should not surprise anyone. It seems that, just as with every other type of technology of communication, the internet is not a solution to human conflict but an amplifier for all aspects of a conflict. As you read about pro-government agitators charging into crowds of protesters on horseback and camel, you realize that nothing has changed in our new internet age. The human situation is the same as it always was, except that it is the same in a newer and more intense way. Decades from now, we will no doubt be celebrating a spanking new technology that promises to liberate us from the internet. And the argument joined by Morozov will occur once again.

Doesn't Solve Totalitarianism – 2NC

Now, the Aff doesn't promote dissent against Totalitarianism states - New cyber utopian societies are extremely influenced by technology Increased Freedom could

result in increased technology – For example Iran government officals utilized massive freedom to quell rebel - That's Siegel

No evidence that the internet actually spurs democratization

Aday et al. 10 (Sean Aday is an associate professor of media and public affairs and international affairs at The George Washington University, and director of the Institute for Public Diplomacy and Global Communication. Henry Farrell is an associate professor of political science at The George Washington University. Marc Lynch is an associate professor of political science and international affairs at The George Washington University and director of the Institute for Middle East Studies. John Sides is an assistant professor of political science at The George Washington University. John Kelly is the founder and lead scientist at Morningside Analytics and an affiliate of the Berkman Center for Internet and Society at Harvard University. Ethan Zuckerman is senior researcher at the Berkman Center for Internet and Society at Harvard University and also part of the team building Global Voices, a group of international bloggers bridging cultural and linguistic differences through weblogs. August 2010, "BLOGS AND BULLETS: new media in contentious politics", http://www.usip.org/files/resources/pw65.pdf)

New media, such as blogs, Twitter, Facebook, and YouTube, have played a major role in episodes of contentious political action. They are often described as important tools for activists seeking to replace authoritarian regimes and to promote freedom and democracy, and they have been lauded for their democratizing potential. Despite the prominence of "Twitter revolutions," "color revolutions," and the like in public debate, policymakers and scholars know very little about whether and how new media affect contentious politics. **Journalistic accounts are inevitably based on anecdotes rather than rigorously designed research**. Although data on new media have been sketchy, new tools are emerging that measure linkage patterns and content as well as track memes across media outlets and thus might offer fresh insights into new media. The impact of new media can be better understood through a framework that considers five levels of analysis: individual transformation, intergroup relations, collective action, regime policies, and external attention. New media have the potential to change how citizens think or act, mitigate or exacerbate group conflict, facilitate collective action, spur a backlash among regimes, and garner international attention toward a given country. Evidence from the protests after the Iranian presidential election in June 2009 suggests the utility of examining the role of new media at each of these five levels. Although there is reason to believe the Iranian case exposes the potential benefits of new media, other evidence—such as the Iranian regime's use of the same social network tools to harass, identify, and imprison protesters—suggests that, like any media, **the Internet is not a "magic bullet." At best, it may be a "rusty bullet."** Indeed, it is plausible that traditional media sources were equally if not more important. Scholars and policymakers should adopt a more nuanced view of new media's role in democratization and social change, one that recognizes that new media can have both positive and negative effects. Introduction In January 2010, U.S. Secretary of State Hillary Clinton articulated a powerful vision of the Internet as promoting freedom and global political transformation and rewriting the rules of political engagement and action. Her vision resembles that of others who argue that new media technologies facilitate participatory politics and mass mobilization, help promote democracy and

free markets, and create new kinds of global citizens. Some observers have even suggested that Twitter's creators should receive the Nobel Peace Prize for their role in the 2009 Iranian protests.1 But not everyone has such sanguine views. Clinton herself was careful to note when sharing her vision that new media were not an "unmitigated blessing." Pessimists argue that these technologies may actually **exacerbate conflict**, as exemplified in Kenya, the Czech Republic, and Uganda, and help authoritarian regimes monitor and police their citizens. 2 They argue that new media encourage self-segregation and polarization as people seek out only information that reinforces their prior beliefs, offering ever more opportunities for the spread of hate, misinformation, and prejudice.3 Some skeptics question whether new media have significant effects at all. Perhaps they are simply a tool used by those who would protest in any event or a trendy "hook" for those seeking to tell political stories. Do new media have real consequences for contentious politics—and in which direction?4 The sobering answer is that, fundamentally, no one knows. To this point, little research has sought to estimate the causal effects of new media in a methodologically rigorous fashion, or to gather the rich data needed to establish causal influence. **Without rigorous research designs or rich data, partisans of all viewpoints turn to anecdotal evidence and intuition**

Mobilization and Internet access are not correlated – other factors are more important

Kuebler 11 (Johanne Kuebler, contributor to the CyberOrient journal, Vol. 5, Iss. 1, 2011, "Overcoming the Digital Divide: The Internet and Political Mobilization in Egypt and Tunisia", http://www.cyberorient.net/article.do?articleId=6212)

The assumption that the uncensored accessibility of the Internet encourages the struggle for democracy has to be differentiated. At first sight, the case studies seem to confirm the statement, since Egypt, featuring a usually uncensored access to the Internet, has witnessed mass mobilisations organised over the Internet while Tunisia had not. However, the mere availability of freely accessible Internet is not a sufficient condition insofar as mobilisations in Egypt took place when a relative small portion of the population had Internet access and, on the other hand, mobilisation witnessed a decline between 2005 and 2008 although the number of Internet users rose during the same period. As **there is no direct correlation between increased Internet use and political action** organised through this medium, we have to assume a more complex relationship. A successful social movement seems to need more than a virtual space of debate to be successful, although such a space can be an important complementary factor in opening windows and expanding the realm of what can be said in public. A political movement revolves around a core of key actors, and "netizens" qualify for this task. The Internet also features a variety of tools that facilitate the organisation of events. However, to be successful, social movements need more than a well-organised campaign. In Egypt, we witnessed an important interaction between print and online media, between the representatives of a relative elitist medium and the traditional, more accessible print media. A social movement needs to provide frames resonating with grievances of the public coupled with periods of increased public attention to politics in order to create opportunity structures. To further transport their message and to attract supporters, a reflection of the struggle of the movement with the government in the

"classical" media such as newspapers and television channels is necessary to give the movement momentum outside the Internet context.

Solvency

No Solvency – Circumvention

FISA will circumvent

Bendix and Quirk 15 (assistant professor of political science at Keene State College; Phil Lind Chair in U.S. Politics and Representation at the University of British Columbia)

(William Bendix and Paul J. Quirk, Secrecy and negligence: How Congress lost control of domestic surveillance, Issues in Governance Studies, March 2015, http://www.brookings.edu/~/media/research/files/papers/2015/03/02-secrecy-negligence-congres-surveillance-bendix-quirk/ctibendixquirksecrecyv3.pdf)

Even if Congress at some point enacted new restrictions on surveillance, the executive might ignore the law and continue to make policy unilaterally. The job of reviewing executive conduct would again fall to the FISA Court.56 In view of this court's history of broad deference to the executive, Congress would have a challenge to ensure that legislative policies were faithfully implemented.

And the exec can circumvent via national security letters

Sanchez 15 (a Senior Fellow at the Cato Institute)

(Julian Don't (Just) Let the Sun Go Down on Patriot Powers, May 29, 2015, http://motherboard.vice.com/read/dont-just-let-the-sun-go-down-on-patriot-powers)

Also permanent are National Security Letters or NSLs, which allow the FBI to obtain a more limited range of telecommunications and financial records without even needing to seek judicial approval. Unsurprisingly, the government loves these streamlined tools, and used them so promiscuously that the FBI didn't even bother using 215 for more than a year after the passage of the Patriot Act. Inspector General reports have also made clear that the **FBI is happy to substitute NSLs for 215 orders** when even the highly accommodating FISC manages a rare display of backbone. In at least one case, when the secret court refused an application for journalists' records on First Amendment grounds, the Bureau turned around and **obtained the same data** using National Security Letters.

No Solvency – Foreign Surveillance

Foreign, not domestic, surveillance is what is driving data pull out – restrictions on domestic surveillance will onlu further this push

Chander and Le 15 (Director, California International Law Center, Professor of Law and Martin Luther King, Jr. Hall Research Scholar, University of California, Davis; Free Speech and Technology Fellow, California International Law Center; A.B., Yale College; J.D., University of California, Davis School of Law)

Anupam Chander and Uyên P. Lê, DATA NATIONALISM, EMORY LAW JOURNAL, Vol. 64:677, http://law.emory.edu/elj/_documents/volumes/64/3/articles/chander-le.pdf)

First, the United States, like many countries, concentrates much of its surveillance efforts abroad. Indeed, the Foreign Intelligence Surveillance Act is focused on gathering information overseas, limiting data gathering largely only when it implicates U.S. persons.174 The recent NSA surveillance disclosures have revealed extensive foreign operations.175 Indeed, constraints on domestic operations may well have **spurred the NSA to expand operations abroad**. As the Washington Post reports, "**Intercepting communications overseas has clear advantages for the NSA, with looser restrictions and less oversight**."176 Deterred by a 2011 ruling by the Foreign Intelligence Surveillance Court barring certain broad domestic surveillance of Internet and telephone traffic,177 the NSA may have increasingly turned its attention overseas. Second, the use of malware eliminates even the need to have operations on the ground in the countries in which surveillance occurs. The Dutch newspaper NRC Handelsblad reports that the NSA has infiltrated every corner of the world through a network of malicious malware.178 A German computer expert noted that "data was intercepted here [by the NSA] on a large scale."179 The NRC Handelsblad suggests that the NSA has even scaled the Great Firewall of China,180 demonstrating that efforts to keep information inside a heavily secured and monitored ironclad firewall do not necessarily mean that it cannot be accessed by those on the other side of the earth. This is a commonplace phenomenon on the Internet, of course. The recent enormous security breach of millions of Target customers in the United States likely sent credit card data of Americans to servers in Russia, perhaps through the installation of malware on point-of-sale devices in stores.

No Solvency – No Reverse Perception

The Aff can't undo the overwhelming perception of US surveillance

Fontaine 14 (President of the Center for a New American Security)

(Richard, Bringing Liberty Online: Reenergizing the Internet Freedom Agenda in a Post-Snowden Era, SEPTEMBER 2014, Center for New American Security)

Such moves are destined to have only a modest effect on foreign reactions. U.S. **surveillance will inevitably continue** under any reasonably likely scenario (indeed, despite the expressions of outrage, not a single country has said that it would cease its surveillance activities). Many of the demands – such as for greater transparency – will not be met, simply due to the clandestine nature of electronic espionage. **Any limits** on surveillance that a govern- ment might announce **will not be publicly verifiable** and thus perhaps not fully credible. Nor will there be an international "no-spying" convention to reassure foreign citizens that their communications are unmonitored. As it has for centuries, state- sponsored espionage activities are likely to remain accepted international practice, unconstrained by international law. The one major possible shift in policy following the Snowden affair – a stop to the bulk collection of telecommunications metadata in the United States – will not constrain the activ- ity most disturbing to foreigners; that is, **America's surveillance of them**. At the same time, U.S. offi- cials are highly unlikely to articulate a global "right to privacy" (as have the U.N. High Commissioner for Human Rights and some foreign officials), akin to that derived from the U.S. Constitution's fourth amendment, that would permit foreigners to sue in U.S. courts to enforce such a right.39 The Obama administration's January 2014 presidential directive on signals intelligence refers, notably, to the "legiti- mate privacy interests" of all persons, regardless of nationality, and not to a privacy "right."40

Plan is too small to overcome requirements that are necessary to change the status quo

Kehl et al 14 (Danielle Kehl is a Policy Analyst at New America's Open Technology Institute (OTI). Kevin Bankston is the Policy Director at OTI, Robyn Greene is a Policy Counsel at OTI, and Robert Morgus is a Research Associate at OTI)
(New America's Open Technology Institute Policy Paper, Surveillance Costs: The NSA's Impact on the Economy, Internet Freedom & Cybersecurity, July 2014)

Two months later, many of the same companies and organizations issued another letter supporting surveillance transparency legislation proposed by Senator Al Franken (D-MN) and Representative Zoe Lofgren (D-CA) that would have implemented many of the original letter's recommendations.334 Elements of both bills, consistent with the coalition's recommendations, were included in the original version of the USA FREEDOM Act introduced in the House and the Senate—as were new strong transparency provisions requiring the FISA court to declassify key legal opinions to better educate the public and policymakers about how it is interpreting and implementing the law. Such strong new transparency requirements are consistent with several recommendations of the President's Review Group335 and would help address concerns about lack of transparency raised by the UN High Commissioner for Human Rights.336

Section 702 Gonzaga

T-Domestic

1NC

Interpretation--Domestic surveillance is the acquisition of nonpublic information concerning US persons.

Small, Center for the Study of the Presidency and Congress fellow, 2008

(Matthew, "His Eyes are Watching You: Domestic Surveillance, Civil Liberties and Executive Power during Times of National Crisis", http://cspc.nonprofitsoapbox.com/publications/presidential-fellows-program/18/289-a-dialogue-on-presidential-challenges-and-leadership-papers-of-the-2007-2008-center-fellows)

Before one can make any sort of assessment of domestic surveillance policies, it is first necessary to narrow the scope of the term "domestic surveillance." Domestic surveillance is a subset of intelligence gatherin. Intelligence, as it is to be understood in this context, is "information that meets the stated or understood needs of policy makers and has been collected, processed and narrowed to meet those needs" (Lowenthal 2006, 2). In essence, domestic surveillance is a means to an end; the end being intelligence**. The intelligence community best understands domestic surveillance as the acquisition of nonpublic information concerning United States persons** (Executive Order 12333 (3.4) (i)). With this definition domestic surveillance remains an overly broad concept.

Violations---Section 702 only deals with non US persons outside the US.

McNeal, Pepperdine law professor and PhD, 2014

(Gregory, "Reforming The Foreign Intelligence Surveillance Court's Interpretive Secrecy Problem", 11-13, http://papers.ssrn.com/sol3/Papers.cfm?abstract_id=2524067)

Section 702 authorizes the targeting of persons, and persons are defined in FISA. Persons are not only individuals, but also groups, entities, associations, corporations, or foreign powers.27 As the PCLOB noted, the "definition of 'person' is therefore broad, but not limitless: a foreign government or international terrorist group could qualify as a 'person', but an entire foreign country cannot be a 'person' targeted under Section 702."28 Surveillance under section 702 may not intentionally target U.S. persons.29 To ensure that only the appropriate people are being targeted by the NSA, the agency uses selectors "such as email addresses and telephone numbers. The NSA must make determinations (regarding location, U.S. person status, and foreign intelligence value) about the users of each selector on an individualized basis. It cannot simply assert that it is targeting a particular terrorist group."30 Pursuant to the terms of the statute, the non-U.S. persons targeted by the NSA **must be "reasonably believed to be located outside the United States**."31 The statute authorizes the government to compel "electronic communication service provider[s]" to assist the government in targeting non U.S. persons reasonably believed to be located outside the United States.32 Finally, the statute makes clear that the purpose for which non-U.S. persons are to be targeted is "to acquire foreign intelligence information."**33 Further, the government cannot use "what is generally referred to as 'reverse targeting,' which would occur if the government were to intentionally target persons reasonably believed to be located outside the United States 'if the purpose of the acquisition is to target a particular, known person reasonably believed to be in the United States.'"34**

Vote NEG:

1. Limits—moving beyond domestic surveillance encompasses every surveillance activity the government conducts multiplied by the number of potential foreign targets which over extends the NEG.

2. Ground---forcing the AFF to focus on US persons is key to lock in core debates concerning constitutional protections, privacy and national security.

A2: We Meet

Section 702 targets non-Americans believed to be outside the country.

Sales, Syracuse law professor, 2014

(Nathan, "NSA SURVEILLANCE: ISSUES OF SECURITY, PRIVACY AND CIVIL LIBERTY: ARTICLE: Domesticating Programmatic Surveillance: Some Thoughts on the NSA Controversy", I/S: A Journal of Law and Policy for the Information Society, Summer, lexis)

The second program--known as PRISM or section 702--uses court orders issued under section 702 of FISA n18 to collect the content of certain international communications. **In particular, the NSA targets specific non-Americans who are reasonably believed to be located outside the country**, and **also engages in bulk collection of some foreign-to-foreign communications** that happen to be passing through telecommunications infrastructure in the United States. n19 The FISA [*527] court does not approve individual surveillance applications each time the NSA wishes to intercept these communications; instead, it issues once-a-year blanket authorizations. n20 As detailed below, in 2011 the FISA court struck down the program on constitutional and statutory grounds after the government disclosed that it was inadvertently intercepting a significant number of communications involving Americans; n21 the court later upheld the program when the NSA devised a technical solution t**hat prevented such over-collection. n22**

FISA by design avoids issues reltated to domestic surveillance

Morrison, NYU law professor, 2008

(Trevor, ""The Story of United States v. United States District Court (Keith): The Surveillance Power", 11-20, http://lsr.nellco.org/cgi/viewcontent.cgi?article=1047&context=columbia_pllt)

In 1978, Congress responded by passing the Foreign Intelligence Surveillance Act (FISA).194 As the Senate Judiciary Committee explained in a statement outlining the need for the legislation, "This legislation is in large measure a response to the revelations that warrantless electronic surveillance in the name of national security has been seriously abused."195 Congress sought to "'curb the practice by which the Executive Branch may conduct warrantless electronic surveillance on its own unilateral determination that national security justifies it,' while [still] permitting the legitimate use of electronic surveillance to obtain foreign intelligence information."196 FISA is sometimes viewed as a response to the Supreme Court's suggestion in Keith that Congress adopt special standards for surveillance in national security cases.197 Yet, while Keith and FISA are certainly connected in important respects,198 FISA does not take up the precise invitation issued in Keith. **That invitation applied to the category of surveillance addressed in the case—so-called "domestic security" surveillance for intelligence purposes**.199 **FISA does not cover such surveillance.** In **fact, "[n]o congressional action has ever been taken regarding the use of electronic surveillance in the domestic security area."**200 For cases falling in that area, therefore, Keith's direct application of the Fourth Amendment continues to govern.

A2: Counter Interpretation

History of FISA demonstrates there is a clear distinction between foreign and domestic and FISA is on the foreign side.

Morrison, NYU law professor, 2008

(Trevor, ""The Story of United States v. United States District Court (Keith): The Surveillance Power", 11-20, http://lsr.nellco.org/cgi/viewcontent.cgi?article=1047&context=columbia_pllt)

Although he did not develop the point at length, Judge Keith also drew a distinction between surveillance targeting purely domestic entities and surveillance targeting foreign powers: An idea which seems to permeate much of the Government's argument is that a dissident domestic organization is akin to an unfriendly foreign power and must be dealt with in the same fashion. There is great danger in an argument of this nature for it strikes at the very constitutional privileges and immunities that are inherent in United States citizenship. It is to be remembered that in our democracy all men are to receive equal justice regardless of their political beliefs or persuasions. The executive branch of our government cannot be given the power or the opportunity to investigate and prosecute criminal violations under two different standards simply because certain accused persons espouse views which are inconsistent with our present form of government.67 Judge Keith's distinction between domestic and foreign intelligence-gathering can be read in at least two different ways. One way is to stress the passage referring to the constitutional rights that come with being a citizen of the United States. Yet citizenship itself generally does not mark the boundary of the Fourth Amendment's protections; noncitizens prosecuted in U.S. courts enjoy the Amendment's protections just as citizens do. **Another (perhaps more descriptively accurate and normatively attractive) reading would treat the distinction as having to do with whether the government's actions have any proximate connection to the domestic criminal justice system, without regard to the citizenship of those involved**. On this reading, the point is that the Fourth Amendment must apply fully to "dissident domestic organization[s]" precisely because such organizations are subject to the domestic criminal justice system. "[F]oreign power[s]," on the other hand, are not likely to face prosecution in the U.S. courts. More generally, the domestic sovereign's relationship to them is qualitatively different than it is to domestic individuals and organizations. Thus, it makes sense from this perspective to distinguish between domestic and foreign targets of the government's surveillance efforts.

Domestic surveillance occurs when people who are not associated with foreign powers or agents are monitored.

Morrison, NYU law professor, 2008

(Trevor, ""The Story of United States v. United States District Court (Keith): The Surveillance Power", 11-20, http://lsr.nellco.org/cgi/viewcontent.cgi?article=1047&context=columbia_pllt)

Second, adopting the same basic distinction observed by Judge Keith and the Sixth Circuit, the Court stressed that the instant case "involves only the domestic aspects of national security. We have not addressed, and express no opinion as to, the issues which may be involved with respect to activities of foreign powers or their agents."174 The Court dropped a footnote at that point, citing two lower court cases, as well as the ABA Committee whose standards Powell had earlier worked on, as examples of authorities embracing "the view that **warrantless surveillance, though impermissible in domestic security cases**, may be constitutional where foreign powers are involved."175 An earlier draft of the opinion contained a more detailed list of authorities on that point, suggesting more strongly that foreign surveillance cases would come out the other way.176 The modification of the footnote suggests that at least some on the Court truly did not want to suggest anything one way or the other about cases involving foreign targets. The Court's embrace of the domestic/foreign distinction arguably marks another important difference between it and Powell's earlier statements. The **precise distinction that Powell had once derided as "largely meaningless" emerged by the end of Keith as potentially decisive for Fourth Amendment purposes.** How should we read this shift? One possibility is simply that Powell changed his mind. After immersing himself in the Keith materials, he may have become convinced that a distinction he earlier deemed empty can sometimes have coherent meaning.

Case Answers

Economy Adv

Global Econ Low – 1NC

The global economy will tank in 2015 no matter what.

Marvasti, Lombardi Financial research analyst, 2015

(Milad, "Global Economy Remains Weak; Another Recession Coming?", 5-19, http://www.profitconfidential.com/economic-analysis/global-economy-verge-another-recession/)

It has been six years since the global economy and U.S. entered the worst recession since the Great Depression. While many are championing the economic recovery, on closer inspection, it looks like history might repeat itself sooner rather than later. U.S. Economy Grows at Slowest Pace Since WWII The rate of growth in the U.S has been dismal since the 2008 housing bubble and financial crisis topped the country into the worst financial disaster since the Great Depression. For example, before the Great Recession, the biggest economy in the world reported annual gross domestic product (GDP) growth of 3.8% in 2004, 3.3% in 2005, and 2.7% in 2006. Then the ripples of the Great Recession began to make themselves felt. In 2007, the U.S. reported a GDP of 1.8%, followed by -0.3% in 2008 and -2.8% in 2009. (Source: Worldbank.org, last accessed May 14, 2015.) Between the devastating recovery years of 2009 and 2012, the cumulative rate of GDP growth was nearly nine percent below the average growth rate for previous recoveries. (Source: Congressional Budget Office, last accessed, May 14, 2015.) The so-called recovery has been pretty uneventful. In 2013, the U.S. reported annual GDP growth of 2.2%; last year it was just 2.3%. In the first quarter of 2015, GDP came in at a dismal 0.2%. **As it stands, weak recovery, massive budget deficits, and high debt level could push the fragile U.S. economy into another recession**. China Economy Slowing Down China, the world's second-largest economy, is also losing steam. Since 2010, the country's GDP has been steadily declining from 10.6% to 7.4% in 2014. Not surprisingly, China's money supply grew and investment growth sank to the slowest pace in over 15 years. (Source: Reuters, May 13, 2015.) The future remains bleak. For 2015, China's economy is forecast to climb at around seven percent; its slowest pace in 25 years and well below historical averages. The People's Bank of China (PBOC) has lowered its benchmark interest rate for the third time in six months. By lowering interest rates, the central bank is hoping to make borrowing cheaper and stimulate economic growth. Greek Debt Crisis Can Drive Eurozone Back into Recession **After six years, Greece emerged from a recession in 2014. But that was short-lived; falling business confidence, national debt, and deflation have driven Greece back into a recession.** To make matters worse, Greece's government has not been able to cut a deal with the International Monetary Fund (IMF) to ease its debt crisis. Greece's finance minister insisted on Thursday that he will reject any deal from international bailout creditors that does not help the country exit its economic crisis. (Source: abcnews.com May 14, 2015.) **All told, I think that the signs of deteriorating economic conditions are set to emerge in late 2015 or early 2016. With this, don't expect stock markets to perform the way they have been for some time.**

Global Econ Low – 2NC

The risk is high because governments have no tools left to intervene.

Chung, News AU correspondent, 2015

(Frank, "'Like an ocean liner without lifeboats': HSBC's dire warning for global economy", 5-27, http://www.news.com.au/finance/economy/like-an-ocean-liner-without-lifeboats-hsbcs-dire-warning-for-global-economy/story-e6frflo9-1227371228341)

THE world economy is in serious danger of falling into another recession — and if it does, governments have few tools left at their disposal to combat it. That's the dire warning from HSBC chief economist Stephen King, who describes the situation as like being on an "ocean liner without lifeboats". With interest rates at near zero across the developed world, record levels of public debt and little room for further stimulus spending, **the conventional "monetary ammunition" that has been built up following previous recessions is all but non-existent.** "In effect, the world economy is sailing across the ocean without any lifeboats to use in case of emergency," he writes in a new report, 'The world economy's titanic problem'. That's bad news. As the UK's Telegraph points out, the United Nations has cut its global growth forecast for this year to 2.8 per cent — only slightly above the 2.5 per cent which used to be regarded as a recession. **The biggest danger comes from China. If the Chinese economy weakens so much that the authorities have no other choice than to let the renminbi slide, it will have severe knock-on effect.** "[In this situation, collapsing] commodity prices lead to severe weakness elsewhere in the emerging world," Mr King writes. "The dollar surges, but the Fed is unable to respond via interest rate cuts. **The US is eventually dragged into a recession through forces beyond its control."** And the situation in China is already worse than authorities are letting on, experts have warned. China accounted for 85 per cent of global growth in 2012, 54 per cent in 2013, and 30 per cent in 2014 — that figure is expected to fall to 24 per cent this year. "If there is only one statistic that you need to know in the world right now, this is it," RBS economist Andrew Roberts told The Telegraph. In every recession since the 1970s, the US Federal Reserve has cut interest rates by a minimum of 5 percentage points. "That kind of traditional stimulus is now completely ruled out," HSBC's Mr King writes. "Meanwhile, budget deficits are still uncomfortably large and debt levels uncomfortably high." While in the past, deep recessions have typically been followed by strong recoveries, this time around, "a deep recession has been followed by an insipid recovery: more L-shaped than V-shaped". "Today, inflation isn't just low. It is, arguably, too low," he warns. When debt levels are low, interest rates are high and budget deficits are small, dealing with recessions is relatively easy, he says. "When debt levels are high, interest rates are at zero and budget deficits are large, dealing with recessions is a lot more troublesome." Attempts in various global economies to "rebuild their ammunition" over the past six years have failed. The European Central Bank had "egg on its face" after trying to raise interest rates in 2011, only to be forced to drop them again. The danger for policymakers is firstly, that it's hard to know in advance what the next financial crisis will look like; and secondly, that regardless where it comes from, none of the tools that have helped governments pull themselves out are available this time.

Emerging markets in particular are spiraling towards recession.

Wheatley, Financial Times, 2015

(Jonathan, "Emerging markets: The great unravelling", 4-1, http://www.ft.com/intl/cms/s/2/ddd8caf0-d86a-11e4-ba53-00144feab7de.html#axzz3bMQVLmBe)

Faced with recession, decade- high inflation, a fiscal crisis and water rationing, more than 1m Brazilians took to the streets last month to protest against corruption and mismanagement in their

government. In China, growth is slowing as property prices fall, propelling more than 1,000 iron ore mines toward financial collapse. The patriotic citizens of Russia, meanwhile, are deserting their nation's banks, switching savings into US dollars. **Such snapshots of growing distress in the world's largest emerging markets are echoed among many of their smaller counterparts**. Several countries in Sub-Saharan Africa are beset by dwindling revenues and rising debts. Even the turbo-powered petroeconomies of the Gulf, hit by a halving in the price of oil over the past six months to $55 a barrel, are moving into a slower lane. Though these expressions of distress derive from disparate sources, one big and insidious trend is working to forge a common destiny for almost all emerging markets . The gush of global capital that flowed into their economies in the six years since the 2008-09 financial crisis is in most countries now either slowing to a trickle or reversing course to find a safer home back in developed economies. Highest outflows since 2009 On an aggregate basis, the 15 largest emerging economies experienced their biggest absolute capital outflow since the crisis in the second half of last year, as a strong US dollar drove emerging market currencies into a swoon and investors grew nervous over the prospect of a tightening in US monetary policy, according to data compiled by ING. At the same time, low commodity prices slammed GDP growth rates across the developing world. These trends, analysts say, signal a "great unravelling" of an emerging markets debt binge that has swollen to unprecedented dimensions. Importantly, the pain inflicted by this capital flight is being felt beyond financial markets in the real economies of vulnerable countries and in a surging number of emerging market corporations that are forecast to default on their debts. "Certain parts of the world are looking really vulnerable," says Maarten-Jan Bakkum, senior emerging market strategist at ING Investment Management. "Places like Brazil, Russia, Colombia and Malaysia, that rely heavily on commodity exports, are going to get hit even harder, while those countries that have borrowed most excessively like Thailand, China and Turkey also look risky." Analysts say that while emerging markets have been the setting for several recent financial squalls, the current exodus of capital could herald more fundamental changes. Indeed, although the "taper tantrum" of mid-2013 — triggered by the US Federal Reserve signalling its intention to unwind its monetary stimulus — caused turmoil in financial markets, its impact on real emerging market economies was transitory. This time around, though, things look more serious. The International Monetary Fund said this week that total foreign currency reserves held by emerging markets in 2014 — a key indicator of capital flows — suffered their first annual decline since records began in 1995. **Without steady capital inflows, emerging market countries have less money to pay their debts, finance their deficits and spend on infrastructure and corporate expansion.** Real economic growth is set to suffer this year, analysts say. Capital Economics expects GDP growth in emerging markets to fall to 4 per cent from 4.5 per cent in 2014, as Russia slips deeper into recession, Brazil continues to struggle and China is hampered by its ailing property market. Underlying such sober projections is a sense that an inflection point has been reached with the end of the commodity "supercycle" and the advent of low oil prices. "What is going on is a great unravelling of the market conditions of the past 15 years," says Paul Hodges of International eChem, a chemicals and commodities consultancy.

No Econ Impact – 1NC

Economic collapse doesn't cause war

Drezner, Tufts IR professor, 2014

(Daniel, "The System Worked: Global Economic Governance during the Great Recession", World Poltiics, 66.1, January, proquest)

The final significant outcome addresses a dog that hasn't barked: the effect of the Great Recession on cross-border conflict and violence. During the initial stages of the crisis, multiple analysts asserted that the financial crisis would lead states to increase their use of force as a tool for staying in power.42 They voiced genuine concern that the global economic downturn would lead

to an increase in conflict—whether through greater internal repression, diversionary wars, arms races, or a ratcheting up of great power conflict. Violence in the Middle East, border disputes in the South China Sea, and even the disruptions of the Occupy movement fueled impressions of a surge in global public disorder. **The aggregate data suggest otherwise**, however. The Institute for Economics and Peace has concluded that "the average level of peacefulness in 2012 is approximately the same as it was in 2007."43 Interstate violence in particular has declined since the start of the financial crisis, as have military expenditures in most sampled countries. Other studies confirm that the Great Recession has not triggered any increase in violent conflict, as Lotta Themner and Peter Wallensteen conclude: "[T]he pattern is one of relative stability when we consider the trend for the past five years."44 The secular decline in violence that started with the end of the Cold War has not been reversed. Rogers Brubaker observes that "the crisis has not to date generated the surge in protectionist nationalism or ethnic exclusion that might have been expected."43

No Econ Impact – 2NC

Economic collapse doesn't cause war

Bazzi et al., UCSD economics department, 2011

(Samuel, "Economic Shocks and Conflict: The (Absence of?) Evidence from Commodity Prices", November, http://www.chrisblattman.com/documents/research/2011.EconomicShocksAndConflict.pdf?9d7bd4)

VI. Discussion and conclusions A. Implications for our theories of political instability and conflict The state is not a prize?—Warlord politics and the state prize logic lie at the center of the most influential models of conflict, state development, and political transitions in economics and political science. Yet we see no evidence for this idea in economic shocks, even when looking at the friendliest cases: fragile and unconstrained states dominated by extractive commodity revenues. Indeed, we see the opposite correlation: if anything, **higher rents from commodity prices** weakly 22 **lower the risk and length of conflict.** Perhaps shocks are the wrong test. Stocks of resources could matter more than price shocks (especially if shocks are transitory). But combined with emerging evidence that war onset is no more likely even with rapid increases in known oil reserves (Humphreys 2005; Cotet and Tsui 2010) we regard the state prize logic of war with skepticism.17 Our main political economy models may need a new engine**.** Naturally, an absence of evidence cannot be taken for evidence of absence. Many of our conflict onset and ending results include sizeable positive and negative effects.18 Even so, commodity price shocks are highly influential in income and should provide a rich source of identifiable variation in instability. It is difficult to find a better-measured, more abundant, and plausibly exogenous independent variable than price volatility. Moreover, other time-varying variables, like rainfall and foreign aid, exhibit robust correlations with conflict in spite of suffering similar empirical drawbacks and generally smaller sample sizes (Miguel et al. 2004; Nielsen et al. 2011). Thus we take the absence of evidence seriously. Do resource revenues drive state capacity?—State prize models assume that rising revenues raise the value of the capturing the state, but have ignored or downplayed the effect of revenues on self-defense. We saw that a growing empirical political science literature takes just such a revenue-centered approach, illustrating that resource boom times permit both payoffs and repression, and that stocks of lootable or extractive resources can bring political order and stability. This countervailing effect is most likely with transitory shocks, as current revenues are affected while long term value is not. Our findings are partly consistent with this state capacity effect. For example, conflict intensity is most sensitive to changes in the extractive commodities rather than the annual agricultural crops that affect household incomes more directly. The relationship only holds for conflict intensity, however, and is somewhat fragile. We do not see a large, consistent or robust decline in conflict or coup risk when prices fall. A reasonable interpretation is that the state prize and state capacity effects are either small or tend to cancel one another out. Opportunity cost: Victory by default?—Finally, the inverse relationship between prices and war intensity is consistent with opportunity cost accounts, but not exclusively so. As we noted above, the relationship between intensity and extractive commodity prices is more

consistent with the state capacity view. Moreover, we shouldn't mistake an inverse relation between individual aggression and incomes as evidence for the opportunity cost mechanism. The same correlation is consistent with psychological theories of stress and aggression (Berkowitz 1993) and sociological and political theories of relative deprivation and anomie (Merton 1938; Gurr 1971). Microempirical work will be needed to distinguish between these mechanisms. Other reasons for a null result.—Ultimately, however, the fact that commodity **price shocks have no discernible effect on new conflict onsets**, but some effect on ongoing conflict, suggests that political stability **might be less sensitive** to income or temporary shocks than generally believed. One possibility is that successfully mounting an insurgency is no easy task. It comes with considerable risk, costs, and coordination challenges. Another possibility is that the counterfactual is still conflict onset. In poor and fragile nations, income shocks of one type or another are ubiquitous. **If a nation is so fragile that a change in prices could lead to war, then other shocks may trigger war even in the absence of a price shock.** The same argument has been made in debunking the myth that price shocks led to fiscal collapse and low growth in developing nations in the 1980s.19 B. A general problem of publication bias? More generally, these findings should heighten our concern with publication bias in the conflict literature. Our results run against a number of published results on commodity shocks and conflict, mainly because of select samples, misspecification, and sensitivity to model assumptions, and, most importantly, alternative measures of instability. Across the social and hard sciences, there is a concern that the majority of published research findings are false (e.g. Gerber et al. 2001). Ioannidis (2005) demonstrates that a published finding is less likely to be true when there is a greater number and lesser pre-selection of tested relationships; there is greater flexibility in designs, definitions, outcomes, and models; and when more teams are involved in the chase of statistical significance. The cross-national study of conflict is an extreme case of all these. Most worryingly, almost no paper looks at alternative dependent variables or publishes systematic robustness checks. Hegre and Sambanis (2006) have shown that the majority of published conflict results are fragile, though they focus on timeinvariant regressors and not the time-varying shocks that have grown in popularity. We are also concerned there is a "file drawer problem" (Rosenthal 1979). Consider this decision rule: scholars that discover robust results that fit a theoretical intuition pursue the results; but if results are not robust the scholar (or referees) worry about problems with the data or empirical strategy, and identify additional work to be done. If further analysis produces a robust result, it is published. If not, back to the file drawer. In the aggregate, the consequences are dire: a lower threshold of evidence for initially significant results than ambiguous ones.20

Diversionary war is wrong—qualitative AND quantitative studies go neg—decline facilitates coop

Fravel, MIT political science professor, 2010
(M Taylor, "The Limits of Diversion: Rethinking Internal and External Conflict", Security Studies, project muse)

The diversionary hypothesis offers one of the most powerful alternatives to rationalist explanations of war based on the state as a unitary actor. Strong empirical support for diversion would identify a more complete set of causal mechanisms underlying international conflict. The cases investigated in this article, however, raise doubts about the strength of the diversionary hypothesis as well as the **empirical validity** of arguments based on **diversionary mechanisms**, such as Mansfield and Snyder's theory about democratization and war.126 In Argentina and Turkey, the hypothesis fails to pass two most likely tests. In neither case was domestic unrest a necessary condition for the use of force as proponents of diversionary theory must demonstrate. Instead, **external security challenges** and **bargaining** over disputed territory better explain Argentine and Turkish decision making. The **historical record**, including leadership statements and reasoning, offers stronger evidence for a standard **realist model** and the dynamics of coercive diplomacy. Drawing definitive conclusions about diversion from just two cases is impossible. Nevertheless, the modified most likely research design used in this article weakens confidence in the strength of diversionary arguments. Diversion as a principal or primary source of some conflicts may be much less frequent than scholars assert. These two episodes should be among the easiest cases for diversion to explain. Not only did embattled leaders escalate disputes into crises and then use force, but scholars have also viewed these cases as being best explained by diversionary mechanisms. If diversion cannot account for these decisions, it is unclear what the hypothesis can in fact explain. My findings have several implications for the literature on diversionary war theory. At the most general level of analysis, the lack of support for the diversion hypothesis in Argentina and Turkey **complements** those quantitative studies of diversion that do not identify a systematic and

significant relationship between domestic politics and aggressive foreign policies, including the use of force.127 In addition, the modified most likely research design used in this article raises questions about those **quantitative studies that do provide empirical support** for diversion because it demonstrates that **despite** the presence of domestic unrest, the underlying causal mechanisms of diversion **may not account for the decisions to use force.** The lack of support for diversion raises a simple but important question: why is diversion less frequent than commonly believed, despite its plausible intuition? Although further research is required, several factors should be considered. First, the rally effect that leaders enjoy from an international crisis is generally brief in duration and unlikely to change permanently a public's overall satisfaction with its leaders.128 George H. W. Bush, for example, lost his reelection bid after successful prosecution of the 1991 Gulf War. Winston Churchill fared no better after the Allied victory in World War II.129 Leaders have little reason to conclude that a short-term rally will address what are usually structural sources of domestic dissatisfaction. Second, a selection effect may prevent embattled leaders from choosing diversion. Diversionary action should produce the largest rally effect against the most powerful target because such action would reflect a leader's skills through coercing a superior opponent. At the same time, leaders should often be **deterred from challenging stronger targets**, as the imbalance of military forces increases the risk of defeat and thus the probability of losing office at home. Although the odds of victory increase when targeting weaker states, success should have a much more muted effect on domestic support, if any, because victory would have been expected.130 Third, weak or embattled leaders can choose from a wide range of policy options to strengthen their standing at home. Although scholars such as Oakes and Gelpi have noted that embattled leaders can choose repression or economic development in addition to diversionary action**,** the range of options is even greater and carries **less risk than the failure of diversion**. Weak leaders can also seek to **deepen cooperation** with other states if they believe it will strengthen their position at home. Other studies, for example, have demonstrated that **political unrest facilitated détente** among the superpowers in the early 1970s, China's concessions in its **many territorial disputes**, support for international financial liberalization, and the formation of regional organizations such as the **A**ssociation of **S**outheast **A**sian **S**tates and the **G**ulf **C**ooperation **C**ouncil.131

Decline doesn't cause war

Jervis, Colubmia international affairs professor, 2011

(Robert, "Forces in Our Times", Survival, 25.4, December, ebsco)

Even if war is still seen as evil, the security community could be dissolved if severe conflicts of interest were to arise. Could the more peaceful world generate new interests that would bring the members of the community into sharp disputes? 45 A zero-sum sense of status would be one example, perhaps linked to a steep rise in nationalism. More likely would be a worsening of the current economic difficulties, which could itself produce greater nationalism, undermine democracy and bring back old-fashioned beggar-my-neighbor economic policies. While these dangers are real, it is hard to believe that the conflicts could be great enough to lead the members of the community to contemplate fighting each other. It is not so much that economic interdependence has proceeded to the point where it could not be reversed – states that were more internally interdependent than anything seen internationally have fought bloody civil wars. Rather it is that even if the more extreme versions of free trade and economic liberalism become discredited, it is hard to see how without building on a preexisting high level of political conflict leaders and mass opinion would come to believe that their countries could prosper by impoverishing or even attacking others. Is it possible that problems will not only become severe, but that people will entertain the thought that they have to be solved by war? While a pessimist could note that this argument does not appear as outlandish as it did before the financial crisis, an optimist could reply (correctly, in my view) that the very fact that we have seen such a sharp economic down-turn without anyone suggesting that force of arms is the solution shows that even if bad times bring about greater economic conflict, it will not make war thinkable.

Tech Sector High – 1NC

Tech sector is doing great---as much business as before the dot com burst

Erginsoy, PwC's Deals Practice director, 2015

(Tom, "US technology deal insights Analysis and trends in US technology 2015", February, http://www.pwc.com/en_US/us/transaction-services/publications/assets/pwc-us-technology-deal-insights-2014.pdf)

Out with a bang! Simply put, 2014 was a banner year for the technology sector. Alongside broader economic growth in the US, technology set records not seen since the dot com era. Deals remained active throughout the year, peaking in the fourth quarter as many corporate and financial investors closed large, transformative deals. In the end, technology deal activity closed out 2014 36% higher, amidst IT spending growth of less than 2%. Equity markets and IPO pricings similarly soared to new highs, and deal makers have not signaled any intent to slow down. Domestically, continued recovery in the US has been strong and the US trade deficit declined to the lowest level in decades, even in light of a strengthening dollar. The housing market continued to improve, with new housing starts at the highest level since 2007. Consumer confidence increased further and interest rates remain near record lows, each contributing to that overall growth. While the Fed is expected to increase rates in September, the US was the only major economy to receive an increase in its 2015 GDP growth forecasts by the IMF's most recent estimates. In labor markets, unemployment fell to a post-recession low of 5.6% and wage rates are anticipated to increase in the new year; however the labor participation rate hit a 30-year low of 62.7%, signaling an increase in long-term unemployment. On the political front, the US continues to make headlines. The nation's debt ceiling issue remains unresolved, and with a newly elected GOP-run Congress, the battles over immigration reform and healthcare are escalating. Abroad, Europe was the focus of cross-border technology acquisitions; however, growth estimates in the Eurozone have continually been cut throughout the year, with the IMF now projecting 1.2% GDP growth in 2015. The outlook for the UK is generally favorable, though challenged by the uncertainty within the Eurozone, for which the saga of Greece's membership in the EU continues. Russia, on the other hand, is anticipated to enter a recession more severe than that of 2008, as ongoing conflict in Ukraine, dropping oil prices, and a steep decline in the ruble lead the nation toward an economic crisis. In China, economic growth slowed to the weakest level since the Tiananmen Square sanctions of 1990, at 7.4%, and is projected to decline further below 7% in 2015, as the nation trends to a more "normal" pace of growth amid broader restructuring toward a consumption-based economy. The IMF now projects 4.3% 2015 GDP growth in developing countries, challenged by weak external demand; however, growth is expected to quickly follow recovery in the world's developed nations. US equity markets continued to set record highs, with the Dow Jones, NASDAQ, and S&P 500 rising 7.5%, 13.4%, and 11.4%, respectively, during 2014. While there was some volatility that caused immediate pull-back by lenders for a few weeks in the fourth quarter, technology M&A and IPO pricings generally mirrored the activity and valuation of the broader markets. Leading technology companies continue to remain some of the most valuable in the world, with Apple, Google, and Microsoft each holding three of the top five spots by market cap. These and other technology high-flyers have helped to maintain impressive average EBITDA multiples, with the top 25 US technology companies touting approximately 11x in 2014. IPO activity in 2014 continued to increase to the next level, becoming the most active year since 2000. In total, there were 60 technology IPOs, an increase over the 51 posted in 2013, which was already the most active year since the last recession. Technology IPOs continued to remain a key driver in the market, representing roughly 40% of IPO value and 20% of IPO volume (20% of value excluding the $21.8 billion Alibaba IPO). Proceeds from new pricings neared $35 billion, and year-to-date performance returns approximated 22%, both factors that continue to reaffirm the long-term outlook for the industry as a whole. IT spending in 2014 posted a growth rate just under 2%, lower than prior estimates given exchange rate movements, while projections anticipate an increase to approximately 2.4% growth in 2015. Cloud offerings, mobile devices, and enterprise software have remained the focal points for IT investment over the past few years, and 2015 is expected to continue along a similar path. Enterprise software is anticipated to remain the area of highest growth potential, though challenged by increasing price pressure and competition as cloud and traditional providers battle for customers. Mobile devices are expected to remain a key growth area and focal point of IT to enable their organizations, while some expect that PCs may make a comeback. In an already active deal market throughout 2014, technology M&A certainly flexed its muscle to round out the year and raise expectations for what may come. As we consider the almost $350 billion in cash and

securities on hand at the top 25 technology companies, record levels of private equity dry powder waiting to be deployed, and see indications of full pipelines from every angle of the market, 2015 promises to be another exciting year in technology M&A.

Tech Sector High – 2NC

US tech will lead the world in 2015.

Bartels, Forrester Research analyst, 2015

(Andrew, "The Global Tech Market Outlook For 2015 To 2016", 3-31, http://www.supplychain247.com/paper/the_global_tech_market_outlook_for_2015_to_2016)

As CIOs prepare and manage their 2015 tech budgets, they can confidently push for increases of 4% to 6% in their purchases of tech goods and services, depending on their country. Tech spending in the US, China, India, the UK, and the Nordics will be at the high end of this range; in the rest of Europe and Latin America, growth will be at the low end. Demand will be strongest for software - especially for analytics and cloud apps - and related services but weaker in hardware and outsourcing, creating savings opportunities. New project spending will be strong, much of it for technologies that support the business technology agenda for winning, serving, and retaining customers. Key Takeaways The Global Tech Market Will Grow By 5.3% In 2015 In Local Currencies, 5.9% In 2016 Improving economies in the US and elsewhere will help offset weakness in Japan, Europe, and oil-exporting countries, leading to moderate but improving global tech market growth. A strong US dollar in 2015 will hold dollar-denominated growth to 4.1%, with 6.3% for 2016 as the dollar weakens. The US Will Be The Major Driver Of Global Tech Market Growth **The US tech market continues to be the locomotive that pulls the rest of the tech train. The US is not only the largest and most advanced tech market in terms of adopting new technology; it will also have the fifth-fastest growth of 6.3% in 2015.** New Project Spending Will Grow, Driven By The Business Technology Agenda After two years in which uncertain economic outlooks have held back new project spending, this part of the tech budget will grow more rapidly than overall tech spending in 2015 and 2016. The key driver of faster project growth will be the business technology agenda for winning, serving, and retaining customers.

Confidence and optimism is high.

BDO Seidman 2015

("2015 BDO Technology Outlook", March, https://www.bdo.com/insights/industries/tech-life-sciences/2015-bdo-technology-outlook)

Tech CFOs Remain Upbeat About Industry's Future Last year, the technology industry experienced a robust deal environment and a high volume of investments flowing into companies. According to the 2015 BDO Technology Outlook Survey of 100 chief financial officers at U.S. technology companies, this ongoing positive environment has caused CFOs to remain optimistic about the year ahead. While the outlook is robust, finance chiefs remain cognizant of the factors that could inhibit business growth for 2015, such as data security challenges, accounting changes and tax concerns.

Finance Chiefs Confident About Revenue Growth On the heels of an exceptional year for the technology sector, a majority of CFOs (70 percent) anticipate increased sales revenue in 2015, up from 67 percent last year. Overall, finance chiefs project a revenue increase of more than 12 percent, following forecasts of an 11 percent increase in 2014 and an 8.7 percent increase in 2013, pointing to continued optimism in the industry. With Renaissance Capital reporting that tech IPO issuance rose 22 percent over last year to 55 deals—the highest level since 2007—CFOs are optimistic about IPO activity heading into 2015. A large majority of respondents (86 percent) say IPO activity will remain the same or increase in 2015. This sentiment is also reflected in the January 2015 BDO IPO Outlook Survey, with 73 percent of capital market executives at leading investment banks predicting an increase in technology offerings. What's more, venture capital-backed investments soared in 2014. According to Dow Jones VentureSource, investment returns from VC funds are on the rise as 105 VC-backed companies went public in 2014—the highest number since 2000. Thirty-nine percent of CFOs expect VC-backed companies will give rise to the most tech IPOs this year, followed by private equity (36 percent) and owner/manager or privately held businesses (25 percent; up from 18 percent in 2014). Despite recent headlines around the uncertainty of another impending tech bubble, only five percent of CFOs believe the concerns about a tech bubble will have the greatest impact on the U.S. IPO market. Meanwhile, more than one-third believe the performance of recent tech IPOs will have the largest influence on the market, followed by U.S. market volatility (25 percent), global political and economic issues (23 percent) and appeal of IPOs in foreign markets (11 percent). Recent Cyberattacks Fuel Data Security Fears An annual report by the Ponemon Institute, which conducts independent research on privacy, data protection and information security policy, found that 43 percent of companies have experienced a data breach in the past year—up 10 percent from the year before. With the number of cyberattacks increasing, more tech executives are concerned about their own IT infrastructures and response plans. According to our survey, 67 percent have increased their spending on cybersecurity measures during the past year. Of those who have taken action, 90 percent implemented new software security tools, 72 percent created a formal response plan for security breaches, 48 percent turned to an external security consultant and 30 percent hired a chief security officer. While many cyberattacks come from domestic and foreign entities, online security challenges could also stem from geopolitical issues. In fact, 14 percent of CFOs believe global political issues will be the leading barrier to industry growth in 2015. Recent threats have even captured the attention of the White House with President Obama proposing a budget that would increase cybersecurity spending to $14 billion. Along the same lines, finance chiefs are also anxious about their intellectual property (IP) protection, with 47 percent saying foreign IP infringements has had the greatest impact on their IP security, followed by changes in patent law (24 percent) and patent trolls (20 percent). Last year saw a significant uptick in M&A transactions, and according to CB Insights, technology M&A deals and IPOs combined rose 58 percent in 2014. Following this momentum, nearly all CFOs (96 percent) believe M&A activity will increase or stay the same this year, on pace with last year's forecast, and 66 percent expect that acquisitions will be primarily offensive. Close to two-thirds of CFOs (61 percent) believe the software sector, including cloud computing, will drive the most M&A activity in 2015, on trend with last year when 60 percent expressed a similar sentiment. In fact, International Data Group predicts that cloud computing initiatives will be the most important project for the majority of IT departments in 2015 and 42 percent of enterprises plan to increase their cloud computing spending this year. In addition, Forrester reports that Software-as-a-Service (SaaS) sales have been increasing at over 20 percent per year. As discussed in the Winter 2014 BDO TECH Software Newsletter, SaaS models are becoming more and more relevant as the business environment changes and the tech industry evolves. Traditionally, organizations purchased enterprise software, but on-premise solutions are becoming overpowered by SaaS, especially with the increasing use of mobile devices and related applications. "The software industry is quickly shifting from the traditional licensing model to cloud-based offerings, such as Software-as-a-Service, to meet the overwhelming need for real-time responses and easy integration," said Hank Galligan, leader of the Software Practice at BDO. "As the business environment evolves, companies are acknowledging the pressure to upgrade or introduce cloud computing services either through acquisitions or on their own." When looking at key drivers of acquisitions in today's tech market, one-third of CFOs believe increased revenue and profitability will be the primary impetus for M&A activity in 2015, followed by improved market share (25 percent), gaining engineering and research capabilities (14 percent) and enhancing technology assets and intellectual property (13 percent), which dropped from 28 percent in 2014. "Although the tech industry is cautious of overvaluation, finance chiefs are confident that deal activity will continue its momentum well into 2015. As consumers continue to demand innovative products and investments keep pouring into the sector, technology companies may be better positioned for business growth through strategic partnerships to expand their capabilities and offerings as well as to compete effectively and gain market share." said Aftab Jamil, partner and leader of the Technology and Life Sciences Practice at BDO USA, LLP. Surprisingly, CFOs are unfazed by overvaluation concerns in the industry, with 62 percent predicting that business valuations will increase this year, a 35 percent jump from 2014.

Legitimacy Adv

Alt Causes – 1NC

One shot solutions don't solve-problem is multifaceted

Miller, Wilson Center distinguished scholar, 2013

(Aaron, “Speak No Evil”, 5-28,
http://www.foreignpolicy.com/articles/2013/05/28/speak_no_evil_obama_drone_speech)

I'll take the word of those who argue that drones are the poster child for the anger Arabs and Muslims feel toward America. I can see why. But the grievances toward the United States in this region run deep, and the source of that anger is not only drones. Don't forget: The Middle East was exasperated with Washington long before droning, and it remains eager to blame America for just about everything. The list of the Arab world's grievances go on and on: America is blamed for supporting the authoritarian Arab kings, blindly backing Israel, not talking to Hamas, not intervening militarily in Syria, intervening militarily in Iraq and Afghanistan, and, according to Egyptian liberals, for supporting Egypt's Muslim Brotherhood. **And that's even before we discuss the small but determined minority of Muslims who do, in fact, hate us because of who we are** -- not just because of what we do. **No nuanced modulation of our approach on drone strikes or the closure of Gitmo is going to change any of that.**

Alt Causes – 2NC

Torture and drones undermine soft power.

Champion, Japan Times, 2014

(Marc, “U.S. soft power takes a hit in wake of report”, 12-16,
http://www.japantimes.co.jp/opinion/2014/12/16/commentary/world-commentary/u-s-soft-power-takes-a-hit-in-wake-of-report/#.VWYkjs9VhBd)

It’s hard to imagine any nation other than the United States persuading so many allies and dependents to take part in a program they must have known would one day blow up in their faces. In that sense, the Senate report isn’t only a revelation of U.S. intelligence malfeasance — it’s a testimony to U.S. soft power, the diplomatic advantage that it has long wielded over geo-political competitors such as Russia and China. One need only compare Washington’s success at finding international hosts for the CIA’s so-called black sites with Russia’s utter inability to persuade the world — aside from a small handful of countries including Cuba, Venezuela and Syria — to recognize its annexation of Crimea. **But it’s an open question whether soft power can survive being used to such grotesque ends**. One of the many reasons for which the torture program was a terrible idea was that once exposed it has deeply damaged the U.S. brand and thus eroded U.S. alliances: Forced rectal feeding just isn’t something that most people associate with the values of life, liberty and the pursuit of happiness. As many have pointed out, one great benefit of the Senate report is that it has demonstrated the ability of the U.S. political system to subject itself to scrutiny — a test that most democracies, and all autocratic regimes, routinely fail. Taken as a whole, people aren’t naïve. They understand governments do bad things and pursue their own selfish interests abroad. So when a country confesses and tries to rectify the transgression, people are impressed. If the U.S. goes on to prosecute those who approved and used the most extreme torture methods, that would do still more to repair the damage. But it’s worth remarking that torture is not the only national security policy that poses a threat to U.S. alliances. Friendly governments are still being asked to trust in the good judgment and good offices of the U.S. intelligence agencies, as well as in their effective oversight, even when there’s reason to question whether that trust is being honored. **One such policy is U.S. President Barack Obama’s expansive use of drone strikes against suspected terrorists**. The tacit rationale for this policy is that the targeted individuals are conducting activities so heinous that all nations should accept the right of the U.S. to kill these criminals without due process, wherever they may be, based on U.S. intelligence assessments. As with the arguments in support of torture, however, this justification quickly falls apart. Even Americans don’t believe in it: Look at the controversy that arose when Anwar al-Awlaki, a terrorist suspect who happened to be a U.S. citizen, was targeted and killed in a drone strike. If many Americans thought al-Awaliki deserved due process, on what basis should a Yemeni, German or Pakistani national suspected of the same heinous crimes not deserve it, too? Not surprisingly, the U.S. has very little backing worldwide for drone strikes. In July’s edition of the Pew Global Attitudes Research Project, there was net support for the policy in only four of 44 countries: Israel, Kenya,

Nigeria and the U.S. Majorities opposed the strikes even in staunch U.S. allies such as Japan (82 percent), the United Kingdom (59 percent) and Poland (54 percent).

Torture does real damage to US legitimacy.

Lord, IREX CEO and president, 2014

(Kristin, "Soft Power Outage", 12-23, http://foreignpolicy.com/2014/12/23/soft-power-outage/)

To understand the immediate damage done to U.S. influence, look no further than the commentary surrounding the report's release. According to the Washington Post, the state-run Chinese news service Xinhua editorialized that "America is neither a suitable role model nor a qualified judge on human rights issues in other countries," while a pro-government television commentator in Egypt observed, "The United States cannot demand human rights reports from other countries since this [document] proves they know nothing about human rights." The Islamic State and other extremists joined the propaganda gold rush. One tweet, quoted in a report from the SITE Intelligence Group, pointed to the audacity of the United States lecturing Muslims about brutality, adding, "Getting beheaded is 100 times more humane, more dignified than what these filthy scumbags do to Muslims." **Such reactions are galling and they do real harm to U.S. credibility.** But the fault lies not with those who released the report, as some critics argue, but with those who permitted and perpetrated acts of torture, those who lied about it to America's elected representatives, and those who willfully kept the president and senior members of the Bush administration in the dark. Their actions undermined not only American values, but also American influence and national security interests. In the words of a former prisoner of war, Sen. John McCain (R-Ariz.), the actions laid out in the Senate report "stained our national honor" and "did much harm and little practical good."

No Transition Wars – 1NC

Alliances are out dated, multi-polarity is stable and there is no scenario for war in a world of US decline

Friedman et al., MIT political science PhD candidate, 2012

(Benjamin, "Why the U.S. Military Budget is 'Foolish and Sustainable", Orbis, 56.2, Science Direct)

Standard arguments for maintaining the alliances come in two contradictory strains. One, drawn mostly from the run-up to World War II, says that without American protection, the ally would succumb to a rival power, either by force or threat of force, heightening the rival's capability and danger to the United States. The other argument says that without the United States, the ally would enter a spiral of hostility with a neighbor, creating instability or war that disrupts commerce and costs America more than the protection that prevented it. The main problem with the first argument is that no hegemon today threatens to unify Europe or Asia. Europe is troubled

by debt, not conquest. Russian GDP is today roughly equivalent to that of Spain and Portugal combined. Whatever Russia's hopes, it has no ability to resurrect its Soviet Empire, beyond perhaps those nations in its near abroad that Americans have no good reason to defend. Even today, the military capabilities of Europe's leading powers are sufficient to defend its eastern flank, and they could increase their martial exertions should a bigger threat arise. Asia is tougher case. South Korea's military superiority over its northern neighbor is sufficient to deter it from an attempt at forcible reunification. By heightening North Korea's security, nuclear weapons may reinforce its capacity for trouble-making, but they do not aid offensive forays. U.S. forces long ago became unnecessary to maintaining the peninsula's territorial status quo. Chinese efforts to engage in old-fashioned conquest are unlikely, at least beyond Taiwan. Its more probable objective is a kind of Asian Monroe doctrine, meant to exclude the United States.6 China naturally prefers not to leave its maritime security at the whim of U.S. policymakers and, thus, has sought to improve its anti-access and area-denial capabilities. In the longer term, China's leaders will likely pursue the ability to secure its trade routes by building up longer-range naval forces. They may also try to leverage military power to extract various concessions from nearby states. Washington's defense analysts typically take those observations as sufficient to establish the necessity that U.S. forces remain in Asia to balance Chinese military power. But to justify a U.S. military presence there, one also needs to show both that Asian nations cannot or will not balance Chinese power themselves and that their failure to do so would greatly harm U.S. security**. Neither is likely**. Geography and economics suggest that the states of the region will successfully balance Chinese power—even if we assume that China's economic growth allows it to continue to increase military spending.7 Bodies of water are natural defenses against offensive military operations. They allow weaker states to achieve security at relatively low cost by investing in naval forces and coastal defenses. That defensive advantage makes balances of power more stable. Not only are several of China's Asian rivals islands, but those states have the wealth to make Chinese landings on their coast prohibitively expensive. India's mountainous northern border creates similar dynamics. **The prospects of Asian states successfully deterring future Chinese aggression will get even better if, as seems likely, threats of aggression provoke more formal security alliances**. Some of that is already occurring. Note for example, the recent joint statement issued by the Philippines and Japan marking a new ''strategic partnership'' and expressing ''common strategic interests'' such as ''ensuring the safety of sea lines of communication.''8 This sort of multilateral cooperation would likely deepen with a more distant U.S. role. Alliances containing disproportionately large states historically produce free-riding; weaker alliance partners lose incentive to shore up their own defenses.9 Even if one assumes that other states in the region would fail to balance China, it is unclear exactly how U.S. citizens would suffer. China's territorial ambitions might grow but are unlikely to span the Pacific. Nor would absorbing a few small export-oriented states slacken China's hunger for the dollars of American consumers. The argument that U.S. alliances are necessary for stability and global commerce is only slightly more credible. One problem with this claim is that U.S. security guarantees can create moral hazard—emboldening weak allies to take risks they would otherwise avoid in their dealings with neighbors. Alliances can then discourage accommodation among neighboring states, heightening instability and threatening to pull the United States into wars facilitated by its benevolence. Another point against this argument is that even if regional balancing did lead to war, it would not obviously be more costly to the U.S. economy than the cost of the alliance said to prevent it. **Neutrality historically pays**.10 The larger problem with the idea that our alliances are justified by the balancing they prevent is that **wars generally require more than the mutual fear that arms competition provokes**. Namely, there is usually a territorial conflict or a state bent on conflict. Historical examples of arms races alone causing wars are few.11 This confusion probably results from misconstruing the causes of World War I—seeing it as a consequence of mutual fear alone rather than fear produced by the proximity of territorially ambitious states.12 Balances of power, as noted, are especially liable to be stable when water separates would-be combatants, as in modern Asia. Japan would likely increase defense spending if U.S. forces left it, and that would likely displease China. But that **tension is very unlikely to provoke a regional conflagration. A**nd even that remote scenario is far more likely than the Rube Goldberg scenario needed to argue that peace in Europe requires U.S. forces stationed there. It is not clear that European states would even increase military spending should U.S. troops depart. If they did do so, one struggles to imagine a chain of misperceived hostility sufficient to resurrect the bad old days of European history.

No Transition Wars – 2NC

No transition wars-other powers will cling to the US in decline

Snyder, Maryland PhD research scholar, 2012

(Quddus, "The Bipolarity of a Unipolar World: Why Secondary Powers will Stand By America", http://www.cidcm.umd.edu/workshop/papers/the_bipolarity_of_a_unipolar_system.pdf)

The stability inherent in the relationship is threatened when one party fails to live up to its end of the bargain. If the US is in decline, it is likely to scale back its international commitments. It will be less willing to underwrite the security of the many secondary powers that rely on it. A declining US may be unable and unwilling to perform hegemonic functions to the extent that it was before. It is here that secondary powers face a choice: do I stay or do I go? Because of their flawed theoretical machinery, balance of power realists believe that secondary powers will turn on a declining US and try to oppose and weaken it. **But this logic fails to account for the extent to which secondary powers do not fear the US, depend on it, and value the underlying bargain.** Unlike the Soviet Union, the US will not suddenly implode. If there is a relative decline, it is likely to be slow. Though perhaps to a lesser extent, the US will still remain engaged. It will not suddenly withdraw into pre-World War II style isolation. Under these circumstances, secondary powers are likely to adopt a strategy of accommodation. Robert Kelly describes this as a kind of "bail in" behavior where secondary powers come to the aid of a struggling hegemon that they see as legitimate.52 The US will remain far stronger, at least militarily if not also economically, than most of the secondary powers for a long time to come. While it might not be able to do as much as it used to, the US will still be able to accomplish more than most. In effect, secondary powers are likely to reason that a weakened hegemon is still much better than no hegemon. The hegemonic bargain will not be abolished. It will be adjusted in two important ways. Secondary powers will do more in areas where their vital interests are at stake. This can be seen in the way France and Britain took the lead in the Libyan intervention. Or, in the way Turkey is taking charge in responding to the Syria crisis. The US will play a very large supporting role. As every NATO operation in the post-Cold War era has demonstrated, secondary powers must ultimately increase their own power capability. This is not to balance the US, but to make up the difference. Compensating for America's lesser role, firstly, requires that secondary powers spend more on defense. The necessity of doing so will become increasingly evident as various crises threaten the interests of secondary powers and the US shows ever less enthusiasm for cleaning up the mess alone. Second, the difference can be made up through cooperation. Secondary powers are likely to move ever closer to a declining US. Deeper forms of policy coordination and the combining of capability can go a long way toward remedying individual power deficits—the animating idea behind NATO's new concept of "smart defense." Predicting NATO's demise is a perennial realist pastime. As before, their predictions will be proven wrong again. Not only will NATO persist, but as the US declines it will become more important. Interestingly, just as the American decline debate was heating up, France rejoined NATO's allied command in 2009. President Sarkozy explained that his country's "strategy cannot remain stuck in the past when the conditions of our security have changed radically."53 Sarkozy's critics grumbled that France was cozying up to the US just as the world was moving out from underneath American domination. New life will be breathed into America's alliances in the Asia Pacific region as well, as seen for example in the way Japan has recently been moving closer to the US. The US will find that secondary powers are willing to accommodate and compromise in ways that were perhaps unlikely under unipolarity. The main concern will not be the unilateral exercise of American power. Rather, secondary powers will worry about America's level of commitment to them moving forward. America will no longer be able to stack the deck in some of the ways it has before. But happily, the US will find that it holds a number of high cards in negotiating the terms of cooperation with eager secondary powers because this time the US can credibly threaten to stand by and watch. **All of this suggests that as the global field is leveled, secondary powers will not turn to balancing, but rather, they will adopt a strategy of bonding**. From time to time, weaker states have bandwagoned with more powerful or threatening states, either to appease or gain from the spoils of a hegemon's aggression.54 In this case, the US will grow less powerful and less threatening over time, suggesting altogether different motives. Bonding involves both policy accommodation and efforts to 'move closer' through deeper cooperative ties. The primary concern of secondary powers will be to keep the US engaged. After World War II, the European allies were mainly concerned about US abandonment. As Ikenberry explains, "The evolution in American policy…was a story of American reluctance and European persistence."55 **In an era of relative decline, American disengagement may again emerge as the principal problem facing many of the world's seconda0ry powers. This fear will move them to work ever harder to secure America's commitment and support.**

No transition wars-disengagement doesn't correlate with aggression

Parent et al., Miami political science professor, 2011

(Joseph, "The Wisdom of Retrenchment", Foreign Affairs, November/December, ebsco)

A somewhat more compelling concern raised by opponents of retrenchment is that the policy might undermine deterrence. Reducing the defense budget or repositioning forces would make the United States look weak and embolden upstarts, they argue. "The very signaling of such an aloof intention may encourage regional bullies," Kaplan worries. This anxiety is rooted in the assumption that the best barrier to adventurism by adversaries is forward defenses--the deployment of military assets in large bases near enemy borders, which serve as tripwires or, to some eyes, a Great Wall of America. There are many problems with this position. For starters, the policies that have gotten the United States in trouble in recent years have been activist, not passive or defensive. The U.S.-led invasion of Iraq alienated important U.S. allies, such as Germany and Turkey, and increased Iran's regional power. NATO's expansion eastward has strained the alliance and intensified Russia's ambitions in Georgia and Ukraine. More generally, U.S. forward deployments are no longer the main barrier to great-power land grabs. Taking and holding territory is more expensive than it once was, and great powers have little incentive or interest in expanding further. The United States' chief allies have developed the wherewithal to defend their territorial boundaries and deter restive neighbors. Of course, retrenchment might tempt reckless rivals to pursue unexpected or incautious policies, as states sometimes do. Should that occur, however, U.S. superiority in conventional arms and its power-projection capabilities would assure the option of quick U.S. intervention. Outcomes of that sort would be costly, but the risks of retrenchment must be compared to the risks of the status quo. In difficult financial circumstances, the United States must prioritize. The biggest menace to a superpower is not the possibility of belated entry into a regional crisis; it is the temptation of imperial overstretch. That is exactly the trap into which opponents of the United States, such as al Qaeda, want it to fall. Nor is there good evidence that reducing Washington's overseas commitments would lead friends and rivals to question its credibility. Despite some glum prophecies, the withdrawal of U.S. armed forces from western Europe after the Cold War neither doomed NATO nor discredited the United States. Similar reductions in U.S. military forces and the forces' repositioning in South Korea have improved the sometimes tense relationship between Washington and Seoul. Calls for Japan to assume a greater defense burden have likewise resulted in deeper integration of U.S. and Japanese forces. **Faith in forward defenses is a holdover from the Cold War, rooted in visions of implacable adversaries and falling dominoes. It is ill suited to contemporary world politics, where balancing coalitions are notably absent and ideological disputes remarkably mild**.

No transition war-countries buy into the system

Ikenberry, Princeton international affairs professor, 2010

(John, "The Liberal International Order and its Discontents", Millennium - Journal of International Studies, May, Sage)

Secondly, this order is also distinctive in its integrative and expansive character. In essence, it is 'easy to join and hard to overturn'. This follows most fundamentally from the fact that it is a liberal international order – in effect, it is an order that is relatively open and loosely rulebased. The order generates participants and stakeholders. Beyond this, there are three reasons why the architectural features of this post-war liberal order reinforce downward and outward integration. One is that the multilateral character of the rules and institutions create opportunities for access and participation. Countries that want to join in can do so; Japan found itself integrating through participation in the trade system and alliance partnership. More recently, China has taken steps to join, at least through the world trading system. Joining is not costless. Membership in institutional bodies such as the WTO must be voted upon by existing members and states must meet specific requirements. But these bodies are not exclusive or imperial. Secondly, the liberal order is organised around shared leadership and not just the United States. The G-7/8 is an example of a governance organisation that is based on a collective leadership, and the new G-20 grouping has emerged to provide expanded leadership. Finally, the order also provides opportunities for a wide array of states to gain access to the 'spoils of modernity'. Again, this is not an imperial system in which the riches accrue disproportionately to the centre. States across the system have found

ways to integrate into this order and experience economic gains and rapid growth along the way. Thirdly, rising states do not constitute a bloc that seeks to overturn or reorganise the existing international order. China, India, Russia, Brazil, South Africa and others all are seeking new roles and more influence within the global system. But they do not constitute a new coalition of states seeking global transformation. All of these states are capitalist and as such are deeply embedded in the world economy. Most of them are democratic and embrace the political principles of the older Western liberal democracies. At the same time, they all have different geopolitical interests. They are as diverse in their orientations as the rest of the world in regard to energy, religion and ideologies of development. They are not united by a common principled belief in a post-liberal world order. They are all very much inside the existing order and integrated in various ways into existing governance institutions.

Soft Power Fails – 1NC

Soft power doesn't cause action-multiple reasons

Cull, USC public diplomacy professor, 2013

(Nicholas, "Why projecting soft power is so hard to do", 6-14, http://russia-direct.org/content/why-projecting-soft-power-so-hard-do)

The theory of soft power, as articulated by Joseph Nye, rests on the notion that admirable culture and attractive values can be harnessed to the ends of foreign policy as power. His book "Soft Power" (2004) was subtitled "The Means to Success in World Politics." The problem is that the quest for success is not itself value neutral: a nation that is too obvious in the way it uses soft power to advance its own ends can end up repelling rather than attracting. Countries too eager to embrace soft power can come off like the stereotypical Don Juan, whose powers of attraction eventually taught women to be wary. Others, overconfident in their positive qualities, choose the wrong aspect to emphasize and end up the butt of jokes. In the context of soft power, this mockery is leveled against countries whose public diplomacy degenerates into propaganda. A further problem stems from a divergence in tastes in what is considered attractive. Soft power – like beauty – is in the eye of the beholder. The same tactics don't work in every context. For example, the soft power of the United States is rooted in an identification of its culture with the sovereignty of the individual; in contrast, Russia presents itself as guardian of the principle of the sovereignty of the nation-state. Both sets of values have their admirers, but seldom in the same location. Already powerful states attempting to deploy soft power face an additional challenge – public empathy and admiration naturally adheres to those who have suffered. Global outpourings of support for the Dalai Lama or the United States in the days after 9/11 are examples of this. Nations that hope to trade on their success are often met with increased skepticism or mistrust. What, then, does this mean for countries – the United States and Russia included – that wish to harness soft power in their dealings with the world? First, they must acknowledge that a nation's soft power is not kept in a vault at the White House or Kremlin, but lies in the mind of every one of the billions of people around the world who has an opinion about the country. Secondly, they must realize that when attempting to deploy soft power, your opinion isn't important; your audience's is. Therefore, those working on soft power campaigns must be able to step outside their own cultural context and look at their country from a foreigner's perspective. Third, what works for one country isn't guaranteed to work for another. India is able to leverage soft power in the form of Bollywood movies, which are loved by millions around the world. China has no cultural equivalent; Chinese calligraphy and ceramics will never be sufficiently relevant to a large enough number of people. Efforts focusing on promoting China's development projects or spectacular scientific discoveries would likely have more success. And finally, while there are few moral perceptions around the world that are universally accepted, a near ubiquitous mistrust of power exists. **Promoting a soft power narrative that emphasizes success and dominance in a field or organization might not be** as **effective** as one that focuses on a disadvantaged city, region or group – which exist in every country. In the final analysis, soft power lies in the allure one person feels for another. And this is why the most enduring soft power strategies have been those founded on people-to-people exchanges. Despite all the efforts of a state government to control its image through a soft power campaign, in the end it comes down to winning the hearts and minds of individuals – something that cannot be ordered from the top down.

Soft Power Fails – 2NC

Soft power doesn't lead to cooperation to solve problems.

Drezner, Tufs international politics professor, 2011

(Daniel, "Does Obama Have a Grand Strategy?", July/August, http://www.foreignaffairs.com/print/67869)

What went wrong? The administration, and many others, erred in believing that improved standing would give the **U**nited **S**tates greater policy leverage. The **U**nited **S**tates' standing among foreign publics and elites did rebound. But this shift **did not translate into an appreciable increase in** the **U**nited **S**tates' **soft power**. Bargaining in the G-20 and the UN Security Council did not get any easier. Soft power, it turns out, **cannot accomplish much** in the absence of a willingness to use hard power. The other problem was that China, Russia, and other aspiring great powers **did not view themselves as partners of the United States**. Even allies saw the Obama administration's **supposed modesty as a cover** for shifting the burden of providing global public goods from the United States to the rest of the world. **The administration's grand strategy was therefore perceived as promoting narrow U.S. interests rather than global public goods.**

Nations make decisions on an issue-by-issue basis-soft power doesn't matter.

Ogoura, Japan foundation president, 2006

(Kazuo, "The Limits of Soft Power", http://ics.leeds.ac.uk/papers/vp01.cfm?outfit=pmt&folder=7&paper=3076)

One blind spot in the soft power concept is the confusion over the source of this power. For Nye and many others, the power of soft power lies in "attraction." The problem with this idea, however, is that it views things from the perspective of the party exercising power. Seen from the viewpoint of the party being influenced by the power, the question of whether accepting the power accords with this party's own interests is likely to be a far more important consideration than the attraction of the power. Here we must keep in mind that sovereign nations in the international community act not on the basis of likes and dislikes but in accordance with their own interests**. No matter how attractive a given country may be, other countries will not accept its attractive power if it obstructs their freedom of action or** adversely affects their economic **interests**. Hollywood movies, for instance, are often cited as a source of American soft power, but in France they have been subject to partial restriction precisely because of their attractiveness. The justness and legitimacy of the exercise of power is often an issue in relation to the source of soft power. However, legitimacy is bound to be an issue regardless of whether the power is hard or soft. The fact that hard power is sometimes exercised without legitimacy stems from a peculiar way of thinking about the use of hard power, and this is a great problem. It is important to note that within the international community the exercise of military and nonmilitary power is basically the same - or, rather, it is when the power is military in nature that there is a need for strict legitimacy in its use. (But whereas military power can exert a coercive influence however vague its legitimacy, when the justification for the use of soft power is tenuous this can prompt the party on the receiving end to resist or refuse the power, preventing the party exercising the power from achieving its aims.) The other side of this problem is the need to consider just what the international justification for military action might be. Leaving this issue to one side, though, it is certainly problematic to regard the legitimacy of soft power as the source of its clout.

A2: Solves Terrorism

Soft power doesn't solve terrorism

Kroenig et al., Georgetown government professor, 2010

(Matthew, "Taking Soft Power Seriously", Comparative Strategy, http://www.matthewkroenig.com/Kroenig_Taking_Soft_Power_Seriously.pdf)

The United States has also sought to apply soft power to counter ideological support for terrorism. Again, despite a concerted effort by the United States, global support for terrorist ideology shows no sign of abating and, according to some measures, may be increasing. **The inability of the United States to counter ideological support for terrorism can be attributed to an environment hostile to the application of soft power**. The societies to which the United States has targeted its message lack a functioning marketplace of ideas and the U.S. message is not credible to the target audience. For these reasons, the application of soft power has been an ineffective tool for countering ideological support for terrorism, despite the importance of individual attitudes as a driver of terrorist behavior. In the 2005 National Defense Strategy, the United States presented a threepronged strategy for winning the War on Terror.77 The first two elements of the strategy, attacking terrorist networks and defending the homeland, were definitively in the realm of hard power. The third and, according to many Pentagon officials, the most important element of the strategy, however, was "countering ideological support for terrorism."78 As part of this soft power strategy, the United States declared its intent to "Support models of moderation in the Muslim world by helping change Muslim misperceptions of the United States and the West."79 Furthermore, the United States vowed to "delegitimate terrorism and extremists by e.g., eliminating state and private support for extremism."80 The 2006 National Strategy for Combating Terrorism continued the theme of ideological combat stating that "from the beginning, [the War on Terror] has been both a battle of arms and a battle of ideas. Not only do we fight our terrorist enemies on the battlefield, we promote freedom and human dignity as alternatives to the terrorists' perverse vision of oppression and totalitarian rule."81 According to the strategy, "winning the War on Terror means winning the battle of ideas." The United States also singled out state sponsors of terror for its soft power campaign and declared that it desired "to make clear that all acts of terrorism are illegitimate so that terrorism will be viewed in the same light as slavery, piracy, or genocide: behavior that no respectable government can condone or support and all must oppose."82 These were serious statements of policy objectives. To isolate state-sponsors of terrorism, President Bush encouraged states to choose a position "either with us or against us in the fight against terror."83 A special task force on "strategic communications" was set up at the Defense Science Board that argued that "the United States is engaged in a generational and global struggle about ideas." 84 The Board concluded that, "policies will not succeed unless they are communicated to global and domestic audiences in ways that are credible and allow them to make informed, independent judgments."85 To show the level of commitment the Bush administration made to the task of public diplomacy, President Bush appointed his trusted public relations manager, Karen Hughes, as Undersecretary of State for Public Diplomacy. 86 Under Hughes's leadership, the State Department established regional media hubs offering U.S. spokespeople with language capabilities to speak on America' behalf in media outlets throughout the Middle East.87 The United States Government also increased the budget for the United States Agency for International Development (USAID), the U.S. agency responsible for dispensing foreign aid, by 60%, from 5 billion in 1998 to 8 billion in 2003.88 The United States funded a variety of pro-American media in the Muslim world including H1 magazine, Radio Sawa, and the Al Hurra television station. 89 Furthermore, the United States established reeducation facilities, such as the "House of Wisdom" in Iraq, to teach moderate Muslim theology to detainees captured in the War on Terror.90 **Despite this widespread effort to communicate throughout the Muslim world, the United States, to date, has largely failed in its effort to apply soft power to its advantage in the War on Terror.** The War on Terror will probably be a "generational struggle," but it is nevertheless troubling that after a sustained multi-year effort to counter ideological support for terrorism, the United States has made real progress on very few of its stated objectives. The United States has, since 9/11, avoided a major terrorist attack, and while the causes of this can be debated, it is not likely the result of a waning of terrorist ideology globally as is evidenced by the string of attacks in other parts of the world. In recent years, terrorists have carried out attacks in: Algeria, Great Britain, Israel, Iraq, Jordan, Russia, Spain, and other countries.91 Despite heavy pressure from the United States in the form of hard and soft power, states still support terrorism and Al Qaeda has even reconstituted terrorist training camps in South Asia. 92 Terrorist ideology continues to flourish globally with the help of the Internet.93 The low public opinion of the United States in the Muslim world, often thought to be one of the factors contributing to terrorism against the United States, has not improved in recent years. In fact, a recent study found that people's "attitudes toward U.S. foreign policy actually worsened slightly since they started listening to Radio Sawa and Al Hurra."94 Few observers believe that U.S. efforts to combat Al Qaeda have been effective. In a recent worldwide poll, survey respondents in 22 out of 23 countries reported that the U.S.-led war on terror has not weakened Al Qaeda.95 The U.S. failure to use soft power effectively in the War on Terror is even more pronounced in some of the most important countries. In Egypt and Pakistan, for example, 60% and 41% of the respective publics possess either positive or mixed views of Al Qaeda.96 According to Doug Miller, chairman of the international polling firm Globescan, "The fact that so many people in Egypt and Pakistan have mixed or even positive views of al Qaeda is yet another indicator that the US war on terror is not winning hearts and minds."97 Why has the United States failed in its effort to use soft power to counter ideological support for terrorism? Part of the reason is that the United States has not been able to compete in a functioning marketplace of ideas in most of the societies where a threat of jihadi terrorism exists. In the 2006 National Strategy for Combating Terrorism, the United States acknowledges that "terrorists recruit more effectively from populations whose information about the world is contaminated by falsehoods and corrupted by conspiracy theories. The distortions keep

alive grievances and filter out facts that would challenge popular prejudices and self-serving propaganda."98 In other words, many countries of the Middle East and the broader Muslim world lack a functioning marketplace of ideas. They are disproportionately authoritarian. 99 These governments often take measures, generally for the purposes of domestic stability, that have the effect of preventing meaningful competition in their domestic marketplace of ideas. Foreign media content containing ideas about democracy and freedom are filtered.100 Domestic political opponents are prevented from expressing views that challenge the government.101 Radical religious groups, extremist parties, and fundamentalist madrassas are supported to shore up the legitimacy of secular regimes.102 Domestic problems are externalized and blamed on an "imperial" United States.103 The lack of a functioning marketplace of ideas in this region contributes to the pervasiveness of conspiracy theories in the region from private households to the highest levels of government.104 Due in part to these phenomena, public opinion of U.S. foreign policy is lower in the Middle East than in any other world region.105 The inability of the United States to communicate in this region is aptly described by Norman Patizz, an American media entrepreneur, who notes that "there is a media war going on [in the Muslim world] with incitement, hate broadcasting, disinformation, government censorship, self-censorship, and America is not in the race."106 Another limiting factor on the United States effort to counter ideological support for terrorism is the logic of persuasion. U.S. efforts to communicate directly with the Muslim world have been thwarted by a lack of credibility. Expert messengers are more persuasive than non-experts, but U.S. government officials are hardly qualified to discuss the intricacies of Muslim theology and the consistency, or lack thereof, of terrorism with the teachings of the Koran. U.S. strategists have recognized this and sought to adjust strategy appropriately, aiming to communicate through surrogates whenever possible.107 Attempts to channel a message through third parties face a number of challenges however. The audiences that the United States targets in the Middle East generally know which media outlets receive U.S. support and, accordingly, discount the messages that they receive from those sources. In a recent study on the effectiveness of U.S. supported media in the Middle East, a Jordanian student wrote that "Radio Sawa serves US interests and helps it spread its control over the world and to serve Zionist interests."108 A student from Palestine wrote that the United States "[spreads] lies and fabricates news" through Television Al Hurra.109 According to Al-Ahram Weekly, an Egyptian newspaper, Arab youth listen to Radio Sawa, but "they take the U.S. sound and discard the U.S. agenda."110 The United States efforts at persuasion may have also failed because they fail to speak to the intended audience at an emotional level. Shibley Telhami has described Al Hurra as adopting a style of "detached objectivity" to its coverage of highly controversial political issues. Telhami went on to criticize the futility of a mismatched approach that aims "to be precisely dispassionate while facing a passionate audience."111 As difficult as it may be for the United States to accept, the United States with all of its hard and soft power is not well-equipped to persuade international audiences about the legitimacy of terrorism as a tactic. There are undoubtedly other factors that helped to discredit the U.S. message on issues of terrorism. The U.S. military intervention in Iraq and the related prisoner abuse scandal at Abu Grhaib, for example, alienated many in the broader Middle East.112 But, these factors only further weakened U.S. credibility; the United States was never in a position to be a persuasive messenger on the subject of terrorism in the Muslim world. In the War on Terror, however, individual attitudes have had an important, though mixed, effect on international political outcomes. Ideas have a critical (but by no means exclusive) impact on individual decisions to join terrorist organization, but attitudes are less important determinants of the state sponsorship of terrorism. Exposure to radical ideology is an important component leading an individual to become a terrorist. While containing an undeniable ideological component, however, **many of the factors that convince people to turn to terrorism are material in origin, not ideational, and, thus, cannot be addressed with soft power tools. Social science research suggests that many factors may contribute to the production of a terrorist. Few opportunities for political participation, low levels of social integration, personal loss, and foreign occupation are among the variables that have been linked to a higher risk of terrorism**. 113 The United States can combat some of these risk factors through the application or withdrawal of hard power, but few of them can be addressed through the application of soft power alone. Despite America's soft power campaign, the state sponsorship of terrorism also appears to be alive and well and driven by states' core material interests. Pakistan continues to walk the fine line of allowing terrorists to operate in the tribal regions while making occasional raids against terrorist hideouts to placate the United States.114 And states that can gain through the active support of terrorism as an extension of their national power, such as Iran and Syria, continue to do so.115 The United States has been unsuccessful, so far, in its attempt to use soft power to counter global ideological support for terror. This failure is due, at least in part, to the absence of the conditions necessary for an effective soft power strategy. Attitudes may be influential in determining the strength of the international terrorist movement, but the United States was unable to participate in debates in key regions in which terrorist ideology flourishes and a lack of credibility further hindered U.S. efforts to change attitudes on important terrorism-related issues.

Secure Data Act HSS

Circumvention

Plan Gets Circumvented

The plan will be circumvented — "mandate" gets lawyered.

Newman 14 — Lily Hay Newman, Staff Writer and Lead Blogger for *Future Tense*—a partnership of Slate, New America, and Arizona State University, 2014 ("Senator Proposes Bill to Prohibit Government-Mandated Backdoors in Smartphones," *Future Tense*, December 5th, Available Online at http://www.slate.com/blogs/future_tense/2014/12/05/senator_wyden_proposes_secure_data_act_to_keep_government_agencies_from.html, Accessed 06-30-2015)

It's worth noting, though, that the Secure Data Act **doesn't actually prohibit backdoors**—it just prohibits agencies from **mandating** them. There are a lot of other types of pressure government groups could still use to influence the creation of backdoors, even if they couldn't **flat-out demand them**.

Here's the wording in the bill: "No agency may mandate that a manufacturer, developer, or seller of covered products design or alter the security functions in its product or service to allow the surveillance of any user of such product or service, or to allow the physical search of such product, by any agency."

There are loopholes that allow circumvention by FBI *and* NSA.

Cushing 14 — Tim Cushing, Contributor to *Tech Dirt*, 2014 ("Ron Wyden Introduces Legislation Aimed At Preventing FBI-Mandated Backdoors In Cellphones And Computers," *Tech Dirt*, December 5th, Available Online at https://www.techdirt.com/articles/20141204/16220529333/ron-wyden-introduces-legislation-aimed-preventing-fbi-mandated-backdoors-cellphones-computers.shtml, Accessed 06-30-2015)

Here's the actual wording of the backdoor ban [pdf link], which has **a couple of loopholes** in it.

(a) IN GENERAL.—Except as provided in subsection (b), no agency may mandate that a manufacturer, developer, or seller of covered products design or alter the security functions in its product or service to allow the surveillance of any user of such product or service, or to allow the physical search of such product, by any agency.

Subsection (b) presents the first loophole, naming the very act that Comey is pursuing to have amended in his agency's favor.

(b) EXCEPTION.—Subsection (a) shall not apply to mandates authorized under the Communications Assistance for Law Enforcement Act (47 U.S.C. 1001 et seq.).

Comey wants to alter CALEA or, failing that, get a few legislators to run some sort of encryption-targeting legislation up the Congressional flagpole for him. Wyden's bill **won't thwart these efforts** and it does leave the NSA free to continue with its pre-existing **homebrewed backdoor efforts** -- the kind that don't require mandates **because they're performed off-site without the manufacturer's knowledge**.

Terrorism/Crime DA

Terrorism

Secure Data Act would make it harder to find terrorist activity

Rolley 6/2 (Sam, writer at Personal Liberty, "After NSA fight, Rand Paul attempts to protect encryption," Personal Liberty, 6/2/15, http://personalliberty.com/after-nsa-fight-rand-paul-attempts-to-protect-encryption/)//kjz

Sen. Rand Paul (R-Ky.) again stood up to government snoops Tuesday with proposals to block the encryption backdoors so desired by top Justice Department officials and the Obama administration. In response to increasing calls for looser encryption on consumer communication gadgets from top U.S. law enforcement officials, Paul and Sen. Ron Wyden (D-Ore.) on Tuesday set about amending the Senate's surveillance reform bill to protect encryption. The lawmakers' proposals would forbid the government from coercing companies to providing access points into their encryption for law enforcement snoops. The proposals resemble provisions set forth in the Secure Data Act, a standalone bill prohibiting government backdoors in encryption, which Wyden has introduced several times in the upper legislative chamber with little luck. Unfortunately for privacy groups, Sen. Mitch McConnell (R-Ky.) did his

best Tuesday to block voting on amendments such as that presented by Paul and Wyden in favor of amendments proposed by establishment GOP lawmakers. The amendments McConnell allowed for consideration, according to 4th Amendment advocates, were ones intended to water down the USA Freedom Act rather than bolster privacy protections. And encryption protections certainly wouldn't fall in line with surveillance hawks' desire to increase the ease of government spying. Department of Homeland Security Secretary Jeh Johnson said earlier this year that heightened encryption on digital communications devices are making it easier for criminals and potential terrorists to operate throughout the U.S. "The current course we are on, toward deeper and deeper encryption in response to the demands of the marketplace, is one that presents real challenges for those in law enforcement and national security," Johnson said during a cybersecurity conference in Silicon Valley. "Encryption is making it harder for your government to find criminal activity, and potential terrorist activity," Johnson continued. James Comey, who heads up the FBI, has made similar statements about the need for the companies to lower their encryption standards. "Tech execs say privacy should be the paramount virtue," Comey told lawmakers in March. "When I hear that, I close my eyes and say, 'Try to image [sic] what the world looks like where pedophiles can't be seen, kidnapper[s] can't be seen, drug dealers can't be seen.'" In recent months the White House has been working to urge tech companies to lower encryption standards to make it easier for law enforcement to access information on Americans' digital devices. The technology community, meanwhile, continues to produce advancements that may make it impossible for government surveillance to keep up with encryption changes. That could lessen the need for privacy protections like those proposed by Paul and Wyden. Former Google CEO Eric Schmidt said during a lecture at Johns Hopkins University in November that advances in encryption could eliminate the threat of government surveillance and censorship throughout the world within 10 years.

Secure Data Act prevents government from gathering information from the private sector—key to solve terrorism

Cordero 4/19 (Carrie, a former counsel in the Justice Department's national security division and director of national security studies at Georgetown Law.,"Should Law Enforcement Have the Ability to Access Encrypted Communications? Growing encryption heightens the debate over online privacy and law enforcement. YES: We Need That Ability to Fight Terrorism" Wall Street Journal, 4/19/15, http://www.wsj.com/articles/should-law-enforcement-have-the-ability-to-access-encrypted-communications-1429499474)//kjz

We can't fight terrorism and violent crime in the dark. But that is where we're headed if law-enforcement and intelligence officials are denied the legal access they need. The fact is, communications companies often hold information that law-enforcement and national-security agencies require to pursue criminal investigations and forestall potential threats. Up until recently, agents of the government could generally file requests for court orders that, if approved, compel the companies to provide the requested information. Congress in the 1990s passed the Communications Assistance for Law Enforcement Act, or Calea, to facilitate private-sector cooperation with law enforcement. This act required telecommunications companies to configure their systems in a way that would enable them to effectively respond to court orders. But Calea predated email, cloud storage and social-media platforms. Officials now have to cope with situations and technologies that the law did not anticipate. Moreover, recent congressional proposals, such as the Secure Data Act, threaten to prohibit the government from requiring that companies design or modify communications systems or products to facilitate government requests for data.

Encryption makes it harder to prevent terrorist attacks

Thomson 14 (Iain, covers tech news for The Register, "FBI boss: We don't want a backdoor, we want the front door to phones," The Register, 10/16/14, http://www.theregister.co.uk/2014/10/16/fbi_director_we_dont_want_a_backdoor_to_your_phone_we_want_the_front_door/)//kjz

FBI director James Comey is continuing his charm offensive against phone encryption – by urging tech giants to do more to help the agency monitor people. In a speech to the Brookings Institute, Comey said the decision by Apple and Google to turn on file encryption by default in iOS and Android was seriously hampering the efforts of cops and g-men to protect the public at large. He complained to the Washington think tank that criminals were "going dark," and technology firms should be compelled to build gadgets that can be easily accessed whenever the FBI wants. He reminisced about the good old days of law enforcement, where a court order could allow the agency to tap into any phone in America. Nowadays that's not always possible, he said, and so something had to be done. "There is a misconception that building a lawful intercept solution into a system requires a so-called 'back door,' one that foreign adversaries and hackers may try to exploit," he said. "But that isn't true. We aren't seeking a back-door approach. We want to use the front door, with clarity and transparency, and with clear guidance provided by law. We are completely comfortable with court orders and legal process - front doors that provide the evidence and information we need to investigate crime and prevent terrorist attacks." Such a system should be built into new devices in the design stage, Comey said, and all carriers and technology firms should work towards this goal. He didn't mention how it was going to be possible to avoid hackers using the same backdoors to hijack victims' phones and tablets, but presumably he thinks that's not his problem. Comey said the existing US Communications Assistance for Law Enforcement Act needs to be updated to enforce this. Earlier in his speech he noted that not all companies were complying with CALEA – which requires manufacturers to

build security holes into devices for Uncle Sam to exploit to intercept communications. He accused Apple and Google of seeking a market opportunity by making file encryption the default on their devices. But he claimed doing so put their users "above the law." Last week Silicon Valley chiefs were saying quite the opposite at a roundtable in California. Google chairman Eric Schmidt said such features were not to gain new sales, but to stop the collapse of existing markets as users wanted privacy and weren't prepared to buy technology without it. Earlier this month security guru Bruce Schneier also burst one of Comey's much ballyhooed concerns, that of encryption foiling child kidnapping investigations. He pointed out that of the 3,576 warrants were granted for communications interception in 2013, one involved kidnapping. In the same year police reported being stumped by encryption nine times, and four in 2012. Comey said that unless such front-door access was granted to the Feds then "homicide cases could be stalled, suspects could walk free, and child exploitation might not be discovered or prosecuted." He also warned terrorists could use social media to "recruit, plan, and execute an attack." "I've never been someone who is a scaremonger. But I'm in a dangerous business. So I want to ensure that when we discuss limiting the court-authorized law enforcement tools we use to investigate suspected criminals that we understand what society gains and what we all stand to lose," he said. "We in the FBI will continue to throw every lawful tool we have at this problem, but it's costly. It's inefficient. And it takes time. We need to fix this problem. It is long past time."

Encryption helps the terrorists

Price 6/4 (Rob, "The FBI claims technology promoted by Apple and WhatsApp is helping ISIS," Business Insider, 6/4/15, http://www.businessinsider.com/fbi-encryption-going-dark-isis-apple-facebook-whatsapp-steinbach-lieu-2015-6)//kjz

Encryption is creating "dark spaces" that are aiding ISIS and other terrorist organisations, the FBI has warned — even as Apple and Facebook reaffirm their strong support for the technology. Speaking at a Congressional hearing on Wednesday, the AFP reports, FBI assistant director of counter-terrorism Michael Steinbach warned lawmakers that strong encryption technology allows terrorists "a free zone by which to recruit, radicalize, plot and plan." Steinbach is calling for "legal remedies" that will allow law enforcement access to encrypted communications. Strong encryption has become a contentious subject recently. The term refers to messages or data masked in such a way that it is impossible to understand unless you have the correct key to decrypt it — even if you have a warrant. Encryption can help protect people protect their communications online, but authorities fear that it puts the communications of criminals out of their reach. Following Edward Snowden's revelations about mass surveillance by the NSA, tech companies have increasingly moved to incorporate strong encryption into their products. WhatsApp uses end-to-end encryption, for example, meaning it is impossible for the messaging service to know what is being sent on its platform. Apple is a particularly outspoken defender of encryption technology. Last year, it introduced encryption on its mobile platform iOS by default, infuriating law enforcement. One senior US police officer warned that the iPhone would become "the phone of choice for the pedophile" as a result. But the Cupertino company has stuck to its guns, and this week CEO Tim Cook made an impassioned defence of encryption at an awards dinner. Cook slammed attempts by law enforcement to have backdoors introduced as "incredibly dangerous," saying encryption is "a critical feature for our customers who want to keep their data secure... If you put a key under the mat for the cops, a burglar can find it, too. Criminals are using every technology tool at their disposal to hack into people's accounts. If they know there's a key hidden somewhere, they won't stop until they find it ... Removing encryption tools from our

products altogether, as some in Washington would like us to do, would only hurt law-abiding citizens who rely on us to protect their data. The bad guys will still encrypt; it's easy to do and readily available." Steinbach's comments also come after Facebook recently introduced support for encryption on its social network. Users can now list their "public key" on their profile that others can use to contact them securely, and Facebook will also send messages to users in an encrypted format if they opt in. The senior FBI official didn't single out companies that use encryption by name, but said that "some of these [social media] companies build their business model around end-to-end encryption," the AP reports. As a result, "the companies have built a product that doesn't allow them to help." In his prepared remarks, he warned that "changing forms of internet communication are quickly outpacing laws and technology designed to allow for the lawful intercept of communication content," and that terrorist groups like ISIS and their communications are "going dark" as a result.

Crime

Encryption severely jeopardizes US crime fighting operations

Rosenblatt, '14, (Seth, senior editor, "FBI director demands access to private cell phone data," CNET, October 16, 2014, http://www.cnet.com/news/fbi-director-demands-access-to-private-cell-phone-data/)//erg

Cell phone encryption will prevent the federal government from stopping terrorists and child molesters unless the government is given special access, Federal Bureau of Investigation Director James Comey told a Washington, DC, think tank on Thursday. Comey, who noted that "**both real-time communication and stored data are increasingly encrypted," said that the trend by service providers to encrypt their customer data could prevent the government from lawfully pursuing criminals.** "**Justice may be denied, because of a locked phone or an encrypted hard drive**," Comey said in his prepared remarks at the Brookings Institute. He explained that while Communications Assistance for Law Enforcement Act (CALEA) from 1994 mandated that telephone companies build wiretapping backdoors into their equipment, no such law forces new communication companies to do the same. However, he didn't mention that CALEA was expanded from its original mandate to include broadband Internet and Voice over Internet Protocol (VoIP) systems like Skype in 2004.

Encryption and elimination of access to information hampers law enforcement effectiveness, making crime more likely

Rosenblatt, '14, (Seth, senior editor, "FBI director demands access to private cell phone data," CNET, October 16, 2014, http://www.cnet.com/news/fbi-director-demands-access-to-private-cell-phone-data/)//erg

Comey called out the default encryption in Apple's iOS 8, and the optional Android encryption that will become the default for that operating system when Android 5.0 Lollipop is released next month, as blocking law enforcement from fully gathering evidence against suspects. He said that the solution was for tech firms to build "front-doors" on consumer cell phones and smartphones. "We aren't seeking a back-door approach," Comey said, referring to a common term for encryption that has been intentionally weakened. "We want to use the front door, with clarity and

transparency, and with clear guidance provided by law," including court orders, he said. The spying scandal that kicked off when former National Security Agency contractor Edward Snowden leaked classified surveillance documents has seen tech titans including Apple, Google, Yahoo, Microsoft and Facebook scramble to build tougher encryption into their products. Google's Eric Schmidt warned that the spying will "break the Internet." The current fight over how to secure customer data isn't the first time that tech firms and the US government have gone to war over encryption. In the 1990s, the "crypto wars" saw tech companies and industry advocates force the US government to repeal laws that deemed cryptography a weapon. While evoking imagery of children at play and innocents exonerated of false accusations thanks to FBI investigations unencumbered by encryption, Comey derided concerns by the tech community that weakening encryption made devices more susceptible to cyber-criminal attacks. He acknowledged that "adversaries will exploit any vulnerability they find," but that **those exploits introduced by a backdoor could be mitigated by "developing intercept solutions during the design phase,**" he said.

Encryption makes it much harder for law enforcement to prevent horrible crimes such as abuse/assault of children

Kravets, '14, (David, ARS TECHNICA SENIOR EDITOR, "US top cop decries encryption, demands backdoors," Ars Technica, Oct 1, 2014, http://arstechnica.com/tech-policy/2014/10/us-top-cop-decries-encryption-demands-backdoors/)//erg

Attorney General Eric Holder, the US top law enforcement official, said it is "worrisome" that tech companies are providing default encryption on consumer electronics. **Locking the authorities out of being able to physically access the contents of devices puts children at risk,** he said. APPLE, GOOGLE DEFAULT CELL-PHONE ENCRYPTION "CONCERNS" FBI DIRECTOR Bureau chief says encryption allows "people to place themselves beyond the law." "It is fully possible to permit law enforcement to do its job while still adequately protecting personal privacy," Holder said during a Tuesday speech before the Global Alliance Against Child Sexual Abuse Online conference. "**When a child is in danger, law enforcement needs to be able to take every legally available step to quickly find and protect the child and to stop those that abuse children**. It is worrisome to see companies thwarting our ability to do so." Holder's remarks, while he did not mention any particular company by name, come two weeks after Apple announced its new iPhone 6 models would be equipped with data encryption that prevents authorities from accessing the contents of the phone. At the same time, Google said its upcoming Android operating system will also have default encryption. The encryption decision by two of the world's biggest names in tech is a bid to gain the trust of customers in the wake of the Edward Snowden surveillance revelations. Holder said he wants a backdoor to defeat encryption. He urged the tech sector "to work with us to ensure that law enforcement retains the ability, with court-authorization, to lawfully obtain information in the course of an investigation, such **as catching kidnappers and sexual predators."**

Encryption makes it easier for online criminals to hide

Kravets, '14, (David, ARS TECHNICA SENIOR EDITOR, "US top cop decries encryption, demands backdoors," Ars Technica, Oct 1, 2014, http://arstechnica.com/tech-policy/2014/10/us-top-cop-decries-encryption-demands-backdoors/)//erg

Recent technological advances have the potential to greatly embolden online criminals, providing new methods for abusers to avoid detection. In some cases, perpetrators are using cloud storage to cheaply and easily store tens of thousands of images and videos outside of any home or business—and to access those files from anywhere in the world. Many take advantage of encryption and anonymizing technology to conceal contraband materials and disguise their locations. The attorney general—who plans to step down from the position he has held for six years as soon as a successor takes office—is the highest-ranking member of the President Barack Obama administration to assail encryption in the wake of the Apple and Google announcements. James Comey, the Federal Bureau of Investigation director, last week said he was concerned about the marketing of smart phones that can't be physically searched by law enforcement. "What concerns me about this is companies marketing something expressly to allow people to place themselves beyond the law," Comey said. He said the bureau has reached out to Apple and Google "to understand what they're thinking and why they think it makes sense."

Access to data is necessary for combatting crime—saves lives and preserves overall national security

Dujardin, '15, (Peter, Daily Press writer, "Law enforcement worries over beefed-up phone encryption," Daily Press, April 12, 2015, http://www.dailypress.com/news/crime/dp-nws-phone-encryption-20150412-story.html#page=1)//erg

"Everything continues to move toward the cellphones," said Isle of Wight Sheriff Mark A. Marshall. "There's so much activity — from the social media pieces to everything you do — being done via these electronic devices." "Apply that to a missing kid," he said**. "Not having the ability to retrieve that data could have significant consequences … and would significantly hamper and impede law enforcement's ability to conduct an investigation."** "**It could be every kind of drug case, to a murder case to a espionage national security case,**" added York-Poquoson Sheriff J.D. "Danny" Diggs. "It's almost beyond belief that a (manufacturer) would create a product that would be an obstacle to a criminal investigation." In fact, he said companies shouldn't be allowed to make such devices that way. "Let's say this was a safe in somebody's house, and they failed to give us a combination," Diggs said. "A safe is a physical thing that if we had to take a welding torch to it … we could remove the contents. Even a safe is not exempt from a legal search. So why would a cell phone that could contain data that would be very important to a criminal investigation — why should a manufacturer even be allowed to create such a device?" Newport News Police Sgt. A.J. Matthews — who oversees the criminal intelligence unit, the division that downloads data from cellphones — also expressed concerns. His team of three detectives, using special software and an accompanying device, can retrieve data from about 80 percent of seized cellphones. He said he'd be "naive" to assume that rate won't fall with the recent changes. Hampton councilman: Lack of vote on police phone data program is "shocking" "If there's critical information inside of a phone and we can't access it, and in turn, someone dies or a case goes unsolved that would otherwise be solved … that would be a tragedy," he said. Matthews said he understands that people have a right to privacy and "we can't abuse our right to

search." But he said there should be some "give and take" on the issue, so that in "dire circumstances, if law enforcement needs access to it, that there's a manufacturer override for it." What if police got word, he said, about an attack about to happen, but needed to access a cell phone to prevent it? "It would be nice if we could say, 'Hey look, this is a very credible threat and we need access to this information,'" Matthews said.

Politics

General

Encryption legislation is a long shot and entrenched interests ensure a fight

Timm 14 - Trevor Timm is a Guardian US columnist and executive director of the Freedom of the Press Foundation, a non-profit that supports and defends journalism dedicated to transparency and accountability. ("Congress wants NSA reform after all. Obama and the Senate need to pass it," http://www.theguardian.com/commentisfree/2014/jun/20/congress-obama-nsa-reform-obama-senate 6/20/2014) STRYKER

Yes, all of these problems were exposed in some fashion by the Snowden revelations: A year ago, it was still classified that NSA was searching for the American people's data in its database of "foreign" data. President Obama said in response that NSA email and internet spying "doesn't apply to people living in the United States" – but the back-door loophole showed that it did. And the spy community's campaign for weaker encryption standards was largely in the shadows as well, Snowden files exposed it all. The public got mad, and now the House has overwhelmingly rejected those programs with legal and technical fixes, including Rep Alan Grayson's overlooked amendment to disband NSA's covert encryption sabotage campaign at Nist, the little-known government agency with a lot of power over encryption standards. (By the way, Grayson's throwing the first Congressional Crypto Party next week.) Of course, the victory is far from permanent and **could be undone rather quickly**. The FBI – not the NSA – is usually the agency that tries to **strong-arm companies** into placing back doors in technology, and you can expect intelligence agencies to try to undo the new provision against spending money on searching for US persons in secret, with a little help from Congressional intelligence committees. Still, the **real hurdle** remains in the Senate, where these strengthened provisions will still have to be adopted and passed on to Obama's desk if they have any chance of having an affect. **That is still a long shot**, but the **pressure's not going away**.

The encryption debate will be heated in Congress

Uchill 15 - Joe Uchill is a staff writer for Christian Science Monitor. ("Both sides of data encryption debate face off in Congress," http://www.csmonitor.com/World/Passcode/2015/0430/Both-sides-of-data-encryption-debate-face-off-in-Congress 4/30/2015) STRYKER

The **debate** over whether more robust encryption technology on devices such as Apple's iPhone will hamper law enforcement efforts **erupted in Congress** on Wednesday. Some of the **strongest voices** in favor of tougher encryption **faced off against law enforcement** officials, who say those kinds of technologies could impede investigators trying to obtain data needed to fight violent crime, at a hearing of the House Subcommittee on Information Technology. "As technology continues to evolve and encryption capabilities become a part of everyday life for all Americans, **this debate will only grow larger**," said subcommittee chairman Rep. Will Hurd (R) of Texas, who helped build a cybersecurity company before he was elected to Congress and appeared deeply skeptical of law enforcement's position during the hearing. "I believe we can find a way to protect the privacy of law-abiding citizens and ensure that law enforcement have the tools they need to catch the bad guys." Both Google and Apple have said they would begin offering encryption by default on their mobile operating systems, meaning phones out of the box would store data in a format that hackers – or the government – would have more trouble accessing. Those changes led the heads of the Federal Bureau of Investigation, National Security Agency, and Department of Homeland Security to express strong concerns that their agencies would face potentially harmful barriers to accessing data on cellphones even with a warrant. As a result, law enforcement and national security officials have called for tech companies to allow access to protected files – something known in cryptography as a "back door."

Encryption interests on both sides are unwilling to back down

Scola 14 - Nancy Scola is a reporter for the Washington Post. ("FBI Director Comey calls on Congress to stop unlockable encryption. Good luck with that." http://www.washingtonpost.com/blogs/the-switch/wp/2014/10/17/fbi-director-comey-calls-on-congress-to-stop-unlockable-encryption-good-luck-with-that/ 10/17/2014) STRYKER

FBI Director James Comey is urging Congress to take up the topic of encryption -- setting up a potentially **historic debate** on Capitol Hill over whether U.S. tech firms can be required to bake into their technology ways for law enforcement to legally access users' e-mails, texts and other digital communications. In remarks at the Brookings Institution on Thursday, Comey used the phrase "going dark" to describe the decisions by companies like Apple and Google to encrypt by default more and more of their services. (Comey recalled his response when he learned of those decisions: "Holy cow.") The problem, Comey argued, is that the process locks away for good some data that could be useful to law enforcement as it fights crime. The argument against that notion? That any time you create a means of access for law enforcement -- what Comey called a "front door" that the FBI can use "with clarity and

transparency" -- it increases the chances that those with ill-intentions can get at that same data. It's a **complicated dynamic**, and Comey appeared eager to punt the **confusion over to Congress**. He called for the House and Senate to begin rethinking the Communications Assistance for Law Enforcement Act, better known as CALEA, which empowers the FBI to access electronic communications. The 20-year old law, Comey argued, should require companies big and small to build into their systems "lawful intercept capabilities" that aren't stymied by encryption. One serious hiccup, though, is that plopping itself between domestic law enforcement and the increasingly politically powerful and culturally celebrated tech sector -- one largely embodied by Google and Apple -- **isn't something that Congress is eager to do**. Asked for comment on Comey's call for CALEA reconsideration, a spokesperson for Sen. Patrick Leahy (D-Vt.), the powerful chairman of the Senate Judiciary Committee, shot back nearly immediately: "Right now, Senator Leahy's top focus is passing the USA Freedome Act in November." (That bill is aimed at restricting the investigative powers of the National Security Agency and others in the intelligence sector, not domestic law enforcement.) Leahy's Republican counterpart, ranking member Sen. Charles Grassley of Iowa, noted in a statement that, "Director Comey acknowledged that it's a delicate balancing act." He is, the senator added, "reviewing this issue carefully." Google, though, was more forceful in its take on the day's events. "Encryption is simply the 21st century method of protecting personal documents," a company spokesperson said in a statement, "and we intend to provide this added security to our users while giving law enforcement appropriate access when presented with a warrant." (Apple did not respond to a request for comment on Comey's remarks.) Tech giants like Google recognize that their user bases outside the United States are growing and are central to their future prospects. They're not eager, as one audience member described it to Comey during the Brookings talk, to be seen selling an "NSA/FBI-ready iPhone" in Europe and other parts of the world. "I don't think I'd market it as "FBI/NSA-ready," the FBI director responded. That global footprint and the public cachet of Google, Apple and fellow American tech giants, indeed makes this debate different than the crypto wars of the past, says professor Lance J. Hoffman, director of George Washington University's Cyber Security Policy and Research Institute. But still, we've largely been here before, noted the author of a book on government-directed digital access called "Building in Big Brother," published in 1995. "It's the same issues," Hoffman said. "They haven't changed. It's a classic equation." And so, at Brookings, Hoffman called on Comey to finally start a public conversation around the cost-benefit analysis of forced de-encryption, taking into consideration all the factors that make the 2014 version of the debate unique -- from Edward Snowden to the impact on cloud-computing companies around the world. It won't be easy, Hoffman admitted. "It's hard to put a value on intangibles." And Thursday's session with Comey made crystal clear why the FBI is eager to have lawmakers be the ones to wrestle with the nitty-gritty of encryption: It's complicated. Again and again, Comey was asked how companies would build in access to encrypted systems that only allows that access under legal circumstances. Again and again, Comey insisted that he didn't know yet. "I'm not smart enough technically to figure out how that might work," Comey said at one point. And at another, "I haven't gamed this out completely." Comey, though, is eager for those on Capitol Hill to do the figuring. "I totally understand the market imperative" of decisions like those of Apple and Google to offer customers encryption by default, he said, adding for emphasis, "I get it." But, he said, Congress has to decide that "we as a society are willing to have American companies take that hit." That's far easier, though, for the FBI director to say than for Congress to mandate. And so Capitol Hill is going to likely find itself **stuck between the FBI and Google**. And **neither looks ready to back down**.

Intelligence Lobby

Concerted government push against SDA

Geller 15 - Eric Geller is the Deputy Morning Editor at The Daily Dot. ("Ron Wyden, the Internet's senator," http://www.dailydot.com/politics/ron-wyden-profile-senate-privacy-surveillance-reform/ 3/24/2015) STRYKER

Lofgren and Wyden also worked together on the Secure Data Act in response to comments by senior intelligence officials that companies should make it easier for the government to gather data from their products. Federal Bureau of Investigation Director James Comey has been the leading face of this **concerted government push** against device and file encryption, using issues like child molestation to make the case for special government access to cellphones, hard drives, and email accounts. "Justice may be denied because of a locked phone or an encrypted hard drive," Comey told an audience at the Brookings Institute in October 2014. As part of his push for more access to encrypted devices and services, Comey has singled out Apple and Google for adding automatic encryption to their mobile operating systems that even the companies themselves cannot break. In an interview with CBS News, Comey warned that these companies were putting their customers "beyond the law." Comey's crusade against encryption is part of a **broader government campaign against encryption**, one that Wyden and Lofgren say could leave consumers vulnerable to foreign powers and rogue hacker groups.

AT//Bipartisan

SDA drains political capital *regardless* of support

Wicklander 15 - Carl Wicklander is a 2006 graduate of Concordia University - Nebraska and is a student of history, politics, philosophy, and religion. ("Bipartisan Secure Data Act Has Votes to Pass House, But Will Lawmakers Drag Their Feet?" http://ivn.us/2015/02/09/bipartisan-secure-data-act-votes-pass-house-will-lawmakers-drag-feet/ 2/9/2015) STRYKER

In a press release, U.S. Reps. Thomas Massie (R-Ky.), James Sensenbrenner (R-Wis.), and Zoe Lofgren (D-Calif.) announced that the purpose of the Secure Data Act of 2015 is not to restrict the ability of intelligence agencies to collect data in general. However, they do intend to re-assert the role of Congress in regulating these activities: "Congress has allowed the Administration's surveillance authorities to go unchecked by failing to enact adequate reform. . . . With threats to our homeland ever prevalent, we should not tie the hands of the intelligence community. But unwarranted, backdoor surveillance is indefensible. The Secure Data Act is an important step in rebuilding public trust in our intelligence agencies and striking the appropriate balance between national security and civil liberty." The bill is an attempt to specifically guard against backdoor searches, including those where "identifiers" such as phone numbers and e-mail addresses known to belong to Americans are employed to conduct the searches. For years, privacy advocates have denounced these types of searches as a way to skirt the law. According to the Register, a UK-based tech site, "Under the proposed Secure Data Act, developers cannot be forced to insert security holes into devices and code." An ACLU lawyer quoted in the story said that the previous bill's success might indicate "that at least in the House they know how important it is to secure encryption efforts." Massie, Lofgren, and Sensenbrenner tried to pass a similar version of the Secure Data Act near the end of the 113th Congress. The legislation passed with broad support, 293-123, but was not included in the omnibus bill that passed at the end of the session. A Senate version of the Secure Data Act was introduced by Oregon U.S. Sen. Ron Wyden (D) in January. His bill is still waiting to move through the Senate Committee on Commerce, Science and Transportation. Regaining the people's trust may be one of the harder obstacles when it comes to regulations on spying and surveillance. Polls have consistently shown that Americans do not approve of the current methods of surveillance and data collection. Previous bills have passed Congress seeking to limit the power and authority of agencies like the National Security Agency. However, the final products were **severely watered down** versions of the initial legislation. **Even extensively supported bills** such as the previous Secure Data Act **failed to get anywhere in both chambers of Congress**.

Social Movement Wake

Case

Counternarrative Turn

Discursive archeology re-entrenches domination- empirics prove

Hernando '13 [Dr. Almudena Hernando Gonzalo, Associate Professor at the Department of Prehistory of the Complutense University of Madrid, her work focuses on archeological theory, "Change, individuality and reason, or how Archaeology has legitimized a patriarchal modernity," http://www.academia.edu/3984983/Change_individuality_and_reason_or_how_archaeology_has_legitimized_a_patriarchal_modernity._In_A._Gonzalez-Ruibal_ed._Reclaiming_Archaeology._Beyond_the_tropes_of_Modernity._Routledge_London_pp._155-67._2013]

In terms of legitimation procedures, archaeology as a discourse was actually not much different from myth. Mythological discourses project the group's social order onto sacred levels of agency, and then turn this relation of analogy on its head, interpreting that the group's survival as the¶ elect ¶ , the¶ chosen ones¶, is precisely confirmed and ¶ guaranteed by its resemblance to that supernatural sphere. In similar fashion modern archaeology - influenced by positivist and evolutionist paradigms - constructs the past through a projection of those elements of present day society it aims at legitimating: ignoring all other factors, the past is selectively scanned for evidence of change, power, individuality, rationality or technology, and the obvious conclusion is then triumphantly established: our (western) culture has developed all those characteristics far beyond and in advance of all others, which means it stands a far greater chance of succeeding(surviving). This discursive operation was typical of historicist and processual archaeology: it was taken for granted that no other logic but our own could preside any viable human interaction with the world. Consequently, the worldviews of present-days scholars were straightforwardly and unquestioningly projected onto other times and cultures, churning out veritable exercises in ethnocentric evolutionism that demoted all human groups in previous ages (and by the same token, also those societies with a similar level of technology in present times) to the status of mere precedents or harbingers of all that our own advanced, fully mature culture has achieved (Trigger 1984; McNiven and Russell 2005; Hernando 2006). Although postprocessual archaeology rejected the ethnocentric bias, along with positivism and evolutionism. the deep structures underpinning the discourse of archaeology remained, however, unchanged in most cases: as a discourse, it was now legitimating postmodernism's ontology of the present, which was based on the transcendental subject. Particular subjects and their differences became the aspect of the past to be scanned for (Hodder 2003: cap. 9), and individuality as a mode of personhood was hypostatized into universality (Knapp and Meskell 1997; Knapp and VanDommelen 2008; Machin 2009). Unsatisfied with the modernist subject presented by archaeology, some researchers shifted their attention to issues such as 'things' (Olsen2010), but many archaeologists (including historicist, processual and post-processual) kept producing the same kind of narratives centred on change, conflict, power, individuality, personal subjectivity, technology or rationality. Factors such as stability, recurrence, relational identity, bonding and emotion were deemed of secondary relevance or not relevant at all. Thus even when the present-day bearers of these values were taken into account (such as women and indigenous peoples), and indeed post- processual archaeologists were the first to pay attention to them, they were frequently pictured through the same modernist lens emphasizing power, change and individuality (Montón-Subías and Sánchez-Romero, 2008; McNiven and Russell 2005; Atalay 2006;C. Gnecco and A. Haber, both in this volume).

Aff Fails – Too Individualized

Their counterhegemonic storytelling method fails in the context of surveillance because it is too individualized – this just allows the dominant system to adapt and maintain control

Monahan in 6 - Associate Professor of Human and Organizational Development and Medicine at Vanderbilt University. Member of the International Surveillance Studies Network <Torin. "Counter-surveillance as Political Intervention?" SOCIAL SEMIOTICS VOLUME 16 NUMBER 4 (DECEMBER 2006) Pgs 515-531>

Another example of the dance of surveillance and counter-surveillance can be witnessed in the confrontations occurring at globalization protests throughout the world. Activists have been quite savvy in videotaping and photographing police and security forces as a technique not only for deterring abuse, but also for documenting and disseminating any instances of excessive force. According to accounts by World Trade Organization protesters, the police, in turn, now zero-in on individuals with video recorders and arrest them (or confiscate their equipment) as a first line of defense in what has become a war over the control of media representations (Fernandez 2005). Similarly, vibrant Independent Media Centers are now routinely set up at protest locations, allowing activists to produce and edit video, audio, photographic, and textual news stories and then disseminate them over the Internet, serving as an outlet for alternative interpretations of the issues under protest (Breyman 2003). As was witnessed in the beating of independent media personnel and destruction of an Indymedia center by police during the 2001 G8 protests in Genoa, Italy (Independent Media Center Network 2001; Juris 2005), those with institutional interests and power are learning to infiltrate ''subversive'' counter-surveillance collectives and vitiate their potential for destabilizing the dominant system. A final telling example of the learning potential of institutions was the subsequent 2002 G8 meeting held in Kananaskis, which is a remote and difficult to access mountain resort in Alberta, Canada. Rather than contend with widespread public protests and a potential repeat of the police violence in Genoa (marked by the close-range shooting and death of a protester), the mountain meeting exerted the most extreme control over the limited avenues available for public participation: both reporters and members of the public were excluded, and a ''no-fly-zone'' was enforced around the resort. It could be that grassroots publicizing of protests (through Indymedia, for example) are ultimately more effective than individualized counter-surveillance because they are **collective activities geared toward institutional change**. While the removal of the 2002 G8 meetings to a publicly inaccessible location was a response to previous experiences with protestors and their publicity machines, this choice of location served a symbolic function of revealing the exclusionary elitism of these organizations, thereby calling their legitimacy into question. So, whereas mainstream news outlets seldom lend any sympathetic ink or air time to anti-globalization protests, many of them did comment on the overt mechanisms of public exclusion displayed by the 2002 G8 meeting (CNN.com 2002; Rowland 2002; Sanger 2002).

Counternarratives Fail

Their form of counternarrative fails because it simply critiques the existing dominant narratives without replacing it with an alternative – ensures that their method will fail to stop violence

Tramblay in 10 <Jessika. " STORIES THAT HAVEN'T CHANGED THE WORLD: NARRATIVES AND COUNTERNARRATIVES IN THE CONTEMPORARY DEVELOPMENT COMMUNITY" PlatForum Vol. 11 (2010) Pgs 90-104>

This leads me to a brief but crucial discussion of Roe's analytical framework for understanding rural development programs, as I will be applying it to a number of development alternatives proposed in recent years. Roe proposes that the key to successful development requires a "politics of complexity" that is non-existent in the crisis scenarios or narratives that have guided policy to date (1999:4). Roe explains that when faced with highly complex and uncertain development scenarios, practitioners are often obliged to come up with a narrative or story that will stabilize policy-making. Evidence is often conflicting, contradictory, or sparse in these situations, which complicates decision-making. Crisis scenarios emerge as a solution to these conditions when they ignore the complexity of a situation and simplify the factors to make way for quick and (apparently) easy solutions. The desertification scenario, for example, proposes the "insidious, spreading process that is turning many of the world's marginal fields and pastures into barren wastelands" (Roe 1999:4-5). Where the development community has insisted for years that desertification is a major threat on the African continent, and that the problem is worsening each year, more recent studies suggest there is no evidence to support the claim. So why do we continue to act as if desertification is a major priority? Crisis scenarios and other narratives of the sort persist because

no alternatives have emerged to replace them. Roe explains that **simply criticizing the narrative by appealing to empirical evidence does nothing for policy;** what is needed is a counternarrative, or a "rival hypothesis or set of hypotheses that could plausibly reverse what appears to be the case, where the reversal in question, even if it proved factually not to be the case, nonetheless provides a possible policy option for future attention because of its very plausibility" (1999:9). If we follow Roe, then, in his application of literary theory to extremely difficult public policy issues such as development, it becomes evident that what is needed is not only a fastidious critique of the existing development narratives, but an alternative narrative that can act as a plausible solution to the repeated failures of previous development approaches (1994:1). Let me take it one step further in suggesting that a simple alt ernative is not sufficient in this sense; what is necessary is an alternative that breaks far enough away from the norm to escape the oft invisible and pernicious premises from which these narratives have sprung. And this is where my argument comes in: Sen and Easterly, in my view, have actually developed the counternarratives to which other authors have laid claim.

Aff = Academic Colonialism

Their reading of the aff and asking for the ballot reproduces the commodification of the lives of the oppressed by exploiting them and colonizing the work of subjugated communities

Thompson in 3 <Audrey. "Tiffany, friend of people of color: White investments in antiracism" QUALITATIVE STUDIES IN EDUCATION, 2003, VOL. 16, NO. 1, 7–29>

Indeed, Collins finds it suspicious that black feminism is "so well received by White women."20 Such suspicions are prompted by the history of whites' appropriation of black and brown bodies, words, songs, and symbols. As Nell Irvin Painter observes, white women have long taken up black women's texts and voices for our own activist purposes – profiting much more from the commodification of black voices than have the black women invoked in the white texts. Whereas Sojourner Truth had to sell photographic cartes de visite for 33 cents apiece to support her abolitionist work, Harriet Beecher Stowe earned money by writing about Truth and other African Americans.21 Tapping "a marketable subject" in an era when "material on the Negro was very much in demand," Stowe – who had already made a fortune from Uncle Tom's Cabin but found herself in need of further funds – "min[ed] the vein that had produced her black characters in Uncle Tom's Cabin." Writing for the prestigious Atlantic Monthly, Stowe "made Truth into a quaint and innocent exotic who disdained feminism."22 Later, in a reversal of her symbolic fortunes, Truth was appropriated for white feminist purposes. In the white feminist reform literature, Sojourner Truth became a suffragist more than an abolitionist symbol, famous mostly for having said "and ar'n't I a woman?" – a line that Frances Dana Gage, a white woman, composed and attributed to Truth.23 Like Stowe and Gage, white academics who take up the texts (and lives and projects) of people of color for progressive purposes **risk exploiting them for our own insufficiently examined ends**. Writing an open letter to Mary Daly in 1979, Audre Lorde told her, "The history of white women who are unable to hear Black women's words, or to maintain dialogue with us, is long and discouraging."24 Rather than "ever really read the work of Black women" and other women of color, white feminists tend to "finger through [such work] for quotations" that they think will "support an already-conceived idea concerning some old and distorted connection between us."25 The question Lorde asked Daly might be asked of white feminists and white progressives in general: "Have you read my work, and the work of other Black women, for what it could give you? Or did you hunt through only to find words that would legitimize your" own claims about race and racism?26 When white scholars strategically quote material by scholars of color to "support an already-conceived idea," we **colonize the work of the Other to enrich our writing and enhance our authority**. Like Stowe, we mine the lives and writings of people of color **to produce a more marketable commodity**.27 Indeed, even when we are true to the work we study, whites may profit in ways wholly out of proportion to our historical contribution to the field. Long before the academy began to accept whiteness as a distinctive area of research, it had been the subject of countless works of theory, fiction, art, and journalism by people of color. Although some of the contemporary scholarship on whiteness by white authors recognizes our indebtedness to classic and pathbreaking work by James Baldwin, Vine Deloria, Toni Morrison, and others, whiteness theory nevertheless seems to be "ours." **The very acknowledgement of our racism and privilege can be turned to our advantage.**

Aff Commodifies Suffering

The aff relies on images of suffering which become commodified for the ballot – this destroys personal identity, value to life and obscures other forms of oppression like capitalism and hegemony

Ticktin 99 <Miriam. "Selling Suffering in The Courtroom and Marketplace:An Analysis of the Autobiography of Kiranjit Ahluwalia" [PoLAR: Vol. 22, No. 1. Pgs 24-28>

Such a double bind is part of the dilemma of the transition to a more just society. How is one to act in the world, short of putting all one's energies toward revolution? How was Kiranjit supposed to act in her situation of abuse, and then in court, faced with a charge of life imprisonment? Such a double bind exists for many Asians in Britain. Already fighting poverty, racism and oppression, should they not have the ability to fight discrimination and violence by selling images, including those of suffering, on the market, counteracting other derogatory images? I want first to discuss what Radin describes as the key elements of personhood: freedom, identity, and contextuality. Next, I will relate these to Circle of Light to ask if alienating suffering in thiscontext diminishes the possibility for human flourishing. It must be noted that of course thereis no formula for what is "personal" or what ultimately constitutes personhood; as Radin herself remarks, a moral judgment is required in each case (1987:1908).7Radin asserts that freedom must be understood in relation to the contextuality aspect ofpersonhood. In other words, contextuality implies that physical and social context are integralto personal individuation and self-development; thus, self-development in accordance withone's own will (freedom) requires one to will certain interactions with the physical and socialcontext. Commodification undermines personal identity by conceiving of personal attributes, relationships, and moral commitments as monetizable and alienable from the self: examples of these are one's politics, religion, family, experiences, or sexuality. These are things and people that are at once part of one's surroundings and integral to the self. Radin argues that **to think that people's experiences or moral commitments could be fungible and commensurate with those of another, or that a person without her moral commitments is still the same person, "is to do violence to our deepest understanding of what it is to be human"** (Radin 1987:1906). If these are commodified, human flourishing is diminished, degrading the person. To answer if Circle of Light alienates aspects integral to personhood by commodifying Kiranjit's suffering, we can examine how freedom, identity and contextualization are affected in this particular case. Radin suggests that for non ideal circumstances, the double bind of market-inalienability just discussed can be solved by incomplete commodification, or degrees ofcommodification determined by each specific case. We must begin by noting that suffering isalready commoditized in many circumstances; people receive damages for pain and suffering.Media and news reporting sell the suffering associated with war and with famine in magazines,on cable television.8 How is suffering different in this case? In what capacity is it a contestedcommodity? Who is benefiting, and who is being disempowered by the commoditization?In the case of Circle of Light, I have argued that the narratives of dominance (legal and market)occupy the subjects in very specific ways, shaping them and their stories. The subjects -Kiranjit, battered women, and South Asian women - each get silenced at points, and silence each other at other points. The question is, have their experiences of suffering been altered in such a way as to lead to a degradation of personhood? Are their identities, contexts and freedombeing violated through the objectification and transformation of suffering in the book? First, I want to point out some of the contradictions in Circle of Light that let the subjects speak beyond the dominant narratives, and then I will explore whether the commodification of suffering in the book leads to empowerment or not. Circle of Light describes Kiranjit's life, but it also relates how she became a legal subject. Theprocess of "reconstructing" her is not hidden; SBS makes it clear in the "SBS story." If we readtheir construction of the process, sometimes pushing beyond it, we can see the conflicts betweensubjects (Kiranjit, SBS, Rahila Gupta) that permeate the text. As such, the book constructs split and contradictory subjects, not fully captured by either of the dominant narratives. For instance, Kiranjit's resistance to telling her story comes out in several places. In one example,a woman from SBS named Pragna was working with Kiranjit to get her information straight forthe appeal - trying to get "the truth." She admits that she was skeptical of Kiranjit. The SBSstory reveals that "trying to uncover the truth was to become almost an end in itself for Pragna,amounting to obsession" (p.347). Kiranjit's lack of acquiescence is implied in the text, in thephrase, "[Pragna] cited an example of her problems with Kiranjit." Similarly, Pragna claimsthat "[Kiranjit] was giving me contradictory statements..." (p.347). After her release, at thecelebration, the SBS story recounts how Pragna asked Kiranjit if she had told her the wholetruth. "Kiranjit laughed. 'Do you really want to know?' she said. It was partly tease and partlywarning" (p.322). Finally, in the writing up of the book, Rahila Gupta writes in her introduction how Kiranjit dealt with the power imbalance involved in the writing up process, "she wouldwant to trade information refusing to continue until I had answered a personal question" (p.xvi).These are glimpses of a subject not completely erased, not completely encompassed by largernarratives of the dominant ideology. Similarly, the Southall Black Sisters themselves demonstrate their doubts and concerns in theirhighly self-conscious production of culture and identity. They reveal their initial abhorrence ofthe idea of using a medical defense, but show how eventually they are driven by pragmatics. Inanother example, after deciding to bring culture into the appeal, Pragna had to write a report onviolence in the Asian community. The process of writing it was described as

tortuous: "She hadto tread very carefully in order to describe common aspects of Asian women's experience inthis country without creating a new racial stereotype - the battered Asian woman" (p.374). The question here would be how is the process of construction itself sold, how much is it appropriated by the racialized end product? One could see the process of deliberation adding to the validity of such images - we are urged to think that they did their best to avoid stereotypes, and that therefore the product we now consume is free of prejudice. Finally, Circle of Light contradicts itself in places. For instance, right after describing how thePrincess of Wales advised Kiranjit to write a book, Rani la Gupta writes, "none of us wanted thestory to be sensationalized" (p.xii). The very act of including Diana sensationalizes - there isperhaps no figure in the world who can match her status as a popular icon/commodity; but this demonstrates the contradictions built into this form of representation, **the difficulty of fitting empowering images and identities into narratives that will win criminal court cases and sell books**. Do these contradictions mediate the alienation of suffering, by letting the complexity of experience be seen? In asking this question, it might be argued that I'm missing the most important point of the book: the fact that Kiranjit Ahluwalia was released -that she won hercase. Is that not empowerment? Does it really matter that her experience was altered in court,that her suffering was turned into a commodity through the book? I do not want to make themistake that Spivak warns against - that of confusing darstellung with vertretung. In simpleterms, I realize that this book is an example of darstellung, or speaking about; although itspeaks about the trial, it cannot substitute for vertretung, or speaking for, in the political orlegal sense. In the end, is Kiranjit not free to walk around outside? Does this not alter the wayin which her representation is performed in the book, despite the imperial tropes? Is thatintervention not more material and ultimately more salient than one made by speaking about?Here, I draw on Sherene Razack's work on domestic violence in the context of claims forasylum on the basis of gender persecution, for the problems that she so eloquently names inthat context mirror the ones that I find with this collective self-representation. Razack agreesthat if a story of cultural othering must be told to save a woman from violence, then who can complain if we "fight sexism with racism"? (1995:72). Yet she argues that there are indeed built-in limitations to this practical approach. First, victims must be able to access readily understood racial tropes. What if Asian women were not perceived as passive and weak, inneed of a saviour from Asian men? Razack explores this reality in the context of Asian andAfrican Caribbean women in Canada, and in this same vein, I would hazard a guess that the strategies used for Kiranjit would not work for African immigrants in Britain. Second, if onemust always pathologize one's culture, there need not be a discussion of the conditions inwhich these women live; in other words, there is no need to touch on the reasons for migration,or the subsequent economic vulnerability of many abused women. As Razack states, "the lightneed never be shone on First World complicity" (p.73). Finally, racist constructs operate under the logic that Third World women are to be pitied, and ironically, if women emerge as strong enough to have escaped violent situations, this does not work in their favour. This is clear inKiranjit's case: when she was conceived of as a killer, able to muster the means to escapeabuse, she was convicted; only by turning her into a pitiable battered woman was she released.On a purely practical basis, what do women do who cannot fit their realities into imperialframes? These are the women that are discriminated against. These are the women that thisrepresentation erases. Kiranjit first got a life sentence; this was not a typical sentence given toa woman for killing her husband. As one letter printed in Circle of Light points out, a whitewoman who suffered domestic violence and committed a similar crime got two years probation.It was only when Kiranjit became a subject of a racialized imperial framework that she wasgranted the privilege that other (white) citizens often automatically possess.Yes, she was released. What does this mean for notions of personhood, empowerment, andhuman flourishing? What kind of victory is it? It is a victory, a form of empowerment for her,as an individual - but let us be clear - in a strange twist, it is empowering to her only if we seeher as an abstract individual, devoid of context. In other words, it violates the elements thatRadin describes as integral to personhood. The context in which she both suffered and acted is t**ransformed, reinterpreted; her cultural and historical background are traded in for the empowerment of universal womanhood**. Her identity - intimately connected to the context,and to her multiple commitments and histories as both a gendered, and racialized subject – is therefore also altered. Thus, for other battered Asian and minority women - the other "subjects" of this story - the case of empowerment is unclear. While glimpses of their subjectivities canbe traced in the contradictions of the narratives, we are left with an overwhelming sense thatAsian women cannot be strong and still Asian, in Britain; this forces on them the unacceptable choice of either being pathologized to be empowered, or having their historical specificity, andtheir cultural context, erased.Before I conclude, let me return to my goal in writing this piece: this is an attempt to makeroom for silences, or for that which cannot be easily articulated. My goal has been to show thecomplexity involved in representing suffering in the courtroom and the marketplace, ratherthan to dismiss the political and ethical agendas of the book. I am not criticizing their strategiesbecause I disagree with the overall project of the book; on the contrary, because their project isso important - and because some sort of public depiction of violence is inevitable in campaignsagainst violence - it is essential to examine the broader implications of "selling suffering." **Commodifying one form of suffering meant obscuring others, such as the violence of poverty,racism, and the violence done by Western hegemony**. The legal and market narratives precludedtheir appearance. In this case, I would therefore conclude that suffering be market-inalienable,as the amount that Circle of Light empowers is negligible compared to the ways in which itserves to efface the experience of suffering and of violence endured.

War Turns Structural Violence

Systemic impacts do not cause war but war causes structural violence – prioritize our impacts

Goldstein, American University International Relations Professor, **2001** [Joshua, "War and Gender. How Gender shapes the War System and Vice Versa", p.411-412]

I began this book hoping to contribute in some way to a deeper understanding of war—an understanding that would improve the caches of someday achieving real peace, by deleting war from our human repertoire. In following the thread of gender running through war, I found the deeper understanding I had hoped for - a multidisciplinary and multilevel engagement with the subject. Yet I became somewhat more pessimistic about how quickly or easily war may end. The war system emerges, from the evidence in this book, as relatively ubiquitous and robust. Efforts to change this system must overcome several dilemmas mentioned in this book. First, peace activists face a dilemma in thinking about causes of war and working for peace. Many peace scholars and activists support the approach, "if you want peace, work for justice." Then, if one believes that sexism contributes to war, one can work for gender justice specifically (perhaps among others) in order to pursue peace. This approach brings strategic allies to the peace movement (women, labor, minorities), but rests on the assumption that injustices cause war. The evidence in this book suggests that causality runs at least as strongly the other way. War is not a product of capitalism, imperialism, gender, innate aggression, or any other single cause, although all of these influence wars' outbreaks and outcomes. Rather, war has in part fueled and sustained these and other injustices.9 So, "if you want peace, work for peace." Indeed, if you want justice (gender and others), work for peace. Causality does not run just upward through the levels of analysis, from types of individuals, societies, and governments up to war. It runs downward too. Enloe suggests that changes in attitudes towards war and the military may be the most important way to "reverse women's oppression." The dilemma is that peace work focused on justice brings to the peace movement energy, allies, and moral grounding, yet, in light of this book's evidence, the emphasis on injustice as the main cause of war seems to be empirically inadequate.

Framework

1NC

A – Interpretation

Topical affirmatives must affirm the resolution through instrumental defense of action by the United States Federal Government.

B – Definitions

Should denotes an expectation of enacting a plan

American Heritage Dictionary **2000** (Dictionary.com)

should. The will to do something or have something take place: I shall go out if I feel like it.

Federal government is the central government in Washington DC

Encarta Online 2005,
http://encarta.msn.com/encyclopedia_1741500781_6/United_States_(Government).html#howtocite

United States (Government), the combination of federal, state, and local laws, bodies, and agencies that is responsible for carrying out the operations of the United States. The federal government of the United States is centered in Washington DC.

Resolved implies a policy

Louisiana House 3-8-**2005**, http://house.louisiana.gov/house-glossary.htm

Resolution A legislative instrument that generally is used for making declarations, stating policies, and making decisions where some other form is not required. A bill includes the constitutionally required enacting clause; a resolution uses the term "resolved". Not subject to a time limit for introduction nor to governor's veto. (Const. Art. III, §17(B) and House Rules 8.11 , 13.1 , 6.8 , and 7.4)

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C – Vote neg

1 – Predictability - The resolution proposes the question the negative is prepared to answer. Even if it is good to talk about their 1AC, they must prove we could have logically anticipated it. This question comes prior to the merits of the aff because it implicates our ability to debate.

Ruth Lessl **Shively**, Assoc Prof Polisci at Texas A&M, **2000** *Political Theory and Partisan Politics* p. 181-2

The requirements given thus far are primarily negative. The ambiguists must say "no" to—they must reject and limit—some ideas and actions. In what follows, we will also find that they must say "yes" to some things. In particular, they must say "yes" to the idea of rational persuasion. This means, first, that they must recognize the role of agreement in political contest, or the basic accord that is necessary to discord. The mistake that the ambiguists make here is a common one. The mistake is in thinking that agreement marks the end of contest—that consensus kills debate. But this is true only if the agreement is perfect—if there is nothing at all left to question or contest. In most cases, however, our agreements are highly imperfect. We agree on some matters but not on others, on generalities but not on specifics, on principles but not on their applications, and so on. And this kind of limited agreement is the starting

condition of contest and debate. As John Courtney Murray writes: We hold certain truths; therefore we can argue about them. It seems to have been one of the corruptions of intelligence by positivism to assume that argument ends when agreement is reached. In a basic sense, the reverse is true. There can be no argument except on the premise, and within a context, of agreement. (Murray 1960, 10) In other words, we cannot argue about something if we are not communicating: if we cannot agree on the topic and terms of argument or if we have utterly different ideas about what counts as evidence or good argument. At the very least, we must agree about what it is that is being debated before we can debate it. For instance, one cannot have an argument about euthanasia with someone who thinks euthanasia is a musical group. One cannot successfully stage a sit-in if one's target audience simply thinks everyone is resting or if those doing the sitting have no complaints. Nor can one demonstrate resistance to a policy if no one knows that it is a policy. In other words, contest is meaningless if there is a lack of agreement or communication about what is being contested. Resisters, demonstrators, and debaters must have some shared ideas about the subject and/or the terms of their disagreements. The participants and the target of a sit-in must share an understanding of the complaint at hand. And a demonstrator's audience must know what is being resisted. In short, the contesting of an idea presumes some agreement about what that idea is and how one might go about intelligibly contesting it. In other words, contestation rests on some basic agreement or harmony.

Debate over a clear and specific controversial point of government action creates argumentative stasis – that's a prerequisite to the negative's ability to engage in the conversation — that's critical to deliberation

Steinberg 8, lecturer of communication studies – University of Miami, and Freeley, Boston based attorney who focuses on criminal, personal injury and civil rights law, **'8**

(David L. and Austin J., Argumentation and Debate: Critical Thinking for Reasoned Decision Making p. 45)

Debate is a **means of settling differences**, so there **must be a** difference of opinion or a **conflict of interest** before there can be a debate. **If everyone is in agreement** on a tact or value or policy, there is **no need for debate**: **the matter can be settled by unanimous consent**. Thus, for example, it would be pointless to attempt to debate "Resolved: That two plus two equals four," because there is simply no controversy about this statement. (Controversy is an essential prerequisite of debate. Where there is no clash of ideas, proposals, interests, or expressed positions on issues, **there is no debate**. In addition, debate **cannot produce effective decisions** without **clear identification of a question or questions to be answered**. For example, **general argument may occur about the broad topic of illegal immigration**. How many illegal immigrants are in the United States? What is the impact of illegal immigration and immigrants on our economy? What is their impact on our communities? Do they commit crimes? Do they take jobs from American workers? Do they pay taxes? Do they require social services? Is it a problem that some do not speak English? Is it the responsibility of employers to discourage illegal immigration by not hiring undocumented workers? Should they have the opportunity- to gain citizenship? Docs illegal immigration pose a security threat to our country? Do illegal immigrants do work that American workers are unwilling to do? Are their rights as workers and as human beings at risk due to their status? Are they abused by employers, law enforcement, housing, and businesses? I low are their families impacted by their status? What is the moral and philosophical obligation of a nation state to maintain its borders? Should we build a wall on the Mexican border, establish a national identification can!, or enforce existing laws against employers? Should we invite immigrants to become U.S. citizens? Surely you can think of many more concerns to be addressed by a conversation about the topic area of illegal immigration. Participation in this "debate" is likely to be emotional and intense. However, it is **not likely to be productive or useful without focus on a particular question** and identification of a line **demarcating sides in the controversy**. To be discussed and resolved effectively, **controversies must be stated clearly**. **Vague**

understanding results in **unfocused deliberation** and **poor decisions**, frustration, and emotional distress, as **evidenced by the failure of the United States Congress to make progress on the immigration debate during the summer of 2007**. Someone disturbed by the problem of the growing underclass of poorly educated, socially disenfranchised youths might observe, "Public schools are doing a terrible job! They are overcrowded, and many teachers are poorly qualified in their subject areas. Even the best teachers can do little more than struggle to maintain order in their classrooms." That same concerned citizen, facing a complex range of issues, might arrive at an unhelpful decision, such as "We ought to do something about this" or. worse. "It's too complicated a problem to deal with." Groups of concerned citizens worried about the state of public education could join together to express their frustrations, anger, disillusionment, and emotions regarding the schools, **but without a focus for their discussions**, they could easily agree about the sorry state of education **without finding points of clarity or potential solutions. A gripe session would follow**. But if a **precise question** is posed—such as "What can be done to improve public education?"—then a more **profitable area of discussion** is opened up **simply by placing a focus on the search** for a concrete solution step. One or more judgments can be phrased in the form of debate propositions, motions for parliamentary debate, or bills for legislative assemblies. The statements "Resolved: That the federal government should implement a program of charter schools in at-risk communities" and "Resolved: That the state of Florida should adopt a school voucher program" more clearly identify specific ways of dealing with educational problems in a manageable form, suitable for debate. They provide specific policies to be investigated and aid discussants in identifying points of difference. To have a **productive debate, which facilitates effective decision making** by directing and **placing limits on the decision** to be made, **the basis for argument should be clearly defined**. If we merely talk about "homelessness" or "abortion" or "crime'* or "global warming" we are likely to have an interesting discussion but not to establish profitable basis for argument. For example, **the statement "Resolved: That the pen is mightier than the sword" is debatable, yet fails to provide much basis for clear argumentation**. If we take this statement to mean that the written word is more effective than physical force for some purposes, we can identify a problem area: the comparative effectiveness of writing or physical force for a specific purpose. Although we now have a **general subject**, we have not yet stated a problem. **It is still too broad**, too loosely worded to promote well-organized argument. What sort of writing are we concerned with—poems, novels, government documents, website development, advertising, or what? What does "effectiveness" mean in this context? What kind of physical force is being compared—fists, dueling swords, bazookas, nuclear weapons, or what? A more specific question might be. "Would a mutual defense treaty or a visit by our fleet be more effective in assuring Liurania of our support in a certain crisis?" The basis for argument could be phrased in a **debate proposition** such as "Resolved: That the United States should enter into a mutual defense treatv with Laurania." Negative advocates might oppose this proposition by arguing that fleet maneuvers would be a better solution. **This is not to say that debates should completely avoid creative interpretation** of the controversy by advocates, or **that good debates cannot occur over competing interpretations of the controversy**; in fact, **these sorts of debates may be very engaging**. The point is that debate is best facilitated by the guidance provided by **focus on a particular point of difference**, which will be outlined in the following discussion.

2 - government knowledge – learning about the nuts and bolts of policy are necessary to create political change

Zwarensteyn 12, Ellen, Thesis Submitted to the Graduate Faculty of GRAND VALLEY STATE UNIVERSITY In Partial Fulfillment of the Requirements For the Degree of Masters of Science, “High School Policy Debate as an Enduring Pathway to Political Education: Evaluating Possibilities for Political Learning,” August, http://scholarworks.gvsu.edu/cgi/viewcontent.cgi?article=1034&context=theses

The first trend to emerge concerns how debate fosters in-depth political knowledge. Immediately, every resolution calls for analysis of United States federal government action. Given that each debater may debate in over a hundred different unique rounds, there is a competitive incentive thoroughly research as many

credible, viable, and in-depth strategies as possible. Moreover, the requirement to debate both affirmative and negative sides of the topic **injects a creative necessity** to defend viable arguments from a multitude of perspectives. As a result, the depth of knowledge spans questions not only of what, if anything, should be done in response to a policy question, but also questions of who, when, where, and why. This opens the door to evaluating intricacies of government branch, committee, agency, and even specific persons who may yield different cost-benefit outcomes to conducting policy action. Consider the following responses: I think debate helped me understand how Congress works and policies actually happen which is different than what government classes teach you. Process counterplans are huge - reading and understanding how delegation works means you understand that it is not just congress passes a bill and the president signs. You understand that policies can happen in different methods. Executive orders, congress, and courts counterplans have all helped me understand that policies don't just happen the way we learn in government. There are **huge chunks of processes** that you don't learn about in government that you do learn about in debate. Similarly, Debate has certainly aided [my political knowledge]. The nature of policy-making requires you to be knowledgeable of the political process because process does effect the outcome. Solvency questions, agent counterplans, and politics are tied to process questions. When addressing the overall higher level of awareness of agency interaction and ability to identify pros and cons of various committee, agency, or branch activity, most respondents traced this knowledge to the politics research spanning from their affirmative cases, solvency debates, counterplan ideas, and political disadvantages. One of the recurring topics concerns congressional vs. executive vs. court action and how all of that works. To be good at debate you really do need to have a good grasp of that. There is really something to be said for high school debate - because without debate I wouldn't have gone to the library to read a book about how the Supreme Court works, read it, and be interested in it. Maybe I would've been a lawyer anyway and I would've learned some of that but I can't imagine at 16 or 17 I would've had that desire and have gone to the law library at a local campus to track down a law review that might be important for a case. That aspect of debate in unparalleled - the competitive drive pushes you to find new materials. Similarly, I think [my political knowledge] comes from the politics research that we have to do. You read a lot of names name-dropped in articles. You know who has influence in different parts of congress. You know how different leaders would feel about different policies and how much clout they have. This comes from links and internal links. Overall, competitive debaters must have a **depth of political knowledge** on hand to respond to and formulate numerous arguments. It appears debaters then internalize both the information itself and **the motivation to learn more**. This aids the PEP value of **intellectual pluralism** as debaters seek not only an oversimplified 'both' sides of an issue, but multiple angles of many arguments. Debaters uniquely approach arguments from a multitude of perspectives – often challenging traditional conventions of argument. With knowledge of multiple perspectives, debaters often acknowledge their relative dismay with television news and traditional outlets of news media as superficial outlets for information.

A focus on policy is necessary to learn the pragmatic details of powerful institutions – acting without this knowledge is doomed to fail in the face of policy pros who know what they're talking about

McClean, Adjunct Professor of Philosophy at Molloy College in New York, '1 (David E., "The Cultural Left and the Limits of Social Hope", Conference of the Society for the Advancement of American Philosophy, http://www.americanphilosophy.org/archives/past_conference_programs/pc2001/)

> Or we might take Foucault who, at best, has provided us with what may reasonably be described as a very long and eccentric footnote to Nietzsche (I have once been accused, by a Foucaltian true believer, of "gelding" Foucault with other similar remarks). Foucault, who has provided the Left of the late 1960s through the present with such notions as "governmentality," "Limit," "archeology," "discourse" "power" and "ethics," creating or redefining their meanings, has made it overabundantly clear that all of our moralities and practices are the successors of previous ones which derive from certain configurations of savoir and connaisance arising from or created by, respectively, the discourses of the various scientific schools. But I have not yet found in anything Foucault wrote or said how

such observations may be translated into a political movement or hammered into a political document or theory (let alone public policies) that can be justified or founded on more than an arbitrary aesthetic experimentalism. In fact, Foucault would have shuddered if any one ever did, since he thought that anything as grand as a movement went far beyond what he thought appropriate. This leads me to mildly rehabilitate Habermas, for at least he has been useful in exposing Foucault's shortcomings in this regard, just as he has been useful in exposing the shortcomings of others enamored with the abstractions of various Marxian-Freudian social critiques. Yet for some reason, at least partially explicated in Richard Rorty's Achieving Our Country, a book that I think is long overdue, leftist critics continue to cite and refer to the eccentric and often a priori ruminations of people like those just mentioned, and a litany of others including Derrida, Deleuze, Lyotard, Jameson, and Lacan, who are to me hugely more irrelevant than Habermas in their narrative attempts to suggest policy prescriptions (when they actually do suggest them) aimed at curing the ills of homelessness, poverty, market greed, national belligerence and racism. I would like to suggest that it is time for American social critics who are enamored with this group, those who actually want to be relevant, to recognize that they have a disease, and a disease regarding which I myself must remember to stay faithful to my own twelve step program of recovery. The disease is the need for elaborate theoretical "remedies" wrapped in neological and multi-syllabic jargon. These elaborate theoretical remedies are more "interesting," to be sure, than the pragmatically settled questions about what shape democracy should take in various contexts, or whether private property should be protected by the state, or regarding our basic human nature (described, if not defined (heaven forbid!), in such statements as "We don't like to starve" and "We like to speak our minds without fear of death" and "We like to keep our children safe from poverty"). As Rorty puts it, "When one of today's academic leftists says that some topic has been 'inadequately theorized,' you can be pretty certain that he or she is going to drag in either philosophy of language, or Lacanian psychoanalysis, or some neo-Marxist version of economic determinism. . . . These futile attempts to philosophize one's way into political relevance are a symptom of what happens when a Left retreats from activism and adopts a spectatorial approach to the problems of its country. Disengagement from practice produces theoretical hallucinations"(italics mine).(1) Or as John Dewey put it in his The Need for a Recovery of Philosophy, "I believe that philosophy in America will be lost between chewing a historical cud long since reduced to woody fiber, or an apologetics for lost causes, ... or a scholastic, schematic formalism, unless it can somehow bring to consciousness America's own needs and its own implicit principle of successful action." Those who suffer or have suffered from this disease Rorty refers to as the Cultural Left, which left is juxtaposed to the Political Left that Rorty prefers and prefers for good reason. Another attribute of the Cultural Left is that its members fancy themselves pure culture critics who view the successes of America and the West, rather than some of the barbarous methods for achieving those successes, as mostly evil, and who view anything like national pride as equally evil even when that pride is tempered with the knowledge and admission of the nation's shortcomings. In other words, the Cultural Left, in this country, too often dismiss American society as beyond reform and redemption. And Rorty correctly argues that this is a disastrous conclusion, i.e. disastrous for the Cultural Left. I think it may also be disastrous for our social hopes, as I will explain. Leftist American culture critics might put their considerable talents to better use if they bury some of their cynicism about America's social and political prospects and help forge public and political possibilities in a spirit of determination to, indeed, achieve our country - the country of Jefferson and King; the country of John Dewey and Malcom X; the country of Franklin Roosevelt and Bayard Rustin, and of the later George Wallace and the later Barry Goldwater. To invoke the words of King, and with reference to the American society, the time is always ripe to seize the opportunity to help create the "beloved community," one woven with the thread of agape into a conceptually single yet diverse tapestry that shoots for nothing less than a true intra-American cosmopolitan ethos, one wherein both same sex unions and faith-based initiatives will be able to be part of the same social reality, one wherein business interests and the university are not seen as belonging to two separate galaxies but as part of the same answer to the threat of social and ethical nihilism. We who fancy ourselves philosophers would do well to create from within ourselves and from within our ranks a new kind of public intellectual who has both a hungry theoretical mind and who is yet capable of seeing the need to move past high theory to other important questions that are less bedazzling and "interesting" but more important to the prospect of our flourishing - questions such as "How is it possible to develop a citizenry that cherishes a certain hexis, one which prizes the character of the Samaritan on the road to Jericho almost more than any other?" or "How can we square the political dogma that undergirds the fantasy of a missile defense system with the need to treat America as but one member in a community of nations under a "law of peoples?" The new public philosopher might seek to understand labor law and military and trade theory and doctrine as much as theories of surplus value; the logic of international markets and trade agreements as much as critiques of commodification, and the politics of complexity as much as the politics of power (all of which can still be done from our arm chairs.) This means going down deep into the guts of our quotidian social institutions, into the grimy pragmatic details where

intellectuals are loathe to dwell but where the officers and bureaucrats of those institutions take difficult and often unpleasant, imperfect decisions that affect other peoples' lives, and it means making honest attempts to truly understand how those institutions actually function in the actual world before howling for their overthrow commences. This might help keep us from being slapped down in debates by true policy pros who actually know what they are talking about but who lack awareness of the dogmatic assumptions from which they proceed, and who have not yet found a good reason to listen to jargon-riddled lectures from philosophers and culture critics with their snobish disrespect for the so-called "managerial class."

And this turns the case - unauthorized, invasive surveillance is coded in the law – loose definitions and expansions in government authority are what create injustice which means engaging the state is key

Rackow in 2 - B.A. 1998, Williams College; J.D. Candidate 2003, University of Pennsylva <Sharon. "How the USA Patriot Act Will Permit Governmental Infringement upon the Privacy of

Americans in the Name of "Intelligence" Investigations" University of Pennsylvania Law Review, Vol. 150, No. 5 (May, 2002), pp. 1651-1696>

Section 218 of the USA PATRIOT Act amends FISA ? 1804(a) (7) (B). Now, in an application to the FISC, a federal officer no longer has to demonstrate that "the purpose of the surveillance is to obtain foreign intelligence information,",132 but may obtain surveillance authorization **under the less stringent showing that "a significant purpose of the surveillance is to obtain foreign intelligence information**."'133 This slight alteration in the language of 1804 **is highly significant in that it is extremely likely to increase the types of court ordered investigations** that are carried out in the name of "foreign intelligence investigations" under FISA. Considering the fact that the FISC has only turned down one surveillance application since its inception,134 it becomes even more likely that the court will authorize all forthcoming applications **under this more lenient standard**. The concern raised by this amendment is that under the new broadened scope of ? 1804, both intelligence and law enforcement agents will bring applications for electronic surveillance to the FISC when the primary purpose of the surveillance is an investigation of criminal activities. Thus, the amended FISA will be used as a means to undertake surveillance without demonstrating the heightened standard of probable cause required under Title III for criminal wiretaps. This potential end-run around the Fourth Amendment's probable cause requirement for criminal investigations contradicts the rationale for permitting a lower threshold for obtaining FISA wiretaps. No longer will this lesser standard solely authorize investigations of primarily foreign intelligence activities where the rights of Americans are generally not implicated. Instead, FISA will be employed to approve investigations of predominantly criminal activities, including purely domestic criminal acts-in explicit violation of the Fourth Amendment.135 Now, under section 218 a criminal investigation can be the primary purpose of a FISA investigation, with foreign intelligence information as a secondary, albeit "significant purpose."'36 Senator Leahy recognized that by amending the language of FISA, "the USA ActI37 would make it easier for the FBI to use a FISA wiretap to obtain information where the Government's most important motivation for the wiretap is for use in a criminal prosecution."'38 The Senator further acknowledged that "[t] his is a disturbing and dangerous change in the law."139 Furthermore, as the USA PATRIOT Act's amendment to FISA does not provide a definition of "significant purpose," it is unclear how far the FISC will stretch its interpretation of this phrase to accommodate law enforcement and intelligence agencies in their quest to increase surveillance as a response to the September 11th terrorist attacks. Yet, the consequences of this amendment to FISA go far beyond investigations of the September 11th tragedy. Now, surveillance authority for investigations seeking information primarily

pertaining to purely domestic criminal activities may be granted under FISA with no showing of probable cause that a serious crime has been or will soon be committed.

3 – Switch Side Debate - Switch side policy debates empirically promotes critical thinking and greater knowledge on social issues

Keller, et. al, 01 – Asst. professor School of Social Service Administration U. of Chicago

(Thomas E., James K., and Tracly K., Asst. professor School of Social Service Administration U. of Chicago, professor of Social Work, and doctoral student School of Social Work, "Student debates in policy courses: promoting policy practice skills and knowledge through active learning," Journal of Social Work Education, Spr/Summer 2001, EBSCOhost)

Discussion ¶ The results of the surveys suggest that debates have value as an active learning strategy to enhance student learning. On survey questions and in written comments, students expressed satisfaction with the debates. The majority of students were pleased with the debates as a class assignment. Most indicated that participation in the debates raised the level of their policy skills and knowledge. In addition, the educational value of debates was rated as higher than more traditional assignments. It should be noted, however, that a desire to report favorably on class experiences may have influenced reported satisfaction with the debates (i.e., acquiescence bias). ¶ Student comments supported the view that debates promote critical thinking by **encouraging serious consideration of both sides of a policy issue.** Comments also indicated that the active learning approach had generated more classroom interest and energy than usual. On the other hand, some comments noted how the debates might have detracted from a positive learning experience. ¶ All four hypotheses regarding changes in student-rated knowledge were supported by the analysis. Students reported statistically significant increases in knowledge on topics covered during the course--a result which is reassuring for the instructors. Gains in self-reported knowledge from simply observing debates were equivalent to gains based on traditional forms of instruction. Observing a debate appears comparable to acquiring information through a class lecture or discussion. By contrast, debate participation generated significantly greater increases in self-reported knowledge than were obtained by observing debates or by learning through traditional forms of instruction. This result, which is consistent with the principles of experiential learning, suggests the educational advantage of using debates to engage students in learning. ¶ The findings are noteworthy considering the use of conservative nonparametric statistics on a small sample. However, the results should be interpreted somewhat cautiously due to certain study limitations. First, the dependent variable was self-reported and highly subjective in nature. The study did not contain objective measures of knowledge, and the findings pertain only to students' self-perceptions of their knowledge regarding particular topics. Second, although attrition from pretest to posttest was not associated with the pretest measures, differential attrition related to unmeasured factors, including objective knowledge of the topics, is a potential source of bias. Third, the assumption of independence among cases may be questionable given that students worked closely as members of debate teams. Finally, other plausible explanations for the general increase in knowledge over time, besides taking the class, cannot be ruled out. Nevertheless, the differential improvement in self-rated knowledge in favor of debaters would still be a credible finding, and this was a main objective of the analysis. ¶ Conclusion ¶ The purposes of this article were to examine the potential of student debates for fostering the development of policy practice knowledge and skills, to demonstrate that debates can be effectively incorporated as an in-class assignment in a policy course, and to report findings on the educational value and level of student satisfaction with debates. Based on a review of the literature, the authors' experience conducting debates in a course, and the subsequent evaluation of those debates, the authors believe the development of policy practice skills and the acquisition of substantive knowledge can be advanced through structured student debates in policy-oriented courses. The authors think debates on important policy questions have numerous benefits: prompting students to deal with values and assumptions, encouraging them to investigate and analyze competing alternatives, compelling them to advocate a particular position, and motivating them to articulate a point of view in a persuasive manner. We think engaging in these analytic and persuasive activities **promotes greater knowledge by stimulating active participation in the learning process.** ¶ However, the use of debates in a classroom setting is not without certain drawbacks. Schroeder and Ebert (1983) noted several limitations which were also encountered in this

experience. First, staging debates presents logistical challenges for the instructor. These administrative concerns include creating teams, selecting topics, determining the debate format, and scheduling. Second, the amount of time devoted to the specific topic of a debate can detract from covering a wider scope of course material. Third, although debating encourages the examination of issues from two opposing positions, many policy dilemmas can be approached from several angles. A structured debate does not necessarily foster a multidimensional examination of policy options. Fourth, as in most group projects, some debate team members may have contributed more to the effort than others. Finally, the competitive aspects of debating may polarize the issue. ¶ For those interested in using debates as an instructional technique, the importance of thorough advance planning with respect to the mechanics of conducting the debates must be stressed. Flexibility to make adjustments during the process is equally important. Special attention should be given to debriefing sessions after debates to discuss perceptions of the debate experience, areas of common agreement, and possibilities for policy compromise and consensus. The integration of opposing views into a coherent and purposeful course of action is a central feature of the theoretical framework presented earlier, and students expressed a need for more resolution and closure. For example, one student suggested, "I think it would be more effective to do an active brainstorming/planning session for identifying solutions/alternatives following the debates." ¶ The final word on debates should come from students themselves. In the debriefing session immediately following a debate, one student stated, "I thought the debate was good because it forced me to articulate the position, and that is something we will need to do to be advocates." Another student described how her opinion of debating changed, "When I first heard about this assignment, I really questioned its value. I thought it would be a waste of class time. But I learned so much about family preservation services. I learned more than I ever would have any other way."

External contestation of our personal convictions is critical to ethical decision making – our blindspots about the limits of our knowledge must be tested in order for debate to produce ethical subjects – the aff results in dogmatism

Button, 2011 (Oct 5, Mark E., associate professor of political science at the University of Utah, "Accounting for Blind Spots: From Oedipus to Democratic Epistemology," p.3-5)

A moral blind spot refers to the ineluctable limitations and partialities that are folded into our moral knowledge or beliefs, and therewith, the judgments and actions that human beings make on the basis of that knowledge or belief. A moral blind spot designates the boundaries of moral identity and the limits of human knowing and judging, a limit (of practical reason and moral sentiment) that can be intuited or postulated by moral and political theory, but one whose full dimensions—its span and depth—are not available to our selfconscious perception or articulation, except perhaps a posteriori, Oedipuslike. The problem to which a moral blind spot refers overlaps with but is not identical to substantive moral or political ignorance. Substantive ignorance is a matter about which moral agents are, by and large, capable of self-conscious discernment and critical awareness; we can know and readily admit to the fact that there are numerous branches of knowledge about which we know that we do not presently know, or about which we know that we lack epistemic or practical competence relative to others. Unless we are acting in bad faith or vainly putting on airs from any one of a number of ulterior motives, a certain robust sense of epistemic–cognitive limitation is within most people's self-conscious reach. By contrast, a blind spot is a feature of our moral perception, of ourselves and others, about which we are largely unaware. The social environments and the moral and linguistic traditions in accordance with which we judge and make meaning of the world; **the economic, social, and racial or gendered privileges about which individuals are not always consciously aware;** the self- and group biases that personal introspection do not fully disclose; the partialities, commitments, and attachments that define the contours of our everyday lives as culturally situated moral subjects with an identity: all of these, and more, are the sources of our potential moral blind spots. Since we have diverse motives (both conscious and unconscious) for affirming and extending the elements of this list, individuals and groups also have strong incentives to keep blind spots in place and to avoid or resist a moral and political consideration of their operation and effects on others. The solidity of identity is served by the construction of cultural difference,5 but this sense of solidity is also protected (and partially grounded) in accordance with that which the subject does not (or will not)

"see" or feel. As the above list already indicates, to speak of moral blind spots is to address a basic sociocultural and linguistic condition of human being, but it is also a tragic condition of human existence. Blind spots define us both individually and socially and thus have a powerful influence on judgment and agency, but they also mark our (unselfconscious) moral limitations, for they exist at the periphery of our perception of what objects and relations have moral value for us by virtue of the kind of social and linguistic beings that we are and thus mark the limits of our moral sympathies. Consider the following example drawn from Adam Smith's Theory of Moral Sentiments. An economically impoverished person, according to Smith, "feels that [his poverty] places him out of the sight of mankind," or if other members of society "take any notice of him, they have scarce any fellow-felling with the misery and distress which he suffers."6 And, Smith continues, as "obscurity covers us from the daylight of honor and approbation, to feel that we are taken no notice of, necessarily damps the most agreeable hope, and disappoints the most ardent desire, of human nature." In this example, Smith illuminates a blind spot in the dominant pattern of moral beliefs and affective sentiments among the members of a modern commercial middle class. As Smith explores the full consequences of a distribution of moral sentiments that follows from a condition in which "the great mob of mankind are the admirers and worshippers of wealth and greatness," he highlights the most visible advancements (economic growth), and the largely **hidden ethical costs** (the corruption of moral sympathies for shared humanity) that attend these particular blind spots in perception and moral valuation.7 In accordance with this way of thinking about them, moral blind spots are socially and culturally variable; different subjects or questions will cross into the domain of ethical and political consideration at different stages in the life of a political society or social group, and, largely as a consequence of this broader sociocultural variation, moral blind spots are also subject to modification in the temporal span of an individual subject or group. Significantly, moral blind spots are historically contingent, and while they are recalcitrant, they are not incorrigible (a point to which I will return). The central point to make in regard to the first-order level of experience with moral identity and agency is that blind spots attend and facilitate judgment and action in the way that all forms of partiality and moral identity do by filtering the phenomenal world so as to navigate within its complexities. Yet the constitutive occlusions embedded within moral perception also shape judgment and action in ways that can subvert both **individual and collective well-being.** Surely one of the most illuminating instances of this problematic condition is provided by the example of Oedipus. In turning to Sophocles' Oedipus Tyrannus, we can also introduce the significance that second-order moral blindness has for the life of an individual and a political society.

2NC State Good

Even if engaging in the state isn't perfect it is necessary – withdrawing from institutions allows right wing hawks to take over – the only way to prevent social injustices is by engaging with the institutions that cause or control them in the first place

Mouffe 2009 (Chantal Mouffe is Professor of Political Theory at the Centre for the Study of Democracy, University of Westminster, "The Importance of Engaging the State", *What is Radical Politics Today?*, Edited by Jonathan Pugh, pp. 233-7)

In both Hardt and Negri, and Virno, there is therefore emphasis upon 'critique as withdrawal'. They all call for the development of a non-state public sphere. They call for self-organisation, experimentation, non-representative and extra-parliamentary politics. They see forms of traditional representative politics as inherently oppressive. So they do not seek to engage with them, in order to challenge them. They seek to get rid of them altogether. This disengagement is, for such influential personalities in radical politics today, the key to every political position in the world. The Multitude must recognise imperial sovereignty itself as the enemy and discover adequate means of subverting its power. Whereas in the disciplinary era I spoke about earlier, sabotage was the fundamental form of political resistance, these authors claim that, today, it should be desertion. It is indeed through desertion, through the evacuation of the places of power, that they think that battles against Empire might be won. Desertion and exodus are, for these important thinkers, a powerful form of class struggle against imperial postmodernity. According to Hardt and Negri, and Virno, radical politics in the past was dominated by the notion of 'the people'. This was, according to them, a unity, acting with one will. And this unity is linked to the existence of the state. The Multitude, on the contrary, shuns political unity. It is not representable because it is an active self-organising agent that can never achieve the status of a juridical personage. It can never converge in a general will, because the present globalisation of capital and workers' struggles will not permit this. It is anti-state and anti-popular. Hardt and Negri claim that the Multitude cannot be conceived any more in

terms of a sovereign authority that is representative of the people. They therefore argue that new forms of politics, which are non-representative, are needed. They advocate a withdrawal from existing institutions. This is something which characterises much of radical politics today. **The emphasis is not upon challenging the state. Radical politics today is** often characterised by a mood, a sense and a **feeling, that the state itself is inherently the problem**. Critique as engagement I will now turn to presenting the way I envisage the form of social criticism best suited to radical politics today. I agree with Hardt and Negri that it is important to understand the transition from Fordism to post-Fordism. But I consider that the dynamics of this transition is better apprehended within the framework of the approach outlined in the book Hegemony and Socialist Strategy: Towards a Radical Democratic Politics (Laclau and Mouffe, 2001). What I want to stress is that many factors have contributed to this transition from Fordism to post-Fordism, and that it is necessary to recognise its complex nature. My problem with Hardt and Negri's view is that, by putting so much emphasis on the workers' struggles, they tend to see this transition as if it was driven by one single logic: the workers' resistance to the forces of capitalism in the post-Fordist era. They put too much emphasis upon immaterial labour. In their view, capitalism can only be reactive and they refuse to accept the creative role played both by capital and by labour. To put it another way, they deny the positive role of political struggle. In Hegemony and Socialist Strategy: Towards a Radical Democratic Politics we use the word 'hegemony' to describe the way in which meaning is given to institutions or practices: for example, the way in which a given institution or practice is defined as 'oppressive to women', 'racist' or 'environmentally destructive'. We also point out that every hegemonic order is therefore susceptible to being challenged by counter-hegemonic practices – feminist, anti-racist, environmentalist, for example. This is illustrated by the plethora of new social movements which presently exist **in radical politics today** (Christian, anti-war, counter-globalisation, Muslim, and so on). Clearly not all of these are workers' struggles. In their various ways they have nevertheless attempted to influence and have influenced a new hegemonic order. This means that when we talk about 'the political', we do not lose sight of the ever present possibility of heterogeneity and antagonism within society. There are many different ways of being antagonistic to a dominant order in a heterogeneous society – it need not only refer to the workers' struggles. I submit that it is necessary to introduce this hegemonic dimension when one envisages the transition from Fordism to post-Fordism. This means abandoning the view that a single logic (workers' struggles) is at work in the evolution of the work process; as well as acknowledging the pro-active role played by capital. In order to do this we can find interesting insights in the work of Luc Boltanski and Eve Chiapello who, in their book The New Spirit of Capitalism (2005), bring to light the way in which capitalists manage to use the demands for autonomy of the new movements that developed in the 1960s, harnessing them in the development of the post-Fordist networked economy and transforming them into new forms of control. They use the term 'artistic critique' to refer to how the strategies of the counter-culture (the search for authenticity, the ideal of selfmanagement and the anti-hierarchical exigency) were used to promote the conditions required by the new mode of capitalist regulation, replacing the disciplinary framework characteristic of the Fordist period. From my point of view, what is interesting in this approach is that it shows how an important dimension of the transition from Fordism to post- Fordism involves rearticulating existing discourses and practices in new ways. It allows us to visualise the transition from Fordism to post- Fordism in terms of a hegemonic intervention. To be sure, Boltanski and Chiapello never use this vocabulary, but their analysis is a clear example of what Gramsci called 'hegemony through neutralisation' or 'passive revolution'. This refers to a situation where demands which challenge the hegemonic order are recuperated by the existing system, which is achieved by satisfying them in a way that neutralises their subversive potential. When we apprehend the transition from Fordism to post- Fordism within such a framework, we can understand it as a hegemonic move by capital to re-establish its leading role and restore its challenged legitimacy**. We did not witness a revolution**, in Marx's sense of the term. Rather, there have been many different interventions, challenging dominant hegemonic practices. It is clear that, **once we envisage social reality in terms of 'hegemonic' and 'counter-hegemonic' practices, radical politics is not about withdrawing** completely from existing institutions. Rather, **we have no other choice but to engage with hegemonic**

practices, in order to challenge them. This is crucial; otherwise we will be faced with a chaotic situation. Moreover, if we do not engage with and challenge the existing order, if we instead choose to simply escape the state completely, we leave the door open for others to take control of systems of authority and regulation. Indeed there are many historical (and not so historical) examples of this. **When the Left shows little interest, Right-wing and authoritarian groups are only too happy to take over the state**. The strategy of exodus could be seen as the reformulation of the idea of communism, as it was found in Marx. There are many points in common between the two perspectives. To be sure, for Hardt and Negri it is no longer the proletariat, but the Multitude which is the privileged political subject. But in both cases the state is seen as a monolithic apparatus of domination that cannot be transformed. It has to 'wither away' in order to leave room for a reconciled society beyond law, power and sovereignty. In reality, as I've already noted, others are often perfectly willing to take control. If my approach – supporting new social movements and counterhegemonic practices – has been called 'post-Marxist' by many, it is precisely because I have challenged the very possibility of such a reconciled society. To acknowledge the ever present possibility of antagonism to the existing order implies recognising that heterogeneity cannot be eliminated. As far as politics is concerned, this means the need to envisage it in terms of a hegemonic struggle between conflicting hegemonic projects attempting to incarnate the universal and to define the symbolic parameters of social life. A successful hegemony fixes the meaning of institutions and social practices and defines the 'common sense' through which a given conception of reality is established. However, such a result is always contingent, precarious and susceptible to being challenged by counter-hegemonic interventions. Politics always takes place in a field criss-crossed by antagonisms. **A properly political intervention is always one that engages with a certain aspect of the existing hegemony. It can never be merely oppositiona**l or conceived as desertion, because it aims to challenge the existing order, so that it may reidentify and feel more comfortable with that order. Another important aspect of a hegemonic politics lies in establishing linkages between various demands (such as environmentalists, feminists, anti-racist groups), so as to transform them into claims that will challenge the existing structure of power relations. This is a further reason why critique involves engagement, rather than disengagement. It is clear that the different demands that exist in our societies are often in conflict with each other. This is why they need to be articulated politically, which obviously involves the creation of a collective will, a 'we'. This, in turn, requires the determination of a 'them'. This obvious and simple point is missed by the various advocates of the Multitude. For they seem to believe that the Multitude possesses a natural unity which does not need political articulation. Hardt and Negri see 'the People' as homogeneous and expressed in a unitary general will, rather than divided by different political conflicts. Counter-hegemonic practices, by contrast, do not eliminate differences. Rather, they are what could be called an 'ensemble of differences', all coming together, only at a given moment, against a common adversary. Such as when different groups from many backgrounds come together to protest against a war perpetuated by a state, or when environmentalists, feminists, anti-racists and others come together to challenge dominant models of development and progress. In these cases, **the adversary cannot be defined in broad general terms** like 'Empire', or for that matter 'Capitalism'. **It is instead contingent upon the** particular circumstances in question – the specific states, international institutions or governmental practices that are to be challenged. Put another way, the construction of political demands is dependent upon the specific relations of power that need to be targeted and transformed, in order to create the conditions for a new hegemony. This is clearly not an exodus from politics. It is not 'critique as withdrawal', but 'critique as engagement'. It is a 'war of position' that needs to be launched, often across a range of sites, involving the coming together of a range of interests. This can only be done by establishing links between social movements, political parties and trade unions, for example. The aim is to create a common bond and collective will, engaging with a wide range of sites, and often

institutions, with the aim of transforming them. This, in my view, is how we should conceive the nature of radical politics.

Policy simulation key to creativity and decisionmaking—the detachment and disembodiment the aff criticizes are necessary skills to create meaningful change outside of the debate space

Eijkman 12 <The role of simulations in the authentic learning for national security policy development: Implications for Practice / Dr. Henk Simon Eijkman. [electronic resource] http://nsc.anu.edu.au/test/documents/Sims_in_authentic_learning_report.pdf. Dr Henk Eijkman is currently an independent consultant as well as visiting fellow at the University of New South Wales at the Australian Defence Force Academy and is Visiting Professor of Academic Development, Annasaheb Dange College of Engineering and Technology in India. As a sociologist he developed an active interest in tertiary learning and teaching with a focus on socially inclusive innovation and culture change. He has taught at various institutions in the social sciences and his work as an adult learning specialist has taken him to South Africa, Malaysia, Palestine, and India. He publishes widely in international journals, serves on Conference Committees and editorial boards of edited books and international journal

Policy simulations stimulate Creativity Participation in **policy games** has proved to be a highly effective way of developing new combinations of experience and creativity, which is precisely what innovation requires (Geurts et al. 2007: 548). **Gaming,** whether in analog or digital mode, has the power to stimulate creativity, and is one of the most engaging and liberating ways for making group work productive, challenging and enjoyable. Geurts et al. (2007) cite one instance where, in a National Health Care policy change environment, 'the many parties involved **accepted the** invitation to participate in what was a **revolutionary** and **politically very sensitive experiment precisely because it was a game'** (Geurts et al. 2007: 547). Data from other policy simulations also indicate the uncovering of issues of which participants were not aware, the emergence of new ideas not anticipated, and a perception that policy simulations are also an enjoyable way to formulate strategy (Geurts et al. 2007). Gaming puts the players in an 'experiential learning' situation, where they discover a concrete, realistic and complex initial situation, and the gaming process of going through multiple learning cycles helps them work through the situation as it unfolds. Policy gaming stimulates 'learning how to learn', as in a game, and learning by doing alternates with reflection and discussion. The progression through learning cycles can also be **much faster** than in real-life (Geurts et al. 2007: 548). The bottom line is that problem solving in policy development processes requires creative experimentation. This cannot be primarily taught via 'camp-fire' story telling learning mode but demands hands-on 'veld learning' that allow for safe creative and productive experimentation. This is exactly what good policy simulations provide (De Geus, 1997; Ringland, 2006). In simulations **participants cannot view issues solely from either their own perspective** or that of one dominant stakeholder (Geurts et al. 2007). Policy simulations enable the seeking of Consensus Games are popular because historically people seek and enjoy the tension of competition, positive rivalry and the procedural justice of impartiality in safe and regulated environments. As in games, simulations temporarily remove the participants from their daily routines, political pressures, and the restrictions of real-life protocols. In consensus building, **participants engage in extensive debate** and need to act on a shared set of meanings and beliefs to guide the policy process in the desired direction

State is inevitable and best agent of change – engagement is key

Rorty 98 - (Richard, Professor of Comparative Literature at Stanford, Achieving Our Country)

The cultural Left often seems convinced that the nation-state is obsolete, and that there is therefore no point in attempting to revive national politics. The trouble with this claim is that the government of our nation-state will be, for the foreseeable future, the only agent capable of making any real difference in the amount of selfishness and sadism inflicted on Americans. It is no comfort to

those in danger of being immiserated by globalization to be told that, since national governments are now irrelevant, we must think up a replacement for such governments. The cosmopolitan super-rich do not think any replacements are needed, and they are likely to prevail. Bill Readings was right to say that "the nation-state [has ceased] to be the elemental unit of capitalism," but it remains the entity which makes decisions about social benefits, and thus about social justice. The current leftist habit of taking the long view and looking beyond nationhood to a global polity is as useless as was faith in Marx's philosophy of history, for which it has become a substitute. Both are equally irrelevant to the question of how to prevent the reemergence of hereditary castes, or of how to prevent right-wing populists from taking advantage of resentment at that reemergence. When we think about these latter questions, we begin to realize that one of the essential transformations which the cultural Left will have to undergo is the shedding of its semi-conscious anti-Americanism, which it carried over from the rage of the late Sixties. This Left will have to stop thinking up ever more abstract and abusive names for "the system" and start trying to construct inspiring images of the country. Only by doing so can it begin to form alliances with people outside the academy – and, specifically, with the labor unions. Outside the academy, Americans still want to feel patriotic. They still want to feel part of a nation which can take control of its destiny and make itself a better place. If the Left forms no such alliances, it will never have any effect on the laws of the United States. To form them will require the cultural Left to forget about Baudrillard's account of America as Disneyland – as a country of simulacra—and and to start proposing changes in the laws of a real country, inhabited by real people who are enduring unnecessary suffering, much of which can be cured by governmental action. Nothing would do more to resurrect the American Left than agreement on a concrete political platform, a People's Charter, a list of specific reforms. The existence of such a list – endlessly reprinted and debated, equally familiar to professors and production workers, imprinted on the memory both of professional people and of those who clean the professionals' toilets – might revitalize leftist politics.

2NC Stasis

Policy debate is good for education, the development of empathy, and producing real world engagement from participants. Clear rules, a stable topic, and institutional role playing and simulation are integral to the process. The things you criticize about debate make it a unique exercise in active learning.

Lantis 8 (Jeffrey S. Lantis is Professor in the Department of Political Science and Chair of the International Relations Program at The College of Wooster, "The State of the Active Teaching and Learning Literature", http://www.isacompss.com/info/samples/thestateoftheactiveteachingandlearningliterature_sample.pdf**)**

Simulations, games, and role-play represent a third important set of **active teaching and learning approaches**. Educational objectives include **deepening conceptual understandings of** a particular phenomenon, **sets of interactions, or socio-political processes by using student interaction to bring abstract concepts to life. They provide students with a real or imaginary environment within which to act out a given situation** (Crookall 1995; Kaarbo and Lantis 1997; Kaufman 1998; Jefferson 1999; Flynn 2000; Newmann and Twigg 2000; Thomas 2002; Shellman and Turan 2003; Hobbs and Moreno 2004; Wheeler 2006; Kanner 2007; Raymond and Sorensen 2008). The aim is to **enable students to actively experience, rather than read or hear about, the "constraints and motivations for action (or inaction) experienced by real players**" (Smith and Boyer 1996:691), or **to think about what they might do in a particular situation** that the instructor has dramatized for them. As Sutcliffe (2002:3) emphasizes, "Remote theoretical concepts can be given life by placing them in a situation with which students are familiar." **Such exercises capitalize on the strengths of active learning techniques: creating memorable experiential learning events** that tap into multiple senses and emotions by utilizing visual and verbal stimuli. Early examples of simulations scholarship include works by Harold Guetzkow and colleagues, who created the Inter-Nation Simulation (INS) in the 1950s. This work sparked wider interest in **political simulations as teaching and research tools**. By the 1980s, scholars had accumulated a number of **sophisticated simulations of international politics, with names like "Crisis," "Grand Strategy,"** "ICONS," and "SALT III." More **recent literature on simulations stresses opportunities to reflect dynamics faced in the real world by individual decision makers**, by small groups like the US National Security Council, **or** even global summits organized around **international issues, and provides for a focus on**

contemporary global problems (Lantis et al. 2000; Boyer 2000). Some of the most popular simulations involve modeling international organizations, in particular United Nations and European Union simulations (Van Dyke et al. 2000; McIntosh 2001; Dunn 2002; Zeff 2003; Switky 2004; Chasek 2005). **Simulations may be** employed in one class meeting, through one week, or even over an entire semester. Alternatively, they may be **designed to take place outside of the classroom in** local, national, or international **competitions**. The scholarship on the use of games in international studies sets these approaches apart slightly from simulations. For example, Van Ments (1989:14) argues that **games are structured systems of competitive play with specific defined endpoints or solutions that incorporate** the **material to be learnt. They** are similar to simulations, but **contain specific structures or rules that dictate what it means to "win" the simulated interactions. Games place the participants in positions to make choices that** 10 **affect outcomes**, but do not require that they take on the persona of a real world actor. Examples range from interactive prisoner dilemma exercises to the use of board games in international studies classes (Hart and Simon 1988; Marks 1998; Brauer and Delemeester 2001; Ender 2004; Asal 2005; Ehrhardt 2008) A final subset of this type of approach is the role-play. **Like simulations, roleplay places students within a structured environment and asks them to take on a specific role**. Role-plays differ from simulations in that rather than having their actions prescribed by a set of well-defined preferences or objectives, **role-plays provide more leeway for students to think about how they might act when placed in the position of their slightly less well-defined persona** (Sutcliffe 2002). Role-play allows students to create their own interpretation of the roles because of role-play's less "goal oriented" focus. **The primary aim of** the **role-play is to dramatize for the students the relative positions of the actors involved and**/or **the challenges facing them** (Andrianoff and Levine 2002). This dramatization can be very simple (such as roleplaying a two-person conversation) or complex (such as role-playing numerous actors interconnected within a network). **The reality of the scenario and its proximity to a student's personal experience is** also **flexible**. While few examples of effective roleplay that are clearly distinguished from simulations or games have been published, some **recent work has laid out** some **very useful role-play exercises with clear procedures for use in the international studies classroom** (Syler et al. 1997; Alden 1999; Johnston 2003; Krain and Shadle 2006; Williams 2006; Belloni 2008). Taken as a whole, the applications and procedures for simulations, games, and role-play are well detailed in the active teaching and learning literature. **Experts recommend a set of core considerations that should be taken into account when designing effective simulations** (Winham 1991; Smith and Boyer 1996; Lantis 1998; Shaw 2004; 2006; Asal and Blake 2006; Ellington et al. 2006). These include **building the simulation design around specific educational objectives, carefully selecting the** situation or **topic to be addressed, establishing the needed roles to be played by both students and instructor, providing clear rules, specific instructions and background material, and having debriefing and assessment plans in place** in advance. There are also an increasing number of simulation designs published and disseminated in the discipline, whose procedures can be adopted (or adapted for use) depending upon an instructor's educational objectives (Beriker and Druckman 1996; Lantis 1996; 1998; Lowry 1999; Boyer 2000; Kille 2002; Shaw 2004; Switky and Aviles 2007; Tessman 2007; Kelle 2008). Finally, there is growing attention in this literature to assessment. Scholars have found that **these methods are particularly effective in bridging the gap between academic knowledge and everyday life. Such exercises also lead to enhanced student interest in the topic, the development of empathy, and acquisition and retention of knowledge.**

Competition in debate is good—it encourages education, strong community, and increases quality of work

GILLESPIE AND GORDON 2006 (William and Elizabeth, Kennesaw State University, "Competition, Role-Playing, and Political Science Education," Sep 1, http://www.allacademic.com//meta/p_mla_apa_research_citation/1/5/1/0/0/pages151007/p151007-1.php)

But, for the most part, coaches report that the competitive element enhances learning in several ways. First, many coaches perceive that competition motivates their students to put in the time and do their best work. Some indicate that no other means of motivation is as effective. Engaging in competition allows students to measure their progress. It also provides a goal, raises the stakes of the activity, and provides more rewards. Second, as one coach said, "the activity faithfully recreates many of the dynamics of the adversarial model, and my students report learning a lot." For the goal of substantive learning about how American law functions, especially in litigation, competition is an essential element. Mock trial allows students to experience some of the processes, constraints, and emotions associated with competition in a courtroom. Third, the stress of competition itself helps students gain flexibility and adaptability. Many coaches mention the ability to "think on one's feet" as a skill that students acquire in the fluid environment of a mock trial competition. "Competition enhances the learning experience. The students seem to absorb lessons more quickly and thoroughly under fire," writes one coach. Another writes: "They also learn to adjust and adapt quickly to the different evaluators. That is something they don't get from their regular classes." Fourth, some coaches explain that competing against other schools allows their students to learn by seeing different approaches to the same case. Representative comments along these lines include: "Students get to see what other teams do and learn from those experiences." "[Competition] exposes the students to different techniques and approaches that the other teams use." Fifth, many coaches explain that the competition enhances camaraderie and teamwork among their students. One coach explains that competition "gives a sense of duty to fulfill an obligation to their fellow teammates." "Students learn teamwork in an interactive and dynamic setting," reports another.

2NC Switch Side Debate

Beginning this process with a topical advocacy is essential to effective dialogue – negative strategies are constructed in expectation of refuting a topical advocacy. Failing to present a topical advocacy denies the negative an equal ability to voice their opinion, short-circuiting debate's ability to serve as a dialogue by preventing the neg from effectively informing this process

Galloway, 2007 (Ryan, professor of communication at Samford University, "Dinner and Conversation at the Argumentative Table: Reconceptualizing Debate as an Argumentative Dialogue," Contemporary Argumentation and Debate, Vol. 28 (2007), p.5-7)

Debate as a dialogue sets an argumentative table, where all parties receive a relatively fair opportunity to voice their position. Anything that fails to allow participants to have their position articulated denies one side of the argumentative table a fair hearing. The affirmative side is set by the topic and fairness requirements. While affirmative teams have recently resisted affirming the topic, in fact, the topic selection process is rigorous, taking the relative ground of each topic as its central point of departure. Setting the affirmative reciprocally sets the negative. The negative crafts approaches to the topic consistent with affirmative demands. The negative crafts disadvantages, counter-plans, and critical arguments premised on the arguments that the topic allows for the affirmative team. According to fairness norms, each side sits at a relatively balanced argumentative table. When one side takes more

than its share, competitive equity suffers. However, it also undermines the respect due to the other involved in the dialogue. When one side excludes the other, it fundamentally denies the personhood of the other participant (Ehninger, 1970, p. 110). A pedagogy of debate as dialogue takes this respect as a fundamental component. A desire to be fair is a fundamental condition of a dialogue that takes the form of a demand for equality of voice. Far from being a banal request for links to a disadvantage, fairness is a demand for respect, a demand to be heard, a demand that a voice backed by literally months upon months of preparation, research, and critical thinking not be silenced. Affirmative cases that suspend basic fairness norms operate to exclude particular negative strategies. Unprepared, one side comes to the argumentative table unable to meaningfully participate in a dialogue. They are unable to "understand what 'went on…'" and are left to the whims of time and power (Farrell, 1985, p. 114). Hugh Duncan furthers this line of reasoning: Opponents not only tolerate but honor and respect each other because in doing so they enhance their own chances of thinking better and reaching sound decisions. Opposition is necessary because it sharpens thought in action. We assume that argument, discussion, and talk, among free an informed people who subordinate themselves to rules of discussion, are the best ways to decisions of any kind, because it is only through such discussion that we reach agreement which binds us to a common cause…If we are to be equal…relationships among equals must find expression in many formal and informal institutions (Duncan, 1993, p. 196-197). Debate compensates for the exigencies of the world by offering a framework that maintains equality for the sake of the conversation (Farrell, 1985, p. 114). For example, an affirmative case on the 2007-2008 college topic might defend neither state nor international action in the Middle East, and yet claim to be germane to the topic in some way. The case essentially denies the arguments that state action is oppressive or that actions in the international arena are philosophically or pragmatically suspect. Instead of allowing for the dialogue to be modified by the interchange of the affirmative case and the negative response, the affirmative subverts any meaningful role to the negative team, preventing them from offering effective "counter-word" and undermining the value of a meaningful exchange of speech acts. Germaneness and other substitutes for topical action do not accrue the dialogical benefits of topical advocacy.

It is only through the process of contestation that the truth claims of the 1AC can be verified – you cannot evaluate the affirmative in the absence of an effective process for testing it's epistemic merit

Galloway, 2007 (Ryan, professor of communication at Samford University, "Dinner and Conversation at the Argumentative Table: Reconceptualizing Debate as an Argumentative Dialogue," Contemporary Argumentation and Debate, Vol. 28 (2007), p.7-9)

A Siren's Call: Falsely Presuming Epistemic Benefits In addition to the basic equity norm, dismissing the idea that debaters defend the affirmative side of the topic encourages advocates to falsely value affirmative speech acts in the absence of a negative response. There may be several detrimental consequences that go unrealized in a debate where the affirmative case and plan are not topical. Without ground, debaters may fall prey to a siren's call, a belief that certain critical ideals and concepts are axiological, existing beyond doubt without scrutiny. Bakhtin contends that in dialogical exchanges "the greater the number and weight" of counter-words, the deeper and more substantial our understanding will be (Bakhtin, 1990). The matching of the word to the counter-word should be embraced by proponents of critical activism in the activity, because these dialogical exchanges allow for improvements and modifications in critical arguments. Muir argues that "debate puts students into greater contact with the real world by forcing them to read a great deal of information" (1993, p. 285). He continues, "[t]he constant consumption of material…is significantly constitutive. The information

grounds the issues under discussion, and the process shapes the relationship of the citizen to the public arena" (p. 285). Through the process of comprehensive understanding, debate serves both as a laboratory and a constitutive arena. Ideas find and lose adherents. Ideas that were once considered beneficial are modified, changed, researched again, and sometimes discarded altogether. A central argument for open deliberation is that it encourages a superior consensus to situations where one side is silenced. Christopher Peters contends, "The theory holds that antithesis ultimately produces a better consensus, that the clash of differing, even opposing interests and ideas in the process of decision making…creates decisions that are better for having been subjected to this trial by fire" (1997, p. 336). The combination of a competitive format and the necessity to take points of view that one does not already agree with combines to create a unique educational experience for all participants. Those that eschew the value of such experience by an axiological position short-circuit the benefits of the educational exchange for themselves, their opponents, as well as the judges and observers of such debates. The Devil's Advocate: Advancing Activism by Learning Potential Weaknesses Willingness to argue against what one believes helps the advocate understand the strengths and weaknesses of their own position. It opens the potential for a new synthesis of material that is superior to the first (Dybvig & Iverson, 2000). Serving as a devil's advocate encourages an appreciation for middle ground and nuance (Dell, 1958). Failure to see both sides can lead to high levels of ego involvement and dogmatism (Hicks & Greene, 2000). Survey data confirms these conclusions. Star Muir found that debaters become more tolerant after learning to debate both sides of an issue (Muir, 1993). Such tolerance is predictable since debate is firmly grounded in respect for the other through the creation of a fair dialogue. Ironically, opponents of a debate as dialogue risk falling prey to dogmatism and the requisite failure to respect potential middle grounds. Perceiving the world through the lens of contingency and probability can be beneficial to real-world activism when its goal is creating consensus out of competing interests. The anti-oppression messages of critical teams would benefit from a thorough investigation of such claims, and not merely an untested axiological assumption.

We should play Devil's advocate—failure to present an alternative, worst-case look at their ideas only silences dissent, makes them hard to implement, and allows flaws to slip through

CHANDRA 2008 (Sarvajeet, Managing Partner in Master Sun Consulting, MBA in Marketing Communications from MICA, Ahmedabad. He is a mechanical engineer from MS University, "Role of Strategy Execution Team - Be a Devil's Advocate, Bad News Messenger," Dec 17, http://ezinearticles.com/?Role-of-Strategy-Execution-Team---Be-a-Devils-Advocate,-Bad-News-Messenger&id=1797944)

Become a Devil's Advocate to a Specific Strategy and look at the What Will Go Wrong We are all over-confident and over-optimistic beings. While that has spurred us on as a civilization, this over-confidence gets translated into strategic choices or strategic plans that we make. Most of us tend to believe in the veracity of our ideas, tenacity of our plans and our destiny to win (regardless of market condition and competitive activity) It is the job of the execution team therefore to assume the role of a Devil's advocate. It is the job of the execution team to do so, since they have to drive the execution. They have to question the unrealistically precise estimates of time, resources and targets. They have to imagine a worst case scenario (most strategists do not come up with very gloomy worst case scenarios). Someone has to be given the role of challenging the false consensus or group-think that may have cause the dissenters to stay quiet. The execution team has to confront and ensure that worst case scenarios is put on the table. This will help the strategy become more 'implementable', give the strategic plan more flexibility and force the strategists to become more realistic. However for this to happen the management must encourage the culture of challenge and recognize the role of the strategy execution team as a ' Devil's Advocate'

2NC T-Versions

A topical version of the aff could be to impose tougher restrictions and definitions on fusion centers, which have too little oversight and too much flexibility in the status quo allowing for surveillance of people based on race, religion or ideological association

Monahan in 11 - Associate Professor of Human and Organizational Development and Medicine at Vanderbilt University. Member of the International Surveillance Studies Network <Torin. "The Future of Security? Surveillance Operations at Homeland Security Fusion Centers" Social Justice Vol. 37, Nos. 2–3 (2010–2011) Pgs 84-94>

**fusion center = center established for information sharing purposes between agencies such as the CIA, FBI, U.S. Military and state/local governments

Given the secretive nature of fusion centers, including their resistance to freedom of information requests (German and Stanley, 2008; Stokes, 2008), the primary way in which the public has learned about their activities is through leaked or unintentionally disseminated documents. For instance, a "terrorism threat assessment" produced by Virginia's fusion center surfaced in 2009 and sparked outrage because it identified students at colleges and universities—especially at historically black universities—as posing a potential terrorist threat (Sizemore, 2009). In the report, universities were targeted because of their diversity, which is seen as threatening because it might inspire "radicalization." The report says: "Richmond's history as the capital city of the Confederacy, combined with the city's current demographic concentration of African-American residents, contributes to the continued presence of race-based extremist groups...[and student groups] are recognized as a radicalization node for almost every type of extremist group" (Virginia Fusion Center, 2009: 9). Although the American Civil Liberties Union (ACLU) and others have rightly decried the racial-profiling implications of such biased claims being codified in an official document, the report itself supports the interpretation that minority students will be and probably have been targeted for surveillance. The report argues: "In order to detect and deter terrorist attacks, it is essential that information regarding suspected terrorists and suspicious activity in Virginia be closely monitored and reported in a timely manner" (Ibid: 4). Other groups identified as potential threats by the Virginia fusion center were environmentalists, militia members, and students at Regent University, the Christian university founded by evangelical preacher Pat Robertson (Sizemore, 2009). Another threat-assessment report, compiled by the Missouri Information Analysis Center (MIAC), found "the modern militia movement" to be worthy of Homeland Security Fusion Centers 89 focused investigation. The 2009 report predicted a resurgence in right-wing militia activities because of high levels of unemployment and anger at the election of the nation's first black president, Barack Obama, who many right-wing militia members might view as illegitimate and/or in favor of stronger gun-control laws (Missouri Information Analysis Center, 2009). The greatest stir caused by the report was its claim that "militia members most commonly associate with 3rd party political groups.... These members are usually supporters of former Presidential Candidate: Ron Paul, Chuck Baldwin, and Bob Barr" (Ibid.: 7). When the report circulated, many libertarians and "Tea Party" members took great offense, thinking the document argued that supporters of third-party political groups were more likely to be dangerous militia members or terrorists. In response, libertarian activists formed a national network called "Operation Defuse," which is devoted to uncovering and criticizing the activities of fusion centers and is actively filing open-records requests and attempting to conduct tours of fusion centers. Operation Defuse could be construed as a "counter-surveillance" group (Monahan, 2006) that arose largely because of outrage over the probability of political profiling by state-surveillance agents. Fusion centers have also been implicated in scandals involving covert infiltrations of nonviolent groups, including peace-activist groups, anti-death penalty groups, animal-rights groups, Green Party groups, and others. The most astonishing of the known cases involved the Maryland Coordination and Analysis Center (MCAC). In response to an ACLU freedom of information lawsuit, it came to light in 2008 that the Maryland State Police had conducted covert investigations of at least 53 peace activists and anti-death penalty activists for a period of 14 months. The investigation proceeded despite admissions by the covert agent that she saw no indication of violent activities or violent intentions on the part of group members (Newkirk, 2010). Nonetheless, in the federal database used by the police and accessed by MCAC, activists were listed as being suspected of the "primary crime" of "Terrorism—anti-government" (German and Stanley, 2008: 8). Although it is unclear exactly what role the fusion center played in these activities, they were most likely involved in and aware of the investigation. After all, as Mike German and Jay Stanley (2008: 8) explain: Fusion

centers are clearly intended to be the central focal point for sharing terrorism-related information. If the MCAC was not aware of the information the state police collected over the 14 months of this supposed terrorism investigation, this fact would call into question whether the MCAC is accomplishing its mission. Police spying of this sort, besides being illegal absent "reasonable suspicion" of wrongdoing, could have a "chilling effect" on free speech and freedom of association. The fact that individuals were wrongly labeled as terrorists in these systems and may still be identified as such could also have negative ramifications for them far into the future. Another dimension of troubling partnerships between fusion centers and law enforcement was revealed with the 2007 arrest of Kenneth Krayeske, a Green Party member in Connecticut. On January 3, 2007, Krayeske was taking photographs of Connecticut Governor M. Jodi Rell at her inaugural parade. He was not engaged in protest at the time. While serving as the manager of the Green Party's gubernatorial candidate, he had publicly challenged Governor Rell over the issue of why she would not debate his candidate (Levine, 2007). At the parade, police promptly arrested Krayeske (after he took 23 photographs) and later charged him with "Breach of Peace" and "Interfering with Police" (Ibid.). Connecticut's fusion center, the Connecticut Intelligence Center (CTIC), had conducted a threat assessment for the event and had circulated photographs of Krayeske and others to police in advance (Krayeske, 2007). The police report reads: "The Connecticut Intelligence Center and the Connecticut State Police Central Intelligence Unit had briefed us [the police] on possible threats to Governor Rell by political activist [sic], to include photographs of the individuals. One of the photographs was of the accused Kenneth Krayeske" (quoted in Levine, 2007). Evidently, part of the reason Krayeske was targeted was that intelligence analysts, most likely at the fusion center, were monitoring blog posts on the Internet and interpreted one of them as threatening: "Who is going to protest the inaugural ball with me?... No need to make nice" (CNN.com, 2009). According to a CNN report on the arrest, after finding that blog post, "police began digging for information, mining public and commercial data bases. They learned Krayeske had been a Green Party campaign director, had protested the gubernatorial debate and had once been convicted for civil disobedience. He had no history of violence" (Ibid.). The person who read Krayeske his Miranda rights and attempted to interview him in custody was Andrew Weaver, a sergeant for the City of Hartford Police Department who also works in the CTIC fusion center (Department of Emergency Management and Homeland Security, 2008). These few examples demonstrate some of the dangers and problems with fusion centers. Fusion center threat assessments lend themselves to profiling along lines of race, religion, and political affiliation. Their products are not impartial assessments of terrorist threats, but rather betray biases against individuals or groups who deviate from—or challenge—the status quo. According to a Washington Times commentary that became a focal point for a congressional hearing on fusion centers, **as long as terrorism is defined as coercive or intimidating acts that are intended to shape government policy, "any dissidence or political dissident is suspect to fusion centers"** (Fein, 2009). Evidence from the Maryland and Connecticut fusion center cases suggests that their representatives are either involved in data-gathering and investigative work, or are at least complicit in such activities, including illegal spying operations (German and Stanley, 2008). The Connecticut case further shows that individuals working at fusion centers are actively monitoring online sources and Homeland Security Fusion Centers 91 interviewing suspects, a departure from the official Fusion Center Guidelines that stress "exchange" and "analysis" of data, not data acquisition through investigations (U.S. Department of Justice, 2006). One important issue here is that fusion centers occupy ambiguous organizational positions. Many of them are located in police departments or are combined with FBI Joint Terrorism Task Forces, but their activities are supposed to be separate and different from the routine activities of the police or the FBI. A related complication is that fusion center employees often occupy multiple organizational roles (e.g., police officers or National Guard members and fusion center analysts), which can lead to an understandable, but nonetheless problematic, blurring of professional identities, rules of conduct, and systems of accountability. Whereas in 2010 DHS and the Department of Justice responded to concerns about profiling by implementing a civil liberties certification requirement for fusion centers, public oversight and accountability of fusion centers are becoming even more difficult and unlikely because of a concerted effort to exempt fusion centers from freedom of information requests. For example, according to a police official, Virginia legislators were coerced into passing a 2008 law that exempted its fusion center from the Freedom of Information Act; in this instance, federal officials threatened to withhold classified intelligence from the state's fusion center and police if they did not pass such a law (German and Stanley, 2008). Another tactic used by fusion center representatives to thwart open-records requests is to claim that there is no "material product" for them to turn over because they only "access," rather than "retain," information (Hylton, 2009). Although it may be tempting to view these cases of fusion center missteps and infractions as isolated examples, they are probably just the tip of the iceberg. A handful of other cases has surfaced recently in which fusion centers in California, Colorado, Texas, Pennsylvania, and Georgia have recommended peace activists, Muslim-rights groups, and/or environmentalists be profiled (German, 2009; Wolfe, 2009). The Texas example reveals the ways in which **the flexibility of fusion centers** affords the incorporation of xenophobic and racist beliefs. In 2009, the North Central Texas Fusion System produced a report that argued that the United States is especially vulnerable to terrorist infiltration because the country is too tolerant and accommodating of religious difference, especially of Islam. Through several indicators, the report lists supposed signs that the country is gradually being invaded and transformed: "Muslim cab drivers in Minneapolis refuse to carry passengers who have alcohol in their possession; the Indianapolis airport in 2007 installed footbaths to accommodate Muslim prayer; public schools schedule prayer breaks to accommodate Muslim students; pork is banned in the workplace; etc." (North Central Texas Fusion System, 2009: 4). Because "the threats to Texas are significant," the fusion center advises keeping an eye out for Muslim civil

liberties groups and sympathetic individuals, organizations, or media that might carry their message: hip-hop bands, social networking sites, online chat forums, blogs, and even the U.S. Department of Treasury (Ibid.). Recent infiltration of peace groups seems to reproduce some of the sordid history of political surveillance of U.S. citizens, such as the FBI and CIA's COINTELPRO program, which targeted civil rights leaders and those peacefully protesting against the Vietnam War, among others (Churchill and Vander Wall, 2002). A contemporary case involves a U.S. Army agent who infiltrated a nonviolent, anti-war protest group in Olympia, Washington, in 2007. A military agent spying on civilians likely violated the Posse Comitatus Act. Moreover, this agent actively shared intelligence with the Washington State Fusion Center, which shared it more broadly (Anderson, 2010). According to released documents, intelligence representatives from as far away as New Jersey were kept apprised of the spying: In a 2008 e-mail to an Olympia police officer, Thomas Glapion, Chief of Investigations and Intelligence at New Jersey's McGuire Air Force Base, wrote: "You are now part of my Intel network. I'm still looking at possible protests by the PMR SDS MDS and other left wing antiwar groups so any Intel you have would be appreciated.... In return if you need anything from the Armed Forces I will try to help you as well" (Ibid.: 4). Given that political surveillance under COINTELPRO is widely considered to be a dark period in U.S. intelligence history, the fact that fusion centers may be contributing to similar practices today makes it all the more important to subject them to public scrutiny and oversight.

Another topical version of the aff could be to create a Truth and Reconciliation Commission to review biased surveillance of activists and oversight enforcement

Pasquale in 14 - Professor of Law at the University of Maryland's Francis King Carey School of Law <Frank. "We must confront the recent surveillance abuses to develop better policy moving forward" January 2014. http://eprints.lse.ac.uk/58503/1/__lse.ac.uk_storage_LIBRARY_Secondary_libfile_shared_repository_Content_American%20Politics%20and%20Policy_2014_January_blogs.lse.ac.uk-We_must_confront_the_recent_surveillance_abuses_to_develop_better_policy_moving_forward.pdf>

In his recent speech on surveillance, President Obama treated the misuse of intelligence gathering as a relic of American history. It was something done in the bad old days of J. Edgar Hoover, and never countenanced by recent administrations. But the accumulation of menacing stories—from fusion centers to "joint terrorism task forces" to a New York "demographics unit" targeting Muslims—is impossible to ignore. The American Civil Liberties Union has now collected instances of police surveillance and obstruction of First Amendment‐protected activity in over half the states. From Alaska (where military intelligence spied on an antiwar group) to Florida (where Quakers and anti-globalization activists were put on watchlists), protesters have been considered threats, rather than citizens exercising core constitutional rights. Political dissent is a routine target for surveillance by the FBI. Admittedly, I am unaware of the NSA itself engaging in politically driven spying on American citizens. Charles Krauthammer says there has not been a "single case" of abuse. But the NSA is only one part of the larger story of intelligence gathering in the US, which involves over 1,000 agencies and nearly 2,000 private companies. Moreover, we have little idea of exactly how information and requests flow between agencies. Consider the Orwellian practice of "parallel construction." Reuters has reported that the NSA gave "tips" to the Special Operations Division (SOD) of the Drug Enforcement Administration, which also shared them with the Internal Revenue Service. The legal status of such information sharing is murky at best: the national security data is not supposed to be used for law enforcement purposes. Apparently the SOD sidestepped these niceties by re-creating criminal investigations from scratch, fabricating alternative grounds for suspecting the targets. Thus the "parallel construction" of two realities for the law enforcers: one actual, secret record of how targets were selected, and another specially crafted for consumption by courts. Two senior Drug Enforcement Administration officials defended the program and called it legal, but did not disclose their reasoning. At present, the practice looks like little more than intelligence laundering. Five senators asked the Department of Justice to assess the legality of "parallel construction;" it has yet to respond. I have little doubt that the DEA used parallel construction in cases involving some pretty nasty characters. It must be tempting to apply "war on terror" tactics to the "war on drugs." Nevertheless, there are serious legal and ethical concerns here. One of the American revolutionaries' chief complaints against the British Crown was the indiscriminate use of "general warrants," which allowed authorities to search the homes of anyone without particularized suspicion they had committed a crime. Thus the 4th Amendment to the US Constitution decrees that "no Warrants shall issue, but upon probable cause." Law enforcers aren't supposed to set up "dragnet surveillance" of every communication, or use whatever data stores are compiled by the National Security Agency, unless there is a true security threat. Between 1956 and 1971, the FBI's COINTELPRO program engaged in domestic covert action designed to disrupt groups engaged in the civil

rights, antiwar, and communist movements. As Lawrence Rosenthal has observed, "History reflects a serious risk of abuse in investigations based on the protected speech of the targets," and politicians at the time responded. Reviewing intelligence agency abuses from that time period, the Church Committee issued a series of damning reports in 1975-76, leading to some basic reforms. If a new Church Committee were convened, it would have to cover much of the same ground. Moreover, it would need to put in place real safeguards against politicized (or laundered) domestic intelligence gathering. Those are presently lacking. I have yet to find a case where the parties involved in any of the intelligence politicization (or laundering) were seriously punished. Nor have I seen evidence that the victims of such incidents have received just compensation for the unwarranted intrusion on their affairs. Before we can develop better surveillance policy, we need something like a Truth and Reconciliation Commission to review (and rebuke) the politicization of intelligence gathering post-9/11. Too many privacy activists have been unwilling to admit the persistence of catastrophic threats that may only be detected by spies. But the US government has been even less moored to reality, unwilling to admit that a runaway surveillance state has engaged in precisely the types of activities that the Bill of Rights is designed to prevent. To have a debate about the proper balance between liberty and security, we need to confront the many cases where misguided intelligence personnel spied on activists with neither goal in mind.

2NC Turns Case

Secrecy and abuse of power in government surveillance are caused by vague legal codes – changing the law is necessary to effectively curtail surveillance

White in 8 <Scott. "Academia, Surveillance, and the FBI: A Short History" Surveillance and Governance: Crime Control and Beyond

Sociology of Crime, Law and Deviance, Volume 10, 151–174>

One of the more troubling aspects of the law for librarians was the secrecy written into the legislative code of the Patriot Act, in the form of a ''gag rule'' in section 215 (Schulhofer, 2002). Businesses or libraries contacted during terrorism related investigations were prohibited from disclosing any details about an FBI visit, as it could have compromised investigations. In the original Patriot Act, section 215 read as follows: (Sec. 215.501.(d)) No person shall disclose to any other person (other than those persons necessary to produce the tangible things under this section) that the Federal Bureau of Investigation has sought or obtained tangible things under this section. (USA PATRIOT Act, 2001) In a previous part of Sec. 215, the law states: Sec. 215.501.(c)(1) Upon an application made pursuant to this section, the judge shall enter an ex parte order as requested, or as modified, approving the release of records if the judge finds that the application meets the requirements of this section. Examining the language in these two sections, one could surmise that a judge is required to grant a surveillance order if it meets pre-determined criteria, and no one can talk about the order after the surveillance is executed. The text of Section 215 made it unclear what would happen if someone were to disclose that the FBI had asked for information from a business or library when conducting a terrorism investigation (Albitz, 2005; Jaeger et al., 2003). Many librarians believed this rule concentrated broad power in the hands of the executive branch of the government, and did not adequately protect library users from unwarranted FBI surveillance (Foerstel, 2004; Klinefelter, 2004). While it is often necessary for investigations to remain secret, Section 215, as originally written, **diminished the ability to conduct proper judicial and legislative oversight of FBI surveillance activities** (Swire, 2005). In its original form, Section 215 of the Patriot Act conflicted with state privacy laws requiring court orders to allow librarians to disclose information about personal library records (Foerstel, 2004). Confusion arose regarding how librarians should respond to a request for information from the FBI. For example, could managers discuss the order with their directors, or the directors with a legal entity representing the organization? The gag rule suggested that when someone is asked for information, they could not disclose any information concerning the request. The **potential for abuse by investigators is large, but could remain undetected, given the way the law is written.**

Unauthorized, invasive surveillance is coded in the law – loose definitions and expansions in government authority are what create injustice which means engaging the state is key

Rackow in 2 - B.A. 1998, Williams College; J.D. Candidate 2003, University of Pennsylva <Sharon. "How the USA Patriot Act Will Permit Governmental Infringement upon the Privacy of

Americans in the Name of "Intelligence" Investigations" University of Pennsylvania Law Review, Vol. 150, No. 5 (May, 2002), pp. 1651-1696>

Section 218 of the USA PATRIOT Act amends FISA ? 1804(a) (7) (B). Now, in an application to the FISC, a federal officer no longer has to demonstrate that "the purpose of the surveillance is to obtain foreign intelligence information,",132 but may obtain surveillance authorization **under the less stringent showing that "a significant purpose of the surveillance is to obtain foreign intelligence information**."133 This slight alteration in the language of 1804 **is highly significant in that it is extremely likely to increase the types of court ordered investigations** that are carried out in the name of "foreign intelligence investigations" under FISA. Considering the fact that the FISC has only turned down one surveillance application since its inception,134 it becomes even more likely that the court will authorize all forthcoming applications **under this more lenient standard**. The concern raised by this amendment is that under the new broadened scope of ? 1804, both intelligence and law enforcement agents will bring applications for electronic surveillance to the FISC when the primary purpose of the surveillance is an investigation of criminal activities. Thus, the amended FISA will be used as a means to undertake surveillance without demonstrating the heightened standard of probable cause required under Title III for criminal wiretaps. This potential end-run around the Fourth Amendment's probable cause requirement for criminal investigations contradicts the rationale for permitting a lower threshold for obtaining FISA wiretaps. No longer will this lesser standard solely authorize investigations of primarily foreign intelligence activities where the rights of Americans are generally not implicated. Instead, FISA will be employed to approve investigations of predominantly criminal activities, including purely domestic criminal acts-in explicit violation of the Fourth Amendment.135 Now, under section 218 a criminal investigation can be the primary purpose of a FISA investigation, with foreign intelligence information as a secondary, albeit "significant purpose."36 Senator Leahy recognized that by amending the language of FISA, "the USA Actl37 would make it easier for the FBI to use a FISA wiretap to obtain information where the Government's most important motivation for the wiretap is for use in a criminal prosecution."38 The Senator further acknowledged that "[t] his is a disturbing and dangerous change in the law."139 Furthermore, as the USA PATRIOT Act's amendment to FISA does not provide a definition of "significant purpose," it is unclear how far the FISC will stretch its interpretation of this phrase to accommodate law enforcement and intelligence agencies in their quest to increase surveillance as a response to the September 11th terrorist attacks. Yet, the consequences of this amendment to FISA go far beyond investigations of the September 11th tragedy. Now, surveillance authority for investigations seeking information primarily pertaining to purely domestic criminal activities may be granted under FISA with no showing of probable cause that a serious crime has been or will soon be committed.

A2 Kappeler

Kappeler is wrong – roleplaying is key to democracy and engagement

Rawls 99 (John, Professor Emeritus – Harvard University, The Law of Peoples, p. 54-7)

Developing the Law of Peoples within a liberal conception of justice, we work out the ideals and principles of the foreign policy of a reasonably just liberal people. I distinguish between the public reason of liberal peoples and the public reason of the Society of Peoples. The first is the public reason of equal citizens of domestic society debating the constitutional essentials and matters of basic justice concerning their own government; the second is the public reason of free and equal liberal peoples debating their mutual relations as peoples. The Law of Peoples with its political concepts and principles,

ideals and criteria, is the content of this latter public reason. Although these two public reasons do not have the same content, the role of public reason among free and equal peoples is analogous to its role in a constitutional democratic regime among free and equal citizens. Political liberalism proposes that, in a constitutional democratic regime, comprehensive doctrines of truth or of right are to be replaced in public reason by an idea of the politically reasonable addressed to citizens as citizens. Here note the parallel: public reason is invoked by members of the Society of Peoples, and its principles are addressed to peoples as peoples. They are not expressed in terms of comprehensive doctrines of truth or of right, which may hold sway in this or that society, but in terms that can be shared by different peoples. 6.2. Ideal of Public Reason. Distinct from the idea of public reason is the ideal of public reason. In domestic society this ideal is realized, or satisfied, whenever judges, legislators, chief executives, and other government officials, as well as candidates for public office, act from and follow the idea of public reason and explain to other citizens their reasons for supporting fundamental political questions in terms of the political conception of justice that they regard as the most reasonable. In this way they fulfill what I shall call their duty of civility to one another and to other citizens. Hence whether judges, legislators, and chief executives act from and follow public reason is continually shown in their speech and conduct. How is the ideal of public reason realized by citizens who are not government officials? In a representative government, citizens vote for representatives-chief executives, legislators, and the like-not for particular laws (except at a state or local level where they may vote directly on referenda questions, which are not usually fundamental questions). To answer this question, we say that, ideally, citizens are to **think of themselves as** if they were **legislators** and ask themselves what statutes, supported by what reasons satisfying the criterion of reciprocity, they would think it most reasonable to enact.7l When firm and widespread, the disposition of citizens to view themselves as ideal legislators, and to repudiate government officials and candidates for public office who violate public reason, forms part of the **political and social basis of liberal democracy** and is **vital** for its enduring strength and vigor. Thus in domestic society citizens fulfill their duty of civility and support the idea of public reason, while doing what they can to hold government officials to it. This duty, like other political rights and duties, is an intrinsically moral duty. I emphasize that it is not a legal duty, for in that case it would be incompatible with freedom of speech.

Also that turns the case – key to social change

Milbrath '96 (Lester W., Professor Emeritus of Political Science and Sociology – SUNY Buffalo, Building Sustainable Societies, Ed. Pirages, p. 289)

In some respects personal change cannot be separated from societal change. Societal transformation will not be successful without change at the personal level; such change is a necessary but not sufficient step on the route to sustainability. People hoping to live sustainably must adopt new beliefs, new values, new lifestyles, and new worldview. But lasting personal change is unlikely without simultaneous transformation of the socioeconomic/political system in which people function. Persons may solemnly resolve to change, but that resolve is likely to weaken as they perform day-today within a system reinforcing different beliefs and values. Change agents typically are met with denial and great resistance. Reluctance to challenge mainstream society is the major reason most efforts emphasizing education to bring about change are ineffective. If societal transformation must be speedy, and most of us believe it must, pleading with individuals to change is not likely to be effective.

Cap

Link – General

The focus on racialized surveillance becomes an alibi for acquiescence of class struggles – they obscure the logic of capital and ensure repetition of oppression

Zavarzadeh 94 (Mas'Ud, The Stupidity That Consumption Is Just as Productive as Production": In the Shopping Mall of the Post-al Left," College Literature, Vol. 21, No. 3, The Politics of Teaching Literature 2 (Oct., 1994),pp. 92-114)

Post-al logic is marked above all by its erasure of "production" as the determining force in organizing human societies and their institutions, and its insistence on "consumption" and "distribution" as the driving force of the social.5 The argument of the post-al left (briefly) is that "labor," in advanced industrial "democracies," is superseded by "information," and consequently "knowledge" (not class struggle over the rate of surplus labor) has become the driving force of history. The task of the post-al left is to deconstruct the "metaphysics of labor" and consequently to announce the end of socialism and with it the "outdatedness" of the praxis of abolishing private property (that is, congealed alienated labor) in the post-al moment. Instead of abolishing private property, an enlightened radical democracy which is to supplant socialism (as Laclau, Mouffe, Aronowitz, Butler, and others have advised) should make property holders of each citizen. The post-al left rejects the global objective conditions of production for the local subjective circumstances of consumption, and its master trope is what R-4 [France] so clearly foregrounds: the (shopping) "mall"?the ultimate site of consumption "with all latest high-tech textwares" deployed to pleasure the "body." In fact, the post-al left has "invented" a whole new interdiscipline called "cultural studies" that provides the new alibi for the regime of profit by shifting social analytics from "production" to "consumption." (On the political economy of "invention" in ludic theory, see Transformation 2 on "The Invention of the Queer.") To prove its "progressiveness," the post-al left devotes most of its energies (see the writings of John Fiske, Constance Penley, Michael Berube, Henry Louis Gates, Jr., Andrew Ross, Susan Willis, Stuart Hall, Fredric Jameson), to demonstrate how "consumption" is in fact an act of production and resistance to capitalism and a practice in which a Utopian vision for a society of equality is performed! The shift from "production" to "consumption" manifests itself in post-al left theories through the focus on "superstructural" cultural analysis and the preoccupation not with the "political economy" ("base") but with "representation"? for instance, of race, sexuality, environment, ethnicity, nationality, and identity. This is, for example, one reason for [Hill's] ridiculing the "base" and "superstructure" analytical model of classical Marxism (Marx, A Contribution to the Critique of Political Economy) with an anecdote (the privileged mode of "argument" for the post-al left) that the base is really not all that "basic." To adhere to the base/superstructure model for [him] is to be thrown into an "epistemological gulag." For the post-al left a good society is, therefore, one in which, as [France] puts it, class antagonism is bracketed and the "surplus value" is distributed more evenly among men and women, whites and persons of color, the lesbian and the straight. It is not a society in which "surplus value"?the exploitative appropriation of the other's labor-is itself eliminated by revolutionary praxis. The post-al left's good society is not one in which private ownership is obsolete and the social division of labor (class) is abolished. Rather it is a society in which the fruit of exploitation of the proletariat (surplus labor) is more evenly distributed and a near-equality of consumption is established. This distributionist/consumptionist theory that underwrites the economic interests of the (upper)middle classes is the foundation for all the texts in this exchange and their pedagogies. A good pedagogy in these texts therefore is one in which power is distributed evenly in the classroom: a pedagogy that constructs a classroom of consensus not antagonism (thus opposition to "politicizing the classroom" in OR-1 [Hogan]) and in which knowledge (concept) is turned through the process that OR-3 [McCormick] calls "translation"?into "consumable" EXPERIENCES. The more "intense" the experience, as the anecdotes of [McCormick] show, the more successful the pedagogy. In short, it is a pedagogy that **removes the student from his/her position in the social relations of production and places her/him in the personal relation of consumption**: specifically, EXPERIENCE of/as the consumption of pleasure. The post-al logic **obscures** the laws of motion of capital by very specific assumptions and moves-many of which are rehearsed in the texts here. I will discuss some of these, mention others in passing, and hint at several more. (I have provided a full account of all these moves in my "Post-ality" in Transformation 1.) I begin by outlining the post-al assumptions that "democracy" is a never-ending, open "dialogue" and "conversation" among multicultural citizens; that the source of social inequities is "power"; that a post-class hegemonic "coalition," as OR-5 [Williams] calls it-and not class struggle-is the dynamics of social change; that truth (as R-l [Hill] writes) is an "epistemological gulag"? a construct of power and thus any form of "ideology critique" that raises questions of "falsehood" and "truth" ("false consciousness") does so through a violent exclusion of the "other" truths by, in [Williams'] words, "staking sole legitimate claim" to the truth in question. Given the injunction of the post-al logic against binaries (truth/falsehood), the project of "epistemology" is displaced in the ludic academy by "rhetoric." The question, consequently, becomes not so much what is the "truth" of a practice but whether it "works." (Rhetoric has always served as

an alibi for pragmatism.) Therefore, [France] is not interested in whether my practices are truthful but in what effects they might have: if College Literature publishes my texts would such an act (regardless of the "truth" of my texts) end up "cutting our funding?" [he] asks. A post-al leftist like [France], in short, "resists" the state only in so far as the state does not cut [his] "funding." Similarly, it is enough for a cynical pragmatist like [Williams] to conclude that my argument "has little prospect of effectual force" in order to disregard its truthfulness. The post-al dismantling of "epistemology" and the erasure of the question of "truth," it must be pointed out, is undertaken to protect the economic interests of the ruling class. If the "truth question" is made to seem outdated and an example of an orthodox binarism ([Hill]), any conclusions about the truth of ruling class practices are excluded from the scene of social contestation as a violent logocentric (positivistic) totalization that disregards the "difference" of the ruling class. This is why a defender of the ruling class such as [Hill] sees an ideology critique aimed at unveiling false consciousness and the production of class consciousness as a form of "epistemological spanking." It is this structure of assumptions that enables [France] to answer my question, "What is wrong with being dogmatic?" not in terms of its truth but by reference to its pragmatics (rhetoric): what is "wrong" with dogmatism, [he] says, is that it is violent rhetoric ("textual Chernobyl") and thus Stalinist. If I ask what is wrong with Stalinism, again (in terms of the logic of [his] text) I will not get a political or philosophical argument but a tropological description.6 The post-al left is a New Age Left: the "new new left" privileged by [Hill] and [Williams]- the laid-back, "sensitive," listening, and dialogic left of coalitions, voluntary work, and neighborhood activism (more on these later). It is, as I will show, anti-intellectual and populist; its theory is "bite size" (mystifying, of course, who determines the "size" of the "bite"), and its model of social change is anti-conceptual "spontaneity": May 68, the fall of the Berlin Wall, and, in [Hill's] text, Chiapas. In the classroom, the New Age post-al pedagogy inhibits any critique of the truth of students' statements and instead offers, as [McCormick] makes clear, a "counseling," through anecdotes, concerning feelings. The rejection of "truth" (as "epistemological gulag"?[Hill]), is accompanied by the rejection of what the post-al left calls "economism." Furthermore, the post-al logic relativizes subjectivities, critiques functionalist explanation, opposes "determinism," and instead of closural readings, offers supplementary ones. It also celebrates eclecticism; puts great emphasis on the social as discourse and on discourse as always inexhaustible by any single interpretation? discourse (the social) always "outruns" and "exceeds" its explanation. Post-al logic is, in fact, opposed to any form of "explanation" and in favor of mimetic description: it regards "explanation" to be the intrusion of a violent outside and "description" to be a respectful, caring attention to the immanent laws of signification (inside). This notion of description which has by now become a new dogma in ludic feminist theory under the concept of "mimesis" (D. Cornell, Beyond Accommodation)?regards politics to be always immanent to practices: thus the banalities about not politicizing the classroom in [Hogan's] "anarchist" response to my text7 and the repeated opposition to binaries in all nine texts. The opposition to binaries is, in fact, an **ideological alibi for erasing class struggle**, as is quite clear in [France's] rejection of the model of a society "divided by two antagonistic classes" (see my Theory and its Other).

Class should be the starting point of this debate – the plan becomes a peace meal that destroys attempts to overcome universal capitalist oppression

GIMENEZ (Prof. Sociology at UC Boulder) **2001**

[Martha, "Marxism and Class; Gender and Race", Race, Gender and Class, Vol. 8, p. online: http://www.colorado.edu/Sociology/gimenez/work/cgr.html)

There are many competing theories of race, gender, class, American society, political economy, power, etc. but no specific theory is invoked to define how the terms race, gender and class are used, or to identify how they are related to the rest of the social system. To some extent, race, gender and class and their intersections and interlockings have become a mantra to be invoked in any and all theoretical contexts, for a tacit agreement about their ubiquitousness and meaning seems to have developed among RGC studies advocates, so that all that remains to be dome is empirically to document their intersections everywhere, for everything that happens is, by definition, raced, classed, and gendered. This pragmatic acceptance of race, gender and class, as givens, results in the downplaying of theory, and the resort to experience as the source of knowledge. The emphasis on experience in the construction of knowledge is intended as a corrective to theories that, presumably, reflect only the experience of the powerful. RGC seems to offer a subjectivist understanding of theory as simply a reflection of the experience and consciousness of the individual theorist, rather than as a body of propositions which is collectively and systematically produced under historically specific conditions of possibility which grant them historical validity for as long as those conditions prevail. Instead, knowledge and theory are pragmatically conceived as the products or reflection of experience and, as such, unavoidably partial, so that greater accuracy and relative completeness can be approximated only through gathering the experiential accounts of all groups. Such

is the importance given to the role of experience in the production of knowledge that in the eight page introduction to the first section of an RGC anthology, the word experience is repeated thirty six times (Andersen and Collins, 1995: 1-9). I agree with the importance of learning from the experience of all groups, especially those who have been silenced by oppression and exclusion and by the effects of ideologies that **mystify** their actual conditions of existence. To learn how people describe their understanding of their lives is very illuminating, for "ideas are the conscious expression -- real or illusory -- of (our) actual relations and activities" (Marx, 1994: 111), because "social existence determines consciousness" (Marx, 1994: 211). Given that our existence is shaped by the capitalist mode of production, experience, to be fully understood in its broader social and political implications, has to be situated in the context of the capitalist forces and relations that produce it. Experience in itself, however, is suspect because, dialectically, it is a unity of opposites; it is, at the same time, unique, personal, insightful and revealing and, at the same time, thoroughly social, partial, mystifying, itself the product of historical forces about which individuals may know little or nothing about (for a critical assessment of experience as a source of knowledge see Sherry Gorelick, "Contradictions of feminist methodology," in Chow, Wilkinson, and Baca Zinn, 1996; applicable to the role of experience in contemporary RGC and feminist research is Jacoby's critique of the 1960s politics of subjectivity: Jacoby, 1973: 37- 49). Given the emancipatory goals of the RGC perspective, it is through the analytical tools of Marxist theory that it can move forward, beyond the impasse revealed by the constant reiteration of variations on the "interlocking" metaphor. This would require, however, a) a rethinking and modification of the postulated relationships between race, class and gender, and b) a reconsideration of the notion that, because everyone is located at the intersection of these structures, all social relations and interactions are "raced," "classed," and "gendered." In the RGC perspective, race, gender and class are presented as **equivalent** systems of oppression with extremely negative consequences for the oppressed. It is also asserted that the theorization of the connections between these systems require "a working hypothesis of equivalency" (Collins, 1997:74). Whether or not it is possible to view class as just another system of oppression depends on the theoretical framework within class is defined. If defined within the traditional sociology of stratification perspective, in terms of a gradation perspective, class refers simply to strata or population aggregates ranked on the basis of standard SES indicators (income, occupation, and education) (for an excellent discussion of the difference between gradational and relational concepts of class, see Ossowski, 1963). Class in this non-relational, descriptive sense has no claims to being more fundamental than gender or racial oppression; it simply refers to the set of individual attributes that place individuals within an aggregate or strata arbitrarily defined by the researcher (i.e., depending on their data and research purposes, anywhere from three or four to twelve "classes" can be identified). From the standpoint of Marxist theory, however, class is **qualitatively different** from gender and race and **cannot** be considered just another system of oppression. As Eagleton points out, whereas racism and sexism are unremittingly bad, class is not entirely a "bad thing" even though socialists would like to abolish it. The bourgeoisie in its revolutionary stage was instrumental in ushering a new era in historical development, one which liberated the average person from the oppressions of feudalism and put forth the ideals of liberty, equality and fraternity. Today, however, it has an unquestionably negative role to play as it expands and deepens the rule of capital over the entire globe. The working class, on the other hand, is pivotally located to wage the final struggle against capital and, consequently, it is "an excellent thing" (Eagleton, 1996: 57). While racism and sexism have no redeeming feature, class relations are, dialectically, a unity of opposites; both a site of exploitation and, objectively, a site where the potential agents of social change are forged. To argue that the working class is the fundamental agent of change does not entail the notion that it is the only agent of change. The working class is of course composed of women and men who belong to different races, ethnicities, national origins, cultures, and so forth, so that gender and racial/ethnic struggles have the potential of fueling class struggles because, given the patterns of wealth ownership and income distribution in this and all capitalist countries, those who raise the banners of gender and racial struggles are overwhelmingly propertyless workers, technically members of the working class, people who need to work for economic survival whether it is for a wage or a salary, for whom racism, sexism and class exploitation matter. But this vision of a mobilized working class where gender and racial struggles are not subsumed but are nevertheless related requires a class conscious effort to link RGC studies to the Marxist analysis of historical change. In so far as the "class" in RGC remains a neutral concept, open to any and all theoretical meanings, just one oppression among others, intersectionality will not realize its revolutionary potential. Nevertheless, I want to argue against the notion that class should be considered equivalent to gender and race. I find the grounds for my argument not only on the crucial role class struggles play in processes of epochal change but also in the very assumptions of RGC studies and the ethnomethodological insights put forth by West and Fenstermaker (1994). The assumption of the simultaneity of experience (i.e., all interactions are raced, classed, gendered) together with the ambiguity inherent in the interactions themselves, so that while one person might think he or she is "doing gender," another might interpret those "doings" in terms of "doing class," highlight the basic issue that Collins accurately identifies when she argues that ethnomethodology ignores power relations. Power relations underlie all processes of social interaction and this is why social facts are constraining upon people. But the pervasiveness of power ought not to obfuscate the fact that some power relations are more important and consequential than others. For example, the power that physical attractiveness might confer a woman in her interactions with her less attractive female supervisor or employer does not match the economic power of the latter over the former. In my view, the flattening or erasure of the qualitative difference between class, race and gender in the

RGC perspective is the foundation for the recognition that it is important to deal with "basic relations of domination and subordination" which now appear disembodied, outside class relations. In the effort to reject "class reductionism," by postulating the equivalence between class and other forms of oppression, the RGC perspective both negates the fundamental importance of class but it is forced to acknowledge its importance by postulating some other "basic" structures of domination. Class relations -- whether we are referring to the relations between capitalist and wage workers, or to the relations between workers (salaried and waged) and their managers and supervisors, those who are placed in "contradictory class locations," (Wright, 1978) -- are of paramount importance, for most people's economic survival is determined by them. Those in dominant class positions do exert power over their employees and subordinates and a crucial way in which that power is used is through their choosing the identity they impute their workers. Whatever identity workers might claim or "do," employers can, in turn, disregard their claims and "read" their "doings" differently as "raced" or "gendered" or both, rather than as "classed," thus downplaying their class location and the class nature of their grievances. To argue, then, that class is fundamental is not to "reduce" gender or racial oppression to class, but to acknowledge that the underlying basic and "nameless" **power at the root of what happens in social interactions grounded in "intersectionality" is class power.**

Link – Race Focus

Racism was create to protect the labor production of chattel slavery – it was manufactured by elites as a means of protecting their interests – anti-racism strategies are co-opted and divide resistance – universal consciousness is key

Alexander 10 (The new Jim Crow: mass incarceration in the age of colorblindness, Michelle Alexander is an associate professor of law at Ohio State University and a civil rights advocate, who has litigated numerous class action discrimination cases and has worked on criminal justice reform issues. She is a recipient of a 2005 Soros Justice Fellowship of the Open Society Institute, has served as director of the Racial Justice Project at the ACLU of Northern California, directed the Civil Rights Clinic at Stanford Law School and was a law clerk for Justice Harry Blackmun at the U. S. Supreme Court.)

The concept of race is a relatively recent development. Only in the past few centuries, owing largely to European imperialism, have the world's people been classified along racial lines. Here, in America, the idea of race emerged as a means of reconciling chattel slavery- as well as the extermination of American Indians – with the ideals of freedom preached by whites in the new colonies. In the early colonial period, when settlements remained relatively small, indentured servitude was the dominant means of securing cheap labor. Under this system, whites and blacks struggled to survive against a common enemy, what historian Lerone Bennett Jr. describes as "the big planter apparatus and a social system that legalized terror against black and white bondsmen." Initially, blacks brought to this country were not all enslaved; many were treated as indentured servants. As plantation farming expanded, particularly tobacco and cotton farming, demand increased greatly for both labor and land. The demand for land was met by invading and conquering larger and large swaths of territory. American Indians became a growing impediment to white European "progress," and during this period, the images of American Indians promoted in books, newspapers, and magazines became increasingly negative. As sociologists Keith Kilty and Eric Swank have observed, eliminating "savages" is less of a moral problem than eliminating human beings, and therefore American Indians came to be understood as a lesser race- uncivilized savages- thus providing a justification for the extermination of the native peoples. The growing demand for labor on plantations was met through slavery. American Indians were considered unsuitable as slaves, largely because native tribes were clearly in a position to fight back. The fear of raids by Indian tribes left plantation owners to grasp for an alternative source of free labor. European immigrants were also deemed poor candidates for slavery, not because of their race, but rather because they were in short supply and enslavement would, quite naturally, interfere with voluntary immigration to the new colonies. Plantation owners thus view Africans, who were relatively powerless, as the ideal slaves. The systemic enslavement of Africans, and the rearing of their children under bondage, emerged with all deliberate speed- quickened by events such as Bacon's Rebellion. Nathaniel Bacon was a white property owner in Jamestown, Virginia, who managed to united slaves, indentured servants, and poor whites in a revolutionary effort to overthrow the planter elite. Although slaves clearly occupied the lowest position in the social hierarchy and suffered the most under the plantation, the condition of indentured whites was barely better, and the majority of free whites lived in extreme poverty. As explained by historian Edmund Morgan, in colonies like

Virginia, the planter elite, with huge land grants, occupied a vastly superior position to workers of all colors. Southern colonies did not hesitate to invent ways to extend the terms of servitude, and the planter class accumulated uncultivated lands to restrict the options of free workers. The simmering resentment against the planter class created conditions that were ripe for revolt. Varying accounts of Bacon's rebellion abound, but the basic facts are these: Bacon developed plans in 1675 to seize Native American lands in order to acquire more property for himself and others and nullify the threat of Indian raids. When the planter elite in Virginia refused to provide militia support for his scheme, Bacon retaliated, leading to an attack on the elite, their homes, and their property. He openly condemned the rich for their oppression of the poor and inspired an alliance of white and black bond laborers, as well as slaves, who demanded an end to their servitude. The attempted revolution was ended by force and false promises of amnesty. A number of the people who participated in the revolt were hanged. The events in Jamestown were alarming to the planter elite, who were deeply fearful of the multiracial alliance of bond workers and slave. Word of Bacon's rebellion spread far and wide, and several more uprisings of a similar type followed. In an effort to protect their superior status and economic position, the planters shifted their strategy for maintaining dominance. They abandoned their heavy reliance on indentured servants in favor of the importation of more black slaves. Instead of importing English-speaking slaves from the West Indies, who were more likely to be familiar with European language and culture, many more slaves were shipped directly from Africa. These slaves would be far easier to control and far less likely to form alliances with poor whites. Fearful that such measures might not be sufficient to protect their interests, the planter class took an additional precautionary step, a step that would later come to be known as a "racial bribe." Deliberately and strategically, the planter class extended special privileges to poor whites in an effort to drive a wedge between them and black slaves. White settlers were allowed greater access to Native American lands, white servants were allowed to police slaves through slave patrols and militias, and barriers were created so that free labor would not be placed in competition with slave labor. These measures effectively eliminated the risk of future alliances between black slaves and poor whites. Poor whites suddenly had a direct, personal stake in the existence of a race-based system of slavery. Their own plight had not improved by much, but at least they were not slaves. Once the planter elite split the labor force, poor whites responded to the logic of their situation and sought ways to expand their racially privileged position. By the mid-1770s, the system of bond labor had been thoroughly transformed into a racial caste system predicated on slavery. The degraded status of Africans was justified on the ground that Negros, like the Indians, were an uncivilized lesser race, perhaps even more lacking in intelligence and laudable human qualities than the red-skinned natives. The notion of white supremacy rationalized the enslavement of Africans, even as whites endeavored to form a new nation based on the ideals of equality, liberty, and justice for all. Before democracy, chattel slavery was born.

Their account of race erases connection to economics – this masks class based violence and allows it to continue

Young 6

(Robert, Prof. Critical Studies at Oxford, "Putting Materialism Back Into Race Theory", Red Critique, Spring)

I foreground my (materialist) understanding of race as a way to contest contemporary accounts of race, which erase any determinate connection to economics. For instance, humanism and poststructuralism represent two dominant views on race in the contemporary academy. Even though they articulate very different theoretical positions, they produce similar ideological effects: the suppression of economics. They collude in redirecting attention away from the logic of capitalist exploitation and point us to the cultural questions of sameness (humanism) or difference (poststructuralism). In developing my project, I critique the ideological assumptions of some exemplary instances of humanist and poststructuralist accounts of race, especially those accounts that also attempt to displace Marxism, and, in doing so, I foreground the historically determinate link between race and exploitation. It is this link that forms the core of what I am calling a transformative theory of race. The transformation of

race from a sign of exploitation to one of democratic multiculturalism, ultimately, requires the transformation of capitalism.

Capitalism racializes subjects to entrench competition and destroy class consciousness – it produces white supremacy to paper over class contradictions

SAN JUAN 3

[E., Fulbright Lecturer @ Univ. of Leuven, Belgium, "Marxism and the Race/Class Problematic: A Re-Articulation", p. online: http://clogic.eserver.org/2003/sanjuan.html)

It seems obvious that racism cannot be dissolved by instances of status mobility when sociohistorical circumstances change gradually or are transformed by unforeseen interventions. The black bourgeoisie continues to be harassed and stigmatized by liberal or multiculturalist practices of racism, not because they drive Porsches or conspicuously flaunt all the indices of wealth. Class exploitation cannot replace or stand for racism because it is the condition of possibility for it. It is what enables the racializing of selected markers, whether physiological or cultural, to maintain, deepen and reinforce alienation, mystifying reality by modes of commodification, fetishism, and reification characterizing the routine of quotidian life. Race and class are dialectically conjoined in the reproduction of capitalist relations of exploitation and domination. 30. We might take a passage from Marx as a source of guidelines for developing a historical-materialist theory of racism which is not empiricist but dialectical in aiming for theorizing conceptual concreteness as a multiplicity of historically informed and configured determinations. This passage comes from a letter dated 9 April 1870 to Meyer and Vogt in which Marx explains why the Irish struggle for autonomy was of crucial significance for the British proletariat: . . . Every industrial and commercial center in England possesses a working class divided into two hostile camps, English proletarians and Irish proletarians. The ordinary English worker hates the Irish worker as a competitor who lowers his standard of life. In relation to the Irish worker he feels himself a member of the ruling nation and so turns himself into a tool of the aristocrats and capitalists of his country against Ireland, thus strengthening their domination over himself. He cherishes religious, social, and national prejudices against the Irish worker. His attitude towards him is much the same as that of the 'poor whites' to the 'niggers' in the former slave states of the USA. The Irishman pays him back with interest in his own money. He sees in the English worker at once the accomplice and stupid tool of the English rule in Ireland. This antagonism is artificially kept alive and intensified by the press, the pulpit, the comic papers, in short by all the means at the disposal of the ruling classes. This antagonism is the secret of the impotence of the English working class, despite its organization. It is the secret by which the capitalist class maintains its power. And that class is fully aware of it (quoted in Callinicos 1993). Here Marx sketches three parameters for the sustained viability of racism in modern capitalist society. First, the economic competition among workers is dictated by the distribution of labor power in the labor-market via differential wage rates. The distinction between skilled and unskilled labor is contextualized in differing national origins, languages and traditions of workers, which can be manipulated into racial antagonisms. Second, the appeal of racist ideology to white workers, with their identification as members of the "ruling nation" affording--in W.E.B. DuBois's words--"public and psychological wage" or compensation. Like religion, white-supremacist nationalism provides the illusory resolution to the real contradictions of life for the working majority of citizens. Third, the ruling class reinforces and maintains these racial divisions for the sake of capital accumulation within the framework of its ideological/political hegemony in the metropolis and worldwide. 31. Racism and nationalism are thus modalities in which class struggles articulate themselves at strategic points in history. No doubt social conflicts in recent times have involved not only classes but also national, ethnic, and religious groups, as well as feminist, ecological, antinuclear social movements (Bottomore 1983). The concept of "internal colonialism" (popular in the seventies) that subjugates national minorities, as well as the principle of self-determination for oppressed or "submerged" nations espoused by Lenin, exemplify dialectical attempts to historicize the collective agency for socialist transformation. Within the framework of the global division of labor between metropolitan center and colonized periphery, a Marxist program of national liberation is meant to take into account the extraction of surplus value from colonized peoples through unequal exchange as well as through direct colonial exploitation in "Free Trade Zones," illegal traffic in prostitution, mail-order brides, and contractual domestics (at present, the Philippines provides the bulk of the latter, about ten million persons and growing). National oppression has a

concrete reality not entirely reducible to class exploitation but incomprehensible apart from it; that is, it cannot be adequately understood without the domination of the racialized peoples in the dependent formations by the colonizing/imperialist power, with the imperial nation-state acting as the exploiting class, as it were (see San Juan 1998; 2002). 32. Racism arose with the creation and expansion of the capitalist world economy (Wolf 1982; Balibar and Wallerstein, 1991). Solidarities conceived as racial or ethnic groups acquire meaning and value in terms of their place within the social organization of production and reproduction of the ideological-political order; ideologies of racism as collective social evaluation of solidarities arise to reinforce structural constraints which preserve the exploited and oppressed position of these "racial" solidarities. Such patterns of economic and political segmentation mutate in response to the impact of changing economic and political relationships (Geshwender and Levine 1994). Overall, there is no denying the fact that national-liberation movements and indigenous groups fighting for sovereignty, together with heterogeneous alliances and coalitions, cannot be fully understood without a critical analysis of the production of surplus value and its expropriation by the propertied class--that is, capital accumulation. As John Rex noted, different ethnic groups are placed in relations of cooperation, symbiosis or conflict by the fact that as groups they have different economic and political functions.Within this changing class order of [colonial societies], the language of racial difference frequently becomes the means whereby men allocate each other to different social and economic positions. What the type of analysis used here suggests is that the exploitation of clearly marked groups in a variety of different ways is integral to capitalism and that ethnic groups unite and act together because they have been subjected to distinct and differentiated types of exploitation. Race relations and racial conflict are necessarily structured by political and economic factors of a more generalized sort (1983, 403-05, 407). Hence race relations and race conflict are necessarily structured by the larger totality of the political economy of a given society, as well as by modifications in the structure of the world economy. Corporate profit-making via class exploitation on an international/globalized scale, at bottom, still remains the logic of the world system of finance capitalism based on historically changing structures and retooled practices of domination and subordination.

Link - Surveillance

The aff doesn't challenge imperialism it recreates it – without first addressing the system of capitalism the discourse produced by the aff is commodified and used in order to justify US moral superiority and invasions – only challenging the economic incentive for those invasions stops violence

Monahan in 6 - Associate Professor of Human and Organizational Development and Medicine at Vanderbilt University. Member of the International Surveillance Studies Network <Torin. "Counter-surveillance as Political Intervention?" SOCIAL SEMIOTICS VOLUME 16 NUMBER 4 (DECEMBER 2006) Pgs 515-531>

Michael Hardt and Antonio Negri (2000) would describe these ongoing exchanges between dominant and subordinate groups as a mutual and perhaps unwitting advancement of ''Empire''*/the larger system of global capitalism and its colonization of lifeworlds. They note, for instance, how humanitarian efforts by western countries first establish discursive universal orders*/such as ''human rights''*/as justification for intervention, and then how these universals are capitalized upon by military and economic institutions as rationales for imperialistic invasions. Similarly, activist **struggles appear to teach the system of global capitalism, or those manning its operations, how to increase strategic efficiency by controlling spaces available for political opposition**. From this perspective, the flexible ideologies of the 1960s counterculture movements may have disturbed the capitalist system, but in doing so also described a new territory (the self) and a new mode of operation for the growth of capitalism: Capital did not need to invent a new paradigm (even if it were

capable of doing so) because the truly creative moment had already taken place. Capital's problem was rather to dominate a new composition that had already been produced autonomously and defined within a new relationship to nature and labor, a relationship of autonomous production. (Hardt and Negri 2000, 276) The post-Fordist colonizations of public spaces and resources today are outgrowths of an earlier colonization of ''flexibility'' as a viable and successful challenge to the rigidities of technocratic bureaucracies. I would build upon these observations to say that the conflicts between surveillance and counter-surveillance practices today represent a larger struggle over the control of spaces and bodies. It is doubtful that police or security forces are intentionally manipulating spaces and bodies with surveillance and other strategies because they explicitly wish to neutralize democratic opportunities; in fact, they most likely believe that their actions of social control are preserving democracy by safeguarding the status quo (Monahan 2006b). Be that as it may, such activities advance neoliberal agendas by eliminating spaces for political action and debate, spaces where effective alternatives to economic globalization could emerge and gain legitimacy if they were not disciplined by police and corporate actions. Therefore, it should not be seen as a coincidence that the demise of public spaces is occurring at the same time that spatial and temporal boundaries are being erased to facilitate the expansion of global capital. The two go hand in hand. Whereas one can readily critique Hardt and Negri for their attribution of agency to capitalism or to the amorphous force of ''Empire,'' their systemic viewpoint is worth preserving in what has become a contemporary landscape of social fragmentation, polarization, and privatization. Dominant and subordinate groups serve as asymmetrical refractions of each other in emerging global regimes. Surveillance and counter-surveillance are two sets of overlapping practices selectively mobilized by many parties in this conflict, but the overall effect is unknown. Conclusions Are counter-surveillance activities political interventions? Yes, they are clearly political. The central question remains, however, as to which counter-surveillance configurations provide productive critiques and interventions. Because counter-surveillance movements, in my definition of them, seek to correct unequal distributions of power, they do destabilize status quo politics on a case- by-case basis*/on the ground, at specific, temporally bounded sites of contestation. If our vantage point is once removed, however, then individualized counter-surveillance efforts appear to provide the necessary provocations for those with institutional power to diagnose and correct inefficiencies in their mechanisms of control.

Link – Counternarratives

Their method of counternarration will be coopted by capitalism and reproduce violence – their focus on the cultural impact of white supremacy masks the way that labor creates the violence outlined in the aff through commodity fetishism

Saha in 12 <Amelia. "Locating MIA: 'Race', commodification and the politics of production" 2012. European Journal of Cultural Studies 0(0) 1–17>

The importance of this argument, and why it still represents a critical intervention, is in the way that it foregrounds the capitalist, industrial context of the politics of representation and recognition that other cultural studies approaches to 'race' and difference tend to ignore. Too often these accounts of popular music and culture focus solely on the textual, ignoring the way that cultural texts are in effect cultural commodities and the product of industrial, rationalized production that is inextricably bound up in the way that the **cultural text appears at the point of consumption.** When eventually the concept of 'commodification' is evoked in these accounts, it is often in a fleeting way, as a shorthand to describe capitalism's co-option of potentially resistive subcultures. At best, such references to commodification are cursory, on the way to another point, but at worst they represent a somewhat lethargic description of capitalism's supposed co-option of the counter-narratives of difference and the production of its own form of corporate multiculture. The term 'commodification' derives from Marxist theory, where it is conceptualized in terms of the conversion of an object or aspect of life which has not been previously considered in economic terms into a commodity with exchange value. Within this account, the commodification of culture, and the vast proliferation of cultural goods that has resulted, is critiqued subsequently in terms of how capitalists make sounds, styles, images, symbols and so on into private property, restricting access to others (primarily through copyright law). Additionally, it highlights how, **through commodity fetishism, the exploitation of labour**

that has gone into its production is masked (see Hesmondhalgh, 2007). In light of this, critical political economists such as Mosco (1996) and Garnham (2001[1979]) write against an understanding of commodification that attributes too much importance to ideology and representation (which Mosco attributes to a particular tradition of communications research). **An excessive focus on its cultural dimensions risks deflecting attention away from the real effects of commodification: that is, the extraction of surplus value and the concealment of absolute and relative forms of labour exploitation through commodity fetishism** (Mosco, 1996)

Link – Commodifying Suffering

The aff reproduces both colonialism and capitalism by commodifying the lives the experiences of the oppressed as objects that can be exchanged in the debate – the methodology relies on capitalist assumptions about personhood because it allows for the people the aff talks about to become commodified, dislocated subjects

Ticktin 99 <Miriam. "Selling Suffering in The Courtroom and Marketplace:An Analysis of the Autobiography of Kiranjit Ahluwalia" [PoLAR: Vol. 22, No. 1. Pgs 24-28>

Second, I will look at the market narrative or narrative as commodity; how is this bookdetermined by its nature as a commodity? How is language that will sell employed without selling the suffering of these women? The two dominant narratives work together in framing identities through concepts of abstract individualism. As noted by Collier et. al. (1995), the legal practices developed in Europe and its colonies since the eighteenth century are intimately connected to the development of capitalism; Pashukanis used the term "bourgeois law" to emphasize the fact that the creator and beneficiary of law is the property-owning individual(1989). As interconnected systems, both the law and capitalism are based on notions of personhood that encourage the distinction between subject and object, inside and outside, person and thing. As Radin suggests, this world of abstract beings, equal before the law and politically equal, facilitates conceiving of concrete personal attributes as commodified objects (Radin1987:1892). In this vein, I will argue that the two dominant **narratives further the commodification of suffering.** Both the legal narrative and the market narrative require intermediaries for Kiranjit. In the legal case, she speaks only through various lawyers and through representatives from the women's activist group Southall Black Sisters. These legal stories are themselves told through the book, which is in turn mediated by Rahila Gupta, the woman chosen because (as stated inher preface) "Kiranjit's English would not quite mould itself to the 'words from the heart' thatwere waiting to tumble out" (p.xii). Thus, Kiranjit never speaks directly. In order to enter a discourse in which her story can be made public, in order to be represented, we realize that **she must be a dislocated subject** (Spivak 1988).This makes it apparent that we are dealing with several different subjects of Circle of Light, each occupying different positions and having unequal access to the means of representation: South Asian women, battered women, and Kiranjit Ahluwalia. And the question is this: do the two dominant discourses occupy these subjects so completely, do they take the subjects over in such a way that they simply cannot speak the violence, the oppression? And just as importantly, how do the subjects colonize or oppress one another? Finally, which subjects - if any – are empowered by this commoditized representation of suffering?

Turns the Case/Root Cause

They misunderstand the root cause of the violence in the aff – it was the desire to manage labor that created the incentive for racialized surveillance and slavery by

providing poor whites with psychological compensation that disincentivized them from organizing with Blacks to challenge the plantation system – their author

Kundnani and Kumar in 15 - Deepa Kumar is an associate professor of Media Studies and Middle East Studies at Rutgers University. Arun Kundnani teaches at New York University. His latest book is The Muslims Are Coming! Islamophobia, Extremism, and the Domestic War on Terror. <Arun and Deepa. "Race, surveillance, and empire" International Socialist Review. Issue 96, Spring 2015.>

Class, gender, and racial security While racial security was central to the settler-colonial project in North America, territorial dispossession was only one aspect of the process of capital accumulation for the new state; the other was the discipline and management of labor. As Theodore Allen shows in The Invention of the White Race, the "white race" did not exist as a category in Virginia's colonial records until the end of the seventeenth century. Whiteness as an explicit racial identity had to be cultivated over a period of decades before it could become the basis for an organized form of oppression.17 A key moment in the production of whiteness was the response of the ruling Anglo elite to Bacon's Rebellion of 1676. The rebellion was begun by colonial settlers who wanted a more aggressive approach to securing the territory against Indigenous peoples. But it also involved African and Anglo bond laborers joining together in a collective revolt against the system of indentured servitude. This threatened not only the profitability but also the very existence of the plantation system. Over the following three decades, the Virginia Assembly passed a series of acts that racialized workers as Black and white. Those who could now call themselves white were granted some benefits by law, whereas those designated Black were turned from bond laborers (who could therefore expect to be free after a period of time) into slaves—property with no rights whatsoever and no hope of freedom. To win them to the side of the plantation bourgeoisie, poor white men were given privileges—they had access to land and enjoyed common law protections such as trial by jury and habeas corpus that were denied to Black enslaved people.18 In practice this meant that white men, for instance, could rape Black women and not be charged with a crime (because Blacks were property and so only "damages" were to be paid to the slave owner). Further, property rights and the legal notion of settled land not only denied Native American property claims but even erased the existence of Indigenous people on the basis that, because white settlers had transformed the pristine North American wilderness into productive land, they were the real "natives."19 Once the legal and ideological work had been done to naturalize race as a visible marker of inherent difference and to separate "us" from "them," **it could be made use of as a stable category of surveillance; the patrols set up to capture runaway slaves—arguably the first modern police forces in the United States20—needed only to "see" race in order to identify suspects**. Moreover, the plantation system was stabilized by enabling non-elite whites to see security as a racial privilege and shared responsibility. W. E. B. Du Bois argued in Black Reconstruction that, in the slave plantations of the South, poor whites were brought into an identification with the planter elite by being given positions of authority over Blacks as overseers, slave drivers, and members of slave patrols. With the associated feeling of superiority, their hatred for the wider plantation economy that impoverished them was displaced onto Black enslaved people: class antagonism was racialized and turned into a pillar of stability for the system. Meanwhile, in the North, labor leaders had little appetite for abolition, fearing competition from a newly freed Black workforce.21 After abolition, the same racial anxieties were mobilized to disenfranchise the Black laborer in the South. Du Bois used the term "psychological wage" to describe this sense of superiority granted to non-elite whites in the South: It must be remembered that the white group of laborers, while they received a low wage, **were compensated by a sort of public and psychological wage**. They were given public deference and titles of courtesy because they were white. They were admitted freely with all classes of white people to public functions, public parks, and the best schools. The police were drawn from their ranks, and the courts, dependent under their votes, treated them with such leniency as to encourage lawlessness.... On the other hand, in the same way, the Negro was subject to public insult; was afraid of mobs; was liable to the jibes of children and the unreasoning fears of white women; and was compelled almost continuously to submit to various badges of inferiority. The

result of this was that the wages of both classes could be kept low, the whites fearing to be supplanted by Negro labor, the Negroes always being threatened by the substitution of white labor.22 We suggest below that, since the 1970s, neoliberalism has involved a similar kind of process, in which the social wage of the New Deal welfare state was progressively withdrawn and **racialized notions of security offered in its place as a psychological compensation.**

History has been one of class struggles – confronting capitalism is a necessary prerequisite to breaking down the hierarchies of oppression the aff talks about – their method prevents a transition to a society beyond oppression

TUMINO 1

(Stephen, Prof. English @ Pitt, "What is Orthodox Marxism and Why it Matters Now More than Ever", Red Critique)

Any effective political theory will have to do at least two things: it will have to **offer an integrated understanding of social practices** and, based on such an interrelated knowledge, offer a guideline for praxis. My main argument here is that among all contesting social theories now, **only Orthodox Marxism has been able to produce an integrated knowledge of the existing social totality and provide lines of praxis that will lead to building a society free from necessity.** But first I must clarify what I mean by Orthodox Marxism. Like all other modes and forms of political theory, the very theoretical identity of Orthodox Marxism is itself contested—not just from non-and anti-Marxists who question the very "real" (by which they mean the "practical" as under free-market criteria) existence of any kind of Marxism now but, perhaps more tellingly, from within the Marxist tradition itself. I will, therefore, first say what I regard to be the distinguishing marks of Orthodox Marxism and then outline a short polemical map of contestation over Orthodox Marxism within the Marxist theories now. I will end by arguing for its effectivity in bringing about a new society based not on human rights but on freedom from necessity. I will argue that to know contemporary society—and to be able to act on such knowledge—one has to first of all know what makes the existing social totality. I will argue that the dominant social totality is based on inequality—not just inequality of power but inequality of economic access (which then determines access to health care, education, housing, diet, transportation, . . .). This **systematic inequality cannot be explained by gender, race, sexuality, disability, ethnicity, or nationality. These are all secondary contradictions** and are all determined by the fundamental contradiction of capitalism which is inscribed in the relation of capital and labor. All modes of Marxism now explain social inequalities primarily on the basis of these secondary contradictions and in doing so—and this is my main argument—legitimate capitalism. Why? Because such arguments **authorize capitalism without gender, race, discrimination and thus accept economic inequality as an integral part of human societies**. They accept a sunny capitalism—a capitalism beyond capitalism. Such a society, based on cultural equality but economic inequality, has always been the not-so-hidden agenda of the bourgeois left—whether it has been called "new left," "postmarxism," or "radical democracy." This is, by the way, the main reason for its popularity in the culture industry—from the academy (Jameson, Harvey, Haraway, Butler,. . .) to daily politics (Michael Harrington, Ralph Nader, Jesse Jackson,. . .) to. . . . For all, capitalism is here to stay and the best that can be done is to make its cruelties more tolerable, more humane. This humanization (not eradication) of capitalism is the sole goal of ALL contemporary lefts (marxism, feminism, anti-racism, queeries, . . .). Such an understanding of social inequality is based on the fundamental understanding that the source of wealth is human knowledge and not human labor. That is, wealth is produced by the human mind and is thus free from the actual objective conditions that shape the historical relations of labor and capital. Only Orthodox Marxism recognizes the historicity of labor and its primacy as the source of all human wealth. In this paper I argue that any emancipatory theory has to be founded on recognition of the priority of Marx's

labor theory of value and not repeat the technological determinism of corporate theory ("knowledge work") that masquerades as social theory.

Even if we don't win the racial bribe still functions today – economic conditions are right for a rising up of the poor against the rich, but law-and-order politics have painted poor blacks as a degenerate culture to be fought and controlled – the alt is key, otherwise the aff just gets coopted

Alexander 10 (The new Jim Crow: mass incarceration in the age of colorblindness, Michelle Alexander is an asociate professor of law at Ohio State University and a civil rights advocate, who has litigated numerous class action discrimination cases and has worked on criminal justice reform issues. She is a recipient of a 2005 Soros Justice Fellowship of the Open Society Institute, has served as director of the Racial Justice Project at the ACLU of Northern California, directed the Civil Rights Clinic at Stanford Law School and was a law clerk for Justice Harry Blackmun at the U. S. Supreme Court.)

Competing images of the poor as "deserving" and "undeserving" became central components of the debate. Ultimately, the racialized nature of this imagery became a crucial resource for conservatives, who succeeded in using law and order rhetoric in their effort to mobilize the resentment of white working-class voters, many of whom felt threatened by the sudden progress of African Americans. As explained by Thomas and Mary Edsall in their insightful book *Chain Reaction*, a disproportionate share of the costs of integration and racial equality had been borne by lower- and lower-middle-class whites, who were suddenly forced to compete on equal terms with blacks for jobs and status and who lived in neighborhood adjoining black ghettos. Their children-not the children of wealthy whites-attended schools most likely to fall under busing orders. The affluent white liberals who were pressing the legal claims of blacks and other minorities "were often sheltered, in their private lives, and largely immune to the costs of implementing minority claims." This reality made it possible for conservatives to characterize the "liberal Democratic establishment" as being out of touch with ordinary working people- thus resolving one of the central problems facing conservatives: how to persuade poor and working-class voters to join in alliance with corporate interests and the conservative elite.

“Riot” PIC

1NC “Riot” PIC

___and I advocate the method of the 1AC without endorsing the use of the term “riot”

The term “riot” is associated with illogical, violent acts and serves to criminalize Blackness and social protest – turns the case – it is their argument that the discourse we use has a material effect on the world

Campbell et al in 4 <”Remote Control: How Mass Media Delegitimize Rioting as Social Protest” Shannon Campbell, Phil Chidester, Jamel Bell and Jason Royer

Source: Race, Gender & Class, Vol. 11, No. 1, Race, Gender, Class and the 1992 L.A. "Riots" (2004), pp. 158-176>

A key result of the newspapers' coverage of the Los Angeles and Cincinnati riots is the encouragement of readers to associate rioting as a concept with perceptions of race and racial difference. At first glance, this association is anything but surprising; after all, the riots in question were racially motivated, and this motivation may well be the only aspect of the events upon which all involved clearly agreed. A more in-depth consideration of this mediated theme, however, reveals the troublesome nature of the cognitive linkage of "race" and "rioting" as necessarily associated terms in readers' minds. Dyer (1988) alleges that the concept of "race" has come to embody very specific connotative meanings for many Americans. According to the critic, Whiteness can function as a human norm precisely because White people are not racially seen or named, and thus have the power to speak for all of humanity rather than speaking exclusively for their own race. Indeed, Dyer claims, ". . . race is something only applied to non- White peoples" (p. 1). Nakayama and Krizek (1995) concur, noting that one of the strategies supporting the systemic power base of Whiteness in the U.S. today is a refusal to label Whiteness in a racial sense. As a result, Nakayama and Krizek suggest, the term "race" is left to be applied exclusively to the "other." Finally, Warren and Twine (1997) assert that Blackness serves as a metonym against which Whiteness is measured and given meaning in our contemporary society. Because of this, Whiteness exists as two general categories: White and non- White. Through this process, non-Whiteness becomes synonymous with Blackness in many Americans' minds. The implications of this cognitive association are particularly clear when it comes to media coverage of riot events. Because viewers and readers are encouraged to see riots as largely racial events, and because for many readers the term "race" is synonymous with their conceptualization of "Blackness" (Warren & Twine, 1997), riots become for these readers events that are by, for and about African Americans. Coupled with the associated framing of riots as illogical acts in response to necessary societal controls, this cognitive linkage of rioting with a specific racial group can have a staggering impact on the way readers process the "facts" about violent urban uprisings

2NC “Riot” PIC

Using the term “riot” divorces activism from its political context and criminalize it

Waldman in 15 <Katy. “Is Baltimore Beset by Protests, Riots, or an Uprising?” April 29, 2015. http://www.slate.com/blogs/lexicon_valley/2015/04/29/protest_versus_riot_versus_uprising_the_language_of_the_baltimore_freddie.html>

As Subtirelu points out, venues that present themselves as conservative are more likely to opt for riots over protests, thereby “eras[ing] the political messages and purposes of people in Baltimore.” More “moderate and progressive venues” are likelier to reach for the terms that “imbue many of the people in the

streets with political purpose." (As seen in the chart above, Slate has used both terms.) Here's exhibit C. On Monday night's live coverage of the fracas, CNN commentator Marc Lamont Hill laid bare the reasoning behind such linguistic sleights-of-hand. "I'm not calling these people rioters," he told Van Jones and Don Lemon. "I'm calling these uprisings and I think it's an important distinction to make. …There have been uprisings in major cities and smaller cities around this country for the last year because of the violence against black female and male bodies forever and I think that's what's important." What exactly is at stake in the semantic tug-of-war between riots and protests, riots and uprisings? As both Subtirelu and Hill suggest, the second two options demand that we take the people involved more seriously, as agents with purpose and grievance. The verb protest especially carries intimations of virtue; in the mid-15th century, it meant "to declare formally or solemnly," as in "to protest one's innocence." Today the word implies principled disapproval and moral fiber: The stalwart protester stands in the rain, picketing for equal pay. Indeed, one protests against something, not just for the hell of it. The act requires fortitude but—perhaps thanks to Gandhi and Martin Luther King Jr.—it is an effort of will and ethical imagination, not arm and hammer. Protest's connotations of self-discipline seem to counter the threat of wanton violence.

The word "riot" attributes activism to criminality and meaningless violence

Campbell et al in 4 <"Remote Control: How Mass Media Delegitimize Rioting as Social Protest" Shannon Campbell, Phil Chidester, Jamel Bell and Jason Royer Source: Race, Gender & Class, Vol. 11, No. 1, Race, Gender, Class and the 1992 L.A. "Riots" (2004), pp. 158-176>

According to Olzak and Shanahan (1996), riots are the violent expression of two very different types of social unrest: race/ethnic protests and race/ethnic conflicts. The first type of uprising, the researchers suggest, finds a distinct group expressing a grievance or demonstrating against the existing power structure on the basis of ethnic or racial identity, while race/ethnic conflicts involve one group attacking anotheracial/ethnic collective or a group representing the sociopolitical structure, such as the police or the military. Olzak and Shanahan conclude that large-scale riots may erupt as a result of either type of demonstration, though violence is generally not an intended purpose of race/ethnic protests, and is rarely instigated by the protesters themselves. In similar fashion, Lieberson and Silverman (1965) define riots as "... a generalized response directed at a collectivity rather than the offender" (p. 891), and further note that such actions are . . frequently misunderstood" (p. 898), often attributed to criminals and rabble rousers rather than to respectable citizens in desperate search of a means to express their dissatisfaction with current conditions and policies. Oberschall (1993) concurs, noting that such acts do indeed contain "normative and rational elements" (p. 257). In other words, while riots are clearly the by-product of more legitimate - and legitimized - forms of unrest, because the attendant violence is rarely directed at those responsible for the unrest, or even aimed specifically at larger groups seen to represent the guilty party or system, it becomes far too easy to frame these moments of collective brutality and terror as nothing more than meaningless, futile expressions of violence.

Using the word "riot" reinforces racist stereotypes and separate protests and uprisings from their political context

Eckel in 8 - BA in Political Science from McGill University in Montreal, Quebec, and MA in Social Science from the University of Chicago <Matt. "The planning of 'ethnic' violence" January 24th, 2008. http://rationalinternational.blogspot.com/2008/01/planning-of-ethnic-violence.html>

Today's BBC has a worthwhile article pointing out Human Rights Watch allegations that much of the "ethnic" (I'll explain the quotes in a second) violence ravaging Kenya is being planned and directed by political elites there. Again, worth reading, but hardly surprising to anyone who has looked at historical patterns of communal violence. The nature of media coverage of such strife is a persistent complaint of people who study ethnic conflict and ethno-nationalist politics. By framing violence as "ethnic," without adding much context to the term, reporters unwittingly frame it as a result of ancient, hardened, immutable social divisions that spontaneously flare up from time to time (I - along with many others, prefer the term "communal," because it leaves open the

possibility for boundaries to change). Furthermore, by using the word "riot" to describe the actual incidents, reporters conjure up images of pent-up anger, randomly exploding into wanton destruction (in the context of Africa, it also unwittingly reinforces racist stereotypes about tribal conflict). Recent history - from the Kristallnacht to the Rwandan Genocide to the 2002 Hindu-Muslim clashes in Gujarat - has shown that such violence is nearly always planned and directed by communal elites. "Pogrom" might be a more appropriate term.

Visibility/Opacity K

1NC

Their call for counternarratives rely on empathetic identification by conjuring the judge/debater's liberal self-worth to get a ballot. This reinscribes suffering by making fungible the experience of the other and simultaneously destroying their experience – turns the case by recreating colonialism

Hartman, 97 <Saidya Hartman, Saidiya Hartman is a professor at Columbia University specializing in African American literature and history. She grew up in Brooklyn and received her B.A. from Wesleyan University and Ph.D. from Yale University, Scenes of Subjection>

In an epistle to his brother, John Rankin illumined the "very dangerous evil" of slavery in a description of the coffle, detailing the obscene theatricality of the slave trade: "Unfeeling wretches purchased a considerable drove of slaves how many of them were separated from husbands and wives, I will not pretend to say-and having chained a number of them together, hoisted over the flag of American liberty, and with the music of two violins marched the woe-worn, heart-broken, and sobbing creatures through the town." 1 Rankin, aghast at the spectacle and shocked by "seeing the most oppressive sorrows of suffering innocence mocked with all the lightness of sportive music," decried: "My soul abhors the crime." The violation of domesticity, the parody of liberty, and the callous defiance of sorrow define the scene in which crime becomes spectacle. The "very dangerous evil" of slavery and the "agonizing groans of suffering humanity" had been made music.2¶ Although Rankin conceded that the cruelty of slavery "far exceed[ed] the power¶ of description," he nonetheless strove to render the horrors of slavery, And in so doing, Rankin makes apparent that the crimes of slavery are **not only witnessed but staged.** This is a result of the recourse to terms like "stage," "spectacle," and "scene" in conveying these horrors, and, more important, because the "abominations of slavery" are disclosed through the reiteration of secondhand accounts and circulating stories from "unquestionable authorities" to which Rankin must act as surrogate witness. In the effort to "bring slavery close," these circulating reports of atrocity, in essence, are reenacted in Rankin epistles. The grotesqueries enumerated in documenting the injustice of slavery are intended to shock and to disrupt the comfortable remove of the reader/spectator. By providing the minutest detail of macabre acts of violence, embellished by his own fantasy of slavery's bloodstained gate, Rankin hoped to rouse the sensibility of those indifferent to slavery by exhibit ing the suffering of the enslaved and facilitating an identification between those free and those enslaved: "We are naturally too callous to the sufferings of others, and consequently prone to look upon them with cold indifference, until, in imagination we identify ourselves with the sufferers, and make their sufferings our own .... When I bring it near, inspect it closely, and find that it is inflicted on men and women, who possess the same nature and feelings with myself, my sensibility is roused" (56-57). **By bringing suffering near, the ties of sentiment are forged.** In letter after letter, Rankin strove to create this shared experience of horror in order to transform his slaveholding brother, to whom the letters were addressed, as well as the audience of readers. In this case, pain provides the common language of humanity; it extends humanity to the dispossessed and, in turn, remedies the indifference of the callous. ¶ The shocking accounts of whipping, rape, mutilation, and suicide assault the¶ barrier of indifference, for the abhorrence and indignity roused by these scenes of terror, which range from the mockery of the coffle to the dismemberment and incineration of a slave boy, give rise to a shared sentience between those formerly indifferent and those suffering. So intent and determined is Rankin to establish that slaves possess the same nature and feelings as himself, and thereby establish the common humanity of all men on the basis of this extended suffering, that he literally narrates an imagined scenario in which he, along with his wife and child, is enslaved. The "horrible scenes of cruelty that were presented to [his] mind as a consequence of this imagining aroused the "highest pitch of indignant feeling." In addition this scenario enables Rankin to speak not only for but literally in the place of the enslaved. By believing himself to be and by phantasmically becoming the enslaved, he creates the scenario for shared feelings:¶ My flighty imagination added much to the tumult of passion by persuading me, for he moment, that 1 myself was a slave, and with my

wife and children placed under the reign of terror. I began in reality to feel for myself, my wife, and my children-the thoughts of being whipped at the pleasure of a morose and capricious master, aroused the strongest feelings of resentment; but when I fancied the cruel lash was. Approaching my wife and children, and my imagination depicted in lively colors, their tears, their shrieks, and bloody stripes, every indignant principle of my bloody nature was exerted to the highest degree. (56)¶ The nature of the feelings aroused here is rather complicated. While this flight of imagination enables a vicarious firsthand experience of the lash, excoriates the pleasure experienced by the master in this brutal exercise of power, and unleashes Rankin's fiery indignation and resentment, the phantasmic vehicle of this identification is complicated, unsettling, and disturbing. Although Rankin's fantasy culminates in indignant outcries against the institution of slavery and, clearly, the purpose of this identification is to highlight the crimes of slavery, this flight of imagination and slipping into the captive's body unlatches a Pandora's box and, surprisingly, what comes to the fore is the difficulty and slipperiness of empathy. Properly speaking, empathy is a projection of oneself into another in order to better under stand the other or "the projection of one's own personality into an object, with the attribution to the object of one's own emotions."4 Yet empathy in important respects confounds Rankin's efforts to identify with the enslaved because in making the slave's suffering his own, Rankin begins to feel for himself rather than for those whom this exercise in imagination presumably is designed to reach. Moreover, by exploiting the vulnerability of the captive body as a vessel for the uses, thoughts, and feelings of others, the humanity extended to the slave inadvertently confirms the expectations and desires definitive of the relations of chattel slavery. In other words, the ease of **Rankin's empathic identification is as much due to his good intentions and heartfelt opposition to slavery as to the fungibility of the captive body.**

Our alternative is to remain opaque – this is necessary to challenge the imperial strategy that discursively seeks to know, conquer and reproduce colonialism

Walker in 11 - Ph.D., The College of William and Mary, former Chair of the Department of Africana Studies at Brown University <Corey. "How Does It Feel to be a Problem?': (Local) Knowledge, Human Interests, and The Ethics of Opacity" Transmodernity: Journal of Peripheral Cultural Production of the Luso-Hispanic World, 1(2)>

I have chosen the ground of ethics in wrestling with the question of epistemology for this particular endeavor in order to highlight "the very fact that ethics exist as unscientific" – that is resistant to and restrictive of the epistemic hegemony of Science proper – speaks to its critical dimension that "cannot be reduced to the disciplining of science," indeed of the modern, rational episteme.15 Hence the recourse to ethics in pursuit of an emancipatory project of knowledge holds out the possibility of unmasking and "denouncing all myth, all mystifications, all superstitions" that inhere in a disciplinary and disciplining logic of our contemporary categorization and organization of knowledge, particularly in the North Atlantic academy.16 Moreover, it reminds us that the question of epistemology cannot be approached without critical attention to the question of ethics, particularly for those projects that claim to be emancipatory. With this understanding, ethics is transformed into a critical discursive practice that evades uncritical "sentimentality and development, and pre[over]determined categories such as good and bad."17 Ethics proper is a discourse derived from a rigorous, vigilant, and militant theoretical site of struggle. Such struggles are not merely over "values," but rather expose the "conflicts in which [groups, formations, and classes] express their means of reproducing the very struggle that creates them – and finds emancipatory expression in their practices of resistance, pleasure, and authority."18 Ethics thus rendered is transformed into a critical terrain that fields the necessary interrogatory practices that question the normative assumptions and methodological presuppositions in raising a critical consciousness in the ongoing battle of challenging the disciplinary dictates and epistemological demands of the modern organization of knowledge. The ethics of opacity operates from a similar

position as announced by Alain Badiou, "Ethics does not exist. There is only the ethics of (of politics, of love, of science, of art)."19 Such an ethical understanding seeks to temper the imperial strategy of traditional ethics, particular ethical formulations, traditions, and prescriptives that gather under the logics and technologies of coloniality. Indeed, as Badiou puts it, "it might well be that ethical ideology, detached from the religious teachings which at least conferred upon it the fullness of 'revealed' identity, **is simply the final imperative of a conquering civilization**: 'Become like me and I will respect your difference'" (28). Inspired by the work of Charles Long, the ethics of opacity establishes the critical principle that those hegemonic knowledge systems unleashed by coloniality/modernity necessarily introduce what Long calls "that 'thing' [which] must be suppressed, but the very act of suppression introduces the thing suppressed into the symbolic universe that it stakes out."20 Long continues with recourse to the work of Paul Ricoeur who writes, "Now defilement enters into the universe of man through speech, or the word; its anguish is communicated through speech . . . the opposition of the pure and the impure is spoken. . . a stain is a stain because it is there, mute; the impure taught in the words that institute the taboo" (204). Within this nexus, the ethics of opacity suggest a critical site for the production and reproduction of the knowledges of those on the underside of modernity. Long writes, Black, the colored races, caught up into this net of the imaginary and symbolic consciousness of the West, rendered mute through the words of military, economic, and intellectual power, assimilated as if by osmosis structures of this consciousness of oppression. This is the source of the doubleness of consciousness made famous by W.E.B. Du Bois. But even in these symbolic structures there remained the inexhaustibility of the opaqueness of this symbol for those who constituted the "things" upon which the significations of the West deployed its meanings. (204)

Opacity is a necessary strategy to resolve the aff by interrupting the economy of knowledge that justifies violence against the colonized – the aff just reproduces violence and makes the infiltration they decry more likely

Walker in 11 - Ph.D., The College of William and Mary, former Chair of the Department of Africana Studies at Brown University <Corey. "How Does It Feel to be a Problem?': (Local) Knowledge, Human Interests, and The Ethics of Opacity" Transmodernity: Journal of Peripheral Cultural Production of the Luso-Hispanic World, 1(2)>

Thus, the ethics of opacity establishes a critical movement, indeed produces an ethical demand, that speaks to and is founded upon a responsibility to interrogate hegemonic epistemological production, which is "the context for the communities of color, the opaque ones of the modern world" (Long 204). Such an ethics calls into question traditional formulations and rehearsal of ethics proper and radically calls into account those "radical" formulations of emancipatory theoretical projects, i.e. scientific Marxism, dogmatic theology, Western democracy, and the host of "post-" prefixed theoretical formulations. Such an ethics of opacity also entails, or rather prescribes a critical intellectual practice that affirms the worth, value, and dignity of the "human." Long writes, "Octavio Paz tells us that they were filled with poets, proletarians, colonized peoples, the colored races. 'All these purgatories and hells lived in a state of clandestine ferment. One day in the twentieth century, the subterranean world blew up. The explosion hasn't yet ended and its splendor has illumined the agony of the age" (204).21 The ethics of opacity is animated by this vision in seeking to articulate the depth of meaning that is announced that these continuing events. In this sense, the ethics of opacity pushes the discourse of ethics to the limit. Accordingly, recourse to Levinas is quite appropriate when he suggests, "My task does not consist in constructing ethics, I only try to seek its meaning."22 The ethics of opacity presents "more than an accusation regarding the actions and behavior of the oppressive cultures; it goes to the heart of the issue. It is an accusation regarding the world view, thought structures, theory of knowledge, and so on, of the oppressors. The accusation is not simply of bad acts but, more importantly, of bad faith and bad knowledge."23 An ethics of opacity is thus defined by its critical orientation to liberation as articulated by and with the opaque ones. It is a critical intellectual posture that disrupts the

dominant logic of coloniality/modernity in exploring the hidden and unknown, the repressed and submerged narratives, histories, and epistemologies – the sites of opacity that are the conditions of im/possibility of the contemporary world. Such an ethic is available because, as Long writes, "the strategies of obscuring these peoples and cultures within the taxonomies of the disciplines of anthropology as primitives or the classification of them as sociological pathologies is no longer possible" (211). The ethics of opacity helps to structure our ability "to effect the deconstruction of the mechanisms by means of which we continue to make opaque to ourselves, attributing the origin of our societies to imaginary beings, whether the ancestors, the gods, God, or evolution, and natural selection, the reality of our own agency with respect to the programming and reprogramming of our desires, our behaviors, our minds, ourselves, the I and the we."24 Such a move has significant implications for "reimagining our forms of life" and opens up potentially emancipatory possibilities for a critical theory of knowledge in the interests of those on the underside of modernity (204). In a crucial sense, it is the emergence and existence of the opaque ones that conditions the im/possibility of the project of Enlightenment rationality. Long states, "As stepchildren of Western culture, the oppressed have affirmed and opposed the ideal of the Enlightenment and post- Enlightenment worlds. But in the midst of this ambiguity, for better or for worse, their experiences were rooted in the absurd meaning of their bodies, and it was for these bodies that they were regarded not only as valuable works but also as the locus of the ideologies that justified their enslavement . . . . The totalization of all the great ideals of Western universalization met with the factual symbol of these oppressed ones."25 The infinite meaning and depth of the "factual symbol of these oppressed ones" is the location of ethics of opacity and in turn structures the relation to epistemology. Indeed, highlighting the relation of ethics and epistemology thus becomes a critical process that cannot be evaded. The disruption produced by the ethics of opacity suggests the primacy of method of procedure as opposed to the fundamental question of ontology for the project of critical theory in the interests of humanity.26 To this end, such an ethical imperative interrupts the imperial/colonial economy of knowledge that privileges a conceptualization of knowledge that conquers through a commitment to clarity of content and transparency of method. The will to clarity and transparency within this theoretical enterprise rests on a fundamental violence that denies difference and negates alternative possibilities of thought as well as of action. The character of this will to know is marked by a process that necessarily seeks to conquer epistemologically and otherwise. Instead, an ethic of opacity develops a critical posture that welcomes the "opaque ones" as fundamental partners in the quest for knowledge. It is a reflexive injunction that reminds us that we always already think in and against particular epistemic traditions and conditions that in/form us. The challenge thus becomes how do we develop a theory of knowledge in critical relation with an ethics of opacity?

Turns Case

The aff's call for counternarratives assumes that visibility and the representational inclusion of excluded groups is inherently liberatory but is based on a false binary that erases the power of the unspoken and increases surveillance, fetishism, and colonialism – turns case

Phelan in 93 <Phelan, Peggy. Unmarked : The Politics of Performance. Florence, KY, USA: Routledge, 1993. ProQuest ebrary. Web.>

The current contradiction between "identity politics" with its accent on visibility, and the psychoanalytic/deconstructionist mistrust of visibility as the source of unity or wholeness needs to be refigured, if not resolved. 13 As the Left dedicates ever more energy to visibility politics, I am increasingly troubled by the forgetting of the problems of visibility so successfully articulated by feminist film theorists in the 1970s and 1980s. I am not suggesting that continued invisibility is the "proper" political agenda for the disenfranchised, but rather that **the binary between the power of visibility and the impotency of invisibility is falsifying. There is real power in remaining unmarked; and there are serious**

limitations to visual representation as a political goal. Visibility is a trap ("In this matter of the visible, everything is a trap": Lacan, Four Fundamental Concepts: 93); **it summons surveillance and the law; it provokes voyeurism, fetishism, the colonialist/imperial appetite for possession**. Yet it retains a certain political appeal. Visibility politics have practical consequences; a line can be drawn between a practice (getting someone seen or read) and a theory (if you are seen it is harder for "them" to ignore you, to construct a punitive canon); the two can be reproductive. While there is a deeply ethical appeal in the desire for a more inclusive representational landscape and certainly under-represented communities can be empowered by an enhanced visibility, **the terms of this visibility often enervate the putative power of these identities**. A much more nuanced relationship to the power of visibility needs to be pursued than the Left currently engages. 14 Arguing that communities of the hitherto under-represented will be made stronger if representational economies reflect and see them, progressive cultural activists have staked a huge amount on increasing and expanding the visibility of racial, ethnic, and sexual "others**." It is assumed that disenfranchised communities who see their members within the representational field will feel greater pride in being part of such a community and those who are not in such a community will increase their understanding of the diversity and strength of such communities**. Implicit within this argument are several presumptions which bear further scrutiny: 1 2 3 4 Identities are visibly marked so the resemblance between the African-American on the television and the African-American on the street helps the observer see they are members of the same community. Reading physical resemblance is a way of identifying community. The relationship between representation and identity is linear and smoothly mimetic. What one sees is who one is. If one's mimetic likeness is not represented, one is not addressed. Increased visibility equals increased power. Each presumption reflects the ideology of the visible, an ideology which erases the power of the unmarked, unspoken, and unseen.

Empathetic Identification

The aff's solvency relies on empathetic identification with the suffering and injustice outlined in the aff – it seeks to make suffering visible and intelligible which denies and erases the experience of the other

Hartman, 97 <Saidya Hartman, Saidiya Hartman is a professor at Columbia University specializing in African American literature and history. She grew up in Brooklyn and received her B.A. from Wesleyan University and Ph.D. from Yale University, Scenes of Subjection, Accessed: 4/25/14>

By making the suffering of others his own, has Rankin ameliorated indifference or only confirmed the difficulty of understanding the suffering of the enslaved? Can the white witness of the spectacle of suffering affirm the materiality of black sentience only by feeling for himself? Does this not only exacerbate the idea that black sentience is inconceivable and unimaginable but, in the very ease of possessing the abased and enslaved body, ultimately elide an understanding and acknowledgment of the slave's pain? Beyond evidence of slavery's crime, what does this exposure of the suffering body of the bondsman yield? Does this not reinforce the "thingly" quality of the captive by reducing the body to evidence in the very effort to establish the humanity of the enslaved? Does it not reproduce the hyperembodiness of the powerless? The purpose of these inquiries is not to cast doubt on Rankin's motives for recounting these events but to consider the precariousness of empathy and the thin line between witness and spectator. In the fantasy of being beaten, Rankin must substitute himself and his wife and children for the black captive in order that this pain be perceived and experienced. So, in fact, Rankin becomes a proxy and the other's pain is acknowledged to the degree that it can be imagined, yet **by virtue of this substitution the object of identification threatens to disappear.** In order to convince the reader of the horrors of slavery, Rankin must volunteer himself and his family for abasement. Put differently, the effort to counteract the commonplace callousness to

black suffering requires that the white body be positioned in the place of the black body in order to make this suffering **visible and intelligible**.Yet if this violence can become palpable and indignation can be fully aroused only through the masochistic fantasy, then it becomes clear that empathy is double-edged, for in making the other's suffering one's own, this suffering is **occluded by the others obliteration**. Given the litany of horrors that fill Rankin's pages, this recourse to fantasy reveals an anxiety about making the slave's suffering legible. This anxiety is historically determined by the denial of black sentience, the slave's status as object of property, the predicament of witnessing given the legal status of blacks, and the repression of counterdiscourses on the "peculiar institution." Therefore, Rankin must supplant the black captive in order to give expression to black suffering, and as a consequence, the dilemma-the denial of black sentience and the obscurity of suffering-is not attenuated but instantiated. The ambivalent character of empathy-more exactly, **the repressive effects of empathy**-as Jonathan Boyarin notes, **can be located in the "obliteration of otherness" or the facile intimacy that enables identification with the other only as we "feel ourselves into those we imagine as ourselves."** And as a consequence, empathy fails to expand the space of the other but merely places the self in its stead. 5 This is not to suggest that empathy can be discarded or that Rankin's desire to exist in the place of the other can be dismissed as a narcissistic exercise but rather to highlight the dangers of a too-easy intimacy, the consideration of the self that occurs at the expense of the slave's suffering, and the violence of identification.6

Their call for counternarratives rely on empathetic identification by conjuring the judge/debater's liberal self-worth to get a ballot. This reinscribes suffering by making fungible the experience of the other and simultaneously destroying their experience – turns the case by recreating colonialism

Hartman, 97 <Saidya Hartman, Saidiya Hartman is a professor at Columbia University specializing in African American literature and history. She grew up in Brooklyn and received her B.A. from Wesleyan University and Ph.D. from Yale University, Scenes of Subjection>

In an epistle to his brother, John Rankin illumined the "very dangerous evil" of slavery in a description of the coffle, detailing the obscene theatricality of the slave trade: "Unfeeling wretches purchased a considerable drove of slaves how many of them were separated from husbands and wives, I will not pretend to say-and having chained a number of them together, hoisted over the flag of American liberty, and with the music of two violins marched the woe-worn, heart-broken, and sobbing creatures through the town." 1 Rankin, aghast at the spectacle and shocked by "seeing the most oppressive sorrows of suffering innocence mocked with all the lightness of sportive music," decried: "My soul abhors the crime." The violation of domesticity, the parody of liberty, and the callous defiance of sorrow define the scene in which crime becomes spectacle. The "very dangerous evil" of slavery and the "agonizing groans of suffering humanity" had been made music.2¶ Although Rankin conceded that the cruelty of slavery "far exceed[ed] the power¶ of description," he nonetheless strove to render the horrors of slavery, And in so doing, Rankin makes apparent that the crimes of slavery are **not only witnessed but staged.** This is a result of the recourse to terms like "stage," "spectacle," and "scene" in conveying these horrors, and, more important, because the "abominations of slavery" are disclosed through the reiteration of secondhand accounts and circulating stories from "unquestionable authorities" to which Rankin must act as surrogate witness. In the effort to "bring slavery close," these circulating reports of atrocity, in essence, are reenacted in Rankin epistles. The grotesqueries enumerated in documenting the injustice of slavery are intended to shock and to disrupt the comfortable remove of the reader/spectator. By providing the minutest detail of macabre acts of violence, embellished by his own fantasy of slavery's bloodstained gate, Rankin hoped to rouse the

sensibility of those indifferent to slavery by exhibit ing the suffering of the enslaved and facilitating an identification between those free and those enslaved: "We are naturally too callous to the sufferings of others, and consequently prone to look upon them with cold indifference, until, in imagination we identify ourselves with the sufferers, and make their sufferings our own .... When I bring it near, inspect it closely, and find that it is inflicted on men and women, who possess the same nature and feelings with myself, my sensibility is roused" (56-57). **By bringing suffering near, the ties of sentiment are forged.** In letter after letter, Rankin strove to create this shared experience of horror in order to transform his slaveholding brother, to whom the letters were addressed, as well as the audience of readers. In this case, pain provides the common language of humanity; it extends humanity to the dispossessed and, in turn, remedies the indifference of the callous. ¶ The shocking accounts of whipping, rape, mutilation, and suicide assault the¶ barrier of indifference, for the abhorrence and indignity roused by these scenes of terror, which range from the mockery of the coffle to the dismemberment and incineration of a slave boy, give rise to a shared sentience between those formerly indifferent and those suffering. So intent and determined is Rankin to establish that slaves possess the same nature and feelings as himself, and thereby establish the common humanity of all men on the basis of this extended suffering, that he literally narrates an imagined scenario in which he, along with his wife and child, is enslaved. The "horrible scenes of cruelty that were presented to [his] mind as a consequence of this imagining aroused the "highest pitch of indignant feeling." In addition this scenario enables Rankin to speak not only for but literally in the place of the enslaved. By believing himself to be and by phantasmically becoming the enslaved, he creates the scenario for shared feelings:¶ My flighty imagination added much to the tumult of passion by persuading me, for he moment, that 1 myself was a slave, and with my wife and children placed under the reign of terror. I began in reality to feel for myself, my wife, and my children-the thoughts of being whipped at the pleasure of a morose and capricious master, aroused the strongest feelings of resentment; but when I fancied the cruel lash was. Approaching my wife and children, and my imagination depicted in lively colors, their tears, their shrieks, and bloody stripes, every indignant principle of my bloody nature was exerted to the highest degree. (56)¶ The nature of the feelings aroused here is rather complicated. While this flight of imagination enables a vicarious firsthand experience of the lash, excoriates the pleasure experienced by the master in this brutal exercise of power, and unleashes Rankin's fiery indignation and resentment, the phantasmic vehicle of this identification is complicated, unsettling, and disturbing. Although Rankin's fantasy culminates in indignant outcries against the institution of slavery and, clearly, the purpose of this identification is to highlight the crimes of slavery, this flight of imagination and slipping into the captive's body unlatches a Pandora's box and, surprisingly, what comes to the fore is the difficulty and slipperiness of empathy. Properly speaking, empathy is a projection of oneself into another in order to better under stand the other or "the projection of one's own personality into an object, with the attribution to the object of one's own emotions."4 Yet empathy in important respects confounds Rankin's efforts to identify with the enslaved because in making the slave's suffering his own, Rankin begins to feel for himself rather than for those whom this exercise in imagination presumably is designed to reach. Moreover, by exploiting the vulnerability of the captive body as a vessel for the uses, thoughts, and feelings of others, the humanity extended to the slave inadvertently confirms the expectations and desires definitive of the relations of chattel slavery. In other words, the ease of **Rankin's empathic identification is as much due to his good intentions and heartfelt opposition to slavery as to the fungibility of the captive body.**

External Validation

Their method relies on the external validation of suffering in order to attain empowerment and resistance – this recreates academic

colonialism – the right to conquer is intimately connected to the right to know

Tuck and Yang 2014 [Eve, & K.W., "R-Words: Refusing Research." In n D. Paris & M. T. Winn (Eds.) Humanizing research: Decolonizing qualitative inquiry with youth and communities (pp. 223-248). Thousand Oakes, CA: Sage Publications. Pp. 223-6]

Research is a dirty word among many Native communities (Tuhiwai Smith,¶ 1999), and arguably, also among ghettoized (Kelley, 1997), Orientalized¶ (Said, 1978), and other communities of overstudied Others. The ethical¶ standards of the academic industrial complex are a recent development, and like¶ so many post–civil rights reforms, do not always do enough to ensure that social¶ science research is deeply ethical, meaningful, or useful for the individual or community¶ being researched. Social science often works to collect stories of pain and¶ humiliation in the lives of those being researched for commodification. However,¶ these same stories of pain and humiliation are part of the collective wisdom that¶ often informs the writings of researchers who attempt to position their intellectual¶ work as decolonization. Indeed, to refute the crime, we may need to name it. How¶ do we learn from and respect the wisdom and desires in the stories that we (over)¶ hear, **while refusing to portray/betray them to the spectacle of the settler colonial¶ gaze?** How do we develop an ethics for research that differentiates between¶ power—which deserves a denuding, indeed petrifying scrutiny—and people? At¶ the same time, as fraught as research is in its complicity with power, it is one of¶ the last places for legitimated inquiry. It is at least still a space that proclaims to¶ care about curiosity. In this essay, we theorize refusal **not just as a "no,"** but as a¶ type of **investigation into "what you need to know and what I refuse to write in"**¶ (Simpson, 2007, p. 72). Therefore, we present a **refusal to do research**, or a **refusal¶ within research**, as a way of thinking about **humanizing researchers.**¶ We have organized this chapter into four portions. In the first three sections,¶ we lay out three axioms of social science research. Following the work of Eve¶ Kosofsky Sedgwick (1990), we use the exposition of these axioms to articulate¶ otherwise implicit, methodological, definitional, self-evident groundings (p. 12)¶ of our arguments and observations of refusal. The axioms are: (I) The subaltern¶ can speak, but is **only invited to speak her/our pain**; (II) **there are some forms of¶ knowledge that the academy doesn't deserve**; and (III) **research may not be the¶ intervention that is needed**. We realize that these axioms may not appear self evident¶ to everyone, yet asserting them as apparent allows us to proceed toward¶ the often unquestioned limits of research. Indeed, "in dealing with an open secret¶ structure, it's only by being shameless about risking the obvious that we¶ happen into the vicinity of the transformative" (Sedgwick, 1990, p. 22). In the¶ fourth section of the chapter, we theorize refusal in earnest, exploring ideas that¶ are still forming.¶ Our thinking and writing in this essay is informed by our readings of postcolonial¶ literatures and critical literatures on settler colonialism. We locate much of¶ our analysis inside/in relation to the discourse of settler colonialism, the particular¶ shape of colonial domination in the United States and elsewhere, including¶ Canada, New Zealand, and Australia. Settler colonialism can be differentiated¶ from what one might call exogenous colonialism in that the colonizers arrive at a¶ place ("discovering" it) and make it a permanent home (claiming it). The permanence¶ of settler colonialism makes it a **structure, not just an event** (Wolfe, 1999).¶ The settler colonial nation-state is dependent on destroying and erasing¶ Indigenous inhabitants in order to clear them from valuable land. The settler¶ colonial structure also requires the enslavement and labor of bodies that have¶ been stolen from their homelands and transported in order to labor the land stolen¶ from Indigenous people. Settler colonialism refers to a triad relationship, between¶ the White settler (who is valued for his leadership and innovative mind), the disappeared¶ Indigenous peoples (whose land is valued, so they and their claims to it¶ must be extinguished), and the chattel slaves (whose bodies are valuable but¶ ownable, abusable, and murderable). We believe that this triad is the basis of the¶ formation of Whiteness in settler colonial nation-states, and that the interplay of¶ **erasure**, bodies, land, and violence is characteristic of the **permanence of settler¶ colonial structures.**¶ Under coloniality, Descartes' formulation, cognito ergo sum ("I think, therefore¶ I am") transforms into ego conquiro ("I conquer, therefore I am"; Dussel, 1985;¶ Maldonado-Torres, 2007; Ndlvou-Gatsheni, 2011). Nelson Maldonado-Torres¶ (2009) expounds on this relationship of the conqueror's sense-of-self to his¶ knowledge-of-others ("I know her, therefore I am me"). **Knowledge of self/Others¶ became the philosophical justification for the acquisition of bodies and territories,¶ and the**

rule over them. Thus the right to conquer is intimately connected to¶ the right to know ("I know, therefore I conquer, therefore I am"). Maldonado-¶ Torres (2009) explains that for Levi Strauss, the self/Other knowledge paradigm¶ is the methodological rule for the birth of ethnology as a science (pp. 3–4).¶ Settler colonial knowledge is premised on frontiers; **conquest**, then, **is an exercise¶ of the felt entitlement to transgress** these limits**. Refusal**, and stances of refusal in¶ research, **are attempts to place limits on conquest and the colonization of knowledge**,¶ by marking what is **off limits**, what is **not up for** grabs or **discussion, what is¶ sacred, and** what **can't be known.¶** To speak of limits in such a way makes some liberal thinkers uncomfortable, and¶ may, to them, seem dangerous. When access to information, to knowledge, to the¶ intellectual commons is controlled by the people who generate that information¶ [participants in a research study], it can be seen as a violation of shared standards of¶ justice and truth. (Simpson, 2007, p. 74)¶ **By forwarding a framework of refusal** within (and to) research in this chapter, we¶ are not simply prescribing limits to social science research. **We are making visible¶ invisibilized limits, containments, and seizures that research already stakes out.**

Opacity Alt

Our alternative is necessary to recognize the inherent lack of safety when working within academic spaces as well as its inherent colonial foundation that must be abolished instead of survived in

Rodriguez in 12 – chair of the Department of Ethnic Studies at the University of California <Dylan. Racial/Colonial Genocide and the "Neoliberal Academy": In Excess of a Problematic", American Quarterly. Volume 64. Number 4. December 2012>

My place of employment reflects how the U.S. academy remains constituted by its gendered racist, apartheid, colonial foundations. As several students and colleagues remind me, the desecration of Indian burial grounds has guided the construction and expansion of the land grant institution at which I work, the University of California, Riverside—that is, desecration is not an incidental and fleeting moment in the campus's creation, it is the continual condition of UCR's existence as such.1 Second, recent UCR police practices are saturated with antiblack racism and "racial profiling," landmarked by a set of early-2000s exchanges between renowned African American historian Sterling Stuckey and then Chancellor Raymond Orbach. Stuckey detailed the UCRPD's yearlong harassment of one black graduate student in particular (detained multiple times by campus police while walking to the library), remarking that "circumstances at UCR [have] made it impossible for me to go on recruiting black graduate students."2 These local examples express the academy's paradigmatic ordering of bodies, vulnerabilities, and intellectual hierarchies. That is, such everyday dehumanization illustrates the systemic logics, institutional techniques, rhetorics, and epistemologies of violence and power that **undergird the academy's racial and colonial foundations** even—especially—as they resurface in our current working and thinking conditions. These dehumanizing violences exceed the effects of the academy's neoliberalization; they require an urgent, strategic, mutual centering of the analytics of racial/colonial genocide. Framed in the long historical scope of modernity, racial/colonial genocide is a logic of human extermination that encompasses extended temporal, cultural, biological, and territorial dimensions:3 the mind-boggling body counts associated with commonly recognized "genocides" are but one fragment of a larger historical regime that requires the perpetual social neutralization (if not actual elimination) of targeted populations as (white, patriarchal) modernity's premise of [End Page 809] historical-material continuity. This is why Indian reservations, the U.S. prison and criminalization regime, and even Arizona's ban on ethnic studies need to be critically addressed through a genocide analytic as well as through focused critiques of neoliberalism's cultural and economic structures: the logics of social neutralization (civil death, land expropriation, white supremacist curricular enforcement) always demonstrate the capacity (if not the actually existing political will and institutional inclination) to effectively exterminate people from social spaces and wipe them out of the social text. To appropriate a well-known phrase, I'm advancing an abolitionist praxis without guarantees—of either victory or survival. Here "**abolitionist**" invokes and identifies the genealogies of freedom struggle that emerge in **direct, radical confrontation with genocidal and protogenocidal regimes**: lineages of political-intellectual creativity and organized, collective (and at times revolutionary) insurgency that **have established the foundations on which**

people have relied to build life-sustaining movements to liberate themselves from racial chattel enslavement and its extended aftermath, colonialist conquest and contemporary settler states, apartheid (Jim Crow), the prison industrial complex, militarized border policing, and so forth. **If the ethical imperative is to abolish (rather than merely render temporarily survivable**) the social logics and institutionalized systems of violence that are mutually structured by the genealogies of neoliberalism and racial/colonial genocide, then there are places of collective power that can be cherished at the same time that they are critiqued and transformed. For better or worse, the U.S. academy (both the specific institutional site of the college/university and the broader, shifting political-intellectual terrains of "the academy") may be one fruitful place from which to catalyze this work. Activisms that form in confrontation with the academy's long historical complicities in racial/colonial genocide might be understood within an "urgency imperative" that seeks to denaturalize and ultimately dismantle the conditions in which these systems of massive violence are reproduced.4 There are thriving circuits of radical thought that aim to do just that: for example, the very presence of anticolonialism, black radicalism, Native American feminism, and prison abolitionism as recognizable streams of scholarly and pedagogical labor within institutional spaces—and more importantly, the vibrant and urgent ways in which many (though still far too few) people inhabit these spaces—has become a matter of life and death in more ways than one. The capacities to produce such scholarship (including the creation of counterarchives, vital epistemological and theoretical tools, course syllabi, and mentorship) have been hard-won by multiple histories of liberation struggle and intense intellectual innovation, and cohere in the academy through affinities of ideas, analytics, and scholars whose [End Page 810] work is mutually nourishing and critically enabling. The "activist" importance of these circuits cannot be overstated; at their best, their political-intellectual work is engaged in something resembling a collective standoff with the most mundanely violent forms of dehumanization, humiliation, displacement, and immobilization. The interrogations are grave: what are the ethical and political implications of chronicling the racial-sexual violence of U.S. lynching in continuity with less spectacular (and differently gendered) forms of antiblack state and state-condoned violence such as police abuse, welfare policy, and school segregation? To what degree have the critical renarrations of the U.S. racial colonialist project —from the Americas to the Philippines—enabled a productive denaturing of the violent, teleological mythologies of liberal white humanism, multiculturalist democracy, and national progress (all of which require a code of silence on the actual existence of colonized peoples on U.S. sovereign and occupied soil)?5 These are just two examples in which dedicated activist scholarly labor has uncovered the unexceptional normal of genocidal and protogenocidal social logics. Such intellectual practices can renarrate racial terror and misery—the forms of suffering endemic to multicultural civil society. Within this collective work, there is possibility for effective (though never permanent) denaturalizations—and politicizations—of the forms of human suffering, entrapment, and vulnerability that are otherwise routinely embedded in the current world's institutional protocols, and death-inducing organization of resources. In such instances, radical intellectuals' inhabitation of existing institutional sites can enable both ethical opposition to structures of domination and creative knowledge production that strives to glimpse the historical possibilities that are always just on the other side of terror and degradation. Intellectuals engaged in such projects are always more than "academics," in the sense that their scholarly engagement is not secured by the academy proper. This expansive grounding is an "antidisciplinarity" of a certain kind: if what animates their intellectual work is what I have tentatively named an abolitionist desire, such radical intellectuals always understand themselves to be working in alien (if not **hostile) territory**. The academy is never home: **some of us are subject to eviction and evisceration, alongside the surveillance, discipline, and low-intensity punishment that accrues to those of us who try to build modalities of sustenance and reproduction within liberationist genealogies, particularly when we are working and studying in colleges and universities**.6 I am undecided as to whether the university is capable or worthy of being "transformed" from its dominant historical purposes, or if it ought to be completely abolished. For now, I am interested in the radical creativity that can [End Page 811] come from the standoff position in-and-of-itself. Such a position reveals that the fundamental problem is not that some are excluded from the hegemonic centers of the academy but that the university (as a specific institutional site) and academy (as a shifting material network) **themselves cannot be disentangled from the long historical apparatuses of genocidal and protogenocidal social organization**. Placed in the context of the United States, we can see that (1) genocidal methodologies and logics have always constituted the academically facilitated inception of a hemispheric "America," and (2)

genocidal technologies are the lifeblood of national reproduction across its distended temporalities and geographies. The recent flourishing of scholarship that rehistoricizes regimes of incarceration, war, sexuality, settler-colonialist power, and gendered racist state violence—including much of the work that has recently appeared in this very journal—constitutes a radical reproach of institutional multiculturalism and liberal pluralism. The point to be amplified is that multiculturalism and pluralism are essential to both the contemporary formation of neoliberalism and the historical distensions of racial/colonial genocide.7 It is for this reason that I do not find the analytics of neoliberalism to be sufficient for describing the conditions of political work within the U.S. academy today. It is not just different structures of oppressive violence that radical scholars are trying to make legible, it is violence of a certain depth, with specific and morbid implications for some peoples' future existence as such. If we can begin to acknowledge this fundamental truth—that genocide is this place (the American academy and, in fact, America itself)—then our operating assumptions, askable questions, and scholarly methods will need to transform. At a moment of historical emergency, we might find principled desperation within intellectual courage.

Our alternative is to remain opaque – this is necessary to challenge the imperial strategy that discursively seeks to know, conquer and reproduce colonialism

Walker in 11 - Ph.D., The College of William and Mary, former Chair of the Department of Africana Studies at Brown University <Corey. "How Does It Feel to be a Problem?': (Local) Knowledge, Human Interests, and The Ethics of Opacity" Transmodernity: Journal of Peripheral Cultural Production of the Luso-Hispanic World, 1(2)>

I have chosen the ground of ethics in wrestling with the question of epistemology for this particular endeavor in order to highlight "the very fact that ethics exist as unscientific" – that is resistant to and restrictive of the epistemic hegemony of Science proper – speaks to its critical dimension that "cannot be reduced to the disciplining of science," indeed of the modern, rational episteme.15 Hence the recourse to ethics in pursuit of an emancipatory project of knowledge holds out the possibility of unmasking and "denouncing all myth, all mystifications, all superstitions" that inhere in a disciplinary and disciplining logic of our contemporary categorization and organization of knowledge, particularly in the North Atlantic academy.16 Moreover, it reminds us that the question of epistemology cannot be approached without critical attention to the question of ethics, particularly for those projects that claim to be emancipatory. With this understanding, ethics is transformed into a critical discursive practice that evades uncritical "sentimentality and development, and pre[over]determined categories such as good and bad."17 Ethics proper is a discourse derived from a rigorous, vigilant, and militant theoretical site of struggle. Such struggles are not merely over "values," but rather expose the "conflicts in which [groups, formations, and classes] express their means of reproducing the very struggle that creates them – and finds emancipatory expression in their practices of resistance, pleasure, and authority."18 Ethics thus rendered is transformed into a critical terrain that fields the necessary interrogatory practices that question the normative assumptions and methodological presuppositions in raising a critical consciousness in the ongoing battle of challenging the disciplinary dictates and epistemological demands of the modern organization of knowledge. The ethics of opacity operates from a similar position as announced by Alain Badiou, "Ethics does not exist. There is only the ethics of (of politics, of love, of science, of art)."19 Such an ethical understanding seeks to temper the imperial strategy of traditional ethics, particular ethical formulations, traditions, and prescriptives that gather under the logics and technologies of coloniality. Indeed, as Badiou puts it, "it might well be that ethical ideology, detached from the religious teachings which at least conferred upon it the fullness of 'revealed' identity, **is simply the final imperative of a conquering civilization**: 'Become like me and I will respect your difference'" (28). Inspired by the work of Charles Long, the ethics of opacity establishes the critical principle that those hegemonic knowledge systems unleashed by coloniality/modernity necessarily introduce what Long calls "that 'thing' [which] must be suppressed, but the very act of suppression introduces the thing

suppressed into the symbolic universe that it stakes out."20 Long continues with recourse to the work of Paul Ricoeur who writes, "Now defilement enters into the universe of man through speech, or the word; its anguish is communicated through speech . . . the opposition of the pure and the impure is spoken. . . a stain is a stain because it is there, mute; the impure taught in the words that institute the taboo" (204). Within this nexus, the ethics of opacity suggest a critical site for the production and reproduction of the knowledges of those on the underside of modernity. Long writes, Black, the colored races, caught up into this net of the imaginary and symbolic consciousness of the West, rendered mute through the words of military, economic, and intellectual power, assimilated as if by osmosis structures of this consciousness of oppression. This is the source of the doubleness of consciousness made famous by W.E.B. Du Bois. But even in these symbolic structures there remained the inexhaustibility of the opaqueness of this symbol for those who constituted the "things" upon which the significations of the West deployed its meanings. (204)

Opacity is a necessary strategy to resolve the aff by interrupting the economy of knowledge that justifies violence against the colonized – the aff just reproduces violence and makes the infiltration they decry more likely

Walker in 11 - Ph.D., The College of William and Mary, former Chair of the Department of Africana Studies at Brown University <Corey. "How Does It Feel to be a Problem?': (Local) Knowledge, Human Interests, and The Ethics of Opacity" Transmodernity: Journal of Peripheral Cultural Production of the Luso-Hispanic World, 1(2)>

Thus, the ethics of opacity establishes a critical movement, indeed produces an ethical demand, that speaks to and is founded upon a responsibility to interrogate hegemonic epistemological production, which is "the context for the communities of color, the opaque ones of the modern world" (Long 204). Such an ethics calls into question traditional formulations and rehearsal of ethics proper and radically calls into account those "radical" formulations of emancipatory theoretical projects, i.e. scientific Marxism, dogmatic theology, Western democracy, and the host of "post-" prefixed theoretical formulations. Such an ethics of opacity also entails, or rather prescribes a critical intellectual practice that affirms the worth, value, and dignity of the "human." Long writes, "Octavio Paz tells us that they were filled with poets, proletarians, colonized peoples, the colored races. 'All these purgatories and hells lived in a state of clandestine ferment. One day in the twentieth century, the subterranean world blew up. The explosion hasn't yet ended and its splendor has illumined the agony of the age" (204).21 The ethics of opacity is animated by this vision in seeking to articulate the depth of meaning that is announced that these continuing events. In this sense, the ethics of opacity pushes the discourse of ethics to the limit. Accordingly, recourse to Levinas is quite appropriate when he suggests, "My task does not consist in constructing ethics, I only try to seek its meaning."22 The ethics of opacity presents "more than an accusation regarding the actions and behavior of the oppressive cultures; it goes to the heart of the issue. It is an accusation regarding the world view, thought structures, theory of knowledge, and so on, of the oppressors. The accusation is not simply of bad acts but, more importantly, of bad faith and bad knowledge."23 An ethics of opacity is thus defined by its critical orientation to liberation as articulated by and with the opaque ones. It is a critical intellectual posture that disrupts the dominant logic of coloniality/modernity in exploring the hidden and unknown, the repressed and submerged narratives, histories, and epistemologies – the sites of opacity that are the conditions of im/possibility of the contemporary world. Such an ethic is available because, as Long writes, "the strategies of obscuring these peoples and cultures within the taxonomies of the disciplines of anthropology as primitives or the classification of them as sociological pathologies is no longer possible" (211). The ethics of opacity helps to structure our ability "to effect the deconstruction of the mechanisms by means of which we continue to make opaque to ourselves, attributing the origin of our societies to imaginary beings, whether the ancestors, the gods, God, or evolution, and natural selection, the reality of our own agency with respect to the programming and reprogramming of our desires, our behaviors, our minds, ourselves, the I and the we."24 Such a move has significant implications for "reimagining our forms of life" and opens up potentially emancipatory possibilities for a critical theory of

knowledge in the interests of those on the underside of modernity (204). In a crucial sense, it is the emergence and existence of the opaque ones that conditions the im/possibility of the project of Enlightenment rationality. Long states, "As stepchildren of Western culture, the oppressed have affirmed and opposed the ideal of the Enlightenment and post- Enlightenment worlds. But in the midst of this ambiguity, for better or for worse, their experiences were rooted in the absurd meaning of their bodies, and it was for these bodies that they were regarded not only as valuable works but also as the locus of the ideologies that justified their enslavement . . . . The totalization of all the great ideals of Western universalization met with the factual symbol of these oppressed ones."25 The infinite meaning and depth of the "factual symbol of these oppressed ones" is the location of ethics of opacity and in turn structures the relation to epistemology. Indeed, highlighting the relation of ethics and epistemology thus becomes a critical process that cannot be evaded. The disruption produced by the ethics of opacity suggests the primacy of method of procedure as opposed to the fundamental question of ontology for the project of critical theory in the interests of humanity.26 To this end, such an ethical imperative interrupts the imperial/colonial economy of knowledge that privileges a conceptualization of knowledge that conquers through a commitment to clarity of content and transparency of method. The will to clarity and transparency within this theoretical enterprise rests on a fundamental violence that denies difference and negates alternative possibilities of thought as well as of action. The character of this will to know is marked by a process that necessarily seeks to conquer epistemologically and otherwise. Instead, an ethic of opacity develops a critical posture that welcomes the "opaque ones" as fundamental partners in the quest for knowledge. It is a reflexive injunction that reminds us that we always already think in and against particular epistemic traditions and conditions that in/form us. The challenge thus becomes how do we develop a theory of knowledge in critical relation with an ethics of opacity?

Fugitivity Alt

We advocate a method of fugitivity as an alternative to the aff's call to confront colonialism and the academy – we should steal away from the aff's liberal call for cultural reform and identification with the history of the oppressed in order to truly challenge the structure of domination

Hartman in 97 <Saidiya, Prof of African American History and Literature @ Columbia, *Scenes of Subjection*, 1997 p. 65-7>

When the enslaved slipped away to have secret meetings, they would call it "stealing the meeting," as if to highlight the appropriation of space and the expropriation of the object of property necessary to make these meetings possible. Just as runaway slaves were described as "stealing themselves," so, too, even shortlived "flights" from captivity were referred to as "stealing away." "Stealing away" designated a wide range of activities, from praise meetings, quilting parties, and dances to illicit visits with lovers and family on neighboring plantations. It encompassed an assortment of popular illegalities focused on contesting the authority of the slave-owning class and contravening the status of the enslaved as possession. The very phrase "stealing away" played upon the paradox of property's agency and the idea of property as theft, thus alluding to the captive's condition as a legal form of unlawful or amoral seizure, what Hortense Spillers describes as "the violent seizing of the captive body from its motive will, its active desire." 49 Echoing Proudhon's "property is theft," Henry Bibb put the matter simply: "Property can't steal property." It is the play upon this originary act of theft that yields the possibilities of transport, **as one was** literally and figuratively carried away by one's desire.50 The appropriation of dominant space in itinerant acts of defiance contests the spatial confinement and surveillance of slave life and, ironically, reconsiders the meaning of property, theft, and agency. Despite the range of activities encompassed under this rubric, what these events shared was the centrality of contestation. Stealing away was the vehicle for the redemptive figuration of dispossessed individual and community, reconstituting kin relations, contravening the object status of chattel, transforming pleasure, and investing in the body as a site of sensual activity, sociality, and possibility, and, last, redressing the pained body. The activities encompassed in the scope of stealing away played upon the tension between the owner's possession and the slave's dispossession and sought to redress the condition of enslavement by whatever limited means available. The most direct expression of the desire for redress was the

praise meeting. The appeals made to a "God that saves in history" were overwhelmingly focused on freedom.51 For this reason William Lee said that slaves "couldn't serve God unless we stole to de cabin or de oods."52 West Turner confirmed this and stated that when patrollers discovered such meetings they would beat the slaves mercilessly in order to keep them from serving God. Turner recounted the words of one patroller to this effect: "If I ketch you here servin' God, I'll beat you. You ain't got no time to serve God. We bought you to serve us."53 Serving God as a crucial site of struggle, as it concerned issues about styles of worship, the intent of worship, and, most important, the very meaning of service, since the expression of faith was invariably a critique of the social conditions of subordination, servitude, and mastery. As Turner's account documents, the threat embodied in serving God was that the recognition of divine authority superseded, if not negated, the mastery of the slave owner. Although by the 1850s Christianity was widespread among the enslaved and most owners no longer opposed the conversion or religious instructions of slaves, there was nonetheless an ethical and political struggle waged in religious practice that concerned contending interpretations of the word and styles of religious _worship. Even those slaves whose owners encouraged religion or sent them to white churches found it important to attend secret meetings. They complained that at white churches they were not allowed to speak or express their faith in their own terms. "We used to slip off in de woods in de old slave days on Sunday evening way down in de swamps to sing and pray to our own liking. We prayed for dis day of freedom. We come from four and five miles to pray together to God dat if we don't live to see it, to please let 0ur chillen live to see it, to please let our chillen live to see a better day and be free, dat they can give honest and fair service to the Lord and all mankind everywhere. nd we'd sing 'our little meetin's about to break, chillen, and we must part. We got to part in body, but hope not in mind. Our little meetin's bound to break.' Den we used to sing 'We walk about and shake hands, fare you well my sister's, I am going home.' "54 These meetings held in "hush arbors" or covertly in the quarters illumi- nate the significant difference between the terms of faith and the import of Chris- tianity for the master and the enslaved. For example, the ring shout, a form of devotional dance, defied Christian proscriptions against dancing; the shout made the body a vehicle of divine communication with God in contrast to the Christian vision of the body as the defiled container of the soul or as mere commodity. And the attention to the soul contested the object status of the enslaved, for the exchange of blacks as commodities and their violent domination were often described in terms of being treated as if one did not have a soul 55. Freedom was the central most important issue of these meetings. According to William Adams, at these meetings they would pray to be free and sing and dance. 56 The avid belief in an imminent freedom radically challenged and nullified the gospel of slavery, which made subordination a virtue and promised rewards in the "kitchen of heaven." Elizabeth Washington stated that ministers would "preach the colored people if they would be good niggers and not steal their master's eggs and chickens and things that they might go to the kitchen of heaven when they died." It was not uncommon for slave owners to impart a vision of Christianity in which the enslaved would also attend to them in the afterlife. As one mistress stated, "I would give anything if I could have Mal'ia in heaven with me to do little things for me. "57 For the enslaved the belief in a divine authority minimized and contained the do- minion of the master. As well, these meetings facilitated a sense of collective identification through the invocation of a common condition as an oppressed people and a shared destiny. Serving God ultimately was to be actualized in the abolition of slavery. Stealing away involved unlicensed movement, collective assembly, and an abrogation of the terms of subjection in acts as simple as sneaking off to laugh and talk with friends or making noctumal visits to loved ones. 58 Sallie Johnson said that men would often sneak away to visit their wives.59 These nighttime visits to lovers and family were a way of redressing the natal alienation or enforced "kinlessness" of the enslaved, as well as practices of naming, running away, and refusing to marry a mate not of one's choosing or to remarry after a husband or wife was sold away; all of these were efforts to maintain, if not reconstitute, these ties. 60 Dora Frank's uncle would sneak off at night to see his woman. On one occasion, he failed to return by daylight, and "nigger hounds" were sent after him. He was given 100 lashes and sent to work with the blood still running down his back.61 Dempsey Jordan recognized that the risks involved in such journeys were great but slipped off at night to see his girl in spite 0f them: "I was taking a great chance. I would go and see my girl lots of nights and one time I crawled 100 yards to her room and got in the bed with her and lay there until nearly daylight talking to her. One time I was there with her and them patterollers come that night and walked all around in that mom and this here negro was in her bed down under that moss and they never found me. I sure was scared."62 The fact that the force of violence and the threat of sale did not prevent such actions illustrates the ways in which the requirements of property relations were defied in the course of everyday practices. The consequences of these small-scale challenges were sometimes life threatening, if not fatal. Fannie Moore remembered the violence that followed the discovery of a secret dance. They were dancing and singing when the patrollers invaded the dance and started beating people. When Uncle Joe's son decided it was "time to die" because he couldn't sustain another beating and fought back, the patrollers beat him to death and whipped half a dozen others before sending them home. 63 According to Jane Pyatt, if slaves had a party or a prayer meeting and they made too much noise, patrollers would beat them and sometimes would sell them. The patrollers took two of her brothers, and she never saw them again.64 Generally, the punish- ment for unlicensed assembly or travel was twenty-five to fifty lashes. Stealing away was synonymous with defiance because it necessarily involved seizing the master's property and asserting the self in transgression of the law. The trespasses that were invariably a part of stealing away were a source of danger, pride, and a great deal of boasting. Garland Monroe noted that the secret meetings he participated in were held in the open, not in huts or arbot. They were confident that they could outwit and defy patrollers. If the patrollers came, the slaves took advantage of a superior knowledge of the territory to escape capture or detection.6s Physical confrontations with patrollers were a regular feature of these accounts, and a vine stretched across the road to trip the patrollers' horses was the most common method of foiling one's pursuers.66 As James Davis bragged, "I've seen the Ku Klux in slavery times and I've cut a many grapevine. We'd be in the place dancin' and playin' the banjo and the grapevine strung across the road and the Ku Klux come ridin' along and run right into it and throw the horses down. "67 The enslaved were empowered by the collective challenge posed to power and the mutual reinforcement against fear of discovery or punishment. From this perspective, pastoral and folksy slave gatherings appear like small-scale battles with the owners, local whites, .and the Law. These day-to-day and routine forms of contestation operated within the confines of relations of power and simultaneously challenged those very relations as these covert and chameleonic practices both complied with and disrupted the demands of the system through the expression of a counterdiscourse of freedom. In the course of such gatherings, even the span of the Potomac could be made a bridge of community and solidarity. As James Deane remembered, they would blow conch shells at night to signal a gathering. "We would all meet on the bank of the Potomac River and sing across the river to the slaves in Virginia, and they would sing back to us."68 Such small-scale infringements of the law also produced cleavages in the spatial organiza- tion of domination. The play on "stealing," "taking or appropriating without right or leave and with the intent to keep or make use of wrongfully" or "to appropriate entirely to oneself or beyond one's proper share," articulates the dilemma of the subject without rights and the degree to which any exercise of agency or appropriation of the self is only intelligible as crime or already encoded as crime.69 As well, it highlights the transgression of such furtive and clandestine peregrinations since the very assertions and activity required to assemble at praise meetings, dances, et cetera, were nothing less than a fundamental challenge to and breach of the claims of slave property-the black captive as object and the ground of the master's inalienable right, being, and liberty. The agency of theft or the simple exercise of any claims to the self, however restricted, challenged the figuration of the black captive as devoid of will. 70 Stealing away ironically encapsulated the impossibility of self-possession as it exposed the link between liberty and slave property by playing with and against the terms of dispossession. The use

of the term "play" is not intended to make light of the profound dislocations and divisions experienced by the enslaved or to imply that these tentative negotiations of one's status or condition were not pained or wrenching but to highlight[s] the performative dimension of these assaults as staged, repeated, and rehearsed-what Richard Schechner terms "twice-behaved behavior. "71 Through stealing away, counterclaims about justice and freedom were advanced that denied the sanctity or legitimacy of rights of property in a double gesture that played on the meaning of theft. Implicit within the appropriation of the object of property was an insistence that flew in the face of the law: liberty defined by inalienable rights of property was theft. Stealing away exploited the bifurcated condition of the black captive as subject and object by the flagrant assertion of unlicensed and felonious behavior and by pleading innocence, precisely because as an object the slave was the very negation of an intending consciousness or will. The disruptive assertions, necessarily a part of stealing away, ultimately transgressed the law of property. Similarly, stealing away defied and subversively appropriated slave owners' designs for mastery and control-primarily the captive body as the extension of the master's power and the spatial organization of domination. Stealing away involved not only an appropriation of the self but also a disruption of the spatial organization of dominance that confined slaves to the policed location, of the quarters unless provided with written permission of the slaveholder to go elsewhere.n As well, the organization of dominant space involved the separation of public and private realms; this separation reproduced and extended the subordination and repression of the enslaved. If the public realm is reserved for the bourgeois citizen subject and the private realm is inscribed by freedom of property ownership and contractual transactions based upon free will, then in what space is the articulation of the needs and desires of the enslaved at all possible?73 How does one contest the ideological codification and containment of the bounds of the political? Ultimately, the struggle waged in everyday practices, from the appropriation of space in local and pedestrian acts, holding a praise meeting in the woods, meeting a lover in the canebrake, or throwing a sun-eptitious dance in the quatters to the contestation of one's status as transactable object or the vehicle of another's rights, was about the creation of a social space in which the assertion of needs, desires, and counterclaims could be collectively aired, thereby granting property a social life and an arena or shared identification with other slaves. Like de Cetteau's walker who challenges the disciplinary apparatus of the urban system with his idle footsteps, these practices also create possibilities within the space of domination, transgress the policed space of subordination through unlicensed travel and collective assembly across the privatized lines of plantation households, and disrupt boundaries between the public and private in the articulation of insurgent claims that make need the medium of politics.74

Social Networking HSS

Social Media Negative File

Keryk Kuiper (Iowa City High) – Kerykk@gmail.com – feel free to email me or find me at any point if you are confused or have questions

Zahir Shaikh (Blake)

Clare McGraw (Juan Diego)

Alan Hughes (Harker)

Quick notes

For every off that is original I have included both the 1nc and the 2nc but for everything that we have a preexisting file for I have only put the 1nc.

I think the counterplan is probably the best way to go - that or the narcissism kritik - and T you can maybe win because it's not direct curtailment but it would be hard.

Biometrics

Frontlines

1nc

( ) If surveillance protects society it is* de facto *justified.

Posner 6 — Richard A. Posner, Senior Lecturer in Law at the University of Chicago, Judge on the United States Court of Appeals for the Seventh Circuit in Chicago, was named the most cited legal scholar of the 20th century by *The Journal of Legal Studies*, holds an LL.B. from Harvard University, 2006 ("Wire Trap," *New Republic*, February 6th, Available Online at http://www.newrepublic.com/article/104859/wire-trap, Accessed 04-16-2015)

The revelation by The New York Times that the National Security Agency (NSA) is conducting a secret program of electronic surveillance outside the framework of the Foreign Intelligence Surveillance Act (FISA) has sparked a hot debate in the press and in the blogosphere. But there is something odd about the debate: It is aridly legal. Civil libertarians contend that the program is illegal, even unconstitutional; some want President Bush impeached for breaking the law. The administration and its defenders have responded that the program is perfectly legal; if it does violate FISA (the administration denies that it does), then, to that extent, the law is unconstitutional. This legal debate is complex, even esoteric. But, apart from a handful of not very impressive anecdotes (did the NSA program really prevent the Brooklyn Bridge from being destroyed by blowtorches?), there[s] has been little discussion of the program's **concrete value as a counter-terrorism measure** or of the inroads it has or has not made on liberty or privacy. Not only are these questions **more important** to most people than the legal questions; they are **fundamental** to those questions. Lawyers who are busily debating legality without first trying to assess the consequences of the program have **put the cart before the horse**. Law in the United States is not a Platonic abstraction but **a flexible tool of social policy**. In analyzing all but the simplest legal questions, one is well advised to begin by asking **what social policies are at stake**. Suppose the NSA program is vital to the nation's defense, and its impingements on civil liberties are slight. That would not prove the program's legality, because not every good thing is legal; law and policy are not perfectly aligned. But a conviction that the program had great merit would **shape and hone the legal inquiry**. We would search harder for grounds to affirm its legality, and, if our search were to fail, at least we would know how to change the law--or how to change the program to make it comply with the law--without destroying its effectiveness. Similarly, if the program's contribution to national security were negligible--as we learn, also from the Times, that some FBI personnel are indiscreetly whispering--and it is undermining our civil liberties, this would push the legal analysis in the opposite direction. Ronald Dworkin, the distinguished legal philosopher and constitutional theorist, wrote in The New York Review of Books in the aftermath of the September 11 attacks that "we cannot allow our Constitution and our shared sense of decency to become **a suicide pact**." He would doubtless have said the same thing about FISA. If you approach legal issues in that spirit rather than in the spirit of ruat caelum fiat iusticia (let the

heavens fall so long as justice is done), you will want to know **how close to suicide** a particular legal interpretation will bring you **before** you decide whether to embrace it. The legal critics of the surveillance program **have not done this**, and the defenders have for the most part been content to play on the critics' turf.

( ) Rights can't be absolute and even if they were, privacy wouldn't be one of them.

Himma '7

Kenneth - Associate Professor of Philosophy, Seattle Pacific University. The author holds JD and PhD and was formerly a Lecturer at the University of Washington in Department of Philosophy, the Information School, and the Law School. "Privacy vs. Security: Why Privacy is Not an Absolute Value or Right". San Diego Law Review, Vol. 44, p. 859, 2007. Available at SSRN: http://ssrn.com/abstract=994458

It is perhaps worth noting that absolutist conceptions are not limited to privacy rights. Some people take the position that the moral right to life is absolute; on an absolutist conception of the right to life, it is never justified to take the life of a person—and this rules out not only the death penalty, but the use of deadly force in defense of the lives of innocent others from a culpable attack. Many people take an absolutist view with respect to something they call a "right to information," holding that there should be no restrictions of any kind, including legal protection of intellectual property rights, on the free flow of information. As this view has most famously, and idiosyncratically, been put by John Perry Barlow, "information wants to be free."5 When it comes to rights, absolutist talk among theorists, lawyers, and ordinary folk is not at all uncommon these days. Indeed, some people seem to think that rights are, by nature, absolute and hence that it is a conceptual truth that all rights are absolute. Consider the following quote from Patrick Murphy, a Democrat who ran for Congress in 2006: I am also very concerned about the erosion of constitutional rights and civil liberties over the past few years. I taught Constitutional Law at West Point, and it makes me so angry to see our elected leaders in Washington—specifically the White House and the Republican leadership in Congress—pushing policies that erode the foundation of this country. The equal protection clause of the constitution is absolute. The right to privacy is absolute. The right to assemble is absolute. Yet time and time again, the administration has supported, and the Congressional leadership has supported nominees and policies that do not follow the constitution. With my background, I can add to this debate. And I'm not afraid to take a stand for what's right.6 As Murphy explains it, every right in the Constitution is absolute and hence utterly without exception. As there is nothing in the Constitution or any legal instrument or norm that suggests or entails that constitutional rights are absolute, it is reasonable to think that Murphy believes, as many people do, that it is part of the very meaning of having a right that it can never justifiably be infringed. This is why debates about political issues are frequently framed in terms of whether there is some right that protects the relevant interests; rights provide the strongest level of moral or legal protection of the relevant interests. It is certainly true that rights provide a higher level of protection than any other considerations that are morally relevant, but it is not because rights are, by nature, absolute. Rights provide robust protection of the relevant interests because it is a conceptual truth that the infringement of any right cannot be justified by an appeal of the desirable consequences of doing so. No matter how many people it might make happy, it would be wrong to intentionally kill an innocent person because her right to life takes precedence over the interests of other people in their own happiness. As Ronald Dworkin famously puts this conceptual point, rights trump consequences.7 But this conceptual truth about rights does not imply rights are, by nature, absolute. The claim that rights trump consequences implies only that some stronger consideration than the desirable consequences of infringing a right can justify doing so. This latter claim leaves open the possibility that there is some such consideration that would justify infringing some rights. One such candidate, of course, is the existence of other more important rights. It is commonly thought that at least some rights are commensurable and can be ranked in a hierarchy that expresses the relative weight each right in the hierarchy has with respect to other rights. For example, one might think that the right to life is at the top of the hierarchy of commensurable rights, and that property rights are in this hierarchy also. This would explain[s] the common intuition that one may use deadly force when necessary to defend innocent lives from culpable attack, but not when necessary only to defend property rights from violation. If, as seems clear from this example, it is possible for two rights to conflict and for one to outweigh the other, it follows that rights are not, by nature, absolute. What may explain the mistaken view that rights are necessarily absolute is confusion about the relationship of various terms that flesh out the status, origin, and contours of moral rights and obligations. For example, rights are frequently described as "inviolable," meaning that a right can never be justifiably violated. This, of course, is a conceptual truth; to say that a right is violated is to say that its infringement is without justification. But this does not imply that rights can never be justifiably infringed; a person's right to life can be justifiably infringed if he (they) culpably shoots at an innocent person and there is no other way to save that person's life except through use of lethal force in defense of his life. Rights are also thought, by nature, to be supreme, relative to some system of norms—moral, social, or legal—in the sense that they cannot be defeated by other kinds of protections; moral rights are thought to be supreme over all other kinds of considerations, including social and legal rights. But this does not imply that rights are absolute because it says nothing about the relative importance of one right to another; it simply asserts that, by nature, rights outweigh all other relevant considerations. Supremacy and inviolability are part of the very nature of a right, but these properties do not entail that rights are, by nature, absolute. Of course, the negation of the claim that all rights are absolute does not imply that no rights are absolute. The possibility of conflicts between any two rights does not preclude there being one right that wins every conflict because it is absolute, and hence, without exception. A moral pacifist, for

example, takes this view of the moral right to life and holds that intentional killing of a human being is always wrong. Moreover, if there are two rights that do not come into conflict with each other and win in conflicts with all other rights, those two rights might be absolute. One might think, for example, that the rights to privacy and life can never conflict and that both are absolute. I am somewhat skeptical that any right is absolute in this strong sense, but if there are any, **it will not be privacy.** As we will see in more detail, privacy is commensurable with other rights, like the right to life, which figures into the right to security. It seems clear that privacy rights and the right to life can come into conflict. For example, a psychologist might be justified in protecting a patient's privacy interests even though doing so includes information that might prevent that person from committing a minor property crime of some kind, but she would not be justified in protecting that information if the psychologist knows its disclosure is necessary to prevent a murder. In any event, I will discuss these kinds of examples in more detail below.

( ) No Privacy violation- FISC check abuse

Branda '14

(et al; JOYCE R. BRANDA, Acting Assistant Attorney General, BRIEF FOR THE APPELLEES - Amicus Brief for Smith v. Obama – before the United States Ninth Circuit Court of Appeals. "Amici" means "friend of the court" and – in this context - is legal reference to the Reporters Committee – October 2nd - https://www.eff.org/document/governments-smith-answering-brief)

Plaintiff provides no plausible explanation for how the program could cause that distress. She does not contend that there is any reasonable likelihood that government personnel would actually review metadata about her calls that the government may have acquired under the Section 215 program. That likelihood is particularly remote if "[n]one of her communications relate to international terrorism or clandestine intelligence activities." Pl Br. 4. Again, information in the Section 215 database is subject to substantial protections and limits on access imposed by orders of the **F**oreign **I**ntelligence **S**urveillance **C**ourt. Those orders do not permit indiscriminate access to or review of the metadata; instead, there must be an advance judicial finding (or, in cases of emergency, an advance finding by government officials and judicial approval after the fact) that a given selector is suspected of association with terrorism, and only the small fraction of metadata responsive to queries using such suspected-terrorist selectors—that is, within two steps of the judicially approved selector—may be reviewed.

( ) Biosurveillance is key to global effectiveness

McNickle 12

(Michelle McNickle, Associate Editor of InformationWeek Healthcare, "Feds To Use Social Media For Biosurveillance", http://www.informationweek.com/regulations/feds-to-use-social-media-for-biosurveillance/d/d-id/1107452?, ZS)

The U.S. Department of Homeland Security (DHS) recently awarded Accenture Federal Services a two-year contract to help the Office of Health Affairs (OHA) enhance its biosurveillance capabilities. With the help of Accenture, OHA will begin using information gathered from social media sites -- Facebook, Twitter, Tumblr, and Flickr -- to better inform and protect the public against national health emergencies, such as disease outbreaks or biological attacks. Accenture defines biosurveillance as the "monitoring of public health trends and unusual occurrences, relying on pre-existing, real-time health data -- data that s publicly available and easily obtained," according to a statement. "Because of the vast amount of data and information available and readily shared through social media … and the rapid pace information is shared, collecting and understanding information from these channels is critical." The initiative is a pilot program that

John Matchette, partner at Accenture and leader of its Public Safety agency work, said the company is hoping to have operational in approximately eight months. In an interview with InformationWeek Healthcare, Matchette described the program as using people as "sensors" to detect health issues such as pathogens or symptoms. "The best way to do this is to treat humans as sensors and let them self-report," Matchette said. Gathering more data points and reacting faster to potential threats are the two main goals for Matchette and his team, he said, and social media will make this possible. Matchette made clear the initiative isn't aimed at mining data that's secret or private. The agency is looking at public data to see where patterns exist in different geographic areas. The program is based on a key-word approach to scanning social media sites. Accenture will begin by developing a lexicon of health conversations that spans these sites to use as a baseline. "Step one is to get that identified, and then we have standard interfaces that go out and look at these websites, like Facebook and Twitter, and they watch for these trends," Matchette said. "There's a lot of health discussion at the same time, so mission one is to understand what normalcy looks like, and once you've done that, you can look for deviations from normal, and that's how you detect patterns." After developing this baseline, Matchette said the company will be in a position where it can "react and modify…. [A] lot of this is tweaking the underlying analytics to begin to run and get results." The underlying technology the company is using, he said, isn't custom code. Instead, Accenture has a collaboration platform, which integrates data sources and other off-the-shelf products. "So the effort isn't in the coding of the solution because the analytics have been developed," Matchette said. "It's deciding what the lexicon is, and then refining the results."

( ) Biosurveillance is key to solve international disease outbreaks – empirics

RTI 13

(Neely Kaydos-Daniels, RTI International, Director, Influenza Programs - Central America Region, Director of Health Security at RTI International, Epidemic Intelligence Service Officer at the Center for Disease Control, "Study: Biosurveillance Provides Early Detection of Disease Outbreaks", http://www.rti.org/newsroom/news.cfm?obj=18554B0D-5056-B100-31F8E9637DB5227A, ZS)

RESEARCH TRIANGLE PARK, N.C. – Biosurveillance – the automated monitoring of health trend data – can enhance the detection of naturally occurring or intentional disease outbreaks, according to a study by researchers at RTI International. The study, published in the March issue of Biosecurity and Bioterrorism, conducted three case studies from 2007-2008 whose biosurveillance systems cover more than 10 million people. The in-depth interviews describe how biosurveillance systems have been used by state and local public health practitioners to identify and investigate outbreaks. For example, the researchers found that in North Carolina, several university students got food poisoning at an event just before a semester break. That meant that the students ended up visiting emergency rooms throughout the state with their gastrointestinal symptoms. "Ordinarily these circumstances would have made identifying the source of this outbreak very difficult, if not impossible," said Neely Kaydos-Daniels, Ph.D., senior research epidemiologist at RTI and the paper's lead author. "However, because the data from these events were entered into the biosurveillance system, health officials were able to identify the source of the outbreak." In another case, a rapid increase of rash illness caused by itch mites was first detected by biosurveillance before it was reported by other means. Epidemiologists were able to estimate the increase in number of cases of the rash over time through the biosurveillance system.

According to the study, biosurveillance helped state and local health departments track epidemics over time. That information was instrumental in the decision-making process of health departments and hospitals to implement control measure to protect at-risk populations and prevent future cases. However, the study also showed that the systems often identify a large number of false positives and were considered more useful for outbreaks of severe disease than for milder disease, because the systems currently only pull data from emergency departments. "Biosurveillance will be even more effective if we can integrate data from primary care physicians with emergency departments," Kaydos-Daniels said. "The consideration of public health data needs for biosurveillance is critical to our population's health. Federal initiatives to encourage adoption of electronic health records among health care providers are vital to improving the utility of biosurveillance and the capacity of health departments."

( ) Bio surveillance creates info spread and awareness – it's the vital internal link

Fleming and Pamela 14

(Eric Fleming & Pamela Pamelá, Florida International University, Research Assistants to Dr. John Stack, Professor of Politics and International Relations and Law and Director of the School of International and Public Affairs, "Using Social Media as a Method for Early Indications & Warnings of Biological Threats", http://magg.fiu.edu/program/capstone-project/2014-capstone-working-papers/southcom-pam_eric_social-media-and-biosurveillance-capstone-april-2014-edited-by-dawndavies.pdf, ZS)

In a globalized world, biosurveillance needs to match the velocity and intensity of a potential viral outbreak. Therefore, **social media is being explored as a non-traditional way to detect a pandemic**. Numerous websites act as potential channels for individuals to discuss symptoms and share their geographical location, so governments and private enterprises have explored various models in detecting and tracking potential pandemics. This paper provides an overview of the existing literature on social media's potential for biological detection and existing viral tracking models. Furthermore, this paper provides examples of social media's potential for detection, provides a framework from which to analyze social media as a destabilizing power, and offers a new model and policy recommendations. Velocity and intensity are two measures that are vital in detecting and monitoring the onset of pandemics. In an era where time-space compression has manifested across the globe, and greater interconnectivity amongst populations continue to propagate, the need to detect and track microbial outbreaks **are paramount**. While globalization introduced humanity to an abundance of technology and trade, these advancements present increasingly greater challenges for monitoring viral outbreaks. Therefore, there is not only a desire, but also a need for a revolutionary system in biosurveillance. Currently, millions of humans are crossing borders and integrating with countless populations, making a viral epidemic incredibly difficult to manage. For instance, history witnessed the calamitous effects the Black Plague, Small Pox, and the Spanish Flu had on civilizations. The aftermath of the black plague led to 30-60 percent reduction in European population, with some cities having estimates of 70-80 percent mortality rate (Alchon, 2003, 21). Additionally, considerable societal changes occurred that led to a deterioration of church authority, peasant revolts, and attacks on various populations (Whipps, 2008). The threat of bioterrorism is not without warrant. Most patients with bioterrorism-related diseases experience initial symptoms that could be interpreted as common illness, such as influenza. Other indications may include acute respiratory distress, gastrointestinal symptoms, feverish hemorrhagic conditions, and similar illnesses with either

dermatologic or neurologic ailments (Bravata et al. 2004, 911). Identifying these conditions, therefore, is crucial to not only detecting the diseases they are normally linked to, but also to the discovery of bioterrorism attempts. To prevent another pandemic, **it is essential to find a new method of detecting the onset of indications and warnings before an outbreak occurs.** This new method should have the capability to mirror a pathogen's velocity and intensity in all areas of society, so government agencies, non-governmental organizations (NGOs), and international organizations could respond accordingly. Hence, there is growing literature about matching infectious diseases with another global phenomenon that is manifesting hastily across all sectors of society, with the potential to revolutionize viral antigen detection: **social media**. Social media is transforming itself into a powerful and adaptable tool that many public and private organizations increasingly seek to understand. Social media is a global digital community where individuals stay connected with each other by direct and split-second electronic exchange of information constantly throughout the day. While forms of social media have been around for ages, this is revolutionary, since people now communicate instantaneously across national borders and oceans in mere seconds. As a result, many organizations have used this to their advantage in promoting businesses or building awareness for a certain campaign. A website, such as Facebook, boasts having over one billion users worldwide, making it an incredibly large network that functions by linking individuals together and exchanging user generated content. A large global community can be sure to share information about what individuals are discussing and what news they are sharing, but can governments use it to their advantage in detecting potential biological outbreaks? Governments are now joining the social media fury. Presidential campaigns incorporate social media for promoting their message and now various agencies promote their agenda through websites. Conversely, we have also witnessed the awesome chaos and power of social media and its consequential effects on governments' attempts to control and maintain the community. The Arab Spring, Venezuela, and Ukraine are recent examples of this. However, with the ability of users to discuss their opinions, share videos, news articles, and live events in a public sphere, will it be possible to also detect an upcoming pandemic? **In a globalized world where travel and technology is rapidly evolving, social media could conceivably be a crucial tool in locating an infectious disease.** The following study will explore the various avenues social media has intersected in the area of biosurveillance. First this research will discuss defining social media and the various significant websites, then go into the successes and limitations of biosurveillance. Finally, this examination will conclude discussing the possible policy recommendations and future that social media has in regard to biosurveillance.

Backlines

Privacy Bad

Privacy is massively overvalued

Posner 13 — Richard A. Posner, Senior Lecturer in Law at the University of Chicago, Judge on the United States Court of Appeals for the Seventh Circuit in Chicago, was named the most cited legal scholar of the 20th century by *The Journal of Legal Studies*, holds an LL.B. from Harvard University, 2013 ("Privacy is overrated," *New York Daily News*, April 28th, Available Online at http://www.nydailynews.com/opinion/privacy-overrated-article-1.1328656, Accessed 04-16-2015)

There is a tendency to **exaggerate** the social value of privacy. I value my privacy as much as the next person, but there is a difference between what is valuable to an individual and what is valuable to **society**. Thirty-five years ago, when I was a law professor rather than a judge, I published an article called "The Right of Privacy," in which I pointed out that "privacy" is really just **a euphemism for concealment**, for hiding specific things about ourselves from others. We conceal aspects of our person, our conduct and our history that, if known, would make it more difficult for us to achieve our personal goals. We don't want our arrest record to be made public; our medical history to be made public; our peccadilloes to be made public; and so on. We want to present **sanitized versions of ourselves** to the world. We market ourselves the way sellers of consumer products market their wares — highlighting the good, hiding the bad. I do not argue that all concealment is bad. There is nothing wrong with concealing wealth in order to avoid being targeted by thieves or concealing embarrassing personal facts, such as a deformity or being related to a notorious criminal, that would not cause a rational person to shun us but might complicate our social and business relations. There may even be justification for allowing the concealment of facts that might, but should not, cause a person to be shunned. Laws that place a person's arrest (as distinct from conviction) record behind a veil of secrecy are based on a belief that prospective employers would exaggerate the significance of such a record, not realizing, for example, that arrests are often based on mistakes by witnesses or police officers, or are for trivial infractions. Privacy-protecting laws are paternalistic; they are based on a skepticism regarding whether people can make sensible evaluations of an arrest record or other private facts that enter the public domain. Still, a good deal of privacy just facilitates **the personal counterpart of the false advertising of goods and services**, and by doing so, reduces the well-being of society as a whole. I am not suggesting that privacy laws be repealed. I don't think that they do much harm, and they do some good, as just indicated. But I don't think they serve the public interest as well as civil libertarians contend, and so I don't think that such laws confer social benefits comparable to those of methods of surveillance that are effective against criminal and especially terrorist assaults.

Util v. Absolutism

Ethics in a vacuum is morally irresponsible.

Issac, '2

(Jeffery, Professor of Political Science at Indiana University, Dissent, Vol. 49 No. 2, Spring)

Politics, in large part, involves contests over the distribution and use of power. To accomplish anything in the political world one must attend to the means that are necessary to bring it about. And to develop such means is to develop, and to exercise, power. To say this is not to say that power is beyond morality. It is to say that power is not reducible to morality. As writers such as Niccolo Machiavelli, Max Weber, Reinhold Niebuhr, Hannah Arendt have taught, an unyielding concern with moral goodness undercuts political responsibility. The concern may be morally laudable, reflecting a kind of personal integrity, but it suffers from three fatal flaws: (1) It fails to see that the purity of one's intentions does not ensure the achievement of what one intends. Abjuring violence or refusing to make common cause with morally comprised parties may seem like the right thing, but if such tactics entail impotence, then it is hard to view them as serving any moral good beyond the clean conscience of their supporters; (2) it fails to see that in a world of real violence

and injustice, moral purity is not simply a form of powerlessness, it is often a form of complicity in injustice. This is why, from the standpoint of politics-as opposed to religion-pacifism is always a potentially immoral stand. In categorically repudiating violence, it refuses in principle to oppose certain violent injustices with any effect; and (3) it fails to see that politics is as much about unintended consequences as it is about intentions; it is the effects of action, rather than the motives of action, that is most significant. Just as the alignment with "good" may engender impotence, it is often the pursuit of "good" that generates evil. This is the lesson of communism in the twentieth century: it is not enough that one's goals be sincere or idealistic; it is equally important, **always**, to ask about the effects of pursuing these goals and to judge these effects in pragmatic and historically contextualized ways. Moral absolutism inhibits this judgment. It alienates those who are not true believers. It promotes arrogance. And it undermines political effectiveness.

No Violation of Constituion

Surveillance doesn't violate the 4th amendment – no human review *and* not invasive.

Branda '14

(et al; JOYCE R. BRANDA, Acting Assistant Attorney General, BRIEF FOR THE APPELLEES - Amicus Brief for Smith v. Obama – before the United States Ninth Circuit Court of Appeals. "Amici" means "friend of the court" and – in this context - is legal reference to the Reporters Committee – October 2nd - https://www.eff.org/document/governments-smith-answering-brief)

In district court, plaintiff attempted to fill that gap in her claim to standing, asserting that, if the government had in fact acquired metadata about her calls, she would suffer a cognizable injury each time the government queries the Section 215 database, even if metadata about her calls were never responsive to a query. But queries of Section 215 metadata are performed electronically; a human analyst reviews only metadata that is responsive to an electronic query, and no one reviews nonresponsive information. It is no more an injury for a computer query to rule out particular telephony metadata as unresponsive to a query than it would be for a canine sniff to rule out a piece of luggage as nonresponsive to a drug investigation, see United States v. Place, 462 U.S. 696, 707 (1983) (canine sniff of luggage does not violate a reasonable expectation of privacy), or for a chemical test to rule out a particular substance being cocaine, see United States v. Jacobsen, 466 U.S. 109, 123 (1984). Where telephony metadata associated with particular calls remains unreviewed and never comes to any human being's attention, there is no invasion of any constitutionally cognizable **privacy interests,** and no injury to support standing to sue. At the very least, **the absence of any such human review would mean that no infringement of a Fourth Amendment privacy interest** demonstrably **occurred** here. See infra p. 54-55.

No impact *to a 4th Amendment violation – the Special Needs Doctrine justifies minor privacy intrusions*

Branda '14

(et al; JOYCE R. BRANDA, Acting Assistant Attorney General, BRIEF FOR THE APPELLEES - Amicus Brief for Smith v. Obama – before the United States Ninth Circuit Court of Appeals. "Amici" means "friend of the court" and – in this context - is legal reference to the Reporters Committee – October 2nd - https://www.eff.org/document/governments-smith-answering-brief)

Even if plaintiff had a cognizable privacy interest in Verizon Wireless's business records—and she does not—the Fourth Amendment would permit the government to acquire those records under the special needs doctrine. The Section 215 telephony-metadata program serves the paramount government interest in preventing and disrupting terrorist attacks on the United States, a compelling special governmental need. And because of the significant safeguards in the program—including a requirement of court authorization based on reasonable suspicion before a human analyst accesses the data—the impact on cognizable privacy interests is at most minimal.

Social M. K2 Biosurveil

DHS contracts prove social media is necessary to effective biosurveillance – stats

McGee 12

(Marianne McGee, Staff Writer for Gov Info Security, "Using Social Media for Biosurveillance", http://www.govinfosecurity.com/using-social-media-for-biosurveillance-a-5278, ZS)

The Department of Homeland Security is testing whether scanning social media sites to collect and analyze health-related data could help identify infectious disease outbreaks, bioterrorism or other public health and national security risks. The department has signed a $3 million, one-year contract with Accenture Federal Services, which is providing software and services for the project. The biosurveillance pilot involves automatically scanning social media sites, such as Facebook and Twitter, to collect and analyze health-related data in real time, says John Matchette, managing director for Accenture's public safety portfolio. The information being collected includes a variety of health-related keywords and other information, including medical symptoms, that show up in social medial postings. The data will be collected and analyzed in aggregate, Matchette says. "The information won't be tracked back to individuals who posted it," he stresses, to help ensure privacy. But one privacy advocate questions whether DHS is taking adequate steps to ensure privacy. "Even when data is in aggregate, we don't have any clear policies around how data will be used and how it can be traced back, including if and when there are signs of an illness outbreak," says Deven McGraw, director of the health privacy project at the Center for Democracy & Technology. "I think it's a legitimate question to ask [DHS] what the guidelines are for using this data. I'd prefer they have a plan in advance for dealing with this, rather than waiting." Representatives of DHS and Accenture did not reply to a request for comment on McGraw's concerns. Watching for Trends The social media data analytics technology will "watch for trends," such as whether new or unusual clusters of symptoms in various geographic regions are being reported on social networking sites, Matchette explains. The analysis of social media data is evolving, he adds, pointing out that both recent presidential campaigns tapped into sites such as Facebook and Twitter to comb through data for trends. While Accenture's work in this pilot focuses on analysis of social media data, the biosurveillance effort has underlying capabilities that could be expanded to integrate data from other sources, such as hospital emergency departments, drug distribution companies and the Centers for Disease Control and Prevention, Matchette says. "This is big data analytics." The project is the latest in a series of DHS data analysis efforts for biosurveillance. For example, DHS already is analyzing data that's collected by the CDC from public health departments nationwide. Also, it's collecting and analyzing air samples in several cities for signs of bio-terrorist chemicals, such as anthrax. The

technology infrastructure for the social media project includes Accenture's collaboration platform software and social media analytics software from Accenture's partner in the project, SAS Institute.

Cartography

Frontlines

1nc

( ) FISA court solves

Katyal and Caplan '8 [Neal Katyal and Richard Caplan are Law professors at Georgetown University, "The Surprisingly Stronger Case for the Legality of the NSA Surveillance Program: The FDR Precedent" Stanford Law Review, Feb. 2008, http://www.jstor.org/stable/pdf/40040407.pdf // date accessed 6/29/15 K.K]

FISA was created in 1978 as part of Congress's overhaul of intelligence activities to govern domestic electronic surveillance of agents of foreign powers.12 The Act mandates that the Chief Justice of the United States designate eleven district judges from seven of the United States judicial circuits to form a Foreign Intelligence Surveillance Court (FISC).13 Of these, at least three judges must reside within twenty miles of Washington, D.C.14 The judges of this court hear the government's applications for foreign intelligence surveillance in secret and determine whether the requested surveillance meets the requirements set forth in FISA. Once a judge of the FISA court has denied an application for surveillance, the government may not petition another judge of the same court for approval of the same application.15 In most cases, FISA requires that the government conduct domestic surveillance for foreign intelligence purposes only pursuant to judicial authorization. The standards for that authorization, however, do not comport with the Fourth Amendment's probable cause requirements for an ordinary warrant. Rather, FISA is more permissive in the type and scope of the searches it allows, requiring far less judicial supervision when the government collects intelligence about foreign powers domestically.16 In most circumstances, a federal agent seeking to use surveillance under FISA must, with the approval of the Attorney General, submit an ex parte application to the Foreign Intelligence Surveillance Court.17 That application must state, among other things, (1) the identity or description of the target of surveillance, (2) the facts relied upon to justify the belief that the target is a foreign power (or agent thereof) and that each of the places to be targeted is used by or about to be used by a foreign power (or agent thereof), (3) detailed description of the type of information sought and the type of communications to be monitored, (4) that obtaining foreign intelligence information is "a significant purpose" of the surveillance, and (5) that such information cannot reasonably be obtained by alternative methods

( ) No NSA overload – Accumulo tech solves.

Harris '13

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

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

( ) Accumulo solves without violating privacy.

Henschen '13

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

The more you know about NSA's Accumulo system and graph analysis, the less likely you are to suspect Prism is a privacy-invading fishing expedition. It's understandable that democracy-loving citizens everywhere are outraged by the idea that the U.S. Government has back-door access to digital details surrounding email messages, phone conversations, video chats, social networks and more on the servers of mainstream service providers including Microsoft, Google, Yahoo, Facebook, YouTube, Skype and Apple. But the more you know about the technologies being used by the National Security Agency (NSA), the agency behind the controversial Prism program revealed last week by whistleblower Edward Snowden, the less likely you are to view the project as a ham-fisted effort that's "trading a cherished American value for an unproven theory," as one opinion piece contrasted personal privacy with big data analysis. The centerpiece of the NSA's data-processing capability **is Accumulo**, a highly distributed, massively parallel processing key/value store capable of analyzing structured and unstructured data. **Accumolo** is based on Google's BigTable data model, but NSA came up with a cell-level security feature that makes it possible to set access controls on **individual bits of data.** Without that capability, valuable information might remain out of reach to intelligence analysts who would otherwise have to wait for sanitized data sets scrubbed of personally identifiable information. Sponsor video, mouseover for sound [Want more on the Prism controversy? Read NSA Prism: Inside The Modern Surveillance State.] As InformationWeek reported last September, the NSA has shared Accumulo with the Apache Foundation, and the technology has since been commercialized by Sqrrl, a startup launched by six former NSA employees joined with former White House cybersecurity strategy director (and now Sqrrl CE0) Ely Khan. "The reason NSA built Accumulo and didn't go with another open source project, like HBase or Cassandra, is that they needed a platform where they could tag every single piece of data with a security label that dictates how people can access that data and who can access that data," said Khan in an interview with InformationWeek. Having left government employment in 2010, Kahn says he has no knowledge of the Prism program and what information the NSA might be collecting, but he notes that Accumulo makes it possible to

interrogate certain details while blocking access to personally identifiable information. This capability is likely among the things James R. Clapper, the U.S. director of National Intelligence, was referring to in a statement on the Prism disclosure that mentioned "numerous safeguards that protect privacy and civil liberties." Are They Catching Bad Guys? So the NSA can investigate data with limits, but what good is partial information? One of Accumulo's strengths is finding connections among seemingly unrelated information. "By bringing data sets together, [Accumulo] allowed us to see things in the data that we didn't necessarily see from looking at the data from one point or another," Dave Hurry, head of NSA's computer science research section, told InformationWeek last fall. Accumulo gives NSA the ability "to take data and to stretch it in new ways so that you can find out how to associate it with another piece of data and find those threats."

( ) The affirmative exaggerates contact chaining – minimization, numbers collected and lack of content disprove the advantage

Mann 14 — Scott Mann is a research associate with the Strategic Technologies Program at the Center for Strategic and International Studies in Washington D.C., 2014 ("Fact Sheet: Metadata", Center For Strategic & International Studies, 2/27/14 available at http://csis.org/publication/fact-sheet-metadata-0 date accessed 7/6/14 // K.K)

Assessment: These criticisms are wildly exaggerated. Press accounts make it sound like NSA has looked at millions of records. In practice, NSA queried only 288 primary "seed" phone numbers in 2012, and its ultimate contact chain analysis only touched 6,000 numbers connected to foreign intelligence activity. To search all records would be time-consuming and hinder analysis of relevant intelligence information. Metadata collected under Section 215 is limited to the call-log records of a particular phone number. The metadata does not include the "content" of a call, nor does it include the names, addresses or any other personally identifying information; it only shows the links between phone numbers. Contrary to the ACLU claims, it cannot be used by the NSA to ascertain intimate personal information. An analyst can look at metadata only after he or she has demonstrates a "reasonable, articulable suspicion" that a phone number is associated with a foreign terrorist organization, and only 22 NSA officials can authorize a query selector. Metadata queries are closely monitored through a series of minimization procedures, which limit the retention of and access to U.S. person data. Other procedural safeguards include limiting data access, creating auditable records of all searches, requiring monthly reports on activities, time limitations on the retention of data, as well as quarterly reviews by the Foreign Intelligence Surveillance Court. Despite the care taken by the NSA to prevent the abuse of data, there is an expectation that a federal agency should not have the authority to approve its own search requests. The legitimacy of metadata program oversight may be improved if the NSA was required to get court approval for database queries.

( ) Contact chaining is key to secure the border

Chappell 14 — Bill Chappell holds a bachelor's degrees in English and History from the University of Georgia and is a reporter/producer of National Public Radio, 2014 ("NSA Reportedly Collected Millions of Phone Texts Every Day", NPR, 1/16/14, available at http://www.npr.org/sections/thetwo-way/2014/01/16/263130142/nsa-reportedly-collected-millions-of-phone-texts-every-day date accessed 7/6/15 // K.K)

As recently as 2011, the National Security Agency was collecting almost 200 million text messages each day, according to a new story by The Guardian that cites documents from former NSA contractor Edward Snowden. The texts were used to develop financial and location data, the newspaper says. An image posted by The Guardian shows a presentation slide titled "Content Extraction Enhancements For Target Analytics: SMS Text Messages: A Goldmine to Exploit." Marked "Top Secret," it resembles the slides that were previously shown as part of the trove of materials Snowden gave to journalists last year. The NSA's collection of text messages in the program, codenamed Dishfire, is arbitrary, The Guardian says, and the information is stored in a database for potential future uses. The newspaper notes that the system works globally – meaning Americans' text messages are included in the collection process. According to the presentation, texts from U.S. phone numbers are removed from the database. After the story was published Thursday afternoon, the spy agency, which has been embarrassed by revelations about its massive data collection programs since last summer, told the BBC, "The implication that NSA's collection is arbitrary and unconstrained is false." From The Guardian come these examples of the data extracted by the NSA on a normal day: • "More than 5 million missed-call alerts, for use in contact-chaining analysis (working out someone's social network from who they contact and when)" • "Details of 1.6 million border crossings a day, from network roaming alerts" • "More than 110,000 names, from electronic business cards, which also included the ability to extract and save images." • "Over 800,000 financial transactions, either through text-to-text payments or linking credit cards to phone users" The NSA's practices and abilities are slated to be the topic of a speech by President Obama Friday (you can follow that event live at NPR.org, starting at 11 a.m. ET). NPR's Scott Neuman has a preview today, listing Five Changes To The NSA You Might Hear In Obama's Speech.

( ) Hezbollah is a unique threat based on the border – sustained intelligence is key to dissuade terrorist attacks on U.S soil

Levitt 13 — Matthew Levitt is the director of the Stein Program on Counterterrorism and Intelligence at The Washington Institute for Near East Policy, 2013 ("South of the Border, A Threat From Hezbollah" Washington Institute, Spring 2013, available at http://www.washingtoninstitute.org/uploads/Documents/opeds/Levitt20130515-JISA.pdf date accessed 7/6/15 // K.K)

Hezbollah's expanding criminal networks have led to closer cooperation with organized crime networks, especially Mexican drug cartels. In a March 2012 speech at the Washington Institute for Near East Policy, Michael Braun, former DEA chief of operations, detailed Hezbollah's skill in identifying and exploiting existing smuggling and organized crime infrastructure in the region. Braun and other officials have noted that the terrain along the southern U.S. border, especially around San Diego, is similar to that on the Lebanese-Israeli border. Intelligence officials believe drug cartels, in an effort to improve their tunnels, have enlisted the help of Hezbollah, which is notorious for its tunnel construction along the Israeli border. In the relationship, both groups benefit, with the drug cartels receiving Hezbollah's expertise and Hezbollah making money from its efforts.20 In 2008, the Mexican newspaper El Universal published a story detailing how the Sinaloa drug cartel sent its members to Iran for weapons and explosives training. The article reported that the Sinaloa members traveled to Iran via Venezuela, that they used Venezuelan travel documents, and that some members of Arab extremist groups were marrying local Mexican

and Venezuelan citizens in order to adopt Latino-sounding surnames and more easily enter the United States.21 Also on the U.S. radar is the relationship between Hezbollah and the Revolutionary Armed Forces of Colombia (FARC). "One thing both Hezbollah and the FARC have in common is a demonstrated willingness to work with outside groups that do not share their same ideology or theology, but who share a common enemy," notes Latin America expert Douglas Farah.22 A July 2009 indictment exposed Jamal Youssef, a former member of the Syrian military and known international arms dealer, who attempted to make a weapons-for-cocaine trade with the FARC. Unbeknownst to him, Youssef negotiated the deal with an undercover DEA agent. The military-grade arms he agreed to provide had been stolen from Iraq and stored in Mexico by Youssef's cousin, who he claimed was a Hezbollah member.23 Staging ground and safe haven Latin America is significant for Hezbollah and other terrorist organization. The Journal of International Security Affairs 81 South of the Border, A Threat from Hezbollah tions as well: the region provides an ideal point of infiltration into the United States. In at least one instance, a highly trained Hezbollah operative, Mahmaoud Youssef Kourani, succeeded in sneaking across the border into the U.S. through Mexico in the trunk of a car. Kourani paid the owner of a Lebanese café in Tijuana $4,000 to smuggle him across the border in February 2001. The café owner, Salim Boughader Mucharrafille, admitted to assisting more than 300 Lebanese sneak into the U.S. in similar fashion over a three-year period. An attempt to establish a Hezbollah network in Central America, foiled by Mexican authorities in 2010, provides even more insight into Hezbollah's foothold in Mexico. Hezbollah operatives, led by Jameel Nasr, employed Mexican nationals who had family ties in Lebanon to set up a network targeting Western interests, the media reported. According to these reports, Nasr routinely traveled to Lebanon to receive directions from Hezbollah.24 Over the past several years, U.S. criminal investigations also have revealed links between the group's illicit activities in the United States and criminal networks in Latin America. Fertile soil For some, Hezbollah's attacks in Buenos Aires are ancient history. Indeed, the government of Argentine President Cristina Fernández de Kirchner recently announced that her country was partnering with the Islamic Republic of Iran to establish an independent truth commission to resolve the AMIA bombing.25 In fact, Argentina's own investigation into the matter has already determined beyond a shadow of a doubt that Hezbollah and Iran partnered together to carry out these bombings.26 This disturbing turn of events demonstrates how far some in the region have yet to go to get serious about the threat Hezbollah and Iran pose. The need for attention is perhaps greater today than it has been in years past, since Hezbollah—as a result of both necessity and opportunity—appears to have renewed operational planning focused on South America. Confronting the threat it poses will require close law enforcement, intelligence, and policy coordination throughout the Western Hemisphere. And with Hezbollah actively plotting terrorist attacks around the world, such cooperation should take shape as quickly as possible

Backlines

Accumulo

***Data overload wrong* – Accumulo tech solves**

Gallagher '13

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

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

No NSA data overload - Accumulo checks.

Kelly '12

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

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

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

Jackson '13

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

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

Mosaic Protection

Frontlines

1nc

( ) Social media presents the façade of intimacy through self-enhancing depiction of identity

Livingstone '8 [Sonia Livingstone, Professor of Social Psychology in the Department of Media and Communications at the London School of Economics and Political Science, "Taking risky opportunities in youthful content creation: Teenagers' use of social networking sites for intimacy, privacy and self-expression", LSE Research Online, 2008 http://eprints.lse.ac.uk/27072/1/Taking_risky_opportunities_in_youthful_content_creation_(LSERO).pdf // date accessed 6/28/15 K.K]

With this in mind, Ellie, Nina and others seem to suggest that, for younger teenagers, self-attention is enacted through constructing an elaborate, highly stylized statement of identity as display. Thus a visually ambitious, 'pick and mix' profile, that frequently remixes borrowed images and other content to express continually shifting tastes offers for some a satisfactorily 'successful' self, liked and admired by peers. But this notion of identity as display – which characterizes Daphne and Danielle's profiles and, to a lesser degree, those of several of the others - is gradually replaced by the mutual construction among peers of a notion of identity through connection. On this alternative approach, elements of display are excised from the profile, replaced by the visual privileging of one's contacts, primarily through links to others' profiles and by posting photos of the peer group socializing offline. Equally stylized, albeit employing a different aesthetic, and still focused on the reflexive tasks of self-observation and self-assessment, this later phase brings to mind Giddens' (1991: 91) argument that the 'pure relationship' is replacing the traditional relationship long embedded in structures of family, work or community. As he puts it, 'the pure relationship is reflexively organized, in an open fashion, and on a continuous basis', prioritizing the values of authenticity, reciprocity, recognition and intimacy. Reminiscent of the concerns reflected by teenagers when talking about social networking, the continuous revision of the self is hinted at when Leo says, 'I'll always be adding new friends'. The implications for judging others are brought out not only by Ellie's emphasis, above, on people who are 'actually' friends and so know you already, but also by Ryan's observation about others that, 'you look at their pictures, see if they are authentic or not, so if they ain't got any comments and they're just adding people, then I can't believe them'. Now, too, we may see that Danny's omission of personal information on his profile is less a curious neglect of self than the prioritization of a self-embedded in social connections - for it is not that Danny cannot be bothered about networking: he sustains links with 299 friends and checks every day to see 'if I've got any, like, messages, new friend requests or anything like that, like, new comments'. In terms of affordances, then, social networking sites frame, but do not determine. It remains open to young people to select a more or less complex representation of themselves linked to a more or less wide network of others. These choices pose advantages and disadvantages. Elaborating the presentation of self at the node supports the biographisation of the self by prioritizing a managed and stylized display of identity as lifestyle. But it risks invasions of privacy, since the backstage self is on view (Goffman, 1959), potentially occasioning critical or abusive responses from

others. Something of the associated anxiety is evident in Ryan's comment about his profile that 'hopefully people will like it - if they don't, then screw them'. The interlinking of opportunities and risks is also apparent when Danielle discusses how her friend used Piczo to express her unhappiness when her parents separated, 'because other people can advise you what to do or say, don't worry, you can go through it'; yet she is one of the few interviewees who talked about the risk of hostile comments, noting that 'sometimes the comments are cruel and they're [her friends] all crying and upset'.

( ) Can't implement the theory – too slow technology changes.

Kerr, 2012 (Orin S., Professor of Law @ George Washington University Law School "THE MOSAIC THEORY OF THE FOURTH AMENDMENT" Michigan Law Review Lexis)

The first difficulty with the mosaic theory is the most obvious: Its implementation raises so many difficult questions that it will prove exceedingly hard to administer effectively. Because the mosaic theory departs dramatically from existing doctrine, implementing it would require the creation of a new set of Fourth Amendment rules – a mosaic parallel to the sequential precedents that exist today. The problem is not only the number of questions, but their difficulty. Many of the questions raised in Part III of this article are genuine puzzles that Fourth Amendment text, principles and history cannot readily answer. Judges should be reluctant to open the legal equivalent of Pandora's Box. It is particularly telling that not even the proponents of the mosaic theory have yet proposed answers for how the theory should be applied. For example, a group of Fellows at Yale's Information Society Project who endorse the mosaic approach simply dismissed the conceptual difficulties of its implementation on the ground that answering such puzzles is "why we have judges."198 A pro-mosaic amicus brief in Jones signed by several prominent legal academics was similarly nonresponsive. Although the mosaic approach requires "tough decisions" to be made, the brief noted, courts have encountered difficult questions elsewhere in Fourth Amendment law. 199 While one can admire such confidence in the capabilities of the judiciary, it would provide more comfort if proponents of the mosaic theory would at least be willing to venture guesses as to how it should apply. The challenge of answering the questions raised by the mosaic theory has particular force because the theory attempts to regulate use of changing technologies. Law enforcement implementation of new technologies can occur very quickly, while judicial resolution of difficult constitutional questions occurs at a more glacial pace. As a result, the constantly-evolving nature of surveillance practices could lead new questions to arise faster than courts can settle them. Old practices would likely be obsolete by the time the courts resolved how to address them, and the newest surveillance practices would arrive and their legality would remain unknown. Like Lucy and Ethel trying to package candy on the everfaster conveyor belt, 200 the mosaic theory could place judges in the uncomfortable position of trying to settle a wide range of novel questions for technologies that are changing faster than the courts can resolve how to regulate them. Consider the changes in location-identifying technologies in the last three decades. Thirty years ago, the latest in police technologies to track location was the primitive radio beeper seen in Knotts. But radio beepers have gone the way of the 8-track tape. Today the police have new tools at their disposal that were unknown in the Knotts era, ranging from GPS devices to cell-site records to license–plate cameras. This rapid pace of technological change creates major difficulties for courts trying to apply the mosaic theory: If the technological facts of the mosaic change quickly over time, any effort to answer the many difficult questions raised by the mosaic theory will become quickly outdated. Courts may devise answers to the many questions discussed in Part III, but by the time they do the relevant technology is likely to have gone the way of the radio beeper.

( ) There is a sequential approach to the Fourth Amendment now

Kerr, 2012 (Orin S., Professor of Law @ George Washington University Law School "THE MOSAIC THEORY OF THE FOURTH AMENDMENT" Michigan Law Review Lexis)

The five votes in favor of a mosaic approach in United States v. Jones do not establish the theory as a matter of law. The majority opinion in Jones failed to adopt the mosaic approach, and it only touched on the mosaic

method in passing to express skepticism of it.187 Even if five votes of the current court are ready to embrace the theory, lower courts must adhere to Supreme Court holdings even when subsequent developments suggest that the Supreme Court would reject those holdings if it reviewed them.188 For now, then, the sequential approach remains good law. At the same time, the concurring opinions in Jones invite lower courts to consider embracing some form of the mosaic approach. Our attention therefore must turn to the normative question: Should courts embrace the mosaic theory? Is the mosaic approach a promising new method of Fourth Amendment interpretation, or is it a mistake that should be avoided? This section argues that courts should reject the mosaic theory. The better course is to retain the traditional sequential approach to Fourth Amendment analysis. The mosaic theory aims at a reasonable goal. Changing technology can outpace the assumptions of existing precedents, and courts may need to tweak prior doctrine to restore the balance of privacy protection from an earlier age. I have called this process "equilibrium adjustment,"189 and it is a longstanding method of interpreting the Fourth Amendment. But the mosaic theory aims to achieve this goal in a very peculiar way.

( ) Courts are not ruling on the Mosaic theory now

Bellovin et al, 2014 (Steven M., Prof of Computer Science @ Columbia, Renee M. Hutchins, Associate Prof. of Law @ Maryland Francis King Carey School of Law, Tony Jebara, Associate Prof. of Computer Science @ Columbia, and Sebastian Zimmeck, Ph D. Candidate in Computer Science @ Columbia, "When Enough is Enough: Location Tracking, Mosaic Theory, and Machine Learning" New York University Journal of Law & Liberty Lexis)

In the context of location tracking, the Court has previously suggested that the Fourth Amendment may (at some theoretical threshold) be concerned with the accumulated information revealed by surveillance.3 Similarly, in the Court's recent decision in United States v. Jones, a majority of concurring justices indicated willingness to explore such an approach.4 However, in general, the Court has rejected any notion that technological enhancement matters to the constitutional treatment of location tracking.5 Rather, it has decided that such surveillance in public spaces, which does not require physical trespass, is equivalent to a human tail and thus not regu-lated by the Fourth Amendment. In this way, the Court has avoided a quantitative analysis of the amendment's protections. The Court's reticence is built on the enticingly direct assertion that objectivity under the mosaic theory is impossible. This is true in large part because there has been no rationale yet offered to objectively distinguish relatively short-term monitoring from its counterpart of greater duration.6 This article suggests that by combining the lessons of machine learning with the mosaic theory and apply-ing the pairing to the Fourth Amendment we can see the contours of a response. Machine learning makes clear that mosaics can be created. Moreover, there are important lessons to be learned on when this is the case.c

( ) Reasonable expectation of privacy is based on a probabilistic view of the fourth amendment. That fails because society has no idea what surveillance is common or rare.

Kerr, 2012 (Orin S., Professor of Law @ George Washington University Law School "THE MOSAIC THEORY OF THE FOURTH AMENDMENT" Michigan Law Review Lexis)

The third problem with the mosaic theory is that most formulations of it are based on a probabilistic approach to the reasonable expectation of privacy test that proves ill-suited to regulate technological surveillance practices. Supreme Court decisions have utilized several different inquiries for what makes an expectation of privacy constitutionally reasonable.201 In some cases the Court has looked to what a reasonable person would perceive as likely;202 in other cases the Court has looked to whether the particular kind information obtained is worthy of protection; 203 in some cases the Court has looked to whether the government violated some legal norm such as property in obtaining the information; 204 and in other cases the Court has simply considered whether the conduct should be regulated by the Fourth Amendment as a matter of policy.205 Use of these multiple inquiries (what I have called "models") of Fourth Amendment protection allows the Court to adopt different approaches in different contexts, ideally selecting the model that best identifies the need for regulation in that particular setting.206 For the most part, formulations of the mosaic theory rest on the first of these approaches – what a reasonable person would see as likely. I have called this the probabilistic approach to Fourth Amendment protection,207 as it rests on

a notion of the probability of privacy protection. The more likely it is that a person's will maintain their privacy, the more likely it is that government conduct defeating that expectation counts a search. Under this model, the Fourth Amendment guards against surprises. The paradigmatic example is Bond v. United States,208 which involved government agents manipulating the duffel bag of a bus passenger to identify a wrapped brick of drugs inside it. A bus passenger expects other passengers to handle his bag but not "feel the bag in an exploratory manner,"209 the Court held, so the exploratory feel violated a reasonable expectation of privacy. Both Judge Ginsburg and Justice Alito authored mosaic opinions that rely on such probabilistic reasoning. Judge Ginsburg deemed long-term GPS monitoring a search because no stranger could conduct the same level of monitoring as a GPS device. Justice Alito reached the same result on the grounds that a reasonable person would not expect the police to obtain so much information. The probabilistic approach presents a poor choice to regulate technological surveillance because most individuals lack a reliable way to gauge the likelihood of technological surveillance methods. The probabilistic expectation of privacy applied in Bond relied on widespread and repeated personal experience. Bus passengers learn the social practices of bus travel by observing it first-hand. In contrast, estimating the frequency of technological surveillance practices is essentially impossible for most people (and most judges). Surveillance practices tend to be hidden, and few understand the relevant technologies. Some people will guess that privacy invasions are common, and others will guess that they are rare. But none will know the truth, which makes such probabilistic beliefs a poor basis for Fourth Amendment regulation.

( ) Courts can't administer the mosaic theory

Kerr, 2012 (Orin S., Professor of Law @ George Washington University Law School "THE MOSAIC THEORY OF THE FOURTH AMENDMENT" Michigan Law Review Lexis)

The concurring opinions in Jones invite lower courts to experiment with a new approach to the Fourth Amendment search doctrine. The approach is well-intentioned, in that it aims to restore the balance of Fourth Amendment protection by disabling the new powers created by computerization of surveillance tools. But despite being well-intentioned, the mosaic theory represents a Pandora's Box that courts should leave closed. The theory raises so many novel and difficult questions that courts would struggle to provide reasonably coherent answers. By the time courts worked through answers for any one technology, the technology would likely be long obsolete. Mosaic protection also could come at a cost of lost statutory protections, and implementing it would require courts to assess probabilities of surveillance that judges are poorly equipped to evaluate. In this case, the game is not worth the candle. The concurring opinions in Jones represent an invitation that future courts should decline. Instead of adopting a new mosaic theory, courts should consider the need to engage in equilibrium-adjustment within the confines of the traditional sequential approach.

Backlines

Mosaic

That evidence is below

Self Enhancement

That evidence is below

Case Turns

Kills V2L

1nc

Social media correlates to jealousy, social tension, isolation, and depression – stats

Economist 13

("Facebook is bad for you, Get a life!", http://www.economist.com/news/science-and-technology/21583593-using-social-network-seems-make-people-more-miserable-get-life, ZS)

THOSE who have resisted the urge to join Facebook will surely feel vindicated when they read the latest research. A study just published by the Public Library of Science, conducted by Ethan Kross of the University of Michigan and Philippe Verduyn of Leuven University in Belgium, has shown that the more someone uses Facebook, the less satisfied he is with life. **Past investigations have found that using Facebook is associated with jealousy, social tension, isolation and depression.** But these studies have all been "cross-sectional"—in other words, snapshots in time. As such, they risk confusing correlation with causation: perhaps those who spend more time on social media are more prone to negative emotions in the first place. The study conducted by Dr Kross and Dr Verduyn is the first to follow Facebook users for an extended period, to track how their emotions change. The researchers recruited 82 Facebookers for their study. These volunteers, in their late teens or early 20s, agreed to have their Facebook activity observed for two weeks and to report, five times a day, on their state of mind and their direct social contacts (phone calls and meetings in person with other people). These reports were prompted by text messages, sent between 10am and midnight, asking them to complete a short questionnaire. When the researchers analysed the results, they found that the more a volunteer used Facebook in the period between two questionnaires, the worse he reported feeling the next time he filled in a questionnaire. Volunteers were also asked to rate their satisfaction with life at the start and the end of the study. Those who used Facebook a lot were more likely to report a decline in satisfaction than those who visited the site infrequently. In contrast, there was a positive association between the amount of direct social contact a volunteer had and how positive he felt. In other words, the more volunteers socialised in the real world, the more positive they reported feeling the next time they filled in the questionnaire. A volunteer's sex had no influence on these findings; nor did the size of his (or her) social network, his stated motivation for using Facebook, his level of loneliness or depression or his self-esteem. Dr Kross and Dr Verduyn therefore conclude that, rather than enhancing well-being, Facebook undermines it.

Off Case

Topicality – Curtail

1nc

1. "Curtail" means to restrict

Webster's 15 – Webster's New World College Dictionary, 4th Ed., "curtail", http://www.yourdictionary.com/curtail

verb

To curtail is defined as to restrict something, stop something or deprive of something.

An example of curtail is when a town wants to stop drunk driving.

2. "Restriction" requires binding enforcement---policies that have discouraging effects on surveillance but don't legally limit it aren't topical

Barnett 3 (Stephen R., Boalt Professor of Law Emeritus – University of California, Berkeley, "No-Citation Rules Under Siege: A Battlefield Report and Analysis", The Journal of Appellate Practice and Process, Fall, 5 J. App. Prac. & Process 473, Lexis)

C. "Restrictions" on Citation: Introducing Draft B Despite this assurance, under the present drafting it is not clear that the proposed Rule 32.1 does preserve circuit choice on the question of citation weight. When the proposed Rule says, "No prohibition or restriction may be imposed upon the citation of [unpublished] judicial opinions," **what does "restriction"** [*491] **mean? If** a circuit's rule provides - as several do 122 - that unpublished **opinions may be cited only for** their **"persuasive" value, is that not a "restriction"** on their citation**? One might think so**. And if so, it would follow that circuit rules limiting citation to persuasive value are forbidden by Rule 32.1, because no such limit is imposed on the citation of published opinions. 123 Two possible remedies come to mind. One is legislative history, or drafter's gloss. The Committee Note might declare the committee's view that the Rule deals only with citability and "says nothing whatsoever about the effect that a court must give" to the cited opinions. 124 If we may assume that the judges and lawyers operating in the federal appellate courts have no aversion to legislative history, 125 this approach might produce the committee's desired interpretation of its Rule. The other approach would proceed on the basis that if you want to permit citation, you might just say that citation is permitted. 126 Draft B thus would simply provide: Any opinion, order, judgment, or other disposition by a federal court may be cited to or by any court. This language would make quite clear the committee's view that the Rule deals only with permitting citation and says nothing about the weight to be given citations. Draft B also would take the lead out of the drafting. You don't have to be Bryan Garner to object to the present draft's double negative ("no prohibition)"; its vast passive ("may be imposed"); its [*492] awkward laundry list of unpublished dispositions; or its backhanded approach of making opinions citable by banning restrictions on citation. Before concluding, however, that the elegant Draft B should replace the

committee's cumbersome Draft A, it is necessary to consider how each draft would handle a major problem that will arise. D. Discouraging Words This is the problem of discouraging words. Although nine of the thirteen circuits now allow citation of their unpublished opinions, all nine discourage the practice; they all have language in their rules stating that such citation is "disfavored," that unpublished opinions should not be cited unless no published opinion would serve as well, that the court "sees no precedential value" in unpublished opinions, and so forth. 127 **The question is whether such discouraging words are a forbidden "restriction"** on citation under proposed Rule 32.1. The Advisory Committee addresses this question with the following Delphic pronouncement: Unlike many of the local rules of the courts of appeals, Rule 32.1(a) does not provide that citing "unpublished" opinions is "disfavored" or limited to particular circumstances (such as when no "published" opinion adequately addresses an issue). Again, it is difficult to understand why "unpublished" opinions should be subject to restrictions that do not apply to other sources. 128 The first sentence of this passage does not say that Rule 32.1 would overrule those local rules - only that it is "unlike" them. The second sentence, however, characterizes the discouraging words as "restrictions," so in the committee's apparent view, Rule 32.1 would overrule them. Four questions follow: (1) Are discouraging words "restrictions" on citation under Rule 32.1? (2) What difference, if any, does it make? (3) What is the risk of judicial resistance to [*493] no-citation rules, through discouraging words or other means? and (4) Should discouraging words be forbidden? 1. Are Discouraging Words "Restrictions" under Rule 32.1? The committee's statement notwithstanding, **it is not clear that discouraging words have to be considered "restrictions"** on citation under the proposed Rule 32.1. **These words may be wholly admonitory - and unenforceable**. The Fourth Circuit's rule, for example, states that citing unpublished opinions is "disfavored," but that it may be done "if counsel believes, nevertheless, that [an unpublished opinion] has precedential value in relation to a material issue in a case and that there is no published opinion that would serve as well." 129 On the question of what counsel "believes," surely counsel should be taken at her word; counsel's asserted belief that an unpublished opinion has precedential or persuasive value should not be considered a falsifiable fact. Hence **no sanction should be available for violating the** Fourth Circuit's **rule, and** the rule's **discouraging language in turn would not be a** "prohibition or **restriction**" that was barred by Rule 32.1 as presently drafted. In the rules of some other circuits, however, **the language disfavoring** citation of unpublished opinions is unmoored from anyone's "belief" and arguably **does impose an objective** "prohibition or **restriction**" determinable by a court. 130 A court might find, for example, that the required "persuasive value with respect to a material issue that has not been addressed in a published opinion" 131 was not present, and hence that the citation was not permitted by the circuit rule. With what result? It would follow, paradoxically, that the opinion could be cited - because the circuit rule would be struck down under Rule 32.1 as a forbidden "restriction" on citation. The committee's double-negative drafting thus creates a Hall of Mirrors in which citation of an unpublished opinion [*494] would be allowed either way. If the local rule's discouraging language is merely hortatory, it is not a "restriction" forbidden by Rule 32.1; but that doesn't matter, because such a rule does not bar the citation in the first place. **If, on the other hand, the** local rule's **language has bite and is a "restriction," then Rule 32.1 strikes it down**, and again the citation is permitted. 2. What Difference Does It Make Whether Discouraging Words Are "Restrictions"? There is one live question, however, that would turn on whether a local rule's discouraging language constituted a "restriction" on citation. If the language was a restriction, it would be condemned by Rule 32.1 132 and so presumably would have to be removed from the local circuit rule. **Each** circuit's **rule thus would have to be parsed to determine whether its discouraging words were purely hortatory or legally enforceable**; and

each circuit thus would have to decide - subject to review by the Judicial Conference? - which of its discouraging words it could keep.

3. Voting issue---

4. Limits---allowing effectual reductions explodes the topic. Any action can potentially result in less surveillance. Limits are key to depth of preparation and clash.

5. Ground---our interpretation is key to establish a stable mechanism of legal prohibition that guarantees core ground based on topic direction. They allow the Aff to defend completely different processes like "oversight" that dodge core DAs and rob the best counterplan ground.

SOP Counterplan

1nc

The United States Supreme Court should rule based on the separation of powers doctrine that the gathering of intelligence data from social networks is unconstitutional.

1st and 4th amendment challenges to surveillance fail – the counterplan is key to legitimately stopping surveillance

Slobogin 15

(Christopher -Milton Underwood Professor of Law, Chris Slobogin has authored more than 100 articles, books and chapters on topics relating to criminal procedure, mental health law and evidence. Named director of Vanderbilt Law School's Criminal Justice Program in 2009, Professor Slobogin is one of the five most cited criminal law and procedure law professors in the country, according to the Leiter Report, Vanderbilt University Law School, Standing and Covert Surveillance, Pepperdine Law Review, February 18, 2015, http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2567070, JZG)

IV. A THIRD BASIS FOR CHALLENGING SURVEILLANCE: SEPARATION OF POWERS AND THE NONDELEGATION DOCTRINE One response to standing arguments based on the insights of scholars like Milligan and Richards is that they ignore the close relationship between standing and the scope of the right in question.131 Indeed, when the Fourth Amendment is the basis for the claim, the Supreme Court has explicitly conflated standing with the Amendment's substance. In Rakas v. Illinois, 132 the Court stated that the decision as to whether a defendant can make a Fourth Amendment claim "forthrightly focuses on the extent of a particular defendant's rights under the Fourth Amendment, rather than on

any theoretically separate, but invariably intertwined concept of standing."133 If a government action is not a Fourth Amendment "search" vis-à-vis the litigant, Rakas held, then the litigant lacks standing to challenge it. If that reasoning is the correct approach to standing, then in cases challenging covert surveillance on Fourth or First Amendment grounds everything rides on whether the surveillance, as it operates in the way the plaintiff describes it, infringes the plaintiff's reasonable expectations of privacy or speech and association interests.134 While such a finding would presumably be made in the Clapper case, which involved the alleged interception of the content of overseas phone calls,135 it is less certain in connection with collection and querying of metadata. The Fourth Amendment is only meant to protect reasonable expectations of privacy.136 Supreme Court case law to date strongly suggests that any privacy one might expect in one's metadata or Internet activity is unreasonable, because we assume the risk that third parties to which we knowingly impart information (here phone companies and Internet service providers) will in turn divulge it to the government.137 The same type of analysis might limit standing in cases brought under the First Amendment. As the Court intimated in Clapper, 138 one could conclude that even if speech and association are inhibited by surveillance, that inhibition proximately results from the individual's choices, not from anything the government has done to the individual.139 On this view, even if an individual can show that he or she was targeted, standing to contest surveillance does not exist unless and until the government uses the seized information against the individual, because otherwise a colorable claim that a constitutionally cognizable interest was infringed cannot be made. If, despite its impact on political participation, covert surveillance like the metadata program remains immune from Fourth and First Amendment challenges, there remains another avenue of attack, derived directly from separation of powers doctrine. In other work, I have argued that, even if the Fourth (or First) Amendment does not govern a particular type of surveillance, Ely's political process theory provides a basis for challenging panvasive actions that are the result of a seriously flawed political process.140 More specifically, panvasive surveillance might be challengeable on one of three grounds: (1) the surveillance is not authorized by the appropriate legislative body; (2) the authorizing legislative body does not meaningfully represent the group affected by the surveillance; or (3) the resulting legislation or law enforcement's implementation of it violates notions underlying the non-delegation doctrine.141 The first and third of these grounds are based explicitly on separation of powers concerns. As I pointed out, some panvasive surveillance has not been legislatively authorized or has been authorized by legislation that does not announce an "intelligible principle" governing the implementing agency.142 Panvasive surveillance is also defective under non-delegation principles if, as I have argued is true of the NSA's metadata program, it is implemented by rules or practices that are not explained, were produced through flawed or non-transparent procedures, or are applied unevenly.143 Based on several Supreme Court cases, particularly in the administrative law area,144 I concluded that any one of these deficiencies could be the basis for the claim that the legislature, the relevant law enforcement agency, or both are failing to carry out their constitutional obligations as law-making and law implementing bodies.145 Although this type of claim, like the Fourth and First Amendment claims, aims at "generalized relief," the Court itself has often granted standing to individuals making separation of powers claims.146 The rationale of these cases is not difficult to grasp, because it again reflects the political process rationale. Many years ago Justice Brandeis stated, "[T]he doctrine of the separation of powers was adopted by the convention of 1787 not to promote efficiency but to preclude the exercise of arbitrary power."147 More recently, Chief Justice Burger asserted that "checks and balances were the foundation of a structure of government that would protect liberty."148 More recently still, in Bond v. United States149 the Court stated "[t]he structural principles secured by the separation of powers protect the individual as well."150 If one accepts the possibility that a separation of powers argument can be made in covert surveillance cases, then parties who can demonstrate the type of injury described above—that is, a significant stifling of political participation that, to borrow the Second Circuit's language in its Clapper decision,151 is a reasonable, non-fanciful, and non-paranoid reaction to covert surveillance—should have standing to challenge panvasive surveillance even if it is not a search under the Fourth Amendment or does not abridge First Amendment freedom. The merits claim would not be that the surveillance is an unreasonable search or infringement of speech or

association rights, but rather that the legislature has failed in its delegation task or that the relevant law enforcement or intelligence agency has acted in an ultra vires fashion. These are the types of separation of powers claims that courts ought to hear because they assure the proper functioning of the political process that the Court is so eager to protect (with, inter alia, its standing doctrine). To requote Chief Justice Roberts, "[T]he obligation of the Judiciary [is] not only to confine itself to its proper role, but to ensure that the other branches do so as well."152

Mosaic Disadvantage

1nc Cyber Harassment

Cyberharassment is a growing problem - mosaic theory hinders apprehension.

Gray, Keats Citron, and Rinehart, 2013 (David, Associate Professor, University of Maryland Francis King Carey School of Law, Danielle, Lois K. Macht Research Professor of Law, University of Maryland Francis King Carey School of Law, and Liz Clark, University of Maryland Francis King Carey School of Law, "SYMPOSIUM ON CYBERCRIME: FIGHTING CYBERCRIME AFTER UNITED STATES V. JONES" Journal of Criminal Law & Criminology Lexis)

Cyberharassment is a widespread and growing challenge for law enforcement in the United States. These online attacks feature threats of violence, privacy invasions, reputation-harming falsehoods, impersonation, computer hacking, and extortion. They often appear in e-mails, instant messages, blog entries, message boards, or sites devoted to tormenting individuals. As the executive director of the National Center for Victims of Crime explained in her congressional testimony supporting the 2006 cyberstalking amendment to the Violence Against Women Act: Stalkers are using very sophisticated technology ... - installing spyware on your computer so that they can track all of your interactions on the Internet, your purchases, your e-mails and so forth, and then using that against you, forwarding e-mails to people at your job, broadcasting your whereabouts, your purchases, your reading habits and so on, or installing GPS in your car so that you will show up at the grocery store, at your local church, wherever and there is the stalker and you can't imagine how the stalker knew that you were going to be there... . I am happy that this legislation amends the statute so that prosecutors have more effective tools, I think, to address technology through VAWA 2005. n257 Although some attackers confine their harassment to networked technologies, others use all available tools to harass victims, including real-space contact. Offline harassment or stalking often includes abusive phone calls, vandalism, threatening mail, and physical assault. n258 According to the Bureau of Justice Statistics, 850,000 adults experienced stalking with an online component in 2006, including threats in e-mails, text messages, chat rooms, and blogs. n259 Young people are even more likely to experience some form of cyberharassment. The National Center for Education Statistics reports that, during the 2008-2009 school year, 1.5 million young people in the United States were victims of some form of cyberharassment. n260 Already a significant problem, [*789] cyberharassment is on the rise. College students now report more sexually harassing speech in online interactions than in face-to-face ones. As the National Institute of Justice explains, the "ubiquity of the Internet and the ease with which it allows others unusual access to personal information" make individuals more accessible and vulnerable to online abuse. n261 Harassing someone online is far cheaper and less personally risky than confronting them in space. n262 Cyberharassment and the identity of its victims follow the well-worn pathways of bias crimes. The most recent Bureau of Justice Statistics findings report that 74% of online stalking victims are female. n263 Perpetrators are far more likely to be men. n264 Unsurprisingly, the content of these attacks are often sexually explicit and demeaning, drawing predominantly on gender stereotypes. As one blogger observed, "the fact is, to be a woman online is to **eventually be threatened with rape and death**. On a long enough timeline, **the chances of this not occurring** drop to [*790] zero." n265 Cyberharassment also follows racial lines. A study conducted in

2009 asked 992 undergraduate students about their experience with cyberharassment. According to this study, nonwhite females faced cyberharassment more than any other group, with 53% reporting having been harassed online. Next were white females, with 45% reporting having been targeted online, with nonwhite males right behind them at 40%. The group least likely to have been harassed was white males, at 31%. n266 Across race, being lesbian, transgender, or bisexual also raised the risk of being harassed. real n267 Another disturbing feature of cyberharassment is that it tends to be perpetrated by groups rather than individuals. Those who engage in abusive online conduct often move in packs. n268 Cyberharassers frequently engage proxies to help torment their victims. n269 These group attacks bear all of the hallmarks of violent mob behavior. So much so, in fact, that one of us has dubbed them "cyber mobs." n270 As with sole practitioners, online mob harassment is more likely to be perpetrated by members of dominant demographics, and to draw on popular stigmas for the purpose of shaming and degrading their targets. n271 Of course, cold statistics and general description tell at best part of the story of legitimate government and law enforcement interests in preventing, detecting, and prosecuting cyberharassment. Recent efforts to highlight the privacy interests that compel recognition of the mosaic theory of Fourth Amendment privacy make liberal use of individual stories, in part to pluck [*791] empathetic strings in the audience. n272 In weighing the competing interests at stake in regulating access to and use of digital surveillance technologies, it is therefore fair to consider the impact of crimes like cyberharassment in individual cases. Take the publicly reported case of D.C. v. R.R. n273 D.C. was a high school student who was actively pursuing a career in the entertainment industry as a singer and actor. n274 He used a pseudonym in his professional career, n275 under which he maintained a fan site that, among other features, allowed visitors to post comments to a "guestbook." Several students at D.C.'s school, who were later identified in a civil suit, engaged in a pattern of targeted harassment of D.C. by posting comments to his website. Some were simply offensive - one student told D.C. that he was "the biggest fag in the [high school] class." n276 Others, however, went much further, threatening physical and sexual violence in graphic detail. One person posted on D.C.'s website, "I want to rip out your fucking heart and feed it to you... . If I ever see you I'm ... going to pound your head in with an ice pick. Fuck you, you dick-riding penis lover. I hope you burn in hell." n277 Another post told D.C. that he was "now officially wanted dead or alive," and a third promised to "unleash my manseed in those golden brown eyes." n278 According to a California appellate court, the contents of these posts suggested that "the students ... sought to destroy D.C.'s life, threatened to murder him, and wanted to drive him out of [his high school] and the community in which he lived." n279 In that goal they were successful. On [*792] advice of law enforcement, who consulted the Federal Bureau of Investigation, D.C. withdrew from his school and moved with his family to the other end of the state. n280 Despite these efforts, the student newspaper at his former school reported his new location and the name of his new institution. n281 As a consequence of this harassment, D.C. developed a persistent anxiety disorder. n282 Cyberharassment has also spawned a new brand of extortion labeled "sextortion." n283 This is a form of blackmail in which the extortionist threatens to publicize images or information that his target might find embarrassing unless the victim provides sexually explicit pictures and videos or agrees to participate in live sex shows via Skype or other direct video communications. n284 One infamous perpetrator of sextortion schemes invaded his targets' computers using malicious software that allowed him to mine his victims' hard drives for compromising images or to capture images using their own computer cameras. n285 He then used those images and access to his targets' computers and e-mail accounts to terrorize them until they agreed to produce sexually explicit pictures or videos for him. Young people are particularly vulnerable. n286 Teenagers who are extorted into engaging in explicit sex acts under threat and at such a formative stage of their development are also more likely to suffer scarring emotional and psychological harm. n287 As United States Attorney Joseph Hogsett put the [*793] point when commenting on a successful prosecution, "This defendant may not remember his alleged victims, but the true tragedy is that not one of them will ever forget." n288 Cyberharassers engage in telephone harassment as well. For example, in September 2010, Daniel Leonard pleaded guilty to a pattern of harassment that involved over 4,000 threatening and sexually explicit phone calls made to over 1,200 phone numbers using an Internet "spoofing" service that masked his phone number from the call recipients. n289 Others go further still by using the Internet to incite others to rape and stalk victims. Federal prosecutors recently brought a cyberstalking indictment against a man who impersonated his ex-girlfriend online over a four-year period, inciting others to stalk her in person. The man posted online advertisements with the victim's contact information and her alleged desire for sex with strangers. On porn sites, he uploaded videos of her having sex (which he filmed while they were dating) alongside her contact information. n290 Because strange men began appearing at her home demanding sex, the woman changed her name and moved to another state. Her ex-boyfriend discovered her new personal information and again posted her name, address, and an invitation to have sex on pornography sites next to her picture. The cycle repeated itself, with strange men coming to her house at night demanding sex. Although this victim was never physically assaulted, others are not so lucky. In December 2009, Ty McDowell broke into the home of a woman in Casper, Wyoming, tied her up, and raped her. During the course of the [*794] attack, he told her: "You want an aggressive man, bitch, I'll show you aggressive." n291 Although McDowell did not know his victim, his crime was not random. Rather, he had responded to an online advertisement

posted on Craigslist that purported to be from a woman seeking to fulfill her own rape fantasies. After a lengthy correspondence with the ad's poster, McDowell believed that he was fulfilling his victim's desires. n292 He was not. As a subsequent investigation would reveal, McDowell was in communication with Jebediah Stipe, who posted the ad and arranged the attack on his ex-girlfriend. n293 Stipe and McDowell were sentenced to sixty-year prison terms after pleading guilty to charges of aggravated kidnapping, rape, and burglary. n294 Cyberharassment can also be more general. Sites that encourage sexualized online abuse are all too common. The website IsAnyoneUp.com provides a notorious example. For a time, it was one of the most popular forums on the Internet for "revenge porn," which entails spurned former lovers posting sexualized pictures of their ex-wives and ex-girlfriends on a public forum so that others can leer at and demean them. n295 Although IsAnyoneUp.com eventually shut down amidst protests and outcry, its operator, Hunter Moore, started a similar site under a different name, HunterMoore.TV, which may eventually include not only pictures of women, but also an overlaid map to the homes of those featured in the pictures. n296 Consider too "Violentacrez," a notorious Reddit administrator [*795] who oversaw forums like "Jailbait," "Creepshots," "Rapebait," "Incest," "Beatingwomen," and "Picsofdeadjailbait," each of which featured pictures and commentary from his followers that celebrated the interests described by the forums' titles. n297 There is, of course, much more to be written about the incidents and dynamics of cyberharassment crimes. For present purposes, however, the foregoing is sufficient to show that there are significant and legitimate governmental interests at stake in preventing, detecting, and prosecuting various forms of cyberharassment. Although cyberharassment is relatively new, executives and legislatures have manifested these interests by setting up dedicated enforcement units and passing tailored criminal statutes. n298 As we argue in the next section, **adopting a mosaic theory of the Fourth Amendment likely will implicate these law enforcement concerns by limiting access to both existing and future digital surveillance techniques and technologies.** n299

Online harassment and the lack of response from institutions allows for threats, violence, and discrimination against women to continue unabated

Hess 14 – Amanda Hess is a Slate staff writer and popular Gender & Sexuality reporter, 2014 ("Why Women Aren't Welcome on the Internet," Pacific Standard, 1/6/14, http://www.psmag.com/health-and-behavior/women-arent-welcome-internet-72170, 7/3/15)//CM

A woman doesn't even need to occupy a professional writing perch at a prominent platform to become a target. According to a 2005 report by the Pew Research Center, which has been tracking the online lives of Americans for more than a decade, women and men have been logging on in equal numbers since 2000, but the vilest communications are still disproportionately lobbed at women. We are more likely to report being stalked and harassed on the Internet—of the 3,787 people who reported harassing incidents from 2000 to 2012 to the volunteer organization Working to Halt Online Abuse, 72.5 percent were female. Sometimes, the abuse can get physical: A Pew survey reported that five percent of women who used the Internet said "something happened online" that led them into "physical danger." And it starts young: Teenage girls are significantly more likely to be cyberbullied than boys. Just appearing as a woman online, it seems, can be enough to inspire abuse. In 2006, researchers from the University of Maryland set up a bunch of fake online accounts and then dispatched them into chat rooms. Accounts with feminine usernames incurred an average of 100 sexually explicit or threatening messages a day. Masculine names received 3.7. There are three federal laws that apply to cyberstalking cases; the first was passed in 1934 to address harassment through the mail, via telegram, and over the telephone, six decades after Alexander Graham Bell's invention. Since the initial passage of the Violence Against Women Act, in 1994, amendments to the law have gradually updated it to apply to new technologies and to stiffen penalties against those who use them to abuse. Thirty-four states have cyberstalking laws on the books; most have expanded long-standing laws against stalking and criminal threats to prosecute crimes carried out online. But making quick and sick threats has become so easy that many say the abuse has proliferated to the point of meaninglessness, and that expressing alarm is foolish. Reporters who take death threats seriously "often give the impression that this is some kind of shocking event for which we should pity the 'victims,'" my colleague Jim Pagels wrote in Slate this fall, "but anyone who's spent 10 minutes online knows that these assertions are entirely toothless." On Twitter, he added, "When there's no precedent for physical harm, it's only baseless fear mongering." My friend Jen Doll wrote, at The Atlantic Wire, "It seems like that old 'ignoring' tactic your mom taught you could work out to everyone's benefit.... These people are bullying, or hope to bully. Which means we shouldn't take the bait." In the epilogue to her book The End of Men, Hanna Rosin—an editor at Slate—argued that harassment of women online could be seen as a cause for

celebration. It shows just how far we've come. Many women on the Internet "are in positions of influence, widely published and widely read; if they sniff out misogyny, I have no doubt they will gleefully skewer the responsible sexist in one of many available online outlets, and get results." "Twitter is the place where I laugh, whine, work, schmooze, procrastinate, and flirt. It sits in my back pocket wherever I go and lies next to me when I fall asleep. And since I first started writing in 2007, it's become just one of the many online spaces where men come to tell me to get out." So women who are harassed online are expected to either get over ourselves or feel flattered in response to the threats made against us. We have the choice to keep quiet or respond "gleefully." But no matter how hard we attempt to ignore it, this type of gendered harassment—and the sheer volume of it—has severe implications for women's status on the Internet. Threats of rape, death, and stalking can overpower our emotional bandwidth, take up our time, and cost us money through legal fees, online protection services, and missed wages. I've spent countless hours over the past four years logging the online activity of one particularly committed cyberstalker, just in case. And as the Internet becomes increasingly central to the human experience, the ability of women to live and work freely online will be shaped, and too often limited, by the technology companies that host these threats, the constellation of local and federal law enforcement officers who investigate them, and the popular commentators who dismiss them—all arenas that remain dominated by men, many of whom have little personal understanding of what women face online every day. This Summer, Caroline Criado-Perez became the English-speaking Internet's most famous recipient of online threats after she petitioned the British government to put more female faces on its bank notes. (When the Bank of England announced its intentions to replace social reformer Elizabeth Fry with Winston Churchill on the £5 note, Criado-Perez made the modest suggestion that the bank make an effort to feature at least one woman who is not the Queen on any of its currency.) Rape and death threats amassed on her Twitter feed too quickly to count, bearing messages like "I will rape you tomorrow at 9 p.m ... Shall we meet near your house?" Then, something interesting happened. Instead of logging off, Criado-Perez retweeted the threats, blasting them out to her Twitter followers. She called up police and hounded Twitter for a response. Journalists around the world started writing about the threats. As more and more people heard the story, Criado-Perez's follower count skyrocketed to near 25,000. Her supporters joined in urging British police and Twitter executives to respond. Under the glare of international criticism, the police and the company spent the next few weeks passing the buck back and forth. Andy Trotter, a communications adviser for the British police, announced that it was Twitter's responsibility to crack down on the messages. Though Britain criminalizes a broader category of offensive speech than the U.S. does, the sheer volume of threats would be too difficult for "a hard-pressed police service" to investigate, Trotter said. Police "don't want to be in this arena." It diverts their attention from "dealing with something else." Feminine usernames incurred an average of 100 sexually explicit or threatening messages a day. Masculine names received 3.7. Meanwhile, Twitter issued a blanket statement saying that victims like Criado-Perez could fill out an online form for each abusive tweet; when Criado-Perez supporters hounded Mark Luckie, the company's manager of journalism and news, for a response, he briefly shielded his account, saying that the attention had become "abusive." Twitter's official recommendation to victims of abuse puts the ball squarely in law enforcement's court: "If an interaction has gone beyond the point of name calling and you feel as though you may be in danger," it says, "contact your local authorities so they can accurately assess the validity of the threat and help you resolve the issue offline." In the weeks after the flare-up, Scotland Yard confirmed the arrest of three men. Twitter—in response to several online petitions calling for action—hastened the rollout of a "report abuse" button that allows users to flag offensive material. And Criado-Perez went on receiving threats. Some real person out there—or rather, hundreds of them—still liked the idea of seeing her raped and killed. The Internet is a global network, but when you pick up the phone to report an online threat, whether you are in London or Palm Springs, you end up face-to-face with a cop who patrols a comparatively puny jurisdiction. And your cop will probably be a man: According to the U.S. Bureau of Justice Statistics, in 2008, only 6.5 percent of state police officers and 19 percent of FBI agents were women. The numbers get smaller in smaller agencies. And in many locales, police work is still a largely analog affair: 911 calls are immediately routed to the local police force; the closest officer is dispatched to respond; he takes notes with pen and paper. After Criado-Perez received her hundreds of threats, she says she got conflicting instructions from police on how to report the crimes, and was forced to repeatedly "trawl" through the vile messages to preserve the evidence. "I can just about cope with threats," she wrote on Twitter. "What I can't cope with after that is the victim-blaming, the patronising, and the police record-keeping." Last year, the American atheist blogger Rebecca Watson wrote about her experience calling a series of local and national law enforcement agencies after a man launched a website threatening to kill her. "Because I knew what town [he] lived in, I called his local police department. They told me there was nothing they could do and that I'd have to make a report with my local police department," Watson wrote later. "[I] finally got through to someone who told me that there was nothing they could do but take a report in case one day [he] followed through on his threats, at which point they'd have a pretty good lead." The first time I reported an online rape threat to police, in 2009, the officer dispatched to my home asked, "Why would anyone bother to do something like that?" and declined to file a report. In Palm Springs, the officer who came to my room said, "This guy could be sitting in a basement in Nebraska for all we know." That my stalker had said that he lived in my state, and had plans to seek me out at home, was dismissed as just another online ruse. Of course, some people are investigated and prosecuted for cyberstalking. In 2009, a Florida college student named Patrick Macchione met a girl at school, then threatened to kill her on Twitter, terrorized her with lewd videos posted to YouTube, and made hundreds of calls to her phone. Though his victim filed a restraining order, cops only sprung into action after a county sheriff stopped him for loitering, then reportedly found a video camera in his backpack containing disturbing recordings about his victim. The sheriff's department later worked with the state attorney's office to convict Macchione on 19 counts, one of which

was cyberstalking (he successfully appealed that count on grounds that the law hadn't been enacted when he was arrested); Macchione was sentenced to four years in prison. Consider also a recent high-profile case of cyberstalking investigated by the FBI. In the midst of her affair with General David Petraeus, biographer Paula Broadwell allegedly created an anonymous email account for the purpose of sending harassing notes to Florida socialite Jill Kelley. Kelley reported them to the FBI, which sniffed out Broadwell's identity via the account's location-based metadata and obtained a warrant to monitor her email activity. In theory, appealing to a higher jurisdiction can yield better results. "Local law enforcement will often look the other way," says Dr. Sameer Hinduja, a criminology professor at Florida Atlantic University and co-director of the Cyberbullying Research Center. "They don't have the resources or the personnel to investigate those crimes." County, state, or federal agencies at least have the support to be more responsive: "Usually they have a computer crimes unit, savvy personnel who are familiar with these cases, and established relationships with social media companies so they can quickly send a subpoena to help with the investigation," Hinduja says. But in my experience and those of my colleagues, these larger law enforcement agencies have little capacity or drive to investigate threats as well. Despite his pattern of abusive online behavior, Macchione was ultimately arrested for an unrelated physical crime. When I called the FBI over headlessfemalepig's threats, a representative told me an agent would get in touch if the bureau was interested in pursuing the case; nobody did. And when Rebecca Watson reported the threats targeted at her to the FBI, she initially connected with a sympathetic agent—but the agent later expressed trouble opening Watson's file of screenshots of the threats, and soon stopped replying to her emails. The Broadwell investigation was an uncommon, and possibly unprecedented, exercise for the agency. As University of Wisconsin-Eau Claire criminal justice professor Justin Patchin told Wired at the time: "I'm not aware of any case when the FBI has gotten involved in a case of online harassment." After I received my most recent round of threats, I asked Jessica Valenti, a prominent feminist writer (and the founder of the blog Feministing), who's been repeatedly targeted with online threats, for her advice, and then I asked her to share her story. "It's not really one story. This has happened a number of times over the past seven years," she told me. When rape and death threats first started pouring into her inbox, she vacated her apartment for a week, changed her bank accounts, and got a new cell number. When the next wave of threats came, she got in touch with law enforcement officials, who warned her that though the men emailing her were unlikely to follow through on their threats, the level of vitriol indicated that she should be vigilant for a far less identifiable threat: silent "hunters" who lurk behind the tweeting "hollerers." The FBI advised Valenti to leave her home until the threats blew over, to never walk outside of her apartment alone, and to keep aware of any cars or men who might show up repeatedly outside her door. "It was totally impossible advice," she says. "You have to be paranoid about everything. You can't just not be in a public place." And we can't simply be offline either. When Time journalist Catherine Mayer reported the bomb threat lodged against her, the officers she spoke to—who thought usernames were secret codes and didn't seem to know what an IP address was—advised her to unplug. "Not one of the officers I've encountered uses Twitter or understands why anyone would wish to do so," she later wrote. "The officers were unanimous in advising me to take a break from Twitter, assuming, as many people do, that Twitter is at best a time-wasting narcotic." All of these online offenses are enough to make a woman want to click away from Twitter, shut her laptop, and power down her phone. Sometimes, we do withdraw: Pew found that from 2000 to 2005, the percentage of Internet users who participate in online chats and discussion groups dropped from 28 percent to 17 percent, "entirely because of women's fall off in participation." But for many women, steering clear of the Internet isn't an option. We use our devices to find supportive communities, make a living, and construct safety nets. For a woman like me, who lives alone, the Internet isn't a fun diversion—it is a necessary resource for work and interfacing with friends, family, and, sometimes, law enforcement officers in an effort to feel safer from both online and offline violence. The Internet is a global network, but when you pick up the phone to report an online threat, you end up face-to-face with a cop who patrols a comparatively puny jurisdiction. The Polish sociologist Zygmunt Bauman draws a distinction between "tourists" and "vagabonds" in the modern economy. Privileged tourists move about the world "on purpose," to seek "new experience" as "the joys of the familiar wear off." Disempowered vagabonds relocate because they have to, pushed and pulled through mean streets where they could never hope to settle down. On the Internet, men are tourists and women are vagabonds. "Telling a woman to shut her laptop is like saying, 'Eh! Just stop seeing your family,'" says Nathan Jurgenson, a social media sociologist (and a friend) at the University of Maryland. What does a tourist look like? In 2012, Gawker unmasked "Violentacrez," an anonymous member of the online community Reddit who was infamous for posting creepy photographs of underage women and creating or moderating subcommunities on the site with names like "chokeabitch" and "rapebait." Violentacrez turned out to be a Texas computer programmer named Michael Brusch, who displayed an exceedingly casual attitude toward his online hobbies. "I do my job, go home, watch TV, and go on the Internet. I just like riling people up in my spare time," he told Adrian Chen, the Gawker reporter who outed him. "People take things way too seriously around here." Abusers tend to operate anonymously, or under pseudonyms. But the women they target often write on professional platforms, under their given names, and in the context of their real lives. Victims don't have the luxury of separating themselves from the crime. When it comes to online threats, "one person is feeling the reality of the Internet very viscerally:

the person who is being threatened," says Jurgenson. "It's a lot easier for the person who made the threat—and the person who is investigating the threat—to believe that what's happening on the Internet isn't real." When authorities treat the Internet as a fantasyland, it has profound effects on the investigation and prosecution of online threats. Criminal threat laws largely require that victims feel tangible, immediate, and sustained fear. In my home state of California, a threat must be "unequivocal, unconditional, immediate, and specific" and convey a "gravity of purpose and an immediate prospect of execution of the threat" to be considered a crime. If police don't know whether the harasser lives next door or out in Nebraska, it's easier for them to categorize the threat as non-immediate. When they treat a threat as a boyish hoax, the implication is that the threat ceases to be a criminal offense. So the victim faces a psychological dilemma: How should she understand her own fear? Should she, as many advise, dismiss an online threat as a silly game, and not bother to inform the cops that someone may want to—ha, ha—rape and kill her? Or should she dutifully report every threat to police, who may well dismiss her concerns? When I received my most recent rape and death threats, one friend told me that I should rest assured that the anonymous tweeter was unlikely to take any physical action against me in real life; another noted that my stalker seemed like the type of person who would fashion a coat from my skin, and urged me to take any action necessary to land the stalker in jail. Danielle Citron, a University of Maryland law professor who focuses on Internet threats, charted the popular response to Internet death and rape threats in a 2009 paper published in the Michigan Law Review. She found that Internet harassment is routinely dismissed as "harmless locker-room talk," perpetrators as "juvenile pranksters," and victims as "overly sensitive complainers." Weighing in on one online harassment case, in an interview on National Public Radio, journalist David Margolick called the threats "juvenile, immature, and obnoxious, but that is all they are ... frivolous frat-boy rants." When police treat a threat as a boyish hoax, the implication is that the threat ceases to be a criminal offense. Of course, the frat house has never been a particularly safe space for women. I've been threatened online, but I have also been harassed on the street, groped on the subway, followed home from the 7-Eleven, pinned down on a bed by a drunk boyfriend, and raped on a date. Even if I sign off Twitter, a threat could still be waiting on my stoop. Today, a legion of anonymous harassers are free to play their "games" and "pranks" under pseudonymous screen names, but for the women they target, the attacks only compound the real fear, discomfort, and stress we experience in our daily lives.

2nc Cyber Harrasment

Adopting the mosaic theory limits investigators ability to solve cyber harassment.

Gray, Keats Citron, and Rinehart, 2013 (David, Associate Professor, University of Maryland Francis King Carey School of Law, Danielle, Lois K. Macht Research Professor of Law, University of Maryland Francis King Carey School of Law, and Liz Clark, University of Maryland Francis King Carey School of Law, "SYMPOSIUM ON CYBERCRIME: FIGHTING CYBERCRIME AFTER UNITED STATES V. JONES" Journal of Criminal Law & Criminology Lexis)

Despite these complications, tracing an IP address is a common and effective way for authorities to identify perpetrators of cyberharassment crimes. At present, the public-observation and third-party doctrines grant law enforcement unfettered discretion to track IP addresses across the Internet. Most cyberharassment is, to one degree or another, public. Furthermore, the third-party doctrine means that law enforcement officers need a subpoena, at most, to secure user information associated with an IP address from ISPs and other third parties, including social-networking sites. n307 A mosaic theory of Fourth Amendment privacy might well change [*798] all of this. Tracking someone's online activities using an IP address over a period of time is akin to tracking a person through physical space using GPS-enabled tracking devices. By aggregating information about a user and his online

activities, law enforcement officers using these fairly basic digital surveillance techniques can therefore assemble precisely the sorts of revealing informational mosaics that worried the concurring Justices in Jones. Digital surveillance technology that offends mosaic sensibilities promises even more benefits than IP traces to law enforcement officers interested in detecting cybercrimes. Take, for example, forums such as those organized and moderated by Violentacrez. n308 Although under current law and free speech doctrine it is perfectly legal to view and comment on pictures of young women in public, law enforcement officers might have reason to worry that habitues of forums like "Jailbait" and "Creepshots" are more likely than most to produce or possess actual child pornography. It is, of course, impossible to conduct even cursory investigations of the tens and hundreds of thousands of those who visit these sites, much less to distinguish between casual curiosity seekers and practicing pedophiles. Here, broad-scale aggregation technology, in combination with ever more sophisticated data analytics designed to identify and track those patterns of online conduct that correlate with higher risks of illegal on- and offline activities, would be tremendously valuable to law enforcement. Once officers have identified a smaller universe of potential offenders, they can then further narrow their investigative fields by using passive techniques like online honey traps to more definitively identify those who are trafficking in or actively seeking to possess child pornography. n309 Again, although these digital surveillance techniques and technologies are not presently subject to Fourth Amendment review, either **individually or in the aggregate, the situation would likely change under a mosaic theory**. In fact, officers might find themselves assembling informational mosaics sufficient to trigger Fourth Amendment concerns quite by accident. n310 Regardless, law enforcement's legitimate interests in using digital surveillance technology would be affected. n311 Fusion centers also hold significant potential for law enforcement's efforts to detect and prosecute cyberharassment. The Department of Justice, in conjunction with the National Center for Missing and Exploited [*799] Children, maintains a substantial database of known images of child pornography, each of which has a unique digital fingerprint called a "hash value." n312 Fusion centers, which have access to most Internet traffic, provide a unique - although as yet unexploited - resource that law enforcement agents can use to screen for the transmission of known images of child exploitation. Outside the relatively narrow field of child pornography cases, those who engage in cyberharassment and cyberstalking still tend to use a fairly predictable pattern of words, phrases, and images. The software used by most malicious stalkers also tends to come from a stable of online resources, which again bear an identifiable digital signature. Although the true technical capacities of fusion centers are largely unknown to the public, they appear to have the ability to monitor Internet and communications traffic for precisely these sorts of markers. That same capacity is, of course, precisely what raises concerns about fusion centers from a mosaic theory point of view. Here again, the prospect of adopting a mosaic theory of Fourth Amendment privacy raises serious concerns that the legitimate and important law enforcement goals of detecting and prosecuting cybercrimes may be compromised.

Cyberharrassment leads to violations of privacy and violence in the name of "Free Speech" – this is especially true for oppressed groups

Schroder 13 - Jared C. Schroeder, doctoral candidate at the Gaylord College of Journalism & Mass Communication at the University of Oklahoma. His research focuses on free speech and free press issues as they apply to the emerging network society. Before moving to academia, he was a professional journalist for several years, 2013 ("Electronically Transmitted Threats and Higher Education: Oppression, Free Speech, and Jake Baker," Review of Higher Education 36.3, Spring 2013, Project Muse, 7/3/15)//CM

Numerous conflicts arise when the theories of the First Amendment and concepts regarding oppression are placed beside one another. This article does not seek to condemn one area of literature or the other. Instead, this section seeks to illuminate areas of conflict between the two

theoretical approaches. The Baker case is particularly relevant because it captures the challenges involved in the network society, the higher education setting, and conflicts between oppression and freedom of speech. It is not the only incident that raises questions regarding the impact of emerging online technology on providing a safe learning atmosphere. Rutgers University student Tyler Clementi committed suicide after his roommate filmed him having sex with another man and posted the video online (Starkman, 2010). The roommate and another student face criminal charges for invasion of privacy. Clearly, Clementi's privacy was invaded in an insensitive and, likely, ignorant way. In other words, the technological abilities of his tormentors outpaced their ethical understanding of the power of the new media. The scenario, though even more tragic, is similar to the Baker case. New technologies allowed a person to be oppressed and tormented, and the universities were left wondering what they could have done differently. Using Young's (2010) definition, the young woman who was named and described in Baker's story, as well as others on campus, can be viewed as oppressed. While oppression does not automatically cross the Supreme Court's threshold of true threats, it certainly raises questions about the safety and viability of the learning environment. In the Baker case, oppression comes in the form of structural norms and values; his actions can be seen as structurally accepted, to some extent, because he followed the rules created by the dominant culture. This rule-following can be seen in the court's reasoning for siding with Baker. While his behavior was viewed as deviant (United States v. Alkhabaz, 1997), the structural protections for free speech shielded him, while leaving the young woman vulnerable. This section addresses these ideas by examining the case through the violence and cultural imperialism concepts discussed by Young (2010). No physical violence occurred toward the female classmate Baker described in his story; but Young (2010) noted that oppressive violence includes [End Page 305] harassment, humiliation, and intimidation. Young (2010) explained: "The oppression of violence consists not only in direct victimization, but in the daily knowledge shared by all members of oppressed groups that they are liable to violation, solely on account of their group identitiy" (p. 43). After hearing about the violent, explicit, and deadly story she was cast in by one of her classmates, the young woman felt the effects of violent oppression. In his dissent, Judge Krupansky wrote: "Jane Doe's reaction to those threats when brought to her attention evinces a contrary conclusion of a shattering traumatic reaction that resulted in recommended psychological counseling" (United States v. Alkhabaz, 1997, p. 1507). Other women students chose not to attend class when they heard about the story. Their fear-based response is also evidence of oppressive violence. Members of the oppressed group were forced to alter the way they live because they felt vulnerable to violence. Finally, the violence was made possible and somewhat acceptable by the decision of the court. Baker did not have to stop writing and communicating his stories about the young woman. He did not have to take down his posts. The court said what he did was legal. The structures in place made the oppression possible.

1nc Police

Mosaic theory undermines the ability of undercover agents to work in law enforcement.

Bedi, 2014 (Monu, Assistant Professor, DePaul University College of Law, "SOCIAL NETWORKS, GOVERNMENT SURVEILLANCE, AND THE FOURTH AMENDMENT MOSAIC THEORY" Boston University Law Review Lexis)

Scholars have questioned the viability of the mosaic theory, particularly as it relates to the status of government investigative practices.11 Accepting this theory puts routine government surveillance in jeopardy of Fourth Amendment restrictions.12 It seems that even the brief surveillance of an individual could reveal private information. For instance, a single trip to a particular religious gathering or political function could reveal compromising or otherwise personal information that an individual would like to keep secret. More generally, people may disagree as to what society thinks is reasonable or unreasonable surveillance.13 Perhaps even short-term monitoring of a person's public movements in a remote area where police are not likely to find themselves would also qualify as an unreasonable intrusion.14 To make matters worse, this theory also severely curtails the application of the Third Party Doctrine, the corollary to the Public Disclosure Doctrine (collectively the "Doctrines").15 The Third Party Doctrine states that any information disclosed to another person or entity—much like the public generally—loses any Fourth Amendment protection.16 This doctrine allows law enforcement to use undercover agents and surreptitiously gather information without a warrant.17 However, under the mosaic approach, one could also argue that these communications, taken in the aggregate, can reveal private information about this person (e.g., disclosures about religious or privately held beliefs) and thus should be protected, particularly if the agent goes to great lengths in gaining the confidence of the suspect.1

Police effectiveness and internet surveillance strategies are key to stopping atrocities such as child pornography

Wortley and Smallbone 12 – Richard Wortley has a PhD in psychology, and worked as a prison psychologist for ten years, and is a past national Chair of the Australian Psychological Society's College of Forensic Psychologists; Stephen Smallbone is a psychologist and Professor in the School of Criminology and Criminal Justice and an Australian Research Council 'Future' Fellow, 2012 ("Child Pornography on the Internet," Problem-Oriented Guides for Police Problem-Specific Guides Series No. 41, 5/2012, Avaliable Online at http://www.hawaii.edu/hivandaids/Child_Pornography_on_the_Internet.pdf, accessed on 7/3/15)//CM

General Considerations for an Effective Response Strategy As noted, Internet child pornography presents some unique challenges for law enforcement agencies. However, despite the difficulties involved in controlling the problem, local police have an important role to play. To maximize their contribution, local police departments need to: Acquire technical knowledge and expertise in Internet pornography. If your department does not have a specialized Internet crime unit, then find out where you can obtain assistance or training. Appendix B lists online resources that can provide information on national and international initiatives, tips and leads, technical assistance, and staff training. Establish links with other agencies and jurisdictions. It is important that local police departments share information and coordinate their activities with other jurisdictions. Appendix B also lists agencies that have specific programs or sections designed to provide a coordinated response to Internet child pornography. Establish links with ISPs. ISPs can be crucial partners for police. As has been noted, there is often a lack of specific legislation setting out ISPs' obligations. This makes it especially important for police to establish good working relations with ISPs to elicit their cooperation in the fight against Internet child pornography. Prioritize their efforts. Because of the volume of Internet child pornography crime, police forces need to prioritize their efforts and concentrate on the most serious offenders, particularly those actually involved in abusing children and producing pornographic images.60 For example, one strategy may be to cross reference lists of Internet child pornography users with sex offender registries to increase the chance of targeting hands-on offenders (see Appendix B). It has been noted that success in combating child pornography is too often judged in terms of the number of images

recovered, rather than by the more significant criterion of whether the crimes the images portray have been prevented. Specific Responses to Reduce Internet Child Pornography It is generally acknowledged that it is impossible to totally eliminate child pornography from the Internet. However, it is possible to reduce the volume of child pornography on the Internet, to make it more difficult or risky to access, and to identify and arrest the more serious perpetrators. Since 1996, ISPs have removed some 20,000 pornographic images of children from the web.62 Around 1,000 people are arrested annually in the United States for Internet child pornography offenses.63 The following strategies have been used or suggested to reduce the problem of child pornography on the Internet. Computer Industry Self Regulation ISPs have a central role to play in combating Internet child pornography. The more responsibility ISPs take in tackling the availability of child pornography images on the Internet, the more resources police can devote to addressing the production side of the problem. However, there are two competing commercial forces acting on ISPs with respect to self regulation. On the one hand, if an ISP restricts access to child pornography on its server, it may lose out financially to other ISPs who do not. Therefore, it will always be possible for offenders to find ISPs who will store or provide access to child pornography sites. On the other hand, ISPs also have their commercial reputation to protect, and it is often in their best interests to cooperate with law enforcement agencies. Most major ISPs have shown a commitment to tackling the problem of child pornography. By establishing working relationships with ISPs, and publicizing those ISPs who take self regulation seriously, police may be able to encourage greater levels of self regulation. Current self-regulatory strategies include:1. Removing illegal sites. A number of ISP associations have drafted formal codes of practice that explicitly bind members to not knowingly accept illegal content on their sites, and to removing such sites when they become aware of their existence. Service agreement contracts with clients will often set out expected standards that apply to site content. Large ISPs may have active cyber patrols that search for illegal sites.64 2. Establishing complaint sites/hotlines. Some ISP associations have set up Internet sites or hotlines that allow users to report illegal practices.65 These associations either deal directly with the complaint (e.g., by contacting the webmaster, the relevant ISP, or the police) or refer the complainant to the appropriate authorities. 3. Filtering browsers/search engines. ISPs can apply filters to the browsers and search engines their customers use to locate websites. There are numerous filtering methods. For example, filters can effectively treat certain key words as if they do not exist, so that using these words in a search will be fruitless.66 Software that can identify pornographic images is also being developed. Legislative Regulation Not everyone is satisfied with the current reliance on self regulation, and there have been calls for increased legislation to compel the computer industry to play a greater role in controlling Internet child pornography. Police may be an important force in lobbying for tighter restrictions. Among the proposals for tighter regulation are: 4. Making ISPs legally responsible for site content. ISPs' legal responsibilities to report child pornography vary among jurisdictions. In the United States, ISPs are legally required to report known illegal activity on their sites, but they are not required to actively search for such sites.68 It has been argued that ISPs' legal responsibilities should be strengthened to require a more proactive role in blocking illegal sites.69 5. Requiring the preservation of ISP records. Police may apply for a court order to seize ISP accounts.70 However, to assist in the prosecution of offenders, ISPs need to maintain good records of IP logging, caller ID, web hostings, and so forth.71 6. Requiring user verification. ISPs often exercise little control over verifying the identities of people who open Internet accounts. Accounts may be opened using false names and addresses, making it difficult to trace individuals who engage in illegal Internet activity. In addition, without verifying users' ages, there is no way of knowing if children are operating Internet accounts without adult

supervision. This problem of Internet anonymity is likely to increase as the potential to access the Internet via mobile phones becomes more common. It has been argued that both ISPs and mobile phone networks need to strengthen procedures for user verification.72 7. Regulating anonymous remailers. Remailers are servers that forward emails after stripping them of sender identification. It has been argued that much tighter regulation of remailers is necessary. Some have advocated making remailer administrators legally responsible for knowingly forwarding illegal material, while others have called for a complete ban on remailers.73 8. Using key escrowed encryption. Encryption of pornographic images is shaping to be the biggest technological problem facing law enforcement agencies. Key escrowed encryption would require anyone selling encryption software to supply a trusted third party with a key to the code.74 This has been strongly resisted by the computer industry. In the meantime, work continues on developing code-breaking software.

2nc Police

Mosaic theory kills the third party doctrine and law enforcement

Bedi, 2014 (Monu, Assistant Professor, DePaul University College of Law, "SOCIAL NETWORKS, GOVERNMENT SURVEILLANCE, AND THE FOURTH AMENDMENT MOSAIC THEORY" Boston University Law Review Lexis)

The Third Party Doctrine would also be on shaky ground. Here, too, the mosaic theory would upset the voluntary disclosure principle that stands at the heart of this doctrine.230 Shifting the focus to what society or an individual deems reasonable (the first model of reasonable expectation of privacy) would surely frustrate the use of undercover informants or other surreptitious data collection techniques that do not require a warrant. Imagine a scenario where an informant is deep undercover for a significant period of time gaining the trust of a Or imagine an informant who dupes a suspect into allowing her into her home and disclosing private and incriminating information. suspect. Or perhaps the government simply acquires a wealth of financial records from a suspect's bank. Currently, all of these types of law enforcement tools do not trigger Fourth Amendment protection because the individual voluntarily discloses the information to another person or entity.231 However, under the mosaic theory, none of these tactics are secure.232 Societal expectations may find that these methods, too, impinge on Fourth Amendment rights as they involve unreasonable duplicity and reveal private information. Police would thus find themselves in the new position of having to secure a warrant based on probable cause before engaging in these practices. For some, this conclusion may be welcomed, particularly in today's technological world where disclosures to various entities and individuals have become ubiquitous.233 Justice Sotomayor, in fact, raises this possibility in her concurrence.234 This Article does not take such a drastic approach, nor would such a course be desirable. Any such rejection would come at the cost of jettisoning or severely curtailing essential law enforcement investigative techniques that have historically not been subject to warrant and probable cause requirements.235

Court application of the mosaic theory is impractical and hurts police investigations.

Ostrander, 2011 (Benjamin M. Candidate for JD @ Notre Dame Law School, "THE "MOSAIC THEORY" AND FOURTH AMENDMENT LAW" Notre Dame Law Review Lexis)

The use of emerging and existing intrusive technologies in criminal investigations certainly has the potential to have a substantial effect on privacy. In an effort to combat the threat of such use, Maynard introduced the "mosaic theory" into Fourth Amendment law. The "mosaic theory" holds that individual law enforcement acts that are not "searches" become a "search" when aggregated, as the whole reveals more than the individual acts it comprises. This Note suggests that despite the intuitive appeal of a "mosaic theory," the use of the theory in Fourth Amendment law

is misguided. The "mosaic theory" is inconsistent with the Supreme Court's voluntary exposure analysis, which has often classified theoretical or limited disclosures of information as complete exposures warranting no Fourth Amendment protection. 176 It is also inconsistent with the Supreme Court's implicit rejection of the proposition that the Fourth Amendment analysis is altered when an investigatory technique is prolonged to the point where information may be accumulated.177 Not only is the theory inconsistent with existing Fourth Amendment jurisprudence, it is also impractical in application. A problematic question arises as to what durational threshold must be crossed in order for the use of a pattern-detecting technology to be sufficiently prolonged as to render it a search. Once this illusive threshold is crossed and a mosaic is created, the question that then arises is how to define the scope of the mosaic. If a pattern is created only through the use of multiple investigatory techniques, the entire investigation will be rendered a search. Also left unanswered is the appropriate standard of review for the use of pattern-detecting investigatory techniques in criminal investigations. The most serious implication of the theory, however, is that it calls into question a number of previously accepted investigatory techniques.

Law enforcement responses to child pornographers rely on effectiveness and surveillance

Wortley and Smallbone 12 – Richard Wortley has a PhD in psychology, and worked as a prison psychologist for ten years, and is a past national Chair of the Australian Psychological Society's College of Forensic Psychologists; Stephen Smallbone is a psychologist and Professor in the School of Criminology and Criminal Justice and an Australian Research Council 'Future' Fellow, 2012 ("Child Pornography on the Internet," Problem-Oriented Guides for Police Problem-Specific Guides Series No. 41, 5/2012, Avaliable Online at http://www.hawaii.edu/hivandaids/Child_Pornography_on_the_Internet.pdf, accessed on 7/3/15)//CM

Law Enforcement Responses In the strategies discussed so far the police role has largely involved working in cooperation with other groups or acting as educators. A number of strategies are the primary responsibility of police. As a rule, local police will not carry out major operations. Most major operations require specialized expertise and inter-agency and inter-jurisdictional cooperation. (See Appendix C for a summary of major coordinated law enforcement operations in recent years.) However, local police will almost certainly encounter cases of Internet child pornography in the course of their daily policing activities. Law enforcement responses include: 19. Locating child pornography sites. Police agencies may scan the Internet to locate and remove illegal child pornography sites. Many areas of the Internet are not accessible via the usual commercial search engines, and investigators need to be skilled at conducting sophisticated searches of the 'hidden net.' Police may issue warnings to ISPs that are carrying illegal content. 20. Conducting undercover sting operations. Law enforcement agents may enter pedophile newsgroups, chat rooms, or P2P networks posing as pedophiles and request emailed child pornography images from others in the group.82 Alternatively, they may enter child or teen groups posing as children and engage predatory pedophiles lurking in the group who may send pornography or suggest a meeting. A variation of the sting operation is to place ads on the Internet offering child pornography for sale and wait for replies.83 Recently, Microsoft announced the development of the Child Exploitation Tracking System to help link information such as credit card purchases, Internet chat room messages, and conviction histories.84 21. Setting up honey trap sites. These sites purport to contain child pornography but in fact are designed to capture the IP or credit card details of visitors trying to download images. These can be considered a type of sting operation and have resulted in numerous arrests. However, their

primary purpose is to create uncertainty in the minds of those seeking child pornography on the Internet, and, therefore, reduce the sense of freedom and anonymity they feel (see Operation Pin in Appendix C). 22. Publicizing crackdowns. Many police departments have learned to use the media to good effect to publicize crackdowns on Internet child pornography.85 Coverage of crackdowns in the mass media increases the perception among potential offenders that the Internet is an unsafe environment in which to access child pornography. 23. Conducting traditional criminal investigations. Although most media attention is often given to technological aspects of controlling Internet child pornography, in fact many arrests in this area arise from traditional investigative police work. Investigations may involve information from: The public: The public may contact police directly, or information may be received on one of the various child pornography hotlines. Computer repairers/technicians: Some states mandate computer personnel to report illegal images.86 There are cases where computer repairers have found child pornography images on an offender's hard drive and notified police.87 Police may establish relationships with local computer repairers/ technicians to encourage reporting. Victims: A point of vulnerability for producers of child pornography is the child who appears in the pornographic image. If the child informs others of his/her victimization, then the offender's activities may be exposed.88 Known traders: The arrest of one offender can lead to the arrest of other offenders with whom he has had dealings, producing a cascading effect. In some cases the arrested offender's computer and Internet logs may provide evidence of associates. (See Operation Cathedral in Appendix C.) Unrelated investigations: There is increasing evidence that many sex offenders are criminally versatile and may commit a variety of other offenses.89 Police may find evidence of Internet child pornography while investigating unrelated crimes such as drug offenses.

Mosaic theory kills effective law enforcement.

Bedi, 2014 (Monu, Assistant Professor, DePaul University College of Law, "SOCIAL NETWORKS, GOVERNMENT SURVEILLANCE, AND THE FOURTH AMENDMENT MOSAIC THEORY" Boston University Law Review Lexis)

The most troubling part of adopting the mosaic theory is that it requires the abandonment of, or dramatic alterations to, the Doctrines. The basic problem is the inherent conflict between the first and second models of reasonable expectation. While the Doctrines embrace a per se rule focusing solely on disclosure and why this vitiates privacy, the mosaic theory rests on society's opinion and what it deems reasonable.223 Consider the Public Disclosure Doctrine. The fact that public movements are not protected under the Fourth Amendment is **critical to law enforcement investigations**.224 Visual warrantless surveillance remains a central part of police surveillance.225 It is not clear to what extent these practices will remain constitutional with the introduction of the mosaic theory. For instance, it is common for officers to track vehicles and aggregate information from various sources over a period of time.226 As Gray and Citron point out, the "mosaic theory puts these practices and the line of doctrine endorsing them in obvious jeopardy, particularly when officers are too successful and their investigations produce too much information."227 This danger is compounded by the fact that law enforcement may use a combination of visual and technology-based surveillance (a la Knotts) when investigating a suspect. "How, after all," ask Gray and Citron, "are we to distinguish 'between the supposed invasion of aggregation of data between GPS-augmented surveillance and a purely visual surveillance of substantial length'?"228 It won't do here to simply say that a specific duration of technology-dependent surveillance violates the expectation of privacy. The problem is that the Public Disclosure Doctrine treats all public movements the same, regardless of how much information is disclosed or how long it is observed.229 To carve out exceptions based on what society thinks is

unreasonable leaves vulnerable investigative techniques that are **essential to effective law enforcement.**

Expansion of the Mosaic theory kills investigations – there are no limits, retroactivity, and ensures court clog.

Ostrander, 2011 (Benjamin M. Candidate for JD @ Notre Dame Law School, "THE "MOSAIC THEORY" AND FOURTH AMENDMENT LAW" Notre Dame Law Review Lexis)

Maynard left little guidance as to what durational threshold must to be crossed in order for the use of pattern-detecting technology to be sufficiently prolonged as to render it a search.93 Without a clearly demarcated **line,** law enforcement agents, judges, and individuals cannot know when an aggregate of information will receive Fourth Amendment protection. Law enforcement agents are left to speculate as to how much is too much.94 **This lack of clarity will deter law enforcement agents from utilizing the full extent of their investigatory power**. This is even more problematic with respect to the "mosaic theory's" creation of retroactive unconstitutionality.95 As soon as a pattern is created, previously permissible individual law enforcement steps become unconstitutional. Because the "mosaic theory" retroactively renders the entire mosaic unconstitutional and subject to suppression, law enforcement agents will be even more hesitant in exercising the full extent of their investigatory power. Further, if the "mosaic theory" in the Fourth Amendment is premised on the idea that "prolonged GPS monitoring reveals an intimate picture of the subject's life that he expects no one to have— short perhaps of his spouse,"96 who has the burden of proof with respect to whether the prolonged surveillance has in fact revealed an intimate picture of an individual's life and thus created a mosaic? Unless the location of a "stash-house" is an intimate detail, Maynard can be read to stand for the proposition that warrantless prolonged GPS surveillance is per se unconstitutional. Such an approach would be over-inclusive in that prolonged location monitoring that does not result in a pattern, or a pattern that does not reveal intimate details, would be rendered a search within the meaning of the Fourth Amendment and therefore subject to suppression. Once the mosaic threshold is crossed and a mosaic is created, the question that arises is to how to define the scope of the mosaic. If law enforcement officials engage in a number of sustained investigatory techniques—as they often do—it is likely that whole investigations will be called into question. That is, if a pattern is detected only through the use of multiple investigatory techniques, and the theory is applied consistently, the investigation in its entirety will be rendered a search.97 In this respect, the retroactive effect of the "mosaic theory" takes on greater significance. Rather than having the entire investigation held inadmissible and subject to suppression, law enforcement agents will be overly cautious as to the amount of surveillance conducted. The lack of clarity as to how prolonged the surveillance must be to render it a search, whether intimate details need in fact emerge, and what the proper scope of the **mosaic is will provide defendants with an arsenal to attack every police investigation.**

Using the mosaic theory hampers numerous investigative techniques.

Ostrander, 2011 (Benjamin M. Candidate for JD @ Notre Dame Law School, "THE "MOSAIC THEORY" AND FOURTH AMENDMENT LAW" Notre Dame Law Review Lexis)

One of the most serious implications of the "mosaic theory" in Fourth Amendment law is that it calls into question the validity of previously accepted forms of surveillance. GPS surveillance is not the only form of surveillance that provides law enforcement with a comprehensive and detailed record of someone's movements or affairs when it is sustained on a prolonged basis. Thus, the "mosaic theory," which focuses on the resulting patterns created by individual law enforcement acts that in and of themselves are not searches, naturally calls into question other accepted investigative techniques that are performed on a sufficiently prolonged basis.98 For instance, the "mosaic theory" calls into question the use of pen registers99 and trap and trace devices,100 which have been held to not implicate the Fourth Amendment.101 The "mosaic theory" would also

seemingly implicate the prolonged use of a mail cover 102 as an investigatory technique. 103 Although the Supreme Court has yet to address the issue, courts have held that the warrantless use of a mail cover does not violate the Fourth Amendment.104 Another accepted investigatory technique that can reveal very intimate details of an individual's life— particularly if sustained for a prolonged basis—is garbage inspections. 105 It could plausibly be argued that the patterns that result from the prolonged use of garbage inspections are much more intrusive than any pattern resulting from the use of a GPS device.106 The same could be said about prolonged video surveillance.107 It is well settled that video surveillance in public areas does not give rise to a Fourth Amendment issue.108 Thus, video cameras may be placed outside of an individual's residence, and so long as the cameras are incapable of viewing the interior of the residence, no Fourth Amendment right is infringed upon.109 Since Maynard, the "mosaic theory" has in fact been used as the basis for holding a previously accepted investigatory technique a search. In In re Application of the United States of America for an Order Authorizing the Release of Historical Cell-Site Information,110 Magistrate Judge Orenstein denied the government's application for an order under the Stored Communications Act111 directing a service provider to disclose two months worth of historical cell-site location information. 112 According to Magistrate Judge Orenstein: The Maynard court's concern with sustained GPS tracking over the course of a month was not its formally continuous nature, but rather the fact that it results in a vast collection of specific data points that, viewed together, convey the "intimate picture" of a subject's life. It is the ability to amass a collection of such points, and not the ability to trace the route from each one to the next, that carries with it the ability to resolve those points into a comprehensible picture.113 Applying the "mosaic theory" to historical cell-site information, Magistrate Judge Orenstein concluded that the Fourth Amendment required the government to obtain a warrant based on a showing of probable cause.114 The most significant implication of the "mosaic theory," however, is that it calls into question the governmental use of prolonged visual surveillance in criminal investigations.115 In Maynard, the court addressed the issue of the possible extension of the "mosaic theory" to prolonged visual surveillance.116 Although the court ultimately declined to decide whether such a situation would constitute a search under the new theory, it suggested that visual surveillance would not be implicated.117 The court noted that practically, law enforcement agents do not have the capability to sustain visual monitoring for a duration that exposes information not revealed to the public.118 This argument is unpersuasive to the extent that it suggests that a mosaic is only created if the whole of one's movements is captured. A pattern can be created, and thus intimate details revealed, by the aggregation of individual law enforcement steps not necessarily constituting the whole of the investigatory techniques employed. The court implicitly recognizes this, as even continuous GPS tracking of a vehicle does not reveal the entirety of one's movements, but rather only the movements of a particular vehicle. Further, the dismissal of the implication of visual surveillance is problematic to the extent that it relies on the probability of law enforcement success. Such probability, however, must be viewed in relation to the factual context in which the investigation is conducted, and not in the abstract. To be sure, it is not beyond the realm of possibility that a properly equipped and resourced law enforcement unit would be capable of monitoring an unsuspecting individual for a continuous period of time sufficient to create a mosaic. As a theoretical matter, the court reasoned that in contrast to prolonged GPS monitoring, the extension of the "mosaic theory" to visual surveillance would fail as the means used to uncover private information would not defeat one's expectation of privacy.119 The court's analogy to the distinction between the placement of undercover agents and wiretapping120 overlooks the fact that here, warrantless GPS tracking and visual surveillance are constitutional in the first instance. In fact, the "**mosaic theory" focuses on the nature of the information revealed**—a pattern exposing intimate details—**and does not focus on the investigatory method** used to attain such information. Beyond prolonged visual and video surveillance, Maynard does not express a view as to whether other investigatory techniques would be called into question by the "mosaic theory." This analysis suggests that the "mosaic theory," if consistently applied, would implicate the cumulative effect of previously accepted surveillance methods.121 It is in this capacity that the "mosaic theory" has the potential to revolutionize the Fourth Amendment.

Big Data Disadvantage

1nc Healthcare

Applying the Mosaic Theory hampers government's use of big data.

Gray, Keats Citron, and Rinehart, 2013 (David, Associate Professor, University of Maryland Francis King Carey School of Law, Danielle, Lois K. Macht Research Professor of Law, University of Maryland Francis King Carey School of Law, and Liz Clark, University of Maryland Francis King Carey School of Law, "SYMPOSIUM ON CYBERCRIME: FIGHTING CYBERCRIME AFTER UNITED STATES V. JONES" Journal of Criminal Law & Criminology Lexis)

The amount of personal information, including health information, aggregated by government agencies, is referred to as "Big Data," and for good reason. Federal agencies, state authorities, and their private contractors store mind-boggling amounts of information. Given the quantity and scope of this information, **there can be no doubt that Big Data implicates privacy interests recognized by the mosaic theory of Fourth Amendment privacy** endorsed to varying degrees by the concurring opinions in Jones. n135 As the mosaic theory suggests, aggregations of rather [*768] innocuous information may "reveal more - sometimes a great deal more - than does the sum of its parts." n136 This is a particularly likely prospect given Big Data's use of increasingly sophisticated analytics, which promise to reveal far more about us than is disclosed by the raw bits and bytes, no matter how "big" or small the data. n137 The dangers are yet more pronounced if health-related data is part of the mix because of what this information can reveal about the most intimate of our affairs. n138 Healthcare data, by definition, contains information that the Supreme Court has already ruled fundamentally private, such as reproductive choice, n139 and information that the Court may deem private in the near future, such as genetic data. n140 But not all healthcare data is protected. In Whalen v. Roe, the Court found no threat to privacy in a law that required physicians to report to the Department of Health personal and identifying information of patients who were prescribed certain drugs. n141 Because the required disclosure was similar to existing and essential procedures, like mandatory child abuse reporting or sharing information with insurance companies for reimbursement, n142 and the statute provided adequate security against data breach, the Court held that any risk to patient privacy was [*769] insufficient to violate the Fourteenth Amendment. n143 In so holding, however, the Court hinted that, absent adequate security measures, government acquisition or disclosure of massive amounts of private data would implicate privacy protections. n144 In his concurrence, Justice Brennan did more than hint, suggesting that it may be necessary to restrain technological advancements that make such data accumulations possible. n145 A little over ten years later, the Court again considered privacy issues relating to data aggregation, this time in the form of rap sheets. n146 Although the individual criminal events that compose a rap sheet may be public record, the Court held that the rap sheet, as a summary of the total criminal events in an individual's life, represented a potential and "substantial" n147 threat to privacy, n148 particularly because of advances in technology that allowed for greater storage capacity. n149 Unlike in Whalen, where the Court emphasized the routine disclosure of confidential information under specific but frequent circumstances, the Court in U.S. Department of Justice v. Reporters Committee for Freedom of the Press took pains to illustrate the very limited and considered means by which a third party can access rap sheet data. n150 Additionally, the Court dismissed the argument that the [*770] privacy interest in the sum of public events listed on a rap sheet "approaches zero." n151 The Court concluded that "although there is undoubtedly some public interest in anyone's criminal history," the interest is not central to the government-monitoring purpose of FOIA, which is to allow citizens to monitor the government, not individuals. n152 Although neither of these cases implicated the Fourth Amendment, they involved personal data similar or identical to that which is currently being collected and stored as part of Big Data projects. Accordingly, they incorporate key factors the Court may use to decide whether large quantities of aggregated healthcare data can trigger privacy concerns. Among these seem to be the extent to which disclosure is commonplace, whether the data is aggregated or dispersed, and the intent of the law authorizing collection or release. The last factor is crucial as it relates to Big Data. The stated intent of the ACA is quite broad, ranging from quality control to fraud prevention to cost containment. n153 By giving researchers, law enforcement, and administrators access to large amounts of information, Big Data could conceivably be used for all three purposes and more.

Big data is key to healthcare

Burg 14 (Natalie, contributor to Forbes who writes about growth and business patterns – cites Dwayne Spradlin, CEO of the nonprofit Health Data Consortium, "*How Big Data Will Help Save Healthcare*", http://www.forbes.com/sites/castlight/2014/11/10/how-big-data-will-help-save-healthcare/)

More and more companies are talking about big data these days—but it's more than a buzzword. **It might just change the way healthcare works** in the U.S. From **better patient outcomes** to a more transparent healthcare system to more accessible and **affordable care**. big data could change every inch of the nation's $3 trillion healthcare industry—**all for the better.** According to Dwayne Spradlin, CEO of the nonprofit Health Data Consortium, the power to access and analyze enormous data sets can improve our ability to anticipate and treat illnesses. This data can help recognize individuals who are at risk for serious health problems. The ability to use big data to identify waste in the healthcare system can also lower the cost of healthcare across the board.

Big data's key to healthcare and solves disease – saves billions and locks in new methods of treatment and planning models

Marr 15 (Bernard, contributor to Forbes, he also basically wrote the book on internet data – called Big Data – and is a keynote speaker and consultant in strategic performance, analytics, KPIs and big data, "How Big Data Is Changing Healthcare", http://www.forbes.com/sites/bernardmarr/2015/04/21/how-big-data-is-changing-healthcare/)

If you want to find out how Big Data is helping to make the world a better place, there's **no better example** than the uses being found for it in healthcare. The last decade has seen huge advances in the amount of data we routinely generate and collect in pretty much everything we do, as well as our ability to use technology to analyze and understand it. The intersection of these trends is what we call "Big Data" and it is helping businesses in every industry to become more efficient and productive. Healthcare is no different. Beyond improving profits and cutting down on wasted overhead, Big Data in healthcare is being used to **predict epidemics**, **cure disease**, improve quality of life and avoid preventable deaths. With the world's population increasing and everyone living longer, models of treatment delivery are rapidly changing, and many of the decisions behind those changes are being **driven by data**. The drive now is to understand **as much about a patient** as possible, as early in their life as possible – hopefully picking up warning signs of serious illness at an early enough stage that treatment is far more simple (and less expensive) than if it had not been spotted until later. So to take a journey through Big Data in healthcare, let's start at the beginning – before we even get ill. Wearable blood pressure monitors send data to a smartphone app, then off to the doctor. (Photo by John Tlumacki/The Boston Globe via Getty Images) Prevention is better than cure Smart phones were just the start. With apps enabling them to be used as everything from pedometers to measure how far you walk in a day, to calorie counters to help you plan your diet, millions of us are now using mobile technology to help us try and live healthier lifestyles. More recently, a steady stream of dedicated wearable devices have emerged such as Fitbit, Jawbone and Samsung Gear Fit that allow you to track your progress and upload your data to be compiled alongside everyone else's. In the very near future, you could also be sharing this data with your doctor who will use it as part of his or her diagnostic toolbox when you visit them with an ailment. Even if there's nothing wrong with you, access to **huge, ever growing databases** of information about the **state of the health** of the general public will allow problems to be spotted **before they occur**, and remedies – either medicinal or educational – to be prepared in advance This is leading to **ground breaking work,** often by partnerships between medical and data professionals, with the potential to peer into the future and **identify problems before they happen**. One recently formed example of such a partnership is the Pittsburgh Health Data Alliance – which aims to take data from various sources (such as medical and insurance records, wearable sensors, genetic data and even social media use) to draw a comprehensive picture of the patient as an individual, in order to offer a tailored healthcare package. That person's data won't be treated in isolation. It will be compared and analyzed alongside thousands of others, highlighting specific threats and issues through patterns that emerge during the comparison. This enables sophisticated predictive modelling to take place – a doctor will be able to assess the likely result of whichever treatment he or she is considering prescribing,

backed up by the data from other patients with the same condition, genetic factors and lifestyle. Programs such as this are the industry's attempt to tackle one of the biggest hurdles in the quest for data-driven healthcare: The medical industry collects a huge amount of data but often it is siloed in archives controlled by different doctors' surgeries, hospitals, clinics and administrative departments. Another partnership that has just been announced is between Apple and IBM. The two companies are collaborating on a big data health platform that will allow iPhone and Apple Watch users to share data to IBM's Watson Health cloud healthcare analytics service. The aim is to discover new medical insights from crunching real-time activity and biometric data from millions of potential users.

Zoonotic diseases coming now – effective healthcare is key to check

Naish 12 (Reporter for Daily Mail, "The Armageddon virus: Why experts fear a disease that leaps from animals to humans could devastate mankind in the next five years Warning comes after man died from a Sars-like virus that had previously only been seen in bats Earlier this month a man from Glasgow died from a tick-borne disease that is widespread in domestic and wild animals in Africa and Asia" http://www.dailymail.co.uk/sciencetech/article-2217774/The-Armageddon-virus-Why-experts-fear-disease-leaps-animals-humans-devastate-mankind-years.html#ixzz3E5kqxjQI)

The symptoms appear suddenly with a headache, high fever, joint pain, stomach pain and vomiting. As the illness progresses, patients can develop large areas of bruising and uncontrolled bleeding. In at least 30 per cent of cases, Crimean-Congo Viral Hemorrhagic Fever is fatal. And so it proved this month when a 38-year-old garage owner from Glasgow, who had been to his brother's wedding in Afghanistan, became the UK's first confirmed victim of the tick-borne viral illness when he died at the high-security infectious disease unit at London's Royal Free Hospital. It is a disease widespread in domestic and wild animals in Africa and Asia — and one that has jumped the species barrier to infect humans with deadly effect. But the unnamed man's death was not the only time recently a foreign virus had struck in this country for the first time. Last month, a 49-year-old man entered London's St Thomas' hospital with a raging fever, severe cough and desperate difficulty in breathing. He bore all the hallmarks of the deadly Sars virus that killed nearly 1,000 people in 2003 — but blood tests quickly showed that this terrifyingly virulent infection was not Sars. **Nor was it any other virus yet known to medical science** Worse still, the gasping, sweating patient was rapidly succumbing to kidney failure, a potentially lethal complication that had never before been seen in such a case. As medical staff quarantined their critically-ill patient, fearful questions began to mount. The stricken man had recently come from Qatar in the Middle East. What on earth had he picked up there? Had he already infected others with it? Using the latest high-tech gene-scanning technique, scientists at the Health Protection Agency started to piece together clues from tissue samples taken from the Qatari patient, who was now hooked up to a life-support machine. **The results were extraordinary. Yes, the virus is from the same family as Sars. But its make-up is completely new** It has come not from humans, but from animals. Its closest known relatives have been found in Asiatic bats. The investigators also discovered that the virus has already killed someone. Searches of global medical databases revealed the same mysterious virus lurking in samples taken from a 60-year-old man who had died in Saudi Arabia in July. Scroll down for video Potentially deadly: The man suffered from CCHF, a disease transmitted by ticks (pictured) which is especially common in East and West Africa Potentially deadly: The man suffered from CCHF, a disease transmitted by ticks (pictured) which is especially common in East and West Africa When the Health Protection Agency warned the world of this newly- emerging virus last month, it ignited a stark fear among medical experts. Could this be the next bird flu, or even the next 'Spanish flu' — the world's biggest pandemic, which claimed between 50 million and 100 million lives across the globe from 1918 to 1919? **In all these outbreaks, the virus responsible came from an animal**. Analysts now believe that the Spanish flu pandemic originated from a wild aquatic bird. The terrifying fact is that viruses that manage to jump to us from animals — called zoonoses — can wreak havoc because of their astonishing ability to catch us on the hop and spread rapidly through the population when we least expect it. The virus's power and fatality rates are terrifying One leading British virologist, Professor John Oxford at Queen Mary Hospital, University of London, and a world authority on epidemics, warns that we must expect an animal-originated pandemic to hit the world within **the next five years with potentially cataclysmic effects on the human race.** Such a contagion, he believes, will be a new strain of super-flu, a highly infectious virus that may originate in some far-flung backwater of Asia or Africa, and be contracted by one person from a wild animal or domestic beast, such as a chicken or pig. By the time the first victim has succumbed to this unknown, unsuspected new illness, they will have spread it by coughs and sneezes to family, friends, and all those gathered anxiously around them. Thanks to our crowded, hyper-connected world, this doomsday virus will already have begun crossing the globe by air, rail, road and sea before even the best brains in medicine have begun to chisel at its genetic secrets. Before it even has a name, it will have started to cut its lethal swathe through the world's population. The high security unit High security: The high security unit where the man was treated for the potentially fatal disease but later died If this new virus follows the pattern of the pandemic of 1918-1919, it will cruelly reap mass harvests of young and fit people. They die because of something called a **'cytokine storm'** — a vast overreaction of their strong and efficient immune systems that is prompted by the virus. This uncontrolled response burns them with a fever and wracks their bodies with nausea and massive fatigue. **The hyper-activated immune system actually kills the person, rather than killing the super-virus.** Professor Oxford bases his prediction on historical patterns. The past century has certainly provided us with many disturbing precedents. For example, the 2003 global outbreak of Sars, the severe acute respiratory syndrome that killed nearly 1,000 people, was transmitted to humans

from Asian civet cats in China. More... Man, 38, dies from deadly tropical disease after returning to the UK from Afghanistan Nine-year-old who turns YELLOW with anger: Brianna must spend 12 hours a day under UV lights because of rare condition In November 2002, it first spread among people working at a live animal market in the southern Guangdong province, where civets were being sold. **Nowadays, the threat from such zoonoses is far greater than ever, thanks to modern technology and human population growth**. Mass transport such as airliners can quickly fan outbreaks of newly- emerging zoonoses into deadly global wildfires. The Sars virus was spread when a Chinese professor of respiratory medicine treating people with the syndrome fell ill when he travelled to Hong Kong, carrying the virus with him. By February 2003, it had covered the world by hitching easy lifts with airline passengers. Between March and July 2003, some 8,400 probable cases of Sars had been reported in 32 countries. It is a similar story with H1N1 swine flu, the 2009 influenza pandemic that infected hundreds of millions throughout the world. It is now believed to have originated in herds of pigs in Mexico before infecting humans who boarded flights to myriad destinations. Once these stowaway viruses get off the plane, they don't have to learn a new language or new local customs. **Genetically, we humans are not very diverse**, an epidemic that can kill people in one part of the world can kill them in any other just as easily. On **top of this, our risk of catching such deadly contagions from wild animals is growing massively, thanks to humankind's relentless encroachment into the world's jungles and rainforests**, where we increasingly come into contact for the first time with unknown viral killers that have been evolving and incubating in wild creatures for millennia. This month, an international research team announced it had identified an entirely new African virus that killed two teenagers in the Democratic Republic of the Congo in 2009. The virus induced acute hemorrhagic fever, which causes catastrophic widespread bleeding from the eyes, ears, nose and mouth, and can kill in days. A 15-year-old boy and a 13-year-old girl who attended the same school both fell ill suddenly and succumbed rapidly. A week after the girl's death, a nurse who cared for her developed similar symptoms. He only narrowly survived. The new microbe is named Bas-Congo virus (BASV), after the province where its three victims lived. It belongs to a family of viruses known as rhabdoviruses, which includes rabies. A report in the journal PLoS Pathogens says the virus probably originated in local wildlife and was passed to humans through insect bites or some other as-yet unidentified means. **There are plenty of other new viral candidates waiting in the wings, guts, breath and blood of animals around us**. You can, for example, catch leprosy from armadillos, which carry the virus in their shells and are responsible for a third of leprosy cases in the U.S. Horses can transmit the Hendra virus, which can cause lethal respiratory and neurological disease in people. In a new book that should give us all pause for thought, award-winning U.S. natural history writer David Quammen points to a host of animal-derived infections that now claim lives with unprecedented regularity. **The trend can only get worse**, he warns. Quammen highlights the Ebola fever virus, which first struck in Zaire in 1976. The virus's power is terrifying, with fatality rates as high as 90 per cent. The latest mass outbreak of the virus, in the Congo last month, is reported to have killed 36 people out of 81 suspected cases. According to Quammen, Ebola probably originated in bats. The bats then infected African apes, quite probably through the apes coming into contact with bat droppings. The virus then infected local hunters who had eaten the apes as bushmeat. Quammen believes a similar pattern occurred with the HIV virus, which probably originated in a single chimpanzee in Cameroon. **'It is inevitable we will have a global outbreak'** Studies of the virus's genes suggest it may have first evolved as early as 1908. It was not until the Sixties that it appeared in humans, in big African cities. By the Eighties, it was spreading by airlines to America. Since then, Aids has killed around 30 million people and infected another 33 million. There is one mercy with Ebola and HIV. They cannot be transmitted by coughs and sneezes. 'Ebola is transmissible from human to human through direct contact with bodily fluids. It can be stopped by preventing such contact,' Quammen explains. 'If HIV could be transmitted by air, you and I might already be dead. If the rabies virus — another zoonosis — could be transmitted by air, it would be the most horrific pathogen on the planet.' Viruses such as Ebola have another limitation, on top of their method of transmission. They kill and incapacitate people too quickly. In order to spread into pandemics, zoonoses need their human hosts to be both infectious and alive for as long as possible, so that the virus can keep casting its deadly tentacles across the world's population. **But there is one zoonosis that can do all the right (or wrong) things. It is our old adversary, flu.** It is easily transmitted through the air, via sneezes and coughs. Sars can do this, too. But flu has a further advantage. As Quammen points out: 'With Sars, symptoms tend to appear in a person before, rather than after, that person becomes highly infectious. Isolation: **Unlike Sars the symptoms of this new disease may not be apparent before the spread of infection Isolation**: Unlike Sars the symptoms of this new disease may not be apparent before the spread of infection 'That allowed many Sars cases to be recognised, hospitalised and placed in isolation before they hit their peak of infectivity. But with influenza and many other diseases, the order is reversed.' **Someone who has an infectious case of a new and potentially lethal strain of flu can be walking about innocently spluttering it over everyone around them for days before they become incapacitated**. Such reasons lead Professor Oxford, a world authority on epidemics, to warn that a new global pandemic of animal-derived flu is inevitable. And, he says, the clock is ticking fast. Professor Oxford's warning is as stark as it is certain: 'I **think it is inevitable that we will have another big global outbreak of flu**,' he says. 'We should plan for one emerging in 2017-2018.' But are we adequately prepared to cope? Professor Oxford warns that vigilant surveillance is the only real answer that we have. '**New flu strains are a day-to-day problem and we have to be very careful to keep on top of them,'** he says. 'We now have scientific processes enabling us to quickly identify the genome of the virus behind a new illness, so that we know what we are dealing with. The best we can do after that is to develop and stockpile vaccines and antiviral drugs that can fight new strains that we see emerging.' But the Professor is worried our politicians are not taking this certainty of mass death seriously enough. Such laxity could come at a human cost so unprecedentedly high that it would amount to criminal negligence. The race against newly-emerging animal-derived diseases is one that we have to win every time. **A pandemic virus needs to win only once and it could be the end of humankind.**

2nc – overview

Zoonotic diseases specifically cause extinction

Casadevall 12 (Arturo, M.D., Ph.D. in Biochemistry from New York University, Leo and Julia Forchheimer Professor and Chair of the Department of Microbiology and Immunology at Albert Einstein College of Medicine, former editor of the ASM journal Infection and Immunity, "The future of biological warfare," Microbial Biotechnology Volume 5, Issue 5, pages 584–587, September 2012, http://onlinelibrary.wiley.com/doi/10.1111/j.1751-7915.2012.00340.x/full)

In considering the importance of biological warfare as a subject for concern it is worthwhile to review the known existential threats. At this time this writer can identify at three major existential threats to humanity: (i) large-scale thermonuclear war followed by a nuclear winter, (ii) a planet killing asteroid impact and (iii) infectious disease. To this trio might be added climate change making the planet uninhabitable. Of the three existential threats the first is deduced from the inferred cataclysmic effects of nuclear war. For the second there is geological evidence for the association of asteroid impacts with massive extinction (Alvarez, 1987). As to an existential threat from microbes recent decades have provided unequivocal evidence for the ability of certain pathogens to cause the extinction of entire species. Although infectious disease has traditionally not been associated with extinction this view has changed by the finding that a single chytrid fungus was responsible for the extinction of numerous amphibian species (Daszak et al., 1999; Mendelson et al., 2006). Previously, the view that infectious diseases were not a cause of extinction was predicated on the notion that many pathogens required their hosts and that some proportion of the host population was naturally resistant. However, that calculation does not apply to microbes that are acquired directly from the environment and have no need for a host, such as the majority of fungal pathogens. For those types of host–microbe interactions it is possible for the pathogen to kill off every last member of a species without harm to itself, since it would return to its natural habitat upon killing its last host. Hence, from the viewpoint of existential threats environmental microbes could potentially pose a much greater threat to humanity than the known pathogenic microbes, which number somewhere near 1500 species (Cleaveland et al., 2001; Taylor et al., 2001), especially if some of these species acquired the capacity for pathogenicity as a consequence of natural evolution or bioengineering.

at: ridley

Ridley is wrong

Nuccitelli 15 (Dana Nuccitelli is a blogger on environmentguardian.co.uk. He is an environmental scientist and risk assessor, and also contributes to SkepticalScience.comJanuary 21, 2015, "Matt Ridley wants to gamble the Earth's future because he won't learn from the past" http://www.theguardian.com/environment/climate-consensus-97-per-cent/2015/jan/21/matt-ridley-wants-to-gamble-earths-future-because-wont-learn-from-past, ekr)

Have you ever watched a zombie movie and wondered if the protagonists will grow physically tired from having to repeatedly kill zombies that inevitably rise once again from the dead? That's how people often feel when confronted with climate change myths that were debunked years ago. These myths never seem to stay dead, inevitably being revived by climate contrarians no matter how conclusively and repeatedly they've been debunked. And so we have writer Matt Ridley once again published in the London Times complaining, "Rather than attack my arguments, my critics like to attack my motives." That's undoubtedly because when an individual keeps repeating the same myths over and over again, people eventually grow tired of debunking those myths and naturally question the motives of the individual who keeps making them. Let's look at a few examples from Ridley's latest article. He claims not to be worried about global warming for a few reasons, including, *The failure of the atmosphere to warm anywhere near as rapidly as predicted was a big reason: there has been less than half a degree of global warming in four decades - and it has slowed down, not speeded up.* This is incorrect – average global surface temperatures have warmed between 0.6 and 0.7°C over the past 40 years (lower atmospheric temperatures have also likely warmed more than 0.5°C, though the record hasn't yet existed for 40 years). During that time, that temperature rise has temporarily both slowed down (during the 2000s, when there was a preponderance of La Niña events) and sped up (during the 1990s, when there was a preponderance of El Niño events). Climate models accurately predicted the long-term global warming trend. Ridley continues, *Sea level has risen but at a very slow rate - about a foot per century.* Given that sea level has risen faster than predicted, if you're arguing against the dangers posed by global warming, sea level is a poor choice. Climate research projects a sea level rise in the ballpark of 1 meter (3 feet) by the year 2100 if we

follow the business-as-usual path advocated by folks like Matt Ridley. *Also, I soon realised that all the mathematical models predicting rapid warming assume big amplifying feedbacks in the atmosphere, mainly from water vapour* Here Ridley is again quite wrong. We know that water vapour (as a greenhouse gas) will amplify global warming because a warmer atmosphere can hold more of it. Observations have confirmed this is exactly what's happening in the real world. This isn't an assumption of models – it's based on scientists' understanding of basic atmospheric physics. *Another thing that gave me pause was that I went back and looked at the history of past predictions of ecological apocalypse from my youth - population explosion, oil exhaustion, elephant extinction, rainforest loss, acid rain, the ozone layer, desertification, nuclear winter, the running out of resources, pandemics, falling sperm counts, cancerous pesticide pollution and so forth. There was a consistent pattern of exaggeration, followed by damp squibs: in not a single case was the problem as bad as had been widely predicted by leading scientists. That does not make every new prediction of apocalypse necessarily wrong, of course, but it should encourage scepticism.* At least Ridley admits that this is a poor excuse for dismissing the threats posed by climate change, but it's a far poorer excuse than he realizes. The reason that the worst possible consequences from acid rain, ozone depletion, pesticide pollution, and so forth weren't realized is that we took action to mitigate those threats. Specifically, we put a price on the pollutants that caused acid rain and ozone depletion, and regulated pesticide use. Those are precisely the solutions proposed to mitigate global warming. Ridley makes a similar error when discussing IPCC global warming projections, *My best guess would be about one degree of warming during this century, which is well within the IPCC's range of possible outcomes.* A further 1°C global warming by 2100 is only a possibility in one of the scenarios considered by IPCC (called RCP2.6 or RCP3-PD, where 'PD' stands for a rapid peak and decline of carbon emissions). It's the scenario in which there is an immediate and aggressive global effort to cut carbon pollution. Specifically, human global carbon emissions peak in 2020, after which they decline at a rate of around 3.5% per year, reaching zero in 2070 and continuing to fall as we remove carbon pollution from the atmosphere. Matt Ridley opposes immediate aggressive efforts to cut global carbon pollution. It's disingenuous at best for him to argue that his beliefs about modest global warming are consistent with the IPCC projections whilst advocating against the relevant pathway. It's like arguing, "My belief that I can lose weight while eating lots of cake and ice cream is well within medical doctors' range of my possible health outcomes." There are numerous other errors and zombie myths in Ridley's piece that I won't go into. For example, he revives long-debunked myths about the 'hockey stick' and 'Climategate.' Worst of all is the conclusion to which Ridley's flawed arguments lead – that we needn't take serious action to mitigate global warming because he doesn't believe climate consequences will be serious. One need only read the climate science literature (summarized by the IPCC) to see how dangerous the potential consequences of climate change are if we fail to take serious action to avoid them. Ridley believes future warming will be relatively small and hence the impacts relatively bearable, but it's just that – his (non-expert) belief. He argues that rather than mitigate the immense risks posed by global warming, the world should share his belief and take the gamble on the best case scenario that climate change doesn't turn out to be too terrible. This is the part of the story where we're obligated to recall that Matt Ridley was the non-executive Chairman of Northern Rock, a British bank that in 2007, was the first in over 150 years to experience a run on its deposits. Under Ridley's chairmanship, the bank pursued a high-risk, reckless business strategy that eventually backfired, and had to be bailed out by British taxpayers to the tune of £27 billion ($41 billion). Ridley apparently didn't learn from that fiasco, and wants to repeat the same high-risk strategy with the global climate. His reasoning is based on zombie myths, and if he's wrong again, this time nobody will be able to step in and bail out the Earth's inhabitants.

2nc – econ

Big data's key to the global economy – facilitates private growth and innovation on a large scale

Polonetsky and Tene 13 (Jules, Co-Chair and Director, Future of Privacy Forum, and Tene, Associate Professor, College of Management Haim Striks School of Law, Israel; Senior Fellow, Future of Privacy Forum; Affiliate Scholar, Stanford Center for Internet and Society, published in the Stanford Law Review, "*Privacy and Big Data: Making Ends Meet*", http://www.stanfordlawreview.org/online/privacy-and-big-data/privacy-and-big-data)

Big data analysis often benefits those organizations that collect and harness the data. Data-driven profits may be viewed as enhancing allocative efficiency by facilitating the "free" economy.[15] The emergence, expansion, and widespread use of innovative products and services at decreasing marginal costs **have revolutionized global economies and societal structures**, facilitating access to technology and knowledge[16] and fomenting social change.[17] With more data, businesses can **optimize distribution methods**, efficiently **allocate credit**, and robustly combat fraud, benefitting consumers as a whole.[18] But in the absence of individual value or broader societal gain, others may consider enhanced business profits to be a mere value transfer from individuals whose data is being exploited. In economic terms, such profits create distributional gains to some actors (and may in fact be socially regressive) as opposed to driving allocative efficiency. D. Society Finally, some data uses benefit society at large. These include, for example, data mining for purposes of national security. We do not claim that such practices are always justified; rather, that when weighing the benefits of national security driven policies, the effects should be assessed at a broad societal level. Similarly, data usage for fraud detection in the payment card industry helps facilitate safe, secure, and frictionless transactions, benefiting society as a whole. And large-scale analysis of geo-location data has been used for urban planning, disaster recovery, and optimization of energy consumption. E. Benefits **Big data creates enormous value for the global economy**, driving innovation, productivity, efficiency, and growth. Data has become the driving force behind **almost every interaction** between individuals, businesses, and governments.

Econ decline goes nuclear and escalates

Auslin 9 (Michael, Resident Scholar – American Enterprise Institute, and Desmond Lachman – Resident Fellow – American Enterprise Institute, "The Global Economy Unravels", Forbes, 3-6, http://www.aei.org/article/100187)

What do these trends mean in the short and medium term? The Great Depression showed how social and global chaos followed hard on economic collapse. The mere fact that parliaments across the globe, from America to Japan, are unable to make responsible, economically sound recovery plans suggests that they do not know what to do and are simply hoping for the least disruption. Equally worrisome is the adoption of more statist economic programs around the globe, and the concurrent decline of trust in free-market systems. The threat of instability is a pressing concern. China, until last year the world's fastest growing economy, just reported that 20 million migrant laborers lost their jobs. Even in the flush times of recent years, China faced upward of 70,000 labor uprisings a year. A sustained downturn poses grave and possibly immediate threats to Chinese internal stability. The regime in Beijing may be faced with a choice of repressing its own people or diverting their energies outward, leading to conflict with China's neighbors. Russia, an oil state completely dependent on energy sales, has had to put down riots in its Far East as well as in downtown Moscow. Vladimir Putin's rule has been predicated on squeezing civil liberties while providing economic largesse. If that devil's bargain falls apart, then wide-scale repression inside Russia, along with a continuing threatening posture toward Russia's neighbors, is likely. Even apparently stable societies face increasing risk and the threat of internal or possibly external conflict. As Japan's exports have plummeted by nearly 50%, one-third of the country's prefectures have passed emergency economic stabilization plans. Hundreds of thousands of temporary employees hired during the first part of this decade are being laid off. Spain's unemployment rate is expected to climb to nearly 20% by the end of 2010; Spanish unions are already protesting the lack of jobs, and the specter of violence, as occurred in the 1980s, is haunting the country. Meanwhile, in Greece, workers have already taken to the streets. Europe as a whole will face dangerously increasing tensions between native citizens and immigrants, largely from poorer Muslim nations, who have increased the labor pool in the past several decades. Spain has absorbed five million immigrants since 1999, while nearly 9% of Germany's residents have foreign citizenship, including almost 2 million Turks. The xenophobic labor strikes in the U.K. do not bode well for the rest of Europe. A prolonged global downturn, let alone a collapse, would **dramatically raise tensions** inside these countries. Couple that with possible protectionist legislation in the United States, unresolved ethnic and territorial disputes in all regions of the globe and a loss of confidence that world leaders actually know what they are doing. The result may be a series of small explosions that coalesce into a big bang.

Big data is key to the economy – jobs, new industry expansion, and revenue

Blackburn 15 (Suzanne, PR Manager at Experian and senior contributor to the Experian WhitePages. Experian is a data marketing analytics company that has been published for over 40 years. "*Why Privacy Matters in a Data-Driven Economy*", 3/26, http://www.experian.com/assets/marketing-services/p/ems-why-privacy-matters.pdf)

Beyond enabling more convenient and valuable digital experiences, data is now fueling our **national** and **global economy**. New business models and ways of doing business, while still in their early stages, are steering the global economy toward a data-driven world of unprecedented **access**, **insight**, **innovation** and **interconnectivity**. However, as data becomes fundamental to virtually every aspect of our business and professional lives, this **data-driven economy is at a crossroads**. It will only continue to grow and thrive if we collectively create the conditions where it can **remain open**, healthy and responsive to the privacy concerns of **consumers.** Kevin Dean, General Manager and Global Head of Product, Targeting, Experian Marketing Services notes, "The 'plumbing' of the data-driven economy, the part that sits out of sight behind the drywall, out of the view of most consumers, is something that many consumers are becoming aware of for the first time." This white paper will assess the rise of the data-driven economy within the media and advertising industry and the evolution of privacy in that economy: How can we ensure that data is used for good, positive and productive purposes? How can we create the conditions that will ensure a healthy and open data-driven economy that changes the world for the better, many times over? This white paper is for the digital and the data-driven, the organization and the individual, both the business-to-consumer and the business-to-business brand — every link in the

chain of the media and advertising ecosystem that is assessing its role in this economy and its future. According to McKinsey, gains for the overall economy as a result of Big Data could be up to **$610 billion** in annual productivity and cost savings. Since 2007, data-related products and services have generated about 30 percent of real personal consumption growth, according to the Progressive Policy Institute. McKinsey estimated that Big Data could yield benefits for **healthcare alone** of more than $300 billion annually. According to IDC, 570 new Websites are created **every minute**. According to IDC, in five years there will be 450 billion transactions per day. According to IBM, by 2020, the amount of information in the digital universe will grow tenfold. Advertising is an immediate example of an industry in the midst of a **data-driven growth spurt.** In this industry, innovation is taking place at a rapid rate. According to research by industry analyst Scott Brinker, the marketing technology landscape has exploded in the past four years. As of January 2015, Brinker estimates that there are nearly 1,900 marketing-technology venders, up from 947 companies in early 2014 and only 100 in 2011. According to a study conducted by Harvard Business School in 2012, the digital-advertising industry **alone** employed more than 2 million Americans in 2012, indirectly employing 3.1 million Americans in other sectors. According to the Progressive Policy Institute, the mobile app industry alone now accounts for more than 750,000 jobs. These are jobs that didn't exist a decade ago. More importantly, ubiquitous consumer data is bringing programmatic media, interactive marketing and digital-technology companies **closer together**, **forming a new hybrid industry** with a common goal: to enhance the digital experience of the consumer.

2nc – link

Healthcare Fraud is increasing only governmental use of big data can stop it.

Gray, Keats Citron, and Rinehart, 2013 (David, Associate Professor, University of Maryland Francis King Carey School of Law, Danielle, Lois K. Macht Research Professor of Law, University of Maryland Francis King Carey School of Law, and Liz Clark, University of Maryland Francis King Carey School of Law, "SYMPOSIUM ON CYBERCRIME: FIGHTING CYBERCRIME AFTER UNITED STATES V. JONES" Journal of Criminal Law & Criminology Lexis)

Any reasonable discussion of healthcare fraud must include Medicare. Medicare is a government health insurance program for the elderly and the disabled. n154 Every day, 4.5 million claims for Medicare services are [*771] processed. n155 In 2011, the program covered almost 49 million people, spending over $ 500 billion. n156 The extent of Medicare fraud is unknown, n157 but it is believed to cost the government somewhere between $ 60 billion and $ 90 billion a year. n158 Hospitalization claims are the most common source of civil fraud investigations, while outpatient, medical equipment, and lab work claims are the most common sources of criminal fraud investigations. n159 Home-health agencies and providers of durable medical equipment have particularly high fraud rates. n160 Healthcare fraud generally - and Medicare fraud in particular - frequently involves health providers' charging for services never provided, billing for unnecessary equipment, stealing medical identities, paying kickbacks for referrals, or using a Medicare number for fraudulent billing. Complex schemes often incorporate a mix of strategies. n161 To identify [*772] fraudulent billing practices, automated systems help investigators flag impossible claims, such as a provider's alleged removal of twenty toenails from three toes or bills for more therapy sessions than Newtonian physics would allow. n162 Phantom billing may involve elaborate schemes in which there are in fact no physical clinics, patients, or health practitioners. For example, a member of an Armenian organized crime group recently admitted to creating a network of clinics and providers that existed only on paper, but nevertheless billed Medicare for nearly $ 100 million and received over $ 35 million in payments. n163 Similar to phantom billing is billing for services that are not medically necessary. In one case, a doctor with a penchant for Playboy models and Picassos received "$ 1.2 million from Medicare in 2008 ... a large portion of it from physical therapy," consisting of "heat packs, massage, electrical stimulation and ultrasound." n164 Although government-funded massages are relatively harmless to patients, other unnecessary treatments can be invasive and life threatening. In a recent case, investigators discovered that patients who were disoriented and unable to control their bodily functions were being forced to attend group therapy that served no medical purpose. n165 [*773] Providers altered their records

so it would appear that patients benefited from therapy that was anything but helpful. n166 In another case, the government alleged that a nursing home required therapists to use the most expensive treatments on residents, even if the interventions were inappropriate or dangerous. n167 For example, it alleged that a ninety-two-year-old cancer patient in Orlando, who was routinely spitting up blood, nonetheless received 48 minutes of physical therapy, 47 minutes of occupational therapy, and 30 minutes of speech therapy, two days before his death. The day he died, the patient received 35 minutes of physical therapy and was scheduled for more therapy later in the day. n168 CMS reported a dermatologist who, in addition to unnecessarily removing "benign skin lesions," reused sutures, thereby exposing patients to HIV, hepatitis C, and other diseases. n169 Claims for medical equipment are another common target for fraudsters. Two Los Angeles pastors recently were found guilty of running separate schemes involving power wheelchairs. In the first, the conspirators purchased fraudulent medical documentation and billed Medicare $ 6,000 for power wheelchairs that actually cost $ 900. n170 The conspirators also offered wheelchairs and other unnecessary equipment to Medicare beneficiaries in exchange for their Medicare numbers. n171 If Medicare refused to pay for the chairs, the pastor instructed his employees to take the chairs away from the beneficiaries. n172 The funds from the scheme were diverted among sham supply companies run by the pastor's wife and other church members. n173 A second pastor and a doctor who [*774] provided fraudulent documentation pleaded guilty to running a similar conspiracy later in the same year. n174 Prescription medicines provide another rich territory for healthcare fraud. A well-known dialysis provider was accused in 2012 of intentionally wasting medication by giving multiple partial doses, instead of smaller numbers of full doses, in order to inflate charges. n175 Later that same year, a Miami pharmacy owner pleaded guilty to fraud charges for instructing his employees to retrieve from assisted-living facilities unused medication already billed to Medicare and Medicaid so that it could be repackaged and reused. n176 The repackaged medicine was distributed to other assisted-living facilities or the general public and resubmitted to insurance. n177 The pharmacist also paid assisted-living facilities to refer residents. n178 In Baltimore, a pharmacist admitted to purchasing drums of drugs from an unlicensed provider, mislabeling them, and dispensing them to customers. n179 The same pharmacist submitted claims to Medicare for prescription refills that were not dispensed to beneficiaries. n180 Still another pharmacist admitted to paying Medicare and Medicaid beneficiaries for their prescriptions and then submitting reimbursement claims to insurance companies without dispensing the medication. n181 Among his targets were [*775] patients with HIV or mental illness, whose medications are particularly expensive. n182 Patients are not always innocent victims, of course. Beneficiaries often participate in healthcare fraud schemes in exchange for services or kickbacks. n183 Kickbacks range from cash n184 and cigarettes n185 to spa services and lunches. n186 In a massive operation in New York, conspirators paid $ 500,000 to beneficiaries in a special "kickback room." n187 Some of these schemes are far more Dickensian, providing subsistence benefits, such as housing, to vulnerable beneficiaries and then threatening them with homelessness if they refuse to comply with the fraud. n188 Whether through coercion, persuasion, or deception, individuals engaged in fraud expose Medicare beneficiaries, who are often ill or limited in capacity, to substantial risks. Medical identity theft is a significant problem as well. CMS reports that, in 2011, a man was convicted of stealing his brother's medical information and using it for surgery covered under his brother's insurance. [*776] The victim's medical records in turn incorrectly included his brother's HIV-positive status, which put the true beneficiary at risk of receiving medically unnecessary drugs and procedures. n189 Perpetrators also steal the identities of unsuspecting providers who have already been approved by Medicare in order to file fraudulent claims. n190 In one case, a home-health agency owner stopped paying his licensed personnel and, when they quit, billed hundreds of claims under his former employees' licenses. n191 Organized crime is also involved, creating networks of nonexistent clinics based on stolen provider information, often leading to suspicious claims, such as "[a] pregnant woman who gets an ultrasound exam - from an ear, nose and throat doctor[, a] forensic pathologist whose patients walked into his office, rather than being rolled in with toe tags[, a] dermatologist who conducted heart tests[, or a] psychiatrist who performed M.R.I.'s." n192 Although some providers' identities are stolen, others lend, rent, or sell their identities to facilitate fraud schemes. n193 Take, for example, a case in New Jersey where a licensed provider was "frequently either not in the office at all, or was in his personal office watching television." n194 He provided "pre-signed, blank prescription forms" to the unlicensed employees who were diagnosing patients. n195 In another case, unlicensed physicians paid a licensed physician "$ 2,000 a month to review and sign medical records prepared by physician assistants." n196 [*777] Healthcare fraud is increasingly accomplished and facilitated by electronic means. n197 Rather than steal patient information on an individual basis, hackers target medical information databases. In May 2012, a group of hackers based in Eastern Europe breached Utah's healthcare database, gaining access to over 780,000 records, including Social Security numbers and medical diagnosis codes. n198 These records are essential for fraudulent billing. According to one report, "an individual healthcare record is worth more on the black market ($ 50, on average) than a U.S.-based credit card and personal identity with social security number combined." n199 **As healthcare fraud moves into the digital arena, traditional methods of detection and prosecution are simply inadequate. A cybercrime requires a cybersolution, which, in the case of healthcare fraud, will almost certainly include Big Data.**

Only robust data analysis can solve healthcare fraud – Mosaic Theory prevents that.

Gray, Keats Citron, and Rinehart, 2013 (David, Associate Professor, University of Maryland Francis King Carey School of Law, Danielle, Lois K. Macht Research Professor of Law, University of Maryland Francis King Carey School of Law, and Liz Clark, University of Maryland Francis King Carey School of Law, "SYMPOSIUM ON CYBERCRIME: FIGHTING CYBERCRIME AFTER UNITED STATES V. JONES" Journal of Criminal Law & Criminology Lexis)

The overwhelming majority of data that CMS and its contractors use to detect fraud comes from claims, payment, and referral records. n200 Now that [*778] CMS is partnering with private insurance organizations, it will have access to private claims and other health data. n201 Additionally, the Medicare Integrity Manual lists a dozen types of data that contract agencies should use when investigating suspicious activity, including: (1) the nature of the providers and staff; (2) the structure of the business, overhead costs, and its relationship to other businesses; (3) the amount of business generally and the amount of business from Medicare/Medicaid reimbursements specifically; (4) the types of services rendered; (5) location; (6) history of claims and any previous investigations; and (7) "other information needed to explain and/or clarify the issue(s) in question." n202 In part due to the involvement of international organized crime syndicates, the Department of Justice (DOJ), which investigates and prosecutes fraud cases, considers healthcare fraud an indicator of potential terrorism. n203 DOJ describes healthcare providers as "nontraditional information gatherers [that] can provide [interagency data-sharing] fusion centers with both strategic and tactical information," n204 including "health surveillance networks [and] syndromic surveillance." n205 It recommends that fusion centers, which serve as hubs for local, state, and federal information gathering and sharing, n206 collaborate with healthcare providers to develop analytical tools. n207 Access to fusion-center networks means having the ability to mine and analyze vast public databases at the state, local, and federal level; data-broker dossiers on millions of individuals; [*779] private databases held by cooperating entities; video streams from public and private cameras; and far more. In prosecuting fraud cases, DOJ will have access to CMS's data as well as any data aggregated and analyzed by fusion centers. In short, efforts to prevent, detect, and prosecute healthcare fraud are increasingly tied to Big Data. Already an important tool for regulators and law enforcement, Big Data is likely to become a more powerful and important asset in the years to come. n208 The ACA contains a provision requiring the release of some of Medicare's billing data, which previously had been blocked by a court ruling citing physician privacy. n209 CMS has discussed plans to leverage the detection benefits of Big Data to facilitate a move towards "fraud prevention," rather than the former method of paying claims and later attempting to reclaim funds fraudulently acquired. n210 To this end, CMS has developed multiple task forces and agencies that tap private-sector information technology resources. n211 The most recent initiative is the Fraud Prevention System (FPS), a response to requirements in the Small Business Jobs Act of 2010 "to implement predictive analytics technologies to [*780] identify and prevent the payment of improper claims in the Medicare fee-for-service program." n212 All of Medicare's daily 4.5 million claims run through FPS's "predictive algorithms and other sophisticated analytics," n213 which are similar to those used by credit card companies to detect fraudulent purchases. n214 Although FPS cannot automatically stop payments, it "automatically generates and prioritizes leads for review and investigation." n215 FPS addresses the problem of data silos by analyzing claims nationwide n216 and over a period of time, n217 both of which are necessary for identifying fraudulent behavior. n218 FPS also complements the Automated Provider Screening System; the two systems are now slated for integration. n219 CMS has more plans to expand the reach and power of FPS, including social network analysis n220 and adaptive analytics. n221 According to CMS, in 2011 "FPS also generated leads for 536 new ... investigations, augmented information for 511 pre-existing investigations, and prompted 617 provider interviews and 1,642 beneficiary interviews to verify legitimate provision of Medicare services and supplies." n222 CMS claims that these efforts resulted in a savings of $ 115 million. n223 Although modest when compared to the total of $ 4.1 billion that CMS recovered from fraud schemes through partnerships with private contractors and government agencies in 2011, n224 the program is just getting started, and [*781] officials expect to prevent or recover billions of dollars in losses. n225 Even when FPS was in its infancy, the Wall Street Journal drew attention to suspicious providers using simple data analysis of a database "containing records only through 2008, and including the claims of just 5% of randomly selected Medicare beneficiaries." n226 In 2010, the Journal described the suspect practices of a physical therapist who later pleaded guilty to healthcare fraud. n227 Among other charges, the doctor submitted a claim for a service that occurred while he was on vacation. n228 The Journal used the same comparatively

limited data set to identify a surgeon who was practicing in Texas after being temporarily banned from Medicare because he had performed unnecessary and harmful surgeries in New Jersey. n229 The Journal found that the readmitted doctor's death rate was seven times higher than the national average. n230 Another surgeon appeared to perform an unusually high number of multiple spinal operations per patient. n231 Investigating these types of activities requires access to Big Data. With Big Data, governmental systems can identify providers who bill more over a specified time period than other providers in the region. Claims analysis can detect providers who authorize particularly expensive equipment. Analysis of individuals' claims over time can reveal discrepancies or impossibilities, such as multiple hysterectomies, which indicate possible identity theft or kickbacks. Looking at groups of individual claims could also reveal possible kickbacks if, for instance, a sizeable population in a community suddenly switches to a less convenient pharmacy. As FPS incorporates social network models, the system will gain further leverage on its data, allowing it to compare individuals against known criminal associations, including those that work primarily in the virtual world of black-market healthcare data. The more data the system can use to build comparative models, the more accurately the models will reflect standard practice. n232 As evidence of this potential, CMS recently credited "sophisticated data analysis" for the indictment of a home-healthcare physician in "the biggest health-care fraud case brought against a single doctor." n233 The doctor certified over 5,000 patients a year for home-healthcare by having his employees complete certification forms using his forged signature. n234 Although many healthcare fraud cases originate through direct reporting, including qui tam actions, complicated schemes like those involving organized crime are more vulnerable to data analysis, which can review and compare large volumes of claims over time. To achieve its stated goal of stopping fraudulent payments before they reach the provider, CMS will need robust analytical tools that can probe massive quantities of disparate data to flag automatically suspect claims across a wide range of covered services and also evolve to identify new fraudulent behavior as it develops. That capacity is likely to be greatly enhanced in coming years as CMS programs gain access to the vast quantities of consumer and other data currently brokered through third-party aggregators. **At each turn, the government and its agents will face potential Fourth Amendment barriers erected by the mosaic theory of Fourth Amendment privacy.**

2nc - econ impact

innovation solves extinction

Heaberlin 4 (Scott W, Nuclear Safety and Technology Applications Product Line @ Pacific Northwest National Laboratory, “A Case for Nuclear-Generated Electricity,” Battelle Press, 2004)

Cohen looked at all the various population estimates and concluded that most fell into the range of 4 to 16 billion. Taking the highest value when researchers offered a range, Cohen calculated a high median of 12 billion and taking the lower part of the range a low median of 7.7 billion. The good news in this is 12 billion is twice as many people as we have now. The bad news is that the projections for world population for 2050 are between 7.8 and 12.5 billion. That means we have got no more than 50 years before we exceed the nominal carrying capacity of the earth. Cohen also offers a qualifying observation by stating the "First Law of Information," which asserts that 97.6% of all statistics are made up. This helps us appreciate that application of these numbers to real life is subject to a lot of assumptions and insufficiencies in our understanding of the processes and data. However, we can draw some insights from all of this. What it comes down to is that if you choose the fully sustainable, non-fossil fuel long-term options with only limited social integration, the various estimates Cohen looked at give you a number like 1 billion or less people that the earth can support. That means 5 out of 6 of us have got to go, plus no new babies without an offsetting death. On the other hand, if you let technology continue to do its thing and perhaps get even better, the picture need not be so bleak. We haven't made all our farmland as productive as it can be. Remember, the Chinese get twice the food value per hectare as we do in the United States. There is also a lot of land that would become arable if

we could get water to it. And, of course, in case you need to go back and check the title of this book, there are alternatives to fossil fuels to provide the energy to power that technology. So given a positive and perhaps optimistic view of technology, we can look to some of the high technology assumption based studies from Cohen's review. From the semi-credible set of these, we can find estimates from 19 to 157 billion as the number of people the earth could support with a rough average coming in about 60 billion. This is a good time to be reminded of the First Law of Information. The middle to lower end of this range, however, might be done without wholesale social reprogramming. Hopefully we would see the improvement in the quality of life in the developing countries as they industrialize and increase their use of energy. Hopefully, also this would lead to a matching of the reduction in fertility rates that has been observed in the developed countries, which in turn would lead to an eventual balancing of the human population. The point to all this is the near-term future of the human race depends on technology. If we turn away from technology, a very large fraction of the current and future human race will starve. If we just keep on as we are, with our current level of technology and dependence on fossil fuel resources, in the near term it will be a race between fertility decrease and our ability to feed ourselves, with, frankly, disaster the slight odds-on bet. In a slightly longer term, dependence on fossil fuels has got to lead to either social chaos or environmental disaster. There are no other end points to that road. It doesn't go anywhere else. However, if we accept that it is technology that makes us human, that technology uniquely identifies us as the only animal that can choose its future, we can choose to live, choose to make it a better world for everyone and all life. This means more and better technology. It means more efficient technology that is kinder to the planet but also allows humans to support large numbers in a high quality of life. That road is not easy and has a number of ways to screw up. However, it is a road that can lead to a happier place, a better place.

Terrorism Links

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Social media surveillance is key to solve terrorism – it's the lynchpin for ISIS and AQAP – only an increase in vigilance and crackdowns on radicalization of social media websites cuts off the key route for training, funding, recruiting, and capabilities of terrorist groups

Carmon and Stalinsky 15

(Mr. Carmon is president and founder of the Middle East Media Research Institute. Mr. Stalinsky is the executive director of MEMRI, "Terrorist Use Of U.S. Social Media Is A National Security Threat", http://www.forbes.com/sites/realspin/2015/01/30/terrorist-use-of-u-s-social-media-is-a-national-security-threat/3/, ZS)

American companies like Twitter, Facebook, Google, Apple, Microsoft, Yahoo and other popular services, including YouTube, WhatsApp, Skype, Tumblr and Instagram, **are facilitating global jihad.** This was one of the main subjects of a recent meeting between UK Prime Minister David Cameron and President Obama focusing on cybersecurity and counterterrorism. The president stated, "Social media and the Internet is the primary way in which these terrorism organizations are communicating" and that "we're still going to have to find ways to make sure that if an Al-Qaeda affiliate is operating in Great Britain or in the United States, that we can try to prevent real tragedy. And I think the companies want to see that as well. They're patriots… we're also going to be in dialogue with the companies to try to make that work." This follows Robert Hannigan, the U.K.'s Director of the Government Communications Headquarters describing "the largest U.S. technology companies" as "the command-and-control networks of choice for terrorists" in The Financial Times last November. Mr. Hannigan said out loud what for too long too few have: For almost a decade, these companies have helped Al-Qaeda, and are now helping ISIS to fundraise, recruit, indoctrinate, and train new terrorists. Nearly every day brings more news of the arrest of young Westerners for terror activity, planning attacks, or attempting to travel to the

Middle East to join a terror organization. ISIS has grasped the effectiveness of social media U.S. social media companies are at the center of each of these cases. ISIS has grasped the effectiveness of social media, culminating in its strategic decision to show the beheading of American journalist James Foley on August 19. It first uploaded the video to YouTube and tweeted a graphic blow-by-blow series of stills showing the knife cutting his throat, the removal of his head, and the placement of his severed head on his lifeless body. This act created an earthquake on social media, as thousands of these tweets went viral. The following day, Twitter CEO, Dick Costolo, tweeted, "We have been and are actively suspending accounts as we discover them related to this graphic imagery." But the release of the videos of ISIS's next four beheadings of Americans and Britons were all announced via Twitter—with more graphic images of the beheadings and their aftermath—belying his claim. Furthermore, four months later, the number of graphic jihadi tweets of beheadings and executions is at its peak. Most recently, on January 20, ISIS sent via Twitter an embedded YouTube video featuring Jihadi John, the apparent beheader in its previous videos, threatening to kill two Japanese hostages unless the Japanese government paid a ransom of $200 million within 72 hours. **Government should be asking company heads why they aren't doing more** "Why aren't YouTube, Facebook, and Twitter doing more to stop terrorists from inciting violence?" MSNBC host Ronan Farrow asked in the title of his July 10, 2014 Washington Post op-ed. This is precisely the question that U.S. government officials should be asking the heads of these companies. Farrow also noted that "these companies already know how to police and remove content that violates other laws. Every major social media network employs algorithms that automatically detect and prevent the posting of child pornography. Many, including YouTube, use a similar technique to prevent copyrighted material from hitting the web. Why not, in those overt cases of beheading videos and calls for blood, employ a preventive similar system?" Asked about terrorists' use of YouTube in a May 2013 CNN interview, Google executive chairman Eric Schmidt claimed: "If there were an algorithm to detect terrorists, trust me, we would use it." But Google is quite capable of identifying and removing content from its search engine using its algorithms—and has done so on numerous occasions. But why should national security be "entrusted" to Google employees anyway? What are their qualifications to determine what could threaten the lives of Americans? Those who support allowing jihadi content on social media state that such content should be left alone because of its intelligence value. In an October 9 Washington Post op-ed titled "We Shouldn't Stop Terrorists From Tweeting," Daniel Byman and Jeremy Shapiro of The Brookings Institute defended Twitter for allowing and not removing jihadi content: "[B]anning particular sites or individuals may make sense if the risk of recruitment and radicalization is high. But those risks have to be weighed against the intelligence value of having groups such as the Islamic State active on social media…" Such an approach is flawed. One can hardly imagine the development of the global jihad movement without the Internet. An entire generation of Muslim youth has been and continues to be radicalized online by violent images and incitements to murder. Recruitment numbers are swelling today because for too long nothing was done to stem the flow of this jihadi content hosted by these services. And, consider that jihadis who post this content are fully aware that it is being monitored by Western security agencies; the argument that allowing them to continue to use these platforms on the chance that their accounts could yield significant intelligence is simply naive. The rebuttal to this being that the government shouldn't be relying solely on social media for its intelligence gathering. **A growing threat to national security** Another reminder of the free rein afforded to jihadis online was a January 10 New York Times headline soon after the Paris attacks: "Jihadists and Supporters Take To Social Media To Praise Attack On Charlie Hebdo." The next day, justice and interior ministers of 12 European countries,

including the U.K., France and Germany, issued a joint statement expressing concerns about the Internet being used by terrorists, and calling for tech companies to do more to deal with this issue. On January 12, in further evidence of the growing threat to national security posed by Al-Qaeda's, ISIS', and other groups' cyber jihad activity, pro-ISIS hackers broke into the Twitter and YouTube accounts of U.S. Central Command – CENTCOM – leaking documents and information and live-tweeting as they went. "With the Sony attack that took place, with the Twitter account that was hacked by Islamist jihadist sympathizers yesterday, it just goes to show how much more work we need to do, both public and private sector, to strengthen our cybersecurity," President Obama warned the following day. Gen. Jack Keane (ret.), former U.S. Army Vice Chief of Staff, understands the strategic importance Al-Qaeda, ISIS, and other jihadi groups place on the use of social media and the damage done by leaving it undisrupted. He stated on Fox News on October 23: "…I think we should clearly appeal to the hosts who are running Twitter, Facebook, the various websites, and shut these things down." Time for Congress to catch up to terrorist use of the Internet and create and enforce new laws to address this problem The new Congress and the Obama administration should make this issue a priority in 2015. The long-overdue first step in doing so would be summoning the heads of social media companies and having them clarify what exactly their policies are. Solutions could require examination by constitutional law experts, and might need to go all the way to the Supreme Court. There are several clear models for U.S. policy makers to follow which European governments recently have begun to implement. On October 8, the European Commission, with ministers from all 28 EU member states, summoned major U.S. technology companies to a "private" meeting in Luxembourg on terrorist use of the Internet, against the backdrop of the "flow of so-called foreign fighters" as well as "calls for electronic jihad that the E.U. is facing." The meeting's goal was to come up with a plan for these companies to stop online radicalization on their websites. It is difficult to understand why no one in the U.S. government has taken similar action yet. These companies should be questioned in a transparent framework, and must commit to tackling the problem of eradicating violent jihadi content from their platforms. It is time for the government to catch up to terrorist use of the Internet and create and enforce new laws to address this problem. The removal of a handful of YouTube videos, Twitter accounts, and Facebook pages is hardly a serious solution.

Politics Links

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Plan drains PC – link only goes one way – ratchet effect makes repealing current (programs/laws/authorizations) unique - – inertia and terrorism fears outweigh, strong political support only sparks bigger fight

Givens, 13 -- Austen, Prof Cybersecurity @ Utica College, Harvard National Security Journal, July,
http://harvardnsj.org/2013/07/the-nsa-surveillance-controversy-how-the-ratchet-effect-can-impact-anti-terrorism-laws/

The NSA Surveillance Controversy: How the Ratchet Effect Can Impact Anti-Terrorism Laws On June 5, 2013, the world learned that the National Security Agency (NSA), America's largest intelligence-gathering organization, had been gathering the metadata of all the phone calls made by Verizon customers since early April 2013. The next day, two prominent newspapers reported that PRISM, a top secret NSA program, had been vacuuming up customer data from some of the world's largest and best known information technology (IT) firms—including Google, Apple, Facebook, and Microsoft—directly from their servers. Director of National Intelligence James Clapper later clarified that specific requests for customer data from these IT firms were subject to tight legal controls and only targeted non-US citizens. But Clapper's comments did little to calm frayed nerves. A public outcry ensued, with some loudly opposing the NSA's surveillance programs and others forcefully defending them. The New York Times condemned the NSA surveillance in an editorial and the American Civil Liberties Union (ACLU) filed a lawsuit against the NSA, challenging the constitutionality of the NSA telephone call metadata collection program. Former Vice President Al Gore called the surveillance "obscenely outrageous" on Twitter. But others came out in support of the NSA's efforts. Senator Lindsay Graham said "I am a Verizon customer…it doesn't bother me one bit for the NSA to have my phone number." Max Boot, a senior fellow with the think tank Council on Foreign Relations, credited the NSA surveillance with helping to reduce the number of terrorist incidents on US soil since the attacks of September 11, 2001. A Pew Research Center poll suggested that there was significant support among the American public for the NSA's surveillance efforts. Despite the heated rhetoric on both sides of the surveillance debate, the NSA's collection of telephone call metadata appears to be legal based upon the Foreign Intelligence Surveillance Court's (FISC) interpretation of section 215 of the USA PATRIOT Act. Perhaps the most interesting remarks about the NSA controversy thus far came from Representative Jim Sensenbrenner, one of the original authors of the USA PATRIOT Act. He wrote that when the Act was first drafted, one of the most controversial provisions concerned the process by which government agencies obtain business records for intelligence or law enforcement purposes. Sensenbrenner stated that particular provision of the Act requires government lawyers to prove to the FISC that a request for specific business records is linked to an "authorized investigation" and further stated that "targeting US citizens is prohibited" as part of the request. Sensenbrenner argued that the NSA telephone metadata collection is a bridge too far and falls well outside the original intended scope of the Act: "[t]he administration claims authority to sift through details of our private lives because the Patriot Act says that it can. I disagree. I authored the Patriot Act, and this [NSA surveillance] is an abuse of that law." Acknowledging that Sensenbrenner's statements may have been motivated in part by political interests, the perceived creeping expansion of the USA PATRIOT Act—the "abuse" that Sensenbrenner describes in the context of the NSA surveillance controversy—is consistent with what is known as the "ratchet effect" in legal scholarship. The ratchet effect is a unidirectional change in some legal variable that can become entrenched over time, setting in motion a process that can then repeat itself indefinitely.[1] For example, some scholars argued that anti-terrorism laws tend to erode civil liberties and establish a new baseline of legal "normalcy" from which further extraordinary measures spring in future crises.[2] This process is consistent with the ratchet effect, for it suggests a "stickiness" in anti-terrorism laws that makes it harder to scale back or reverse their provisions. Each new baseline of legal normalcy represents a new launching pad for additional future anti-terrorism measures. There is not universal consensus on whether or not the ratchet effect is real, nor on how powerful it may be. Posner and Vermeule call ratchet effect explanations "methodologically suspect."[3] They note that accounts of the ratchet effect often ring hollow, for they "fail to supply an explanation of such a process…and if there is such a mechanism [to cause the ratchet effect], it is not clear that the resulting ratchet process is bad."[4] I argue that the recent controversy surrounding the NSA's intelligence collection efforts underscores the relevance of the ratchet effect to scholarly discussions of anti-terrorism laws. I do not seek to prove or disprove that the recent NSA surveillance controversy illustrates the ratchet effect at work, nor do I debate the potential strength or weakness of the ratchet effect as an explanation for the staying power or growth of anti-terrorism laws. As Sensenbrenner's recent comments make clear, part of the original intent of the USA PATRIOT Act appears to have been lost in interpretation. It is reasonable to suggest that future anti-terrorism laws may suffer a similar fate. Scholars can therefore benefit from exploring how the USA PATRIOT Act took shape and evolved, and why anti-terrorism laws can be difficult to unwind.

Colorblindness Kritik

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First, the affirmative's reaction to NSA surveillance is a product of white privilege. The abuses they're outraged with aren't exceptions to the rule; they are the rule.

Wise 13 — Timothy J. Wise, anti-racist activist and writer, holds a B.A. in Political Science from Tulane University, 2013 ("Whiteness, NSA Spying and the Irony of Racial Privilege," Tim Wise's blog, June 19th, Available Online at http://www.timwise.org/2013/06/whiteness-nsa-spying-and-the-irony-of-racial-privilege/, Accessed 02-17-2015)

The idea that with this NSA program there has been **some unique blow** struck against democracy, and that now our liberties are in jeopardy is the kind of thing one can **only** believe if one has had the luxury of thinking they were living in such a place, and were in possession of such shiny baubles to begin with. And this is, to be sure, a luxury enjoyed by painfully few folks of color, Muslims in a post-9/11 America, or poor people of any color. For the first, they have long known that their freedom was directly constrained by racial discrimination, in housing, the justice system and the job market; for the second, profiling and suspicion have circumscribed the boundaries of their liberties **unceasingly for the past twelve years**; and for the latter, freedom and democracy have been **mostly an illusion**, limited by economic privation in a class system that affords less opportunity for mobility than fifty years ago, and less than most other nations with which we like to compare ourselves.

In short, when people proclaim a desire to "take back our democracy" from the national security apparatus, or for that matter the plutocrats who have ostensibly hijacked it, they begin from a premise that is entirely **untenable**; namely, that there was **ever** a democracy to take back, and that the hijacking of said utopia has been a recent phenomenon. But **there wasn't** and **it hasn't been**.

Second, their colorblind policy analysis perpetuates racism and inequality.

Wise 10 — Timothy J. Wise, anti-racist activist and writer, holds a B.A. in Political Science from Tulane University, 2010 ("With Friends Like These, Who Needs Glenn Beck? Racism and White Privilege on the Liberal-Left," Tim Wise's blog, August 17th, Available Online at http://www.timwise.org/2010/08/with-friends-like-these-who-needs-glenn-beck-racism-and-white-privilege-on-the-liberal-left/, Accessed 02-17-2015)

Liberal Colorblindness and the Perpetuation of Racism

By "liberal colorblindness" I am referring to a belief that although racial disparities are certainly real and troubling — and although they are indeed the result of discrimination and unequal opportunity — paying less attention to color or race is a progressive and open-minded way to combat those disparities. So, for instance, this is the type of colorblind stance often evinced by teachers, or social workers, or folks who work in non-profit service agencies, or other "helping" professions. Its embodiment is the elementary school teacher who I seem to meet in every town to which I travel who insists "they never even notice color" and make sure to treat everyone exactly

the same, as if this were the height of moral behavior and the ultimate in progressive educational pedagogy.

But in fact, colorblindness is exactly the opposite of what is needed to ensure justice and equity for persons of color. To be blind to color, as Julian Bond has noted, is to be blind to **the consequences** of color, "and especially the consequences of being the wrong color in America." What's more, when teachers and others resolve to ignore color, they not only make it harder to meet the needs of the persons of color with whom they personally interact, they actually help **further racism and racial inequity** by deepening denial that the problem exists, which in turn makes the problem harder to solve. To treat everyone the same — even assuming this were possible — is not progressive, especially when some are contending with barriers and obstacles not faced by others. If some are dealing with structural racism, to treat them the same as white folks who aren't is to fail to meet their needs. The same is true with women and sexism, LGBT folks and heterosexism, working-class folks and the class system, persons with disabilities and ableism, right on down the line. Identity matters. It shapes our experiences. And to not recognize that is to increase the likelihood that **even the well-intended will perpetuate the initial injury**.

Third, their decision to highlight* NSA surveillance *instead of ongoing, ubiquitous violence against people of color perpetuates white supremacy. This outweighs the case.

Wise 13 — Timothy J. Wise, anti-racist activist and writer, holds a B.A. in Political Science from Tulane University, 2013 ("Whiteness, NSA Spying and the Irony of Racial Privilege," Tim Wise's blog, June 19th, Available Online at http://www.timwise.org/2013/06/whiteness-nsa-spying-and-the-irony-of-racial-privilege/, Accessed 02-17-2015)

So yeah, the government is spying on you precious. And now you're pissed?

This is **the irony of privilege**: the fact that some have for so long enjoyed it, in its largely unfettered state, is precisely why some of those those same persons are now so exorcised at the thought of potentially **being treated like everyone else has been, forever**; and it is also why the state was able to get away with it for such an extended period. So long as the only possible targets were racial and religious and class others, shock and outrage could be **kept at a minimum**. And so the apparatus of profiling and monitoring and snooping and data collection and even targeted assassination **grew like mushrooms in the dark**. And deep down, most of the same white folks who are now so unhinged by the mere possibility — and a remote one at that — that they will be treated like those others, knew what was going on.

And they said **little or nothing**. White liberals — with some notable exceptions — mostly clucked their tongues and expressed how unfortunate it was that certain people were being profiled, but they rarely spoke out publicly, or challenged those not-so-random searches at the airport, or dared to challenge cops when they saw them harassing, or even brutalizing the black and brown. **Plenty of other issues were more pressing**. The white conservatives, of course, largely applauded either or both of those.

And now, because they mostly ignored (or even in some cases cheered) the violations of Constitutional rights, so long as the violations fell upon someone other than themselves, they are

being freshly confronted with the surly adolescent version of the infant to which they gave birth, at least indirectly. And they aren't too happy with his insolence.

Yeah, well, tell it to pretty much **every Arab American**, **every Persian American**, **every Afghan American**, everyone with a so-called **Middle Eastern name** walking through an airport in this country for the past decade or more. Tell them how **now** you're outraged by the idea that the government might consider you a potential terrorist.

Tell it to the hundreds of thousands of black men in New York, **stopped and frisked** by the NYPD over the past fifteen years, whose names and information were entered into police databases, even though they had committed no crime, but just as a precautionary measure, in case they ever decided to commit one. Tell them how tight it makes you to be thought of as a potential criminal, evidence be damned.

Tell it to brown folks in Arizona, who worry that the mere color of their skin might provoke a local official, operating on the basis of state law (or a bigoted little toad of a sheriff), to stop them and force them to **prove they belong in the country**. Explain to them how patently offensive and even hurtful it is to you to be presumed unlawful in such a way as to provoke official government suspicion.

Tell it to the veterans of the civil rights struggle whose activities — in the Black Panthers, SNCC, the Young Lords, the Brown Berets, and the American Indian Movement, among others — were **routinely monitored** (and more to the point actively disrupted and ripped apart) by government intelligence agencies and their operatives. Tell them how incredibly steamed you are that your government might find out what websites you surf, or that you placed a phone call last Wednesday to someone, somewhere. Make sure to explain how such activities are **just a step away from outright tyranny** and surely rank up there alongside the murder and imprisonment to which their members were subjected. Indeed.

And then maybe, just maybe, consider how privilege — being on the upside, most of the time, of systems of inequality — can (and has) let you down, even set you up for a fall. How maybe, just maybe, all the apoplexy mustered up over the NSAs latest outrage, might have been conjured **a long time ago**, and over **far greater outrages**, the burdens of which were borne by only certain persons, and not others.

Finally, the alternative is to react with indifference to NSA surveillance. Yes, these abuses are bad. But they're just more of the same in a country that* is not *and* has never been *free for people of color.

Wise 13 — Timothy J. Wise, anti-racist activist and writer, holds a B.A. in Political Science from Tulane University, 2013 ("Whiteness, NSA Spying and the Irony of Racial Privilege," Tim Wise's blog, June 19th, Available Online at http://www.timwise.org/2013/06/whiteness-nsa-spying-and-the-irony-of-racial-privilege/, Accessed 02-17-2015)

It's not that I'm not angry.

It's not that I'm not disturbed, even horrified by the fact that my government thinks it appropriate to spy on people, monitoring their phone calls — to whom we speak and when — among other tactics, all in the supposed service of the national interest.

That any government thinks it legitimate to so closely monitor its people is indicative of the inherent sickness of nation-states, made worse in the modern era, where the power to intrude into the most private aspects of our lives is more possible than ever, thanks to the data-gathering techniques made feasible by technological advance.

That said, I also must admit to a certain **nonchalance** in the face of the recent revelations about the National Security Agency's snooping into phone records, and the dust-up over the leaking of the NSA's program by Ed Snowden. And as I tried to figure out why I wasn't more animated upon hearing the revelations — and, likewise, why so many others were — it struck me. Those who are especially chapped about the program, about the very concept of their government keeping tabs on them — in effect profiling them as potential criminals, as terrorists — are almost entirely those for whom shit like this is new: people who have never before been presumed criminal, up to no good, or worthy of suspicion.

In short, they are mostly white. And male. And middle-class or above. And most assuredly not Muslim.

And although I too am those things, perhaps because I work mostly on issues of racism, white privilege and racial inequity — and because my mentors and teachers have principally been people of color, for whom things like this are distressingly familiar — the latest confirmation that the U.S. is far from the nation we were sold as children is hardly Earth-shattering. After all, it is only those who have had the relative luxury of remaining in a child-like, innocent state with regard to the empire in which they reside who can be driven to such distraction by something that, compared to what lots of folks deal with every day, seems **pretty weak tea**.

As Yasuragi, a blogger over at Daily Kos reminded us last week:

> (This is) the nation that killed protesters at Jackson and Kent State Universities…The nation that executed Fred Hampton in his bed, without so much as a warrant. The nation that still, still, still holds Leonard Peltier in prison. The nation that supported Noriega, the Shah, Trujillo, and **dozens of other fascist monsters** who did nothing but fuck over their own people and their neighbors. The nation of Joseph **McCarthy** and his current-day descendants. The nation that allows **stop-and-frisk**.
>
> Before all that: The nation that enforced **Jim Crow** laws. Before that, the nation that built itself on **slavery** and the slave trade. And before all of that, the nation that nearly succeeded in the **genocide** of this continent's indigenous peoples.
>
> So **why are you** so **surprised** that our government is gathering yottabytes of data on our phone calls?

Let's be clear, it's not that the NSA misdeeds, carried out by the last two administrations, are no big deal. They're completely indefensible, no matter the efforts of the apologists for empire — from the corporate media to President Obama to Dick Cheney — to legitimize them. A free people should not stand for it.

Problem is, we are not a free people and **never have been**, and therein lies the rub.

Afro-Pessimism

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The only ethical demand is one that calls for the end of the world itself – the system of violent antagonisms means solving for contingent violence only reifies white supremacy and the liberal biopolitical state

Wilderson 10, Frank B Wilderson is a professor at UC Irvine, "Red, White, and Black: Cinema and Structure of US Antagonisms," NN

Leaving aside for the moment their state of mind, it would seem that the structure, that is to say the rebar, or better still the grammar of their demands—and, by extension, the grammar of their suffering—was indeed an ethical grammar. Perhaps their grammars are **the only ethical grammars available** to modern politics and modernity writ large, for they draw our attention **not to the way in which space and time are used and abused** by enfranchised and violently powerful interests, **but to the violence that underwrites the modern world's capacity to think, act, and exist spatially and temporally.** The violence that robbed her of her body and him of his land provided the stage upon which other violent and consensual dramas could be enacted. Thus, they would have to be crazy, crazy enough to **call not merely the actions of the world to account but to call the world itself to account**, and to account for them no less! The woman at Columbia was not demanding to be a participant in an unethical network of distribution: she was not demanding a place within capital, a piece of the pie (the demand for her sofa notwithstanding). Rather, she was articulating a triangulation between, on the one hand, the loss of her body, the very dereliction of her corporeal integrity, what Hortense Spillers charts as the transition from being a being to becoming a "being for the captor" (206), the drama of value (the stage upon which surplus value is extracted from labor power through commodity production and sale); and on the other, the corporeal integrity that, once ripped from her body, fortified and extended the corporeal integrity of everyone else on the street. She gave birth to the commodity and to the Human, yet she had neither subjectivity nor a sofa to show for it. In her eyes, the world—and **not its myriad discriminatory practices, but the world itself**—was unethical. And yet, the world passes by her without the slightest inclination to stop and disabuse her of her claim. Instead, it calls her "crazy." And to what does the world attribute the Native American man's insanity? "He's crazy if he thinks he's getting any money out of us"? Surely, that doesn't make him crazy. Rather it is simply an indication that **he does not have a big enough gun.** What are we to make of a world that **responds to the most lucid enunciation of ethics with violence**? What are the foundational questions of the ethico-political? Why are these questions so scandalous that they are rarely posed politically, intellectually, and cinematically—unless they are posed obliquely and unconsciously, as if by accident? Return Turtle Island to the "Savage." Repair the demolished subjectivity of the Slave. Two simple sentences, thirteen simple words, and the structure of U.S. (and perhaps **global) antagonisms would be dismantled.** An "ethical modernity" would no longer sound like an oxymoron. From there we could busy ourselves with **important conflicts that have been promoted to the level of antagonisms: class struggle, gender conflict, immigrants rights.** When pared down to thirteen words and two sentences, one cannot but wonder why questions that **go to the heart of the ethico-political,** questions of political ontology, are so unspeakable in intellectual meditations, political broadsides, and even socially and politically engaged feature films. Clearly they can be spoken, even a child could speak those lines, so they would pose no problem for a scholar, an activist, or a filmmaker. And yet, what is also clear—if the filmographies of socially and politically engaged directors, the archive of progressive scholars, and the plethora of Left-wing broadsides are anything to go by—is that what can so easily be spoken is now (five hundred years and two hundred fifty million Settlers/Masters on) so ubiquitously unspoken that these two simple sentences, these thirteen words not only render their speaker "crazy" but become themselves **impossible to**

imagine. Soon it will be forty years since radical politics, Left-leaning scholarship, and socially engaged feature films began to speak the unspeakable. In the 1960s and early 1970s the questions asked by radical politics and scholarship were not "Should the U.S. be overthrown?" or even "Would it be overthrown?" but rather when and how—and, for some, what—would come in its wake. Those steadfast in their conviction that there remained a discernable quantum of ethics in the U.S. writ large (and here I am speaking of everyone from Martin Luther King, Jr., prior to his 1968 shift, to the Tom Hayden wing of SDS, to the Julian Bond and Marion Barry faction of SNCC, to Bobbie Kennedy Democrats) were accountable, in their rhetorical machinations, to the paradigmatic zeitgeist of the Black Panthers, the American Indian Movement, and the Weather Underground. Radicals and progressives could deride, reject, or chastise armed struggle mercilessly and cavalierly with respect to tactics and the possibility of "success," but they could not dismiss revolution-as-ethic because **they could not make a convincing case**—by way of a paradigmatic analysis—that the U.S. was an ethical formation and still hope to maintain credibility as radicals and progressives. Even Bobby Kennedy (a U.S. attorney general and presidential candidate) mused that the law and its enforcers had no ethical standing in the presence of Blacks.1 One could (and many did) acknowledge America's strength and power. This seldom, however, rose to the level of an ethical assessment, but rather remained an assessment of the so-called "balance of forces." The political discourse of Blacks, and to a lesser extent Indians, circulated too widely to credibly wed the U.S. and ethics. The raw force of COINTELPRO put an end to this trajectory toward a possible hegemony of ethical accountability. Consequently, the power of Blackness and Redness to pose the question—and the power to pose the question is the greatest power of all—**retreated as did White radicals and progressives who "retired" from struggle.** The question's echo lies buried in the graves of young Black Panthers, AIM Warriors, and Black Liberation Army soldiers, or in prison cells where so many of them have been rotting (some in solitary confinement) for ten, twenty, thirty years, and at the **gates of the academy where the "crazies" shout at passers-by**. Gone are not only the young and vibrant voices that **affected a seismic shift on the political landscape**, but also the intellectual protocols of inquiry, and with them a spate of feature films that became authorized, if not by an unabashed revolutionary polemic, then certainly by a **revolutionary zeitgeist**. Is it still possible for a dream of unfettered ethics, **a dream of the Settlement and the Slave estate's destruction**, to manifest itself at the ethical core of cinematic discourse, when this dream is no longer a constituent element of political discourse in the streets nor of intellectual discourse in the academy? The answer is "no" in the sense that, as history has shown, what cannot be articulated as political discourse in the streets is doubly foreclosed upon in screenplays and in scholarly prose; but "yes" in the sense that in even the most taciturn historical moments such as ours, the grammar of Black and Red suffering breaks in on this foreclosure, albeit like the somatic compliance of hysterical symptoms—it registers in both cinema and scholarship as symptoms of awareness of the structural antagonisms. Between 1967 and 1980, we could think cinematically and intellectually of Blackness and Redness as having the coherence of full-blown discourses. But from 1980 to the present, Blackness and Redness manifests only in the rebar of cinematic and intellectual (political) discourse, that is, as unspoken grammars. This grammar can be discerned in the cinematic strategies (lighting, camera angles, image composition, and acoustic strategies/design), even when the script labors for the spectator to imagine **social turmoil through the rubric of conflict** (that is, a rubric of problems that can be posed and conceptually solved) as opposed to the rubric of antagonism (**an irreconcilable struggle between entities**, or positionalities, the resolution of which is not dialectical but entails **the obliteration of one of the positions**). In other words, even when films narrate a story in which Blacks or Indians are beleaguered with problems that the script insists are conceptually coherent (usually having to do with poverty or the absence of "family values"), the non-narrative, or cinematic, strategies of the film often disrupt this coherence by posing the irreconcilable questions of Red and Black political ontology—or non-ontology. The grammar of antagonism **breaks in on the mendacity of conflict**. Semiotics and linguistics teach us that when we speak, our grammar goes unspoken. Our grammar is assumed. It is the structure through which the labor of speech is possible. Likewise, the grammar of

political ethics—the grammar of assumptions regarding the ontology of suffering—which underwrite Film Theory and political discourse (in this book, discourse elaborated in direct relation to radical action), and which underwrite cinematic speech (in this book, Red, White, and Black films from the mid-1960s to the present) is also unspoken. This notwithstanding, film theory, political discourse, and cinema assume an ontological grammar, a structure of suffering. And the structure of suffering which film theory, political discourse, and cinema assume crowds out other structures of suffering, **regardless of the sentiment of the film or the spirit of unity mobilized by the political discourse in question**. To put a finer point on it, structures of ontological suffering stand in antagonistic, rather then conflictual, relation to one another (despite the fact that antagonists themselves may not be aware of the ontological positionality from which they speak). Though this is perhaps the most controversial and out-of-step claim of this book, it is, nonetheless, the foundation of the close reading of feature films and political theory that follows.

Blackness is always already hyper visible – the affirmative misses the point – some bodies will never have the access to anonymity because of the black aesthetic – the affirmative allows for whiteness to remain invisible and renders blackness as an attractor to violence

Yancy 13, George Yancy is a professor of philosophy at McAnulty College who focuses primarily on issues of social justice, "Walking While Black in the 'White Gaze'"
http://opinionator.blogs.nytimes.com/2013/09/01/walking-while-black-in-the-white-gaze/?_r=0**, NN**

My point here is to say that the white gaze is global and historically mobile. And its origins, while from Europe, are deeply seated in the making of America.∂ Black bodies in America continue to be reduced to their surfaces and to stereotypes that are constricting and false, that often force those black bodies to move through social spaces in ways that put white people at ease. We fear that our black bodies incite an accusation. We move in ways that help us to survive the procrustean gazes of white people. We dread that those who see us might feel the irrational fear to stand their ground rather than "finding common ground," a reference that was made by Bernice King as she spoke about the legacy of her father at the steps of the Lincoln Memorial.∂ The white gaze is also hegemonic, historically grounded in material relations of white power: it was deemed disrespectful for a black person to violate the white gaze by looking directly into the eyes of someone white. The white gaze is also ethically solipsistic: within it only whites have the capacity of making valid moral judgments.∂ Even with the unprecedented White House briefing, our national discourse regarding Trayvon Martin and questions of race have failed to produce a critical and historically conscious discourse that sheds light on what it means to be black in an anti-black America. If historical precedent says anything, this failure will only continue. **Trayvon Martin, like so many black boys and men, was under surveillance** (etymologically, "to keep watch"). Little did he know that on Feb. 26, 2012, that he would enter a space of social control and bodily policing, a kind of Benthamian panoptic nightmare that would truncate his being as suspicious; a space where he was, paradoxically, both invisible and yet hypervisible.∂ "**I am invisible, understand, simply because people [in this case white people] refuse to see me." Trayvon was invisible to Zimmerman, he was not seen as the black child that he was, trying to make it back home with Skittles and an iced tea**. **He was not seen as having done nothing wrong, as one who dreams and hopes.∂ As black, Trayvon was already known and rendered invisible.** His childhood and humanity were already criminalized as part of a white racist narrative about black male bodies. **Trayvon needed no introduction: "Look, the black; the criminal!"**

Blackness operates on an ontological register – it is impossible to make blackness acceptable within civil society

Yancy 08, George Yancy is a professor of philosophy at McAnulty College who focuses primarily on issues of social justice, "Black Bodies, White Gazes: The Continuing Significance of Race " https://books.google.com/books?id=VQAfAAAAQBAJ&pg=PA21&lpg=PA21&dq=%22On+the+elevator,+my+Black+body+is+ontologically+mapped,+its+coordinates+lead+to+that+which+is+always+immediately%22&source=bl&ots=11lq3QEyJG&sig=m116eKlVHrBtPWmV9AOYb9v0fZU&hl=en&sa=X&ved=0CCAQ6AEwAGoVChMI7u-OluGUxgIVhz2MCh0F3gf2#v=onepage&q=%22On%20the%20elevator%2C%20my%20Black%20body%20is%20ontologically%20mapped%2C%20its%20coordinates%20lead%20to%20that%20which%20is%20always%20immediately%22&f=false**, NN**

On the elevator, my Black body is ontologically mapped, its cordinates lead to that which is always immediately visible: the Black surface. The point here is that **the Black body in relation to the white gam appears in the form of a sheer exteriority, implying that the Black body "shows up," makes itself known M terms of its Black surface**. There is only the visible, the concrete, the seen, all there, all at once: a single Black thing, =individuated, threatening, ominous, Black. The white woman thinks she takes no part in this construction: she acts the name of the serious... She apparently fails to see how he identity is shot through in terms of how she construe. me. This failure is to be expected given how white privilege renders invisible, indeed, militates against the recognition of various whitely ways of being-in-the-world. Sullivan notes that the 'habits of white privilege do not merely go noticed. They actively thwart the process of conscious reflation on them, which allows them to seem non-existent even as they continue to function..l.

Reform is just reactionary conservatism – their unwillingness to accept that systemic antagonisms cannot be fixed means their project is permeated with whiteness

Haritaworn et al. 14, Haritaworn is an assistant professor of sociology, "Queer Necropolitics," http://www.deanspade.net/wp-content/uploads/2014/05/Necropolitics-Collection-Article-Final.pdf**, NN**

Critical race theorists have supplied the concept of 'preservation through∂ transformation' to describe the neat trick that civil rights law performed in this∂ dynamic (Harris 2007: 1539-1582; Siegel1997: 1111-1148). In the face of∂ significant resistance to conditions of subjection, **law reform tends to provide just∂ enough transfonnation to stabilize and preserve status quo conditions**. In the case∂ of widespread black rebellion against white supremacy in the US, civil rights law∂ and colourblind constitutionalism have operated as formal reforms that masked a∂ pe11wtuation of the status quo of violence against and exploitation of black people.∂ **Explicit exclusionary policies and practices became officially forbidden, yet the∂ disu·ibution of life chances remained the same or worsened with the growing∂ racialized concentration of wealth in the US**, the dismantling of social welfare, and∂ the explosion of criminalization that has developed in the same period as the new∂ logic of race neutrality has declared fairness and justice achieved. Lesbian and gay∂ rights politics' reproduction of the Inythology of anti-discrimination law and the∂ non-stop invocation of'equal rights' frameworks by lesbian and gay rights politics∂ marks an .investment in the legal structures of anti-blackness that have emerged in∂ the wake of Brown. The emergence of the demand for LGBT inclusive hate crime∂ laws and the accomplishment of the Matthew Shepard and james Byrd, Jr. Hate∂ Crimes Prevention Act as a

highly lauded federal legislative 'win' for lesbian and ∂ gay rights offers a particularly blatant site of the anti-blackness central to lesbian∂ and gay rights -literally an investment in the expansion ofcriminalization as a core∂ claim and desire of this purported 'frecdom'. 9 In the context of the foundational∂ nature of slavery in US political formation, it is perhaps not surprising to see a∂ political formation of white 'gay and lesbian Americans' articulate a demand fOr∂ fi-eedom that is contingent on the literal caging of black people.∂ The fantasy that fOrmal legal equality is all that is needed to eliminate∂ homophobia and transphobia is harmfUl not only because it participates in the antiblack∂ US progress narrative that civil rights law reforms resolved anti-blackness in∂ the US (thus any remaining suffering or disparity is solely an issue of 'personal∂ responsibility'), 1IJ but also because it constructs an agenda that is harmful to black∂ queer and trans people and other queer and trans people experiencing violent∂ systems mobilized by anti-blackness. Formal marriage rights will not help poor∂ people, people vvhose kids will be stolen by a racially targeted child welfire system∂ regardless of whether or not they can get married, people who do not have∂ immigration status or health benefits to share with a spouse if they had one, people∂ who have no property to pass on to their partners, or people who have no need to∂ be shielded from estate tax. In fact, the current wave of same-sex marriage advocacy∂ emerges at the same rime as another pro-marriage trend, the push by the right wing∂ to reverse feminist wins that had made marriage easier to get out of and the Bushera∂ development of marriage promotion programmes (continued by Obama)∂ targeted at women on welfare (Adams and Coltrane 2007: 17-34; Alternatives to∂ l\!larriage Project 2007; Coltrane and Adams 2003: 363-372; Feld, Rosier and∂ Manning 2002: 173-183; Pear and Kirkpatrick 2007; Rector and Pardue 2004).∂ The explicitly anti-black focus of the attacks on welfare and the mobilization of∂ racialized-genclered images to do this go hand in hand with the pro-marriage gay∂ rights frame that similarly invests in notions of 'personal responsibility', and∂ racializecl--gendered family formation norm enforcement. The articulation of a∂ desire for legal inclusion in the explicitly anti-black, anti-poor governance regime∂ of marriage, and the centralization of marriage rights as the most resourced equality∂ claim of gay and lesbian rights politics, affirms its alliance with anti-blackness.∂ It is easy to imagine other queer political interventions that would take a∂ different approach to concerns about parental rights, child custody and other∂ family law problems. Such approaches centre the experiences of queers facing the∂ worst violence of family law, those whose problems -will not be resolved by samesex∂ marriage - parents in prison, parents facing deportation, parents with∂ disabilities, youth in foster care and juvenile punishment systems, parents whose∂ children have been removed because of 'neglect' clue to their poverty. The choice∂ of seeking marriage rights, like the choice to pursue hate crime laws rather than∂ decriminalization, the choice to pursue the Uniting American Families Act 11∂ rather than opposing immigration enforcement and the war on terror, the choice∂ to pursue military service rather than demilitarization, is a choice to pursue a place∂ fOr white gay and lesbian people in constitutively anti-black legal structures.

Racial equality under the law is not only impossible but the attempts to re-create and shift the puzzle pieces of civil society mean slavery is reinvented in different ways

Woan 11, Master of Arts in Philosophy, Politics, and Law in the Graduate School of Binghamton University, “The value of resistance in a permanently white, civil society,” http://gradworks.umi.com/14/96/1496586.html NN

Stokely Carmichael and Charles V. Hamilton, in then influential Black Power, describe reformist strategies as "playing ball" with the white man. They argue that reform plays the white man's

game in order to gain rights, i.e. appeal to a white supremacist government that is the precise agent responsible for the original harms they are seeking to alleviate.9 While this may very well result in the granting of new rights previously denied, it maintains a hierarchical system between whites and nonwhites, since the latter will have to continue to appeal to the former to ask for rights they never should have been denied in the first place. This places the former in a position of power to accept or deny such requests. Thus, in Carmichael and Hamilton's view, attempting to resist white supremacy by working within white supremacist institutions maintains a dangerous system of power relations that lock in place the hierarchy between whites and nonwhites. / It is unfortunate enough that members of minority groups face public and private racial discrimination. It is worse, however, to place the burden of combating this discrimination on them. What Carmichael and Hamilton aptly point out is that the hierarchy between races mentioned above is what is responsible for this undue burden. There is not only the constant physical struggle of protesting, writing letters, and being dragged through litigation that can often get expensive, but there is the psychological struggle as well. Why am I not worthy of equal protection under the law? Why is it that others do not even notice the disparate impact of the law? Or, even worse, why is it that those who do notice, seem to not care? / What inevitably comes with these types of reformist strategies is an emotional struggle, namely, an inferiority complex that makes the victimized individual stop and wonder — who put the white man in charge of my body? **Appeals to the federal government to repeal discriminatory acts that deny minorities rights becomes analogous to asking whites to eliminate such policies and to allow others access to the same rights they enjoy every day**. The racial state becomes in charge of what nonwhites can and cannot do, and when nonwhites continue to go to whites asking them to pass certain policies, nonwhites further legitimate this system of power relations. It is difficult to see how true equality can be achieved wider such a system. / B. Missing the Root Cause: The Racial State / Omi and Winant further support this claim and explain that **it is not merely individual policies passed by the United States federal government that are racist, but that racial oppression is a structure of the government itself.**10 They describe this structure as the "racial state" to show that the state does not merely support racism, but rather, it supports the concept of race itself. As will be discussed later in this paper, Omi and Winant explain how the state is the agent that has defined race, and that this definition has evolved over time, to maintain the concept of race and support racism. / Given the existence of the racial state, Omi and Winant critique reformist strategies as falling short of achieving normative goals of eliminating racism since the reforms merely get re-equilibriated. A look at the history of racial victories in the United States further supports this critique. Racial victories for one minority were often made possible only with the entrapment of another racial minority. For example, while many celebrate the racial victory of the 1954 Brown v. Board decision, many fail to see this happened the same year as Operation Wetback, which shifted the racial discrimination to a different population, removing close to one million illegal immigrants, mostly Mexicans, from the United States.11 Moreover, soon after the ratification of the Fourteenth and Fifteenth Amendments granting citizenship and suffrage to Blacks. Congress chose to deny citizenship to Chinese immigrants.12 In 1941, shortly after the establishment of the Committee on Fair Employment Practices permitted Blacks into defense industries, Japanese Americans were taken from their homes and sent off to internment camps. Pei-te Lien argues that **all of these "coincidences" support critiques of reformist strategies that merely target individual policies, since without challenging the racial state as a whole, even the elimination of these individual policies will fail to eliminate racism, as they will simply replicate themselves or shift elsewhere and target racial minorities in different ways.1**4 / C. Separatist Movements / This helps to explain why political activists began adopting

other more revolutionary strategies. Contrary to Martin Luther King Jr. and many of his followers during the Civil Rights Movement, the Black Power Movement emerged and began advocating for more separatist strategies that rejected making reformist appeals to the United States federal government. In his speech "The Ballot or the Bullet," Malcolm X argued: / When you take your case to Washington D.C., you're taking it to the criminal who's responsible: it's like miming from the wolf to the fox. They're all in cahoots together. They all work political chicanery and make you look like a chump before the eyes of the world. Here you are walking around in America, getting ready to be drafted and sent abroad, like a tin soldier, and when you get over there, people ask you what you are fighting for, and you have to stick your tongue in your cheek. No, take Uncle Sam to court, take him before the world. / Critics of reformist strategies, such as Malcolm X, understood the **United States as being inherently racial and thus incapable of reform.** They use the "coincidences" listed above as evidence to support this claim. They view the United States federal government as a racial state that will merely continue to define race in new and more modernized ways, ensuring the permanence of racism with the passage of new policies supporting these definitions. This is why they believe reformists are wrong to attack individual policies, rather than the racial state itself. / For example, the legal enforcement of a racially discriminatory housing covenant may have been justified due to a racist belief that members of the minority race restricted from acquiring title within that neighborhood is inferior to the Caucasian race. More specifically, one might support said covenant because one believes the inferiority of that minority race and the potential they might become your neighbor will result in a decrease in the fair market value of your property. After vigorous ongoing protests from civil rights activists, that particular law enforcing those covenants might get repealed. However, the reason for the repeal of that law might arise not from an ethical epiphany, but rather an economic rationale in which the homeowner is shown his property value will remain unaffected, or perhaps even increase. Thus, that particular act may get repealed, but the policymakers responsible for its original draft will still be in power, and will maintain the same beliefs that motivated that piece of legislation in the first place. Because there has been no ethical realization of the injustice in their conduct, the chances remain high that they will construct new, apparently different but equally discriminatory policies that will force activists to join forces once again and continue the same fight. / This is why it is not the individual policies, but the government itself that is the "preeminent site of racial conflict."17 Omi and Winant's proposal of the "racial state" views the government as "inherently racial," meaning it does not simply intervene in racial conflicts, but it is the locus of racial conflict.18 In addition to structuring conceptions of race, the government in the United States is in and of itself racially structured.19 State policies govern racial politics, heavily influencing the public on how race should be viewed. The ways in which it does so changes over time, often taking on a more invisible nature. For example, Omi and Winant describe the racial state as treating race in different ways throughout different periods of time, first as a biologically based essence, and then as an ideology, etc. These policies are followed by racial remedies offered by government institutions, in response to political pressures and in accordance to these different treatments of race, varying in degree depending on the magnitude of the threats those pressures pose to the order of society. Notable achievements during the Civil Rights Movement have served as a double-edged sword. While the reformist strategies utilized during that period helped make certain advances possible, it also drove other more overt expressions of racism underground. These more invisible instantiations of racial injustice are far more difficult to identify than its previously more explicit forms. Praising these victories risks giving off the illusion that the fight is over and that racism is a description of the past. / For example, the ratification of the Fifteenth Amendment gave off the illusion that all citizens

thereafter had equal access to the right to vote. Those who supported its ratification now felt entitled to the moral credentials necessary to legitimize their ability to express racially prejudiced attitudes.21 For example, voter turnout today remains relatively low for Asian-Americans, and many blame this on cultural differences between Asians and Americans.22 Asian-Americans are labeled as apathetic in the political community and they themselves have been attributed the blame for relatively low representation of Asian-Americans in the government today.23 This however, ignores the way in which other more invisible practices serve to obstruct Asian-Americans from being able to exercise their right to vote. / Research by the United States Election Assistance Commission by the Eagleton Institute of Politics at Rutgers University, for example, indicates that restrictive voter identification requirements have effectively served to disenfranchise Asian Pacific Islanders (APIs) from voting.24 In the 2004 election, researchers found APIs in states where voters were required to present proper identification at the polls were 8.5% less likely to vote.25 This study confirmed that voter ID requirements prevented a large number of APIs from voting.26 / Voter suppression tactics also play a large role in the disenfranchisement of APIs. According to a Voter Intimidation and Vote Suppression briefing paper by Demos, a national public policy center, an estimated 50 Asian Americans were selectively challenged at the polls in Alabama during August of 2004, as being ineligible to vote due to insufficient English-speaking skills.27 Many states have allowed this selective challenging of voters to take place at the polls, resulting in a feeling of fear, intimidation, and embarrassment among APIs, driving them away from the polls. / The danger in treasuring monumental victories such as the ratification of the Fifteenth Amendment becomes apparent when people interpret this ratification as an indication that voting discrimination is no longer a problem, and that if the voter turnout of Asian-Americans is consistently low, it must be because they are politically apathetic or disinterested in American ideals. Because they originally supported the ratification of the amendment, whites can now feel as if they have the moral credentials to make conclusions such as the cultural differences rationale. The same can be seen after courts ordered the desegregation of public schools and after affirmative action programs became more widespread. People began assuming African-Americans now had an equal opportunity for education and that if they did not succeed, it must be a reflection of their intelligence or work-ethic, failing to see the ways the problem has not been solved, but rather disguised itself in other costumes, such as tracking programs in schools or teachers who view their presence as merely "affirmative action babies" and expect them to fail. / One might ask, then, why can we not change the racial state one policy at a time? Perhaps one could first work to gain the right to vote, and then move on to combat discriminatory identification requirements and political scare tactics. It would not seem entirely implausible to assume that the success of individual piecemeal reforms within the government could eventually result in a transformation of the institution itself. However, simply eliminating discriminatory policies is insufficient for an overhaul of a racial institution. / Understanding the motivating reasons for the elimination of individual racist policies is a critical factor in determining the success of a movement. While one justification for passing the Fifteenth Amendment might consist of arguments in favor of equality and exposing racial injustice, another justification might involve maintaining order and minimizing disruption, which is important to the federal government and its ability to run smoothly. Thus, the government often seeks out ways to normalize society through eliminating disruptions to preserve order. When those being denied certain rights grow significantly discontent, they rebel and become disruptions to the functioning of white, civil society. This can take the form of civil disobedience, such as protests, peaceful demonstrations, petitions, letters to the government, etc., or more revolutionary measures, such as damaging government offices or violently harassing officials to acknowledge

the injustices and change policy. / All of these measures, however peaceful or violent, disrupt society. A town cannot run smoothly if protesters are filling up the streets or blocking frequently-used road paths, and most certainly cannot run smoothly if town halls are being lit on fire. Thus, in order to return to the desired homeostasis, those in power may often compromise and offer to rectify the situation at hand by granting rights to individuals through changes in legislation in order to appease them and "eliminate" the disruption (the protests, demonstrations, etc.). The lack of effort made towards protecting these rights bolsters Bell's argument that these reforms serve more of a symbolic value rather than functional. If still operating under the racial state, these piecemeal reforms will fail to solve the original racial injustices in the long term, as they will only succeed in establishing a new unstable equilibrium, only to be followed with the replication of new racial problems.28 These new problems will once again create resentment, generate protest, and the cycle will begin to replicate itself, ensuring the permanence of racism. Omi and Winant term this cycle of continuous disruption and restoration of order as the trajectory of racial politics.29 This trajectory supports the treatment of racism as inevitable since even if the racial state mitigates racial disruption over a particular policy and "restores order," another policy based off a new definition of race will emerge triggering another racial disruption, continuing this cycle of racial politics

The only option for the slave is to reclaim its own death through self-destruction – the black must become the suicide bomber of civil society and use itself as a weapon to break down white structures – it is the most powerful form of necropower to remain incoherent to the liberal interpretations of the sovereign

Sexton 10, Jared Sexton, professor at UC Irvine, "People-of-Color-Blindness: Notes on the Afterlife of Slavery" NN

The final object of contemplation in Mbembe's rewriting of Agam- ben's rewriting of Foucault's biopolitics is the fin de siècle figure of resis- tance to the colonial occupation of Palestine: the (presumptively male) suicide bomber. The slave, "able to demonstrate the protean capabilities of the human bond through music and the very body that was supposedly possessed by another," is thus contrasted subtly with the colonized native, whose "body is transformed into a weapon, not in a metaphorical sense but in a truly ballistic sense" — a cultural politics in lieu of an armed struggle in which "to large extent, resistance and self-destruction are synonymous."35 Resistance to slavery in this account is self-preservative and forged by way of a demonstration of the capabilities of the human bond, whereas resis- tance to colonial occupation is self-destructive and consists in a demonstra- tion of the failure of the human bond, the limits of its protean capabilities. One could object, in an empiricist vein, that the slave too resists in ways that are quite nearly as self-destructive as an improvised explosive device and that the colonial subject too resists through the creation and perfor- mance of music and the stylization of the body, but that would be to miss the symptomatic value of Mbembe's theorization.¶ Mbembe describes suicide bombing as being organized by "two apparently irreconcilable logics," "the logic of martyrdom and the logic of survival," and it is the express purpose of the rubric of necropolitics to meditate upon this unlikely logical convergence.36 However, there is a discrepancy at the heart of the enterprise. Rightly so, the theorization of necropolitics as a friendly critique of Agamben's notion

of bare life involves an excursus on certain "repressed topographies of cruelty," including, first of all, slavery, in which "the lines between resistance and suicide, sacri- fice and redemption, martyrdom and freedom become blurred."37 **Yet, as noted, the logic of resistance-as-suicide-as-sacrifice-as-martyrdom is for Mbembe epitomized by the presumptively male suicide bomber at war with colonial occupation, "the most accomplished form of necropower**" in the contemporary world, rather than Hartman's resistant female slave, Celia, engaged in close-quarters combat with the sexual economy of slave society,¶ "the emblematic and paradoxical figure of the state of exception."38 Why the unannounced transposition? Because the restricted notion of homo sacer — alongside the related notions of bare life and the state of exception— is being used in confusion to account for the effects of the biopolitics of race too generally. The homo sacer, "divested of political status and reduced to bare life," is distinguished not by her vulnerability to a specific form or degree of state-sanctioned violence but by her social proscription from the honor of sacrifice.39 The homo sacer is banned from the witness-bearing function of martyrdom (from the ancient Greek martys, "witness"). Her suffering is therefore imperceptible or illegible as a rule. It is against the law to recognize her sovereignty or self-possession.

Narcissism Kritik

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Social media nurtures narcissistic self-inflation – the plan intensifies narcissistic capabilities

Buffardi and Campbell '08 [Laura and Keith, psychology professors at the University of Georgia, "Narcissism and Social Networking Web Sites", Personality and Social Psychology Bulletin, 6/3/2008, http://www.swaraunib.com/indra/Sistem%20informasi/TPB/Narcissism%20and%20Social.pdf // date accessed 6/26/15 K.K]

Narcissism refers to a personality trait reflecting a grandiose and inflated self-concept. Specifically, narcissism is associated with positive and inflated self-views of agentic traits like intelligence, power, and physical attractiveness (Brown & Zeigler-Hill, 2004; Campbell, Rudich, & Sedikides, 2002; Gabriel, Critelli, & Ee, 1994; John & Robins, 1994) as well as a pervasive sense of uniqueness (Emmons, 1984) and entitlement (Campbell, Bonacci, & Shelton, 2004).2 From a basic trait perspective, narcissism is associated with a high degree of extraversion/agency and a low level of agreeableness or communion (e.g., Miller & Campbell, 2008; Paulhus & Williams, 2002). A similar high agency pattern (and negative but typically small/nonsignificant correlations with communion) is also found in narcissists' explicit self-conceptions (Campbell, Foster, & Finkel, 2002), implicit self-conceptions (Campbell, Bosson, Goheen, Lakey, & Kernis, 2007), and implicit motives (Carroll, 1987). Central to most theoretical models of narcissism in social-personality psychology is the use of social relationships in part to regulate self-esteem, self-concept positivity, or narcissistic esteem (Campbell, 1999; Campbell, Brunell, & Finkel, 2006; Morf & Rhodewalt, 2001; Raskin, Novacek, & Hogan, 1991). Narcissists do not focus on interpersonal intimacy, warmth, or other positive long-term relational outcomes, but they are very

skilled at both initiating relationships and using relationships to look popular, successful, and high in status in the short term. Narcissists participate in this dynamic "self-construction" (Morf & Rhodewalt, 2001) via relationships to constantly affirm[s] their narcissistic esteem. It has been suggested that this process is due, at least partially, to narcissists' dispositional impulsivity (Vazire & Funder, 2006). How does this narcissistic self-regulation or self-construction (we use these terms largely interchangeably) operate in the context of interpersonal relationships more specifically? First, narcissism is linked positively with relationship formation. For example, narcissism is associated with being (a) liked in initial interactions (Oltmanns, Friedman, Fiedler, & Turkheimer, 2004; Paulhus, 1998), (b) perceived as a leader (Brunell, Gentry, Campbell, & Kuhnert, 2006), (c) perceived as exciting (Foster, Shrira, & Campbell, 2003), (d) socially confident (Brunell, Campbell, Smith, & Krusemark, 2004), (e) entertaining (Paulhus, 1998), and (f) able to obtain sexual partners (Foster, Shrira, & Campbell, 2006). Second, narcissism is associated negatively with seeking out or creating long-term relationships that have qualities of closeness, empathy, or emotional warmth (Brunell et al., 2004; Campbell, 1999; Campbell & Foster, 2002). Third, narcissism is associated with using relationships as an opportunity or forum for self enhancement. For example, narcissists brag and show off (Buss & Chiodo, 1991), perform well when there is an opportunity for public glory (Wallace & Baumeister, 2002), and seek attractive, high-status, "trophy" romantic partners (Campbell, 1999). Others in relationships with narcissistic individuals, however, often suffer in the longer term as narcissism is linked to aggressiveness (Bushman & Baumeister, 1998), psychological control (Campbell, Foster, et al., 2002), game playing and infidelity (Campbell, Foster, et al., 2002; Le, 2005; Schmitt & Buss, 2001), and lower levels of commitment (Campbell & Foster, 2002). Indeed, longitudinal research on relationships has found that the initial likeability associated with narcissism fades and is even reversed in the longer term (Paulhus, 1998). Similarly, longitudinal research in clinical settings has found a significant long-term consequence of narcissism is the suffering of close others (Miller, Campbell, & Pilkonis, 2007). How might narcissism operate in a social networking Web site? These online communities may be an especially fertile ground for narcissists to self-regulate via social connections for two reasons. First, narcissists function well in the context of shallow (as opposed to emotionally deep and committed) relationships. Social networking Web sites are built on the base of superficial "friendships" with many individuals and "sound-byte" driven communication between friends (i.e., wallposts). Certainly, individuals use social networking sites to maintain deeper relationships as well, but often the real draw is the ability to maintain large numbers of relationships (e.g., many users have hundreds or even thousands of "friends"). Second, social networking Web pages are highly controlled environments (Vazire & Gosling, 2004). Owners have complete power over self-presentation on Web pages, unlike most other social contexts. In particular, one can use personal Web pages to select attractive photographs of oneself or write self-descriptions that are self-promoting. Past research shows that narcissists, for example, are boastful and eager to talk about themselves (Buss & Chiodo, 1991), gain esteem from public glory (Wallace & Baumeister, 2002), are prevalent on reality television (Young & Pinsky, 2006), and enjoy looking at themselves on videotape and in the mirror (Robins & John, 1997). Personal Web pages should present a similar opportunity for self-promotion. In sum, given the behaviors of narcissists in offline relationship contexts, we expect that they will take advantage of the new virtual arena for pursuing a similar self-regulatory agenda. This will include relatively high levels of relationship formation, self-promoting images of oneself, and an overall agentic (rather than communal) self-presentation

Narcissim is fundamentally antihumanistic – it creates the possibility for domination and when applied to foreign policy, nuclear war

Merton 65 [Thomas Merton, Card cut from the 2002 re-published version, Graduate of Columbia University, Zen Buddhist, "Love and Living", https://books.google.com/books?id=uHzsRR3OID4C&pg=PT168&lpg=PT168&dq=%22narcissism%22+AND+%22nuclear+war%22&source=bl&ots=co3kHrdfmY&sig=5heCqgYA1Xeczg5SWeXMYYvjRc4&hl=en&sa=X&ei=bNGRVbLWIcvj-QGFqoHYCA&ved=0CCcQ6AEwAg#v=onepage&q&f=false, ZS]

The key problem of humanism is the problem of that authentic love which unites man to man not simply in a symbiotic and semiconscious relationship but as person to person in the authentic freedom of a mutual gift. Here we come[s] to the question of narcissism, which is closely related to, in fact inseparable from, alienation. Alienated man is also narcissistic, because his love is regressive, undeveloped, infantile. It would be interesting here to examine the possible analogies between this modem psychological concept and the traditional Christian idea of sin, particularly original sin. They have much in common. The narcissistic personality is centered on the affirmation of itself and its own limited needs and desires. It sees other things and persons as real only insofar as they can be related to these selfish desires. Psychology and anthropology today teach us that primitive forms of religion, particularly those which make considerable use of magic rites, tend to be associated with narcissistic thinking. But we must not place all the blame only on primitive people. Narcissism remains a problem of enormous magnitude, especially in our highly developed modem technological culture, which abounds in its own hidden forms of magic thinking, superstition, ritualism. Our sophisticated modem culture has its taboos, its obsessions, and all that goes into the formation of the neuroses, individual and collective, which so often take the place of formal religion in the minds of men. Erich Fromm even goes so far as to say that much of modem society and its attitudes can be summed up as highly organized narcissism. This fascination with the self as a central and sole reality to be satisfied and catered to in everything is at the root of all idolatrous forms of religion. Narcissism spontaneously projects itself onto an idol from which the satisfaction of its desires is thought to be obtained by magic, by cajoling, by manipulation, or by ruse. The characteristic syndrome of narcissistic thought ends in this immersion in magic and quasi-omnipotent contemplation of the idol, which is the projection of a selfish and infantile need for love or power. Though narcissism can be efficiently employed in building up the immense power structures of industrial and military states, **it is essentially antihumanistic**. **Narcissism is hostile to the true development of man's capacity to love.** Narcissism **alienates man and his society in a slavery to things—money, machines, commodities, luxuries, fashions, and pseudoculture.** The idolatrous mentality of narcissism produces a fake humanism which cynically deifies man in order to cheat him of his human fulfillment and enslave him to the "rat race" for riches, pleasure, and power. Erich Fromm has pointed out the deadly alliance between the narcissistic mentality of mass-man and the destructive tendencies of a society that grows rich on the prospect of **nuclear war.**

The alternative embraces N.S.A surveillance as a means to deconstruct anonymity – policing of social media removes the drive for narcissistic tendencies

Rubenfeld 14 (Jed Rubenfeld is a professor of constitutional law at Yale Law School and co-author of the forthcoming book "The Triple Package.", "Privacy vs. anonymity in the NSA

debate", http://www.dallasnews.com/opinion/sunday-commentary/20140117-privacy-vs.-anonymity-in-the-nsa-debate.ece, ZS)

In the world of data gathering, the key concept for setting limits on government surveillance is privacy. But in the world of data mining, the key is anonymity. Anonymity is very different from privacy. Walking the streets, you're not in private, but you may be anonymous if no one recognizes you. If you go into a store and pay cash for a book, what you're doing isn't private, but, again, you may be anonymous, and that anonymity might be very important to you. When people post material on a freely accessible website, their postings are public, not private — but they may well be anonymous. In such contexts, the question is not whether privacy should be honored but whether anonymity should be protected. Anonymity can in some circumstances be a great freedom, worthy of protection. In others, it can encourage vicious behavior and enable crime. Solving the riddle of anonymity is the central question of the brave new digital world, even if our courts haven't quite yet caught on. When the government engages in data mining, anonymity deserves protection. Consider telephone metadata — the dates, times and numbers of phone calls. Is that information "private"? Thirty-five years ago, in Smith vs. Maryland, the Supreme Court said no. All that information is already turned over to and collected by phone companies. Hence the government can capture metadata without any constitutional restrictions — with no warrant, no probable cause, not even reasonable suspicion. Smith makes intuitive sense to many people. Your metadata is not nearly as personal as your communication content — what you say on the phone or what is said to you. Moreover, even the most personal information is no longer private if exposed enough to others. If you take your laundry to dry cleaners, you can't complain when they report what they see to the government (which is what phone companies are doing when they turn over your metadata to the NSA). Under Smith, William Pauley, the federal judge who found in December that the NSA metadata program did not violate privacy rights, was absolutely right. But Richard Leon, the federal judge who ruled against the NSA program last month, was also right. Leon saw that there was something wrong in the NSA program apart from whether metadata is private. Given the way cellphones are used today, Leon concluded, metadata can be mined to produce a live-streaming digital portrait of an individual's entire life. "Records that once would have revealed a few scattered tiles of information about a person," he wrote, "now reveal an entire mosaic — a vibrant and constantly updating picture of the person's life." For example, well-mined metadata could reveal a "wealth of detail" about a person's "familial, political, professional, religious and sexual associations." This is an anonymity problem: The NSA cannot create a dossier on you from your metadata unless it knows that you made the calls the agency is looking at. The privacy question is all about data gathering: Should the NSA have access to nationwide metadata? The right answer to that question is yes. But identities should be hidden. Suppose the NSA had access to all the metadata of every call a certain person made over the past five years — but didn't know who that person was. Instead, the NSA knew only that individual "H4QQ9F" made the calls in question. In that world, there's no Orwellian surveillance. But suppose that individual H4QQ9F made a call to a known al-Qaeda safe house in Yemen. Then the NSA should be permitted to pierce the veil of anonymity and find out who H4QQ9F is. Privacy was key when the question was whether, or how much of, our private lives could be monitored or recorded. That train has left the station. Today, most of us allow a great deal of our lives to be monitored and recorded — whenever we use a search engine, for example, or buy something online. Even the content of our private communications, such as emails and chats, is now routinely exposed to and stored by people at Facebook or Google. The key question isn't how to keep information about us from getting out into the world; it's how that information can

be used. The word "privacy" doesn't appear in the Constitution. Privacy jurisprudence was a creation of the 20th century. Today, we need a new jurisprudence of anonymity. We need laws and technologies that can break through anonymity when people commit crimes or torts online. But we also need laws and technologies that will protect anonymity when government engages in 21st-century data mining.

Framework

The role of the ballot is to evaluate the most in round ethical advocacy this is paramount for debate- First is fairness- It's key to neg ground and flex, as well as checks back aff side bias such as first and last speech and picks the focus of the debate. Second is education- Omitting the implications of the affirmative opens the floodgates to recreate the flawed policy. There is no high school equivalent of k education, which means default to education over fairness impacts

2nc Ext: Impact

Pathological narcissism collapses dignity and crisis

Giroux '12 [Henry Giroux currently holds the Global TV Network Chair Professorship at McMaster University in the English and Cultural Studies Department. "Disposable Youth, Racialized Memories, and the Culture of Cruelty", Taylor and Francis, 2012, K.K]

As public life is commercialized, commodified, and policed, the pathology of individual entitlement and narcissism erodes those public spaces in which the conditions for conscience, decency, self-respect, and dignity take root. The crisis of youth is symptomatic of the current crisis of democracy, and as such it hails us as much for the threat that it poses as for the challenges and possibilities it invokes. We need to liberate the discourse and spaces of freedom from the plague of consumer narcissism and casino capitalism. We need to engage the struggle to restore and build those public spaces where democratic ideals, visions, and social relations can be nurtured and developed as part of a genuinely meaningful education and politics. The time has come to take seriously the words of the great abolitionist Frederick Douglass, who bravely argued that freedom is an empty abstraction if people fail to act. Douglass insisted that "If there is no struggle there is no progress. Those who profess to favor freedom and yet depreciate agitation, are men [and women] who want crops without plowing up the ground, they want rain without thunder and lightning. They want the ocean without the awful roar of its many waters" (Douglass 1985: 204). The deteriorating state of American youth, especially poor white and minority youth, may be the most serious challenge the United States will face in the 21st century. It is a struggle that demands a new understanding of politics, one that is infused not only with the language of critique, but also with the discourse of possibility. It is a struggle that requires us to think beyond

the given, imagine the unimaginable, and combine the lofty ideals of democracy with a willingness to fight for its realization. But this is not a fight we can win through individual struggles or isolated political movements. It demands new modes of solidarity, new political organizations, and a powerful, expansive social movement capable of uniting diverse political interests and groups. It is a struggle that is as educational as it is political, one that must build upon self-awareness as well as historical consciousness. At the present moment, it is a struggle whose call for reflection and action is as necessary as it is urgent. Those of us who believe in justice and human rights need to liberate the discourse and spaces of freedom from the plagues of militarism and consumer narcissism and struggle to build those public spaces where democratic ideals, visions, and social relations can be nurtured and developed as part of a genuinely meaningful education and politics—we need along with young people to build those spaces, social relations, and institutions that give meaning to both the promise of democracy and a future in which young people matter.

Narcissistic self-promotion necessitates self-annihilation and *sustains Privacy Fatigue – turns the internal link*

Buffardi and Campbell '08 [Laura and Keith, psychology professors at the University of Georgia, "Narcissism and Social Networking Web Sites", Personality and Social Psychology Bulletin, 6/3/2008, http://www.swaraunib.com/indra/Sistem%20informasi/TPB/Narcissism%20and%20Social.pdf // date accessed 6/26/15 K.K]

This research has several implications both for narcissism and for Web page–mediated social interaction. First, the expression of narcissism on social networking Web sites is very similar to its expression in other social domains. Narcissism is related to a higher number of social relationships, self-promoting self-presentation, and the perception of having a large number of agentic characteristics. Only two differences were found between narcissism in the "real world" and in online communities. The narcissists' quotes were judged to be less entertaining than those of non narcissists. This contrasts with the general finding that narcissists are entertaining at first meeting (e.g., Paulhus, 1998). We would like to point out that our incongruent finding, however, is not sufficient to suggest that narcissists' ability to entertain others in social contexts is subdued online. Rather, it is possible that narcissists' quotes are actually quite entertaining to peers who know their context but not to our RA coders who were not acquainted with the profile owners personally. Based on our findings, it is also plausible that the extent to which the narcissists' quotes and other aspects of their profiles were viewed as selfpromoting directly interfered with the quotes' entertainment and cleverness. Therefore, additional research in which the entertainment value of narcissists' full profile, rather than just the quotes section, is necessary to determine whether narcissists are less entertaining in online contexts than in face-to-face ones. In addition, the narcissists were judged to be more attractive based on their photos than the non narcissists. This differs from past research that has found no differences in attractiveness between narcissists and nonnarcissists (Gabriel et al., 1994). Why this disparity? One possible explanation is that narcissists' self-enhancing biases might lead them to consider more attractive pictures of themselves to be more accurate representations of their true likenesses. We would also speculate, however, that the narcissists appear to be attractive on Facebook because they are strategically posting pictures that make them appear sexy and attractive; this was not an option in Gabriel and

colleagues' (1994) study. Second, unacquainted raters are able to judge Web page owners' narcissism with some level of accuracy. This finding is consistent with those concerning the accuracy of Big Five personality perception based on viewing Web pages (Marcus et al., 2006; Vazire & Gosling, 2004) in that Web page viewers can make reasonable estimates of personality from Web pages. More broadly, the correlation between self-reported narcissism and strangers' impressions of narcissism also suggests that at least on Facebook, less narcissistic participants do not seem to be using the Internet as a channel for self-promotion. That is, more modest, less self-centered individuals in real life do not appear to be self-promoting to the degree that narcissists are on the Web. Third, our results indicate that, as in past Big Five research (Marcus et al., 2006), viewers use Web page content to form impressions of the Web page owner's level of narcissism. We found that the quantity of social interaction and main photo in particular played a significant role in this process. Conversely, the raters seemed to have omitted other Facebook features that related to NPI scores, including self-promoting information about the self, self-promoting quotes, less entertaining quotes, main photo sexiness, and fun pictures, in their impression formation. Finally, narcissistic impression ratings related (falsely) to three profile characteristics that did not correlate with owners' narcissistic personality, namely, quantity of information listed about the self, self-promoting pictures, and provocative pictures. This pattern in raters' errors of omission and commission preliminarily suggests that individuals who have experience with social networking Web sites, as presumably our raters did, may have developed a system or script (Schank & Abelson, 1977) for viewing such Web pages and efficiently gleaning important information for the context of a social networking community. It is understandable, if this is the case, that an individual's social capital (how popular and socially active they are quantifiably) and attractiveness, which both can be determined quickly, play[s] an important role in impression formation, as our results suggest. In contrast, the somewhat more difficult to decipher written information, such as that in the About Me and Quotes sections, may be secondary.

Special Needs Michigan 7

Net Delusion K

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Cyber utopianism strengthens authoritarians and fails to address the negatives of the internet- results in tainted policy making

Morozov 2011 (Evgeny [visiting scholar at Stanford University and a Schwartz fellow at the New America Foundation]; The Net Delusion; p 26-8; kdf)

Most disturbingly, a dangerous self-negating prophecy is at work here: The more Western policymakers talk up the threat that bloggers pose to authoritarian regimes, the more likely those regimes are to limit the maneuver space where those bloggers operate. In some countries, such politicization may be for the better, as blogging would take on a more explicit political role, with bloggers enjoying the status of journalists or human rights defenders. But in many other countries such politicization may only stifle the nascent Internet movement, which could have been be far more successful if its advocacy were limited to pursuing social rather than political ends. Whether the West needs to politicize blogging and view it as a natural extension of dissident activity is certainly a complex question that merits broad public debate. But the fact that this debate is not happening at the moment does not mean that blogging is not being politicized, often to the point of no return, by the actions-as well as declarations-of Western policymakers. Furthermore, giving in to cyber-utopianism may preclude policymakers from considering a whole range of other important questions. Should they applaud or bash technology companies who choose to operate in authoritarian regimes, bending their standard procedures as a result? Are they harbingers of democracy, as they claim to be, or just digital equivalents of Halliburton and United Fruit Company, cynically exploiting local business opportunities while also strengthening the governments that let them in? How should the West balance its sudden urge to promote democracy via the Internet with its existing commitments to other nondigital strategies for achieving the same objective, from the fostering of independent political parties to the development of civil society organizations? What are the best ways of empowering digital activists without putting them at risk? If the Internet is really a revolutionary force that could nudge all authoritarian regimes toward democracy, should the West go quiet on many of its other concerns about the Internet-remember all those fears about cyberwar, cybercrime, online child pornography, Internet piracy-and strike while the iron is still hot? These are immensely difficult questions; they are also remarkably easy to answer incorrectly. While the Internet has helped to decrease costs for nearly everything, human folly is a commodity that still bears a relatively high price. The oft-repeated mantra of the open source movement-"fail often, fail early" -produces excellent software, but it is not applicable to situations where human lives are at stake. Western policymakers, unlike pundits and academics, simply don't have the luxury of getting it wrong and dealing with the consequences later. From the perspective of authoritarian governments, the costs of exploiting Western follies have significantly decreased as well. Compromising the security of just one digital activist can mean compromising the security-names, faces, email addresses-of everyone that individual kuows. Digitization of information has also led to its immense centralization: One stolen password now opens data doors that used not to exist (just how many different kinds of data-not to mention people-would your email password give access to, if compromised?). Unbridled cyber-utopianism is an expensive ideology to maintain because authoritarian governments don't stand still and there are absolutely no guarantees they won't find a way to turn the Internet into a powerful tool of oppression. If, on closer examination, it turns out that the Internet has also empowered the secret police, the censors, and the propaganda offices of a modern authoritarian regime, it's quite likely that the process of democratization will become harder, not easier. Similarly, if the Internet has dampened the level of antigovernment sentiment-because people have acquired access to cheap and almost infinite digital entertainment or because they feel they need the government to protect them from the lawlessness of cyberspace-it certainly gives the regime yet another source of legitimacy. If the Internet is reshaping the very nature and culture of antigovernment resistance and dissent, shifting it away from real-world practices and toward anonymous virtual spaces, it will also have significant consequences for the scale and tempo of the protest movement, not all of them positive. That's an insight that has been lost on most observers of the political power of the Internet. Refusing to acknowledge that the Web can actually strengthen rather than undermine authoritarian regimes is extremely irresponsible and ultimately results in bad policy, if only

because it gives policymakers false confidence that the only things they need to be doing are proactive-rather than reactive-in nature. But if, on careful examination, it turns out that certain types of authoritarian regimes can benefit from the Internet in disproportionally more ways than their opponents, the focus of Western democracy promotion work should shift from empowering the activists to topple their regimes to countering the governments' own exploitation of the Web lest they become even more authoritarian. There is no point in making a revolution more effective, quick, and anonymous if the odds of the revolution's success are worsening in the meantime.

Morozov 2011 (Evgeny [visiting scholar at Stanford University and a Schwartz fellow at the New America Foundation]; The Net Delusion; p xi-xiv; kdf)

But there is more to Obama's silence than just his reasonable attempt to present himself as anti-Bush. Most likely his silence is a sign of an extremely troubling bipartisan malaise: the growing Western fatigue with the project of promoting democracy. The project suffers not just from bad publicity but also from a deeply rooted intellectual crisis. The resilience of authoritarianism in places like Belarus, China, and Iran is not for lack of trying by their Western "partners" to stir things up with an expectation of a democratic revolution. Alas, most such Western initiatives flop, boosting the appeal of many existing dictators, who excel at playing up the threat of foreign mingling in their own affairs. To say that there is no good blueprint for dealing with modern authoritarianism would be a severe understatement. Lost in their own strategizing, Western leaders are pining for something that has guaranteed effectiveness. Many of them look back to the most impressive and most unambiguous triumph of democracy in the last few decades: the peaceful dissolution of the Soviet Union. Not surprisingly-and who can blame them for seeking to bolster their own self-confidence?-they tend to exaggerate their own role in precipitating its demise. As a result, many of the Western strategies tried back then, like smuggling in photocopiers and fax machines, facilitating the flow of samizdat, and supporting radio broadcasts by Radio Free Europe and the Voice of America, are given much more credit than they deserve. Such belated Cold War triumphalism results in an egregious logical fallacy. Since the Soviet Union eventually fell, those strategies are presumed to have been extremely effective-in fact, crucial to the whole endeavor. The implications of such a view for the future of democracy promotion are tremendous, for they suggest that large doses of information and communications technology are lethal to the most repressive of regimes. Much of the present excitement about the Internet, particularly the high hopes that are pinned on it in terms of opening up closed societies, stems from such selective and, at times, incorrect readings of history; rewritten to glorify the genius of Ronald Reagan and minimize the role of structural conditions and the inherent contradictions of the Soviet system. It's for these chiefly historical reasons that the Internet excites so many seasoned and sophisticated decision makers who should really know better. Viewing it through the prism of the Cold War, they endow the Internet with nearly magical qualities; for them, it's the ultimate cheat sheet that could help the West finally defeat its authoritarian adversaries. Given that it's the only ray of light in an otherwise dark intellectual tunnel of democracy promotion, the Internet's prominence in . future policy planning is assured. And at first sight it seems like a brilliant idea. It's like Radio Free Europe on steroids. And it's cheap, too: no need to pay for expensive programming, broadcasting, and, if everything else fails, propaganda. After all, Internet users can discover the truth about the horrors of their regimes, about the secret charms of democracy; and about the irresistible appeal of universal human rights on their own, by turning to search engines like Google and by following their more politically savvy friends on social networking sites like Facebook. In other words, let them tweet, and they will tweet their way to freedom. By this logic, authoritarianism becomes unsustainable once the barriers to the free flow of information are removed. If the Soviet Union couldn't survive a platoon of pamphleteers, how can China survive an army of bloggers? · It's hardly surprising, then, that the only place where the West (especially the United States) is still unabashedly eager to promote democracy is in cyberspace. The Freedom Agenda is out; the Twitter Agenda is in. It's deeply symbolic that the only major speech about freedom given by a senior member of the Obama administration was Hillary Clinton's speech on Internet freedom in January 2010. It looks like a safe bet: Even if the Internet won't bring democracy to China or Iran, it can still make the Obama administration appear to have the most technologically savvy foreign policy team in history. The best and the brightest are now also the geekiest. The Google Doctrine-the enthusiastic belief in the liberating power of technology accompanied by the irresistible urge to enlist Silicon Valley start-ups in the global fight for freedom-is of growing appeal to many policymakers. In fact, many of them are as upbeat about

the revolutionary potential of the Internet as their colleagues in the corporate sector were in the late 1990s. What could possibly go wrong here? As it turns out, quite a lot. Once burst, stock bubbles have few lethal consequences; **democracy bubbles, on the other hand, could easily lead to carnage**. The idea that the Internet favors the oppressed rather than the oppressor is marred by what I call cyber-utopianism: a naive belief in the emancipatory nature of online communication that rests on a stubborn refusal to acknowledge its downside. It stems from the starryeyed digital fervor of the 1990s, when former hippies, by this time ensconced in some of the most prestigious universities in the world, went on an argumentative spree to prove that the Internet could deliver what the 1960s couldn't: boost democratic participation, trigger a renaissance of moribund communities, strengthen associational life, and serve as a bridge from bowling alone to blogging together. And if it works in Seattle, it must also work in Shanghai. Cyber-utopians ambitiously set out to build a new and improved United Nations, only to end up with a digital Cirque du Solei!. Even if true-and that's a gigantic "if" -their theories proved difficult to adapt to non-Western and particularly nondemocratic contexts. Democratically elected governments in North America and Western Europe may, indeed, see an Internet-driven revitalization of their public spheres as a good thing; logically, they would prefer to keep out of the digital sandbox-at least as long as nothing illegal takes place. Authoritarian governments, on the other hand, have invested so much effort into suppressing any form offree expression and free assembly that they would never behave in such a civilized fashion. The early theorists of the Internet's influence on politics failed to make any space for the state, let alone a brutal authoritarian state with no tolerance for the rule of law or dissenting opinions. Whatever book lay on the cyber-utopian bedside table in the early 1990s, it was surely not Hobbes's *Leviathan*. Failing to anticipate how authoritarian governments would respond to the Internet, cyber-utopians did not predict how useful it would prove for propaganda purposes, how masterfully dictators would learn to use it for surveillance, and how sophisticated modern systems of internet censorship would become. Instead most cyber-utopians stuck to a populist account of how technology empowers the people, who, oppressed by years of authoritarian rule, will inevitably rebel, mobilizing themselves through text messages, Facebook, Twitter, and whatever new tool comes along next year. (The *people,* it must be noted, really liked to hear such theories.) Paradoxically, in their refusal to see the downside of the new digital environment, cyber-utopians ended up belittling the role of the Internet, refusing to see that it penetrates and reshapes all walks of political life, not just the ones conducive to democratization.

The impact turns the aff—they are a marketing ploy that ostracizes the periphery all the while diminishing the motives and coherence of the movements they attempt to help

Morozov 2011 (Evgeny [visiting scholar at Stanford University and a Schwartz fellow at the New America Foundation]; The Net Delusion; p 303-305; kdf)

As the Internet makes technological fixes cheaper, the temptation to apply them even more aggressively and indiscriminately also grows. And the easier it is to implement them, the harder it is for internal critics to argue that such fixes should not be tried at all. In most organizations, low cost-and especially in times of profound technological change is usually a strong enough reason to try something, even if it makes little strategic sense at the time. When technology promises so much and demands so little, the urge to find a quick fix is, indeed, irresistible. Policymakers are not immune to such temptations either. When it's so easy and cheap to start a social networking site for activists in some authoritarian country, a common gut reaction is usually "It should be done:' That cramming personal details of all dissidents on one website and revealing connections among them may outweigh the benefits of providing activists with a cheaper mode of communication only becomes a concern retroactively. In most cases, if it can be done, it will be done. URLs will be bought, sites will be set up, activists will be imprisoned, and damning press releases will be issued. Likewise, given the undeniable . mobilization advantages of the mobile phone, one may start singing its praises before realizing that it has also provided the secret police with a unique way to track and even predict where the protests may break out.

The problem with most technological fixes is that they come with costs unknown even to their fiercest advocates. Historian of science Lisa Rosner argues that "technological fixes, because they attack symptoms but don't root out causes, have unforeseen and deleterious side effects that may be worse than the social problem they were intend d to solve." It's hard to disagree, even more so in the case of the Internet. When digital activism is presented as the new platform for campaigning And organizing, one begins to wonder whether its side effects-further disengagement between traditional oppositional forces who practice real politics, no matter how risky and boring, and the younger generation, passionate about campaigning on Facebook and Twitter-would outweigh the benefits of cheaper and leaner communications. If the hidden costs of digital activism include the loss of coherence, morality, or even sustainability of the opposition movement, it may not be a solution worth pursuing. Another problem with technological fixes is that they usually rely on extremely sophisticated solutions that cannot be easily understood by laypeople. The claims of their advocates are, thus, almost impenetrable to external scrutiny, while their ambitious promise-the elimination of some deeply entrenched social ill-makes such scrutiny, even If It IS possible, hard to mount. Not surprisingly, the dangerous fascination with solving previously intractable social problems with the help of technology allows vested interests to disguise what essentially amounts to advertising for their commercial products in the language of freedom and liberation. It's not by coincidence that those who are most vocal in proclaiming that the most burning problems of internet freedom can be solved by breaking a number of firewalls happen to be the same people who develop and sell the technologies needed to break them. Obviously they have no incentive to point out that one needs to be fighting other, non-technological problems or to disclose problems with their own technologies. The founders of Haystack rarely bothered to highlight the flaws in their own software-let alone disclose that it was still in the testing stage-and the media never bothered to ask. As the Haystack fiasco so clearly illustrates, even being able to ask the right technological questions requires a good grasp of the sociopolitical context in which a given technology *is* supposed to be used. This points to another commonly overlooked problem: Our growing commitment to the instruments we use to implement "technological fixes" for what may be important global problems greatly restrains our ability to criticize those who own the rights to those fixes. Every new article or book about a Twitter Revolution is not a triumph of humanity; it is a triumph of Twitter's marketing department. In fact, Silicon Valley's marketing geniuses may have a strong interest in misleading the public about the similarity between the Cold War and today: The Voice of America and Radio Free Europe still enjoy a lot of goodwill with policymakers, and having Twitter and Facebook be seen as their digital equivalents doesn't hurt their publicity.

Thus the alt- Vote negative to reject the affirmative for engaging in cyber-utopianism

The affirmative operates under a flawed methodology—paying attention to the tool instead of the environment- voting negative allows for a realistic assessment the internet

Morozov 2011 (Evgeny [visiting scholar at Stanford University and a Schwartz fellow at the New America Foundation]; The Net Delusion; p xv-xvii; kdf)

It was tempting to throw my hands up in despair and give up on the Internet altogether. But this would have been the wrong lesson to draw from these disappointing experiences. Similarly, it would be wrong for Western policymakers to simply dismiss the Internet as a lost cause and move on to bigger, more important issues. Such digital defeatism would only play into the hands of authoritarian governments, who would be extremely happy to continue using it as both a carrot (keeping their populace entertained) and a stick (punishing those who dare to challenge the official line). Rather, the lesson to be drawn is that the Internet is here to stay, it will continue growing in importance, and those concerned with democracy promotion need not only grapple with it but also come up with mechanisms and procedures to ensure that another tragic blunder on the scale of Abu Ghraib will never happen in cyberspace. This is not a far-fetched scenario. How hard is it to imagine a site like Face book inadvertently disclosing the private information of activists in Iran or China, tipping off governments to secret connections between the activists and the Western funders? To be truly effective, the West needs to do more than just cleanse itself of cyber-utopian bias and adopt a more realist posture. When it comes to concrete steps to promote democracy, cyber-utopian convictions often give rise to an equally flawed approach that I dub "Internet-centrism:' Unlike cyber-utopianism, Internet-

centrism is not a set of beliefs; rather, it's a philosophy of action that informs how decisions, including those that deal with democracy promotion, are made and how long-term strategies are crafted. While cyber-utopianism stipulates what has to be done, Internet-centrism stipulates how it should be done. Internet-centrists like to answer every question about democratic change by first reframing it in terms of the Internet rather than the context in which that change is to occur. They are often completely oblivious to the highly political nature of technology, especially the Internet, and like to come up with strategies that assume that the logic of the Internet, which, in most cases, they are the only ones to perceive, will shape every environment than it penetrates rather than vice versa. While most utopians are Internet-centrists, the latter are not necessarily utopians. In fact, many of them like to think of themselves as pragmatic individuals who have abandoned grand theorizing about utopia in the name of achieving tangible results. Sometimes, they are even eager to acknowledge that it takes more than bytes to foster, install, and consolidate a healthy democratic regime. Their realistic convictions, however, rarely make up for their flawed methodology, which prioritizes the tool over the environment, and, as such, is deaf to the social, cultural, and political subtleties and indeterminacies. Internet-centrism is a highly disorienting drug; it ignores context and entraps policymakers into believing that they have a useful and powerful ally on their side. Pushed to its extreme, it leads to hubris, arrogance, and a false sense of confidence, all bolstered by the dangerous illusion of having established effective command of the Internet. All too often, its practitioners fashion themselves as possessing full mastery of their favorite tool, treating it as a stable and finalized technology, oblivious to the numerous forces that are constantly reshaping the Internet not all of them for the better. Treating the Internet as a constant, they fail to see their own responsibility in preserving its freedom and reining in the ever-powerful intermediaries, companies like Google and Facebook. As the Internet takes on an even greater role in the politics of both authoritarian and democratic states, the pressure to forget the context and start with what the Internet allows will only grow. All by itself, however, the Internet provides nothing certain. In fact, as has become obvious in too many contexts, it empowers the strong and disempowers the weak. It is impossible to place the Internet at the heart of the enterprise of democracy promotion without risking the success of that very enterprise. The premise of this book is thus very simple: To salvage the Internet's promise to aid the fight against authoritarianism, those of us in the West who still care about the future of democracy will need to ditch both cyber-utopianism and Internet-centrism. Currently, we start with a flawed set of assumptions (cyber-utopianism) and act on them using a flawed, even crippled, methodology (Internet-centrism). The result is what I call the Net Delusion. Pushed to the extreme, such logic is poised to have significant global consequences that may risk undermining the very project of promoting democracy. It's a folly that the West could do without. Instead, we'll need to opt for policies informed by a realistic assessment of the risks and dangers posed by the Internet, matched by a highly scrupulous and unbiased assessment of its promises, and a theory of action that is highly sensitive to the local context, that is cognizant of the complex connections between the Internet and the rest of foreign policymaking, and that originates not in what technology allows but in what a certain geopolitical environment requires. In a sense, giving in to cyber-utopianism and Internet-centrism is akin to agreeing to box blindfolded. Sure, every now and then we may still strike some powerful blows against our authoritarian adversaries, but in general this is a poor strategy if we want to win. The struggle against authoritarianism is too important of a battle to fight with a voluntary intellectual handicap, even if that handicap allows us to play with the latest fancy gadgets.

Alt Extension/ AT: Perm

Cyber utopianism strengthens authoritarians and fails to address the negatives of the internet- results in tainted policy making

Morozov 2011 (Evgeny [visiting scholar at Stanford University and a Schwartz fellow at the New America Foundation]; The Net Delusion; p 26-8; kdf)

Most disturbingly, a dangerous self-negating prophecy is at work here: The more Western policymakers talk up the threat that bloggers pose to authoritarian regimes, the more likely those

regimes are to limit the maneuver space where those bloggers operate. In some countries, such politicization may be for the better, as blogging would take on a more explicit political role, with bloggers enjoying the status of journalists or human rights defenders. But in many other countries such politicization may only stifle the nascent Internet movement, which could have been be far more successful if its advocacy were limited to pursuing social rather than political ends. Whether the West needs to politicize blogging and view it as a natural extension of dissident activity is certainly a complex question that merits broad public debate. But the fact that this debate is not happening at the moment does not mean that blogging is not being politicized, often to the point of no return, by the actions-as well as declarations-of Western policymakers. Furthermore, giving in to cyber-utopianism may preclude policymakers from considering a whole range of other important questions. Should they applaud or bash technology companies who choose to operate in authoritarian regimes, bending their standard procedures as a result? Are they harbingers of democracy, as they claim to be, or just digital equivalents of Halliburton and United Fruit Company, cynically exploiting local business opportunities while also strengthening the governments that let them in? How should the West balance its sudden urge to promote democracy via the Internet with its existing commitments to other nondigital strategies for achieving the same objective, from the fostering of independent political parties to the development of civil society organizations? What are the best ways of empowering digital activists without putting them at risk? If the Internet is really a revolutionary force that could nudge all authoritarian regimes toward democracy, should the West go quiet on many of its other concerns about the Internet-remember all those fears about cyberwar, cybercrime, online child pornography, Internet piracy-and strike while the iron is still hot? These are immensely difficult questions; they are also remarkably easy to answer incorrectly. While the Internet has helped to decrease costs for nearly everything, human folly is a commodity that still bears a relatively high price. The oft-repeated mantra of the open source movement-"fail often, fail early" -produces excellent software, but it is not applicable to situations where human lives are at stake. Western policymakers, unlike pundits and academics, simply don't have the luxury of getting it wrong and dealing with the consequences later. From the perspective of authoritarian governments, the costs of exploiting Western follies have significantly decreased as well. Compromising the security of just one digital activist can mean compromising the security-names, faces, email addresses-of everyone that individual kuows. Digitization of information has also led to its immense centralization: One stolen password now opens data doors that used not to exist (just how many different kinds of data-not to mention people-would your email password give access to, if compromised?). Unbridled cyber-utopianism is an expensive ideology to maintain because authoritarian governments don't stand still and there are absolutely no guarantees they won't find a way to turn the Internet into a powerful tool of oppression. If, on closer examination, it turns out that the Internet has also empowered the secret police, the censors, and the propaganda offices of a modern authoritarian regime, it's quite likely that the process of democratization will become harder, not easier. Similarly, if the Internet has dampened the level of antigovernment sentiment-because people have acquired access to cheap and almost infinite digital entertainment or because they feel they need the government to protect them from the lawlessness of cyberspace-it certainly gives the regime yet another source of legitimacy. If the Internet is reshaping the very nature and culture of antigovernment resistance and dissent, shifting it away from real-world practices and toward anonymous virtual spaces, it will also have significant consequences for the scale and tempo of the protest movement, not all of them positive. That's an insight that has been lost on most observers of the political power of the Internet. Refusing to acknowledge that the Web can actually strengthen rather than undermine authoritarian regimes is extremely irresponsible and ultimately results in bad policy, if only because it gives policymakers false confidence that the only things they need to be doing are proactive-rather than reactive-in nature. But if, on careful examination, it turns out that certain types of authoritarian regimes can benefit from the Internet in disproportionally more ways than their opponents, the focus of Western democracy promotion work should shift from empowering the activists to topple their regimes to countering the governments' own exploitation of the Web lest they become even more authoritarian. There is no point in making a revolution more effective, quick, and anonymous if the odds of the revolution's success are worsening in the meantime.

Morozov 2011 (Evgeny [visiting scholar at Stanford University and a Schwartz fellow at the New America Foundation]; The Net Delusion; p 318-; kdf)

The way forward is not to keep coming up with new theories until they match one's existing biases about what the logic of the Internet is or should be like. Instead, one should seek to come up with a philosophy of action to help design policies that have no need for such logic as their inputs. But while it's becoming apparent that policymakers need to abandon both cyber-utopianism and Internet-centrism, if only for the lack of accomplishment, it is not yet clear what can take their place. What would an alternative, more down-to-earth approach to policymaking in the digital age-let's call it cyber-realism-look like? Here are some preliminary notes that future theorists may find useful. Instead of trying to build a new shiny pillar to foreign policy, cyberrealists would struggle to find space for the Internet in existing pillars, not least on the desks of regional officers who are already highly sensitive to the political context in which they operate. Instead of centralizing decision making about the Internet in the hands of a select few digerati who know the world of Web 2.0 start-ups but are completely lost in the world of Chinese or Iranian politics, cyber-realists would defy any such attempts at centralization, placing as much responsibility for Internet policy on the shoulders of those who are tasked with crafting and executing regional policy. Instead of asking the highly general, abstract, and timeless question of"How do we think the Internet changes closed societies?" they would ask "How do we think the Internet is affecting our existing policies on country X?" Instead of operating in the realm of the utopian and the ahistorical, impervious to the ways in which developments in domestic and foreign policies intersect, cyber-realists would be constantly searching for highly sensitive points of interaction between the two. They would be able to articulate in concrete rather than abstract terms how specific domestic policies might impede objectives on the foreign policy front. Nor would they have much tolerance for a black-and-white color scheme. As such, while they would understand the limitations of doing politics online, they wouldn't label all Internet activism as either useful or harmful based solely on its outputs, its inputs, or its objectives. Instead, they would evaluate the desirability of promoting such activism in accordance with their existing policy objectives. Cyber-realists wouldn't search for technological solutions to problems that are political in nature, and they wouldn't pretend that such solutions are even possible. Nor would they give the false impression that on the Internet concerns over freedom of expression trump those over energy supplies, when this is clearly not the case. Such acknowledgments would only be factual rather than normative statements-it may well be that concerns over freedom of expression should be more important than concerns over energy supplies-but cyber-realists simply would not accept that any such radical shifts in the value system of the entire policy apparatus could or should happen under the pressure of the Internet alone. Now would cyber-realists search for a silver bullet that could destroy authoritarianism-or even the next-to-silver-bullet, for the utopian dreams that such a bullet can even exist would have no place in their conception of politics. Instead, cyber-realists would focus on optimizing their own decision-malting and learning processes, hoping that the right mix of bureaucratic checks and balances, combined with the appropriate incentive structure, would identify wicked problems before they are misdiagnosed as tame ones, as well as reveal how a particular solution to an Internet problem might disrupt solutions to other, nonInternet problems. Most important, **cyber-realists wouldn't allow themselves to get dragged into the highly abstract and high-pitched debates about whether the Internet undermines or strengthens democracy**. Instead, they would accept that the Internet is poised to produce different policy outcomes in different environments and that a policymaker's chief objective is not to produce a thorough philosophical account of the internet's impact on society at large but, rather, to make the Internet ally in achieving specific policy objectives. Cyber-realists would acknowledge that by continuing to flirt with Internet-centrism and cyber-utopianism, policymakers are playing risky game. Not only do they squander plenty of small-scale opportunities for democratization that the Internet has to offer because look from too distant a perspective, but they also inadvertently bolden dictators and turn everyone who uses the Internet in authoritarian states into unwilling prisoners. Cyber-realists would argue this is a terribly expensive and ineffective way to promote democracy; worse, it threatens to corrupt or crowd out cheaper and more effective alternatives. For them, the promotion of democracy would be too · important an activity to run it out of a Silicon Valley lab with a reputation for exotic experiments. Above all, cyber-realists would believe that world made of bytes may defy the law of gravity but absolutely nothing dictates that it should also defy the law of reason.

AT: Perm

The perm is no different than driving fuel efficient cars to save the environment—it only delays the inevitable—The aff conceals the political and social underpinnings of the problems they try to address—this aggravates the situation and results in infinite technological fixes

Morozov 2011 (Evgeny [visiting scholar at Stanford University and a Schwartz fellow at the New America Foundation]; The Net Delusion; p 305-8; kdf)

Perhaps most disturbingly, reframing social problems as a series of technological problems distracts policymakers from tackling problems that are non-technological in nature and cannot be reframed. As the media keep trumping the role that mobile phones have played in fueling economic growth in Africa, policymakers cannot afford to forget that innovation by itself will not rid African nations of the culture of pervasive corruption. Such an achievement will require a great deal of political will. In its absence, even the fanciest technology would go to waste. The funds for the computerization of Sudan would remain unspent, and computers would remain untouched, as long as many of the region's politicians are "more used to carrying AK-47s and staging ambushes than typing on laptops," as a writer for the Financial Times so aptly put it. . On the contrary, when we introduce a multipurpose technology like a mobile phone into such settings, it can often have side effects that only aggravate existing social problems. Who could have predicted that, learning of the multiple money transfer opportunities offered by mobile banking, corrupt Kenyan police officers would demand that drivers now pay their bribes with much-easier-to-conceal transfers of air time rather than cash? In the absence of strong political and social institutions, technology may only precipitate the collapse of state power, but it is easy to lose sight of real-world dynamics when one is so enthralled by the supposed brilliance of a technological fix. Otherwise policymakers risk falling into unthinking admiration of technology as panacea which the British architect Cedric Price once ridiculed by pondering, "Technology is the answer, but what was the question?" When technological fixes fail, their proponents are usually quick to suggest another, more effective technological fix as a remedy-and fight fire with fire. That is, they want to fight technology's problems with even more technology. This explains why we fight climate change by driving cars that are more fuel-efficient and protect ourselves from Internet surveillance by relying on tools that encrypt our messages and conceal our identity. Often this only aggravates the situation, as it precludes a more rational and comprehensive discussion about the root causes of a problem, pushing us to deal with highly visible and inconsequential symptoms that can be cured on the cheap instead. This creates a never-ending and extremely expensive cat-and-mouse game in which, as the problem gets worse, the public is forced to fund even newer, more powerful tools to address it. Thus we avoid the search for a more effective nontechnological solution that, while being more expensive (politically or financially) in the short-term, could end the problem once and for all. We should resist this temptation to fix technology's excesses by applying even more technology to them. How, for example, do most Western governments and foundations choose to fight Internet censorship by authoritarian governments? Usually by funding and promoting technology that helps circumvent it. This may be an appropriate solution for some countries-think, for example, ofNorth Korea, where Western governments have very little diplomatic and political leverage-but this is not necessarily the best approach to handle countries that are nominally Western allies. In such cases, a nearly exclusive focus on fighting censorship with anticensorship tools distracts policymakers from addressing the root causes of censorship, which most often have to do with excessive restrictions that oppressive governments place on free speech. The easy availability of circumvention technology should not preclude policymakers from more ambitious-and ultimately more effective-ways of engagement. Otherwise, both Western and authoritarian governments get a free pass. Democratic leaders pretend that they are once again heroically destroying the Berlin Wall, while their authoritarian counterparts are happy to play along, for they have found other effective ways to control the Internet. In an ideal world, the Western campaign to end Internet censorship in Tunisia or Kazakhstan would primarily revolve around exerting political pressure on their West-friendly authoritarian rulers and would deal with the offline world of newspapers and magazines as well. In many of these countries, muzzling journalists would continue to be the dominant tactic of suppressing dissent until, at least, more of their citizens get online and start using it for more activities than just using email or chatting with their relatives abroad. Allowing a handful of bloggers in Tajikistan to circumvent the government's system of lnternet controls means little when the vast majority of the population get their news from radio and television. Except for his ruminations about hydrogen bombs and war, Weinberg did not discuss how technological fixes might affect foreign policy. Nevertheless, one can still

trace how a tendency to frame foreign policy problems in terms of technological fixes has affected Western thinking about authoritarian rule and the role that the Internet can play in undermining it. One of the most peculiar features of Weinberg's argument was his belief that the easy availability of clear-cut technological solutions can help policymakers better grasp and identify the problems they face. "The [social] problems are, in a way, harder to identify just because their solutions are never clear-cut;' wrote Weinberg. "By contrast, the availability of a crisp and beautiful technological solution often helps focus on the problem to which the new technology is the solution:' In other words, just because policymakers have "a crisp and beautiful technological solution" to break through firewalls, they tend to believe that the problem they need to solve is, indeed, that of breaking firewalls, while often this is not the case at all. Similarly, just because the Internet-that ultimate technological fix-can help mobilize people around certain causes, it is tempting to conceptualize the problem in terms of mobilization as well. This is one of those situations in which the unique features of technological fixes prevent policymakers from discovering the multiple hidden dimensions of the challenge, leading them to identify and solve problems that are easily solvable rather than those that require immediate attention. Many calls to apply technological fixes to complex social problems smack of the promotion of technology for technology's own sake-a technological fetishism of an extreme variety-which policymakers should resist. Otherwise, they run the risk of prescribing their favorite medicine based only on a few common symptoms, without even bothering to offer a diagnosis. But as it is irresponsible to prescribe cough medicine for someone who has cancer, so it is to apply more technology to social and political problems that are not technological in nature.

AT: 2AC answers

The affirmative operates under a flawed epistemology—in order to feel better about themselves and to coopt the alternative and discredit true movements

Morozov 2011 (Evgeny [visiting scholar at Stanford University and a Schwartz fellow at the New America Foundation]; Facebook and Twitter are just places revolutionaries go; http://www.guardian.co.uk/commentisfree/2011/mar/07/facebook-twitter-revolutionaries-cyber-utopians; kdf

Tweets were sent. Dictators were toppled. Internet = democracy. QED. Sadly, this is the level of nuance in most popular accounts of the internet's contribution to the recent unrest in the Middle East. It's been extremely entertaining to watch cyber-utopians – adherents of the view that digital tools of social networking such as Facebook and Twitter can summon up social revolutions out of the ether – trip over one another in an effort to put another nail in the coffin of cyber-realism, the position I've recently advanced in my book The Net Delusion. In my book, I argue that these digital tools are simply, well, tools, and social change continues to involve many painstaking, longer-term efforts to engage with political institutions and reform movements. Since the internet's cheerleaders can't bury cyber-realism any more than they can secede from history, they've had to design their own straw-man interpretation of the cyber-realist position, equating it with a view that the internet doesn't matter. This is a caricature of the cyber-realist worldview that doesn't really square with parts of my book that very explicitly state – here is just one quote – that "the internet is more important and disruptive than [its greatest advocates] have previously theorised". Or take the ongoing persecution of Malcolm Gladwell, who is increasingly painted as some kind of a neo-Luddite. In an online chat that Gladwell did for the New Yorker's website shortly after his infamous attack on the notion of "Twitter Revolution" was published last October, he explicitly stated (no less than three times) that the internet can be an effective tool for political change when used by grassroots organisations (as opposed to atomised individuals). Thus, simply showing that the internet was used to publicise, and even organise protests in the Middle East does nothing to counter his argument (which, by the way, I do not entirely endorse). To refute it, cyber-utopians would need to establish that there was no coordination of these protests by networks of grassroots activists – with leaders and hierarchies – who have forged strong ties (online or offline or both) prior to the protests. What we have seen so far suggests otherwise. True, the principal organisers of Egypt's Facebook movement may not be revolutionary leaders in the conventional understanding of the term. (And how could they be, given the grim track-record that former president Hosni Mubarak compiled – with Washington's complicity – in dispatching such leaders?) However, they did exercise leadership and acted strategically – even going into hiding a few days before the actual protests – just as leaders of a revolutionary

cell would. The collaborations between Tunisian and Egyptian cyber-activists – so widely celebrated in the press – were not virtual, either. In the space of a week in May 2009, I crashed two (independently organised) workshops in Cairo, where bloggers, techies, and activists from both countries were present in person, sharing tips on how to engage in advocacy and circumvent censorship; one of the attendees was the Tunisian blogger Slim Amamou, who went on to become Tunisia's minister of sport and youth. One of these events was funded by the US government and the other by George Soros's Open Society Foundations (with which I'm affiliated). There were many more events like this – not just in Cairo, but also in Beirut and Dubai. Most of them were never publicised, since the security of many participants was at risk, but they effectively belie the idea that the recent protests were organised by random people doing random things online. Those who believe that these networks were purely virtual and spontaneous are ignorant of the recent history of cyber-activism in the Middle East – to say nothing of the support that it's received, sometimes successful but most often not, from western governments, foundations and corporations. In September 2010, to take just one recent example, Google brought a dozen bloggers from the region to the freedom of expression conference the company convened in Budapest. Tracing the evolution of these activist networks would require more than just studying their Facebook profiles; it would demand painstaking investigative work – on the phone and in the archives – that cannot happen overnight. One reason we keep talking about the role of Twitter and Facebook is that the immediate aftermath of the Middle Eastern spring has left us so little else to talk about; thoroughgoing political analysis of the causes of these revolutions won't be available for a few years. This points us to the real reason why so many cyber-utopians got angry with Gladwell: in a follow-up blog post to his article that appeared as the crowds were still occupying Tahrir Square, he dared to suggest that the grievances that pushed protesters into the streets deserve far more attention than the tools by which they chose to organise. This was akin to spitting in the faces of the digerati – or, perhaps worse still, on their iPads – and they reacted accordingly. And yet Gladwell was probably right: today, the role of the telegraph in the 1917 Bolshevik revolution – just like the role of the tape-recorder in the 1979 Iranian revolution and of the fax machine in the 1989 revolutions – is of interest to a handful of academics and virtually no one else. The fetishism of technology is at its strongest immediately after a revolution but tends to subside shortly afterward. In his 1993 bestseller The Magic Lantern, Timothy Garton Ash, one of the most acute observers of the 1989 revolutions, proclaimed that "in Europe at the end of the 20th century, all revolutions are telerevolutions" – but in retrospect, the role of television in those events seems like a very minor point. Will history consign Twitter and Facebook to much the same fate 20 years down the road? In all likelihood, yes. The current fascination with technology-driven accounts of political change in the Middle East is likely to subside, for a number of reasons. First of all, while the recent round of uprisings may seem spontaneous to western observers – and therefore as magically disruptive as a rush-hour flash mob in San Francisco – the actual history of popular regime change tends to diminish the central role commonly ascribed to technology. By emphasising the liberating role of the tools and downplaying the role of human agency, such accounts make Americans feel proud of their own contribution to events in the Middle East. After all, the argument goes, such a spontaneous uprising wouldn't have succeeded before Facebook was around – so Silicon Valley deserves a lion's share of the credit. If, of course, the uprising was not spontaneous and its leaders chose Facebook simply because that's where everybody is, it's a far less glamorous story. Second, social media – by the very virtue of being "social" – lends itself to glib, pundit-style overestimations of its own importance. In 1989, the fax-machine industry didn't employ an army of lobbyists – and fax users didn't feel the same level of attachment to these clunky machines as today's Facebook users feel toward their all-powerful social network. Perhaps the outsize revolutionary claims for social media now circulating throughout the west are only a manifestation of western guilt for wasting so much time on social media: after all, if it helps to spread democracy in the Middle East, it can't be all that bad to while away the hours "poking" your friends and playing FarmVille. But the recent history of technology strongly suggests that today's vogue for Facebook and Twitter will fade as online audiences migrate to new services. Already, tech enthusiasts are blushing at the memory of the serious academic conferences once devoted to the MySpace revolution. Third, the people who serve as our immediate sources about the protests may simply be too excited to provide a balanced view. Could it be that the Google sales executive Wael Ghonim – probably the first revolutionary with an MBA – who has emerged as the public face of Egypt's uprising, vowing to publish his own book about "Revolution 2.0", is slightly overstating the role of technology, while also downplaying his own role in the lead-up to the protests? After all, the world has yet to meet a Soviet dissident who doesn't think it was the fax machine that toppled the Politburo – or a former employee of Radio Free Europe or Voice of America who doesn't think it was western radio broadcasting that brought down the Berlin Wall. This is not to suggest that neither of these communications devices played a role in these decades-old uprisings – but it is to note that the people directly involved may not have the most dispassionate appraisals of how these watershed events occurred. If they don't want to condemn

themselves to a future of tedious bar-room arguments with the grizzled, and somewhat cranky holdouts from the 1989 fax glory days, or the true believers of the Radio Free Europe Revolution, then today's cyber-utopians need to log off their Facebook accounts and try a little harder.

Link: American Propaganda

The affirmative is a rouse to spread American propaganda and to turn activists into passive consumers

Sussman in 2010 (Gerald [Prof of Urban Studies @ Portland State Univ]; Branding Democracy; p. 182; kdf)

In the broader context of a pervasive industrial, commercial, capitalist economy, promotional culture has entered public life as never before. Older notions of propaganda do not suffice to explain the applications of advertising, marketing, public relations, and other forms of selling, because societies, especially in the West, and most particularly in the United States, have never before experienced the current level of promotionalism in social, political, and cultural interaction and the tools that are now available for that purpose. The key to this analysis is that propaganda is no longer simply a tactic employed for specific commercial or state projects but is rather *systemic.* Promotional tasks are now embedded in most aspects of daily life via broadcasting, computer software, Internet, cell phones, iphones, Twitter, . email, chat rooms, and the seemingly unending hybrid technologies and programs that are being sold (or given away) for communicative exchange. Almost all forms of electronic communication are accompanied by some form of advertising, turning citizens into not only consumers but also uncompensated promoters of commodities and services. This systemic basis for promotional culture has deeply penetrated formal politics, public policy, public administration, and foreign policy, usually rationalized as serving the public's informational interests. But politics organized through media-driven "public opinion;' which is typically the way public participation is constructed, is a sacrilege against the ideal of a rational, deliberative, participatory democracy. The energy and ingenuity mobilized in developing a brand campaign in support of a politician and then polling the results are not genuinely about seeking the public's interest in policy outcomes as much as testing the effectiveness of propaganda, creating a momentum for the candidate and using the results of the poll to influence the "voting" outcome. In the United States, and more commonly in other countries, electioneering and other types of campaigns have become a matter of winning by any means necessary. In politics, as in commerce, the United States is a nation of sellers and, with its neoliberal allies, has tutored other nations, with varying degrees of success, to follow in its footsteps

Link: Social Networks

Social networks are not inherently good as the affirmative assumes—they sweep the ill effects under the rug

Morozov 2011 (Evgeny [visiting scholar at Stanford University and a Schwartz fellow at the New America Foundation]; The Net Delusion; p 254-6; kdf)

But are social networks really goods to be treasured in themselves? After all, the mafia, prostitution and gambling rings, and youth gangs are social networks, too, but no one would claim that their existence the physical world is a net good or that it shouldn't be regulated. Ever since Mitch Kapor, one of the founding fathers of cyber-utopianism proclaimed that "life in cyberspace seems to be shaping up exactly like Thomas Jefferson would have wanted: founded on the primacy of individual liberty and a commitment to pluralism, diversity, and community" in 1993, many policymakers have been under the impression that the only networks to find homes online would be those

promoting peace and prosperity. But Kapor hasn't read his Jefferson close!~ enough, for the latter was well aware of the antidemocratic spirit many civil associations, writing that "the mobs of the great cities add just so much to the support of pure government as sores do to the strength of the human body." Jefferson, apparently, was not persuaded by the absolute goodness of the "smart mobs;' a fancy term to describe social groups that have been organized spontaneously, usually with the help of technology. As Luke Allnut, an editor with Radio Free Europe, points out " w h ere the techno-utopianists are limited in their vision is that in this great mass of internet users all capable of great things in the name of democracy, they see only a mirror image of themselves: progressive, philanthropic, cosmopolitan. They don't see the neo-Nazis, pedophiles, or genocidal maniacs who have networked, grown, and prospered on the Internet:' The problem of treating all networks as good in themselves is that it allows policymakers to ignore their political and social effects, delaying effective response to their otherwise harmful activities. "Cooperation;' which seems to be the ultimate objective of Clinton's network building, is too ambiguous of a term to build meaningful policy around. A brieflook at history-for example, at the politics of Weimar Germany, where increased civic engagement helped to delegitimize parliamentary democracy-would reveal that an increase in civic activity does not necessarily deepen democracy. American history in the post Tocqueville era offers plenty of similar cues as well. The Ku Klux Klan was also a social network, after all. As Ariel Armony, a political scientist at Colby College in Maine, puts it, "civic involvement may ... be linked to undemocratic outcomes in state and society, the presence of a 'vital society' may fail to prevent outcomes inimical to democracy, or it may contribute to such results:' It's political and economic factors, rather than the ease of forming associations, that primarily set the tone and the vector in which social networks contribute to democratization; one would be naive to believe that such factors would always favor democracy. For example, if online social networking tools end up over-empowering various nationalist elements within China, it is quite obvious that the latter's influence on the direction of China's foreign policy will increase as well. Given the rather peculiar relationship between nationalism, foreign policy, and government legitimacy in China, such developments may not necessarily be particularly conducive to democratization, especially if they lead to more confrontations with Taiwan or Japan. Even Manuel Castells, a prominent Spanish sociologist and one of the most enthusiastic promoters of the information society, has not been sold on the idea of just "letting a thousand networks bloom:' "The Internet is indeed a technology of freedom;' writes Castells, "but it can make the powerful free to oppress the uninformed" and "lead to the exclusion of the devalued by the conquerors of value:' Robert Putnam, the famed American political theorist who lamented the sad state of social capital in America in his best-selling Bowling Alone, also cautioned against the "kumbaja interpretation of social capital:' "Networks and associated norms of reciprocity are generally good for those inside the network;' he wrote, "but the external effects of social capital are by no means always positive:' From the perspective of American foreign policy, social networks may, indeed, be net goods, but only as long as they don't include anyone hiding in the caves of Waziristan. When senator after senator deplores the fact that YouTube has become a second home to Islamic terrorists, they hardly sound like absolute believers in the inherent democratic nature of the networked world. One can't just limit the freedom to connect to the pro-Western nodes of the Web, and everyone-including plenty of anti-Western nodes stands to profit from the complex nature of the Internet. When it comes to democracy promotion, one major problem with a networked society is that it has also suddenly overempowered those who oppose the very process of democratization, be they the church, former communists, . or fringe political movements. As a result, it has become difficult to focus on getting things done, for it's not immediately obvious if the new, networked threats to democracy are more ominous than the ones the West originally thought to fight. Have the non-state enemies of democracy been empowered to a greater degree than the previous enemy (i.e., the monolith authoritarian state) has been disempowered? It certainly seems like a plausible scenario, at least in some cases; to assume anything otherwise is to cling to an outdated conception of power that is incompatible with the networked nature of the modern world "People routinely praise the Internet for its decentralizing tendencies. Decentralization and diffusion of power, however, is not the same thing as less power exercised over human beings. Nor is it the same thing as democracy .... The fact that no one is in charge does not mean that everyone is free," writes Jack Balkin of Yale Law School. The authoritarian lion may be dead, but now there are hundreds of hungry hyenas swirling around the body.

Link: Question Aff Claims

All of the affirmatives claims should be evaluated skeptically

Morozov 2011 (Evgeny [visiting scholar at Stanford University and a Schwartz fellow at the New America Foundation]; The Net Delusion; p 268-270; kdf)

For all intents and purposes, navigating tile new "democratized" public spaces created by the Internet is extremely difficult. But it's even more difficult to judge whether the segments that we happen to

see are representative of the entire population. It's never been easier to mistake a few extremely unrepresentative parts for the whole. This in part explains why our expectations about the transformative power of the Internet in authoritarian states are so inflated and skewed toward optimism: The people we usually hear from are those who are already on the frontlines of using new media to push for democratic change in authoritarian societies. Somehow, the Chinese bloggers who cover fashion, music, or pornography-even though those subjects are much more popular in the Chinese blogosphere than human rights or rule of law-never make it to congressional hearings in Washington. The media is not helping either. Assuming they speak good English, those blogging for the Muslim Brotherhood in Egypt may simply have no intention of helping BBC or CNN to produce yet another report about the power of the blogosphere. That's why the only power Western media cover is usually secular, liberal, or pro-Western. Not surprisingly, they tell us what we wanted to hear all along: Bloggers are fighting for secularism, liberalism, and Western-style democracy. This is why so many Western politicians fall under the wrong impression that bloggers are natural allies, even harbingers, of democracy. "If it's true that there are more bloggers per head of population in Iran than any other country in the world, that makes me optimistic about the future of Iran;' said then UK's foreign minister, David Miliband, while visiting Google's headquarters. Why this should be the case-given that Iran's conservative bloggers, who are often more hard-line than the government and are anything but a force for democracy, equality, and justice, are a formidable and rapidly expanding force in the Iranian blogosphere-is unclear. Chances are that Miliband's advisors simply never ventured beyond a handful of pro-Western Iranian blogs that dominate much of the media coverage of the country. It's hard to say what Miliband would make of certain groups of Chinese nationalists who, when they're not making anti-Western or anti-CNN videos, are busy translating books by Western philosophers like Leibniz and Husser!. Things get worse when Western policymakers start listening to bloggers in exile. Such bloggers often have a grudge against their home country and are thus conditioned to portray all domestic politics as an extension of their own struggle. Their livelihoods and careers often depend on important power brokers in Washmgton, London, and Brussels making certain assumptions about the Internet. Many of them have joined various new media NGOs or even created a few of their own should the mainstream assumptions about the power of blogging shift many of these newly created NGOs are likely to go under. Not surprisingly, people who get grants to harness the power of the Internet to fight dictators are not going to tell us that they are not succeeding. It's as if we've produced a few million clones of Ahmed Chalabi, that notoriously misinformed Iraqi exile who gave a highly inaccurate picture of Iraq to those who were willing to listen, and hired them to tell us how to fix their countries. Of course, the influence of exiles on foreign policy is a problem that most governments have had to deal with in the past, but bloggers, perhaps thanks to the inevitable comparisons to Soviet dissidents and the era of samizdat, are often not subjected to the level of scrutiny they deserve.

Impact: Cooption

Providing the internet guarantees that the movement is coopted—even at its best the internet accounts for little change

Sussman in 2010 (Gerald [Prof of Urban Studies @ Portland State Univ]; Branding Democracy; p. 191; kdf)

The availability of the Internet represents a degree of potential support for or even extension of free speech rights. However, it would be naive to assume that present rights of access will necessarily remain intact or that anything close to a majority of people are using the Internet for political education or radical social change. Already, the telecommunications industry is planning to develop tiered access in the way that cable television is delivered, which is being challenged by the demand for "net neutrality" (guaranteeing that the Internet network will continue to function as a public carrier without price discrimination). Another concern that has to be addressed by believers in "electronic democracy" is the reality of government and industry surveillance and the fact that anyone's web use can easily be monitored, which has stifling effects on dissent. With such unfettered opportunities for government spying, would people with connections to radical organizations dare

to post ideas and information online? Does the Web force conformity to structural inequality and permit dissent only within virtual "protest zones" -and confined to what Chomsky calls "the spectrum of thinkable thought"?

Impact: Authoritarianism

The affirmative over simplifies the problem—this only strengthens the current regime

Morozov 2011 (Evgeny [visiting scholar at Stanford University and a Schwartz fellow at the New America Foundation]; The Net Delusion; p 310-11; kdf)

The essay contained more than a taxonomy of various planning problems. It also contained a valuable moral prescription: Rittel and Webber thought that the task of the planner was not to abandon the fight in disillusionment but to acknowledge its challenges and find ways to distinguish between tame and wicked problems, not least because it was "morally objectionable for the planner to treat a wicked problem as though it were a tame one:' They argued that the planner, unlike the scientist, has no right to be wrong: "In the world of planning ... the aim is not to find the truth, but to improve some characteristic of the world where people live. Planners are liable for the consequences of the actions they generate:' It's a formidable moral imperative. Even though Rittel and Webber wrote the essay with highly technical domestic policies in mind, anyone concerned with the future of democracy promotion and foreign policy in general would do well to heed their advice. Modern authoritarianism, by its very constitution, is a wicked, not a tame, problem. It cannot be "solved" or "engineered away" by a few lines of genius computer code or a stunning iPhone app. The greatest obstacle that Internet-centric initiatives like Internet freedom pose to this fight is that they misrepresent uber-wicked problems as tame ones. They thus allow policymakers to forget that the very act of choosing one solution over another is pregnant with political repercussions; it is not a mere chess game they are playing. But while it is hard to deny that wicked problems defy easy solutions, it doesn't mean that some solutions wouldn't be more effective (or at least less destructive) than others. From this perspective, a "war on authoritarianism" -or its younger digital sibling, a "war for Internet freedom" -is as misguided as a "war on terror:' Not only does such terminology mask the wicked nature of many problems associated with authoritarianism, concealing a myriad of complex connections between them, it suggests-falsely-that such a war can be won if only enough resources are mobilized. Such aggrandizement is of little help to a policy planner, who instead should be trying to grasp how exactly particular wicked problems relate to their context and what may be done to isolate and tackle them while controlling for side effects. The overall push, thus, is away from the grandiose and the rhetorical-qualities inherent in highly ambiguous terms like "Internet freedom" -and toward the miniscule and the concrete. Assuming that wicked problems lumped under the banner of Internet freedom could be reduced to tame ones won't help either. Western policymakers can certainly work to undermine the information trinity of authoritarianism-propaganda, censorship, and surveillance-but they should not lose sight of the fact that all of them are so tightly interrelated that by fighting one pillar, they may end up strengthening the other two. And even their perception of this trinity may simply be a product of their own cognitive limitations, with their minds portraying the pillars they can fight rather than the pillars they should fight. Furthermore, it's highly doubtful that wicked problems can ever be resolved on a global scale; some local accomplishments-preferably not only of the rhetorical variety-is all a policymaker can hope for. To build on the famous distinction drawn by the Austrian philosopher Karl Popper, policymakers should not, as a general rule, preoccupy themselves with utopian social engineering-ambitious, ambiguous, and often highly abstract attempts to remake the world according to some grand plan-but rather settle for piecemeal social engineering instead. This approach might be less ambitious but often more effective; by operating on a smaller scale, policymakers can still stay aware of the complexity of the real world and can better anticipate and mitigate the unintended consequences.

Impact: No Solvency

The aff operates under half-baked predictions—sweeping future social and political problems under the rug

Morozov 2011 (Evgeny [visiting scholar at Stanford University and a Schwartz fellow at the New America Foundation]; The Net Delusion; p 314-5; kdf)

Hannah Arendt, one of America's most treasured public intellectuals, was aware of this problem back in the 1960s, when the "scientifically minded brain trusters" -Alvin Weinberg was just one of many; another whiz kid with a penchant for computer modeling, Robert McNamara, was put in charge of the Vietnam War-were beginning to penetrate the corridors of power and influence government policy. "The trouble [with such advisers] is not that they are cold-blooded enough to 'think the unthinkable,'" cautioned Arendt in "On Violence," "but that they do not 'think:" "Instead of indulging in such an old-fashioned, uncomputerizable activity," she wrote, "they reckon with the consequences of certain hypothetically assumed constellations without, however, being able to test their hypothesis against actual occurrences:' A cursory glimpse at the overblown and completely unsubstantiated rhetoric that followed Iran's Twitter Revolution is enough to assure us that not much has changed. It was more than just the constant glorification of technical, largely quantitative expertise at the expense of erudition that bothered Arendt. She feared that increased reliance on half-baked predictions uttered by self-interested technological visionaries and the futuristic theories they churn out on an hourly basis would prevent policymakers from facing the highly political nature of the choices in front of them. Arendt worried that "because of their inner consistency ... [such theories J have a hypnotic effect; they put to sleep our common sense:' The ultimate irony of the modern world, which is more dependent on technology than ever, is that, as technology becomes ever more integrated into political and social life, less and less attention is paid to the social and political dimensions of technology itself. Policymakers should resist any effort to take politics out of technology; they simply cannot afford to surrender to the kind of apolitical hypnosis that Arendt feared. The Internet is too important a force to be treated lightly or to be outsourced to know-all consultants. One may not be able to predict its impact on a particular country or social situation, but it would be foolish to deny that some impact is inevitable. Understanding how exactly various stakeholders-citizens, policymakers, foundations, journalists-can influence the way in which technology's political future unfolds is a quintessential question facing any democracy. More than just politics lies beyond the scope of technological analysis; human nature is also outside its grasp. Proclaiming that societies have entered a new age and embraced a new economy does not automatically make human nature any more malleable, nor does it necessarily lead to universal respect for humanist values. People still lust for power and recognition, regardless of whether they accumulate it by running for office or collecting Facebook friends. As James Carey, the Columbia University media scholar, put it: "The 'new' man and woman of the 'new age' strikes one as the same mixture of greed, pride, arrogance and hostility that we encounter in both history and experience:' Technology changes all the time; human nature hardly ever. The fact that do-gooders usually mean well does not mitigate the disastrous consequences that follow from their inability (or just sheer lack of ambition) to engage with broader social and political dimensions of technology. As the German psychologist Dietrich Dorner observed in The Logic of Failure, his masterful account of how decision-makers' ingrained psychological biases could aggravate existing problems and blind them to the far more detrimental consequences of proposed solutions, "it's far from clear whether 'good intentions plus stupidity' or 'evil intentions plus intelligence' have wrought more harm in the world:' In reality, the fact that we mean well should only give us extra reasons for scrupulous self-retrospection, for, according to Dorner, "incompetent people with good intentions rarely suffer the qualms of conscience that sometimes inhibit the doings of competent people with bad intentions:'

Counterplans

Congress CP

1NC

The United States federal government should pass the Driver Privacy Act.

The CP is the only effective way to solve the third-party doctrine

Cover 2015 (Avidan Y [Assistant Professor of Law, Case Western Reserve University School of Law; Director, Institute for Global Security Law and Policy]; Corporate Avatars and the Erosion of the Populist Fourth Amendment; 100 Iowa L. Rev. 1441; kdf)

Courts may be burdened by more litigation brought by individual users over government requests for their data. But statutory clarity through legislation such as the Driver Privacy Act should guide the Executive and Judicial branches in determining what level of protection particular kinds of data require. Increased litigation is, however, the necessary cost of reinserting the individual in the conversation and negotiation with the government over her data. The Fourth Amendment must be first and foremost the people's right against unreasonable searches and seizures, not the right of the corporation. [*1501] VII. Conclusion The viability of corporate avatars as an answer to the third-party doctrine's flaws nears a crossroads. The 2014 term witnessed the Supreme Court's growing recognition of privacy's fragility in the big data era and its continuing expansion of corporations' rights. In Riley v. California, the Court acknowledged big data's encroachment on the Fourth Amendment, holding that a cell phone search required a warrant due to the phone's vast trove of data and the intimate details that information might reveal. n375 In Burwell v. Hobby Lobby Stores, Inc., the Court gave further scope to corporate rights, holding that the government's contraceptive mandate impermissibly burdened a corporation's free exercise of religion. n376 The two lines of cases may ultimately intersect or collide. The Court will have to confront corporate avatars and their legitimacy as guardians of the Fourth Amendment. A more robust corporate Fourth Amendment right might appear to strengthen corporations' ability to resist government requests for user data. The purpose of extending a constitutional right to a corporation is, after all, as the Hobby Lobby majority held, to protect the rights of its people, its members. n377 But the many practical reasons set forth in this Article suggest corporations are unlikely and unable to effectively challenge the government in the majority of requests for their users' data. Moreover, the Bill of Rights' populist origins and the Framers' distrust of corporate power militate against the maintenance of the corporate avatar dynamic. Government surveillance and use of big data will increasingly implicate an individual's Fourth Amendment right, requiring that she be permitted to challenge the government. To achieve the Fourth Amendment's privacy and government oversight objectives, individuals should normally receive notice of government surveillance and acquisition of their data. Notice may be justified on a number of grounds. First, the third-party doctrine should be limited to allow for Fourth Amendment protection of non-content data and data that are now indispensable to participate in society. Second, people should be afforded a proprietary right in much of their data. Congress may extend that right to various data, attaching to that right notice, as well as limits on incentives for corporate acquiescence to government requests for individuals' data. Finally, people may communicate their desired privacy and notice to both corporations and government through machine-to-machine technology, affording some level of ex ante clarity to the government for surveillance and pushing corporations to comport with individuals' preferences. By so [*1502] restoring agency to individuals in their relationship with the government, the Fourth Amendment can become again "the right of the people."

2NC CP Solves

CP Solves the case

Cover 2015 (Avidan Y [Assistant Professor of Law, Case Western Reserve University School of Law; Director, Institute for Global Security Law and Policy]; Corporate Avatars and the Erosion of the Populist Fourth Amendment; 100 Iowa L. Rev. 1441; kdf)

4. Automated Big Data Popular Notice Regime In the big data era, an individual cannot know all the data that private corporations and the government have and what they do with it. Lessig therefore concludes that "architecture must enable machine-to-machine negotiations about privacy so that individuals can instruct their machines about the privacy they want to protect." n371 Building on Lanier's monetization of privacy rights and the privacy preference profiles of the President's Council may better realize the populist, government-limiting objectives of the Fourth Amendment. Rather than attaching a financial component to the data, I propose a regime in which individuals would instead select in advance whether to receive notice when the government requests their data from a third-party company. Instead of setting a price for the data, an individual would choose what forms of data collection and analysis would require notice. The best route toward clarifying what data surveillance requires notice to the individual user is through legislation. As the driver data ownership laws suggest, n372 Congress may decide what data merit a proprietary relationship and, therefore, privacy protection. But any data about which Congress finds that surveillance would implicate privacy concerns should require notice to the individual, a cause of action for the individual, and limits on immunity afforded tech companies. Even with congressional action, however, [*1500] unaddressed instances will arise that call into question whether the government may obtain a person's data. A person's notice profile would permit an individual selection of only corporations' services and devices that provide notice to the user upon government requests for their data. A person might not want notice of every request. An individual may deem inoffensive the collection of telephony metadata for purposes of aggregate analysis and not request notice before such collection. The collection of CSLI, on the other hand, might induce concern and prompt a notice preference. Because, however, there may be forms of data analysis, with resulting revelations about personal behavior or conduct, that have yet to be discovered, general categories of data and analysis should be included within a person's notice profile. Even without judicial or congressional endorsement of notice profiles, the market could precipitate a move toward increased notice to the individual user. As with general privacy preferences concerning the sale of one's data to particular private entities, individual preferences for notice could serve as an adjunct to limiting government surveillance by prompting companies to provide such notice to the users. Notice also might be facilitated through future technological developments such as Lanier's proposed "Nelsonian network" - a two-way system that would record the provenance of all data. n373 The government would know in advance when a person wants notice and the person would receive notice each time the government seeks her data. n374

2NC Courts Bad

Vote neg on presumption, plan wont be enforced

Slobogin 2014 (Christopher [Milton Underwood Prof of Law, Vanderbilt U Law School]; Panvasive Surveillance, Political Process Theory, and the Nondelegation Doctrine; 102 Geo. L.J. 1721; kdf)

Unless the ban on general warrants is violated, the version of political process theory developed in this Article avoids second-guessing legislative decisions about panvasive surveillance that are made by representatives of the groups the surveillance affects and that assure the executive branch will implement legislative intent in an across-the-board manner. Conversely, panvasive surveillance is suspect if it is not authorized legislatively, or it is authorized by a political process that has denied the affected groups an opportunity to participate in the legislative debate, or it is carried out in a discriminatory or standardless fashion. Thus, even if the Fourth Amendment does not apply to panvasive surveillance, political process theory can provide a potent means of regulating it. The legislation, representation, and executive-constraint criteria required by political process theory pose significant obstacles to panvasive surveillance that has not been subject to the democratic process or that is implemented unevenly. Each of the panvasive surveillance programs discussed in this Article might be challengeable on political process theory grounds. Fusion centers are often not legislatively authorized at all. Camera and drone surveillance may be aimed at areas not represented in the legislative body. And all three of these programs, as well as the NSA's metadata surveillance practices, may run afoul of the [*1776] executive-constraint criterion if the legislation fails on intelligible principle or oversight grounds or the implementing regulations fail to meet administrative law's reason-giving, reasonableness, or promulgation-procedure principles. In contrast, under the Supreme Court's jurisprudence, none of the panvasive surveillance programs are subject to judicial regulation because they do not implicate the Fourth Amendment at all. Even if the Court changed direction and redefined "searches" to encompass

these programs, they would likely remain unregulated by the Fourth Amendment because of the Court's highly deferential special needs doctrine. Alternatively, those programs deemed to be aimed at ordinary crime control would be completely prohibited as a constitutional matter given the fact that, by definition, they are not based on individualized probable cause determinations. Thus, political process theory's application to the panvasive-surveillance setting occupies a middle ground between a regime that would essentially prohibit panvasive surveillance of any sort and the current carte blanche approach that either renders the Fourth Amendment irrelevant or permits virtually any panvasive government program meant to accomplish something other than a narrowly defined crime-control objective. Political process theory does not demand as much from the political branches as the Fourth Amendment's general warrant prohibition would require if it applied with full force. But given the Supreme Court's ungenerous construction of the Fourth Amendment, political process theory would ensure that the courts' role in regulating panvasive actions would be much more powerful than it is today.

Despite Supreme Court ruling, the NSA still continues to gather data- Congress is key to solve this issue

Whitney 2007 (Justin Whitney, FISA's Future: An Analysis of Electronic Surveillance in Light of the Special Needs Exception to the Fourth Amendment, 47 Washburn L.J. 127 gcb)

Congress cut off funding for the TIA, but there is no indication that the NSA has given up on data-mining to fight terrorism. n41 In May 2006, the NSA disclosed that it is compiling phone records from the major U.S. telecommunications firms to aid in fighting terrorism. n42 Phone records may not be the extent of the NSA's data-mining. Databases can be comprised of bank transactions, airline ticket purchases, Google internet searches, and credit card purchases. For example, the Department of the Treasury maintains a database called the Financial Crimes Enforcement Network. n43 Unusually suspicious transactions, such as international funds transfers or cash deposits exceeding $ 10,000, are flagged, stored, and shared with multiple law enforcement agencies. n44 Media reports and recent cases have unearthed the details of the TSP. In Hepting v. AT&T Corp., n45 the plaintiffs sought a preliminary injunction of NSA wiretapping alleged to be taking place at AT&T's [*132] San Francisco office. n46 The plaintiffs supported the motion with documents obtained by Mark Klein, a former employee of AT&T. n47 Klein described witnessing workers constructing a new room next to a switch room for wiretapping at the direction of an NSA agent. n48

The Hepting court began its analysis by recognizing admissions from President Bush's radio address on December 17, 2005. n49 In that address, the President admitted that in the weeks after September 11, 2001, he "authorized the National Security Agency ... to intercept the international communications of people with known links to al Qaeda and related terrorist organizations." n50 He also said, "Before we intercept these communications, the government must have information that establishes a clear link to these terrorist networks." n51 President Bush further revealed that the Attorney General reviews the surveillance activities every forty-five days and that leaders in Congress are not updated on the program. n52 The court also took judicial notice of a public statement President Bush made on May 11, 2006. n53 He said that the government's "international activities strictly target al Qaeda and their known affiliates," and that the government is "not mining or trolling through the personal lives of millions of innocent Americans." n54 The court also took notice of Attorney General Alberto Gonzalez's comments on the subject. n55 Gonzalez revealed in a December 19, 2005 press briefing that the surveillance program intercepts

Solves Deference

Use of Congress is key to prevent separation of powers concerns

Whitney 2007 (Justin Whitney, FISA's Future: An Analysis of Electronic Surveillance in Light of the Special Needs Exception to the Fourth Amendment, 47 Washburn L.J. 127 gcb)

If, however, the NSA's controversial Terrorist Surveillance Program (TSP) did play a key role in thwarting the attack, it is now unclear whether the TSP will survive to help deter future attacks. Merely six days after the unraveling of the U.K. terror plot, a federal judge issued an injunction against the TSP and declared it unconstitutional. n11 The constitutionality of the TSP has gained media attention since the New York Times released details of the TSP in December 2005. n12 In response to the court decision and the media controversy, on January 17, 2007, Attorney General Alberto Gonzalez announced that the NSA's warrantless surveillance, generally referred to as the TSP, will cease and the NSA will now conduct future surveillance with court approval under the Foreign Intelligence Surveillance Act of 1978 (FISA). n13 Opponents of warrantless surveillance argue that Congress strictly limited the means for conducting it by enacting FISA. Critics maintain the TSP lacks congressional approval similar to the Supreme Court ruling that the President's military tribunals lacked congressional approval in Hamdan v. Rumsfeld. n14 This article suggests that analyzing warrantless executive surveillance in terms of congressional approval is good because it reduces separation of powers concerns.

Use of the Supreme Court allows for abuse of power by the president

Whitney 2007 (Justin Whitney, FISA's Future: An Analysis of Electronic Surveillance in Light of the Special Needs Exception to the Fourth Amendment, 47 Washburn L.J. 127)

Article II, section 1 of the Constitution imposes a duty on the President to "preserve, protect and defend the Constitution of the United States." n62 Because of that duty, the Supreme Court has stated that the President has implicit authority to protect our system of government from subversion. n63 The Fourth Amendment, however, restricts the President's duty to protect the nation's security and guarantees by protecting U.S. persons from unreasonable searches and seizures absent a warrant based on probable cause. n64 The conflict between national security and the Fourth Amendment unfolded in United States v. U.S. District Court (Keith). n65 In the Keith case, the defendant allegedly bombed the CIA office in Ann Arbor, Michigan with dynamite. n66 The defense sought disclosure of wire-tap evidence obtained against the defendant. n67 The Attorney General admitted to the court that he had approved government agents to conduct warrantless electronic surveillance on the defendant as necessary to guard against "attempts of domestic organizations to attack and subvert" [*134] the government. n68 The Supreme Court set out to define the limits of the Presidential power to protect national security with warrantless domestic wire-tapping, a practice that the Court recognized the executive branch had conducted for at least twenty-five years. n69 The Keith Court recognized the President's implicit constitutional power to conduct surveillance on foreign powers and on domestic powers. n70 The Court, however, held that warrantless surveillance over purely domestic powers violates the Fourth Amendment. n71 The Court made clear that its holding did not limit the President's power to conduct surveillance "with respect to activities of foreign powers or their agents." n72 Thus, the Court limited the holding to the President's constitutional power to conduct surveillance over domestic powers meaning, "composed of citizens of the United States and which has no significant connection with a foreign power, its agents or agencies." n73 Keith's limited holding did not answer whether the President has Article II power to conduct electronic surveillance on citizens possessing a significant connection to a foreign power or its agents. n74

Solves Privacy

The CP is key to preventing further violations of the Fourth Amendment

Whitney 2007 (Justin Whitney, FISA's Future: An Analysis of Electronic Surveillance in Light of the Special Needs Exception to the Fourth Amendment, 47 Washburn L.J. 127 gcb)

Law enforcement can deviate from FISA and remain within constitutional bounds through the special needs exception to the Fourth Amendment. n83 While surveillance related to general crime prevention requires a warrant under the Fourth Amendment, courts relax the warrant requirement if necessary to monitor a specific threat. n84 The special needs exception to the Fourth Amendment constitutionally authorizes the President to conduct warrantless surveillance in response to specific threats from foreign powers. n85In United States v. Truong, n86 the United States Court of Appeals for the Fourth Circuit addressed the President's constitutional authority to monitor the specific threat that foreign powers pose within the U.S. n87 The government monitored David Truong, a Vietnamese citizen, with electronic surveillance upon suspicion that he was transmitting classified information to Vietnam. n88 The government bugged Truong's apartment and phone for almost one year continuously without court authorization. n89 Upon his conviction for espionage, Truong argued that the surveillance violated the Fourth Amendment. n90 The Truong court interpreted Keith to imply that the President can constitutionally conduct warrantless surveillance for foreign intelligence purposes. n91 It held that the need for foreign intelligence information is too great to justify a uniform [*136] warrant requirement. n92 Such a requirement would frustrate the executive's ability to counter foreign threats. n93 The Truong court recognized that countering foreign threats necessitates speed and secrecy. n94 The hurdles of a warrant requirement limit the executive branch's flexibility and increase the time required to respond to a foreign threat. n95 According to the court, a warrant requirement would increase the chance of leaking sensitive executive information. n96 Equally important to the Truong court was recognition that the executive branch has expertise in surveillance decisions that the judiciary lacks. n97 District courts lack the knowledge to assess and weigh the importance of foreign intelligence information relevant to a probable cause determination. n98 This analysis is better left in the hands of the executive branch, comprised of the intelligence community and military, which is better equipped to assess external threats. n99 Putting aside the impracticalities of a warrant requirement for foreign surveillance, the court recognized that the Constitution mandates the executive branch to be the "pre-eminent authority in foreign affairs." n100 In upholding Truong's conviction, the court stated that separation of powers demands that conducting domestic security surveillance is the President's principal responsibility. n101 Truong distinguished between foreign intelligence surveillance and crime investigation surveillance. n102 If the primary purpose of surveillance was to gather foreign intelligence, then the special needs exception was triggered, and the warrant requirement was relaxed. n103 If the primary purpose was criminal prosecution, the surveillance was subject to the usual warrant requirements. n104 The Truong court drew a bright line as to when the purpose of surveillance becomes primarily criminal. n105 Moreover, the Truong court left an impression in law enforcement that the surveillance became primarily criminal at the moment the agency's criminal division assumed the lead role. n106 This framework resulted in the FBI transferring criminal investigations to other government agencies to ensure there was no overlap between criminal and foreign intelligence [*137] purposes that would require a warrant. n107 The Truong test resulted in a compartmentalized approach that erected a wall within the Justice Department. n108 This wall analogy surfaced in testimony before Congress regarding the failure to prevent the 9/11 attack. n109 A New York FBI agent testified that senior FBI officials prohibited agents from initiating a criminal investigation into two of the 9/11 hijackers because they feared a criminal investigation would require a warrant. n110 Out of frustration, one agent infamously predicted in a letter to FBI headquarters: "Someday someone will die - and wall or not - the public will not understand why we were not more effective and throwing every resource we had at certain "problems.' ... The biggest threat to us now, [Usama Bin Laden], is getting the most "protection."' n111 The holding from In re Sealed Case n112 criticized the compartmentalized approach from Truong. n113 Recently, the Supreme Court has indicated that the threat of terrorism might be a valid special needs exception to the Fourth Amendment. In City of Indianapolis v. Edmond, n114 the Court invalidated a suspicionless highway checkpoint created to detect drug transportation. n115 The Court ruled that the primary purpose of drug prosecution was insufficient to justify a suspicionless search. n116 Rather, suspicionless searches require a purpose beyond criminal prosecution such as protecting citizens against special hazards like unsafe drivers. n117 According to the Court, thwarting an imminent terrorist plot would justify a suspicionless search. n118

AT: Perm do Both

The plan and CP are incompatible. Perm do both would include the use of the Supreme Court or the severing of the negative. This is a unique reason to vote neg.

Whitney 2007 (Justin Whitney, FISA's Future: An Analysis of Electronic Surveillance in Light of the Special Needs Exception to the Fourth Amendment, 47 Washburn L.J. 127 gcb)

The [*142] Supreme Court granted certiorari on November 7, 2005. n167 The Hamdan Court carefully ruled that the military commissions exceeded the authority granted by Congress to conduct military commissions without addressing whether the commissions were within the sole constitutional authority of the President. n168 The Court explained that the executive's authority to run military commissions consists of authority found in the Constitution and authority granted to the executive by another branch. n169 The Supreme Court decided Hamdan on the later and left the former unaddressed. **The Constitution expressly states that Congress, not the President, possesses the power to "make Rules concerning Captures on Land and Water."** n170 Pursuant to this authority, Congress has enacted Article 21 of the UCMJ granting the President power to conduct military tribunals but only for offenses that Congress deems may be tried in a military tribunal by statute or by the law of war. n171 Although the Constitution's text reserves this authority for Congress, precedent suggests that the President also possesses this authority in "cases of a controlling necessity." n172 Instead of deciding if the commissions fall within the President's constitutional authority, the Court held that the military commissions exceeded the authority Congress granted the President under the UCMJ. n173 Further, the Court refused to find that the AUMF expanded the President's authorization to conduct military commissions under the UCMJ. n174 This narrow reading of the AUMF conflicts with the Hamdi decision, which held that the detention of enemy combatants was within the scope of the AUMF because it was such a fundamental incident of war. n175

AT: Court override

Congress has authority to enact legislation that eliminates Supreme Court jurisdiction over certain cases - empirics

Dinh 2008 (Viet D; 2008; Threats to judicial independence, real & imagined; Viet D. Dinh is professor of law and codirector of the Asian Law and Policy Studies Program at Georgetown University Law Center; http://www.mitpressjournals.org/doi/pdf/10.1162/daed.2008.137.4.64; 7-10-15; mbc)

Criticism of courts comes in many forms, and recent years have witnessed many if not all of the variations. But if we compare the nature and intensity of today's criticisms with the vitriol direct-ed at judges in years past, it becomes ap-parent that they are not unique. Indeed, public critiques of federal judges have been commonplace throughout Ameri-can history and, when done thoughtfully and honestly, they contribute both to a healthy democracy and to judicial inde¬pendence.7 Congress has attempted to enact legislation that restricts or eliminates the jurisdiction of federal courts to hear certain types of cases. Congress's power to do so derives from the Exceptions Clause,8 which provides that "the supreme Court shall have appellate Jurisdiction, both as to Law and Fact, with such Exceptions, and under such Regulations as the Congress shall make." The best-known of these limitations concerns review by federal courts of prior adjudications by other bodies, such as administrative agencies or state courts. In the early 1990s, the public (and some members of Congress) grew increasingly frustrated with what was perceived as federal courts' penchant for allowing state convicts to relitigate their cases in the federal system. In re-sponse to these and other concerns (in-cluding fears about terrorism), Congress in 1996 enacted the Anti-Terrorism and Effective Death Penalty Act (AEDPA).9 Among other things, AEDPA limits the ability of federal courts to consider habeas challenges to state-court criminal convictions. Similar concerns led Congress (also in 1996) to enact the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA).10 The IIRIRA prevents federal courts from reviewing a final order of the Immigration and Naturalization Service to deport a person with a criminal record, and expands the class of crimes that constitute an aggravated fel-ony, including terrorism. More recently, in December 2005, just months before the Supreme Court was scheduled to hear the Hamdan v. Rumsfeld case, Congress passed and the president signed the Detainee Treatment Act (DTA),11 which purported to remove from the federal courts jurisdiction to hear challenges brought by suspected terrorists to their detention and treatment at Guantánamo Bay. After the Supreme Court held in Hamdan that the DTA did not strip the courts of jurisdiction over habeas petitions pending during the DTA's enactment, Congress and the president tried again. They passed the Military Commissions Act of 2006, which stripped federal courts of jurisdiction over Guantánamo detainees' cases, including those that were pending. The 109th Congress was asked to re-move federal court jurisdiction to re view the constitutionality of hot-button issues, like abortion. The Marriage Pro-tection Act of 2005 intended to strip federal courts of jurisdiction to consider the constitutionality of the Defense of Marriage Act, which declares that no state shall be required to recognize legally same-sex marriages performed in another state.12 Other proposals aimed to deny courts jurisdiction to assess the constitutionality of the Pledge of Alle-giance13 and public displays of the Ten Commandments.14 While all of these measures failed to secure final passage by Congress, they have been reintro-duced in the 110th Congress.

Minimization CP

1NC

The United States federal government should amend the Foreign Intelligence Surveillance Act minimization procedures so that evidence collected on Americans is destroyed, if deemed impertinent

This solves their privacy internal links and avoids the DA

Correia 2014 (Evan RC [JD Candidate, 2015 @ Temple]; PULLING BACK THE VEIL OF SECRECY: STANDING TO CHALLENGE THE GOVERNMENT'S ELECTRONIC SURVEILLANCE ACTIVITIES; 24 Temp. Pol. & Civ. Rts. L. Rev. 185; kdf)

1. The Minimization Process The structural separation within the FISA context is derived from minimization procedures and the preference for immediate, non-supervised destruction, rather than retention of any gathered non-foreign intelligence information. n215 Minimization procedures under the FISA were adopted by the Attorney General and "designed in light of the purpose and technique of the [*206] particular surveillance, to minimize the acquisition and retention, and prohibit the dissemination, of information unavailable to the public concerning non-consenting United States persons consistent with the need of the United States to obtain, produce, and disseminate foreign intelligence information." n216 Borrowed from the concept of minimization in Title III, n217 these procedures attempt to safeguard the privacy rights of American citizens by minimizing the acquisition, retention, and dissemination of information that is not foreign intelligence information. n218 Rather than returning such information to the judge, as is required under Title III, n219 the FISA presumes that the best way to safeguard the privacy of Americans is to destroy the information instead of retaining it. n220 The change from Title III was based upon the belief "that in light of the relatively few cases in which information acquired under this chapter may be used as evidence, the better practice is to allow the destruction of information that is not foreign intelligence information or evidence of criminal activity." n221 However, the question remains as to how the immediate destruction of these communications actually safeguards privacy when minimization procedures require that acquisition be limited to situations where foreign intelligence information is likely to be obtained and dissemination of such communications is strictly prohibited. n222 The invasion of privacy occurs the moment the communication is acquired and sorted. n223 An individual subject to such an invasion would only have [*207] his or her privacy further compromised if the recording were disseminated. Dissemination is prohibited unless it "is necessary to understand foreign intelligence information or assess its importance," n224 or if it is "information that is evidence of a crime which has been, is being, or is about to be committed." n225 The actual effectiveness of these minimization procedures is "significant because it is this immediate destruction that effectively prevents the possibility of serving notice and conducting oversight in cases where something has gone astray in the process." n226 The practical effect of immediate destruction is that Americans whose conversations are unlawfully acquired will never find out about the interception of their communications. n227 As the principal invasion of privacy has already taken place prior to the minimization procedures, the substantial costs that immediate destruction imposes in terms of notice and oversight are not worth incurring. n228 Instead of being immediately destroyed, non-foreign intelligence information should be returned to the FISC in a manner similar to the Title III process. As Adler suggests; "returning the information to the FISC does not significantly compound the invasion of privacy, [and any] minor invasion is justified by the ultimate objectives of the return procedure to provide relief for, and improve oversight of, unlawful electronic surveillance." n229 2. Amending the Minimization Process An amendment altering the minimization procedures could "accomplish the dual objective of achieving greater oversight of the FISA process and enabling the FISC to notify particular individuals who were subjects of unlawful electronic surveillance." n230 Specifically, the statute should require the executive to return non-foreign intelligence information to the FISC in order to determine whether particular individuals should be provided with notice. This is consistent with the statute and the recent practice of allowing the FISC power to monitor surveillance conducted under its authority. n231 It is also consistent with the legislative history of [*208] enabling the FISC to act as the ultimate decision-maker regarding the retention and destruction of information gathered under FISA. n232 Additionally, a notice provision similar to the ones included in Title III and the FISA emergency contexts should be added to the

statute. n233 As Adler proposes, however, "unlike the Title III provision ... not everyone subject to electronic surveillance can or should be notified ... not even everyone subject to unlawful electronic surveillance should be notified." n234 It should be within the discretion of the FISC to determine when it is in the interest of justice to provide notice to those people who were subject to prolonged or particularly intrusive unlawful electronic surveillance. The separation of powers doctrine compels vesting this check on executive power with the FISC, rather than with the executive branch itself. n235 Just as the FISC has the opportunity to decide if an individual is to be notified, the government should be afforded an opportunity "on an ex parte showing of good cause" to have notice delayed or cancelled. n236 However, generalized assertions that "information that is embarrassing to [the federal government] must be kept secret for reasons of national security" n237 should not suffice. n238 Good cause should require a specific showing that notice would inform one of the individuals being monitored or would have the effect of disclosing confidential intelligence methods. n239 A specific demonstration of how serving notice on a particular individual will compromise national security must be made to the FISC. n240 A distinction must be made between disclosures that concretely threaten national security, and those that would merely embarrass the government. n241 The FISC is the ideal body for determining whether notice would actually pose a threat to national security or whether it would merely provide a particular American citizen or citizens with the necessary standing to challenge the intrusion upon their privacy. n242 The attendant safeguards and the limited disclosure of information would ensure that when notice is provided, national security would not be endangered. n243 After the FISC makes its notice determinations, the non-foreign [*209] intelligence information pertaining to those not notified should be destroyed. n244 However, non-foreign intelligence information forming the basis of notice should not be destroyed until after an assessment of damages. n245 When notice is provided, it will be up to the individual to decide whether to take further action. "Although litigants may not often choose to seek relief, it is important, in a civilized society, that the judicial branch of the Nation's government stand ready to afford a remedy in these circumstances." n246

AT: Internet Advantages

Censorship Good – ISIS

1NC

Censorship is key to block ISIS

Bradshaw 2015 (Tom [Senior lecturer in Journalism at I of Gloucestershire]; Why 2015 is gearing up to be the year of censorship; theconversation.com/why-2015-is-gearing-up-to-be-the-year-of-censorship-35693; kdf)

India's government has displeased many internet users by blocking access to some major websites at the start of the new year. A total of 32 sites were blocked, although sanctions have been lifted from the three most famous sites on the list: software development platform GitHub and video sites Vimeo and Dailymotion. The decision to block the sites was reportedly over concerns that they were hosting content by terrorist groups. For many Westerners, democracy and free speech are inextricably connected, so the idea of curtailing freedom of expression in the interests of political stability seems illiberal and even totalitarian. But India is not alone in feeling the need to take some action. Some initial battles took place last year, but it looks as if 2015 will really be the year in which internet censorship will become a war. British prime minister, David Cameron, and other Western leaders have been forced to confront a difficult issue in 2014, as Islamic State showed how deftly it could appropriate social media networks to spread its jihadi manifesto. What happens when terrorists commandeer global media networks and use them to disseminate propaganda aimed at undermining democratic, secular governance? The response from politicians has been to lean heavily on internet service providers, making them do more to remove jihadi material. This approach is regarded as unjustifiable censorship by critics, including the Index on Censorship, which has argued for the right of people to decide for themselves whether they view such content. Corporate censorship For their part, social media companies such as Twitter have been taking down accounts linked to IS, even though employees have been threatened with death for doing so. And YouTube has been working hard to remove jihadi material that glorifies violence. But if you're determined to find a video of an IS beheading, you will find one. One student casually remarked to me during a recent lecture that he'd watched a beheading video only a few nights earlier, in rather the same way as if he might have mentioned that he'd caught up on an episode of The Simpsons. There are some who passionately believe that such videos should remain accessible. The Index on Censorship argues that allowing governments or media corporations to decide who watches what is the start of a process that leads, ultimately, to the muzzling of dissent and difference. Those who believe this content shouldn't be viewed can urge others not to watch it, as Twitter users did in August with the #ISISmediablackout hashtag. Still, while one or more people can choose not to look, the content will still be available unless politicians take action. And as Cameron ponders just how he should do that in 2015 without triggering accusations of censorship, he could consider a lesson in recent British history. The oxygen of publicity The British government formally ended a high-profile dalliance with censorship 20 years ago when it lifted restrictions on how the media could report the Troubles in Northern Ireland. From 1988 to 1994, broadcasters were banned from airing the words spoken directly by the Irish Republican party, Sinn Fein, and by specified paramilitary organisations. As it turned out, broadcasters could use actors and reported speech to convey the content of such organisations. Interviews with Sinn Fein's leader Gerry Adams were televised

and his exact words broadcast, just with the voice of an actor dubbed over the top. This all prompted questions about just how the law was depriving Sinn Fein and other organisations of what Margaret Thatcher termed the "oxygen of publicity". Since then, the digital revolution has transformed the media, enabling terrorists to reach new audiences. By setting up a social media account, jihadis can immediately give themselves a voice with a reach that is potentially global. As a result the UK government is now engaged in a similar battle to that which took place during the Troubles, but the goalposts have been significantly widened. Last month, Cameron announced he wants companies to be more proactive in taking down "harmful material". He also called for stronger filters and an on-screen button to report jihadi material. Talk of filters induces queasiness in the anti-censorship lobby – and for good reason. Censorship of the web is regularly used by repressive regimes to retain control over what is said online. But the trouble for those who oppose such restrictions is that a traditional argument against censorship has been undermined – arguably by Twitter more than any other organisation. Social media often means that debate is conducted via short statements that contain emotional responses. Abbreviated words, images and hashtags often replace reasoned discourse. Almost by design, Twitter is not conducive to the sort of patient argument needed to express a controversial opinion and justify it to your critics. So world leaders have started running out of options. The indicators are that they won't leave it to chance this year and that censorship will continue to be deployed through a combination of government and corporate activity. What started in a panic in 2014, will become something altogether more structured and powerful in the 12 months to come.

ISIS uses the internet as a means of recruiting and financial support

Ajnaili 2014 (Mustapha; How ISIS conquered social media; June 24; english.alarabiya.net/en/media/digital/2014/06/24/How-has-ISIS-conquered-social-media-.html; kdf)

After seizing swathes of land in Iraq and Syria, the Al-Qaeda-inspired Islamic State of Iraq and Syria is expanding its presence on social media, using sophisticated techniques to recruit fighters, spread its propaganda and garner financial support. One of these techniques is a Twitter application called "Fajr al-Bashaer," or "Dawn of Good Tidings" (@Fajr991). The application - flagged by Twitter as "potentially harmful" - requests user data and personal information. After downloading it, the app sends news and updates on ISIS fighting in Syria and Iraq. A recent report estimates that hundreds of users have subscribed to the application on the internet or their Android smart phones using the Google Play store.

ISIS spurs CBW terrorism

Budowsky 14 (LL.M. degree in international financial law from the London School of Economics, aide to former Sen. Lloyd Bentsen and Bill Alexander - chief deputy majority whip of the House Brent Budowsky, Budowsky: ISIS poses nuclear 9/11 threat, http://thehill.com/opinion/brent-budowsky/215603-brent-budowsky-isis-poses-9-11-scope-threat)

I vehemently opposed the misguided Iraq War from the moment it was proposed by former President George W. Bush and have never been a neoconservative, warmonger or super-hawk. But aggressive action against ISIS is urgently needed. ISIS has stated its intention to attack the **U**nited **S**tates and Europe to advance its evil, messianic and genocidal ideology and ambitions. ISIS **has the money** to purchase the most **deadly weapons** in the world, and has recruited American and European traitors with **above-average capability** to execute an attack.

The odds that ISIS can obtain **nuclear, chemical, biological** or other forms of mass destruction weapons are impossible to ascertain but in a world of vast illegal arms trafficking, with so many corrupt officials in nations possessing arsenals of destruction, **the danger is real**. The fact that WMD scares prior to the Iraq War ranged from mistaken to deceitful does not mean that the WMD danger does not exist today. It does. I applaud the recent actions taken by President Obama. Obama's airstrikes saved tens of thousands of Yazidis from genocide, took back the Mosul Dam from ISIS and saved countless Iraqis, Kurds and Syrians from slaughter. The airstrikes inflicted material damage to ISIS. The diplomacy of Obama and Secretary of State John Kerry contributed mightily to the replacement of a disastrous Iraqi government by a government can unite Iraqi Sunnis, Shiites and Kurds. The Obama-Kerry initiatives will lead to the creation of a stable Afghan government and avoid the collapse that was possible after the recent controversial Afghan elections. These are real successes. In the current political climate, Obama seems to get credit for nothing, but he deserves great credit for some important successes in recent weeks. And yet the danger of ISIS pulling off a nuclear, chemical, biological or other mass death 9/11-style attack in a major American or European city is real. Even with dirty or primitive WMD weapons, the casualty totals could be **catastrophic**. ISIS must be defeated and destroyed. This will not be achieved with "boots on the ground" proxies from Iraqi or Kurd forces alone, though Kurdish forces should immediately receive strong military assistance.

Extinction

Mhyrvold 13 (Nathan, Began college at age 14, BS and Masters from UCLA, Masters and PhD, Princeton "Strategic Terrorism: A Call to Action," Working Draft, The Lawfare Research Paper Series Research paper NO . 2 –
2013, http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2290382)

A technologically sophisticated terrorist group could develop such a virus and kill a large part of humanity with it. Indeed, terrorists may not have to develop it themselves: some scientist may do so first and publish the details. Given the rate at which biologists are making discoveries about viruses and the immune system, at some point in the near future, someone may create artificial pathogens that could **drive the human race to extinction**. Indeed, a detailed species-elimination plan of this nature was openly proposed in a scientific journal. The ostensible purpose of that particular research was to suggest a way to extirpate the malaria mosquito, but similar techniques could be directed toward humans.16 When I've talked to molecular biologists about this method, they are quick to point out that it is slow and easily detectable and could be fought with biotech remedies. If you challenge them to come up with improvements to the suggested attack plan, however, they have plenty of ideas. Modern biotechnology will soon be capable, if it is not already, of bringing about the demise of the human race— or at least of killing a sufficient number of people to end high-tech civilization and set humanity back 1,000 years or more. That terrorist groups could achieve this level of technological sophistication may seem far-fetched, but keep in mind that it takes only a handful of individuals to accomplish these tasks. Never has lethal power of this potency been accessible to so few, so easily. Even more dramatically than nuclear proliferation, modern biological science has frighteningly undermined the correlation between the lethality of a weapon and its cost, a fundamentally stabilizing mechanism throughout history. Access to extremely lethal agents—lethal enough to exterminate Homo sapiens—will be available to anybody with a solid background in biology, terrorists included.

xt – Yes ISIS uses Internet

FBI Director Comey – crackdown on the internet needed

Hudson 2015 (John; FBI Director: For Would-Be Terrorists, Twitter is the 'Devil on Their Shoulder'; Jul 8; foreignpolicy.com/2015/07/08/fbi-director-for-would-be-terrorists-twitter-is-the-devil-on-their-shoulder/; kdf)

FBI Director James Comey accused Twitter of being the main conduit for Islamic State recruitment on Wednesday and said the social media site amounted to the "devil on their shoulder" for extremist sympathizers around the world. "ISIL is reaching out, primarily through Twitter, to about 21,000 English-language followers," Comey told the Senate Judiciary Committee, using an acronym for the extremist group. "It buzzes in their pocket … a device, almost a devil on their shoulder, all day long saying, **'kill, kill, kill, kill.**'" Comey noted that the Islamic State's recruitment techniques differ from al Qaeda's, which invests more heavily in spectacular attacks against Western landmarks. The ISIS message is "two pronged: come to the so-called Caliphate … and if you can't come, kill somebody where you are." "I cannot see we stopping these indefinitely [sic]," he added. The FBI chief's unusually pointed warning about one of the most successful American social media companies came during congressional testimony about the dangers of encryption technologies that prevent law enforcement from accessing data on Americans' smartphones. In recent months, Silicon Valley and U.S. law enforcement agencies have been at loggerheads over new versions of smartphone operating systems from Google, Apple, and other firms that offer default encryption that the companies themselves can't break. **Privacy advocates have championed the software as an important bulwark against government surveillance and cyber crime**, but law enforcement officials such as Comey worry that forensic data needed to solve crimes or thwart terrorist attacks will "go dark."

ISIS uses the internet as a recruitment

Ryan 2014 (Laura; Al-Qaida and ISIS use Twitter differently. Here's How and Why; Oct 9; www.nationaljournal.com/tech/al-qaida-and-isis-use-twitter-differently-here-s-how-and-why-20141009; kdf)

Al-Qaida has an Internet presence nearly two decades old, using various platforms and—more recently—social media to push its message. But it is ISIS, the relative newcomer, that has escalated its Internet efforts to the point that governments are beginning to see winning the Internet as central to the fight against terrorism. European government officials reportedly met Thursday in Luxembourg with heads of tech companies—including Twitter, Facebook, and Google—to discuss how to combat online extremism. And the U.S. State Department launched its own Center for Strategic Counterterrorism Communications in 2011. Much of ISIS's online strategy stems from lessons learned while its members were still in al-Qaida's fold. But when the groups split apart, their online strategies diverged as well—especially in how they use social media. From 9/11 to the executions of James Foley and Scott Sotloff, there seem to be no limits to the violence the two terrorist groups are willing to carry out. Now both groups use social media to wage their own brand of jihad, but they use it very differently. And their separate techniques not only reveal key divisions between the two terrorist groups, but also illustrate the depths of extremism that ISIS will plumb—and that al-Qaida won't. Here are a few key distinctions: 1. ISIS more successfully uses social media to recruit members. Both groups use social media to target and recruit foreigners, but ISIS is much better at it. The number of Westerners fighting alongside ISIS in Syria and Iraq could number in the thousands, thanks in large part to Twitter and Facebook, and this spooks the West. Social media's public and instantaneous nature is ideal for reaching ISIS's target audience—young, disillusioned Westerners who are ripe for radicalization—and it gives them a sense of community. ISIS showcases its recruiting success via

Twitter and Facebook, where foreign recruits themselves become propaganda tools of the group's digital war, according to Gabriel Weimann, a professor of communication at Haifa University, Israel, who has been tracking terrorists' use of the Internet for nearly 15 years. The Facebook profiles and Twitter handles of Western recruits are distinct because their nationality is usually noted after their new, traditional Muslim names. The American public is most familiar with ISIS's graphic images, but recruits also share messages and images of daily life in Syria as peaceful, purposeful, and orderly. "Even if they recruited them, radicalized them, changed their names, made them legal muslims, they keep calling them by the name of the country they came from," Weimann said. 2. Al-Qaida relies on 'older' Web platforms. Al-Qaida never managed to find this kind of success, according to Weimann. Even though al-Qaida paved the way for ISIS on the Internet, the group has quickly outpaced al-Qaida at exploiting social media to its fullest potential. Al-Qaida certainly has a presence on social media, but the group still relies heavily on "older" platforms, like websites and forums, according to Weimann. And while ISIS focuses on fighting a nearby enemy to defend the Islamic State, al-Qaida focuses on fighting an external enemy, i.e. the United States., and is therefore more focused on stirring "lone-wolf" terrorists to carry out acts of terror on their own.

Internet freedom allows for online terrorist recruitment

UNODC 12
(http://www.unodc.org/documents/frontpage/Use_of_Internet_for_Terrorist_Purposes.pdf, pg. 5)
JKS

The Internet may be used not only as a means to publish extremist rhetoric and videos, but also a way to develop relationships with, and solicit support from, those most responsive to targeted propaganda. Terrorist organizations increasingly use propaganda distributed via platforms such as password-protected websites and restricted access Internet chat groups as a means of clandestine recruitment.5 The reach of the Internet provides terrorist organizations and sympathizers with a global pool of potential recruits. Restricted access cyber forums offer a venue for recruits to learn about, and provide support to, terrorist organizations and to engage in direct actions in the furtherance of terrorist objectives.6 The use of technological barriers to entry to recruitment platforms also increases the complexity of tracking terrorism-related activity by intelligence and law enforcement personnel. 8. Terrorist propaganda is often tailored to appeal to vulnerable and marginalized groups in society. The process of recruitment and radicalization commonly capitalizes on an individual's sentiments of injustice, exclusion or humiliation.7 Propaganda may be adapted to account for demographic factors, such as age or gender, as well as social or economic circumstances. 9. The Internet may be a particularly effective medium for the recruitment of minors, who comprise a high proportion of users. Propaganda disseminated via the Internet with the aim of recruiting minors may take the form of cartoons, popular music videos or computer games. Tactics employed by websites maintained by terrorist organizations or their affiliates to target minors have included mixing cartoons and children's stories with messages promoting and glorifying acts of terrorism, such as suicide attacks. Similarly, some terrorist organizations have designed online video games intended to be used as recruitment and training tools. Such games may promote the use of violence against a State or prominent political figure, rewarding virtual successes, and may be offered in multiple languages to appeal to a broad audience.8

ISIS recruits online now – gives them more power

Hopping 7-8 (http://www.itpro.co.uk/security/24943/fbi-encryption-helps-isis-recruit-new-members) JKS

Universal **encryption will help terrorists spread their creeds through secure messaging services**, according to the FBI. James Comey, director of the agency, claimed in a blog post that worldwide encryption will help groups like ISIS ahead of his appearance at the Senate Intelligence Committee. He wrote that secure messaging services and social media will help ISIS recruit new members online. "When the government's ability—with appropriate predication and court oversight—to see an individual's stuff goes away, it will affect public safety," he wrote on pro surveillance website Lawfare. "That tension is vividly illustrated by the current ISIL threat, which involves ISIL operators in Syria recruiting and tasking dozens of troubled Americans to kill people, a process that increasingly takes part through mobile messaging apps that are end-to-end encrypted, communications that may not be intercepted, despite judicial orders under the Fourth Amendment." While he recognised the personal privacy benefits of secure encryption, he added: "My job is to try to keep people safe. In universal strong encryption, I see something that is with us already and growing every day that will inexorably affect my ability to do that job. "It may be that, as a people, we decide the benefits here outweigh the costs and that there is no sensible, technically feasible way to optimize privacy and safety in this particular context, or that public safety folks will be able to do their job well enough in the world of universal strong encryption." His comments come after Prime Minister David Cameron denounced encrypted messaging services like Whatsapp earlier this year.

xt – Internet recruitment Key

Recruitment via the Internet is critical to ISIS's success

Ajnaili 2014 (Mustapha; How ISIS conquered social media; June 24; english.alarabiya.net/en/media/digital/2014/06/24/How-has-ISIS-conquered-social-media-.html; kdf)

Western Muslims Western Muslims are an important target of ISIS's social media propaganda. The group ensures most of its media productions are translated into as many Western languages as possible. This is done through sophisticated media arms such as Al-Furqan Media, Fursan Al-Balagh Media, Asawirti Media, Al-Ghuraba Media - which appears to be operated in Germany - and Al-Hayat Media Center (http://justpaste.it/ma_asabak). The last one provides the translation of a recent speech by ISIS spokesman Abu Mohammad al-Adnani al-Shami into English, Turkish, Dutch, French, German, Indonesian and Russian. J.M. Berger, editor of INTELWIRE.com and author of "Jihad Joe: Americans Who Go to War in the Name of Islam," wrote: "ISIS does have legitimate support online - but less than it might seem. And it owes a lot of that support to a calculated campaign that would put American social-media-marketing gurus to shame." Peter W. Singer - director of the Center for 21st Century Security and Intelligence, and a senior fellow in the Foreign Policy program - told Al Arabiya News that ISIS's increased activity on social media "in many ways reflects the new nature of media technology's cross with warfare." Singer added: "Just as the Crimea War was the first war reported by telegraph and Vietnam the first TV war, we are now seeing wars in places like Syria and Iraq, just like the broader use of media technology, playing out online."

xt – Yes CBWs: Ebola

ISIS will infect recruits with Ebola, creating a new bubonic plague

Dorminey October 5, 20**14** (Ebola as ISIS BioWeapon?; www.forbes.com/sites/brucedorminey/2014/10/05/ebola-as-isis-bio-weapon/; kdf)

ISIS may already be thinking of using Ebola as a low-tech weapon of bio-terror, says a national security expert, who notes that the "Islamic State of Iraq and Syria" and terror groups like it wouldn't even have to weaponize the virus to attempt to wreak strategic global infection. Such groups could simply use human carriers to intentionally infect themselves in West Africa, then disseminate the deadly virus via the world's air transportation system. Or so says Capt. Al Shimkus, Ret., a Professor of National Security Affairs at the U.S. Naval War College. "The individual exposed to the Ebola Virus would be the carrier," Shimkus told Forbes. "In the context of terrorist activity, it doesn't take much sophistication to go to that next step to use a human being as a carrier." And with a significant portion of West Africa now in an open epidemic, it arguably wouldn't be difficult for a terrorist group to simply waltz in and make off with some infected bodily fluids for use elsewhere at another time. They wouldn't even have to "isolate" it, says Shimkus, who teaches a course in chemical and biological warfare. He says that if ISIS wanted to send half a dozen of its operatives into an Ebola outbreak region and intentionally expose themselves to the virus, they very well could. The idea is then once they had intentionally infected themselves, they would try to interact with as many people in their target city or country of choice. The average fatality rate from Ebola, classified as a hemorrhagic fever, is 50 percent; but without medical treatment, that figure can range as high as 90 percent, reports the U.N. World Health Organization (WHO). The WHO also notes that although there are two potential vaccines undergoing "evaluation," at present none are licensed. The virus was first documented in humans in 1976 during two simultaneous outbreaks, one in Sudan and the other in the Congo, in a village near the Ebola River. The WHO reports that a type of fruit bat is thought to act as the virus' natural host. The virus apparently spreads into the human population via direct contact with infected animals — ranging from chimpanzees, gorillas, monkeys, forest antelope and porcupines; as well as the fruit bat itself — be they found ill or dead in the rain forest. According to the WHO, Ebola can then be spread via contact with the infected's bodily fluids; even bedding and clothing "contaminated" with such fluids. The idea of using human carriers to intentionally spread deadly pathogens has been around for centuries. As Shimkus points out, in the Middle Ages, adversaries threw infected corpses over their enemy's city walls in order to spread the deadly Bubonic Plague.

xt – Yes CBW Extinction

CBW attacks are the most probable existential threat

Burt 2013 (Alistar [member of parliament and parliamentary under-secretary of state at the UK Foreign and Commonwealth Office]; We must wake up to the threats of new chemical weapons; Apr 15; www.newscientist.com/article/mg21829125.900-we-must-wake-up-to-the-threats-of-new-chemical-weapons.html#.VMUUlP7F-AU; kdf)

Most governments now regard such weapons as militarily redundant, as demonstrated by their membership of the Chemical Weapons Convention (CWC), which prohibits the production and

use of chemical weapons, commits them to destroying all existing stocks, and prevents reacquisition. Yet advances in a range of scientific fields – such as neuroscience and nanotechnology – and the growing convergence of chemistry and biology, while offering the hope of benefits to medicine and civil society, also bring the potential for a new era in chemical warfare. There is an intrinsic connection between the military and civilian scientific communities; the military's need for innovation has long been a driving force in research. But the potential for the adaptation and exploitation of scientific discovery for military advantage has rarely been greater. Pursuing legitimate research while minimising the risk of misuse is a challenge for all. In 2011, I wrote in this magazine that the world needed to do more to guard against the growing threat of biological weapons. Now, I want to make the same case with regard to chemical weapons. These issues are being discussed this month at the Third Review Conference of the CWC at The Hague in the Netherlands. The UK was a key player in negotiating agreement for the convention, which came into force in 1997, and although the threats we now face are very different from those that preoccupied the original negotiators, our commitment to it is undiminished. It remains a fundamental part of the international legal framework to tackle the threat of chemical weapons and has resulted in the destruction of four-fifths of the world's declared stockpiles. This is welcome, but we cannot afford to be complacent. The international community must ensure it is equipped to meet new challenges and prevent the re-emergence of chemical weapons. The latest threat comes on several fronts. Consider the rapidly advancing field of neuroscience, in particular neuropharmacology. The potential benefits for treating neurological impairment, disease and psychiatric illness are immense; but so too are potentially harmful applications – specifically the development of a new range of lethal, as well as incapacitating, chemical warfare agents. Nanotech also has the potential to transform medical care, but could be used to bolster chemical weapon capabilities. We should not allow threats to hinder scientific progress. But we should do all we can to minimise the misuse of knowledge, materials, expertise and equipment for hostile purposes. The scientific community must play its part. These issues should be a fundamental element of educational and professional training for scientists and engineers, along with clear guidance on the obligations imposed by the CWC to not develop, produce, acquire, stockpile or retain chemical weapons. Organisations such as the UK's Royal Society are spearheading this work. Significant challenges to the convention are also being addressed. For instance, it focuses on the types and quantities of toxins that armies, not terrorist cells, would need. The components of chemical weapons are readily available: industrial chemicals are sold in bulk, yet unlike their nuclear equivalent, only limited scientific and engineering knowledge is needed to turn them against us. Recent history shows us that extremists entertain no qualms about the acquisition and use of such weapons; and they are willing to use primitive delivery systems. In 1995, terrorists from the Japanese cult Aum Shinrikyo released a nerve agent on the Tokyo subway which led to 13 deaths and left hundreds more suffering ill effects. Preventing and prohibiting misuse without impeding the beneficial development of science and technology is a delicate balancing act but a necessary one. All nations must face up to these challenges and consider the implications for the CWC's verification regime in the short, near and long term. For instance, will the declaration and inspection provisions that apply to the chemical industry still be relevant? We cannot afford to be reactive. If unchecked, this threat has the potential to cause devastation on a vast scale. This is a watershed moment for the convention and for the international community. We must summon the political will to strengthen regulation and ensure relevance in the modern world. The duty to prevent chemical development for weapons must be enforced in all nations, and states must be prepared to take steps nationally to prevent the misuse of toxic chemicals. As the current situation in Syria demonstrates, the danger

posed by these weapons is not an abstract issue. The existence of that country's chemical arsenal is a reminder of the threats we face. Any use of such weapons is abhorrent. Preventing this and holding to account those who use them must remain a priority for the international and scientific communities alike.

AT: ISIS Not a Threat

ISIS is more of a threat than ever

Botelho January 24, 20**15** (Greg; What's happening in the Middle East and why it matters; edition.cnn.com/2015/01/23/middleeast/middle-east-country-breakdown/; kdf)

Already, ISIS has beheaded a number of U.S. and British hostages -- all of them civilians -- and threatened more. There's also the real threat that the group may take its campaign out of the Middle East to strike in the West. That may have happened this month in France. One of the three terrorists there, Amedy Coulibaly, proclaimed his allegiance to ISIS in a video, and investigators discovered ISIS flags along with automatic weapons, detonators and cash in an apartment he rented, France's RTL Radio reported Sunday, citing authorities. The West and some of its Middle Eastern allies are striking back with targeted airstrikes not only in Iraq, where the coalition has a willing partner, but in Syria, where it is not working with al-Assad. (In fact, Obama and others have said they want the Syrian President out of power.) U.S. diplomatic officials said Thursday that estimates are that this coalition has killed more than 6,000 ISIS fighters. Yet their work is far from done. The group boasts upwards of 31,000 fighters, not to mention fresh recruits seemingly coming in regularly.

AT: Plan doesn't get modeled

Facebook censors posts to appease China, plan reverses that

Techdirt 2015 (Is Facebook Censoring posts to please China?; Jan 9; abovethelaw.com/2015/01/is-facebook-censoring-posts-to-please-china/; kdf)

Techdirt has reported before, one troubling consequence of China's widespread online censorship is that users of some services outside that country are also affected. A recent incident suggests that as China's soft power increases, so does its ability to influence even the most powerful of Western online companies. It concerns Tsering Woeser, perhaps the leading Tibetan activist, and certainly the most Net-savvy. As she explains in an article on China Change (NB — post contains some disturbing images of self-immolation): On December 26, 2014, I reposted on my Facebook page a video of Tibetan Buddhist monk Kalsang Yeshe's self-immolation that occurred on December 23 [in Tawu county, Kardze Tibetan Autonomous Prefecture, Sichuan province, China], accompanied by an excerpted report explaining that self-immolation is a tragic, ultimate protest against repression. A few hours later, my post was deleted by the Facebook administrator. I was rather shocked when a Facebook notice of deletion leapt out on screen, which I tweeted right away with the thought, "It's been more than six years since I joined Facebook in 2008, and this is the first time my post was deleted! Does FB also have 'little secretaries?' " "Little secretaries" refers to the censors hired by Chinese online services to remove politically sensitive material. Her article includes Facebook's explanation for its move: Facebook has long been a place where people share things and experiences. Sometimes, those experiences involve violence and graphic videos. We work hard to balance expression and safety. However, since some people object to graphic videos, we are working to give people additional control over the content they see. This may include warning them in advance that the image they are about to see contains graphic content. We do not currently have these tools available and as a result we have removed this content. To which Woeser replies that there seems to be some double standards here: Western democracies have recently resolved to strike ISIS, and the public support for this is largely the result of the Jihadist videos of beheading hostages that have been disseminated online. Facebook defended its inclusion of these beheading videos which it claims do not show the graphic moment of beheading. But I, for one, saw videos of the beheading moment on Facebook. I even saw footage of the executioners putting the severed head on the torso of the dead. Even with a video without the moment of beheading, does it not "involve violence" and is it therefore not "graphic?" Moreover, she points out that there is a key difference between the videos of hostages being beheaded, and the images of self-immolation that she posted: Tibetans who burn themselves to death are not seeking death for their own sake but to call attention to the plight of the Tibetan people. They die so that the Tibetans as a people may live

in dignity. Those who took tremendous risk to videotape the self-immolation and to upload it online know perfectly that such videos will not be able to spread on Chinese websites, and they must be posted on websites in free societies such as Facebook for the world to see. When Facebook decides to delete the video to get rid of "graphic content," it renders the sacrifice of the self-immolator and the risk taken by the videographer as nothing. Is that what Facebook wants to accomplish? She concludes by posing an important question about Facebook's true motives here: On Facebook, videos of Tibetan self-immolations have not been censored before, and my friends argued that we have reason to worry that Facebook founder and CEO Mark Zuckerberg is compromising on defending users' freedom of expression as he seeks China's permission to allow Facebook in China, given that he visited Beijing two months ago and met with high-ranking Chinese officials, and that a couple of weeks ago, Mr. Zuckerberg received Lu Wei, China's Internet czar in Facebook's headquarters where he ingratiated himself to his guest by showing that he and his employees were reading [China's President] Xi Jinping's writings to learn about China. The view that Facebook is selling-out in order to ingratiate itself with the Chinese authorities is lent support by another story involving a Facebook post by a Chinese dissident, reported here by The New York Times: Amid growing censorship pressures around the world, Facebook suspended the account of one of China's most prominent exiled writers after he posted pictures of a streaking anti-government demonstrator. On Tuesday, the exiled writer, Liao Yiwu, said that he had received a notice from Facebook stating that his account had been temporarily suspended, and that it would be blocked permanently if he continued to violate the site's rules against nudity. Once again, the excuse for censorship is that it violated Facebook's rules. But that doesn't stand up to scrutiny: Mr. Liao said the case was not that simple. In an interview at his home in Berlin, the 56-year-old writer said he had covered up the genitalia of the streaker in the photo after people pointed out that it might violate Facebook rules. He cut out a picture of the former Chinese leader Mao Zedong and pasted it over the man's groin in the photo. His account was suspended several days after doing so. Taken together, these two cases certainly seem to indicate a new desire by Facebook to stay on the right side of the Chinese government by removing politically sensitive content, perhaps in the hope that it may be allowed to launch in China at some point. That's bad enough, but the situation is made worse by the company's feeble attempts to pretend otherwise.

China censors ISIS—Aff ends that censorship

Schrock January 21, **2015** (John Richard [Prof at Emporia State University]; Danger, dignity and decent; www.hayspost.com/2015/01/21/danger-dignity-and-decency/; kdf)

Within these last months in the U.S., we have seen Islamic State (ISIS) rebels recruit online. Hundreds of teenagers have left their homes to join the war in Iraq and Syria. The wimpy U.S. response was to produce counter online advertisements. Blocking those recruitment websites was not considered legitimate because it was "free speech." But other countries are willing to take action. Article 19 of the U.N. Universal Declaration of Human Rights recognized in the International Covenant on Civil and Political Rights asserts that "…everyone shall have the right to freedom of expression…" in speech, print, art or other media. However, Article 19 also explains that exercise of these rights may be "…subject to certain restrictions." Those limitations include respecting "…the rights or reputation of others" and "…the protection of national security or of public order, or of public health or morals." Foreign countries recognize the gray areas of free-speech. For instance, some European countries restrict libel of living persons on the Internet. And China has no qualms using their great firewall to block those Internet ISIS calls to come-and-kill. Why do we consider it a crime to threaten to kill another person in the U.S., but not a crime to recruit youngsters to kill people elsewhere?

Plan independently ends censorship

Plan sends a signal for internet freedom—causes a li

Gardner, 10

(Staff Editor & Reporter-Casino Gambling Web, 9/23, Gambling Regulations Will Help Obama's World Internet Freedom Mandate, http://www.casinogamblingweb.com/gambling-news/gambling-law/gambling_regulations_will_help_obama_s_world_internet_freedom_mandate_55752.html)

Gambling Regulations Will Help Obama's World Internet Freedom Mandate President Obama gave a speech today in front of the United Nations General Assembly, and his message

was largely one of individual freedom. During the speech, Obama touched on many issues, perhaps the most aggressive of which was having a Palestinian state separate from Israel. Obama spoke of allowing the Palestinians their own state with the hope that Israelis and Palestinians could live side by side in peace. Obama acknowledged that this could take a long time, but that the goal could become a reality. During the speech, Obama spoke about how the Internet should remain free from government interference everywhere in the world. The freedom to surf the Internet would allow people all across the globe to research issues and learn from the wide array of news that is currently found on the Internet. "We will support a free and open Internet, so individuals have the information to make up their own minds," said Obama. "And it is time to embrace and effectively monitor norms that advance the rights of civil society and guarantee its expansion within and across borders." **That statement may have been much better received had the US not had their own blocks on** Internet freedom. The **Internet gambling** industry currently is operating as a black market in the US due to the 2006 Unlawful Internet Gambling Enforcement Act. The law is a form of Internet censorship that Representative Barney Frank and other lawmakers have been trying to repeal. In the quest for Internet freedom, the US proclaims themselves as leaders, however, the country must be careful with their plea. **If the US can place Internet bans on certain industries, then little could be done to stop other countries from banning different industries or websites because of their beliefs.** For instance, in countries where religion is unified, there could be bans on any material that the country finds outside the rules of their particular religion. In other countries, bans could be placed on industries that are run largely by foreign operators. President Obama took a strong first step today by promoting Internet freedom. **The next step will be making sure the US leads by example, and one area to start would be by lifting the ban on Internet gambling.** The president has laid down the gauntlet, and **now it is time for him to follow his own lead.**

Internet—Competition

1nc Internet/Bandwidth

If the thesis of their advantage is true – that demand is already too high – companies would be upgrading now. All the aff does is spike a bandwidth crunch in the short term because broadband investments are long term.

No Internet collapse

Dvorak 2007 (John; Will the Internet Collapse?; May 1; www.pcmag.com/article2/0%2c2817%2c2124376%2c00.asp; kdf)

When is the Internet going to collapse? The answer is NEVER. The Internet is amazing for no other reason than that it hasn't simply collapsed, never to be rebooted. Over a decade ago, many pundits were predicting an all-out catastrophic failure, and back then the load was nothing compared with what it is today. So how much more can this network take? Let's look at the basic changes that have occurred since the Net became chat-worthy around 1990. First of all, only a few people were on the Net back in 1990, since it was essentially a carrier for e-mail (spam free!), newsgroups, gopher, and FTP. These

capabilities remain. But the e-mail load has grown to phenomenal proportions and become burdened with megatons of spam. In one year, the amount of spam can exceed a decade's worth, say 1990 to 2000, of all Internet traffic. It's actually the astonishing overall growth of the Internet that is amazing. In 1990, the total U.S. backbone throughput of the Internet was 1 terabyte, and in 1991 it doubled to 2TB. Throughput continued to double until 1996, when it jumped to 1,500TB. After that huge jump, it returned to doubling, reaching 80,000 to 140,000TB in 2002. This ridiculous growth rate has continued as more and more services are added to the burden. The jump in 1996 is attributable to the one-two punch of the universal popularization of the Web and the introduction of the MP3 standard and subsequent music file sharing. More recently, the emergence of inane video clips (YouTube and the rest) as universal entertainment has continued to slam the Net with overhead, as has large video file sharing via BitTorrent and other systems. Then VoIP came along, and IPTV is next. All the while, e-mail numbers are in the trillions of messages, and spam has never been more plentiful and bloated. Add blogging, vlogging, and twittering and it just gets worse. According to some expensive studies, the growth rate has begun to slow down to something like 50 percent per year. But that's growth on top of huge numbers. Petabytes. To date, we have to admit that the structure of the Net is robust, to say the least. This is impressive, considering the fact that experts were predicting a collapse in the 1990s. Robust or not, this Internet is a transportation system. It transports data. All transportation systems eventually need upgrading, repair, basic changes, or reinvention. But what needs to be done here? This, to me, has come to be the big question. Does anything at all need to be done, or do we run it into the ground and then fix it later? Is this like a jalopy leaking oil and water about to blow, or an organic perpetual-motion machine that fixes itself somehow? Many believe that the Net has never collapsed because it does tend to fix itself. A decade ago we were going to run out of IP addresses—remember? It righted itself, with rotating addresses and subnets. Many of the Net's improvements are self-improvements. Only spam, viruses, and spyware represent incurable diseases that could kill the organism. I have to conclude that **the worst-case scenario** for the Net is an outage here or there, if anywhere. After all, the phone system, a more machine-intensive system, never really imploded after years and years of growth, did it? While it has outages, it's actually more reliable than the power grid it sits on. Why should the Internet be any different now that it is essentially run by phone companies who know how to keep networks up? And let's be real here. The Net is being improved daily, with newer routers and better gear being constantly hot-swapped all over the world. This is not the same Internet we had in 1990, nor is it what we had in 2000. While phone companies seem to enjoy nickel-and-diming their customers to death with various petty scams and charges, they could easily charge one flat fee and spend their efforts on quality-of-service issues and improving overall network speed and throughput. That will never happen, and phone companies will forever be loathed. But when all is said and done, it's because of them that the Internet will never collapse. That's the good news. The bad news is they now own the Internet—literally—and they'll continue to play the nickel-and-dime game with us.

Optoelectronics innovation is resilient

NRC 12

National Research Council, principal operating agency of the National Academies, Winter 2012, "Optics and Photonics: Essential Technologies for Our Nation," 7-155

Those firms found that the lowest-cost option was to manufacture the discrete technologies in developing countries and abandon U.S. production of monolithically integrated technologies.49 It is not clear, however, that the apparent declines in monolithic-integration patenting in the firms that have moved production activities offshore **will necessarily lead to** a decline in overall innovation by U.S. firms in monolithic integration. Several start-up firms have emerged in the United States since 2000 that focus on monolithic-integration technologies. It is also possible that established U.S. optoelectronic component manufacturers that have kept fabrication in the United States will increase R&D and patenting in monolithic integration for optoelectronics. Finally, and perhaps most important, **firms outside telecommunications** and data communications, such as computing firms, may find it in their interest to develop monolithic-integration design and fabrication capabilities for communications applications, as evidenced by Intel's recent establishment of a silicon photonics design and fabrication facility at the University of Washington.

The case of optoelectronics components illustrates a strong relationship between the location of production activities by U.S. firms and the direction of these firms' innovative efforts. But the evidence presented in this case suggests that **the movement of optoelectronics-component production to non-U.S. locations has thus far not resulted in the "loss" by the U.S. economy of innovative capabilities** in monolithic integration. Instead, we observe that a different set of U.S. corporations (and universities) now have become active in this technological field.50,51

Aff does nothing to industry structure—Comcast outweighs

Sasso 9/4/14 (Brendan; FCC Chief: Cable Companies Are Wrong About Internet Competition; www.nationaljournal.com/tech/fcc-chief-comcast-is-wrong-about-internet-competition-20140904; kdf)

September 4, 2014 Most Americans lack any real choice in accessing high-speed Internet, the chairman of the Federal Communications Commission said Thursday. Comcast and other cable giants have argued that the industry is already plenty competitive. Consumers in many areas can choose to access the Internet from a DSL provider or on their smartphones, the cable companies argue. While FCC Chairman Tom Wheeler didn't mention Comcast by name, he said those other options don't deliver the speeds that consumers need today. To reliably stream high-definition video, as consumers expect, providers must deliver speeds of at least 25 megabits per second, Wheeler said. In most areas, that means the only option is the local cable company. "At 25 Mbps, there is simply no competitive choice for most Americans," the FCC chief said. "Stop and let that sink in**. Three-quarters of American homes have no competitive choice for the essential infrastructure for 21st century economics and democracy.** Included in that is almost 20 percent who have no service at all." The conclusion doesn't bode well for Comcast's bid to buy Time Warner Cable. The deal would unite the top two cable providers, creating a new behemoth controlling a large portion of the nation's high-speed Internet access. But Comcast frequently notes that its network doesn't overlap with Time Warner Cable, meaning the merger would not actually create fewer choices for any consumers. Comcast didn't respond to a request to comment. The speech could also have implications for the agency's net-neutrality regulations. Wheeler noted that, historically, the absence of competition has "forced the imposition of strict government regulation in telecommunications." But he made it clear that he would prefer a competitive market with light regulation than heavy regulation of monopolies. One of the consequences of past monopoly regulation was the "thwarting of the kind of innovation that competition stimulates," Wheeler said.

Fiber solves bandwidth

Forrest, 14 - Staff Writer for TechRepublic. (Conner, "Google's Fiber lottery: Predicting who's next and how Google picks winners" Tech Republic, http://www.techrepublic.com/article/the-google-fiber-lottery/)

Bandwidth is a serious issue for these kinds of small businesses, as well as entrepreneurs and highly-connected families. Mobile data, streaming video, and advances in cloud services have put tremendous demands on bandwidth, and with internet service providers experimenting with bandwidth throttling and bandwidth caps, it threatens to make internet usage a constrained resource.

Google, of course, wants people and companies to use the internet like it's a unlimited resource, because as the web's largest internet advertising company, it makes more money the more everyone uses the internet.

Google Fiber is tackling this problem by putting a new face on a decades-old technology with the hopes of using it to bring gigabit internet into businesses and homes -- that's **over 10 times the capacity** of most of today's internet connections in US homes and small businesses. No new internet product has generated as much excitement in the technology world as Google Fiber. It has piqued the interest of average consumers and left techies salivating.

When Google Fiber started in Kansas City, Kansas in 2012, it was difficult to determine how serious the search giant was about disrupting the US internet. In 2013, it expanded the experiment to Austin, Texas and Provo, Utah, and the possibility began to emerge that this was going to be a real thing. Google even released a checklist for potential Fiber cities. According to William Hahn, a principal analyst at Gartner, it's hard to tell exactly what Google is up to.

"It's like those murder mysteries. The suspect would act exactly the same way, whatever their motive, up to this point," Hahn said. "If they were trying to take a look at people's data and play in the sandbox, and were willing to subsidize for that reason, it would look a lot like them trying to spur competitive response from the CSPs."

However, in 2014, Google suddenly looked a lot more serious about Fiber when it announced plans to bring Fiber to 34 cities. That sounds a little more ambitious than it really is. It's actually only nine metro areas, but it's still a major expansion of Google's Fiber plans.

The internet's not key to any facet of the international order – their authors inflate the threat

Ortagus '14

[Megan, Master's in International Security from Johns Hopkins. May 2014,"The Internet's Impacts on Power Differentials in Security and Conflict", master's thesis submitted to Johns Hopkins University, https://jscholarship.library.jhu.edu/bitstream/handle/1774.2/37255/ORTAGUS-THESIS-2014.pdf?sequence=1]

It is quite remarkable how ICT has transformed commerce, global communications, and societal interactions so dramatically in only twenty years since the modern Internet became widely accessible to individuals. As a result, all states are presented with unprecedented security vulnerabilities, and their response to shifting power differentials is paramount. This has led many analysts to proclaim that power differentials have fundamentally changed and that cyberspace ultimately will render other forms of warfare irrelevant. However, the Internet has **neither fundamentally altered human nature** nor **the desires and competitions that fuel conflict**; it is transforming the experience of conflict, although not necessarily the outcomes. This thesis has found no conclusive data to support the notion that ICT is concurrently revolutionizing interstate, intrastate or extrastate conflict to the point whereby a weaker adversary can achieve a desired political outcome through the unique use of cyberspace. If this were the case, one would expect to see VNSAs, dissident movements, and fragile states solely using the Internet to prevail against their more powerful adversaries. At present there are **no such cases**. To the contrary, dominant nation states (especially authoritarians) have used ICT in concert with traditional security forces to defeat those who challenge the normal order. The prediction that the fifth domain will make other forms of warfare irrelevant, or that the Internet provides a competitive advantage for dissidents and terrorists, **has not yet come to fruition**. While cyberspace adds a new virtual dimension to conflict, much like airpower added a third dimension to military conflict after World War I, cyber weapons have not yet developed to the point where they can replace weaponry in the physical domains. Some experts argue that they never will. To extend the air power analogy further, aerial systems first provided unparalleled reconnaissance capabilities before evolving into their more famous roles delivering deadly payloads. Today, cyber weapons are **significantly limited and cyber warfare has not proven to be an adequate substitute for an air force, let alone an occupying force**. Although as technology advances, cyber weapons could transform from auxiliary to decisive in combat, much like airpower. Alternatively, cyber warfare could be relegated to a category similar to chemical warfare: it inspires serious concerns,

but has not affected the global balance of power. The latter appears more likely because of the Internet's **inherent limitations in affecting the physical world**.

--XT Squo Solves/Google Fiber

Telecom is answering demand now—fiber will go national no matter what the aff does

Canon, 14 (Scott, "AT&T might challenge Google Fiber with high-speed Internet service in KC" Kansas City Star, 4/21,

Read more here: http://www.kansascity.com/news/business/article346078/ATT-might-challenge-Google-Fiber-with-high-speed-Internet-service-in-KC.html#storylink=cpy)

AT&T Inc. took a swing at Google Inc. on Monday.

The telecommunications behemoth announced it may challenge the Internet search titan on turf that is new to both — the sale of **industrial-strength Internet hookups** to the home.

Both might soon fight over bandwidth-hungry customers in Kansas City. AT&T said the market is one of 24 it is considering for expansion of broadband speeds reaching 1 gigabit per second. That would be nearly 100 times faster than the national average for home consumers.

The two companies had already begun a low-stakes tussle over the fledgling market for high-speed household Internet connections in Austin, Texas.

AT&T's move Monday **signaled a push to nationalize the market**, possibly leapfrogging Google Fiber.

For years, the home Internet business has been the domain of phone and cable TV companies that typically said they saw little evidence that ordinary consumers wanted so much broadband.

Google Fiber was seen as an attempt to goad those companies into offering swifter Internet connections. If AT&T takes such a service nationwide, upgrading its U-verse into a service called GigaPower, the **rest of the industry could follow suit**.

"The scope of this effort simply takes your breath away," said technology industry analyst Jeff Kagan. "This is the most ambitious plan we have seen to date."

Cities that want AT&T, the company suggested, should consider cutting regulatory red tape the way thatKansas City-area communities have for Google Fiber.

Google Fiber boosts innovation in every provider and it's expanding rapidly

Conner, 14 - I am an entrepreneur and communications expert from Salt Lake City, and I am the founder of Snapp Conner PR. I am also a frequent author and speaker on Business Communication (Cheryl ,"Google Fiber Plans Expansion To 34 New Cities (Including Salt Lake)" Forbes, http://www.forbes.com/sites/cherylsnappconner/2014/02/20/google-fiber-plans-expansion-to-34-new-cities-including-salt-lake/)

The race for the Internet gigabit space took another leap forward this week with Google GOOG +0.85% Fiber's announcement that it has targeted 34 more cities in 9 metro areas for access to Google internet services at the increasingly popular 1Gps speed.

Salt Lake City is one of the additional regions Google is considering for network expansion along with additional cities in Arizona, California, Georgia, Tennessee, North Carolina, Oregon and Texas. (Google Fiber's blog announcement includes a comprehensive list of the 34 additional sites in all states.)

Google expects to give final selection decisions to the 34 new candidate locations by the end of the year. Of particular note to cities vying for future expansion, much of Google's choice for current candidates is dependent on cities' ability to conduct their own legwork. Cities with existing infrastructure that is pervasive and documented can gain a leg up in getting their infrastructure maps in order and making it faster and easier for Google to make permit requests, knowing the company can put its fiber on the cities' existing Internet poles.

By targeting cities with existing infrastructure, Google is not only able to move forward more quickly, but is able to minimize the disruption to recipient cities that is caused by digging up streets to establish new conduits, the company said.

Of the selections, Google representative Angie Welling told representatives of Salt Lake City, "Google chose to work with Salt Lake City because of how tech-savvy the area is. Google would love to see what local entrepreneurs would do with a high-speed gig connection."

While Google has previously said that Google Fiber's launch is meant to also spur the growth of competitive platfoms from other providers, the company's fast expansion is making Google itself a bigger competitive force than before. As I have previously reported, Chattanooga Tenn., has built its own ultra high speed fiber network, and AT&T T +1.12% has launched a similar offering in Austin, Texas, after Google's announcement of plans to provide services there.

*It's changing the **entire** industry*

Barr, 14 – staff at WSJ (Alistair, "Google Fiber Is Fast, but Is It Fair?" Wall Street Journal, http://online.wsj.com/articles/google-fuels-internet-access-plus-debate-1408731700)

Frustrated by the hammerlock of U.S. broadband providers, Google Inc. GOOGL +0.92% has searched for ways around them to provide faster Internet speeds at lower cost, via everything from high-speed fiber to satellites.

In the process, **it is changing how next-generation broadband is rolled out.**

Telecom and cable companies generally have been required to blanket entire cities, offering connections to every home. By contrast, Google is building high-speed services as it finds demand, laying new fiber neighborhood by neighborhood.

Others including AT&T Inc. T +1.12% and CenturyLink Inc. CTL +0.59% are copying Google's approach, underscoring a deeper shift in U.S. telecommunications policy, from requiring universal service to letting the marketplace decide.

--XT No Bandwidth Crisis

No total collapse – too decentralized

Jonathan **Strickland**, 10 February 20**10** senior writer for Discovery's How Stuff Works, "What would happen if the Internet collapsed?" . HowStuffWorks.com. <http://computer.howstuffworks.com/internet/basics/internet-collapse.htm>

Here's the good news -- a total collapse of the Internet would be almost impossible. The Internet isn't a magic box with an on/off switch. It's not even a physical thing. It's a collection of physical things and it's constantly changing. The Internet isn't the same entity from one moment to the next -- machines are always joining or leaving the Internet. It's possible for parts of the Internet to go offline. In fact, this happens all the time. Whether it's a particular server that crashes and needs to be rebooted or replaced or a cable under the ocean gets snagged by an anchor, there are events that can disrupt Internet service. But the effects tend to be isolated and temporary. While there is such a thing as the Internet backbone -- a collection of cables and servers that carry the bulk of data across various networks -- it's not centralized. There's no plug you could pull out from a socket or a cable you could cut that would cripple the Internet. For the Internet to experience a global collapse, either the protocols that allow machines to communicate would have to stop working for some reason or the infrastructure itself would have to suffer massive damage. Since the protocols aren't likely to stop working spontaneously, we can rule out that eventuality. As for the massive damage scenario -- that could happen. An asteroid or comet could collide with the Earth with enough force to destroy a significant portion of the Internet's infrastructure. Overwhelming gamma radiation or electromagnetic fluctuations coming from the sun might also do the trick. But in those scenarios, the Earth itself would become a lifeless hulk. At that stage it hardly matters whether or not you can log in to MySpace.

Demand not growing fast enough to cause collapse – consensus

Leslie **Daigle et al** 20**10**; Internet Society Chief Internet Technology Officer; Internet Society briefing paper, Growing Pains: Bandwidth on the Internet http://www.isoc.org/isoc/conferences/bwpanel/docs/bp-growingp-201003-en.pdf

The Internet is continuously evolving. Some of the more profound recent changes have been caused by the impact of broadband access networks. In the last decade, the number of broadband subscribers worldwide has grown over one hundred times. Widespread broadband deployment has led to tremendous innovation in Internet applications and huge increases in the average amount of bandwidth consumed per user. The effects of these changes are now being felt around the globe. Stimulated by a recent panel event organized by the Internet Society, we present the results of several recent studies, which, when combined represent the most detailed and comprehensive picture of the contemporary Internet available today. These studies show a consensus emerging about the gross amount of bandwidth being used on the Internet, and the growth trends. The panel event hosted discussion of the impacts of growth and application innovation on Internet service providers, and some of the actions that the technical community is taking to address these 'growing pains'. We draw a number of conclusions from the data and the discussion: • The growth of Internet bandwidth globally is not about to cause global problems. International and intercarrier links are not, in general, unable to cope with the demands of growing bandwidth consumption.

Your impacts are consistently and hilariously empirically denied – prefer our evidence

Leslie **Daigle et al** 20**10**; Internet Society Chief Internet Technology Officer; Internet Society briefing paper, Growing Pains: Bandwidth on the Internet http://www.isoc.org/isoc/conferences/bwpanel/docs/bp-growingp-201003-en.pdf

It is a truism that the Internet has grown tremendously since its inception, both in the scale of the physical internetwork that underpins it and the scope of activity that it supports. The invention and widespread dissemination of Internet technology marks an inflection point in human civilization arguably as great as that wrought by Johannes Gutenberg. Unsurprisingly, given this sudden, striking, and profound change, doom-laden predictions for the future of the Internet have never been hard to find. In addition to concerns about the impact on human social norms and the implications for economic activity, there have been regular forecasts of impending catastrophe based on fears that the technology itself is simply unable to support the huge growth curve it has experienced and is experiencing.

ISP's exaggerate massive data costs – internet traffic add tiny cost

Barry **Collins** (writer for PC Pro) October **2011** "ISPs "exaggerate the cost of data"" http://www.pcpro.co.uk/news/broadband/370393/isps-exaggerate-the-cost-of-data

SPs are over-egging the costs of meeting the ever-increasing demand for data, according to a new report. Both fixed and mobile providers have claimed that increased internet traffic has resulted in "ballooning" costs for networks. Some ISPs have argued that content providers should pay them to help meet the cost of supplying bandwidth-intensive services such as the BBC iPlayer. However, a new report commissioned by content providers - including the BBC, Channel 4 and Skype - claims the costs of delivering additional internet traffic have been wildly exaggerated by the ISPs. "Traffic-related costs are a small percentage of the total connectivity revenue, and despite traffic growth, this percentage is expected to stay constant or decline," claims the report, written by telecoms experts Plum Consulting. The report claims the cost of delivering additional gigabytes of data are **mere pennies**. "Studies in Canada and in the UK... put the incremental cost of fixed network traffic at around €0.01-0.03 per GB." The report concedes that the cost of adding capacity on mobile networks "are significantly higher than they are for fixed networks" because "the radio-access network is shared by users". However, it claims forthcoming 4G technologies will significantly reduce those costs. "Forward-looking estimates which take account of the transition to LTE [Long Term Evolution], additional spectrum and traffic subscriber growth... puts the cost to the mobile network operators at under €1 per GB," Plum Consulting claims. As the report states, that cost is "well below existing smartphone data tariffs of around €10 per GB". Describing claims of ballooning costs as a "myth", the report concludes that "for fixed networks, traffic-related costs are low, falling on a unit basis and likely to fall overall given declines in traffic growth and on-going cost-reducing technical progress".

Telecoms solve bandwidth crunch now – status quo momentum sufficient

David **Goldman** (writer for CNN Money) February **2012** "4 ways to stave off the cell phone apocalypse" http://money.cnn.com/2012/02/24/technology/spectrum_crunch_solutions/index.htm

It's easy to get frustrated about the effects of the spectrum crunch. Higher bills, fewer choices, and dismal service are enough to make even the casual cell phone customer furious. Making things worse, none of the solutions for easing the spectrum shortage are inexpensive or easy. There's no catch-all fix on the horizon. The good news, though, is that options exist -- and carriers understand that doing nothing would be disastrous. Here are the four primary ways they're going about staving off a spectrum crisis and the resulting cell phone apocalypse. Reusing spectrum: One way to relieve capacity jams is "cell splitting," which involves either adding more cell sites or adding

more radios to existing sites to increase the number of connections that a network can handle. The problem is that it's expensive and tricky. "It would seem to some people that you could infinitely reuse the spectrum you already have," says Dan Hays, a partner at PricewaterhouseCoopers' consultancy. "The reality is a bit more complicated." As the number of bandwidth-hogging smartphones and tablets increases, carriers have to deploy more and more towers. They face practical hurdles: no one wants a new antenna in their backyard. Interference is also a growing problem as more towers get added. There are, however, some **innovative solutions** being developed.

No short-term collapse – and your impacts are unsupported paranoia

Leslie Daigle et al 2010; Internet Society Chief Internet Technology Officer; Internet Society briefing paper, Growing Pains: Bandwidth on the Internet
http://www.isoc.org/isoc/conferences/bwpanel/docs/bp-growingp-201003-en.pdf

At the macro level, bandwidth pressures at the international and intercarrier level would cause regional problems. As described earlier, this does not appear to be on the horizon because **gross traffic growth is not going to exceed the anticipated growth in global network capacity anytime soon**. While the Internet did experience episodes of 'congestion collapse' more than 20 years ago, the mechanisms implemented at that time to address the problem have largely stood the test of time. Despite this, rumours of imminent network meltdown are never far away.

Growth scenarios are exaggerated by the IT industry – be skeptical

Peter Sevcik 2001; President of NetForecast in Andover, MA, and is a leading authority on Internet traffic, performance and technology Internet Bandwidth: It's Time for Accountability Net Forecasts – Peter J. Sevcik BCR Volume 31, Number 1 January 2001
http://www.netforecast.com/Articles/bandwidth%20supply.pdf

The Internet has not been doubling every 3.5 months, despite what you might hear. Figure 1 shows how far off that hyper-growth scenario is. But the myth continues because it's useful -- it helps get money out of investors and keep stock prices inflated. The realistic choices facing planners and investors is reflected in Scenarios A and B in Figure 1. Looking at the evidence and evaluating the chances for those scenarios, I think that Scenario A will prevail in 2001. The industry's in for a tough year; we're more likely to see pessimism doubling every 3.5 months over the prospects for the Internet economy rather than bandwidth doubling. However, long term, I think that Scenario B will emerge as the winning end game. It's ironic that one of the major benefits of the 'Net - information transparency -- manifests itself in many parts of the economy more than in the Internet business itself. The data in Figure 1 is very difficult to gather and compile; it represents the best I could do from the sketchy data available. Most industry players have an incentive to keep this data secret in order to bolster their market positions. Similarly, the market research firms that continually issue glowing reports, seem to place a higher value on loyalty to their clients than to realistic assessment of the situation. If we try to keep Internet planners and investors in the dark, the New Economy will be adopting some of the worst characteristics of the Old Economy. It's time for Internet service providers to supply data about their capacity and demand to an impartial group that will compile and share it with the public. It is time for accountability.

--XT Innovation Inev

University research solves

NRC 12

National Research Council, principal operating agency of the National Academies, Winter 2012, "Optics and Photonics: Essential Technologies for Our Nation," 7-155

In contrast with the pattern of innovation, entry, and early-stage growth of many of these technologies in the 1950s and 1960s, the new technological possibilities are being pursued by start-up firms, often in collaboration with U.S. government laboratories or universities (see Figure 7.5, which shows **the growing role of U.S. universities in optoelectronics** patenting). Moreover, the U.S. defense market often is a less central source of demand for innovative technologies. The new approach to technology development that **relies more heavily on universities** and small and medium-size firms for innovation, in which VC funding plays a more important role, may increase the importance of mechanisms to support cross-industry and cross-institutional coordination in helping the United States to maintain leadership in photonics innovation.

Innovation high and inevitable

Vivek **Wadhwa 14**, fellow at the Rock Center for Corporate Governance at Stanford University, director of research at the Center for Entrepreneurship and Research Commercialization at Duke's engineering school and distinguished scholar at Singularity and Emory universities, "How the United States is reinventing itself yet again", 1/2/14, http://www.washingtonpost.com/blogs/innovations/wp/2014/01/02/how-the-united-states-is-reinventing-itself-yet-again/

And that's not all the pessimists say. They also argue that while the United States continues to dominate in the emergence of new technology powerhouses, the biggest IPO of the decade belongs to Facebook, a social network that is more media company than technology innovator. Stifling red tape and regulations has driven costs of testing new medicines and medical devices so high that many drug companies have shifted testing regimes and market focus to Europe and Asia. Despite mounting evidence that skilled immigrant entrepreneurs have delivered a wildly disproportionate share of the country's technology innovation and technology job growth, the powers that be in Washington, D.C. have, even with broad bipartisan support, not mustered up the votes to reform the country's regressive and punitive immigration policies. Add to all of this an aging populace requiring more and more support from younger workers, ballooning health costs and a tax structure that beggars the young to underwrite benefits for the aged, and the United States looks more and more like a historical footnote than a superpower.¶ Peel back the layers of the onion, and **the reality appears quite different**. In fact, the United States stands on the cusp of a dramatic revival and rejuvenation, propelled by an **amazing wave of technological innovation**. A slew of breakthroughs will deliver the enormous productivity gains and the societal dramatic cost savings needed to sustain economic growth and prosperity. These breakthroughs, mostly digital in nature, will complete the shift begun by the Internet away to a new era where the precepts of Moore's Law can be applied to virtually any field.¶ Computer-assisted design and fabrication will reshape manufacturing forever. These technologies will slash waste and replace nearly all conventional manufacturing with more environmentally friendly and cost-effective additive manufacturing run with robots and computer programs. Complex systems resistant to modeling will succumb to advances in big data that allow mankind to finally make sense and improve upon the most intricate multi-faceted interactions. Where big data fails, ubiquitous crowd sourcing will harness untapped brain cycles to train systems and solve problems, one small activity at a time — on a global scale.¶ In this massively digital world, A/B testing or parallelization of R&D

processes will become commonplace for just about everything from airline design simulations to online advertising to artificial organ construction. This will, in turn, allow for far more rigorous testing of products and processes. Dirt-cheap digital delivery platforms for educational content and improvements in the understanding of the way the brain learns will yield a sea change in how we gain knowledge. This will result in more open, flexible educational systems and structures — and a smarter, more learned, constantly learning populace. While the world will benefit from these changes, the United States is **uniquely positioned to lead** this sea change.

--XT Comcast Thumper

Comcast's monopoly over the internet trumps

Lee 2014 (Timothy B [senior editor at Vox]; Comcast is destroying the principle that makes a competitive internet possible; May 6; www.vox.com/2014/5/6/5678080/voxsplaining-telecom; kdf)

Conservatives love the internet. They don't just love using it, they also love to point to it as an example of the power of free markets. And they're right. The internet has had a remarkable 20-year run of rapid innovation with minimal government regulation. That was possible because the internet has a different structure than other communications networks. Most networks, like the 20th century telephone market, are natural monopolies requiring close government supervision. But the internet is organized in a way that allows markets, rather than monopolists or government regulators, to set prices. That structure has been remarkably durable, but it's not indestructible. And unfortunately, it's now in danger. In recent years, Comcast has waged a campaign to change the internet's structure to make it more like the monopolistic telephone network that came before it, making Comcast more money in the process. Conservatives are naturally and properly skeptical of government regulation. But this is a case where the question isn't whether to regulate, but what kind of regulation is preferable. If federal regulators don't step in now to preserve the structures that make internet competition possible, they will be forced to step in later to prevent the largest ISPs from abusing their growing monopoly power.

Comcast is the biggest internal link to internet competition

Lee 2014 (Timothy B [senior editor at Vox]; Comcast is destroying the principle that makes a competitive internet possible; May 6; www.vox.com/2014/5/6/5678080/voxsplaining-telecom; kdf)

The importance of market share Two factors tend to make the bill-and-keep model stable. One is competition in the consumer ISP market. If customers can easily switch between broadband providers, then it would be foolish for a broadband provider to allow network quality to degrade as a way to force content companies to the bargaining table. The second factor is ISP size. When ISPs are relatively small, payments naturally flow from the edges of the network to the middle because small edge networks need large transit networks to reach the rest of the internet. Imagine, for example, if the Vermont Telephone Company, a tiny telecom company that recently started offering ultra-fast internet services, tried to emulate Comcast. Suppose it began complaining that Netflix was sending it too much traffic and demanding that its transit providers start paying it for the costs of delivering Netflix content to its subscribers. Netflix and the big transit companies that provide it with connectivity would laugh at this kind of demand. It would be obvious to everyone that VTel needs transit service more than transit providers need VTel. But when an ISP's market share gets large enough, the calculus changes. Comcast has 80 times as many subscribers as Vermont has households. So when Comcast

demands payment to deliver content to its own customers, Netflix and its transit suppliers can't afford to laugh it off. The potential costs to Netflix's bottom line are too large. This provides a clear argument against allowing the Comcast/Time Warner merger. Defenders of the merger have argued that it won't reduce competition because Comcast and Time Warner don't serve the same customers. That's true, but it ignores how the merger would affect the interconnection market. A merged cable giant would have even more leverage to demand monopoly rents from companies across the internet. A century ago, the Wilson administration decided not to press its antitrust case against AT&T, allowing the firm to continue the acquisition spree that made it a monopoly. In retrospect, that decision looks like a mistake. Wilson's decision not to intervene in the market led to a telephone monopoly, which in turn led to 70 years of regulation and a messy, 10-year antitrust case. Obviously, the combination of Comcast and Time Warner would not dominate the internet the way AT&T dominated the telephone industry. But **recent events suggest that Comcast is already large enough to threaten competition on the internet**. Preventing the company from getting even larger might avoid the need for a lot more regulation in the years ahead. Comcast declined to comment for this story.

1nc Military Bandwidth

Either tech development in the squo solves because of demand for Netflix, Facebook, etcetera OR the plan makes it worse because it rapidly increases demand on the networks before capacity can be ramped up, turning the aff

New DOD initiatives solve

Slabodkin February 23, 20**15** (Greg; JIE: How DOD is building a bigger network that's alos a smaller target; defensesystems.com/Articles/2015/02/23/Joint-Information-Environment-JRSS-security.aspx?Page=4; kdf)

Dave Cotton, DOD's acting deputy CIO for information enterprise, who is responsible for providing the leadership, strategy, and guidance for JIE, said that the JRSS foundational layer includes network standardization and optimization across DOD networks, such as increasing bandwidth capabilities where necessary and switching upgrades through Multi-Protocol Label Switching (MPLS) technology. MPLS, which enables higher bandwidth/throughput and faster routing capabilities, allows the department to "stop leasing circuits and get away from the legacy-based circuits to a more IP-based infrastructure," he said. "That provides the foundation then to put the security component in place." MPLS routers are an industry-standard for speeding and managing network traffic flow. JRSS is prompting a massive effort to expand capacity and increase throughput across Army and Air Force bases with MPLS upgrades to the network backbone that will increase the bandwidth to 100 gigabytes per second. According to Cotton, MPLS also enables DOD to route and secure network traffic for a specific mission instead of just for a particular location, resulting in more focused and coherent command and control for missions. Unlike the one-size-fits-all networks that DOD currently operates, he says the JIE will provide operational commanders more freedom to take cybersecurity risks with the networks since the risks can be contained to the decision support and systems specifically needed for that mission. **This is a significant change from today's DOD networks** which impose more operational constraints on commanders. The risk containment zones the SSA defines in the server computing and the network will enable joint commanders to better contain cyber risks assumed by a particular mission from spilling over into other missions, while sharing as broadly with external partners as a mission requires, Cotton said. In addition, users and systems will be able to trust their connection with the assurance that the information and systems involved in a mission are correct and working even during a cyberattack. Based on a single DOD-wide IT architecture and key enabling enterprise services, JIE is "a more secure, defendable, responsible, and more command and controllable, integrated network for the Department of Defense information exchange environment," Cotton said. The idea is to bring together all the capabilities that will enable "a more coherent, more secure, interoperable and less costly capability"—efficiencies that will be achieved through economies of scale and eliminating duplication. A big part of that is cloud computing, which is a critical component of the JIE and DOD's IT modernization efforts.

New suitcase internet set up solves

McCaney June 5, 20**14** (Kevin; Army boosts bandwidth with new suitcase-sized satellite terminals; defensesystems.com/articles/2014/06/05/army-t2c2-high-bandwidth-satellite-terminals.aspx; kdf)

Portable network access for soldiers in the field is about to get a lot faster with the Army's latest satellite kit in a suitcase. The Transportable Tactical Command Communications, or T2C2, boosts the bandwidth for small detachments and teams connecting to the Army's battlefield network, thus increasing the situational awareness and functionality of early-entry teams and helping to improve communications throughout the tactical edge, the Army said in a release. T2T2 comes in two flavors: a larger transportable dish that serves company-level operations and the smaller T2C2 Lite, which the Army said is about the size of carry-on luggage and which can be set up and working in about 10 minutes. The small model is similar to the Global Rapid Response Information Package, or GRRIP, which soldiers have been using in Afghanistan, for example, as network infrastructure leaves with the drawdown. But GRIPP uses only the L Band in the satellite communications spectrum, limiting transmission to kilobits per second. T2C2 Lite adds the Ka and X bands, boosting performance to megabits per second and allowing soldiers to use advanced applications. Last month, T2C2 was designated a program of record (GRRIP is not), enabling the Army to institutionalize training on the system. The equipment connects to the Army's battlefield network, the Warfighter Information Network-Tactical, via the military's Wideband Global SATCOM constellation, and will work as a companion to the Enroute Mission Command Capability, a WIN-T program that gives rapid-response forces a view of their drop zones and allows for mission planning while in flight. For the Army, the bigger bandwidth, combined with T2C2's portability, advances the cause of seamless, mobile battlefield communications.

New antennas solve

Hamilton 2015 (Alex; US Army's new high bandwidth inflatable antenna; Jan 11; www.governmentfishbowl.com/2015/01/11/us-armys-new-high-bandwidth-inflatable-antenna/; kdf)

The US Army deployed an inflatable ground satellite antenna that comes in a small package for simple deployment. CHECK OUT: U.S. Naval Ships Now Shoot Lasers The theater of war has shifted from massive armies confronting each other over vast tracts of land to more isolated "surgical" engagements. As much a battleground as land, sea and air, control of the digital spectrum is vital to military dominance. To assist in anywhere access to key networks, enter Project Manager Warfighter Information Network-Tactical (WIN-T), home of the inflatable satellite antenna used by Special Operations, airborne and conventional forces. Blown Into Proportion The communications device is known as Ground Antenna Transmit & Receive (GATR). The inflatable antenna can adjust in size, weight and power, conforming to the needs of military personnel. Leonard Newman, the Army product manager for Satellite Communications said, "The GATR allows you to deploy high-bandwidth communications anywhere in the smallest possible package." It weighs just 25 pounds and inflates into a sphere for resistance of wind up to 60 mph (97 kph). It also boasts a 6 hour backup battery. The setup takes just 30 minutes.

Internet—Freedom

1NC AT: Internet Freedom – terminally impossible

Private companies and algorithms ensure Internet freedom is literally impossible

Maus 2015 (Gregory; Eye in the Skynet; Jul 1; https://www.foreignaffairs.com/articles/china/2015-07-01/eye-skynet; kdf)

Dictators constantly face a dilemma: crushing dissent to terrify (but anger) the populace or tolerating protests and offering reforms to keep the public at bay (but embolden dissidents in the process). Instead of relying on gut instinct, experience, or historical precedent, autocrats now have advances in data analytics and ubiquitous passive data to thank for letting them develop new, scientifically validated methods of repression. By analyzing the dynamics of resistance with a depth previously impossible, autocrats can preemptively crush dissent more reliably and carefully. With machine learning and social network analysis, dictators can identify future troublemakers far more efficiently than through human intuition alone. Predictive technologies have outperformed their human counterparts: a project from Telenor Research and MIT Media Lab used machine-learning techniques to develop an algorithm for targeted marketing, pitting their algorithm against a team of topflight marketers from a large Asian telecom firm. The algorithm used a combination of their targets' social networks and phone metadata, while the human team relied on its tried-and-true methods. Not only was the algorithm almost 13 times more successful at selecting initial purchasers of the cell phone plans, their purchasers were 98 percent more likely to keep their plans after the first month (as opposed to the marketers' 37 percent). Comparable algorithms to target people differently have shown promise somewhat more ominously. For example, advanced social network algorithms developed by the U.S. Navy are already being applied to identify key street gang members in Chicago and municipalities in Massachusetts. Algorithms like these detect, map, and analyze the social networks of people of interest (either the alleged perpetrators or victims of crimes). In Chicago, they have been used to identify those most likely to be involved in violence, allowing police to then reach out to their family and friends in order to socially leverage them against violence. The data for the models can come from a variety of sources, including social media, phone records, arrest records, and anything else to which the police have access. Some software programs along this line also integrate geo-tags from the other data in order to create a geographic map of events. Programs like these have proven effective in evaluating the competence of Syrian opposition groups, in identifying improvised explosive device creation and distribution networks in Iraq, in helping police target gangs, and in helping police better target criminal suspects for investigation. Related breakthroughs in computer algorithms have proven effective in forecasting future civil unrest. Since November 2012, computer scientists have worked on Early Model Based Event Recognition using Surrogates (EMBERS), an algorithm developed with funding from the Intelligence Advanced Research Projects Activity that uses publicly available tweets, blog posts, and other factors to forecast protests and riots in South America. By 2014, it forecasted events at least a week in advance with impressive accuracy. The algorithm learned steadily from its successes and failures, adjusting how it weighed variables and data with each successive attempt. In Russia, the pro-Kremlin Center for Research in Legitimacy and Political Protest think tank claims to have developed a similar software system, called Laplace's Demon, which monitors social media activity for signs of protest. According to the center's head, Yevgeny Venediktov, social scientists, researchers, government officials, and law enforcement agencies that use the system "will be able to learn about the preparation of unsanctioned rallies long before the information will appear in the media." Venediktov considers the tool a vital security measure for curbing protests, stating, "We are now facing a serious cyber threat—the mobilization of protest activists in Russia by forces located abroad," necessitating "active and urgent measures to create a Russian system of monitoring social networks and [develop] software that would warn Russian society in advance about approaching threats." Authoritarian governments, of course, have access to much more data about their citizens than a telecom company, a local police department, or Laplace's Demon could ever hope for, making it all the easier for them to ensure that their people never escape the quiet surveillance web of trouble-spotting algorithms. Classic Orwellian standbys such as wiretapping, collecting communication metadata, watching public areas through cameras (with ever-improving facial recognition), monitoring online activity (especially true in China, which has direct control over network providers and surveillance tools built directly into social media services), tracking purchase records, scanning official government records, and hacking into any computer files that cannot be accessed directly will become only more effective through the use of new technologies and algorithms. There are many new surveillance methods available at the touch of a button. For example, former Ukraine President Viktor Yanukovych sent a passive-oppressive mass text to those near a protest, warning them that they were registered as participants in a mass riot. Governments can monitor their citizens' locations through their phones, and the future of tracking people through wearable computers and smart appliances is still on the way. With a steady stream of data available from nearly every citizen, automated sifters such as EMBERS can steadily learn which data are valuable and prioritize appropriately. Machines have already shown that they are competent in deriving a variety of private traits through Facebook likes, using social media profiles to forecast whether groups will stick together, identifying personality traits through phone data and Twitter activity, determining the stage of one's pregnancy through purchase behavior, or ascertaining how likely one is to take a prescribed medication based on a variety of seemingly unrelated factors. At the same time that mass surveillance is becoming less obtrusive, outright mass censorship, once a standby tool of repressive regimes worldwide, may have a more effective alternative thanks to analytics. Not only can blatant censorship provoke a backlash, it also complicates the

ability of states to monitor their people by encouraging them either to use communication channels that are harder to watch or to figure out how to cleverly evade notice by using coded language or symbols. The Grass-Mud Horse, for example, is an entirely fictional creature popularized on the Chinese Internet because its pronunciation sounds like an incredibly vulgar swear word that the Communist Party's automatic censors would normally catch. However, the text itself seems harmless, so the censors couldn't easily clamp down on it. Indeed, Chinese Internet users have developed very extensive systems of code phrases to evade the automated detection of certain sentiments. Authoritarian regimes have been getting smarter at how they influence the public dialogue. Russia boasts a well-organized army of paid anonymous online commenters. These agents seek to covertly influence opinion both internally and internationally, posting on Russian and English forums and social media outlets that feature news about the nation, items on Ukraine, or criticisms of Russian President Vladimir Putin. Reports also link the group to attempts to manipulate global opinion of U.S. President Barack Obama, as well as the perpetuation of several serious online hoaxes, including false reports in the United States of a chemical plant explosion, an Ebola virus outbreak, and the lethal shooting of an unarmed black woman by police in the wake of the shooting in Ferguson, Mo.

--XT Algorithms t/o solvency

Governments will never cede control

Maus 2015 (Gregory; Eye in the Skynet; Jul 1; https://www.foreignaffairs.com/articles/china/2015-07-01/eye-skynet; kdf)

The ability of autocrats to fend off regime change may be refined further through careful analysis of how news and ideas spread. Academics have been able to track the diffusion of ideas (automatically clustering distinctive words and phrases into unified memes) across millions of news sites since 2009 and have since been creating quantitative models of the diffusion. Since 2012, scholars have developed mathematical models to infer how information flows from one group to another across millions of blogs and news sites, without even having direct intelligence on how it was transmitted. These breakthroughs can be used to turn phone metadata and online activity into complex models that depict how ideas spread. When coupled with psychological profiles of specific subjects made by algorithms, governments can forecast how ideas will spread and also steer them as they see fit. Even a difference as subtle as the order in which a search engine returns results has been found to dramatically impact the formation of political opinions: most Web users will click the first search results and ignore later results, suggesting that a great deal of latitude can be had in influencing beliefs through subtle, calculated nudges. Similarly, even the color of text can impact behavior and attitude, as evidenced in a recent study of online gaming traits. With these advances either at-hand or in the near future, it would seem that regimes will be able to steadily nudge their societies into an ideal of submissive police states, isolating their subjects from any factors that could influence their thoughts towards rebellion. By identifying and removing the "glitches" that cause dissent, these regimes could slowly, but steadily reengineer humanity into the perfect machine-servants. Thanks to advances in computer science, autocracies can be made more secure than ever before.

SQ solves

Squo solves—net neutrality

Garside March 3, 20**15** (Juliette; Net neutrality is like free speech – and the internet needs rules, says FCC boss; www.theguardian.com/technology/2015/mar/03/net-neutrality-free-speech-fcc-tom-wheeler; kdf)

The US's top media regulator hit back at critics of new net neutrality rules voted into law last week, comparing them to the first amendment and saying neither government nor private companies had the right to restrict the openness of the internet. The Federal Communications Commission chairman, Tom Wheeler, was speaking in Barcelona at Mobile World Congress, the world's largest telecoms trade show, just as European governments are meeting to thrash out their own principles for keeping the internet open. "This is no more regulating the internet than the first amendment regulates free speech in our country," Wheeler said. "If the internet is the most powerful and pervasive platform in the history of the planet, can it exist without a referee? There needs to be a referee with a yardstick, and that is the structure we have put in place. A set of rules that say activity should be just and reasonable, and somebody who can raise the flag if they aren't." Telecoms companies across Europe and America have railed against Wheeler's reforms, saying they will discourage investment in better cable and wireless networks and simply benefit bandwidth-hungry services like Netflix and YouTube, which do not normally pay for their content to be carried across the internet. In the US, Verizon and AT&T, the two largest mobile operators, have said they will try to reverse the new rules in the courts. Meanwhile, Wheeler told conference attendees in Barcelona: "Those who were opposed to the open internet rules like to say this is Depression-era monopoly regulation. We built our model for net neutrality on the regulatory model that has been wildly successful in the US for mobile." The FCC rules will treat telecoms companies in a similar way to utilities such as electricity. Internet Service Providers will be explicitly prohibited from blocking, throttling or prioritising internet traffic for commercial reasons. Where complaints are raised, the FCC will decide on a case-by-case basis whether what network owners are doing is "fair and just". The FCC has said it would not intervene areas such as pricing, network unbundling and technical operating requirements. The European parliament is in the midst of negotiations with member states and network operators over final net neutrality rules, which could be published later this spring. A source at one of Europe's largest mobile carriers said the fear was that Europe would introduce similar rules, only to find itself out of step when the FCC is forced to back down by a legal challenge or a change of president.

No backsliding—experts

Berkman, 14—writer for The Daily Dot, an e-magazine focused on key internet issues

Fran, "Tech experts discuss the greatest threats to Internet freedom," July 4, http://www.dailydot.com/politics/threats-to-internet-freedom/

Oh how the Internet has grown. What was once a small village of interconnected networks has grown into a booming digital metropolis with billions of users. Like any prominent place, the Internet is continuously being shaped, for better or worse, by institutional forces. To get a better sense for where this is all leading, **the Pew Research Center asked thousands of Internet experts their thoughts on what the Internet will be like in 2025.** Pew published a report titled "Net Threats," detailing its findings, on Thursday. **The experts' responses were generally optimistic; 65 percent** of the 1,400 experts who responded **said there would not be "significant changes for the worse and hindrances to the ways in which people get and share content online."** Whether they answered with optimism or pessimism, the experts were asked to elaborate on potential risks to Internet freedom. Perhaps unsurprisingly, the experts cited government censorship and surveillance, as well as commercialization, as the greatest threats to the Internet we've come to know and love. "Because of governance issues (and the international implications of the NSA reveals), data sharing will get geographically fragmented in challenging ways," said Microsoft research scientist danah boyd, one of the respondents quoted in the Pew report. "The next few years are going to be about control." boyd is referring to the past 13 months of revelations about the National Security Agency's (NSA) vast digital surveillance capabilities, as revealed through documents leaked by former NSA contractor Edward Snowden. On the topic of censorship, Pew notes that the Internet has shown it has the power to take down governments, as displayed during the Arab Spring. This has caused dictatorial regimes to react by working to censor Internet access. But as one of Pew's experts points out, censorship is not a trend that's limited to just China and Syria. "Governments worldwide are looking for more power over the Net, especially within their own countries," said Dave Burstein, editor of Fast Net News. "Britain, for example, has just determined that ISPs block sites the government considers 'terrorist' or otherwise dangerous." Indeed, a recent report found that British ISP filters are blocking one-fifth of the 100,000 of the country's most popular webpages, including political blogs and medical information sites. As for commercialization, the last of the three threats to Internet freedom detailed by the Pew experts, the respondents highlighted debates about net neutrality and copyright law as key battlegrounds. **It certainly wasn't all doom and gloom for the Internet. Google executive Vint Cerf, one of the Internet's**

founding fathers, responded to Pew **with a bit more optimism**. "**Social norms will change to deal with potential harms in online social interactions**," he said. "**The Internet will become far more accessible than it is today."**

Diplomacy doesn't solve internet freedom

Wagstaff, 14—writer for NBC citing a report by the Pew Research Internet Project

Keith, "These Are the Four Biggest Threats to the Internet: Pew Report," http://www.nbcnews.com/tech/internet/these-are-four-biggest-threats-internet-pew-report-n147391

More people are going online than ever, but **Internet freedom could be seriously at risk**, according to a new report from the Pew Research Internet Project. It identified four main threats. The first is the prospect of **more nations cracking down** on access to the Web and mobile apps, like Turkey's recent Twitter ban and China's long-standing "Great Firewall." The next is a **backlash against government surveillance** programs in the wake of revelations about the U.S. National Security Agency (NSA) and its British equivalent, the Government Communications Headquarters (GCHQ). Also mentioned was the "pressures businesses are under to monetize Internet" — especially when it comes to "net neutrality" and restrictive patent laws that could stifle innovation. The final threat to Internet freedom could be that we share too much information, making us reliant on the algorithms of companies like Google and Facebook to find information, filters that are often set with business considerations in mind.

--XT No Solve Internet Freedom

Silk Road conviction has undermined internet freedom –slippery slope

Maza 2-5-15 [Cristina Maza, Staff writer, What guilty verdict in Silk Road trial might mean for Internet freedom, Christian Science Monitor, http://www.csmonitor.com/USA/USA-Update/2015/0205/What-guilty-verdict-in-Silk-Road-trial-might-mean-for-Internet-freedom]

On Wednesday, a jury decided that Ross Ulbricht is the "Dread Pirate Roberts," the pseudonym used by the architect of the Silk Road underground drug bazaar. Before it was shut down by the federal government in 2013, Silk Road was considered the largest marketplace for finding illegal drugs online. The site was also used to sell fake IDs and other illegal goods using bitcoin, an online currency that operates with no central authority or banks. The prosecution said that Mr. Ulbricht was a "kingpin" who received a portion of every transaction that occurred on the site. Ulbricht will be sentenced in May and faces a minimum of 20 years in prison. He could also be handed a life sentence. The defense has attempted to paint Ulbricht as a naïve kid who was framed after his Frankenstein monster grew out of control. It is expected to appeal the decision. **The case is broadly important, experts say, because it could have implications for Internet freedom**. It explores not only the legal question of whether a website operator can be held accountable for how his site is used by others but also how the government ferrets out illegal Internet activity. Along the way, the proceedings have provided an unvarnished look at the Internet's dark side, perhaps for the first time. "What's most interesting about this case is that it is the first case in its enormity involving the Dark Net and it's going to be a wakeup for anyone using the Dark Net thinking they have anonymity. You cannot remain anonymous on the Internet," Darren Hayes, assistant professor and director of cyber security at Pace University, told CNBC. Ulbricht was arrested after the Federal Bureau of Investigation discovered a server in Iceland that linked him to Silk Road. But how the FBI discovered the server has been a point of contention.

Ulbricht's defenders claim that the government used illegal methods to locate Silk Road, violating his constitutional right to privacy, though a judge denied that line of defense. The anonymity protections provided by the cryptographic software Tor mean that law enforcement would need to obtain a search warrant to discover the the location of Silk Road's servers, Ulbricht's defenders say. The lack of a warrant taints the evidence found in the subsequent investigation, the defense stated in a memo. The FBI stated that it located the server due to a misconfiguration of Silk Road's CAPTCHA system – the string of letters and numbers that helps protect a site from spam. This error inadvertently revealed the server's IP address, the FBI said. But experts claim that it would be impossible to use the CAPTCHA to find the server. Some suggest that the National Security Agency might have had a hand in locating the server. "My guess is that the NSA provided the FBI with this information. We know that the NSA provides surveillance data to the FBI and the DEA, under the condition that they lie about where it came from in court," wrote Bruce Schneier, Chief Technology Officer of Co3 Systems and a fellow at Harvard's Berkman Center, on his blog. Meanwhile, the idea of charging a website's operator with wrongdoing when a user conducts illegal activity raises interesting questions about Internet freedom, says Hanni Fakhoury, an attorney at the Electronic Frontier Foundation. "The main issue, the main **Internet freedom issue is at what point are website operators accountable for what happens on their site?** In Silk Road, it's an easy case because they were catering to illegal activity. But what is interesting is that you start with easy cases and then you start to go towards some of the borderline cases," he said to CNBC. In Ulbricht's case, the jury decided that, as the mastermind behind a site catering to the sale of nefarious content, he should be held accountable. The evidence against Ulbricht, most of which was located on his laptop, was overwhelming and included digital chat records, traced bitcoin transactions, and a diary he kept detailing the tribulations he faced while running the site. The jury deliberated for under four hours before it found Ulbricht guilty on seven counts, including money laundering, drug trafficking, and computer hacking, among others.

Alt cause –Silk Road conviction set a precedent for hypocrisy and violation of interent freedom

Knibbs 2-7-14 [Kate Knibbs, How The Silk Road Trial Set A Dangerous Legal Precedent, Gizmodo, http://www.gizmodo.com.au/2015/02/the-silk-road-trial-set-a-dangerous-legal-precedent/]

The Silk Road trial is over. A jury found Ross Ulbricht guilty on all seven charges, including money laundering, drug trafficking, and the "kingpin" charge. That's not just bad news for Ulbricht, who faces life in prison. His trial has set a dangerous precedent, which could allow law enforcement to gather evidence illegally. While many watching the trial were fascinated by all the ways that Ulbricht's identity was definitively linked to the pseudonymous digital drug bazaar runner Dread Pirate Roberts, they overlooked something crucial. The FBI never had to explain how it located and infiltrated the Silk Road's hidden servers. The fact that the evidence law enforcement provided from those servers was admitted despite the lack of clarity about their sources is troubling. Privacy advocates suspect the government's search and seizure was not entirely above board, arguing the agency hacked into the anonymous site without a warrant. As Adam Clark Estes wrote shortly before the trial: Both sides are clashing over one specific detail regarding how the FBI located the hidden Silk Road server. Put simply, they hacked the site's login page with a (potentially illegal) brute force attack. Or the NSA did it for them — that part's a little bit unclear. Neither of the government agencies had a warrant, of course. The defence says that this sort of intrusion represents a clear violation of the Fourth Amendment. Just imagine if the FBI had broken into and searched Ulbricht's house instead of his server. That's a reasonable concern, though it didn't do the defence any good in court. Judge Katherine Forrest rejected the argument on a technicality during the trial, and so the defence was not allowed to explore this line of questioning. Without a clear answer, there's no proof that the government upheld the Fourth Amendment and obtained the information legally. The defence instead tried to run with the argument that the FBI had initially suspected someone else of running the Silk Road, Mt. Gox CEO Mark Karpeles. But the prosecution shut down this line of questioning, and the defence was pretty much screwed. The prosecution had obtained a damning pile of evidence, from Ulbricht's diaries to a report tracing $US13.4 million Bitcoin from the Silk Road into Ulbricht's personal digital wallet. While defence lawyer Robert Dratel kept arguing about the slipperiness of digital identity, it wasn't enough to sway the jury. What's at stake here is a lot more than Ulbricht's innocence or

guilt. This trial set precedents that will affect future defendants, too. The fact is that law enforcement was allowed to present damning digital evidence without explaining where it came from. That's bad news for our civil liberties. It means that police and other law enforcement officers working digital crime cases may not have to worry as much about obeying the law anymore when it comes to gathering evidence. Corruption would surely follow. Before the verdict came in, I talked to Ryan E. Long, a lawyer affiliated with Stanford's Center on Internet and Society, about the potential **impact of this case on future internet-related trials.** He zeroed in on the importance of authenticating the evidence that the government showed, and making sure it was obtained without violating the Constitution. "How did they get this information, and did they breach the law by getting it? I think that **will set the precedent with future electronic cases about how the government got the information and whether they did it legally**," he said. The issue is, he continued, "whether the government obtained the evidence that they wish to use to prove this narrative, [Ulbricht's guilt] such as the identity of the server, in a lawful way consistent with the Fourth Amendment, among other things." That doesn't mean Ulbricht did not do the things he's now convicted of doing. It doesn't mean the Silk Road kingpin doesn't belong behind bars. But it does mean, unambiguously, that the feds were allowed to present evidence that may have been obtained unlawfully. In the legal world, there's a metaphor called "fruit of the poisonous tree." It's used to describe tainted evidence, evidence that comes from breaking the law. It's not supposed to be admissible in court. But now, thanks to the Silk Road verdict, it is.

--Net Neutrality

Net neutrality now with coming FCC rules

Liebelson, 1/27/15 (Dana, "Stunning Victory Within Reach For Net Neutrality Advocates" Huffington Post, http://www.huffingtonpost.com/2015/01/27/net-neutrality-fcc_n_6555036.html)

Next month, a wonky government agency will rule on the fate of the Internet. The Federal Communications Commission (FCC) is expected to grant a **major victory to net neutrality advocates**, a stunning turnaround following years of conventional wisdom to the contrary.

But advocates aren't celebrating yet. Instead, they're watching to see if the FCC will create rules that are strong and enforceable, or that leave gaping holes for telecom and cable companies to drive through. They are also eyeing a Republican-backed proposal that, they say, will undermine a free and open Internet.

For months, the battle over net neutrality has centered on whether the FCC will reclassify consumer broadband Internet as a utility under Title II of the Telecommunications Act. Reclassification would empower the FCC to block Internet service providers, or ISPs, from charging content providers like Netflix more for reliable Internet access -- thereby hampering, for example, a person's ability to quickly and affordably stream "House of Cards." (ISPs maintain that they won't create a second network for faster service.)

FCC Chairman Tom Wheeler has indicated that he supports Title II -- a proposal backed by President Barack Obama -- and it's widely believed that Wheeler will go that route. Republicans contend that such a move would qualify as government overreach, and they have introduced legislation that would essentially gut the agency's authority. That bill's fate is unclear, given that it's unpopular among many Democrats but still makes big net neutrality concessions that telecom and cable companies might not favor.

Regardless, advocates say that Title II authority won't mean much unless the FCC creates enforceable rules and doesn't allow loopholes.

"Right now, the big carriers are simply looking for a loophole," said Marvin Ammori, a lawyer who advises major tech companies and supports net neutrality. He noted that there are multiple loopholes -- like writing exceptions for mobile or specialized services -- that could undermine the whole FCC rule. "They only need one," he said.

Still, it's not clear how much wiggle room Wheeler's rules will leave. He has said that he favors standards that are "just and reasonable," not simply favorable to the ISPs.

Engstrom told HuffPost that even if the FCC only decides on Title II in this round of rulemaking, and doesn't clarify additional rules until afterward, "that's certainly preferable to the proposals coming out of Congress."

FCC rules will be strong, no loopholes and ISPs hate it

Brodkin, 1/8/15 - Ars Technica's senior IT reporter (Jon, "On net neutrality, Internet providers are betrayed by one of their own" Ars Technica, http://arstechnica.com/business/2015/01/on-net-neutrality-internet-providers-are-betrayed-by-one-of-their-own/)

When President Obama picked Tom Wheeler to lead the Federal Communications Commission in May 2013, our headline was, "Uh-oh: AT&T and Comcast are ecstatic about the FCC's new chairman."

They're not happy anymore, especially not after Wheeler yesterday all but confirmed at the Consumer Electronics Show (CES) that he will propose reclassifying Internet providers as common carriers in order to impose net neutrality rules. This would expose broadband to some of the FCC's strongest powers contained in Title II of the Communications Act, usually reserved for wireline phone service.

Yet it seemed in 2013 that Internet providers had every reason to be pleased: Wheeler formerly led the biggest trade associations representing the cable and wireless industries. Wheeler was CEO of the National Cable Television Association (NCTA) from 1979 to 1984 and CEO of the Cellular Telecommunications & Internet Association (CTIA) from 1992 to 2004.

Wheeler's first stab at net neutrality in May 2014 didn't cause much concern in the industry, which under that proposal would have remained a lightly regulated "information service" and been free to charge Web services for priority access to consumers. But the proposal was widely condemned by consumers and various advocacy groups. Eventually, Obama called on Wheeler to go with Title II for both fixed Internet service and mobile, and it appears Wheeler will do just that.

If he does, Wheeler would show that Washington's revolving door doesn't always guarantee that regulators do the bidding of the regulated. Former FCC Chairman Michael Powell, who made sure that ISPs would face little regulation, now leads the NCTA and has repeatedly called on Wheeler to avoid using Title II. Former FCC Commissioner and current CTIA CEO Meredith Attwell Baker has also lobbied against such a move.

There were signs shortly after Wheeler's swearing-in that he might not hold the same views as the current heads of the cable and wireless trade groups he used to lead. For one thing, he hired prominent consumer advocate Gigi Sohn as his Special Counsel for External Affairs. Wheeler admires Abraham Lincoln's "team of rivals" approach, and for the past year and a half, Sohn has been instrumental in laying groundwork for a likely Title II reclassification, according to an article in The Hill yesterday.

Wheeler has also repeatedly pointed to his past as a venture capitalist and entrepreneur, saying he learned from experience that networks must be open to spur innovation.

Yup, Verizon's mad

Title II's utility-style rules have long been applied to the traditional telephone system, but the rules Internet providers face likely won't be as strict. Obama urged the FCC to forbear from imposing rate regulation and similar restrictions. But the FCC would use Title II to prevent ISPs from blocking or throttling Web services or prioritizing services in exchange for payment.

Wheeler will circulate proposed rules to fellow commissioners on February 5 and hold a vote on February 26, he said yesterday. We contacted the major ISPs and telecommunications industry groups today, and their reactions were predictably negative.

GOP bill dead on arrival

Crawford, 1/28/15 – visiting professor at Harvard (Susan "The Net Neutrality Bait and Switch" https://medium.com/backchannel/the-net-neutrality-bait-and-switch-cedb65f1a1cd

That same shorthand applies to a new "Internet openness" draft bill to amend the Communications Act of 1934, introduced by Sen. John Thune (R-SD) and Rep. Fred Upton (R-MI), the new leaders of the Senate and House committees charged with oversight of the Federal Communications Commission. Although calculated to address concerns about online fairness, its real thrust is to remove or constrain the FCC's authority in a host of areas. The bill will draw a swift presidential veto.

As well it should. The bill is full of problems. It would prevent the FCC from going after any new schemes that position carriers like Comcast or Verizon as gatekeepers online. In cases where carriers are subsidized to provide communications services in hard-to-reach places (like rural areas and tribal land), it would raise barriers to the FCC's ability to ensure that those carriers actually use those funds to offer high-speed Internet access. It would bar the FCC from using its existing statutory authority to protect consumers against privacy abuses and other exploits—like being billed for unauthorized charges. And rather than allowing the FCC to create clear rules that set the terms of engagement in advance, it would put the burden on consumers and businesses to prove problems through prolonged, expensive, case-by-case wrangling after the fact.

The GOP leadership has to know they've lost the PR wars on net neutrality. The bill so transparently shackles the FCC that it doesn't stand a chance in the open air—and even if it does, of course, the President's veto pen will be ready.

AT: Crowe

Squo solves

Crowe 14 (Tyler; The internet of things: our greatest shot at battling climate change; Feb 15; www.fool.com/investing/general/2014/02/15/this-technology-is-our-only-real-shot-at-addressin.aspx; kdf)

The Internet of Things is still very much in its infancy, but it's **taking off fast**. The pending boom in machine-to machine communication helps explain why Google (NASDAQ: GOOGL) shelled out more thah $3.2 billion for smart-thermostat company Nest Labs. Its ability allows customers to better manage heating and cooling in households and instantly provide feedback to utilities in order to better manage energy demand during peak load hours. Sure, estimates put the total number of machine-to-machine capable devices in the billions, but for the Internet of things to be truly effective, everything needs to be connected. Estimates for total connected devices around the globe could reach into the trillions. This could lead to an industry with annual revenues of a whopping $948 billion.

The big players in the technology world, like Google and Intel (NASDAQ: INTL) , will undoubtedly be major players in **this fast-growing market**. Aside from its investment with Nest for smarter home energy use, Google is also getting into the transportation game with its Open Auto Alliance, a group of automakers and technology companies that will establish common practices such that vehicles from different manufacturers can communicate with each other -- the building block for self driving vehicles. With that much money on the line, can you really blame these companies for diving into this market?

What a Fool believes

The Internet of Things trend is approaching ... fast. For investors, it could be an amazing opportunity to get in on the ground floor of a new market with trillion dollar potential, but it is so much more than that. Increased productivity and elimination of wasteful energy consumption through smart devices could be the one and only key to cutting greenhouse gas emission enough to reduce the chances of significant climate change. So go ahead and continue arguing about the use of fossil fuels or alternative energy -- the investors who will really be betting on reducing carbon emissions will be putting their money here.

AT: Eagleman

Eagleman's a hack and internet won't save civilization

Mnookin 12

Seth Mnookin teaches science writing at MIT and blogs at the Public Library of Science, Download the Universe, March 23, 2012, "The Frozen Future of Nonfiction", http://www.downloadtheuniverse.com/dtu/2012/03/why-the-net-matters-how-the-internet-will-save-civilization-by-david-eagleman-canongate-books-2010-for-ipad-by-set.html

At least, that's what I assumed before I read Why The Net Matters, Eagleman's frustrating 2010 e-book about how and why the Internet will save civilization. (I reviewed the $7.99 iPad version, which is the platform it was designed for; a stripped-down, text-based version is available on the Kindle for the portentous price of $6.66.) The problems start with Eagleman's premise, which is so vague and broad as to be **practically meaningless**. There are, he writes, just "a handful of reasons" that civilizations collapse: "disease, poor information flow, natural disasters, political corruption, resource depletion and economic meltdown." Lucky for us (and Eagleman does offer readers "[c]ongratulations on living in a fortuitous moment in history"), the technology that created the web "obviates many of the threats faced by our ancestors. In other words...[t]he advent of the internet represents a watershed moment in history that just might rescue our future."

On the other hand, it just might not: In order to make his point, Eagleman **either ignores or doesn't bother to look** for any evidence that might undercut it. The first of six "random access" chapters that make up the bulk of Why The Net Matters is devoted to "Sidestepping Epidemics," like the smallpox outbreak that helped bring down the Aztec Empire. In the future, Eagleman writes, the "protective net," in the form of telemedicine, telepresence ("the ability to work remotely via computer"), and sophisticated information tracking, will save us from these outbreaks. That all sounds lovely, but what of the fact that we're currently experiencing a resurgence in vaccine-preventable diseases such as measles...a resurgence which is fueled in no small part by misinformation spread over that very same "protective net"?

A few chapters later, in a section celebrating the benefits of the hive mind, Eagleman invokes Soviet pseudoscientist Trofim Lysenko, a famed quack who took over the U.S.S.R.'s wheat production under Stalin. Because the Soviet Union spanned 13 time zones, Eagleman writes, "central rule-setting was disastrous for wheat production. … Part of the downfall of the USSR can be traced to this centralization of agricultural decisions." That sounds nice, and might even be true—but it's not a point that's supported by Lysenko, whose main shortcoming was not that he believed in a one-size-fits-all approach; it was that he was a fraud.

Moving to the present day, Eagleman addresses wildfires that swept through Southern California in 2007, which, he writes, "brought into relief the relationship between natural disasters and the internet."

At the beginning of the outbreak in October, Californians were glued to their television screens, hoping to determine if their own homes were in danger. But at some point they stopped watching the televisions and turned to other sources. A common suspicion arose that the news stations were most concerned with the fate of celebrity homes in Malibu and Hollywood; mansions that were consumed by the flames took up airtime in proportion to their square footage, which made for gripping video but a poor information source about which areas were in danger next. So people be-gan to post on Twitter, upload geotagged cell phone photos to Flickr, and update Facebook.

I had been fairly obsessed with the wildfires, and since I didn't remember this "common suspicion," I decided to check the article Eagleman cites as the source of this info, which was a Wired blog post titled "Firsthand Reports from California Wildfires Pour Through Twitter." It contained no references to a celebrity-obsessed news media; instead, the piece described how "the local media [was] overwhelmed." It also talked about a San Diego resident who was "[a]cting as an ad hoc news aggregator of sorts" by "watching broadcast television news, listening to local radio reports and monitoring streaming video on the web" and then posting information, along with info gleaned from IMs, text messages, and e-mails, to his Twitter account.

AT: Genachowski

Genachowski was the worst—reject their ev

Gustin 13 [Sam Gustin, reporter at TIME focused on business, technology, and public policy, FCC Chairman Julius Genachowski Stepping Down After Contentious Term, TIME, http://business.time.com/2013/03/22/fcc-chairman-julius-genachowski-stepping-down-after-contentious-term-reports/]

Federal Communications Commission Chairman Julius Genachowski is stepping down, he announced Friday. Genachowski, who became chairman in 2009, has presided over an agency that has grappled with contentious issues like U.S. broadband policy, cable and telecom industry competition, and media consolidation. In seeking to strike a centrist balance, Genachowski managed to alienate both public interest groups that have pushed for a more activist FCC on issues like media ownership and Internet openness, as well as industry giants, particularly AT&T, which had proposed buying T-Mobile before the FCC objected. Verizon Wireless is currently suing the FCC in federal court over the agency's "network neutrality" rules. Genachowski's announcement, which was expected, comes just days after another FCC commissioner, Robert McDowell, announced his plan to leave the agency. Their departures create two vacancies on the commission, which will be filled by candidates nominated by President Obama. The job of FCC chairman is particularly important, because the position wields significant power in shaping U.S. telecom regulatory policy. A spokesman for the FCC's office of the chairman declined to comment on the reports of Genachowski's impending departure, but Reuters reported that he informed his staff of his decision on Thursday. Genachowski, a former Internet executive at media mogul Barry Diller's IAC conglomerate, attended Harvard Law School with President Obama and later raised money for Obama. When he was appointed, public interest groups were optimistic that he would champion the open Internet principles at the heart of "network neutrality," the idea that Internet providers shouldn't discriminate against rival services. But public interest groups were dismayed when Genachowski ultimately settled on a compromise originally crafted by Google and Verizon Wireless, which ensured net neutrality on wired networks, but did not extend the principle to wireless networks. "When Julius Genachowski took office, there were high hopes that he would use his powerful position to promote the public interest," Craig Aaron, president and CEO of public interest group Free Press, said in a statement. "But instead of acting as the people's champion, he's catered to corporate interests. He claimed to be a staunch defender of the open Internet, but his Net Neutrality policies are full of loopholes and offer no guarantee that the FCC will be able to protect consumers from corporate abuse in the future." It's easy to take the idea of net neutrality for granted, but all Web users and companies have equal access to the Internet, in the same way that all Americans have the right to travel anywhere in the 50 states without a passport. Companies and institutions have closed networks, but the main public internet is accessible by all. Without this open access, net neutrality advocates argue, startups like Google, Facebook, Twitter, and thousands of others could never have emerged to become the commercial and communications powerhouses they are today.

Genachowski also infuriated public interest groups with his decision to approve Comcast's purchase of NBCUniversal, which critics said concentrated too much power with one company. "Though President Obama promised his FCC chairman would not continue the Bush administration's failed media ownership policies, Genachowski offered the exact same broken ideas that Bush's two chairmen pushed," Aaron said. "He never faced the public and ignored the overwhelming opposition to his plans."

AT: McDowell

McDowell is all rhetoric—but he does say appointments and lack of platform outweigh

McDowell, 13

(Chair-FCC, 2/15, "Commissioner McDowell Congressional Testimony," http://www.fcc.gov/document/commissioner-mcdowell-congressional-testimony)

Thank you Chairman Upton, Ranking Member Waxman, Chairman Royce, Ranking Member Engel, Chairman Walden, Ranking Member Eshoo, Chairman Poe, Ranking Member Sherman, Chairman Smith and Ranking Member Bass. It is an honor to be before you during this rare joint hearing. Thank you for inviting me. It is a privilege to testify before such a rare meeting of three subcommittees and beside such a distinguished group on this panel. Ladies and gentlemen, **the Internet is under assault. As a result, freedom, prosperity and the potential to improve the human condition across the globe are at risk**. Any questions regarding these assertions are now settled. Last year's allegations that these claims are exaggerated no longer have credibility. In my testimony today, I will make five fundamental points: 1) Proponents of multilateral intergovernmental control of the Internet are patient and persistent incrementalists who will never relent until their ends are achieved; 2) The recently concluded World Conference on International Telecommunications ("WCIT") ended the era of an international consensus to keep intergovernmental hands off of the Internet in dramatic fashion, thus radically twisting the one-way ratchet of even more government regulation in this space; 3) Those who cherish Internet freedom **must immediately redouble their efforts** to prevent further expansions of government control of the Internet as the **pivotal 2014 Plenipotentiary** meeting of the International Telecommunication Union ("ITU")1 quickly draws nearer; 4) Merely saying "no" to any changes is – quite obviously – a losing proposition; therefore we should work to offer alternate proposals such as improving the longstanding and highly successful, non-governmental, multi-stakeholder model of Internet governance to include those who may feel disenfranchised; and 5) Last year's bipartisan and unanimous Congressional resolutions clearly opposing expansions of international powers over the Internet reverberated throughout the world and had a positive and constructive effect. I. Proponents of multilateral intergovernmental control of the Internet are patient and persistent incrementalists who will never relent until their ends are achieved. First, it is important to note that as far back as 2003 during the U.N.'s Summit on the Information Society ("WSIS"), the U.S. found itself in the lonely position of fending off efforts by other countries to exert U.N. and other multilateral control over the Internet. In both 2003 and 2005, due to the highly effective leadership of my friend Ambassador David Gross – and his stellar team at the Department of State – champions of Internet freedom were able to avert this crisis by enhancing the private sector multi-stakeholder governance model through the creation of entities such as the Internet Governance Forum ("IGF") where all stakeholders, including governments, could meet to resolve challenges. Solutions should be found through consensus rather than regulation, as had always been the case with the Internet's affairs since it was opened up for public use in the early 1990's.2 Nonetheless, countries such as China, Russia, Iran, Saudi Arabia and scores of their allies never gave up their regulatory quest. They continued to push the ITU, and the U.N. itself, to regulate both the operations, economics and content of the Net. Some proposals were obvious and specific while others were insidious and initially appeared innocuous or insignificant. Many defenders of Internet freedom did not take these proposals seriously at first, even though some plans explicitly called for: • Changing basic definitions contained in treaty text so the ITU would have unrestricted jurisdiction over the Internet;3 • Allowing foreign phone companies to charge global content and application providers internationally mandated fees (ultimately to be paid by all Internet consumers) with the goal of generating revenue for foreign government treasuries;4 • Subjecting cyber security and data privacy to international control, including the creation of an international "registry" of Internet addresses that could track every Internet-connected device in the world;5 • Imposing unprecedented economic regulations of rates, terms and conditions for currently unregulated Internet traffic swapping agreements known as "peering;"6 • Establishing ITU dominion over important non-profit, private sector, multistakeholder functions, such as administering domain names like the .org and .com Web addresses of the world;7 • Subsuming into the ITU the functions of multi-stakeholder Internet engineering groups that set technical standards to allow the Net to work;8 • Centralizing under international regulation Internet content under the guise of controlling "congestion," or other false pretexts; and many more.9 Despite these repeated efforts, the unanimously adopted 1988 treaty text that helped insulate the Internet from international regulation, and make it the greatest deregulatory success story of all time, remained in place. Starting in 2006, however, the ITU's member states (including the U.S.) laid the groundwork for convening the WCIT.10 The purpose of the WCIT was to renegotiate the 1988 treaty. As such, it became the perfect opportunity for proponents of expanded regulation to extend the ITU's reach into the Internet's affairs. In fact, in 2011, thenRussian Prime Minister Vladimir Putin summed it up best when he declared that his goal, and that of his allies, was to establish "international control over the Internet" through the ITU.11 Last month in Dubai, Mr. Putin largely achieved his goal. II. December's WCIT ended the era of international consensus to keep intergovernmental hands off of the Internet in dramatic fashion. Before the WCIT, ITU leadership made three key promises: 1) No votes would be taken at the WCIT; 2) A new treaty would be adopted only through "unanimous consensus;" and 3) Any new treaty would not touch the Internet.12 All three promises were resoundingly broken.13 As a result of an 89-55 vote, the ITU now has unprecedented authority over the economics and content of key aspects of the Internet.14 Although the U.S. was ultimately joined by 54 other countries in opposition to the new treaty language, that figure is misleading. Many countries, including otherwise close allies in Europe, were willing to vote to ensnare the Internet in the tangle of intergovernmental control until Iran complicated the picture with an unacceptable amendment. In short, the U.S. experienced a rude awakening regarding the stark reality of the situation: when push comes to shove, even countries that purport to cherish Internet freedom are willing to surrender. Our

experience in Dubai is a chilling foreshadow of how international Internet regulatory policy could expand at an accelerating pace. Specifically, the explicit terms of the new treaty language give the ITU policing powers over "SPAM," and attempt to legitimize under international law foreign government inspections of the content of Internet communications to assess whether they should be censored by governments under flimsy pretexts such as network congestion.15 The bottom line is, countries have given the ITU jurisdiction over the Internet's operations and content. Many more were close to joining them. More broadly, pro-regulation forces succeeded in upending decades of consensus on the meaning of crucial treaty definitions that were universally understood to insulate Internet service providers, as well as Internet content and application providers, from intergovernmental control by changing the treaty's definitions.16 Many of the same countries, as well as the ITU itself,17 brazenly argued that the old treaty text from 1988 gave the ITU broad jurisdiction over the Internet.18 If these regulatory expansionists are willing to conjure ITU authority where clearly none existed, their control-hungry imaginations will see no limits to the ITU's authority over the Internet's affairs under the new treaty language. Their appetite for regulatory expansionism is insatiable as they envision the omniscience of regulators able to replace the billions of daily decisions that allow the Internet to blossom and transform the human condition like no other technology in human history. At the same time, worldwide consumer demand is driving technological convergence. As a result, companies such as Verizon, Google, AT&T, Amazon, Microsoft, Netflix, and many more in the U.S. and in other countries, are building across borders thousands of miles of fiber optics to connect sophisticated routers that bring voice, video and data services more quickly to consumers tucked into every corner of the globe. From an engineering perspective, the technical architecture and service offerings of these companies look the same. Despite this wonderful convergence, an international movement is growing to foist 19th Century regulations designed for railroads, telegraphs and vanishing analog voice phone monopolies onto new market players that are much different from the monoliths of yore. To be blunt, these dynamic new wonders of the early 21st Century are inches away from being smothered by innovation-crushing old rules designed for a different time. The practical effect of expanded rules would be to politicize engineering and business decisions inside sclerotic intergovernmental bureaucracies. If this trend continues, Internet growth would be most severely impaired in the developing world. But even here, as brilliant and daring technologists work to transform the world, they could be forced to seek bureaucratic permission to innovate and invest. In sum, **the dramatic encroachments on Internet freedom secured in Dubai will serve as a stepping stone to more international regulation of the Internet in the very near future.** The result will be devastating even if the United States does not ratify these toxic new treaties. **We must waste no time fighting to prevent further governmental expansion into the Internet's affairs at the upcoming ITU Plenipotentiary** in 2014. Time is of the essence. While we debate what to do next, Internet freedom's foes around the globe are working hard to exploit a treaty negotiation that dwarfs the importance of the WCIT by orders of magnitude. In 2014, the ITU will conduct what is literally a constitutional convention, called a "plenipotentiary" meeting, which will define the ITU's mission for years to come. Its constitution will be rewritten and a new Secretary General will be elected. This scenario poses both a threat and an opportunity for Internet freedom. The outcome of this massive treaty negotiation is uncertain, but the momentum favors those pushing for more Internet regulation. More immediately, the World Telecommunications Policy/ICT Forum ("WTPF"), which convenes in Geneva this May, will focus squarely on Internet governance and will shape the 2014 Plenipotentiary. Accordingly, the highest levels of the U.S. Government must make this cause a top priority and recruit allies in civil society, the private sector and diplomatic circles around the world. The effort should start with the President immediately making appointments to fill crucial vacancies in our diplomatic ranks. The recent departures of my distinguished friend, Ambassador Phil Verveer, his legendary deputy Dick Beaird, as well as WCIT Ambassador Terry Kramer, have left a hole in the United States' ability to advocate for a constructive – rather than destructive – Plenipot. America and Internet freedom's allies simply cannot dither again. If we do, we will fail, and global freedom and prosperity will suffer. We should work to offer constructive alternative proposals, such as improving the highly successful multi-stakeholder model of Internet governance to include those who feel disenfranchised. As I warned a year ago, merely saying "no" to any changes to the multi-stakeholder Internet governance model has recently proven to be a losing proposition.19 Ambassador

Gross can speak to this approach far better than can I, but using the creation of the IGF as a model, we should immediately engage with all countries to encourage a dialogue among all interested parties, including governments, civil society, the private sector, non-profits and the ITU, to broaden the multi-stakeholder umbrella to provide those who feel disenfranchised from the current structure with a meaningful role in shaping the evolution of the Internet. Primarily due to **economic and logistical reasons,** many developing world countries are not able to play a role in the multi-stakeholder process. This is unacceptable and should change immediately. Developing nations stand to gain the most from unfettered Internet connectivity, and they will be injured the most by centralized multilateral control of its operations and content. V. Last year's bipartisan and unanimous Congressional resolutions clearly opposing expansions of international powers over the Internet reverberated around the world and had a positive and constructive effect, but Congress must do more. In my nearly seven years of service on the FCC, I have been amazed by how closely **every government and communications provider on the globe studies the latest developments in American communications policy**. In fact, we can be confident that this hearing is streaming live in some countries, and is being blocked by government censors in others. Every detail of our actions is scrutinized. It is truly humbling to learn that even my statements have been read in Thailand and Taiwan, as well as translated into Polish and Italian. And when Congress speaks, especially when it speaks with one loud and clear voice, as it did last year with the unanimous and bipartisan resolutions concerning the WCIT, an uncountable number of global policymakers pause to think. Time and again, I have been told by international legislators, ministers, regulators and business leaders that last year's resolutions had a positive effect on the outcome of the WCIT. Although Internet freedom suffered as a result of the WCIT, many even more corrosive proposals did not become international law in part due to your actions.20 IV. Conclusion. And so, I ask you in the strongest terms possible, to take action and take action now. Two years hence, let us not look back at this moment and lament how we did not do enough. We have but one chance. Let us tell the world that we will be resolute and stand strong for Internet freedom. All nations should join us. Thank you for having me appear before you today. I look forward to your questions.

AT: Minton

Minton is writing for Breitbart which is some bullshit

Source Watch no date – accessed 10/12 (Center for Media and Democracy, http://www.sourcewatch.org/index.php?title=Andrew_Breitbart#Sourcewatch_resources)

Race baiting

Breitbart was behind the July 2010 attempt to smear Department of Agriculture employee Shirley Sherrod by heavily editing a video of a speech she gave to make it appear she was confessing to being racist. The story she told, in its entirety, was exactly the opposite -- it was a story of redemption in which Sherrod explained how she had overcome feelings of racism to realize everyone needed to be treated equally.

Media Matters described the episode this way:

In a July 19 BigGovernment.com post -- headlined "Video Proof: The NAACP Awards Racism -- 2010" -- Breitbart purported to provide "video evidence of racism coming from a federal appointee and NAACP award recipient." The heavily edited video clip Breitbart posted shows Shirley Sherrod, then the USDA Georgia Director of Rural Development, speaking at an NAACP Freedom Fund dinner in Georgia, and stating that she didn't give a "white farmer" the "full force of what I could do" because "I was struggling with the fact that so many black people have lost their farmland, and here I was faced with having to help a white person save their land." Breitbart characterized Sherrod's comments as her "describ[ing] how she racially discriminates against a white farmer."

Full video vindicates Sherrod, destroys Breitbart's accusations of racism. On July 20, the NAACP posted the full video of Sherrod's remarks, exposing how the clip Breitbart posted had taken Sherrod out of context. The heavily edited clip included her statements that she initially did not help the farmer, but removed her statements indicating that she ultimately did help him save his farm and learned that "it's not just about black people, it's about poor people."

Immediately prior to the portion of Sherrod's speech included in Breitbart's clip, Sherrod says that she originally made a "commitment" "to black people only," but that "God will show you things and he'll put things in your path so that you realize that the struggle is really about poor people." Immediately following the portion of the video included in the clip, Sherrod detailed her extensive work to help the farmer save his farm. She then said, "working with him made me see that it's really about those who have versus those who don't," adding "they could be black, and they could be white, they could be Hispanic. And it made me realize then that I needed to work to help poor people -- those who don't have access the way others have." She later added, "I couldn't say 45 years ago, I couldn't stand here and say what I'm saying -- what I will say to you tonight. Like I told, God helped me to see that its not just about black people, it's about poor people. And I've come a long way."

Breitbart portrayed Sherrod as a member of the Obama administration when she made the comments, which wasn't the case. The video of her speech was made in 1986, many years prior to the Obama Administration.[3][4]

Distortion

Breitbart was also behind the coordinated release of heavily edited undercover videos that misrepresented the activities of the community group ACORN. Media Matters writes,

On September 10, 2009, conservative activist and videographer James O'Keefe posted an entry to BigGovernment.com in which he revealed that he and fellow activist Hannah Giles had posed as a pimp and prostitute at a Baltimore ACORN Housing office and secretly filmed their meetings with ACORN staffers. As O'Keefe wrote, their intention was to take "advantage of ACORN's regard for thug criminality by posing the most ridiculous criminal scenario we could think of and seeing if they would comply -- which they did without hesitation," the "scenario" being the "trafficking of young helpless girls and tax evasion." O'Keefe would later release similar recordings of their interactions with ACORN and ACORN Housing employees at several other ACORN offices nationwide. Breitbart authored a separate September 10 BigGovernment.com post "introducing" O'Keefe and making it clear that he and BigGovernment.com would play a central role in the distribution of O'Keefe and Giles' videos. But as Breitbart, O'Keefe, and Giles released and promoted the "heavily edited" videos, their allegations about ACORN and its employees were undermined by numerous falsehoods and distortions. Subsequent investigations revealed no pattern of intentional, illegal misconduct by ACORN, and no criminality by ACORN personnel. It did, however, find the videos had been heavily edited to cast ACORN in a negative light. [5]

AT: Democracy

Their internal links are anecdotal

Bailard 2014 (Catie [Assist Prof of Media and Pubic Affairs @ George Washington; Catie received her doctorate in political science from UCLA with concentrations in American Politics, Formal and Quantitative Methods, and International Relations]; The other Facebook Revolution; www.foreignaffairs.com/articles/142351/catie-bailard/the-other-facebook-revolution?cid=rss-rss_xml-the_other_facebook_revolution-000000; kdf)

Empirical testing confirms that the Internet has clear and consistent influence on how citizens feel about their governments. As one might expect, the mirror-holding and window-opening mechanisms boost public satisfaction with government in advanced democracies and public dissatisfaction in nations with weak democratic practices. However, research also demonstrates that the Internet's effect is neither automatic nor uniform—one democratic gain, such as more critical evaluations of poor-performing governments, does not automatically set off a domino effect of entirely pro-democratic gains in citizens' attitudes and behaviors. Take Tanzania, for example, where I conducted a randomized field experiment to test the effect of Internet use on evaluations of the 2010 general election. Although the Internet offered plentiful information about the questionable integrity of a then-upcoming national election, the results of the experiment revealed that Tanzanians with access to that information also **became less likely to vote.** After all, the belief that an election would not be fair can produce two very divergent responses—although some people may feel inclined to respond by taking to the streets, others may simply throw up their hands and stay home. Meanwhile, another randomized field experiment that I conducted in Bosnia and Herzegovina revealed that Internet users there who became more dissatisfied with the quality of democratic practices in their

country also became more likely to consider alternative forms of government as preferable for their country. Taken as a whole, then, this research reveals that the Internet's influence is complex, and that in some instances it will have ambiguous effects for democracy and democratization. The effects of Internet use on political evaluations tend to be particularly profound in hybrid regimes—governments that, despite being firmly authoritarian, allow some form of so-called elections for various offices. In many cases, such elections are exercises in futility, the outcome already determined by the ruling party regardless of what the ballots say. Although outsiders may take for granted that these elections are largely shams, however, citizens living in these countries often invest significant value in them. This was demonstrated in the build-up to the Egyptian Revolution of 2011, during which a segment of the public that was originally angered by police brutality became further incensed by ostensibly rigged parliamentary elections, eyewitness accounts of which were amplified by videos uploaded and distributed online. It wasn't long before citizens began expressing their discontent by protesting in the streets and demanding a change in the regime. Moreover, even in instances that do not result in tangible political activity, the effects of Internet use on political evaluations and satisfaction have important implications for the day-to-day business of governance. Quite simply, governments—democratic, democratizing, and nondemocratic alike—are aware that they have lost some degree of control over information compared to what they enjoyed in the era of traditional media. As a result, they know that there is greater potential for their decisions and actions to be broadcast on the national, and even international, stage, a venue and context that they have diminished control over. Thus, leaders are forced, to varying degrees, to consider the potential activation of latent public opinion when making political decisions in ways that they never had to previously. It is regrettable, if not entirely surprising, that, aside from a handful of notable exceptions, scholars and other political observers mostly failed to anticipate the Arab Spring. Many tried to make up for it by focusing renewed effort on the role played by the Internet in the wave of political upheaval that subsequently swept across the Middle East and North Africa. But they would be wise to focus on what has largely remained a blind spot in scholarly research: the effects of Internet use on the very political evaluations that can, and sometimes do, precipitate political action and organization.

--xt No Democracy

Bush family proves that democracy is non-existent

Sanders 2015 (Bernie; Email to Kurt Fifelski -- This is not democracy; Jul 10)

Kurt - Yesterday afternoon, Jeb Bush announced that a relatively small number of wealthy donors have contributed over one hundred million dollars to his Super PAC. **This is not a democracy. This is oligarchy.** Unfortunately, Jeb Bush is not alone. Almost all of our opponents have embraced this model of fundraising — begging billionaire benefactors who have bought up the private sector to try their hand at buying a presidential election. One of those Super PACs is already running ads against our campaign. Let me be clear: I am more than aware our opponents will outspend us, but we are going to win this election. They have the money, but we have the people. Add your $3 contribution to our campaign today and help fuel the political revolution this moment requires. The economic and political systems of this country are stacked against ordinary Americans. The rich get richer and use their wealth to buy elections. It's up to us to change the course for our country. Thank you for answering the call. Bernie Sanders

AT: Economy

Internet not key to growth

Lowrey 2011 (Annie; Freaks, geeks, and the GDP; Mar 8; www.slate.com/articles/business/moneybox/2011/03/freaks_geeks_and_gdp.html; kdf)

If you have attended any economists' cocktail parties in the past month or so—lucky you!—then you have probably heard chatter about Tyler Cowen's e-book, The Great Stagnation. The book seeks to explain why in the United States median wages have grown only slowly since the 1970s and have actually declined in the past decade. Cowen points to an innovation problem: Through the 1970s, the country had plenty of "low-hanging fruit" to juice GDP growth. In the past 40 years, coming up with whiz-bang, life-changing innovations—penicillin, free universal kindergarten, toilets, planes, cars—has proved harder, pulling down growth rates across the industrialized world. But wait! you might say. In the 1970s, American businesses started pumping out amazing, life-changing computing technologies. We got graphing calculators, data-processing systems, modern finance, GPS, silicon chips, ATMs, cell phones, and a host of other innovations. Has the Internet, the most revolutionary communications technology advance since Gutenberg

rolled out the printing press, done nothing for GDP growth? The answer, economists broadly agree, is: Sorry, but no—at least, not nearly as much as you would expect. A quarter century ago, with new technologies starting to saturate American homes and businesses, economists looked around and expected to find computer-fueled growth everywhere. But signs of increased productivity or bolstered growth were few and far between. Sure, computers and the Web transformed thousands of businesses and hundreds of industries. But overall, things looked much the same. The GDP growth rate did not tick up significantly, **nor did productivity**. As economist Robert Solow put it in 1987: "You can see the computer age everywhere but in the productivity statistics." An overlapping set of theories emerged to explain the phenomenon, often termed the "productivity paradox." Perhaps the new technologies advantaged some firms and industries and disadvantaged others, leaving little net gain. Perhaps computer systems were not yet easy enough to use to reduce the amount of effort workers need to exert to perform a given task. Economists also wondered whether it might just take some time—perhaps a lot of time—for the gains to show up. In the past, information technologies tended to need to incubate before they produced gains in economic growth. Consider the case of Gutenberg's printing press. Though the technology radically transformed how people recorded and transmitted news and information, economists have failed to find evidence it sped up per-capita income or GDP growth in the 15th and 16th centuries. At one point, some economists thought that an Internet-driven golden age might have finally arrived in the late 1990s. Between 1995 and 1999, productivity growth rates actually exceeded those during the boom from 1913 to 1972—perhaps meaning the Web and computing had finally brought about a "New Economy." But that high-growth period faded quickly. And some studies found the gains during those years were not as impressive or widespread as initially thought. Robert Gordon, a professor of economics at Northwestern, for instance, has found that computers and the Internet mostly helped boost productivity in durable goods manufacturing—that is, the production of things like computers and semiconductors. "Our central theme is that computers and the Internet do not measure up to the Great Inventions of the late nineteenth and early twentieth century, and in this do not merit the label of Industrial Revolution," he wrote. Gordon's work leads to another theory, one espoused by Cowen himself. Perhaps the Internet is just not as revolutionary as we think it is. Sure, people might derive endless pleasure from it—its tendency to improve people's quality of life is undeniable. And sure, it might have revolutionized how we find, buy, and sell goods and services. But that still does not necessarily mean it is as transformative of an economy as, say, railroads were. That is in part because the Internet and computers tend to push costs toward zero, and have the capacity to reduce the need for labor. You are, of course, currently reading this article for free on a Web site supported not by subscriptions, but by advertising. You probably read a lot of news articles online, every day, and you probably pay nothing for them. Because of the decline in subscriptions, increased competition for advertising dollars, and other Web-driven dynamics, journalism profits and employment have dwindled in the past decade. (That Cowen writes a freely distributed blog and published his ideas in a $4 e-book rather than a $25 glossy airport hardcover should not go unnoted here.) Moreover, the Web- and computer-dependent technology sector itself does not employ that many people. And it does not look set to add workers: The Bureau of Labor Statistics estimates that employment in information technology, for instance, will be lower in 2018 than it was in 1998. That the Internet has not produced an economic boom might be hard to believe, Cowen admits. "We have a collective historical memory that technological progress brings a big and predictable stream of revenue growth across most of the economy," he writes. "When it comes to the web, those assumptions are turning out to be wrong or misleading. The revenue-intensive sectors of our economy have been slowing down and the big technological gains are coming in revenue-deficient sectors." But revenue is not always the end-all, be-all—even in economics. That brings us to a final explanation: Maybe it is not the growth that is deficient. Maybe it is the yardstick that is deficient. MIT professor Erik Brynjolfsson * explains the idea using the example of the music industry. "Because you and I stopped buying CDs, the music industry has shrunk, according to revenues and GDP. But we're not listening to less music. There's more music consumed than before." The improved choice and variety and availability of music must be worth something to us—even if it is not easy to put into numbers. "On paper, the way GDP is calculated, the music industry is disappearing, but in reality it's not disappearing. It is disappearing in revenue. It is not disappearing in terms of what you should care about, which is music." As more of our lives are lived online, he wonders whether this might become a bigger problem. "If everybody focuses on the part of the economy that produces dollars, they would be increasingly missing what people actually consume and enjoy. The disconnect becomes bigger and bigger." But providing an alternative measure of what we produce or consume based on the value people derive from Wikipedia or Pandora proves an extraordinary challenge—indeed, no economist has ever really done it. Brynjolfsson says it is possible, perhaps, by adding up various "consumer surpluses," measures of how much consumers would be willing to pay for a given good or service, versus how much they do pay. (You might pony up $10 for a CD, but why would you if it is free?) That might give a rough sense of the dollar value of what the Internet tends to provide for nothing—and give us an alternative sense of the value of our technologies to us, if not their ability to produce growth or revenue for us. Of course, if our most radical and life-altering technologies are not improving incomes or productivity or growth, then we still have problems. Quality-of-life improvements do not put dinner on the table or pay for Social Security benefits. Still, even Cowen does not see all doom and gloom ahead, with incomes stagnating endlessly as we do more and more online and bleed more and more jobs and money. Who knows what awesome technologies might be just around the bend?

AT: Telemedicine

Telemedicine booming now

Hixon 10/22 (Todd; Why is Telemedicine Suddenly Hot; www.forbes.com/sites/toddhixon/2014/10/22/why-is-telemedicine-suddenly-hot/; kdf)

Google's GOOGL +1.49% recent announcement that it will provide telemedicine services was the crescendo to a swelling volume of recent interest: e.g., articles in VentureBeat, U.S. News, and The Economist. Telemedicine has been around for a generation. Why is this happening now? Rising use of telemedicine takes different forms. Traditionally telemedicine has played the biggest role in rural areas where visits to doctors are difficult and in consultations with specialists like radiologists and oncologists where value is created by connecting a patient to the best expert. This is expanding because broadband network coverage is improving, patients and doctors are more comfortable with computers, pressure for cost savings is increasing, and an emerging policy consensus favors telemedicine. This all makes sense. But, these forces have been at play for a decade or more and hence don't account for the current inflection point (1) of interest in telemedicine. **The new driving force is the rebirth of relationship medicine**. By "relationship medicine" I mean a paradigm of medical practice that puts the relationship between the patient and the doctor at the center. The most important relationship is with the primary care doctor, because that relationship is life-long, and the primary care doctor is most concerned with the patient's total health status and long term prospects. This is how much of medicine was done in the 1950s, but it declined as Medicare and health insurers "industrialized" medicine, slicing doctors' time finer and finer and putting patients on a medical assembly line that moves them past doctors for ever-shorter office visits. This echoes Henry Ford's industrializion of car assembly. In the relationship medicine paradigm, care is based on a long-term conversation between patient and physician about both long term health maximization and acute issues. That conversation occurs through a variety of encounters. Some encounters are typical office visits. Once the relationship is established, many of these encounters can be remote. Telepresence (e.g., Skype) can be very powerful, but remote encounters do not need to be high-tech: often a phone call, email, or even a text can do the job. Remote encounters are usually more efficient and convenient for both patient and physician. For example, I had a serious toe infection earlier this year, went in for an office visit, and came home with antibiotics which I took as prescribed. The next week I had to go traveling and the toe was still swollen. I took a picture with my phone and sent it to the doctor. He wrote back, "Don't worry, your toe is mending", and I went on with my trip. [I'm resisting the temptation to jazz up this post with the picture of my swollen toe.] This got the job done and avoided a second office visit. Medicare and states such as Massachusetts are holding hospitals responsible for readmission rates. As one hospitalist doctor put it [paraphrase], "we used to think we were responsible for patients' condition while they were in the hospital, and now we realize we are responsible for their condition all the time!" In other words, the doctor and the patient need an ongoing relationship and conversation, and telemedicine helps. Incentives play a big role, as the prior paragraph suggests. But the true driving force here is better health and better use of medical resources. The VA medical system has embraced telemedicine, although its doctors are salaried. My primary care doctor is not supposed to give me his email address and he does not get paid for looking at the picture of my toe, but he did both gladly on request. It is fair to say, however, that aligning incentives correctly will accelerate the growth of relationship medicine. The direct primary care movement (e.g, www.dpcare.org) advocates moving primary care doctors from the pay-for-procedure compensation system created by Medicare and health insurers to payments that are fixed per patient or outcome-based. This encourages doctors to design encounters and use their resources in the manner that creates the best outcomes with the best efficiency. Direct primary care is growing very fast now as both plan sponsors and doctors come to believe that it offers major advantage in both quality of care and overall healthcare cost.

Their author is writing about net-neutrality

Trotter, healthcare specialist, '14

Fred, founder of the DocGraph Journal, a healthcare data journalist and author, the founder of CareSet Systems and DocGraph journal, testified in the original hearings on the definition of Meaningful Use—the standard in the Affordable Care Act for the effective use of electronic medical records "Reply Comments of Fred Trotter, of the DocGraph Journal," 8/5/14, http://engine.is/wp-content/uploads/Reply-Comments-of-Fred-Trotter-of-the-DocGraph-Journal.pdf

Why? We all know healthcare costs are crippling this country. The costs for healthcare under Medicare (mostly for old people, some of whom can no longer drive) and Medicaid (mostly for poor people, some of whom cannot afford a car) are crippling our economy. A central tenet of healthcare reform is to enable treatment of patients in their homes, using broadband Internet to allow for remote monitoring. Pretty ironic, isn't it? Telemedicine is the solution to our current real-world fast lane/slow lane problem. Using telemedicine, we can get the same high levels of

treatment to people no matter if they own a car or not. But all of these programs, presume an Internet built with net neutrality. If we abandon net neutrality, someone is going to have to pay the fast lane tax for patients who want telemedicine solutions to really work. That means either patients are going to pay, or doctors are going to have to pay. Having an Internet slow lane will ensure that poor patients will not be able to have video telemedicine appointments (which operate just like streaming video) because their doctors do not have the technical expertise or budget to afford the Internet fast lane. Think I am kidding? Already the Office of the National Coordinator of Health IT(ONC) has seen that hospitals and practices that serve in minority communities are late adopters of healthcare technology.4

AT: War

Internet doesn't solve conflict

Elias 12

Phillip Elias, board member of the New Media Foundation, 20 January 2012, "Will humanity perish without the internet?," http://www.mercatornet.com/articles/view/will_humanity_perish_without_the_internet

The new Encyclopaedists make the opposite mistake about the future. Inherent in their worldview is the idea that setting up a system where information can be shared quickly, widely, and freely will somehow eliminate corruption, greed and violence from the world. It is almost as though human foibles were glitches in the software of society. But **human vices can never be reduced to social viruses**. They come from deep within us and can find their way **into the most scientific settings**.

Do Wikipedians think themselves immune from the temptation to wield their power towards their own ends?

Free access to information for everyone could be said to be the Wikipedian creed. It encapsulates the Enlightenment values of liberty and equality. But, like the French terror of the 1790s, it neglects that other ideal needed to give them gumption -- a genuine concern for other human beings.

But fraternité is not achieved by giving everyone more information, more freedom and more equality. And it is what is so often lacking on the internet, on blogs, and in other forms of web communication. **Online interaction is so often vitriolic it is unreadable**, and it is at its worst **when the tech-savvy confront each other**. I have seen very few geeks who try to love their enemies.

Fraternité comes from empathising with others. This is difficult to learn online. But without it, how can we understand the point of view of those who have different concepts of freedom or equality, or of troglodytes who don't blog, or of nematodes **who don't have access to the internet**. Believe it or not, there is a life offline and wisdom is wider than the web.

Internet--Governance

No Governance – Alt cause

US has officially backed out of its internet governance role

Hyman 2015 (Leonard [former Google Public Policy Fellow]; U.S. To Scale Back Its Role In Internet Governance; techcrunch.com/2015/02/19/1120736/; kdf)

Even though the Internet has long been an international community, the United States has always been at its center. However, that all may be about to change as the U.S. Department of Commerce scales back its role in Internet governance. The transition is a gradual one, but by the end of the year, the DOC is expected to give up its oversight of the Internet Corporation for Assigned Names and Numbers (ICANN) to the international community. The concept of "Internet governance" may seem like a bizarre one since it often seems like the Wild West out there. The most tangible example of ICANN's impact on Internet governance is management of the Internet Assigned Numbers Authority (IANA) functions: When you type a domain name in your browser (e.g. TechCrunch.com), it connects you with the long, multi-digit IP address that would otherwise be impossible to remember. On its face, it may not seem like a big deal who manages this process. As long as TechCrunch.com actually gets you to TechCrunch.com, does it really matter if it's the U.S., ICANN, or some random guy who's behind it? But that question assumes that your URL actually gets you to your destination. If a foreign government doesn't want you accessing a certain URL, why not redirect you into a dead end? After all, naysayers argue, some countries already have robust firewalls, so why give them more control? The Department of Commerce claims that by scaling back its role, it will be promoting "innovation and inclusion." After all, if the Internet supposedly belongs to the world, shouldn't it actually belong to the world? Further, they maintain that it won't relinquish control until safeguards are in place to prevent that from happening. (Will it live up to that promise? We'll see!) At the same time, U.S. leadership in this area was called into question — perhaps justifiably — after Snowden's NSA surveillance leaks. This is one of the factors that has nudged the U.S. toward giving up its contract. Maybe the international community would do a better job than we have. As unfortunate as censorship would be for foreign countries, the bigger challenge for the average American may be managing the domains themselves. Over 1,000 generic Top Level Domains (e.g. dot-search, dot-eco, dot-docs, etc.) are slated to go live in the coming months. It could easily be a headache for corporations to buy the thousands of domains related to their brand. (Imagine if amazon.buy took you to the wrong site.) Of course, it could be an even bigger hassle for the budding startup, not to mention ICANN itself overseeing this entire process without the support of the U.S. government. The Department of Commerce's process of fully handing over the reins won't be complete until later this year; its contract with ICANN expires in September. In the meantime, ICANN is slated to begin its next round of sessions in Buenos Aires in June. And because it's a multi-stakeholder process, public participation is welcomed. If you're concerned about the impact ICANN's increasing independence could have on a free and open Internet — and you fancy a trip to South America — I hear Argentina is lovely that time of year.

No impact – Cyber war

Cyber war not existential

Healey 2013 (Jason [director of the Cyber Statecraft Initiative at the Atlantic Council]; No, Cyberwarfare Isn't as Dangerous as Nuclear War; March 20, 2013; www.usnews.com/opinion/blogs/world-report/2013/03/20/cyber-attacks-not-yet-an-existential-threat-to-the-us; jw)

America does not face an existential cyberthreat today, despite recent warnings. Our cybervulnerabilities are undoubtedly grave and the threats we face are severe but far from comparable to nuclear war. The most recent alarms come in a Defense Science Board report on how to make military cybersystems more resilient against advanced threats (in short, Russia or China). It warned that the "cyber threat is serious, with potential consequences similar in some ways to the nuclear threat of the Cold War." Such fears were also expressed by Adm. Mike Mullen, then chairman of the Joint Chiefs of Staff, in 2011. He called cyber "The single biggest existential threat that's out there" because "cyber actually more than theoretically, can attack our infrastructure, our financial systems." While it is true that cyber attacks might do these things, it is also true they have not only never happened but are far more difficult to accomplish than mainstream thinking believes. The consequences from cyber threats may be similar in some ways to nuclear, as the Science Board concluded, but

mostly, they are incredibly dissimilar. Eighty years ago, the generals of the U.S. Army Air Corps were sure that their bombers would easily topple other countries and cause their populations to panic, claims which did not stand up to reality. A study of the 25-year history of cyber conflict, by the Atlantic Council and Cyber Conflict Studies Association, has shown a similar dynamic where the impact of disruptive cyberattacks has been consistently overestimated. Rather than theorizing about future cyberwars or extrapolating from today's concerns, the history of cyberconflict that have actually been fought, shows that cyber incidents have so far tended to have effects that are either widespread but fleeting or persistent but narrowly focused. No attacks, so far, have been both widespread and persistent. There have been no authenticated cases of anyone dying from a cyber attack. Any widespread disruptions, even the 2007 disruption against Estonia, have been short-lived causing no significant GDP loss. Moreover, as with conflict in other domains, cyberattacks can take down many targets but keeping them down over time in the face of determined defenses has so far been out of the range of all but the most dangerous adversaries such as Russia and China. Of course, if the United States is in a conflict with those nations, cyber will be the least important of the existential threats policymakers should be worrying about. **Plutonium trumps bytes in a** shooting **war.**

Cyber war not real – their rhetoric leads to less security

Mirani 2014 (Leo [reporter for Quartz]; Worrying about cyberwar is making countries less safe; December 3, 2014; qz.com/305598/worrying-about-cyberwar-is-making-countries-less-safe/; jw)

Ten days ago, on Nov. 24, online security firms revealed the existence of a powerful computer virus called Regin. A tool of espionage (pdf), the bug displayed all the hallmarks of nation-state backing, researchers said. Suspicion immediately fell on the US and Israel. The following day came news of a massive intrusion into the systems of Sony Pictures Entertainment. Several pre-release films were leaked, along with detailed personal records and communications of employees. An estimated 100 terabytes of data were stolen, and some 40 gigabytes have so far been leaked. Investigators pointed the finger at North Korea (paywall). Unsurprisingly, there has since been much hand-wringing about cyberwarfare, with one prominent right-wing American website declaring that "The first cyber war is under way." It is precisely this sort of hype that Thomas Rid, a professor of security studies at King's College London, and Robert M. Lee, an active-duty US Air Force cyber-warfare operations officer, warn against in their paper "OMG Cyber!" (pdf), published in the most recent issue of RUSI Journal, a well-regarded peer-reviewed academic journal of defense and security topics. Cyber-riches Rid and Lee argue that hype makes for bad policy. As defense budgets have shrunk, cyber is one area where funding has grown. That leads to perverse incentives, encouraging worry in order to gain and preserve funding. Since cyber is where the money is, all threats are re-labelled cyber-something. That means "it is ever harder to say when something clearly is not cyber-related," the authors write. "What we are seeing is espionage and practices and techniques that are easy to understand both technically and politically," says Lee. "By hyping them into something they are not we fail to respond appropriately. Our policies, our technologies, our education, [and] our military's readiness are being focused on a classification and understanding of the problem that does not align with the reality." Such reinterpretation of traditional threats can escalate conflict. A NATO official said earlier this year a cyber-attack would be covered by Article 5 of the treaty, which calls upon all member states to come to the defense of any member under attack. However, the official did not say what would count as an attack and what the response would be, suggesting it is meant as a deterrent. But that creates confusion. Does intrusion count? Espionage? From the paper: [T]he vast majority of cyber-attacks also do not fall into NATO's remit in the first place: espionage and cyber-crime are problems for intelligence agencies and law enforcement, not for a military alliance. For militants and the Kremlin, the subtext is clear: cyber matters; better up your game. NATO—among others—is escalating a problem that someone else will have to solve. More than the usual suspects The cyberwarfare hype does not arise solely from defense officials attempting to protect their turf and budgets. Security vendors have a vested interest in making cyber-threats seem pervasive in order to sell their products. And some of the responsibility for creating the hype falls on privacy activists and journalists who have helped give GCHQ, Britain's signals intelligence agency, a profile and mystique matched only by James Bond, says Rid. "[Edward] Snowden and the journalists covering this in a rather naïve way helped created the image that GCHQ and NSA [the US National Security Agency] are all-powerful, perfectly efficient surveillance machines that can see everything, penetrate everything, and know everything they want," says Rid. "And that's just laughable."

AT: Solvency/Oversight

AT: Oversight

AT: Aff = Oversight

Aff oversight doesn't cause transparency, zero reason they solve

Correia 2014 (Evan RC [JD Candidate, 2015 @ Temple]; PULLING BACK THE VEIL OF SECRECY: STANDING TO CHALLENGE THE GOVERNMENT'S ELECTRONIC SURVEILLANCE ACTIVITIES; 24 Temp. Pol. & Civ. Rts. L. Rev. 185; kdf)

There is growing concern regarding the secrecy that surrounds the FISC and its proceedings. n281 The sensitive nature of the FISC is the result of balancing the need to protect national security with the need to provide notice to the individual targeted by the proceeding at an appropriate time. n282 Currently, the FISC is only required to report on the number of orders it issues and denies. n283 No other [*212] information accompanies the annual report, and the public receives no additional information about the cases that come before the court each year. n284 The public should not have to rely on the disclosure of classified orders, such as the Snowden leak, for important information regarding invasions of their privacy by government surveillance. As currently implemented, the FAA lacks transparency and fails to provide any assurance that the FISC can conduct sufficient oversight of the government's surveillance activities. n285 Improvements in such areas could include public reporting procedures for FISC opinions, published statistics for FISC orders, and a provision for an increased web presence or other source of data that can easily be accessed. n286 It is important to provide the public with information about the FISC without compromising the government's security and intelligence gathering interests. n287 Providing the public with information such as an overview of the FISC's docket and the identity of the judge assigned to each case is one possibility. n288 **The most effective way to increase public understanding of the FISC would be to publish past orders and opinions**. n289 Publishing opinions with redacted sensitive material would provide increased accountability for an important executive branch function. n290

AT: Deference

The Zivotofsky decision crushes presidential powers

Glennon 2015 (Michael J [Prof of International Law at the Fletcher School of Law and Diplomacy, Tufts University]; Recognizable power: The Supreme Court Deals a Blow to Executive Authority; Jun 23; https://www.foreignaffairs.com/articles/united-states/2015-06-23/recognizable-power; kdf)

On its face, the Supreme Court's landmark decision this month in Zivotofsky v. Kerry looks like an ode to presidential power. In it, the Court, for the first time, struck down an act of Congress in the field of foreign affairs. The law had required the State Department to designate Israel as the nation of birth of certain Americans born in Jerusalem. For 60 years, though, the United States has recognized no country as having sovereignty over Jerusalem. When the Court invalidated the act, it affirmed that it is the exclusive power of the president to recognize foreign governments, stressing the need for the nation to speak with one voice. It is easy to think that, with this decision, the Supreme Court handed the president an epic victory in its perpetual struggle with Congress to control the nation's foreign policy. That conclusion would be tempting but wrong. In fact, the Court's opinion took nothing from Congress—and may actually have enhanced its power. That the Court affirmed the president's exclusive power to recognize foreign governments is unsurprising. Since President George Washington recognized the revolutionary government of France by receiving Citizen Genet as its representative, few have seriously believed that Congress could ever second-guess a president's decision to recognize a foreign government. During the dispute following President Jimmy Carter's recognition of the

People's Republic of China in 1979, congressional opponents challenged his authority to unilaterally terminate the United States' mutual security treaty with Taiwan, but no one doubted that he had sole power to decide whether to derecognize Taiwan or recognize the PRC. It is true that the Court's opinion rests in part on the need for the United States to "speak with one voice." The Court lifted the so-called one-voice doctrine from recent federalism cases in which it found states to have interfered impermissibly in the federal government's foreign policy prerogatives. In one, for example, it struck down a Massachusetts law barring state entities from buying goods or services from any person doing business with Myanmar (also called Burma). In another, it struck down a California law that required any insurer doing business in that state to disclose information about all policies it sold in Europe between 1920 and 1945. But the Court's references to the doctrine in Zivotofsky relate only to the president's recognition power. Nothing in the opinion implies that the one-voice doctrine narrows any of the long-established powers that Congress exercises in other areas. The Court referred to the one-voice doctrine as a "functional consideration"—a practical concern relating to a branch's particular institutional advantages in exercising a given power. "Unlike Congress," the Court noted, "the President is … capable of engaging in the delicate and often secret diplomatic contacts that may lead to a recognition decision." Some suggest that this approach could be a formula for justifying across-the-boards presidential unilateralism. But functionalism cuts both ways. In future disputes, institutional attributes could easily point toward predominant congressional power. Unlike the executive, Congress can ask pointed questions, bring diverse viewpoints to bear, build a consensus, and sell a policy to the public. Absent a national emergency, such decisive functional advantages would counsel in favor of including the legislative branch in a decision to introduce troops into combat, impose economic sanctions, or enter into a mutual security commitment. The opinion's greatest significance lies in its treatment of two earlier, conflicting precedents. The Court deflated the executive's perennial favorite, the 1936 Curtiss-Wright case, and resurrected an all-but-forgotten opinion of Chief Justice John Marshall that tightly circumscribed presidential power, Little v. Barreme (1804). For its part, Curtiss-Wright implied that the president, as the "sole organ of the nation in its external relations," has exclusive authority over foreign policy generally; no wonder, then, that the Obama administration cited Curtiss-Wright no fewer than ten times in its Zivotofsky pleadings, claiming broad, undefined foreign affairs powers. But Curtiss-Wright's sweeping language, the Court said in Zivotofsky, was merely dicta—it was not necessitated by the facts of that case, in which President Franklin Roosevelt initiated an arms embargo that Congress had authorized, not prohibited. The Court proceeded to reject the Obama administration's claim of "unbounded power" in relying upon Curtiss-Wright. "It is Congress that makes laws," the Court said, "and in countless ways its laws will and should shape the Nation's course." The more important precedent, the Zivotofsky Court suggested, is Little v. Barreme. The 1804 case is significant because it involved the exercise of the president's commander-in-chief powers during the undeclared naval war with France in the 1790s. In it, the Marshall Court held that an act of Congress prohibiting the seizure of a certain ship trumped a military order requiring it. "The Executive is not free from the ordinary controls and checks of Congress merely because foreign affairs are at issue," the Zivotofsky Court said, citing Little. "It is not for the President alone to determine the whole content of the Nation's foreign policy." These are not words, or citations, in which an imperial president could take much comfort. It remains to be seen how much Little will influence the resolution of future foreign affairs controversies, such as the constitutionality of the War Powers Resolution or the validity of a nuclear deal with Iran. Judicial decisions resolving foreign policy disputes are heavily fact-dependent. Precedents inevitably are elastic. But beyond the narrow confines of recognition, nothing in Zivotofsky makes a future presidential victory more likely.

No modelling

No judicial modelling – foreign policy overwhelms the plan

Liptak 2008 (Adam; US Courts is now guiding fewer nations; Sep 17; www.nytimes.com/2008/09/18/us/18legal.html?pagewanted=all)

WASHINGTON — Judges around the world have long looked to the decisions of the United States Supreme Court for guidance, citing and often following them in hundreds of their own rulings since the Second World War. But now American legal influence is waning. Even as a debate continues in the court over whether its decisions should ever cite foreign law, a diminishing number of foreign courts seem to pay attention to the writings of American justices. "One of our great exports used to be constitutional law," said Anne-Marie Slaughter, the dean of the Woodrow Wilson School of Public and International Affairs at Princeton. "We are losing one of the greatest bully pulpits we have ever had." From 1990 through 2002, for instance, the Canadian Supreme Court cited decisions of the United States Supreme Court about a dozen times a year, an analysis by The New York Times found. In the six years since, the annual citation rate

has fallen by more than half, to about five. Australian state supreme courts cited American decisions 208 times in 1995, according to a recent study by Russell Smyth, an Australian economist. By 2005, the number had fallen to 72. The story is similar around the globe, legal experts say, particularly in cases involving human rights. These days, foreign courts in developed democracies often cite the rulings of the European Court of Human Rights in cases concerning equality, liberty and prohibitions against cruel treatment, said Harold Hongju Koh, the dean of the Yale Law School. In those areas, Dean Koh said, "they tend not to look to the rulings of the U.S. Supreme Court." The rise of new and sophisticated constitutional courts elsewhere is one reason for the Supreme Court's fading influence, legal experts said. The new courts are, moreover, generally more liberal that the Rehnquist and Roberts courts and for that reason more inclined to cite one another. Another reason is the diminished reputation of the United States in some parts of the world, which experts here and abroad said is in part a consequence of the Bush administration's unpopularity abroad. Foreign courts are less apt to justify their decisions with citations to cases from a nation unpopular with their domestic audience. "It's not surprising, given our foreign policy in the last decade or so, that American influence should be declining," said Thomas Ginsburg, who teaches comparative and international law at the University of Chicago.

No oversight

The court lacks credibility because of its cherry picking of i-law

Schwarzschild '10 (Maimon; October 2010; Legal Studies Research Paper Series Research Paper No. 10-043 Judicial Independence vs. Judicial Independence; http://www.researchgate.net/publication/228128343_Judicial_Independence_vs._Judicial_Independence; Schwarzschild was an accredited journalist at the United Nations for five years, had White House press credentials during the Nixon administration, and served in the U.S. Department of Justice in Washington, D.C, JD, 1976, Columbia University BA, 1973, Columbia University; 7-10-15; mbc)

One troubling model is the growing power of judges in European Union countries to make public policy under the banner of European norms and treaties which are often vague and open-ended, and which therefore seem to invite judicial over-reaching. A euphemism for this is "teleological" adjudication, which can mean interpreting or pushing, not to say twisting, the law in a particular direction or towards a particular goal. Often, the goal in question is more power for the European Union and its institutions - "deeper union" - at the expense of the democratic institutions of the constituent nation states. This is a goal, in many cases at least, that the public 19 in European countries would not vote for: a goal that the electorates would reject not merely in the heat of passion, but upon sober reflection. It may be especially troubling for the broader judicial culture that this power to use or abuse European norms is not restricted to a handful of specifically European tribunals, but is devolved - in the name of subsidiarity - to ordinary national judges as well. This tends to enlist the judges in the teleological project and vests them with new, broad, and nebulously accountable powers.20 The citation of foreign law by American courts, at least in some contexts, is open to similar criticism. If judicial interpretation of the Constitution or of domestic law is guided by the law of other countries, that tends to circumvent domestic democratic processes. Moreover, on many debatable questions, foreign law is liable to differ from country to country. This creates an obvious risk of arbitrary selectivity about which foreign law to cite, or rather, of tendentious selectivity: that the judge will "pick and choose" whichever bits of foreign law suit the result the judge favours, especially where the result might not be straightforwardly justified under duly enacted domestic law.21 More broadly, international legal

institutions sometimes seem to promote, and even to embody, judicial independence in a dubious rather than in a desirable or defensible sense. Judges appointed to international tribunals from countries ruled by dictatorships, for example, are unlikely to enjoy much judicial independence in the positive sense. Coming from countries with little or no tradition of the rule of law, where the judge has family members who can be implicitly or explicitly threatened, where the judge himself or herself might hope to retire or to pursue a later career, where an independent-minded person is in any event unlikely to have reached a professional position from which appointment to an international tribunal would be plausible, the foundations for judicial independence are scarcely promising. For international jurists, however, there is often a kind of judicial independence in the dubious sense of being unmoored from a developed legal system, and unaccountable to a democratic citizenry. The body of international law, to put it charitably, is less than fully evolved: it embraces uncertain "custom", treaties sometimes drafted broadly, highly arguable "general principles", and so forth. Members of international tribunals are often appointed in a none-too-transparent process of horse trading among governments, international organisations, and sometimes activist pressure groups. There is no global hierarchy of international courts or 22 a responsible body of supervising jurists. Few if any international jurists are known to the public, much less are they politically removable or otherwise answerable to democratic scrutiny.

The fluid, and inevitable nature of judicial independence makes impartiality in court impossible

Dinh '8 (Viet D; 2008; Threats to judicial independence, real & imagined; Viet D. Dinh is professor of law and codirector of the Asian Law and Policy Studies Program at Georgetown University Law Center; http://www.mitpressjournals.org/doi/pdf/10.1162/daed.2008.137.4.64; 7-10-15; mbc)

Public criticism of the federal courts is nothing new.1 Since the beginning of the republic to the present day, pol-iticians and populace have attacked ju-dicial opinions and decried judicial ac-tivism. For example, the response to the landmark Supreme Court decisions of the 1950s, in particular those involving desegregation and church-state rela-tions, was a nationwide movement to remove Chief Justice Warren from the bench.2 Billboards around the country proclaimed their aim: "Impeach Earl Warren."3 Petitions circulated, and over one million Americans signed their names in support of the impeachment effort.4 Some even proposed that War-ren be hanged. For as long as there has been a federal judiciary, federal judges have been blasted for purportedly overstepping their bounds. Yet by and large the judges have not abdicated their duty to invalidate laws that they believe offend the Constitution. Public criticism of judicial decisions does not, by itself, necessarily threaten the independence of the judiciary; in fact, under some cir-cumstances, such critiques paradoxically can help bring about a more robust form of judicial independence. Under our constitutional system, the federal judiciary wields carefully circumscribed powers, but within its prop-er sphere judicial authority is final and therefore absolute. Among other limitations, federal judges may not issue advisory opinions and have no authority to engage in policy-making. But while the Constitution rules certain functions out of bounds for the courts, it also insulates federal judges from the pressures that can be brought to bear in response to an unpopular, but legally required, decision. Article III guarantees that federal judges shall hold their offices for life with continued "good Behaviour." By setting up an independent judiciary, the framers intended to prevent the other branches of government, or the people themselves, from undermining the judiciary's decisional impartiality. It is "essential to the preservation of the rights of every individual, his life, property, and character, that there be an impartial interpretation of the laws, and administration of justice."5 The insulation of judges from popular pressures ensures that all citizens receive equal justice under the law, and prevents judges from being influenced by

the whims of the public (or a powerful faction) when they decide cases. In The Federalist No. 78, Alexander Hamilton emphasized: This independence of the judges is equally requisite to guard the Constitution and the rights of individuals from the effects of those ill humors, which the arts of designing men, or the influence of particular conjectures, sometimes disseminate among the people themselves, and which, though they speedily give place to better information and more deliberate reflection, have a tendency, in the meantime, to occasion dangerous innovations in the government, and serious oppressions of the minor party in the community. 5 Peter D. Webster, "Who Needs an Independent Judiciary?" Florida Bar Journal 78 (2004): 24–25, which discusses the creation of and need for an independent judiciary. The way to achieve this impartiality– to free judges to decide cases based on what the law actually requires, and on nothing else–is to ensure that the judiciary is independent, or, put differently, not subject to reprisals for decisions on the bench. But judicial independence is not an absolute or singular value defining our courts. The principle of judicial restraint is equally important–and it is inextricably linked to judicial independence. At one level, the tension between the two seems inescapable. But there is an important sense in which an independent judiciary and judicial restraint are flip sides of the same coin. Both aim to minimize the influence of extraneous factors on judicial decision-making. A judge must not decide a case with an eye toward public approbation, because whether a particular result is popular is irrelevant to whether it is legally sound. In the same way, a judge must not consult his own policy preferences (or those of whatever moral philosopher happens to be au courant at the time) when construing the Constitution or a statute, because those personal views are immaterial to what the law, fairly construed, actually provides. Judicial independence and judicial restraint thus work together hand-in-glove to channel judges' attention to the factors that are actually relevant to the proper resolution of cases. Much is at stake if the judiciary becomes too independent or too restrained, namely individual rights and the proper functioning of the government. Those who criticize courts advocate more restraint to ensure that judges do not exceed the scope of their powers. But at the same time, it must be stressed, as Justice Sandra Day O'Connor did in a recent speech, that a court's ability to be effective depends "on the notion that we won't be subject to retaliation for our ju- dicial acts."6 The upside of judicial independence, then, is that it insulates judges who faithfully apply the law (albeit in unpopular ways); the downside is that judicial independence insulates judges who use their lack of accountability to shape the law in favor of their own preferred policies.

AT: Third Part Doctrine

1NC – No solve

Plan isn't sufficient to solve their internal link

Ohm 2012 (Paul [Associate Professor, University of Colorado Law School]; The Future of Digital Evidence Searches and Seizures: THE FOURTH AMENDMENT IN A WORLD WITHOUT PRIVACY; 81 Miss. L.J. 1309; kdf)

Some critics contend that the third-party rule is a mistake in every context and should be overturned. n81 Others would restrict it to its original contexts--bank records and telephone numbers dialed--but prevent it from spreading to other network services like electronic mail, cloud computing, and mobile location. n82 What remains consistent throughout this literature is the idea that the third-party doctrine deserves to be our central focus, that if only we could rein it in, we could right the balance between police power and privacy. Fixing the third-party doctrine, in short, is both necessary and sufficient to

fixing the problem of police surveillance of private behavior. In a world without privacy, however, getting rid of the third-party doctrine is necessary but not nearly sufficient to ensure the appropriate protection of the Fourth Amendment. The third-party [*1332] doctrine and, more broadly, the Fourth Amendment have traditionally evolved to focus attention almost entirely on the requirement that a search warrant be issued only with probable cause and particularity. In a world without privacy, probable cause and a warrant by themselves will not do enough to give effect to the full protection of the amendment. Although judges will be able to squelch fishing expeditions, fishing expeditions will no longer be necessary. n83 This is the power of a widespread surveillance society. It produces interconnected databases that track the behavior of millions in excruciating detail, gives companies (and the police agencies they assist) detailed records of what every one has done, and produces chains of evidence that can connect criminals to crime with no breaks and no ambiguous midway points. n84 The result is that even if we increase probable cause and warrant requirements, we still will be subject to far too much arbitrary surveillance. If the police are tracking a person knowing only the time and place of the crime and a general description of the perpetrator, they will be able to access cell phone location databases or video surveillance log files (with probable cause) to make the match. If they know that a particular e-mail address was used, then they will be able to search the login databases for the e-mail provider. Reversing or narrowing the third-party doctrine will help stem official arbitrariness, but it will not do enough to reverse the unprecedented increase in police power that the surveillance society has created. The problem with the surveillance society is not simply how it empowers the bored police officer on a fishing expedition; it is a broader problem with an increase in the power of the state to watch, listen, and follow every one of us.

Alt causes

Other doctrines undermine the world post-plan

Strandburg ’11 (Katherine, Alfred B. Engelberg Professor of Law at NYU School of Law, J.D., University of Chicago, with high honors, “HOME, HOME ON THE WEB AND OTHER FOURTH AMENDMENT IMPLICATIONS OF TECHNOSOCIAL CHANGE”, http://digitalcommons.law.umaryland.edu/cgi/viewcontent.cgi?article=3460&context=mlr, 2011)//HW

Determining that a social media site is the technosocial extension of a home or office, and therefore concluding that the Fourth Amendment would generally require a government agent to obtain a warrant in order to gain access to the site through the platform providers, **is only the very beginning of the inquiry.** Once the overly aggressive interpretation of the third party doctrine is jettisoned, we are left to confront the same kinds of questions that have occupied courts for years with regard to privacy in the home or office. There are many such questions: issues of exigency, particularity of warrants and scope of search, third party consent, the plain view doctrine, and the activities of undercover police or in-formants. Full treatment of these issues is well beyond the ambitions of this Article, but in this Section, I will briefly tackle two of them: the plain view doctrine and undercover policing.

Third Party Doctrine in check

There is already transparency within the 3rd party doctrine

Sullum 15 - Sullum won the Keystone Press Award for investigative reporting, and in 1991 he received First Prize in the Felix Morley Memorial Journalism Competition (Jacob, 5/6/15, "how the 11th circuit's 'wooden application of the third-party doctrine' threatens privacy" reason.com/blog/2015/05/06/how-the-11th-circuits-wooden-application)

As Scott Shackford noted earlier today, the U.S. Court of Appeals for the 11th Circuit yesterday overturned a 2014 panel decision requiring a probable-cause warrant to obtain cellphone location records. Last year, in a case involving an armed robber named Quartavius Davis who was linked to the scenes of various crimes by cellphone data, a three-judge 11th Circuit panel concluded that people have a reasonable expectation of privacy in such information, which can reveal where you are throughout the day, every day. The full court disagreed, saying that claim is foreclosed by the Supreme Court's "third-party doctrine," which holds that "a person has no legitimate expectation of privacy in information he voluntarily turns over to third parties." The Court also has said "the Fourth Amendment does not prohibit the obtaining of information revealed to a third party and conveyed by him to Government authorities, even if the information is revealed on the assumption that it will be used only for a limited purpose and the confidence placed in the third party will not be betrayed." Given the sweeping language of those precedents, you can see why the 11th Circuit ruled the way it did, joining two other circuits (the 5th and 6th) that have reached the same conclusion. The three judges who signed last year's decision and the two dissenters from yesterday's ruling tried to avoid that result by arguing that cellphone users do not voluntarily disclose their locations when they make and receive calls and may not even realize their service providers collect and store that information. Nonsense, says the full court: Cell users know that they must transmit signals to cell towers within range, that the cell tower functions as the equipment that connects the calls, that users when making or receiving calls are necessarily conveying or exposing to their service provider their general location within that cell tower's range, and that cell phone companies make records of cell-tower usage. Users are aware that cell phones do not work when they are outside the range of the provider company's cell tower network. Indeed, the fact that Davis registered his cell phone under a fictitious alias tends to demonstrate his understanding that such cell tower location information is collected by MetroPCS and may be used to incriminate him.

AT: Judicial Independence -> Peace

No empirical proof of their internal link

Madden 2012 (Ryan J [political science major at the State University of New York at Binghamton, with a concentration in international relations and global affairs]; Judicial Independence and Peace Duration: An Assessment of Political Institutions in the Post-Conflict Environment; eaglefeather.honors.unt.edu/2012/article/19#conclusion; kdf)

The aim of this paper was to research a previously unexplored area of political institution building in post-conflict societies. The existing literature on post-conflict environments has suggested that mitigating security dilemmas is at the foundation of ensuring durable peace and that the presence of political institutions that safeguard against security dilemmas are necessary in guaranteeing this stability. The primary argument I set forth was that the presence of an independent judiciary would contribute to longer durations of peace in the aftermath of civil war. I argued that an independent judiciary was endowed with the security-assuring attributes that previous literature claimed to be necessary for political institutions to have in order to facilitate peace in post-conflict environments. I argued that independent judiciaries could alleviate security dilemmas by ending conditions of dual sovereignty in the post-conflict environment, increasing public access to political participation, encouraging conditions conducive to economic growth, and monitoring the fair enactment of settlement agreements. I proposed that an independent judiciary, serving as a neutral arbiter between warring factions, could function as a dependable political entity in ensuring the rule of law in the aftermath of conflict and instilling trust in the political system. **The empirical tests conducted in this paper did not support the theoretical argument I put proposed in terms of the role that independent judiciaries play in maintaining peace**. As noted before, there were possible flaws with my research design and the way some of the variables were operationalized. It is possible that the coding I used to determine judicial independence was imprudent. For future research in this field, it will be important to collect survey data on public perceptions of the independence of judicial systems. The mere presence of an independent judiciary may not be sufficient to ensure durable peace; perhaps there must be public confidence in these institutions as well.

AT Afghanistan – Stable Now – US India RX

US and Indian relations lock in stability

Business Standard 2/19/**2015** (US, India discuss stable Afghanistan; www.business-standard.com/article/news-ians/us-india-discuss-stable-afghanistan-115021900378_1.html; kdf)

India and the US held discussions on regional cooperation in South Asia focusing on a stable and prosperous Afghanistan, a US embassy statement said here Thursday. The discussions were held during the visit of an inter-agency delegation, led by US Deputy Special Representative for Afghanistan and Pakistan Laurel Miller, from Feb 16-18. Miller met government officials, civil society, and political party leaders to continue high-level US-India consultations on Afghanistan, the statement said. "The consultations helped advance our shared commitment to regional cooperation on working towards a stable and prosperous Afghanistan," it said. US President Barack Obama and Prime Minister Narendra Modi in their joint statement during the former's visit to India had shared the commitment for a secure, stable, and prosperous Afghanistan.

AT Afghanistan – Stable Now – Regional governments/ New Silk Road

Regional initiatives and the new Silk Road guarantee stability

Astana Times 3/11/2015 (Afghanistan Should Not Be Left Alone; www.astanatimes.com/2015/03/afghanistan-left-alone/; kdf)

Kazakhstan, together with its neighbours and the international community all share a common objective to ensure that Afghanistan never again becomes a safe haven for international terrorism, nor a threat to regional stability. This gives us a common purpose: to build the capacity of the Afghan government and the Afghan National Security Forces, and to give Afghans the opportunities to build a stable and prosperous future. Over a decade on from the September 11, 2001, terrorist attacks, al Qaeda in Afghanistan and Pakistan has been significantly weakened, and today's Afghanistan is unrecognisable from 10 years ago. However the pull-out of NATO troops means that an enduring international commitment to Afghanistan is required. Unfortunately nearly 4,000 Afghan civilians died in 2014, making it the deadliest year yet in the conflict. This must act as a wakeup call to the world. If the international community turns its back on the country and its long-suffering people, there is a real risk that it could descend again into outright chaos and that instability and violence will spill increasingly over its borders. No nation is immune from this threat. Up to now, extremists have struggled to gain a foothold in Kazakhstan. Despite a very diverse population, we have built a moderate and tolerant society where all can make a contribution. The Kazakh government has been closely monitoring the situation regarding religious extremism and drug trafficking out of Afghanistan, two issues that can hurt our own nation. The Kazakh government has also been working hard, and rightly so, to counter the distorted message of the extremists in our society. And it has also stepped up direct economic and humanitarian aid to Afghanistan. Kazakhstan has allocated $2.38 million for social services projects in Afghanistan, sent more than $17 million worth of emergency food assistance, and implemented a $50 million project to train Afghan students at Kazakh universities. But the challenge requires a concerted and coordinated international effort to help re-establish and reintegrate Afghanistan into the region. It is an effort that Afghanistan's Central Asian neighbours must help shape and lead. After all, we in the region have the most to gain from success and the most to lose from failure. Not surprisingly, regional governments are already discussing how Afghanistan's efforts can do more together to help rebuild it as well as improve regional security against terrorism and the drugs trade. The long-term solution must be to accelerate the growth of the entire regional economy to spread employment and prosperity in Afghanistan and all neighbouring countries. This will deny the extremists the anger and despair required for their divisive message to take root. Consistent efforts in this area are being taken by organisations such as the Shanghai Cooperation Organisation, which brings together four Central Asian nations plus Russia and China. Through other initiatives like the U.S.-proposed 'New Silk Road', which aims to integrate the Central Asian countries of Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan with Afghanistan, India, and Pakistan, there is hope to integrate Afghanistan into the wider region. The positive impact, of course, of the 'New Silk Road' will be felt far beyond Afghanistan or Central Asia. Our region is seriously laying claim to be the next economic frontier. Rich in energy and natural wealth and strategically positioned between Europe and the fast-growing economies of the east, improved connections can provide a much-needed boost to global growth. We cannot halt the powerful forces which are changing our world. But through increased co-operation with our partners, they can be channelled for the benefit of all. Afghanistan's people are counting for the world's powers to stop their disputes, and instead unite to battle a common

foe. We have all borne the costs of decades of conflict in Afghanistan and, if we fail to come together and turn good intentions into positive action, we will see the chaos engulfing the Middle East repeated in Afghanistan.

AT Afghanistan – Stable Now – Economic Development

Afghani economic development solves

Times of Oman March 4, 2015 (Security, development projects figure in Indo-Afghan talks; www.timesofoman.com/News/48315/Article-Security-development-projects-figure-in-Indo-Afghan-talks; kdf)

Kabul: Foreign Secretary S. Jaishankar on Wednesday held talks with Afghanistan's top leadership here which mainly focussed on India's development projects and the security situation in the war-torn country. Wrapping up the first leg of his 'Saarc Yatra' aimed at firming up India's ties with members of the grouping while reviewing regional and bilateral cooperation, the Foreign Secretary flew into Kabul from Islamabad and called on Afghan President Ashraf Ghani and CEO Abdullah Abdullah among other leaders. During his meetings, Afghan leaders welcomed India being "partner of choice" for Afghanistan and briefed Jaishankar about their views on India's involvement in furthering the cause of stability and security in the country. According to officials, the main thrust during the meetings was on India's development projects in Afghanistan, ways to improve connectivity and the security situation in the war-ravaged country. Afghanistan leaders also welcomed India being a "partner of choice" for the country during the interactions with Jaishankar, the officials said. The Foreign Secretary also called on Foreign Minister Salahuddin Rabbani besides former president Hamid Karzai. Jaishankar also met Deputy Foreign Minister Hekmat Khalil Karzai and held extensive talks. The Foreign Secretary, who arrived here amid light snow, was received by senior Afghan officials and Indian High Commissioner Amar Sinha at the airport. With Wednesday's trip to Afghanistan, Jaishankar rounded off the first leg of his 'Saarc Yatra' that began on Sunday with Bhutan. He subsequently visited Bangladesh and Pakistan as part of the yatra. Afghanistan was recently hit by a massive avalanche that claimed nearly 250 lives. Following the tragedy, Prime Minister Narendra Modi had written to Afghan President Ghani to condole the loss of lives and offered help in rescue and relief efforts. The South Asian Association for Regional Cooperation (Saarc) — an economic and geopolitical grouping of eight countries located in South Asia — includes Bangladesh, Bhutan, India, the Maldives, Nepal, Pakistan, Afghanistan and Sri Lanka as its members.

AT: Economy Advantage

No link – Internet not k2 econ

Internet not key to growth

Lowrey 2011 (Annie; Freaks, geeks, and the GDP; Mar 8; www.slate.com/articles/business/moneybox/2011/03/freaks_geeks_and_gdp.html; kdf)

If you have attended any economists' cocktail parties in the past month or so—lucky you!—then you have probably heard chatter about Tyler Cowen's e-book, The Great Stagnation. The book seeks to explain why in the United States median wages have grown only slowly since the 1970s and have actually declined in the past decade. Cowen points to an innovation problem: Through the 1970s, the country had plenty of "low-hanging fruit" to juice GDP growth. In the past 40 years, coming up with whiz-bang, life-changing innovations—penicillin, free universal kindergarten, toilets, planes, cars—has proved harder, pulling down growth rates across the industrialized world. But wait! you might say. In the 1970s, American businesses started pumping out amazing, life-changing computing technologies. We got graphing calculators, data-processing systems, modern finance, GPS, silicon chips, ATMs, cell phones, and a host of other innovations. Has the Internet, the most revolutionary communications technology advance since Gutenberg rolled out the printing press, done nothing for GDP growth? The answer, economists broadly agree, is: Sorry, but no—at least, not nearly as much as you would expect. A quarter century ago, with new technologies starting to saturate American homes and businesses, economists looked around and expected to find computer-fueled growth everywhere. But signs of increased productivity or bolstered growth were few and far between. Sure, computers and the Web transformed thousands of businesses and hundreds of industries. But overall, things looked much the same. The GDP growth rate did not tick up significantly, **nor did productivity**. As economist Robert Solow put it in 1987: "You can see the computer age everywhere but in the productivity statistics." An overlapping set of theories emerged to explain the phenomenon, often termed the "productivity paradox." Perhaps the new technologies advantaged some firms and industries and disadvantaged others, leaving little net gain. Perhaps computer systems were not yet easy enough to use to reduce the amount of effort workers need to exert to perform a given task. Economists also wondered whether it might just take some time—perhaps a lot of time—for the gains to show up. In the past, information technologies tended to need to incubate before they produced gains in economic growth. Consider the case of Gutenberg's printing press. Though the technology radically transformed how people recorded and transmitted news and information, economists have failed to find evidence it sped up per-capita income or GDP growth in the 15th and 16th centuries. At one point, some economists thought that an Internet-driven golden age might have finally arrived in the late 1990s. Between 1995 and 1999, productivity growth rates actually exceeded those during the boom from 1913 to 1972—perhaps meaning the Web and computing had finally brought about a "New Economy." But that high-growth period faded quickly. And some studies found the gains during those years were not as impressive or widespread as initially thought. Robert Gordon, a professor of economics at Northwestern, for instance, has found that computers and the Internet mostly helped boost productivity in durable goods manufacturing—that is, the production of things like computers and semiconductors. "Our central theme is that computers and the Internet do not measure up to the Great Inventions of the late nineteenth and early twentieth century, and in this do not merit the label of Industrial Revolution," he wrote. Gordon's work leads to another theory, one espoused by Cowen himself. Perhaps the Internet is just not as revolutionary as we think it is. Sure, people might derive endless pleasure from it—its tendency to improve people's quality of life is undeniable. And sure, it might have revolutionized how we find, buy, and sell goods and services. But that still does not necessarily mean it is as transformative of an economy as, say, railroads were. That is in part because the Internet and computers tend to push costs toward zero, and have the capacity to reduce the need for labor. You are, of course, currently reading this article for free on a Web site supported not by subscriptions, but by advertising. You probably read a lot of news articles online, every day, and you probably pay nothing for them. Because of the decline in subscriptions, increased competition for advertising dollars, and other Web-driven dynamics, journalism profits and employment have dwindled in the past decade. (That Cowen writes a freely distributed blog and published his ideas in a $4 e-book rather than a $25 glossy airport hardcover should not go unnoted here.) Moreover, the Web- and computer-dependent technology sector itself does not employ that many people. And it does not look set to add workers: The Bureau of Labor Statistics estimates that employment in information technology, for instance, will be lower in 2018 than it was in 1998. That the Internet has not produced an economic boom might be hard to believe, Cowen admits. "We have a collective historical memory that technological progress brings a big and predictable stream of revenue growth across most of the economy," he writes. "When it comes to the web, those assumptions are turning out to be wrong or misleading. The revenue-intensive sectors of our economy have been slowing down and the big technological gains are coming in revenue-deficient sectors." But revenue is not always the end-all, be-all—even in economics. That brings us to a final explanation: Maybe it is not the growth that is deficient. Maybe it is the yardstick that is deficient. MIT professor Erik Brynjolfsson * explains the idea using the example of the music industry. "Because you and I stopped buying CDs, the music industry has shrunk, according to revenues and GDP. But we're not listening to less music. There's more music consumed than before." The improved choice and variety and availability of music must be worth something to us—even if it is not easy to put into numbers. "On paper, the way GDP is calculated, the music industry is disappearing, but in reality it's not disappearing. It is disappearing in revenue. It is not disappearing in terms of what you should care about, which is music." As more of our lives are lived online, he wonders whether this might become a bigger problem. "If everybody focuses on the part of the economy that produces dollars, they would be increasingly missing what people actually consume and enjoy. The disconnect becomes bigger and bigger." But providing an alternative measure of what we produce or consume based on the value people derive from Wikipedia or Pandora proves an extraordinary challenge—indeed, no economist has ever really done it. Brynjolfsson says it is possible, perhaps, by adding up various "consumer surpluses," measures of how much consumers would be willing to pay for a given good or service, versus how much they

do pay. (You might pony up $10 for a CD, but why would you if it is free?) That might give a rough sense of the dollar value of what the Internet tends to provide for nothing—and give us an alternative sense of the value of our technologies to us, if not their ability to produce growth or revenue for us. Of course, if our most radical and life-altering technologies are not improving incomes or productivity or growth, then we still have problems. Quality-of-life improvements do not put dinner on the table or pay for Social Security benefits. Still, even Cowen does not see all doom and gloom ahead, with incomes stagnating endlessly as we do more and more online and bleed more and more jobs and money. Who knows what awesome technologies might be just around the bend?

No Internal – No US Leadership

No US economic leadership—litany of alt causes

FT 2015 (America's wobbly economic leadership; Apr 23; www.ft.com/cms/s/0/35af0bbe-e8f5-11e4-87fe-00144feab7de.html#axzz3fVSr9rsv; kdf)

That is why so many countries have rushed to join the AIIB and why the World Bank and the Asian Development Bank have welcomed the new arrival. There is more than enough demand to go around. The concern is that the AIIB will not adhere to best practices. At a time when the US is reluctant to fulfil its obligations to Bretton Woods institutions, let alone join any new ones, US companies will find it tough to win a slice of the pie in Asia and elsewhere. Exim's standards are among the best in the world. It serves as a check on the crony capitalism practised by China and others. Closing it would sound another US retreat. The concern is that Congress is too polarised to reverse the trend. Most Republicans disdain global bodies and most Democrats revile trade deals. Congress continues to block the 2010 US-led reforms of the International Monetary Fund. That is one reason China is setting up its own institutions. There are signs Capitol Hill may be preparing to pass the fast track negotiating authority the Obama administration needs to wrap up trade deals in the Pacific and the Atlantic. That would be welcome. But Barack Obama will first need to take on sceptics in his own party. Hillary Clinton, his likely successor, has questioned the merits of another trade deal. Jeb Bush, her likely opponent, said he would close Exim. There was a time when US gridlock imposed a price on others. Now others are imposing a price on the US. **The world is no longer waiting on Washington's prevarications.**

No Internal – US Not Key

The US isn't key to the global economy

Kenny 2015 (Charles; Why the Developing World Won't Catch the U.S. Economy's Cold; May 4; www.bloomberg.com/news/articles/2015-05-04/why-the-developing-world-won-t-catch-the-u-s-economy-s-cold; kdf)

Last week the U.S. Commerce Department announced that first-quarter GDP growth for 2015 was an anemic 0.2 percent. This immediately sparked fears that a U.S. slowdown could lead to a global recession. But the cliché about America sneezing and the rest of the world catching the cold doesn't hold like it used to. The U.S. isn't as contagious as it was, and developing countries in particular are far more robust to economic shocks. That's good news for everyone. It means less volatility in Asia, Africa, and Latin America, which contributes to happier people, greater political stability, and stronger long-term growth—all of which should help lift the U.S. out of its own doldrums. A team of IMF researchers has looked at the long-term record of the world's economies when it comes to growth and recession. They measured how long economies expanded without interruption, as well as the depth and length of downturns. Over the past two decades, low and middle-income economies have spent more time in expansions, while downturns and recoveries have become shallower and shorter. This suggests countries have become more resilient to shocks. In the 1970s and '80s, the median developing economy took more than 10 years after a downturn to recover

to the GDP per capita it had prior to that slump. By the early 2000s, that recovery time had dropped to two years. In the 1970s and '80s, countries of the developing world spent more than a third of their time in downturns, but by the 2000s they spent 80 percent of their time in expansions. The first decade of the 21st century was the first time that developing economies saw more expansion and shorter downturns than did advanced economies: Median growth in the developing world was at its highest since 1950 and volatility at its lowest. Developing countries still face a larger risk of deeper recession when terms of trade turn against them, capital flows dry up, or advanced economies enter recessions themselves. But the scale of that risk has diminished. That's because low and middle-income economies have introduced policy reforms that increase resilience: flexible exchange rates, inflation targeting, and lower debt. Economies with inflation-targeting regimes see recovery periods less than a third as long as economies without targeting, for example. Larger reserves are associated with longer expansions. And median reserves in developing countries more than doubled as a percentage of GDP between the 1990s and 2010. Median external debt has dropped from 60 percent to 35 percent of GDP over that same period. Such policy changes account for two-thirds of the increased recession-resilience of developing countries since the turn of the century, suggest the IMF researchers—leaving external factors, such as positive terms of trade, accounting for just one-third. That's good news for the developing world—not least because volatile growth is particularly bad for poorer people, who are most at risk of falling into malnutrition or being forced to take children out of school, which has long-term consequences for future earnings. That might help explain the relationship between growth volatility, slower reductions in poverty, and rising inequality. Sudden negative income shocks can also be a factor in sparking violence: When rains fail, the risk of civil war in Africa spikes, and when coffee prices in Colombia fall, municipalities cultivating more coffee see increased drug-related conflict. The African analysis suggests that a five percentage-point drop in income growth is associated with a 10 percent increase in the risk of civil conflict in the following year. Finally, because volatility increases the uncertainty attached to investments, it can also be a drag on overall long-term economic performance. Viktoria Hnatkovska and Norman Loayza of the World Bank estimated that moving from a comparatively stable to a relatively volatile growth trajectory is associated with a drop in average annual growth of as much as 2 percent of GDP. Lower volatility in the developing world and its associated long-term growth performance is also good news for the U.S. A strong global economy is still a positive force for growth in every country, including developed nations. And with the developing world accounting for about one-third of trade and GDP at market rates, as well as three-fifths of U.S. exports, its role in supporting American economic performance has never been greater. Those hoping for a recovery in U.S. output should be grateful for stronger economic immune systems in the rest of the world.

—xt no Internal

The global economy determines the US economy, not vice versa

Rasmus 2015 (Jack; US Economy Collapses Again; May 14; www.counterpunch.org/2015/05/14/us-economy-collapses-again/; kdf)

The problem of weak, stop-go, recovery in the U.S. today is further exacerbated by a global economy that continues to slow even more rapidly and, in case after case, slip increasingly into recessions or stagnate at best. Signs of weakness and stress in the global economy are everywhere and growing. Despite massive money injections by its central bank in 2013, and again in 2014, Japan's economy has fallen in 2015, a fourth time, into recession. After having experienced two recessions since 2009, Europe's economy is also trending toward stagnation once more after it too, like Japan, just introduced a US$60 billion a month central bank money injection this past winter. Despite daily hype in the business press, unemployment in the Eurozone is still officially at 11.4 percent, and in countries like Spain and Greece, still at 24 percent. Yet we hear Spain is now the 'poster-boy' of the Eurozone, having returned to robust growth. Growth for whom? Certainly not the 24 percent still jobless, a rate that hasn't changed in years. Euro businesses in Spain are doing better, having imposed severe 'labor market reforms' on workers there, in order to drive down wages to help reduce costs and boost Spanish exports. Meanwhile, Italy remains the economic black sheep of the Eurozone, still in recession for years now, while France officially records no growth, but is likely in recession as well. Elites in both Italy and France hope to copy Spain's 'labor market reforms' (read: cut wages, pensions, and make it easier to layoff full time workers). In order to boost its growth, Italy is considering, or may have already decided, to redefine its way to growth by including the services of prostitutes and drug dealers as part of its GDP. Were the USA to do the same redefinition, it would no doubt mean a record boost to GDP. Across the Eurozone, the greater economy of its 18 countries still hasn't reached levels it had in 2007, before the onset of the last recession. Unlike the U.S.'s 'stop-go', Europe has been 'stop-go-stop'.

Impact inevitable -- Tech Bubble

Tech bubble collapse is inevitable, letting it happen now ensures a soft-landing

Mahmood 2015 (Tallot; The Tech Industry Is In Denial, But The Bubble Is About To Burst; Jun 26; techcrunch.com/2015/06/26/the-tech-industry-is-in-denial-but-the-bubble-is-about-to-burst/; kdf)

In the face of these trends, a small group of well-respected and influential individuals are voicing their concern. They are reflecting on what happened in the last dot-com bust and identifying fallacies in the current unsustainable modus operandi. These relatively lonely voices are difficult to ignore. They include established successful entrepreneurs, respected VC and hedge fund investors, economists and CEOs who are riding their very own unicorns. Mark Cuban is scathing in his personal blog, arguing that this tech bubble is worse than that of 2000, because, he states, that unlike in 2000, this time the "bubble comes from private investors," including angel investors and crowd funders. The problem for these investors is there is no liquidity in their investments, and we're currently in a market with "no valuations and no liquidity." He was one of the fortunate ones who exited his company, Broadcast.com, just before the 2000 boom, netting $5 billion. But he saw others around him not so lucky then, and fears the same this time around. A number of high-profile investors have come out and said what their peers all secretly must know. Responding to concerns raised by Bill Gurley (Benchmark) and Fred Wilson (Union Square Ventures), Marc Andreessen of Andreessen Horowitz expressed his thoughts in an 18-tweet tirade. Andreessen agrees with Gurley and Wilson in that high cash burn in startups is the cause of spiralling valuations and underperformance; the availability of capital is hampering common sense. The tech startup space at the moment resembles the story of the emperor with no clothes. As Wilson emphasizes, "At some point you have to build a real business, generate real profits, sustain the company without the largess of investor's capital, and start producing value the old fashioned way." Gurley, a stalwart investor, puts the discussion into context by saying "We're in a risk bubble … we're taking on … a level of risk that we've never taken on before in the history of Silicon Valley startups." The tech bubble has resulted in unconventional investors, such as hedge funds, in privately owned startups. David Einhorn of Greenlight Capital Inc. stated that although he is bullish on the tech sector, he believes he has identified a number of momentum technology stocks that have reached prices beyond any normal sense of valuation, and that they have shorted many of them in what they call the "bubble basket." Meanwhile, Noble Prize-winning economist Robert Shiller, who previously warned about both the dot-com and housing bubbles, suspects the recent equity valuation increases are more because of fear than exuberance. Shiller believes that "compared with history, US stocks are overvalued." He says, "one way to assess this is by looking at the CAPE (cyclically adjusted P/E) ratio … defined as the real stock price (using the S&P Composite Stock Price Index deflated by CPI) divided by the ten-year average of real earnings per share." Shiller says this has been a "good predictor of subsequent stock market returns, especially over the long run. The CAPE ratio has recently been around 27, which is quite high by US historical standards. The only other times it is has been that high or higher were in 1929, 2000, and 2007 — all moments before market crashes." Perhaps the most surprising contributor to the debate on a looming tech bubble is Evan Spiegel, CEO of Snapchat. Founded in 2011, Spiegel's company is a certified "unicorn," with a valuation in excess of $15 billion. Spiegel believes that years of near-zero interest rates have created an asset bubble that has led people to make "riskier investments" than they otherwise would. He added that a correction was inevitable.

--xt Bubble will collapse

Bubble will collapse

Mahmood 2015 (Tallot; The Tech Industry Is In Denial, But The Bubble Is About To Burst; Jun 26; techcrunch.com/2015/06/26/the-tech-industry-is-in-denial-but-the-bubble-is-about-to-burst/; kdf)

The fact that we are in a tech bubble is in no doubt. The fact that the bubble is about to burst, however, is not something the sector wants to wake up to. The good times the sector is enjoying are becoming increasingly artificial. The tech startup space at the moment resembles the story of

the emperor with no clothes. It remains for a few established, reasoned voices to persist with their concerns so the majority will finally listen.

AT: E-commerce k2 economy

Ecommerce through the roof - Facebook

Adler 1/13/15 (Tim; Ecommerce sales through social media triple in 2013 for biggest US retailers; business-reporter.co.uk/2015/01/13/e-commerce-sales-through-social-media-triple-in-2013-for-biggest-us-retailers/; kdf)

The top 500 retailers in the United States earned $2.69 billion from social shopping in 2013, according to the Internet Retailer's Social Media 500 – up more than 60 per cent over 2012 – while the e-commerce market as a whole grew only by 17 per cent. Growth is sure to accelerate and conversion rates should improve as Twitter and Facebook roll out "Buy" buttons, predicts BI Intelligence. Buy buttons enable social media users to buy by clicking on a retailer's post or tweet. Facebook began testing buy buttons in July, Twitter in September. **Facebook is the clear leader for social-commerce referrals and sales.** This is partly because of the sheer size of its audience – 71 per cent of US adult internet users are on Facebook. A Facebook share of an e-commerce post translates to an average $3.58 in revenue from sales compared to just 85 cents on Twitter. But other social media sites are gaining on Facebook and Twitter. Customers buying through fashion and style platform Polyvore spend on average $66.75 per order, according to Shopify. Pinterest sees $65. Facebook by comparison trails at $55 per average order value (AOV).

Ebay deal

Seetharaman 1/21/15 (Deepa; EBay's breakup plans may open door for e-commerce M&A; www.reuters.com/article/2015/01/22/us-ebay-sale-idUSKBN0KV06Z20150122; kdf)

EBay Inc's plans to break up into three different companies could accommodate would-be suitors, signaling a potential merger fight after the breakup. The company plans to spin off its payments division, PayPal, from its core marketplace division in the second half of the year, making two standalone publicly traded companies that some analysts say could be worth more than the combined entity. On Wednesday, eBay added that it will sell or prepare a public offering of its eBay Enterprise unit, which the company bought for $2.4 billion roughly four years ago. The announced moves are intended to give each business the ability to consider all their alternatives, including a sale, eBay Chief Executive Officer John Donahoe said. "No one knows what's going happen down the road," Donahoe said in an interview on Wednesday, after eBay reported fourth-quarter earnings. "But each business will have the flexibility they need to do what they need to do to win." The moves come as Wall Street analysts question how long eBay and PayPal can withstand growing competition from online rivals such as Amazon.com Inc, Google Inc and Alibaba Group Holding Ltd, as well as retailers such as Wal-Mart Stores Inc which are investing in their own e-commerce and payments platforms. As part of the moves announced on Wednesday, eBay agreed to adopt a number of corporate governance changes championed by activist investor Carl Icahn that would limit PayPal board's ability to prevent a takeover once it splits from eBay. Any investor who owns 20 percent of PayPal will be able to call special meetings of shareholders, Icahn said in a separate statement that coincided with eBay's release. EBay also outlined plans to cut 7 percent of its workforce, or 2,400 positions, in the current quarter. "I don't think that is the primary goal, but in general these moves could make for a cleaner, or more attractive, merger or acquisition," said Baird analyst Colin Sebastian, who has previously said Google could be a suitor for eBay. The eBay Marketplaces unit is now going after so-called "avid" shoppers hungry for a bargain. Its enterprise division, which advises companies on how to grow online, will strengthen its relationships with top retailers and brands. Potential buyers of eBay Enterprise include companies focused on building ties with other

businesses, such as Salesforce.com Inc, IBM Corp, Demandware Inc, Adobe Systems Inc or startup Bigcommerce, some experts said. Salesforce declined to comment, while the other companies were not immediately available for comment.

Cloud Computing

Turn: Warming

The cloud uniquely makes warming worse

Matthews 2013 (Richard; How environmentally sustainable is cloud computing and storage?; Sep 12; globalwarmingisreal.com/2013/09/12/sustainable-cloud-computing/; kdf)

Critique The cloud industry has also been called secretive, slow to change its practices, and overly optimistic in its environmental assessments. The massive energy requirement of cloud computing can create environmental problems. According to a 2012 report in the New York Times, data centers use 30 billion watts of electricity per year globally and the U.S. is responsible for one-third of that amount (10 billion watts). A Gartner report indicated that the IT industry is responsible for as much greenhouse gas generation as the aviation industry (2 percent of the world's carbon emissions). Just one of these massive server farms can consume the energy equivalent of 180 000 homes. According to a McKinsey & Company report commissioned by the Times, between 6 and 12 percent of that energy powers actual computations; the rest keeps servers running in case of a surge or crash**. "This is an industry dirty secret,"** an anonymous executive told the Times. However, cloud supporters counter that this may be better understood as a necessary evil if data companies are to ensure that they are able to provide reliable service at all times. Greenpeace has published a report, "A Clean Energy Road Map for Apple," that follows up on the organization's April "How Clean is Your Cloud?" report. These studies indicate that many cloud providers use energy sources that are neither clean nor sustainable. The Greenpeace analysis showed that tech companies like Akamai and Yahoo! are the most environment-friendly while companies like Amazon, Apple and Microsoft each rely heavily on power from fossil fuels. Cloud computing is almost directly responsible for the carbon intensity increase at Apple, which gets 60 percent of its power from coal. Although Apple is increasing the amount of renewable energy used to power its cloud computing, the company has been criticized by Greenpeace for moving slowly. In May 2013, Apple said that its North Carolina data center will be exclusively reliant on renewable power by year's end, and that all three of its major data centers will be coal-free by the end of this year. Solutions Despite all of this convincing data, it is important to understand that saving energy does not always mean that you are reducing your GHG emissions. **To be environmentally sustainable these centers must draw their power from renewable sources of energy.** The location of cloud servers is the key issue that determines whether this is a truly sustainable option. Ideally, cloud computing centers should be located in places where the grid portfolio is clean. (It would be even better if these data centers generated power themselves from renewable sources.)

Climate Change is a threat magnifier—policy making must focus on finding the best avenue to avert disaster

Pascual and Elkind 2010 (Carlos [US Ambassador to Mexico, Served as VP of foreign policy @ Brookings]; Jonathan [principal dep ass sec for policy and int energy @ DOE]; Energy Security; p 5; kdf)

Climate change is arguably the greatest challenge facing the human race.¶ It poses profound risks to the natural systems that sustain life on Earth and¶ consequently creates great challenges for human lives, national economies,¶ nations' security, and international governance. New scientific reports¶ emerging from one year to the next detail ever more alarming potential¶ impacts and risks.¶ It is increasingly common for analysts and policymakers to refer to¶ climate change as a threat multiplier, a destructive force that will exacerbate¶ existing social, environmental, economic, and humanitarian stresses.¶ The warming climate is predicted to bring about prolonged droughts¶ in already dry regions, flooding along coasts and even inland rivers, an¶ overall increase in severe weather events, rising seas, and the spread of¶ disease, to cite just a few examples. Such impacts may spark conflict in¶ weak states, lead to the displacement of millions of people, create environmental¶ refugees, and intensify competition over increasingly scarce¶ resources.¶ One of the great challenges of climate change is, indeed, the scope of¶ the phenomenon. The ongoing warming of the globe results chiefly from¶ one of the most ubiquitous of human practices, the conversion of fossil fuels¶ into energy through simple combustion. Halting and reversing climate¶ change, however, will require both unproven-perhaps even unimaginedtechnology¶ and sustained political commitment. We must change living¶ habits in all corners of the globe over the course of the next several decades.¶ **We must resist the impulse to leave the problem for those who follow us**¶ or to relax our efforts if we achieve a few years of promising progress. The¶ profound challenge will lie in the need for successive rounds of sustained¶ policymaking, successive waves of technological innovation, and ongoing¶ evolution of the ways in which we live our lives.

Cloud Computing – Bad

Cloud computing capabilities are all hype

Marks 13 - Publisher of six best-selling books on small business management (Gene, 10/21/13, "The Embarrassing Truth about the hybrid cloud" www.forbes.com/sites/quickerbettertech/2013/10/21/the-embarrassing-truth-about-the-hybrid-cloud/)

Why the growth in hybrid cloud technology? Well, that's the embarrassing secret no one wants to admit. Some may say it's validation of the cloud's role in a company's infrastructure. I'm not so sure. In my opinion, it actually represents the limitations of the cloud. The cloud has received a lot of hype over the past few years. But now smarter people are starting to better understand its reality. "IT departments are starting to rationalize the cloud as just part of an infrastructure," says Mike Maples, managing partner at Palo Alto-based FLOODGATE Fund. "You can't just let all the bits of your enterprise go to the cloud. It's not all or nothing. The world is becoming a more hybrid enterprise." Cloud based applications have exploded over the past few years. Collaboration services, mobile apps, customer relationship management systems and document storage offerings have literally changed the lives of consumers and employees at companies, big and small. I am accessing my customers' data from a smartphone on a plane at 30,000 feet. A roofer is creating a work-order for a new job while holding onto a chimney and entering the data into his tablet. A college kid sits on a train from New York to Boston and catches up on the latest episodes of Walking Dead on her iPad. It's glorious. It's mind-blogging. And it's maddening too. Because with all the hype, with all the excitement, with all the money thrown at it,

the cloud has been disappointingly and embarrassingly imperfect. Yes, I am accessing my customers' data from 30,000 feet but the connection is so slow and drops so many times that it takes me ten times as long to retrieve the information I'm looking for. The customer's credit card information that the roofer is entering into his tablet is being snagged by the guy three streets over who has hacked into his connection. That college kid audibly groans as the episode freezes and her screen goes black, time and time again, eventually pulling out a book. The cloud will be wondrous and fast and secure and reliable…one day. Today, it is not. And until that day comes we have the hybrid cloud. Why else would Carbonite, whose model has been built around delivering a cloud based backup service, release an on-premise storage device to complement their online service? Why would VMWare and Microsoft MSFT -0.2% duplicate data delivery to multiple servers? Why would venture capital firms plough millions into a software base service like Egnyte so that users can get the same data that is stored in different locations? It's because the cloud is useless unless we can get to our data fast. The cloud is useless if it's not making us more productive and enabling us to do things quicker than before. It's useless if our data is less secure than when it was stored on our own servers. And without hybrid cloud technologies, many companies are learning that this is very much the case. So over the course of technology history our data has travelled from server to desktop to cloud and now back to the server again. It's not a 360 degree turnaround. It's a partial turnaround. A hybrid solution to make up for the cloud's defects. The cloud is great. But the enormous growth of hybrid cloud technologies only proves that it still has a long way to go before it's fast and secure. "In the end, customers and users don't even care about the cloud," says Maples. "They just have a job to do. It's performance and convenience that an all-or-nothing cloud approach can't deliver." Can't we all admit that embarrassing truth?

Cloud computing bad – no one uses

Cloud computing is unreliable

CCA '15 (Cloud Computing Advices, Cloud Computing advices is the one of the best leading cloud computing blogs, where you can access the tutorials on cloud computing, breaking news, security issues, top cloud computing providers, certifications, training programs and jobs opportunities for freshers and experienced IT Professionals, "Cloud Computing Disadvantages", http://cloudcomputingadvices.com/disadvantages-cloud-computing/, 2/20/2015)//HW

Negative effects and Disadvantages of cloud computing:¶ The Greenpeace NGO announces, in its 2010 report on the ecological impact of the IT industry, the negative impacts of cloud computing.In the below list you can see the 5 disadvantages of cloud computing as per the report.¶ 1.The main drawback is the security issues related to storing of confidential information in the cloud. As all information is available via internet if taken to the cloud, there may be concerns with breach of confidential information.¶ 2.There is a tendency for some firms to lose their control over the piled up information in the cloud.¶ 3.The legal issues including ownership of abstraction on the location data of cloud computing.¶ 4.Cloud computing also poses problems in terms of insurance, especially when a company submits an operating loss due to failure of the supplier. Where one company covering a risk, the insurance company offering the cloud architecture takes more, slowing sharply compensation.¶ 5.The customer service of cloud computing becomes dependent on the quality of the network to access this service. No cloud service provider can guarantee 100% availability.

--xt: People don't use the cloud

Lots of drawbacks to cloud computing – people won't switch over

Ward '11 (Susan, business writer and experienced business person; she and her partner run Cypress Technologies, an IT consulting business, providing services such as software and database development, "5 Disadvantages of Cloud Computing", About Money, http://sbinfocanada.about.com/od/itmanagement/a/Cloud-Computing-Disadvantages.htm, 11/8/2011)//HW

5 Disadvantages of Cloud Computing¶ 1) Possible downtime. Cloud computing makes your small business dependent on the reliability of your Internet connection. When it's offline, you're offline. If your internet service suffers from frequent outages or slow speeds cloud computing may not be suitable for your business. And even the most reliable cloud computing service providers suffer server outages now and again. (See The 10 Biggest Cloud Outages of 2013.)¶ 2) Security issues. How safe is your data? Cloud computing means Internet computing. So you should not be using cloud computing applications that involve using or storing data that you are not comfortable having on the Internet. Established cloud computing vendors have gone to great lengths to promote the idea that they have the latest, most sophisticated data security systems possible as they want your business and realize that data security is a big concern; however, their credibility in this regard has suffered greatly in the wake of the recent NSA snooping scandals.¶Keep in mind also that your cloud data is accessible from anywhere on the internet, meaning that if a data breach occurs via hacking, a disgruntled employee, or careless username/password security, your business data can be compromised.¶ Leaving aside revelations about the NSA, switching to the cloud can actually improve security for a small business, says Michael Redding, managing director of Accenture Technology Labs. "Because large cloud computing companies have more resources, he says, they are often able to offer levels of security an average small business may not be able to afford implementing on its own servers" (Outsource IT Headaches to the Cloud (The Globe and Mail).¶ 3) Cost. At first glance, a cloud computing application may appear to be a lot cheaper than a particular software solution installed and run in-house, but you need to be sure you're comparing apples and apples. Does the cloud application have all the features that the software does and if not, are the missing features important to you?¶ You also need to be sure you are doing a total cost comparison. While many cloud computer vendors present themselves as utility-based providers, claiming that you're only charged for what you use, Gartner says that this isn't true; in most cases, a company must commit to a predetermined contract independent of actual use. To be sure you're saving money, you have to look closely at the pricing plans and details for each application.¶In the same article, Gartner also points out that the cost savings of cloud computing primarily occur when a business first starts using it. SaaS (Software as a Service) applications, Gartner says, will have lower total cost of ownership for the first two years because SaaS applications do not require large capital investment for licenses or support infrastructure. After that, the on-premises option can become the cost-savings winner from an accounting perspective as the capital assets involved depreciate.¶ Cloud computing costs are constantly changing, so check current pricing.¶ 4) Inflexibility. Be careful when you're choosing a cloud computing vendor that you're not locking your business into using their proprietary applications or formats. You can't insert a document created in another application into a Google Docs spreadsheet, for instance. Also make sure that you can add and subtract cloud computing users as necessary as your business grows or contracts.¶ 5) Lack of support. In These Issues Need to be Resolved Before Cloud Computing Becomes Ubiquitous, (OPEN Forum) Anita Campbell writes, "Customer service for Web apps leaves a lot to be desired -- All too many cloud-based apps make it difficult to get customer service promptly – or at all. Sending an email and hoping for a response within 48 hours is not an acceptable way for most of us to run a business".

Disads

Court Clog DA

Brought to you by:

Alex Schein, check out his mixtape -- http://bit.ly/IqT6zt

The aff causes a court-clog

Cover 2015 (Avidan Y [Assistant Professor of Law, Case Western Reserve University School of Law; Director, Institute for Global Security Law and Policy]; Corporate Avatars and the Erosion of the Populist Fourth Amendment; 100 Iowa L. Rev. 1441; kdf)

These sorts of "machine-to-machine" communication of individual preferences would permit the government to decide whether it would fight for the acquisition of that specific individual's data or whether the lack of the information would not impair its investigation. If the government believes the data are necessary, it would have two options: (1) provide notice to the user and, in the event of the user's opposition (or the company's), litigate the data acquisition in court; or (2) seek a warrant from the court authorizing the surveillance without notice. Courts may be burdened by more litigation brought by individual users over government requests for their data. But statutory clarity through legislation such as the Driver Privacy Act should guide the Executive and Judicial branches in determining what level of protection particular kinds of data require. Increased litigation is, however, the necessary cost of reinserting the individual in the conversation and negotiation with the government over her data. The Fourth Amendment must be first and foremost the people's right against unreasonable searches and seizures, not the right of the corporation.

And Lawsuits clog US courts, turns the aff and stalls economy

Post 11(Ashely; InsideCounsel as managing editor ,"Frivolous lawsuits clogging U.S. courts, stalling economic growth", www.insidecounsel.com/2011/07/22/frivolous-lawsuits-clogging-us-courts-stalling-eco?page=1-5, July 22, 2011)//ADS

Americans' litigiousness and thirst for massive damages has been a boon to the legal profession. **But some researchers and litigation experts warn that the abundance of lawsuits—many of them frivolous—flooding U.S. courts is severely weakening the economy.** According to consulting firm Towers Watson, the direct cost of the U.S. tort system in 2009 was approximately $250 billion, which was roughly 2 percent of the gross domestic product. The amount is double the estimated tort expenses in other countries, including the U.K. and Japan. In May, the **House Judiciary Committee held a hearing that explored excessive litigation's effect on the United States' global competitiveness**. During his testimony, Skadden Partner John Beisner explained that **plaintiffs counsel engage in five types of litigation abuse that ultimately undermine economic growth:** improperly recruiting plaintiffs, importing foreign claims, filing suits that piggyback off government investigations and actions, pursuing aggregate litigation and seeking third-party litigation financing. "America's litigious nature has caused serious damage to our country's productivity and innovation. … **The root cause is that we have created incentives to sue—and to invest in litigation—instead of establishing disincentives for invoking judicial process unless absolutely necessary.** Other countries discourage litigation; we nuture it," Beisner said at the hearing. **Many litigation experts resoundingly agree with Beisner's stance on the necessity of tort reform to ameliorate the country's economy.** "The entrepreneurial system that we've developed for litigation in this country has always been an impetus to bringing cases that are close to the line or even over the line," says Dechert Partner Sean Wajert. "When

you have that kind of encouragement, you have a slippery slope, which sometimes people will slide down and get into questionable and even abusive and frivolous claims along the way." **The result is clogged courts and corporate funds that finance defense costs instead of economic investment**. Small businesses and startups with less than $20 million in revenue suffer the most because they pay a higher percentage of their revenues toward tort costs than larger companies do, and therefore they become less able to invest in research and development, create new jobs, and give raises and benefits to employees. One proposed solution to frivolous litigation is the Lawsuit Abuse Reduction Act (LARA), introduced in March in the House as H.R. 966 and Senate as S. 533 by House Judiciary Committee Chairman Lamar Smith, R-Tex., and Senate Judiciary Committee Ranking Member Chuck Grassley, R-Iowa, respectively. The bill would revise and strengthen portions of Rule 11 of the Federal Rules of Civil Procedure, which provides for sanctions against parties that file unwarranted or harassing claims. Proponents say LARA would increase plaintiffs' accountability for meritless lawsuits and deter future frivolous claims. However, the bill faces some opposition and obstacles to becoming law. In 1993, lawmakers made three major changes to Rule 11 in an attempt to reduce the number of motions for sanctions and more quickly conclude federal cases. But critics say the revisions significantly weakened Rule 11 and enabled litigation abuse. LARA essentially would undo the 1993 revisions, which are still in effect today. First, Rule 11 allows judges to use their discretion in imposing sanctions for meritless suits rather than making such sanctions mandatory. Many critics disagree with this optional penalty. "If the case doesn't meet certain standards and shouldn't have been filed in the first place, then there ought to be consequences," Beisner says. Second, Rule 11 grants plaintiffs a 21-day "safe harbor" period to withdraw a claim without incurring any penalties when defendants notify them that they'll be seeking a motion for sanctions. Supreme Court Justice Antonin Scalia said the change would allow parties to file "thoughtless, reckless, and harassing pleadings, secure in the knowledge that they have nothing to lose: If objection is raised, they can retreat without penalty." "The problem [with the safe harbor] is that it just allows certain plaintiffs attorneys to go on a 'fishing expedition' and dare you to file a motion for sanctions," Wajert says. Finally, because the rule is supposed to act as a deterrent for meritless claims, the court collects sanctions as monetary penalties instead of directing the money to defendants as compensation. Without reimbursement for court costs and legal fees, pursuing sanctions is often too costly for small businesses. "The defendant has to spend time and money to hire a lawyer to research and draft the motion for sanctions and present it to the other side, so there is a cost involved even if the plaintiffs end up withdrawing the action," Wajert says. To boost liability for parties that file questionable suits, LARA would make sanctions mandatory for any claims that judges recognize as frivolous. LARA also would eliminate the 21-day safe harbor and award some of the sanction money to defendants. Critics have four main arguments against LARA. Some members of the law community say LARA doesn't provide broad enough reform because it doesn't emphasize lawyers' prelitigation duties. "We might want to look at more accountability for failing to perform due diligence before a lawsuit is filed and for continuing to prosecute a lawsuit after learning the claims that are being asserted are invalid," Beisner says. Other LARA challengers claim the bill takes tort reform too far and "swats a fly with a hammer," Wajert says. He notes that some opponents argue there's not enough empirical evidence to suggest that litigation abuse is a serious problem; however, because frivolous suits often are quickly settled so as to avoid litigation expenses, it is difficult to collect meaningful statistics. "The same applies to the safe harbor," Wajert notes. "If something is withdrawn and it never gets to the judge's attention, and therefore never gets into a published opinion, how are we supposed to collect data on that?" Critics also worry that LARA will lead to satellite litigation—or small trials within big trials—

challenging sanctions issued by the courts. LARA supporters say that although there will likely be some additional litigation when the Act first becomes effective, suits will slow up once courts clarify how they are interpreting LARA. A final contention against LARA is that it will deter valid lawsuits. But the Act's proponents say litigants shouldn't be afraid that judges will liberally issue sanctions. "The Act isn't going to change the definition of a frivolous claim," Wajert explains. "Judges are going to be careful to make sure that when they find frivolous, it really is frivolous. It's unlikely that LARA will impact those that are arguing for a good-faith extension, modification or reversal of existing law." Victor Schwartz, a partner at Shook, Hardy & Bacon who testified at a congressional hearing about LARA in March, agrees. "LARA is not cutting off peoples' rights to sue if they have a legitimate claim," he says. Schwartz says LARA stands a good chance of becoming law if it gets adequate support from Congress and the president. A key factor in LARA's advance is democratic support, which could be difficult because trial lawyers, who don't support the bill, are some of the top funders of the Democratic Party. Additionally, the Senate has a democratic majority. Schwartz estimates that LARA would need the support of at least seven Democratic senators to pass. Even if the bill were to reach the president's desk, Schwartz says it probably wouldn't pass speedily. Another fairly recent tort reform bill, the Class Action Fairness Act of 2005, took about eight years to become law, and Schwartz says that he has personally only been involved in four bills over 25 years that were signed by the president. Nonetheless, Schwartz and other LARA supporters remain optimistic that LARA will succeed. "In the [Jan. 25] State of the Union address, the president said he agreed with the Republicans about [the need to reduce costs associated with] frivolous claims. He never endorsed LARA, but he did mention it in what was a very limited menu of topics. It would be unlikely that he would veto the bill," Schwartz says.

That causes World War 3

James 2014 - Professor of history at Princeton University's Woodrow Wilson School who specializes in European economic history (Harold, "Debate: Is 2014, like 1914, a prelude to world war?" 7/3, http://www.theglobeandmail.com/globe-debate/read-and-vote-is-2014-like-1914-a-prelude-to-world-war/article19325504/)

Some of the dynamics of the pre-1914 financial world are now re-emerging. Then an economically declining power, Britain, wanted to use finance as a weapon against its larger and faster growing competitors, Germany and the United States. Now America is in turn obsessed by being overtaken by China – according to some calculations, set to become the world's largest economy in 2014. In the aftermath of the 2008 financial crisis, financial institutions appear both as dangerous weapons of mass destruction, but also as potential instruments for the application of national power. In managing the 2008 crisis, the dependence of foreign banks on U.S. dollar funding constituted a major weakness, and required the provision of large swap lines by the Federal Reserve. The United States provided that support to some countries, but not others, on the basis of an explicitly political logic, as Eswar Prasad demonstrates in his new book on the "Dollar Trap." Geo-politics is intruding into banking practice elsewhere. Before the Ukraine crisis, Russian banks were trying to acquire assets in Central and Eastern Europe. European and U.S. banks are playing a much reduced role in Asian trade finance. Chinese banks are being pushed to expand their role in global commerce. After the financial crisis, China started to build up the renminbi as a major international currency. Russia and China have just proposed to create a new credit rating agency to avoid what they regard as the political bias of the existing (American-based) agencies. The next stage in this logic is to think about how financial power can be directed to national advantage in the case of a diplomatic tussle. Sanctions are a routine (and not terribly successful) part of the pressure applied to rogue states such as Iran and North Korea. But financial pressure can be much more powerfully applied to countries that are deeply embedded in the world economy. The test is in the Western imposition of sanctions after the Russian annexation of Crimea. President Vladimir Putin's calculation in response is that the European Union and the United States cannot possibly be serious about the financial war. It would turn into a boomerang: Russia would be less affected than the more developed and complex financial markets of Europe and America. The threat of systemic disruption generates a new sort of

uncertainty, one that mirrors the decisive feature of the crisis of the summer of 1914. At that time, no one could really know whether clashes would escalate or not. That feature contrasts remarkably with almost the entirety of the Cold War, especially since the 1960s, when the strategic doctrine of Mutually Assured Destruction left no doubt that any superpower conflict would inevitably escalate. The idea of network disruption relies on the ability to achieve advantage by surprise, and to win at no or low cost. But it is inevitably a gamble, and raises prospect that others might, but also might not be able to, mount the same sort of operation. Just as in 1914, there is an enhanced temptation to roll the dice, even though the game may be fatal.

Court Clog D-Rule

It's a D Rule

New York Times 1860(American daily newspaper, founded and continuously published in New York City since September 18, 1851,"Our Supreme Court Clogged", www.nytimes.com/1860/06/16/news/our-supreme-court-clogged.html, June 16, 1860)//ADS

Some years ago the Supreme Court of this District of the State adopted a rule requiring all contested motions to be put upon a calendar to be called a "Motion Calendar," and heard at Chambers. The reason given by the Judges for this was, that it would enable the modest lawyers to get their motions heard as soon as the more bold and less sensitive upon the practice of etiquette; but it did not seem to work, and was soon abandoned -- the formula of the thing took up too much time. The great increase of Chambers business of this Court induced the Judges at the commencement of last month to restore the "Motion Calendar." This second attempt, after the experience of the four weeks of May and two days in June has proved very disastrous. The most important of its evil effects is found under the proceedings to foreclose mortgages. It is well known that much, doubt exists as to the power of the Superior or Common Pleas Courts to grant actions in foreclosure, it having been held that County Courts do not possess this power -- hence most of these proceedings are brought in the Supreme Court. **The mortgagor, not feeling exactly disposed to pay up the interest on his bond, or even the principal, when it becomes due, has no trouble in being accommodated, so long as the "motion calendar" exists. When the complaint to foreclose is served upon him all he has to do is to retain a lawyer to interpose a simple demurrer, in two lines, "that the complaint does not set forth facts sufficient to constitute a cause of action," and then the attorney for the plaintiff has to move to strike it out as frivolous; this motion takes its place at the foot of the "motion calendar," with at least six hundred motions before it; -- and as the Court frequently exhausted two days during the last month in hearing a single motion, the time for reaching a motion may hereafter be safely set down at three months**. But the delay does not stop here; when the motion is finally reached, argued, and the motion to strike out the demurrer granted, the next proceeding of the defendant is a motion far leave to answer, accompanied by a stay of proceedings on the part of the plaintiff; this goes upon the calendar, and judging from the rapid increase of the calendar, full one thousand motions will be before it, but it is finally reached and the order granted; then comes a sham answer, and then comes another motion to strike it out, and then, indeed, a year passes before this can be reached and stricken out. Thus we go, and a lawyer moderately schooled in the sharp practice of the Judges' chambers, can find points to introduce motions for years upon a case where not a particle of defence exists. Now is not this state of affairs truly alarming? In about three weeks this Court will adjourn over to October, and thus, by

reason of this "Motion Calendar," millions of dollars will be for an indefinite time kept from the rightful owners, besides the waste and destruction of the mortgaged property. HOMER. Swans in Central Park. To the Editor of the New-York Times: In the absence -- so far as I have yet observed -- of any ascertained data in regard to the much-regretted death of the swans in the Central Park, I would venture to suggest, from a long experience as a keeper of various water-fowl, as well of this country as of Europe, what may possibly have caused the death of these beautiful birds. I have frequently remarked when any of the various species of "Anatidae" have been long debarred a resort to water, great mischief to have resulted on their being at once restored to unlimited access to that element, Their plumage during confinement gets into very bad condition, and in their eagerness on readmission to water, they wash and plunge so much that their feathers become quilt saturated, even to the very down upon the skin. Under such circumstances I have known death to en[???]ue, and this probably, should the incident have been as above, may have caused the death of the poor swans. The medical gentlemen who examined the dead birds will know whether "pneumonia" would likely be induced under such conditions. My practice was, upon receiving similar birds from a distance, never to permit free access to water until such a length of time had elapsed as to admit the birds, kept in proper quarters in the open air, and with plenty of fresh water supplied in small tubs or other vessels, to rearrange their plumage and restore it to that condition in which the plumage of all water-birds in a state of nature is, viz: quite impervious to water.

Link Extension

Empirically Civil liberty suits clog courts

Emshwiller 14(John R; senior national correspondent for the Wall Street Journal, "Justice Is Swift as Petty Crimes Clog Courts", www.wsj.com/articles/justice-is-swift-as-petty-crimes-clog-courts-1417404782, Nov. 30, 2014)//ADS

Someone facing jail time “absolutely should be able to get representation,” Mr. Padwa said. In Washington state, the **American Civil Liberties Union and others sued the cities of Mount Vernon and Burlington in 2011 for their treatment of indigent misdemeanor defendants.** Like many municipalities, the cities contract with private lawyers. The **federal judge handling the case said evidence showed individual lawyer caseloads in those towns ran as high as 1,000 annually—more than twice the maximum recommended by the American Bar Association and others**. In a declaration filed in the case, Angela Montague, an Afghanistan war veteran and one of the named plaintiffs, said the lawyers she was provided, Richard Sybrandy and Morgan Witt, didn’t respond to her efforts to discuss the various misdemeanor charges against her, including driving under the influence. “It wasn’t until I became a plaintiff in this class-action lawsuit that Mr. Witt finally contacted me,” Ms. Montague said in her declaration. Messrs. Sybrandy and Witt, through their own lawyer, declined to comment. In court filings, they disputed the plaintiffs’ claims about them. Mr. Sybrandy said in one filing he did what was “necessary to obtain a just and acceptable result for the defendant” and used “every opportunity to speak with” his clients.

2NC Impact extensions

Federal court clog collapses the federal judiciary– decimates Supreme Court and rule of law

Oakley 96 (John B.; Distinguished Professor of Law Emeritus US Davis School of Law, 1996 The Myth of Cost-Free Jurisdictional Reallocation)//ADS

Personal effects: The hidden costs of greater workloads. The hallmark of federal justice traditionally has been the searching analysis and thoughtful opinion of a highly competent judge, endowed with the time as well as the intelligence to grasp and resolve the most nuanced issues of fact and law. **Swollen dockets create assembly-line conditions, which threaten the ability of the modern federal judge to meet this high standard of quality in federal adjudication.** No one expects a federal judge to function without an adequate level of available tangible resources: sufficient courtroom and chambers space, competent administrative and research staff, a good library, and a comfortable salary that relieves the judge from personal financial pressure. Although salary levels have lagged--encouraging judges to engage in the limited teaching and publication activities that are their sole means of meeting such newly pressing financial obligations as the historically high mortgage expenses and college tuitions of the present decade-in the main, federal judges have received a generous allocation of tangible resources. It is unlikely that there is any further significant gain to be realized in the productivity of individual federal judges through increased levels of tangible resources,13 other than by redressing the pressure to earn supplemental income.14 On a personal level, **the most important resource available to the federal judge is time."5 Caseload pressures secondary to the indiscriminate federalization of state law are stealing time from federal judges, shrinking the increments available for each case. Federal judges have been forced to compensate by operating more like executives and less like judges. They cannot read their briefs as carefully as they would like, and they are driven to rely unduly on law clerks for research and writing that they would prefer to do themselves.**16 If federal judges need more time to hear and decide each case, an obvious and easy solution is to spread the work by the appointment of more and more federal judges. Congress has been generous in the recent creation of new judgeships,17 and **enlargement of the federal judiciary is likely to continue to be the default response, albeit a more grudging one, to judicial concern over the caseload consequences of jurisdictional reallocation.** Systemic effects: The hidden costs of adding more judges. **Increasing the size of the federal judiciary creates institutional strains that reduce and must ultimately rule out its continued acceptability as a countermeasure to caseload growth.** While the dilution of workload through the addition of judges is always incrementally attractive**, in the long run it will cause the present system to collapse.** I am not persuaded by arguments that the problem lies in the declining quality of the pool of lawyers willing to assume the federal bench18 or in the greater risk that, as the ranks of federal judges expand, there will be more frequent lapses of judgment by the president and the Senate in seating the mediocre on the federal bench.19 In my view, the diminished desirability of federal judicial office is more than offset by the rampant dissatisfaction of modern lawyers with the excessive commercialization of the practice of law. There is no shortage of sound judicial prospects willing and able to serve, and no sign that the selection process-never the perfect meritocracy-is becoming less effective in screening out the unfit or undistinguished. Far more serious are other institutional effects of continuously compounding the number of federal judges. Collegiality among judges, consistency of decision,

and coherence of doctrine across courts are all imperiled by the growth of federal courts to cattle-car proportions. Yet the ability of the system to tolerate proliferation of courts proportional to the proliferation of judges is limited, and while collapse is not imminent, it cannot be postponed indefinitely. **Congress could restructure the federal trial and appellate courts without imperiling the core functions, but the limiting factor is the capacity of the Supreme Court to maintain overall uniformity in the administration and application of federal law. That Court is not only the crown but the crowning jewel of a 200-year-old system of the rule of law within a constitutional democracy, and any tinkering with its size or jurisdiction would raise the most serious questions of the future course of the nation.**

Global democracy is predicated off of US judicial legitimacy

Zoccola '06 (Barbara; President of the Memphis Bar Association, "Voters hold the key for judicial fairness" July 23, The Commercial Appeal)//ADS

It matters because **the health of our American democracy depends on impartial judges who apply the law fairly and without regard to the prevailing political mood or opinion.** More than 200 years ago, the Founders of our nation designed a constitutional democracy based on a system of checks and balances, a form of government that is now the model for the world, especially for new democracies that have emerged in recent years. A **fundamental part of this system is** the existence of an **independent judiciary - judges who are able to act without concern for the day-to-day whims of politics and election-focused politicians, to protect every citizen's individual liberties and to prevent a tyranny of the majority.** Unfortunately, a Harris interactive poll conducted in July 2005 for the American Bar Association found that only 55 percent of the respondents correctly identified the three branches of government and only 64 percent correctly identified the meaning of "checks and balances"

Consolidation solves WMD conflict

Halperin 11 (Morton H.; Senior Advisor – Open Society Institute and Senior Vice President of the Center for American Progress, "Unconventional Wisdom – Democracy is Still Worth Fighting For", Foreign Policy, http://foreignpolicy.com/2011/01/03/unconventional-wisdom, JANUARY 3, 2011)//ADS

As the United States struggles to wind down two wars and recover from a humbling financial crisis, realism is enjoying a renaissance. Afghanistan and Iraq bear scant resemblance to the democracies we were promised. The Treasury is broke. And America has a president, Barack Obama, who once compared his foreign-policy philosophy to the realism of theologian Reinhold Niebuhr: "There's serious evil in the world, and hardship and pain," Obama said during his 2008 campaign. "And we should be humble and modest in our belief we can eliminate those things." But one can take such words of wisdom to the extreme-as realists like former Secretary of State Henry Kissinger and writer Robert Kaplan sometimes do, arguing that the United States can't afford the risks inherent in supporting democracy and human rights around the world. Others, such as cultural historian Jacques Barzun, go even further, saying that America can't export democracy at all, "because it is not an ideology but a wayward historical development." Taken too far, such realist absolutism can be just as dangerous, and wrong, as neoconservative hubris. For there is one thing the neocons get right: As I argue in The Democracy Advantage, **democratic governments are more likely than autocratic regimes to engage in conduct that**

advances U.S. interests and avoids situations that pose a threat to peace and security. Democratic states are more likely to develop and to avoid famines and economic collapse. They are also less likely to become failed states or suffer a civil war. Democratic states are also more likely to cooperate in dealing with security issues, such as terrorism and proliferation of weapons of mass destruction. As the bloody aftermath of the Iraq invasion painfully shows, democracy cannot be imposed from the outside by force or coercion. It must come from the people of a nation working to get on the path of democracy and then adopting the policies necessary to remain on that path. But we should be careful about overlearning the lessons of Iraq. In fact, the outside world can make an enormous difference in whether such efforts succeed. There are numerous examples-starting with Spain and Portugal and spreading to Eastern Europe, Latin America, and Asia-in which the struggle to establish democracy and advance human rights received critical support from multilateral bodies, including the United Nations, as well as from regional organizations, democratic governments, and private groups. **It is very much in America's interest to provide such assistance now to new democracies, such as Indonesia, Liberia, and Nepal, and to stand with those advocating democracy in countries such as Belarus, Burma, and China.** It will still be true that the United States will sometimes need to work with a nondemocratic regime to secure an immediate objective, such as use of a military base to support the U.S. mission in Afghanistan, or in the case of Russia, to sign an arms-control treaty. None of that, however, should come at the expense of speaking out in support of those struggling for their rights. Nor should we doubt that America would be more secure if they succeed.

Independently, US model of judicial federalism is key to prevent civil war and authoritarian consolidation

Kincaid, 1995 (John, Robert B.; Professor of Government and Public Service at Lafayette College, Rutgers Law Journal, 26 Rutgers L. J. 913, Lexis)//ADS

Given that it is increasingly necessary to think globally while acting locally, it is pertinent to suggest that this American experience with the new judicial federalism, however muddled, may have useful implications for an emerging federalist revolution worldwide. n132 This potential utility lies primarily in the concept of independent and adequate state constitutional powers that enable constituent governments to protect rights not available from a national government, thereby providing multiple and potentially competing forums for citizen access. The new judicial federalism shows that rights protection cannot be entrusted to a monopoly guardian, whether it be the national government or each constituent government acting monopolistically and autonomously within its jurisdiction. If the American historical experience has been one of overcoming state tyrannies against individual rights, the historical experience of much of the rest of the world has been one of overcoming central government tyrannies against individual rights. The new judicial federalism, moreover, is situated at a critical intersection between individual rights and local autonomy, a matter of increasing importance and conflict in the post-Cold War era. International rights advocates, influenced by the U.S. Supreme Court model of rights nationalization, have sought to internationalize rights. They have focused almost exclusively on international and [*945] national rights forums, largely ignoring regional and local forums. However, the centrifugal forces of class, race, ethnicity, religion, and language suggest that rights principles must also be lodged securely in regional and local forums where individuals daily experience the benefits and abuses of government. International forums have advanced rights

ideas and provided beacons for oppressed peoples, but they remain legally weak and practically inconsequential for most individuals. The prospect of a world court performing rights functions analogous to the Warren Court for five billion people might make for a good Star Trek episode, but it is not within reach of our pre-warp civilization. Most national courts are better at ignoring or abusing rights than protecting rights. Yet, even where democratization produces demands for judicial protections of rights, unitary democratic systems with a single supreme court erected atop a pluralistic polity are buffeted by countervailing universalistic conceptions of rights and justice held by democratic cosmopolitans and particularistic conceptions of rights and justice held by the diverse communities that make up the polity. Additionally, prevailing American conceptions of individual rights, particularly their individualistic foundation, contradict the communal tenets of many cultures and are regarded in some quarters as Western cultural imperialism, much like American social conservative reactions to Roe v. Wade n133 as liberal cultural imperialism. The advancement of human rights, therefore, entails not only a struggle against reactionary, undemocratic governments, but also a debate among cultures and values in a very pluralistic world. The new judicial federalism can perhaps contribute to this debate by confronting the difficult question of which rights should be treated as fundamental, universal, and uniform, and which rights can be subject legitimately to variation among communities of people holding diverse values. For most Americans, prohibiting racial discrimination in any jurisdiction is a fundamental, uniform rights requirement. But do police searches of citizens' curbside garbage fall into the same category? Also, the new judicial federalism suggests a democratically based process for rights decision-making in which more than one supreme court or legislative forum is available to advance rights under conditions of human diversity. Furthermore, the new judicial federalism allows rights not protected by the national government to be protected at least in [*946] some regional and local jurisdictions. Nationally unprotected rights may also include emerging rights, such as the right to die. Americans, for example, have gradually embraced this general concept, but have not yet formed a legal and ethical consensus around it. n134 Hence, we have state-by-state legislative and judicial efforts to define this right. This may be an important consideration because efforts to achieve, through unitary national institutions, uniform rights protections comparable to contemporary international standards may generate so much conflict in some emerging pluralistic democracies as to produce violence, political paralysis, and uniform non-rights protection. The violence generated by Roe v. Wade n135 in the United States, for example, is mild compared to the violence generated by socially sensitive rights issues in many other nations where social fissures are cultural chasms. Democratic nation-building is, in part, a consensus-building process because sovereign citizens have diverse and conflicting conceptions of rights and justice. It is unrealistic, and perhaps counterproductive, therefore, to expect every emerging pluralistic democracy to begin this process with levels of national rights protections that were achieved by Americans and some other Western democracies only after two or more centuries of conflicting and periodically violent consensus-building. Many emerging democracies have adopted grandiose bills of rights based on Western democratic models, but judicial interpretations and actual government protections of those rights often remain distant from the daily lives of most citizens. The new judicial federalism, however, suggests a model that would enable rights advocates to continue pressing for vigorous national and even international rights protections, while also embedding in regional constitutions and local charters rights that cannot be embedded in the national constitution, effectively enforced by the national government, or enforced only at minimal levels. Such an arrangement would produce peaks and valleys of rights protection within a nation, but this rugged rights terrain is surely preferable to a flat land of minimal or ineffectual national rights protection. The peak jurisdictions can function, under

democratic conditions, as rights leaders for a leveling-up process. In an emerging democracy culturally hostile to women's [*947] rights, for example, such an arrangement could embolden at least one subnational jurisdiction to institutionalize women's rights, thus establishing a rights peak visible to the entire society without plunging the nation into civil war or back into reactionary authoritarianism. As a corollary to this principle, it would seem advisable to press hard for freedom of travel and interjurisdictional migration as fundamental national rights, because even a single peak jurisdiction protecting women's rights in an otherwise hostile environment could become a refuge for women fleeing a country's rights deserts. The competitive pressures produced by interjurisdictional migration can have powerful leveling-up effects on rights protection. Individual and family mobility can also loosen the bonds of communal cultures that suppress individual rights by compelling communal elites to respond to their constituents' exit behavior. Under conditions of federalism, or perhaps subsidiarity, such accommodations can be made in regional and local government forums having cultural legitimacy as opposed to national institutions perceived as being dominated by alien elites. At the very least, examining state-equivalent constitutional documents where they exist and developing case materials on rights rulings by regional courts n136 in different political and cultural contexts could considerably enhance our understanding of how to go about protecting individual rights in a highly pluralistic and violence-prone world.

Escalates and goes nuclear

Gottlieb 93 (Gidon; Professor of International Law and Diplomacy University of Chicago Law School, Nation Against State, p. 26-27)//ADS

Self-determination unleashes and unchecked by balancing principles constitutes a menace to the society of states. There is simply no way in which all hundreds of people who aspire to sovereign independence can be granted a state of their own without loosening fearful anarchy and disorder on a planetary scale. **The proliferation of territorial entities poses exponentially greater problems for the control of weapons of mass destruction and multiple situations in which external intervention could threaten the peace. It increases problems for the management of all global issues, including terrorism, AIDS, the environment, and population growth.** It creates conditions in which **domestic strife in remote territories can drag powerful neighbors into local hostilities, creating ever widening circles of conflict**. Events in the aftermath of the breakup of the Soviet Union drove this point home. Like Russian dolls, ever smaller ethnic groups dwelling into larger units emerged to secede and to demand independence. Georgia, for example, has to contend with the claims of South Ossetians and Abkhazians for independence, just as Russian Federation is confronted with the separatism of Tartaristan. **An international system made up of several hundred independent territorial states cannot be the basis of global security and prosperity.**

AT: Patent Trolls Thump

Patent trolls won't clog courts after Obama signs reform legislation

Watkins 7/5 (William J; received his B.A. in history and German summa cum laude from Clemson University and his J.D. cum laude from the University of South Carolina School of

Law., "Congress considers taking a bite out of the patent trolls",thehill.com/blogs/congress-blog/246704-congress-considers-taking-a-bite-out-of-the-patent-trolls, July 5, 2015)//ADS

Patent trolls — those nefarious entities who clog the courts with frivolous patent lawsuits — are sweating. Patent litigation bills are advancing in both the House and the Senate, and President Obama has vowed to sign reform legislation before leaving office. If the reformers win, the patent trolls will have to scavenge elsewhere, and a broken system that has encouraged litigation rather innovation will finally get fixed. The House Judiciary Committee has approved the Innovation Act (H.R. 9) by a 24-8 vote. **This bipartisan bill would curb abusive patent litigation by requiring plaintiffs to cite specific harms caused by the alleged infringement, shortening the discovery period, and making it easier for interested parties to join the litigation.** It would also shift litigation costs to the losing party if the underlying claim were deemed questionable and require disclosure to the United States Patent and Trademark Office of individuals having an interest in the patent. The bill also allows an innocent customer of an alleged infringing manufacturer to avoid getting entangled in protracted and expensive litigation. Last session, an almost the identical bill passed the full House but died in the Senate, when then-Majority Leader Harry Reid (D-Nev.) torpedoed it after trial lawyers complained that it might cost their firms money. The Senate is considering a bill similar to the one in the House, the Protecting American Talent and Entrepreneurship Act of 2015 (PATENT) Act. This legislation tackles many of the same issues as the Innovation Act, but does not go quite as far. For example, it does not presumptively award fees and expenses to the winning party. Instead, the trial judge must determine whether the losing party was not "objectively reasonable" before granting a fee award. It is good news that both Republicans and Democrats agree patent trolling is a danger to our economy. Trolls take a toll because they obtain seek patents not for the purpose of producing an invention or a technology, but in order to license and enforce dubious patents. They seek broad patents likely to be infringed in a particular industry — especially software and other computer-related products, and older technologies that might still be used in various modern products. Then they start to shake down their prey by sending demand letters and filing legal actions. While both the Innovation Act and PATENT Act highlight real problems in patent litigation, both bills ignore the central problem: a one-size-fits-all patent system. Right now, the standard period of patent protection is 20 years. This uniform duration treats vastly different industries the same. It is ludicrous to treat software like pharmaceuticals because their manufacturing and development costs and product lifecycles are so very different. Five years would be a gracious plenty for software. It would allow inventors to reap profits from their work but would effectively deny trolls the use of an older patent to threaten new inventors. Here's another idea that is absent from the bills under consideration: patent law could follow the lead of trademark law and require that a plaintiff prove an intention to make use of the patent. This would address the essence of the trolling problem: patent trolls have no intention to use an idea or invention and just want the right to sue. Under trademark law, a person or entity may file a trademark application based on the intent to use the mark in commerce — that is, to sell products to the public with the mark attached. The rights to a trademark can be lost if the holder abandons or stops using the mark. Likewise, patent holders who never show any intention of using the technologies covered would lose their right to sue. Trolls would undoubtedly try to devise nominal uses of the technology to meet the use requirement, but the courts could evaluate the alleged use and determine if it represents a good-faith attempt to practice the invention or is merely a minimal effort meant to secure an open courthouse door. We should applaud the House and Senate for tackling the problem of patent trolls even though neither addresses the one-size-fits-all patent system or dares

to consider a use requirement. Let's hope that the compromise legislation that will likely emerge from Congress will have real teeth to deal with the trolling crisis.

AT: Immigration Thumps

Obama not taking immigration fight to Supreme Court

Gerstein and Min Kim 5/27(Josh; White House reporter for POLITICO, specializing in legal and national security issues, Seung; assistant editor who covers Congress for POLITICO,"Obama not taking immigration fight to Supreme Court, yet", www.politico.com/story/2015/05/obama-not-taking-immigration-fight-to-supreme-court-yet-118342.html, May 27, 15)//ADS

The Obama administration has decided not to ask the Supreme Court for an emergency stay on a judge's injunction blocking President Barack Obama's newest executive actions on immigration, opting to instead focus on the larger underlying legal battle. **The decision announced by the Justice Department on Wednesday came one day after a three-judge panel of a federal appeals court, in a 2-1 ruling, turned down the administration's request to proceed with Obama's programs to grant quasilegal status and work permits to millions more illegal immigrants.** Story Continued Below A Justice Department spokesman said forgoing an emergency application to the Supreme Court would allow federal government lawyers to focus on an ongoing court fight about the legal merits of Obama's actions rather than on the issue of whether they should or should not remain on hold. "**The Department of Justice is committed to taking steps that will resolve the immigration litigation as quickly as possible in order to bring greater accountability to our immigration system by prioritizing deporting the worst offenders, not people who have long ties to the United States and who are raising American children,"** spokesman Patrick Rodenbush said. "The Department believes the best way to achieve this goal is to focus on the ongoing appeal on the merits of the preliminary injunction itself. … Although the Department continues to disagree with the Fifth Circuit's refusal to stay the district court's preliminary injunction, the Department has determined that it will not seek a stay from the Supreme Court." The 5th Circuit U.S. Court of Appeals has tentatively scheduled arguments on the broader issues in the case for the week of July 6. That appeal is expected to be heard by a different panel than the one that voted Tuesday to deny the Obama administration's stay request.

Terrorism

Terror DA Link

Third-party data collection is necessary to fight terrorism

Ombres 2015 (Devon [J.D. 2006 from Stetson University College of Law; L.L.M. 2013 from American University Washington College of Law; admitted in Florida, District of Columbia, United States Court of Appeals for the 11th Circuit, and United States District Court for the

Middle District of Florida]; NSA DOMESTIC SURVEILLANCE FROM THE PATRIOT ACT TO THE FREEDOM ACT: THE UNDERLYING HISTORY, CONSTITUTIONAL BASIS, AND THE EFFORTS AT REFORM; 39 Seton Hall Legis. J. 27; kdf)

To paraphrase the common understanding of Benjamin Franklin's quote, those who would give up an essential liberty for safety deserve neither liberty nor safety. n154 However, it seems we have already crossed [*56] that Rubicon as a nation. The American public shares immeasurable amounts of information, both knowingly and unknowingly, with each other; corporations; and now the government, through our everyday acts on social media, online purchasing, and use of cell phones. We have reached a point where the public has few qualms with this proposition, save for the overreach of the government in collecting metadata on all communications, not including their content. Most Americans, too, are likely torn by the collections of communications metadata impinging on their privacy and the necessity to conduct global surveillance on increasingly tech savvy terrorist groups to prevent future attacks on American soil. This concern is highlighted by the discovery of westerners, including persons from the United States, attempting to join ranks with extremist groups, such as the Islamic State of Iraq and Syria. n155 While it would be wonderful to return to the FISA scheme in place pre-9/11, that is no longer feasible from a technological, national security, sociopolitical, or even infrastructure-based standpoint, given current geopolitics, international terrorist threats, and the billions invested in surveillance and data storage infrastructure. As such, we appear to be relegated to imperfect reforms, the best of these being the USA FREEDOM legislation, which could still further be strengthened by amending it to include portions of the bills noted above and by creating a non-partisan joint committee within Congress, although the potential for the latter has not garnered much support. n156 Although President Obama has taken action to reform the NSA's collection of domestic communication data, the FREEDOM Act should be enacted, regardless of any redundancies with administration policy. The Act will aid in providing greater transparency and oversight to the NSA surveillance programs currently in place and stem perceived violations of the Fourth Amendment. n157

Stored Communications Act HSS

Cloud Advantage Neg

Uniqueness

Squo Solves

Companies resolve perception link in the status quo

Kendrick 15 (Katharine Kendrick is a policy associate for Internet communications technologies at the NYU Stern Center for Business and Human Rights., 2.19.15, "Risky Business: Data Localization" http://www.forbes.com/sites/realspin/2015/02/19/risky-business-data-localization/, ekr)

U.S. companies' eagerness to please the EU affects their leverage in a place like Russia or China, and undermines their principled calls for a global Internet. Just as we've seen the emergence of company best practices to minimize how information is censored, we need best practices to minimize risks in where it is stored. Companies should take the following steps: Avoid localizing in a repressive country whenever possible. When Yahoo! entered Vietnam, to meet performance needs without enabling the government's Internet repression, it based its servers in Singapore. Explore global solutions. Companies like Apple and Google have started encrypting more data by default to minimize inappropriate access by any government. This doesn't solve everything, but it's a step forward for user privacy. Minimize exposure. If you must have an in-country presence, take steps to minimize risk by being strategic in what staff and services you locate there. Embrace transparency. A growing number of companies have increased transparency by issuing reports on the number of government requests they receive. They should also publish legal requirements like localization, so that people understand the underlying risks to their data. Work together. Companies should coordinate advocacy in difficult markets through organizations like the Global Network Initiative. Tech companies can take a proactive, collective approach, rather than responding reactively when their case hits the headlines. We can only expect localization demands to increase—and business pressures to pull in the opposite direction. While the political dynamics have shifted, companies should still have respect for human rights—and the strength of the global Internet—at the forefront of decisions over where to store their data.

Freedom Act Solves

Status Quo Freedom Act sufficient

CEA 15 (June 2, 2015, "Washington: CEA Praises Senate Passage of USA FREEDOM Act" http://www.ce.org/News/News-Releases/Press-Releases/2015-Press-Releases/CEA-Praises-Senate-Passage-of-USA-FREEDOM-Act.aspx, ekr)

The Consumer Electronics Association has issued the following news release: The following statement is attributed to Michael Petricone, senior vice president of government and regulatory affairs, Consumer Electronics Association (CEA)®, regarding the U.S. Senate's passage of H.R. 2048, the Uniting and Strengthening America by Fulfilling Rights and Ensuring Effective Discipline Over Monitoring (USA FREEDOM) Act of 2015: "We welcome this important reform to U.S. intelligence gathering which takes **critical steps to increase transparency and restore trust in American businesses**, all while maintaining our commitment to preserving our national security. The bipartisan USA FREEDOM Act is common-sense reform to our nation's intelligence gathering programs, which will preserve American businesses' competitiveness worldwide, while continuing to protect our national security. "Following the Senate passage, the legislation now heads to the White House, where we anticipate swift action by President Obama to sign this legislation into law."

New Freedom Act is sufficient to solve US's global credibility gap.

HRW '15

Human Rights Watch is an independent, international organization that works as part of a vibrant movement to uphold human dignity and advance the cause of human rights for all. “Strengthen the USA Freedom Act” - May 19, 2015 - http://www.hrw.org/news/2015/05/19/strengthen-usa-freedom-act

As the Senate considers the USA Freedom Act this week, policymakers should strengthen it by limiting large-scale collection of records and reinforcing transparency and carrying court reforms further. The Senate should also take care not to weaken the bill, and should reject any amendments that would require companies to retain personal data for longer than is necessary for business purposes. It has been two years since the National Security Agency (NSA) whistleblower Edward Snowden unleashed a steady stream of documents that exposed the intention by the United States and the United Kingdom to “collect it all” in the digital age. These revelations demonstrate how unchecked surveillance can metastasize and undermine democratic institutions if intelligence agencies are allowed to operate in the shadows, without robust legal limits and oversight. **On May 13,** the US House of Representatives approved the USA Freedom Act of 2015 by a substantial margin. The bill represents the latest attempt by Congress to rein in one of the surveillance programs Snowden disclosed—the NSA’s domestic bulk phone metadata collection under Section 215 of the USA Patriot Act. The House vote followed a major rebuke to the US government by the US Court of Appeals for the Second Circuit, which ruled on May 7 that the NSA’s potentially nationwide dragnet collection of phone records under Section 215 was unlawful. Section 215 is set to expire on June 1 unless Congress acts to extend it or to preserve specific powers authorized under the provision, which go beyond collection of phone records. Surveillance reforms are long overdue and can be accomplished while protecting US citizens from serious security threats. Congress and the Obama administration should end all mass surveillance programs, which unnecessarily and disproportionately intrude on the privacy of hundreds of millions of people who are not linked to wrongdoing. But reforming US laws and reversing an increasingly global tide of mass surveillance will not be easy. Many of the programs Snowden revealed are already deeply entrenched, with billions of dollars of infrastructure, contracts, and personnel invested. Technological capacity to vacuum up the world’s communications has outpaced existing legal frameworks meant to protect privacy. The Second Circuit opinion represents an improvement over current law because it establishes that domestic bulk collection of phone metadata under Section 215 of the Patriot Act cannot continue. Section 215 allows the government to collect business records, including phone records, that are “relevant” to an authorized investigation. The court ruled that the notion of “relevance” could not be stretched to allow intelligence agencies to gather all phone records in the US. However, the opinion could be overturned and two other appeals courts are also considering the legality of the NSA’s bulk phone records program. The opinion also does not address US surveillance of people not in the US. Nor does it question the underlying assumption that the US owes no privacy obligations to people outside its territory, which makes no sense in the digital age and is inconsistent with human rights law requirements. Even if the Second Circuit opinion remains good law, congressional action will be necessary to address surveillance programs other than Section 215—both domestic and those affecting people outside the US—and to create more robust institutional safeguards to prevent future abuses. The courts cannot bring about reforms to increase oversight and improve institutional oversight on their own. Human Rights Watch has supported the USA Freedom Act because it is a modest, if incomplete, first step down the long road to reining in the NSA excesses. Beyond ending bulk records collection, the bill would begin to reform the secret Foreign Intelligence Surveillance Act (FISA) Court, which oversees NSA surveillance, and would introduce new transparency measures to improve oversight. In passing the bill, the House of Representatives also clarified that it intends the bill to be consistent with the Second Circuit’s ruling, so as to not weaken its findings. The bill is no panacea and, as detailed below, would not ensure comprehensive reform. It still leaves open the possibility of large-scale data collection practices in the US under the Patriot Act. It does not constrain surveillance under Section 702 of the FISA Amendments Act nor Executive Order 12333, the primary legal authorities the government has used to justify mass surveillance of people outside US borders. And the bill does not address many modern surveillance capabilities, from mass cable tapping to use of malware, intercepting all mobile calls in a country, and compromising the security of mobile SIM cards and other equipment and services. **Nonetheless,** passing a strong USA Freedom Act would be a long-overdue step in the right direction. It would show that Congress is willing and able to act to protect privacy and impose oversight over intelligence agencies in an age when technology makes ubiquitous surveillance possible. Passing this bill **would** also help **shift the debate in the US and globally** and would distance the United States from other countries that seek to make mass surveillance the norm. On a global level, other governments may already be emulating the NSA’s approach, fueling an environment of impunity for mass violations of privacy. In the last year, France, Turkey, Russia, and other countries have passed legislation to facilitate or expand large-scale surveillance. If the USA Freedom Act passes, it would be the first time Congress has affirmatively restrained NSA activities since the attacks of September 11. Key supporters of the bill have vowed to take up reforms to other laws next, including Section 702 of the FISA Amendments Act.

Cloud Growth Now

Cloud computing growing now, multiple projections and predictive evidence prove

Columbus ’15 – Louis Columbus, Forbes journalist specializing in CRM, Cloud Computing, ERP and Enterprise Software, Vice President Worldwide Marketing at iBASEt, Adjunct Professor Webster University, (“Roundup Of

Cloud Computing Forecasts And Market Estimates, 2015" Jan 24 2015, Forbes, Available Online at http://www.forbes.com/sites/louiscolumbus/2015/01/24/roundup-of-cloud-computing-forecasts-and-market-estimates-2015/**) N.H**

Global SaaS software revenues are forecasted to reach $106B in 2016, increasing 21% over projected 2015 spending levels. A Goldman Sachs study published this month projects that spending on cloud computing infrastructure and platforms will grow at a 30% CAGR from 2013 through 2018 compared with 5% growth for the overall enterprise IT.

Centaur Partners and other firms mentioned in this roundup are seeing more enterprise-size deals for cloud computing infrastructure and applications. While each of these consultancies and research firms have varying forecasts for the next few years, all agree that cloud computing adoption is accelerating in enterprises on a global scale.

Key take-aways from the roundup are provided below:

By 2018, 59% of the total cloud workloads will be Software-as-a-Service (SaaS) workloads, up from 41% in 2013. Cisco is predicting that by 2018, 28% of the total cloud workloads will be Infrastructure-as-a-Service (IaaS) workloads down from 44% in 2013. 13% of the total cloud workloads will be Platform-as-a-Service (PaaS) workloads in 2018, down from 15% in 2013. The following graphic provides a comparative analysis of IaaS, PaaS and SaaS forecasts from 2013 to 2018. Source: Cisco Global Cloud Index: Forecast and Methodology, 2013–2018. (PDF, free, no opt-in).

Centaur Partners' analysis of SaaS & cloud-based business application services revenue forecasts the market growing from $13.5B in 2011 to $32.8B in 2016, attaining a 19.5% CAGR. Centaur provides a useful overview of current market conditions including M&A activity in their latest market overview published this month, Introduction to Centaur Partners: SaaS Market Overview, (PDF, free, no opt-in). 42% of IT decision makers are planning to increase spending on cloud computing in 2015, with the greatest growth in enterprises with over 1,000 employees (52%). The top five tech spending increases in 2015 are shown in the following graphic. Source: Computerworld's 2015 Forecast Predicts Security, Cloud Computing And Analytics Will Lead IT Spending.

Global SaaS software revenues are forecasted to reach $106B in 2016, increasing 21% over projected 2015 spending levels. Spending on integration, storage management, and database management systems are projected to experience the greatest growth in 2015. These and other key insights are from Forrester's SaaS software subscription revenue by category show below. Source: Enterprise software spend to reach $620 billion in 2015: Forrester.

$78.43B in SaaS revenue will be generated in 2015, increasing to $132.57 in 2020, attaining a compound annual growth rate (CAGR) of 9.14%. The following graphic and table provides an overview of Forrester's Global Public Cloud Computing market size analysis and forecast for the years 2011 to 2020. Source: Institut Sage.

Spending on cloud computing infrastructure and platforms is expected to grow at a 30% CAGR from 2013 through 2018 compared with 5% growth for the overall enterprise IT. Goldman Sachs estimates that Amazon has taken in $4B in revenue, or 26% of the IaaS and PaaS markets, in the past 12 months. These and other insights and the graphics below are from an analysis of the recent Goldman Sachs cloud computing report. Thank you Michael Coté, Research Director, Infrastructure Software at 451 Research for freely sharing your latest presentation, Cloud State of the Union, 2015. Additional interesting links regarding Goldman Sachs' recent cloud computing study include Battle Of Cloud Titans Has Just Begun, Goldman Says and Red Hat: Goldman Cuts to Sell Amidst Bullish Cloud View.

Security (36%), cloud computing (31%) and mobile devices (28%) are the top 3 initiatives IT executives are planning to have their organizations focus on over the next 12 months. Source: 2015 State of the Network Study, Technology Adoption Trends & Their Impact on the Network (free PDF, no opt in). A summary of the study can be found here: State of the Network 2015.

IDC predicts that by 2016, there will be an 11% shift of IT budget away from traditional in-house IT delivery, toward various versions of cloud computing as a new delivery model. By 2017, 35% of new applications will use cloud-enabled, continuous delivery and enabled by faster DevOps life cycles to streamline rollout of new features and business innovation. Source: 2015-2017 Forecast: Cloud Computing to Skyrocket, Rule IT Delivery.

By 2018, IDC forecasts that public cloud spending will more than double to $127.5 billion. This forecast is broken down as follows: $82.7 billion in SaaS spending, $24.6 billion for IaaS and $20.3 billion in PaaS expenditures. Source: Forecasts Call For Cloud Burst Through 2018.

27.8% of the worldwide enterprise applications market will be SaaS-based, generating $50.8B in revenue up from $22.6B or 16.6% of the market in 2013. IDC also estimates the overall enterprise applications market in 2013 was $135.9B. Source: IDC Predicts SaaS Enterprise Applications Will Be A $50.8B Market By 2018.

By 2016 over 80% of enterprises globally will using IaaS, with investments in private cloud computing showing the greater growth. Ovum forecasts that by 2016, 75% of EMEA-based enterprises will be using IaaS. These and other insights are from the presentation, The Role of Cloud in IT Modernisation: The DevOps Challenge (free PDF, no opt in). The graphic below provides an analysis of cloud computing adoption in EMEA and globally.

Cloud computing growing in squo

McCue 14 –[TJ McCue, Forbes Technology contributor/journalist, ("Cloud Computing: United States Businesses Will Spend $13 Billion On It" JAN 29, 2014, Forbes Tech, Available Online at

http://www.forbes.com/sites/tjmccue/2014/01/29/cloud-computing-united-states-businesses-will-spend-13-billion-on-it/**) N.H**

Instead of a slow-moving fluffy white cloud image, the cloud computing industry should use a tornado – that might be a better way to visualize how fast cloud computing is growing today. Amazon is dominating, but is followed by the usual suspects: IBM IBM +2.40%, Apple AAPL +2.44%, Cisco, Google GOOG +1.80%, Microsoft MSFT +0.00%, Salesforce, and Rackspace, to name a few. (Disclosure: I am on the paid blogger team for IBM Midsize Insider, which covers technology pertinent to midsize companies, including the cloud, among other topics.)

"The cloud" is frequently in the news, but there is also a fair amount of confusion, outside of technology teams. What is cloud computing and why do businesses need to care? IBM published this handy infographic: 5 Reasons Businesses Use The Cloud. Among the reasons: Collaboration, better access to analytics, increasing productivity, reducing costs, and speeding up development cycles.

By 2015, end-user spending on cloud services could be more than $180 billion.

It is predicted that the global market for cloud equipment will reach $79.1 billion by 2018

If given the choice of only being able to move one application to the cloud, 25% of respondents would choose storage

By 2014, businesses in the United States will spend more than $13 billion on cloud computing and managed hosting services.

According to Jack Woods at Silicon Angle, there's some serious growth forecasted and he lists 20 recent cloud computing statistics you can use to make your case for why you need the cloud or to understand why you should consider it for your business. The above bullet points come from his post.

Massive growth of cloud computing in squo- especially true in the American context

Woods 14 – Jack Woods, cloud market contributor and journalist at siliconeangle, ("20 cloud computing statistics every CIO should know" Jan 27 14, available online at http://siliconangle.com/blog/2014/01/27/20-cloud-computing-statistics-tc0114/**) N.H**

20 Cloud Computing Stats Every CIO Should Know . 1. By 2015, end-user spending on cloud services could be more than $180 billion (Tweet this) . 2. It is predicted that the global market for cloud equipment will reach $79.1 billion by 2018 (Tweet this) . **3. If given the choice of only being able to move one application to the cloud, 25% of respondents would choose storage (Tweet this) . 4.** By 2014, businesses in the United States will spend more than $13 billion on cloud computing and managed hosting services **(Tweet this) . 5**. Throughout the next five years, a 44% annual growth in workloads for the public cloud versus an 8.9% growth for "on-premise" computing workloads is expected **(Tweet this) .** 6. 82% of companies reportedly saved money by moving to the cloud **(Tweet this) . 7. More than 60% of businesses utilize cloud for performing IT-related operations (Tweet this) . 8. 14% of companies downsized their IT after cloud adoption (Tweet this) . 9. 80% of cloud adopters saw improvements within 6 months of moving to the cloud (Tweet this) . 10. 32% of Americans believe cloud computing is a thing of the future (Tweet this) . 11. There's an estimated 1 exabyte of data stored in the cloud (Tweet this) . 12. More than half of survey respondents say their organization currently transfers sensitive or confidential data to the cloud (Tweet this) . 13. Cisco forecasts that global data center traffic will triple from 2.6 zettabytes in 2012 to 7.7 zettabytes annually in 2017, representing a 25 percent CAGR (Tweet this) . 14.** Global data center traffic will grow threefold (a 25 percent CAGR) from 2012 to 2017, while global cloud traffic will grow 4.5-fold (a 35 percent CAGR) over the same period (Tweet this) . **15.** From 2012 to 2017, data center workloads will grow 2.3-fold; cloud workloads will grow 3.7-fold **(Tweet this) . 16. 2014 is the first year the majority of workloads will be on the cloud as 51% will be processed in the cloud versus 49% in the traditional IT space (Tweet this) . 17. 545 cloud services are in use by an organization on average (Tweet this) . 18. 56% of survey respondents trust the ability of cloud providers to protect the sensitive and confidential data entrusted to them (Tweet this) . 19.** 59% of all new spending on cloud computing services originates from North American enterprises, a trend projected to accelerate through 2016 (Tweet this)

Internal Links

Big Data Doesn't Solve HC

Big data doesn't solve disease—predictions are too difficult and the bar for entry is too low

White 15 - Michael White is a systems biologist at the Department of Genetics and the Center for Genome Sciences and Systems Biology at the Washington University School of Medicine in St. Louis, where he studies how DNA encodes information for gene regulation. ("The Ethical Risks of Detecting Disease Outbreaks With Big Data," http://www.psmag.com/health-and-behavior/ethical-risks-of-detecting-disease-outbreaks-with-big-data 2/24/2015) STRYKER

One of the most urgent ethical issues that the researchers identify lies at what they call "the nexus of ethics and methodology." The ethical issue can be reduced to one question: **Do these methods actually work**? Ensuring that the methods work "is an ethical, not just a scientific, requirement," the researchers note. Unlike some other social media experiments, a flawed public health monitoring program can cause serious physical and economic harm to large numbers of people. Digital disease detection programs are relatively easy to set up compared to traditional disease monitoring systems, which means **there is a risk that the bar for entering this field might be dangerously low**. An **under-prediction** of a disease outbreak can result in complacency and lack of preparedness by health officials or the public. An **over-prediction** could cause panic, misallocation of limited supplies of vaccines or medical resources, and, as some reactions to the recent Ebola outbreak demonstrated, damaging stigmatization of people or communities who don't pose a risk. As the physicist Niels Bohr once noted, **prediction is hard**—especially about the future. Big data programs and algorithms often perform well when they're used to "predict" the existing data that was used to help build them, but then do poorly when confronted with new data. That's where digital disease detection tools that use social media data often run into trouble. **Google Flu Trends** looked impressive in its initial report in 2009, where it was used to retroactively predict flu activity of previous years. But it **largely missed the two waves of H1N1 swine flu that hit** later **in 2009**. As the Google Flu researchers wrote, "Internet search behavior changed during pH1N1, particularly in the categories 'influenza complications' and 'term for influenza'"—two search terms that are particularly important in the algorithm. The program also **over-predicted the severity of the 2011-12 flu season by 50 percent**.

Big data doesn't solve healthcare – multiple barriers and empirics prove

**predictive analytics/comparative data are referring to the same idea of large databases with patient information i.e. big data in general

Crockett 14 (David, Ph.D. from University of Colorado in medicine, Senior Director of Research and Predictive Analytics at Health Catalyst, "3 Reasons Why Comparative Analytics, Predictive Analytics, and NLP Won't Solve Healthcare's Problems", https://www.healthcatalyst.com/3-reasons-why-comparative-analytics-predictive-analytics-and-nlp-wont-solve-healthcares-problems/)

Comparative **Data Doesn't Drive Improvement** We've had comparative data for **years** in the U.S. healthcare system and it hasn't moved the needle towards better, at all. In fact, the latest OECD data ranks the U.S. even **worse than we've ever been** on healthcare quality and cost. Comparative data, like the OECD, is interesting and certainly worth looking at, but it's far from enough to drive improvements in an organization down to the individual patient. To drive that sort of change, you have to get your head and hands dirty in your own data ecosystem, not somebody else's that is at best a rough facsimile of your organization. There are too many variables and variations in healthcare delivery right now that add **too much noise** to the

data to make comparative analytics as valuable as some pundits advocate. We don't even have an industry standard and clinically precise definition of patients that should be included (and excluded from routine management) in a diabetes registry, much less the other 15 chronic diseases and syndromes we should be managing. Predictive Analytics Fails to Include Outcomes We've also had predictive analytics supporting risk stratification for years in healthcare, particularly in case management, **but without outcomes data, what are we left to predict**? Readmissions. That's a sad state of affairs. Before we start believing that predictive analytics is going to change the healthcare world, we need to understand how it works, technically and programmatically. Without protocol and patient-specific outcomes data, **predictive analytics is largely vendor smoke and mirrors** in all but a very small number of use cases.

Big data doesn't work for disease—only works as well as actual data collection

Swift 14 - Janet Swift is a spreadsheets and statistics specialist for I-Programmer. ("Google Flu Trends Adopts New Model," http://www.i-programmer.info/news/197-data-mining/7939-google-flu-trends-new-model.html 11/3/2014) STRYKER
Google Flu Trends is launching a new model in the United States for the coming 2014/2015 flu season. The important difference is that it is going to incorporate CDC flu data - which rather ruins its original idea. Google Flu Trends (GFT) was launched in 2008 to predict how many cases of flu are likely to occur based on "aggregate search data". The premise used by the model was that there is a correlation between the number of cases of flu and the number of searches on the topic of flu. So rather than collect data from doctors and hospitals about people showing symptoms you can instead look for searches using terms associated with flu such as "cough" or "fever". Initially the model worked well. Not only did it provide accurate estimates of the number of cases of flu, it did so ahead of those from the CDC (Centers for Disease Control and Prevention). But over time Google's model **started to overpredict** the incidence of flu, due to what could be interpreted as a **positive feedback effect**. Heightened media attention to flu when the incidence of flu rises leads to more people googling flu related terms. For the 2012/2013 flu season the GFT prediction exceeded the number of "real" flu cases by 95%. Responding to the research that revealed this anomaly Google adjusted the model for the 2013/2014 flu season (see the details in Google Updates Flu Model but **it continued to overpredict.** So a more drastic remedy was sought. According to Christian Stefansen, Senior Software Engineer, in a post on the Google Research blog announcing "brand new engine" for GFT, for the coming flu season in the US, Google is substituting a: "more robust model that learns continuously from official flu data". While this may well improve the model's accuracy, **the fact that it uses actual data defeats the idea** that flu could be predicted solely on the basis of Internet users search behavior. If the new model works well, it won't be nearly as interesting a finding as the success of the old model.

Big data analysis is ineffective—

A. Selection bias

Hoffman and Podgurski 13 - Sharona Hoffman is a Edgar A. Hahn Professor of Law and Professor of Bioethics and Co-Director of Law-Medicine Center at Case Western Reserve University School of Law. Andy Podgurski is a Professor of Electrical Engineering and Computer Science at Case Western Reserve University. ("The Use and Misuse of Biomedical Data: Is Bigger Really Better?" *American Journal of Law & Medicine*, 39 Am. J. L. and Med. 497, 2013) STRYKER
If data subjects have the opportunity to opt out of inclusion in a database or if certain individuals' records are otherwise excluded, a class of problems often called [*522] **"selection bias"** may arise. n227 Selection bias may occur when **the subset of individuals studied is not representative of the patient population of interest**. n228 This kind of selection bias could manifest, for example, if a disproportionate number of people of one ancestry or economic class opt out of participating in a database. n229 It can likewise exist if individuals with certain behavior traits that might be important in some studies--such as diet, exercise, smoking status, and alcohol or drug consumption--choose not to participate or cannot access medical facilities in which studies take place. n230 Selection bias can **distort assessments** of measures such as disease

prevalence or exposure risk because study estimates will differ systematically from the true values of these measures for the target population. n231 That is, the estimates will not be generalizable from the research subjects to the larger population about which analysts wish to draw conclusions. n232 Another, more subtle kind of selection bias, which is also called "**collider-stratification bias**," n233 "collider-bias," n234 or "M-bias," n235 is specific to causal-effect studies. n236 These studies typically seek to measure the average beneficial effect on patients of a particular treatment or the average harmful effect on individuals of a particular exposure. n237 Collider-stratification bias occurs in analyzing study data when the analysis is conditioned on (e.g., stratified by) one or more levels of a variable that is a common effect (a "collider") of both the treatment/exposure variable and the outcome variable or that is a common effect of a cause of the treatment/exposure and a cause of the outcome. n238 Consider the following classic example. Commonly, **some patients are lost to follow-up**, and thus outcome measurements that would be essential for research purposes are unavailable. The data from these patients cannot be included in studies. Both the treatment and outcome at issue may influence which patients stop seeking medical care. Patients may fail to return for follow-up both because the treatment is unpleasant (treatment factor) and because they actually feel better and don't see a need to return to their doctors (an outcome factor). The loss of these study subjects can create a **spurious statistical association between the treatment/exposure variable and the outcome variable** that becomes mixed with and distorts the true causal effect of the former on the latter. n239 Because collider-stratification bias is associated with [*523] the exclusion of some patients from a study, it is categorized as a type of selection bias. n240

B. Confounding bias

Hoffman and Podgurski 13 - Sharona Hoffman is a Edgar A. Hahn Professor of Law and Professor of Bioethics and Co-Director of Law-Medicine Center at Case Western Reserve University School of Law. Andy Podgurski is a Professor of Electrical Engineering and Computer Science at Case Western Reserve University. ("The Use and Misuse of Biomedical Data: Is Bigger Really Better?" *American Journal of Law & Medicine*, 39 Am. J. L. and Med. 497, 2013) STRYKER

In observational causal-effect studies, confounding bias (confounding) **may be an even greater concern than selection bias**. n241 "Classical" confounding occurs because of the presence of a common cause of the treatment/exposure variable and the outcome variable. n242 Confounding is different from collider-stratification bias because it involves a common cause of the treatment/exposure and outcome variables rather than a common effect of the variables. n243 The following hypothetical illustrates classical confounding. Suppose a physician's treatment choices are influenced by the severity or duration of a patient's disease, which also influence the outcome of treatment. n244 Thus, patients at a later stage of a disease may receive one treatment (treatment A) and those who are at an earlier stage may receive a different therapy (treatment B). At the same time, sicker patients may have worse treatment outcomes than healthier individuals. Unless such a common cause, which is called a "confounding variable" or "confounder," is adjusted for appropriately during statistical data analysis, it may induce a spurious association between the treatment variable and the outcome variable, which distorts estimation of the true causal effects of treatments. n245 In other words, **researchers may reach incorrect conclusions** regarding the efficacy of the two treatments because of the confounding variable: **the degree of sickness** suffered by patients receiving the different therapies. Treatment A may appear to be less effective than treatment B not because it is in fact an inferior therapy but because so many of the patients receiving treatment A are in a late stage of the disease and would not do well no matter what treatment they received. This particular form of confounding, called "confounding by indication," is especially challenging to adjust for, because it may involve multiple factors that influence physicians' treatment decisions. n246 **Socioeconomic factors and patient lifestyle choices** may also be confounders. Those who lack financial resources or adequate health coverage may select less expensive treatments not because those are the best choices for them but because those are the only affordable options. n247 Low income may also separately lead to poor health for reasons such as poor nutrition or financial stress. In the case of preventive care, a treatment's perceived benefits may be amplified because health-oriented individuals interested in the intervention also pursue exercise, low-fat diets, and other health-promoting behaviors. These patients' impressive outcomes thus would not be associated solely with the preventive measure. n248

C. Measurement bias

Hoffman and Podgurski 13 - Sharona Hoffman is a Edgar A. Hahn Professor of Law and Professor of Bioethics and Co-Director of Law-Medicine Center at Case Western Reserve University School of Law. Andy Podgurski is a Professor of Electrical Engineering and Computer Science at Case Western Reserve University. ("The Use and Misuse of Biomedical Data: Is Bigger Really Better?" *American Journal of Law & Medicine*, 39 Am. J. L. and Med. 497, 2013) STRYKER

Measurement biases arise from **errors in measurement and data collection**. n262 Observational study results may be compromised if the biomedical records that are analyzed contain such errors. Measurement errors occur for a variety of reasons. Measurement instruments might not be calibrated properly or might lack sufficient sensitivity to detect differences in relevant variables. n263 Storage time or conditions for biological samples might be different and might affect study results. n264 To the extent that researchers solicit and record patients' own accounts and memories, the subjects' **ability to recall** details may be influenced by the questioner's competence, patience, and apparent sympathy or by the degree to which the patient perceives the topic to be important and relevant to her life. n265 In addition, patients may have **impaired memories** or may **lie** in response to questions if they are embarrassed about the truth. n266 Accurate measurement may be further hindered by **incomplete, erroneous, or miscoded EHR data that obfuscates true values**. n267 In causal-effect studies, errors in measurement of the treatment/exposure and the outcome are most problematic when they are associated (dependent) and when they are differential, that is, when the treatment affects the measurement error for the outcome or the outcome affects the measurement error for the treatment. n268 For example, differential measurement error could occur in a study of the effect of treatment A on dementia, if the use of A was determined only by interviewing study participants, because dementia affects subjects' ability to recall whether and how they were treated. n269 **Mismeasurement of confounding variables** also impedes adjustments intended to eliminate confounding bias. n270

Healthcare prediction can't be scaled up – no motivation and structural problems

Crockett 13 (David, Ph.D. from University of Colorado in medicine, Senior Director of Research and Predictive Analytics at Health Catalyst, "Using Predictive Analytics in Healthcare: Technology Hype vs. Reality", https://www.healthcatalyst.com/predictive-analytics-healthcare-technology)

The **buzzword fever** around predictive analytics will likely continue to rise and fall. Unfortunately, lacking the proper infrastructure, staffing and resource to act when something is predicted with high certainty to happen, we fall short of the full potential of harnessing historic trends and **patterns in patient data**. In other words, without the **willpower** for clinical intervention, any predictor – no matter how good – is not fully utilized.

Skepticism

You should be generally skeptical of their evidence – it overstates the value of big data – studies prove data is mostly irrelevant now

Aslett 13 (Matt, research director for 451 research, formerly the Deputy Editor of monthly magazine Computer Business Review and ComputerWire's daily news service, "Big data reconsidered: it's the economics, stupid", https://451research.com/report-short?entityId=79479&referrer=marketing)

For the past few years the data management industry has been in the grip of a fever related to 'big data' – a loosely defined term that has been used to describe analysis of large volumes of data, or analysis of unstructured data, or high-

velocity data, or social data, or predictive analytics, or exploratory analytics or all of the above – and more besides. The expectations for the potential of big data to revolutionize the data management and analytics industry are **great and inflated**, to the extent that it is easy to become disillusioned. A quick check of recent news **headlines suggests** that big data has the potential to solve world hunger, defeat terrorism, close the gender gap, bring about world peace, cure cancer and identify life on Mars. We don't doubt that data management and analytics will have a critical role to play in efforts related to all those issues, but there is clearly a gap between the potential of big data and the extent to which related technologies have been adopted to date. For example, interviews from TheInfoPro, a service of 451 Research, with storage professionals indicate that big data accounted for just 3% of the total data storage footprint in 2012 – **and the exact same percentage in 2013**. While we believe that the big data trend has the potential to revolutionize the IT industry by enabling new business insight based on previously ignored and underutilized data, it is clear that **big data is also massively over-hyped**.

Impact Defense

Disease Defense

No zoonotic disease impact – multiple warrants

Empirics Prove

Ridley 12 (Matt Ridley, columnist for The Wall Street Journal and author of The Rational Optimist: How Prosperity Evolves, "Apocalypse Not: Here's Why You Shouldn't Worry About End Times," http://www.wired.com/wiredscience/2012/08/ff_apocalypsenot/all/)

The emergence of AIDS led to a theory that other viruses would spring from tropical rain forests to wreak revenge on humankind for its ecological sins. That, at least, was the implication of Laurie Garrett's 1994 book, The Coming Plague: Newly Emerging Diseases in a World Out of Balance. The most prominent candidate was Ebola, the hemorrhagic fever that starred in Richard Preston's The Hot Zone, published the same year. Writer Stephen King called the book "one of the most horrifying things I've ever read." Right on cue, Ebola appeared again in the Congo in 1995, but it soon disappeared. Far from being a harbinger, HIV was the only new tropical virus to go pandemic in 50 years.¶ In the 1980s British cattle began dying from **mad cow** disease, caused by an infectious agent in feed that was derived from the remains of other cows. When people, too, began to catch this disease, predictions of the scale of the epidemic quickly turned terrifying: Up to 136,000 would die, according to one study. A pathologist warned that the British "have to prepare for perhaps thousands, tens of thousands, hundreds of thousands, of cases of vCJD [new variant Creutzfeldt-Jakob disease, the human manifestation of mad cow] coming down the line." Yet the total number of deaths so far in the UK **has been 176**, with just five occurring in 2011 and none so far in 2012.¶ **In 2003 it was SARS**, a virus from civet cats, that ineffectively but inconveniently led to quarantines in Beijing and Toronto amid predictions of global Armageddon. **SARS subsided within a year**, after killing just 774 people. In 2005 it was bird flu, described at the time by a United Nations official as being "like a combination of global warming and HIV/AIDS 10 times faster than it's running at the moment." The World Health Organization's official forecast was 2 million to 7.4 million dead. In fact, by late 2007, when the disease petered out, the death toll was roughly 200. In 2009 it was Mexican swine flu. WHO director general Margaret Chan said: "It really is all of humanity that is under threat during a pandemic." The outbreak proved to be a normal flu episode.¶The truth is, a new global pandemic is growing less likely, not more. Mass migration to cities means the opportunity for viruses to jump from wildlife to the human species has not risen and has possibly even declined, despite media hype to the contrary. Water- and insect-borne infections—generally the most lethal—**are declining** as living standards slowly improve. It's true that casual-contact infections such as colds are thriving—but **only by being mild**

enough that their victims can soldier on with work and social engagements, thereby allowing the virus to spread. Even if a lethal virus does go global, the ability of medical science to sequence its genome and devise a vaccine or cure **is getting better** all the time.

Burnout and variation check

York 14 (Ian, head of the Influenza Molecular Virology and Vaccines team in the Immunology and Pathogenesis Branch of the Influenza Division at the CDC, PhD in Molecular Virology and Immunology from McMaster University, M.Sc. in Veterinary Microbiology and Immunology from the University of Guelph, former Assistant Prof of Microbiology & Molecular Genetics at Michigan State, "Why Don't Diseases Completely Wipe Out Species?" 6/4/2014, http://www.quora.com/Why-dont-diseases-completely-wipe-out-species)

But mostly **diseases don't drive species extinct.** There are **several reasons** for that. For one, the most dangerous diseases are those that spread from one individual to another. If the disease is **highly lethal**, then the population drops, and it becomes **less likely that individuals will contact each other** during the infectious phase. Highly contagious diseases tend to **burn** themselves **out** that way.¶ Probably the main reason is variation. Within the host and the pathogen population there will be a wide range of variants. Some hosts may be **naturally resistant.** Some pathogens will be **less virulent**. And either alone or in combination, you end up with infected individuals who **survive**.¶ We see this in HIV, for example. There is a small fraction of humans who are naturally resistant or altogether immune to HIV, either because of their CCR5 allele or their MHC Class I type. And there are a handful of people who were infected with defective versions of HIV that didn't progress to disease. ¶ We can see indications of this sort of thing happening in the past, because our genomes contain many instances of **pathogen resistance genes** that have **spread through the whole population.** Those all started off as rare mutations that conferred a **strong selection advantage to the carriers,** meaning that the specific infectious diseases were serious threats to the species.

Innovation Defense

Innovation high and inevitable

Vivek **Wadhwa 14**, fellow at the Rock Center for Corporate Governance at Stanford University, director of research at the Center for Entrepreneurship and Research Commercialization at Duke's engineering school and distinguished scholar at Singularity and Emory universities, "How the United States is reinventing itself yet again", 1/2/14, http://www.washingtonpost.com/blogs/innovations/wp/2014/01/02/how-the-united-states-is-reinventing-itself-yet-again/

And that's not all the pessimists say. They also argue that while the United States continues to dominate in the emergence of new technology powerhouses, the biggest IPO of the decade belongs to Facebook, a social network that is more media company than technology innovator. Stifling red tape and regulations has driven costs of testing new medicines and medical devices so high that many drug companies have shifted testing regimes and market focus to Europe and Asia. Despite mounting evidence that skilled immigrant entrepreneurs have delivered a wildly disproportionate share of the country's technology innovation and technology job growth, the powers that be in Washington, D.C. have, even with broad bipartisan support, not mustered up the votes to reform the country's regressive and punitive immigration policies. Add to all of this an aging populace requiring more and more support from younger workers, ballooning health costs and a tax structure that beggars the young to underwrite benefits for the aged, and the United States looks more and more like a historical footnote than a superpower.¶ Peel back the layers of the onion, and **the reality appears quite different.** In fact, the United States stands on the cusp of a dramatic revival and rejuvenation, propelled by an **amazing wave of technological innovation**. A slew of breakthroughs will deliver the enormous productivity gains and the societal dramatic cost savings needed to sustain economic growth and prosperity. These breakthroughs, mostly digital in nature, will complete the shift begun by the Internet away to a

new era where the precepts of Moore's Law can be applied to virtually any field.¶ Computer-assisted design and fabrication will reshape manufacturing forever. These technologies will slash waste and replace nearly all conventional manufacturing with more environmentally friendly and cost-effective additive manufacturing run with robots and computer programs. Complex systems resistant to modeling will succumb to advances in big data that allow mankind to finally make sense and improve upon the most intricate multi-faceted interactions. Where big data fails, ubiquitous crowd sourcing will harness untapped brain cycles to train systems and solve problems, one small activity at a time — on a global scale.¶ In this massively digital world, A/B testing or parallelization of R&D processes will become commonplace for just about everything from airline design simulations to online advertising to artificial organ construction. This will, in turn, allow for far more rigorous testing of products and processes. Dirt-cheap digital delivery platforms for educational content and improvements in the understanding of the way the brain learns will yield a sea change in how we gain knowledge. This will result in more open, flexible educational systems and structures — and a smarter, more learned, constantly learning populace. While the world will benefit from these changes, the United States **is uniquely positioned to lead** this sea change.

A2: Addons

Ebola

Containment solves

Katie **Jennings 14**, Business Insider, citing Dr. Amesh Adalja, an infectious disease specialist from the University of Pittsburgh Medical Center and the Center for Health Security, Aug 4 2014, "Here's Why Your Panic Over Ebola Patients In The US Is Overblown," http://www.businessinsider.com/why-ebola-panic-is-overblown-2014-8

A quick scan of recent headlines — "Ebola outbreak moving faster than efforts to contain it" or "Nigeria death shows Ebola can spread by air travel "— makes it easy to jump to the conclusion that bringing Ebola patients to the United States is risky and could cause a similar outbreak here. However, U.S. government officials and health experts say **this is simply not true**: Ebola will not spread through the **U**nited **S**tates like it has in West Africa. "[T]he plain truth is that we can stop Ebola," Dr. Tom Frieden, director of the U.S. Centers for Disease Control and Prevention told ABC's "This Week." "We know how to control it." Don't Believe Everything You See In The Movies Part of the fear about an Ebola outbreak in the U.S. stems from how the virus has been treated by Hollywood and the media. "Ebola has a mystique about it because the way that it has been treated in fiction," Dr. Amesh Adalja, an infectious disease specialist from the University of Pittsburgh Medical Center and the Center for Health Security, told Business Insider. He specifically referenced the 1995 movie "Outbreak," starring Cuba Gooding, Jr., which features a fictional Ebola-like virus. Richard Preston's book The Hot Zone, a terrifying nonfiction thriller that inspired the movie, is another well-known reference. While fictional stories just aren't true-to-life, there are a few legitimately scary things about Ebola. The symptoms are viscerally horrifying, and treatments and vaccines against the disease don't exist at this time. And because scientists aren't totally sure how the virus outbreaks jump to humans, there is also the fear of the unknown. "The outbreaks are mysterious, they appear out of nowhere, they're explosive and then they disappear," says Adalja. All of these factors work to fuel a panic mentality. **But in the United States, Canada, Europe, and most countries with well-developed health care systems, Ebola poses almost no real risk, because patients can be isolated and treated without spreading the virus.** Don't Panic: The Virus Doesn't Spread Very Efficiently Ebola "doesn't spread very efficiently through humans," says Adalja. While the virus is deadly, **it's not very contagious**. Unlike the common cold or the flu, which spreads through airborne droplets, Ebola can only spread through contact with bodily fluids, like blood, vomit, and diarrhea. Adalja also points out that Ebola is less contagious than Middle East Respiratory Syndrome, or MERS, which recently arrived in the **U**nited **S**tates **but was contained**. No secondary cases, meaning new cases spread by the individuals who had arrived to the country already infected, were reported. "Ebola is a very rare disease that **infects a very small number of people**," says Adalja. "It doesn't have that same type of burden of illness of other diseases like malaria, tuberculosis, HIV."

No risk and alt cause — bodily fluids are necessary and poor living condition increase the risk.

Forbes 14 — Robert Glatter, 2014 ("Could Ebola Virus Become A Threat In The U.S.?," July 29th, Available Online at http://www.forbes.com/sites/robertglatter/2014/07/29/could-ebola-virus-become-a-threat-in-the-u-s/, Accessed on 07-10-15)

Media reports on the death of a Liberian traveler in Lagos, Nigeria, due to the deadly Ebola virus have caught the world's attention–and for good reason. As we live in an interconnected world we have to come to grips with the fact that hopping on a plane may potentially spread any virus–not just Ebola–to another country. Thus, the importance of enforcing proper infectious screening procedures of departing air travelers in an endemic area such as West Africa becomes critical to containing the spread of the Ebola virus. Enforcing a "Do Not Board List" is critical to preventing the spread of such a virus. While the Ebola virus could potentially be transported by travelers to another country by a plane ride, according to officials at the CDC, the actual chance of it developing into a serious public health risk in the U.S. is small. Poor and crowded living conditions, along with improper sanitation, seem to be an important element in the spread of the virus. These are not the living conditions, in general, throughout most modernized countries in the Western world. Ebola, comprised of 5 strains, was first identified in 1976 in the Western Democratic Congo along the Ebola river. Four of the strains can be spread to humans. The fifth resides only in primates. The fruit bat, considered a delicacy in West Africa, is typically considered a natural reservoir of the Ebola virus. Ebola is spread directly, human-to-human, by secretions such as saliva and sweat, but also by blood and feces. It can be spread directly by a break in the skin or mucous membranes or indirectly after touching your nose, mouth or eyes after having contact with the virus. It is not transmitted by coughing or sneezing (droplet spread), as would be the case for someone with influenza or measles.

No extinction or epidemic

Science Alert 10/9/**2014**, citing Lauren Anciel Meyers, Professor of Integrative Biology at The University of Texas at Austin, PhD in Biological Sciences from Stanford, and Tom Frieden, Director of the CDC, "How infectious is Ebola?," http://www.sciencealert.com.au/news/20140910-26305.html

So there's a case of Ebola in the US, and the disease has already killed 70 percent of those it infected in West Africa. Is this the beginning of the end for humanity**? Not even close**, and here's why.¶ The US case of Ebola is the first to be identified outside of Africa. The patient, who has now died from the disease, didn't know that he was infected straight away, so wasn't quarantined by the Texas Health Presbyterian Hospital in Dallas for four days. This sounds like a long time to be walking around being contagious, but medical authorities have assured the public not to panic.¶ In fact, officials seem pretty sure that this particular case **would not lead to an outbreak in the US.** "I have no doubt that we will control this importation, or case, of Ebola so that it **does not spread widely in this country**," director of the Centers for Disease Control and Prevention (CDC) Tom Frieden told the press earlier this week. ¶ Professor of integrative biology Lauren Ancel Meyers from the University of Texas agreed, telling The Huffington Post science editor David Freeman, "I think they are striking a good note in saying that most of you out there don't have to worry. **There doesn't seem to be a real threat of a large epidemic** in the United States."¶ The reason for Frieden's and Meyers's confidence is a simple mathematical term known as R0. This is a 'reproduction number' used by epidemiologists to indicate how infectious a specific disease is. It tells you how many people, on average, will be infected by one patient. ¶ "The reproduction number provides a lot of information," Meyers told The Huffington Post. "It gives us a baseline for projecting the growth of outbreaks in the absence of intervention, and it tells us how hard and how effective do our interventions have to be in order to stop an epidemic."¶ Measles, for example, is the most contagious disease we have, and its R0 is about 18. This means that if no one is vaccinated, an incredible 18 people can be infected by every one person who has the disease. Of course, this number drops to zero if everyone is vaccinated. For HIV/AIDS and SARS, the R0 number is between 2 and 5, and for Ebola, **it's just 2**. ¶ According to Michaeleen Doucleff at NPR, while many factors influence a disease's reproduction number, the fact that Ebola's is transmitted via bodily fluids, rather than the air, is probably why it's rated so low. And because Ebola isn't contagious until the patient starts showing symptoms - at which point the Dallas patient had

checked himself in to the hospital - all that needed to be done to contain the spread of the disease in the US **is to isolate anyone at the hospital who might have been infected**.¶ CNBC reports that as of yesterday, none of the 48 people who potentially came in contact with Dallas patient have developed any definite symptoms.¶ "Then **R0 drops to zero**. And Texas is free of Ebola," says Doucleff.

Ebola doesn't cause extinction — too hard to catch and it's danger is ramped up by fearmongering.

The Washington Post 14 — Abby Ohlheiser, writer for the Post, 2014 ("It's highly unlikely that you'll become infected with Ebola. So what are you so afraid of?," October 5th, Available Online at http://www.washingtonpost.com/news/to-your-health/wp/2014/10/05/nothing-to-fear-but-ebola-itself/, Accessed on 07-10-15)

This is how to get Ebola: Come into direct contact with the bodily fluids of a person who is infected with the virus and already symptomatic. Ebola doesn't travel through the air. A person in Washington, D.C., can't catch Ebola from an Ebola-infected person in Dallas without going there and coming into direct contact with the patient's bodily fluids. Still, amid the deadliest Ebola outbreak in history, in West Africa, the news of the first case diagnosed in the United States has prompted people to act as if they're a half-breath away from catching the virus anyway. America's Patient Zero is in Texas. He's in isolation, and the people who were in an apartment with him when he became sick are under quarantine. None of the people who potentially came into contact with the man while he was symptomatic have yet become sick with Ebola. Multiple potential U.S. cases elsewhere — from New York to Washington — have come up negative. The virus has not ravaged the United States. But the word — Ebola! — is ubiquitous, and so is the fear that comes with it. As The Post noted today in a front-page story about the global health disaster: "This is both a biological plague and a psychological one, and fear can spread even faster than the virus." An example, from Wednesday: Mehmet Oz — aka Dr. Oz — went on television to pronounce that the epidemic could alter the world "as much as any plague in history." Dr. Oz's apocalyptic statement depended not on the realities of the disease as it exists now, but, he said, on "the question no one wants to ask, but everyone fears": Will the Ebola virus mutate and go airborne? Cue a terrifying segment during which little blips on a spinning globe turned the world red with disease. The doomsday potential is "a question that keeps [experts] up at night," Dr. Oz said, adding: "It should keep you up as well." But should it? "People are feeling out of control. They had no control about whether Ebola comes to the United States," David Kaplan of the American Counseling Association said last week. For Americans, Kaplan said, there's a cultural imperative to gain and maintain control of one's own health and safety — an imperative that something like Ebola confounds. "We always like to feel in control of what we do," he said. "That's why people are often much more afraid of flying than of driving, even though it is much safer." Even if the threat of something like Ebola is minuscule or remote, hysterical media coverage, Kaplan argued, can lead us to "develop a cognitive bias that things occur more frequently than they actually do."

No Impact to an Ebola outbreak — we're more prepared, it's dying down, and it's very difficult to transmit.

Walsh 14 — Bryan Walsh, foreign editor at TIME, 2014 ("Why Ebola Isn't Really a Threat to the U.S.," *Time Magazine*, October 21st, Available Online at http://time.com/3525385/ebola-threat-us-cdc/, Accessed on 07-10-15)

Give us this—when Americans overreact, we do it all the way. Over the past week, in response to fears of Ebola, parents in Mississippi pulled their children out of a middle school after finding out that its principal had traveled to Zambia—a nation that is in Africa, but one that hasn't recorded a single Ebola case. A college sent rejection notices to some applicants from Nigeria because the school wouldn't accept "international students from countries with confirmed Ebola cases"—even though Nigeria has had less than 20 confirmed cases and the outbreak is effectively over. The American public is following its leaders, who've come down with a bad case of Ebola hysteria. That's how you get even-tempered politicians like New York Governor Andrew Cuomo musing that the U.S. should "seriously consider" a travel ban on West African countries hit by Ebola, while some of his less restrained colleagues raise the incredibly far-fetched possibility of a terrorist group intentionally sending Ebola-infected refugees into the U.S. It's little surprise that a Washington Post/ABC News poll found that two-thirds of Americans are concerned about an Ebola outbreak in the U.S. They shouldn't be—and two events that happened on Monday show why. WHO officials declared Nigeria officially "Ebola-free." And in Dallas, the first wave of people being monitored because they had direct contact with Thomas Eric Duncan, the first Ebola patient diagnosed in the U.S., were declared free of the diseases. Nigeria matters because the nation's is Africa's most populous, with 160 million people. Its main city, Lagos, is a sprawling, densely populated metropolis of more than 20 million. Nigeria's public health system is far from the best in the world. Epidemiologists have nightmares about Ebola spreading unchecked in a city like Lagos, where there's enough human tinder to burn indefinitely. Yet after a few cases connected to Sawyer, Nigeria managed to stop Ebola's spread thanks to solid preparation before the first case, a quick move to declare an emergency, and good management of public anxiety. A country with a per-capita GDP of $2,700—19 times less than the U.S.—proved it could handle Ebola. As Dr. Faisal Shuaib of Nigeria's Ebola Emergency Operation Center told TIME: "**There is no alternative to preparedness**." But Nigeria's success was also a reminder of this basic fact: If caught in time, **Ebola is not that difficult to control**, largely because it remains **very difficult to transmit outside a hospital**. For all the panic in the U.S. over Ebola, there has yet to be a case transmitted in the community. The fact that two health workers who cared for Duncan contracted the disease demonstrates that something was wrong with the treatment protocol put out by the Centers for Disease Control and Prevention (CDC)—something CDC Director Dr. Tom Frieden has essentially admitted—and may indicate that the way an Ebola patient is cared for in a developed world hospital may actually put doctors and nurses at greater risk.

Small Business

Cloud computing is inefficient hurts small business.

Wilson 14 — Dean Wilson, writer for TechRadar, 2014 ("Cloud 'sprawl' causing business inefficiencies," March 18th, Available Online at http://www.techradar.com/us/news/internet/cloud-services/cloud-sprawl-causing-business-inefficiencies-1234913, Accessed on 07-10-15)

The growing use of a wide variety of unsanctioned cloud services, the so-called "cloud sprawl," is causing significant problems for businesses, according to a new survey. Avanade, an Accenture and Microsoft joint IT consultancy firm, released a report that shows 61 per cent of companies across the globe blame cloud sprawl for causing inefficiencies in their business. That number falls

to 52 per cent in the UK, but it rises to 71 per cent among those using both public and private clouds. The survey involved 750 IT decision makers in United States, United Kingdom, Germany, China, France, Sweden, Brazil, Japan and Australia. The problem is that employees are signing up to cloud services that are different to the ones provided by their own IT department, so instead of homogenisation there is growing disparity between what each individual employee is using. 66 per cent of IT decision markers across the globe have noticed this problem. The number climbs to 69 per cent in the UK. "The study reinforces what we're seeing in the UK market about the challenges of cloud computing. Whilst the cloud can deliver significant benefits, some of its advantages also introduce risk. Unmanaged cloud sprawl in Shadow IT (Dark Cloud) is introducing risk with threats from unmanaged sources," said Mark Corley, CTO at Avanade UK. "Cloud services are becoming available in increasing variety and ease of access, and many IT departments simply can't keep up."

Warming

Cloud computing isn't fast enough to solve for climate change

Foster 11, (Pete, "Cloud computing – a green opportunity or climate change risk?", Guardian, 8-1-2011, http://www.theguardian.com/sustainable-business/cloud-computing-climate-change)

But **cloud computing comes with its own issues of security and reliability. Companies are often reluctant to trust their data and computing to a remote supplier and climate change itself may make cloud computing less attractive.** The Foresight Programme from the UK's Government Office for Science produces in-depth studies looking at major issues 20-80 years in the future. It recently published a report on the International Dimensions of Climate Change that identifies a significant vulnerability from cloud computing. **As more data centres are needed, and with the UK a relatively expensive location, more will be going offshore, but that makes them potentially more vulnerable to climate change impacts.** The report points out that **data storage facilities have already suffered from flooding** and cites the Vodafone data centre in Ikitelli, Turkey, which was affected by flash flooding in 2009, **putting a quarter of the local network at risk**. Similarly, in August 2009 the rainfall from Typhoon Morakot caused rivers to flood in Taiwan flushing large volumes of sediment into the ocean. This led to several submarine landslides which broke at least nine communications cables 4000m down. It disrupted the Internet and telecommunications between Taiwan, China, Hong Kong and other parts of Southeast Asia. The study also makes the point that over 95% of global communications traffic is handled by just one million kilometres of undersea fibre-optic cable. Rising sea levels increase the risk of flooding of coastal cable facilities and may also affect the stability of the seabed, making cables more vulnerable. It makes worrying reading. **While we are all fighting to try and minimise climate change, we're already too far down the road to stop some of the inevitable impacts**. It's ironic that one IT trend that could help reduce greenhouse gas emissions – cloud computing – may well itself be a victim of the impact.

Warming doesn't cause extinction

Bjørn **Lomborg**, an adjunct professor at the Copenhagen Business School, founded and directs the Copenhagen Consensus Center, Project Syndicate, February 14, 20**14**, "The Davos Apocalypse", http://www.project-syndicate.org/commentary/bj-rn-lomborg-criticizes-global-leaders-for-creating-an-atmosphere-of-panic-about-climate-change

The apocalyptic bombast is even more disturbing. According to Angel Gurría, Secretary-General of the OECD, "our planet is warming dangerously," and we need to act now "to avoid catastrophe"; the United Nations climate chief, Christiana Figueres, maintains that global warming means that "the world economy is at risk." Former UN Secretary-General Kofi Annan takes the prize for the **most extreme rhetoric**, claiming that not curbing global warming is "a terrible gamble with the future of the planet and with life itself." Yet, **the rhetoric is unconvincing**. Yes, global warming is real and man-made. But creating panic and proposing unrealistic policies **will not help in tackling the problem.** Both Annan and Gurría cited Typhoon Haiyan in the Philippines last November as evidence of increased climate-change-related damage. Never mind that the latest report by the UN Intergovernmental Panel on Climate Change (IPCC) found that "current datasets indicate no significant observed trends in global tropical cyclone frequency over the past century" and reported "low confidence" that any changes in hurricanes in recent (or future) decades had **anything to do with global warming**. Annan and Gurría also neglected to note that global Accumulated Cyclone Energy, an index for total hurricane activity, is hovering at the lowest values seen since the 1970's. Indeed, the trend for strong hurricanes around the Philippines has declined since 1951. Similarly, Gurría tells us that Hurricane Sandy, which slammed into New York City in 2012, is an example of inaction on climate change, costing the United States "the equivalent of 0.5% of its GDP" each year. In fact, the US currently is experiencing the longest absence of intense landfall hurricanes **since records began** in 1900, while the adjusted damage cost for the US during this period, including Hurricane Sandy, has fallen slightly. Figueres claims "that current annual losses worldwide due to extreme weather and disasters could be a staggering 12% of annual global GDP." But the study she cites shows only a possible loss of 1-12% of GDP in the future, and this is estimated not globally but within just eight carefully selected, climate-vulnerable regions or cities. By contrast, according to the IPCC, "long-term trends in economic disaster losses adjusted for wealth and population increases **have not been attributed to climate change**." On the contrary, the bulk of peer-reviewed economic evidence indicates that, up to around 2050-2070, the net global economic impact of rising temperatures is **likely to be positive**. Although global warming will create costs stemming from more heat-related deaths and water stress**,** they will be **outweighed by the benefits** from many fewer cold-related deaths and higher agricultural productivity from higher levels of CO2. Global warming is a long-term problem. Most models indicate that the cost toward the end of the century will be 1-5% of world GDP. This is not a trivial loss; but nor does it put "the world economy at risk." For comparison, the IPCC expects that by the end of the century, the average person in the developing world will be 1,400-1,800% richer than today. Such incorrect statements by leading officials reinforce **wasteful policies** based on **wishful thinking**. Figueres sees "momentum growing toward" climate policies as countries like China "reduce coal use." In the real world, China accounts for almost 60% of the global increase in coal consumption from 2012 to 2014, according to the International Energy Agency. While Figueres lauds China for dramatically increasing its solar-power capacity in 2013, the increase in China's reliance on coal power was 27 times greater. Figueres's weak grasp on the facts has led her not only to conclude that China is "doing it right" on climate change, but also to speculate that China has succeeded because its "political system avoids some of the legislative hurdles seen in countries including the US." In

other words, the UN's top climate official seems to be suggesting that an authoritarian political system is better for the planet. The fact remains that global wind and solar power usage in 2012 cut, at most, 275 million tons of CO2, while soaking up $60 billion in subsidies. With the electricity worth possibly $10 billion, the average cost of cutting a ton of CO2 is about $180. The biggest peer-reviewed estimate of the damage cost of CO2 is about $5 per ton. This means that solar and wind power avoid about $0.03 of climate damage for every dollar spent. Compare this to smarter technological solutions. In the short run, the US shale-energy revolution has replaced high-polluting coal with cheaper, cleaner natural gas. This has cut about 300 million tons of US emissions – more than all the world's solar and wind power combined – and at the same time has profited Americans by saving them $100 billion in energy costs. In the long run, current investment in green research and development will help drive the price of future renewable energy below that of fossil fuels, enabling a choice that is both environmentally and economically sound. In the meantime, even dramatic cuts in CO2 emissions will have **very little impact** on hurricanes 50-100 years from now. Lifting billions of people out of poverty, however, would not only be intrinsically good; it would also make societies much more resilient in the face of extreme weather, whether caused by global warming or not.

No impact to warming—recent studies

Condie 4/23, (Bill, editor, journalist for more than 30 years, working as a writer and editor in Europe, Asia and Australia for newspapers including The Guardian, The Observer and The Times, "Warming 'slowdown' has no impact on longer term climate trends", Cosmos Newsblog, 4-23-2015, http://blog.cosmosmagazine.com/blog/2015/4/23/warming-slowdown-has-no-impact-on-longer-term-climate-trends)

The recent slowdown in the rise of global average air temperatures will make no difference to how much the planet will warm by 2100, a new study has found. "**The slowdown in global warming has no bearing on long-term projections – it is simply due to decadal variability. Greenhouse gases will eventually overwhelm this natural fluctuation," said** lead author and Chief Investigator with the ARC Centre of Excellence for Climate System Science, Prof Matthew England. **The study**, published today in Nature Climate Change, **compared climate models that capture the current slowdown in warming to those that do not. The study found that long-term warming projections up to 2100 were effectively unchanged across the two groups of models.** "Our research shows that while **there may be short-term fluctuations in global average temperatures, long-term warming of the planet is an inevitable consequence of increasing greenhouse gas concentrations," Prof England said. "This much hyped global warming slowdown is just a distraction to the task at hand".** The models were analysed using one of two IPCC carbon emission projections. The first was a scenario where greenhouse gas concentrations continue to rise unabated through the 21st Century. The second assumes emissions are reduced to address global warming, peaking by 2040 before declining sharply. **Under the high emissions scenario, the difference in average projected end-of-century warming between the two groups of models is less than 0.1°C**. **Warming of this magnitude is well beyond the 2°C threshold that is considered a target by the** Australian Government and a safe limit by the **IPCC.** Some lobby groups have tried to argue that the recent slowdown in the rise of global average temperatures is a reason to abandon international and national efforts to curb carbon emissions. Cosmos has reported on several reasons for the apparent slowdown, including the behaviour of winds in the Pacific Ocean. See Has global warming paused.

6 degree warming inevitable---massively outweighs aff solvency

AP 9 (Associated Press, Six Degree Temperature Rise by 2100 is Inevitable: UNEP, September 24, http://www.speedy-fit.co.uk/index2.php?option=com_content&do_pdf=1&id=168)

Earth's temperature is likely to jump six degrees between now and the end of the century even if every country cuts greenhouse gas emissions as proposed, according to a United Nations update. Scientists looked at emission plans from 192 nations and calculated what would happen to global warming. The projections take into account 80 percent emission cuts from the U.S. and Europe by 2050, which are not sure things. The U.S. figure is based on a bill that passed the House of Representatives but is running into resistance in the Senate, where debate has been delayed by health care reform efforts. Carbon dioxide, mostly from the burning of fossil fuels such as coal and oil, is the main cause of global warming, trapping the sun's energy in the atmosphere. The world's average temperature has already risen 1.4 degrees since the 19th century. Much of projected rise in temperature is because of developing nations, which aren't talking much about cutting their emissions, scientists said at a United Nations press conference Thursday. China alone adds nearly 2 degrees to the projections. "We are headed toward very serious changes in our planet," said Achim Steiner, head of the U.N.'s environment program, which issued the update on Thursday. The review looked at some 400 peer-reviewed papers on climate over the last three years. Even if the developed world cuts its emissions by 80 percent and the developing world cuts theirs in half by 2050, as some experts propose, the world is still facing a 3-degree increase by the end of the century, said Robert Corell, a prominent U.S. climate scientist who helped oversee the update. Corell said the most likely agreement out of the international climate negotiations in Copenhagen in December still translates into a nearly 5-degree increase in world temperature by the end of the century. European leaders and the Obama White House have set a goal to limit warming to just a couple degrees. The U.N.'s environment program unveiled the update on peer-reviewed climate change science to tell diplomats how hot the planet is getting. The last big report from the Nobel Prize-winning Intergovernmental Panel on Climate Change came out more than two years ago and is based on science that is at least three to four years old, Steiner said. Global warming is speeding up, especially in the Arctic, and that means that some top-level science projections from 2007 are already out of date and overly optimistic. Corell, who headed an assessment of warming in the Arctic, said global warming "is accelerating in ways that we are not anticipating." Because Greenland and West Antarctic ice sheets are melting far faster than thought, it looks like the seas will rise twice as fast as projected just three years ago, Corell said. He said seas should rise about a foot every 20 to 25 years.

Mosaic Theory Advantage

Impact Answers

Privacy (Also See Freedom Act Neg)

Counter-bias – their epistemology's more flawed. Excess fear of surveillance means Aff scholarship's MORE of an exaggeration than ours.

McDonough '15 (Shannon McDonough – Instructor in Social Sciences at Allen University. The author holds a B.A. in Sociology from Miami University, Ohio and an M.A. Sociology from The University of South Carolina. This article is co-authored by Mathieu Deflem – a Professor at the University of South Carolina in the Department of Sociology. His research areas include law, policing, terrorism, popular culture, and sociological theory. "The Fear of Counterterrorism: Surveillance and Civil Liberties Since 9/11" – From the Journal: Society - February 2015, Volume 52, Issue 1, pp 70-79 – obtained via the Springer database collection).

Civil liberties organizations as well as a number of academic scholars have routinely criticized post-9/11 counterterrorism initiatives as unconstitutional and major threats to civil liberties and privacy. Harmonizing with the claims from civil liberties groups are contributions in the popular and scholarly discourse on surveillance and counterterrorism that lament the purported negative impact of **government**al policies and related **surveillance** and intelligence activities on personal rights and liberties. The revelations by former security contractor Edward Snowden in June 2013 concerning alleged spying practices by the National Security Agency (NSA) greatly reinvigorated these debates. We investigate here if there is any counter-evidence to the **alarmist statements** that are often made in the popular and scholarly discourse on civil liberties and **surveillance.** Against the background of academic scholarship on surveillance and criticisms from civil liberty and privacy groups, we rely on **archival sources,** government documents, and media reports to examine a variety of claims made concerning civil liberties violations by security agencies. Our analysis reveals that at least **a sizeable number of claims** raised against counterterrorism practices **are without objective foundation** in terms of **any actual violations.** As an explanation for this marked discrepancy, we suggest that, as various survey data show, there is a relatively **distinct**, albeit it uneven and not entirely stable, **culture of privacy** and civil liberties in contemporary American society which independently contributes to a **fear of counterterror**ism, **rather than of terrorism**. These specific cultural sensitivities bring about an increase in the amount of civil rights allegations independent of actual violations thereof.

Rights can't be absolute – as they sometimes conflict with other "rights". If some rights were absolute, privacy wouldn't be one of them.

Himma '7 (Kenneth - Associate Professor of Philosophy, Seattle Pacific University. The author holds JD and PhD and was formerly a Lecturer at the University of Washington in Department of Philosophy, the Information School, and the Law School. "Privacy vs. Security: Why Privacy is Not an Absolute Value or Right". San Diego Law Review, Vol. 44, p. 859, 2007. Available at SSRN: http://ssrn.com/abstract=994458)

It is perhaps worth noting that absolutist conceptions are not limited to privacy rights. Some people take the position that the moral right to life is absolute; on an absolutist conception of the right to life, it is never justified to take the life of a person—and this rules out not only the death penalty, but the use of deadly force in defense of the lives of innocent others from a culpable attack. Many people take an absolutist view

with respect to something they call a "right to information," holding that there should be no restrictions of any kind, including legal protection of intellectual property rights, on the free flow of information. As this view has most famously, and idiosyncratically, been put by John Perry Barlow, "information wants to be free."5 When it comes to rights, absolutist talk among theorists, lawyers, and ordinary folk is not at all uncommon these days. Indeed, some people seem to think that rights are, by nature, absolute and hence that it is a conceptual truth that all rights are absolute. Consider the following quote from Patrick Murphy, a Democrat who ran for Congress in 2006: I am also very concerned about the erosion of constitutional rights and civil liberties over the past few years. I taught Constitutional Law at West Point, and it makes me so angry to see our elected leaders in Washington—specifically the White House and the Republican leadership in Congress—pushing policies that erode the foundation of this country. The equal protection clause of the constitution is absolute. The right to privacy is absolute. The right to assemble is absolute. Yet time and time again, the administration has supported, and the Congressional leadership has supported nominees and policies that do not follow the constitution. With my background, I can add to this debate. And I'm not afraid to take a stand for what's right.6 As Murphy explains it, every right in the Constitution is absolute and hence utterly without exception. As there is nothing in the Constitution or any legal instrument or norm that suggests or entails that constitutional rights are absolute, it is reasonable to think that Murphy believes, as many people do, that it is part of the very meaning of having a right that it can never justifiably be infringed. This is why debates about political issues are frequently framed in terms of whether there is some right that protects the relevant interests; rights provide the strongest level of moral or legal protection of the relevant interests. It is certainly true that rights provide a higher level of protection than any other considerations that are morally relevant, but it is not because rights are, by nature, absolute. Rights provide robust protection of the relevant interests because it is a conceptual truth that the infringement of any right cannot be justified by an appeal of the desirable consequences of doing so. No matter how many people it might make happy, it would be wrong to intentionally kill an innocent person because her right to life takes precedence over the interests of other people in their own happiness. As Ronald Dworkin famously puts this conceptual point, rights trump consequences.7 But this conceptual truth about rights does not imply rights are, by nature, absolute. The claim that rights trump consequences implies only that some stronger consideration than the desirable consequences of infringing a right can justify doing so. This latter claim leaves open the possibility that there is some such consideration that would justify infringing some rights. One such candidate, of course, is the existence of other more important rights. It is commonly thought that at least some rights are commensurable and can be ranked in a hierarchy that expresses the relative weight each right in the hierarchy has with respect to other rights. For example, one might think that the right to life is at the top of the hierarchy of commensurable rights, and that property rights are in this hierarchy also. This would explain the common intuition that one may use deadly force when necessary to defend innocent lives from culpable attack, but not when necessary only to defend property rights from violation. If, as seems clear from this example, it is possible for two rights to conflict and for one to outweigh the other, it follows that rights are not, by nature, absolute. What may explain the mistaken view that rights are necessarily absolute is confusion about the relationship of various terms that flesh out the status, origin, and contours of moral rights and obligations. For example, rights are frequently described as "inviolable," meaning that a right can never be justifiably violated. This, of course, is a conceptual truth; to say that a right is violated is to say that its infringement is without justification. But this does not imply that rights can never be justifiably infringed; a person's right to life can be justifiably infringed if he (they) culpably shoots at an innocent person and there is no other way to save that person's life except through use of lethal force in defense of his life. Rights are also thought, by nature, to be supreme, relative to some system of norms—moral, social, or legal—in the sense that they cannot be defeated by other kinds of protections; moral rights are thought to be supreme over all other kinds of considerations, including social and legal rights. But this does not imply that rights are absolute because it says nothing about the relative importance of one right to another; it simply asserts that, by nature, rights outweigh all other relevant considerations. Supremacy and inviolability are part of the very nature of a right, but these properties do not entail that rights are, by nature, absolute. Of course, the negation of the claim that all rights are absolute does not imply that no rights are absolute. The possibility of conflicts between any two rights does not preclude there being one right that wins every conflict because it is absolute, and hence, without exception. A moral pacifist, for example, takes this view of the moral right to life and holds that intentional killing of a human being is always wrong. Moreover, if there are two rights that do not come into conflict with each other and win in conflicts with all other rights, those two rights might be absolute. One might think, for example, that the rights to privacy and life can never conflict and that both are absolute. I am somewhat skeptical that any right is absolute in this strong sense, but if there are any, **it will not be privacy.** As we will see in more detail, privacy is commensurable with other rights, like the right to life, which figures into the right to security. It seems clear that privacy rights and the right to life can come into conflict. For example, a psychologist might be justified in protecting a patient's privacy interests even though doing so includes information that might prevent that person from committing a minor property crime of some kind, but she would not be justified in protecting that information if the psychologist knows its disclosure is necessary to prevent a murder. In any event, I will discuss these kinds of examples in more detail below.

Why does the Debate community treat security interests as callous or mean ?Security interests <u>are</u> *competing rights claims that impact serous moral questions.*

Himma '7 (Kenneth - Associate Professor of Philosophy, Seattle Pacific University. The author holds JD and PhD and was formerly a Lecturer at the University of Washington in Department of Philosophy, the Information School, and the Law School. "Privacy vs. Security: Why Privacy is Not an Absolute Value or Right". San Diego Law Review, Vol. 44, p. 859, 2007. Available at SSRN: http://ssrn.com/abstract=994458)

At the outset, it is important to stress that security interests do not embrace interests not immediately related to the survival and minimal physiological well-being of the individual. My interest in security encompasses my interest in continuing life, my interest in being free from the kind of physical injury that threatens my ability to provide for myself, my interest in being free from the kind of financial injury that puts me in conditions of health- or life-threatening poverty, and my interest in being free from psychological trauma inflicted by others that renders me unable to care for myself. My interest in security is a negative one in the sense that it is protected by a moral right constituted, in part, by moral obligations owed to me by other people to refrain from committing acts of violence or theft capable of causing serious threats to my health, well-being, and life. While it is difficult to draw the line between a serious harm and a nonserious harm, it will have to suffice for my purposes to say that a serious harm is one that interferes significantly with the daily activities that not only give my life meaning, but make it possible for me to continue to survive. Significant trauma to the brain not only interferes with many activities that constitute what Don Marquis calls the "goodness of life,"19 but also interferes with my ability to make a living teaching and writing philosophy—while a mildly bruised arm does not. Where exactly to draw the line is not entirely clear, but for my purposes I do not think much turns on it as long as it is understood that security interests do not include minor injuries of any kind. I imagine the boundaries of the relevant notion of seriousness are likely to be contested in any event, but all would agree that the interest in security, by nature, protects only against threats of serious injuries. **It should be abundantly clear that morality protects these interests in the strongest terms available to it.** Unless one is a complete skeptic about morality and moral objectivity, little argument is needed to show that we have a moral right to be free from acts that pose a high risk of causing either our death or grievous injuries to our bodies. Moreover, I would hazard that non-skeptics about morality would also accept that the moral right to physical security is sufficiently important that a state is, as a matter of political morality, obligated to protect it, by criminalizing attacks on it, as a condition of its legitimacy. No state authority that failed to protect this right could be morally legitimate; at the very least no state authority that failed to do so could be justified in claiming a legitimate monopoly over the use of force. Security interests are not, however, **just** about our own well-being; they encompass the well-being of **other persons** whose activities conduce to our own physical security. We are social beings who live in societies in which there is a pronounced division of labor that makes the security of one person dependent upon the security of other persons in a variety of ways—some more abstract, some less abstract.

Assessing Utilitarian consequences are good. Putting ethics in a vacuum is morally irresponsible.

Issac, '2 (Jeffery, Professor of Political Science at Indiana University, Dissent, Vol. 49 No. 2, Spring)

Politics, in large part, involves contests over the distribution and use of power. To accomplish anything in the political world one must attend to the means that are necessary to bring it about. And to develop such means is to develop, and to exercise, power. To say this is not to say that power is beyond morality. It is to say that power is not reducible to morality. As writers such as Niccolo Machiavelli, Max Weber, Reinhold Niebuhr, Hannah Arendt have taught, an unyielding concern with moral goodness undercuts political responsibility. The concern may be morally laudable, reflecting a kind of personal integrity, but it suffers from three fatal flaws: (1) It fails to see that the purity of one's intentions does not ensure the achievement of what one intends**.** Abjuring violence or refusing to make common cause with morally comprised parties may seem like the right thing, but if such tactics entail impotence, then it is hard to view them as serving any moral good beyond the clean conscience of their supporters; (2) it fails to see that in a world of real violence and injustice, moral purity is not simply a form of powerlessness, it is often a form of complicity in injustice**.** This is why, from the standpoint of politics-as opposed to religion-pacifism is always a potentially immoral stand. In categorically repudiating violence, it refuses in principle to oppose certain violent injustices with any effect; and (3) it fails to see that politics is as much about unintended consequences as it is about intentions; it is the effects of action, rather than the motives of action, that is most significant. Just as the alignment with "good" may engender impotence, it is often the pursuit of "good" that generates evil. This is the lesson of communism in the twentieth century: it is not enough that one's goals be sincere or idealistic; it is equally important, **always**, to ask about the effects of pursuing these goals and to judge these effects in pragmatic and historically contextualized ways. Moral absolutism inhibits this judgment. It alienates those who are not true believers. It promotes arrogance. And it undermines political effectiveness.

Alt cause – corporate privacy infringements are far worse and the public readily accepts it.

Lewis '14 (James Andrew Lewis is a senior fellow and director of the Strategic Technologies Program at the Center for Strategic and International Studies in Washington, D.C., where he writes on technology, security, and the international economy. Before joining CSIS, he worked at the US Departments of State and Commerce as a Foreign Service officer and as a member of the Senior Executive Service. His diplomatic experience included negotiations on military basing in Asia, the Cambodia peace process, and the five-power talks on arms transfer restraint. Lewis received his Ph.D. from the University of Chicago. "Underestimating Risk in the Surveillance Debate" - CENTER FOR STRATEGIC & INTERNATIONAL STUDIES - STRATEGIC TECHNOLOGIES PROGRAM – December - http://csis.org/publication/underestimating-risk-surveillance-debate)

Some of the unhappiness created by the Edward Snowden leaks reflects the unspoken recognition that online privacy has changed irrevocably. The precipitous decline in privacy since the Internet was commercialized **is the elephant in the room** we ignore in the surveillance debate. America's privacy laws are both limited in scope and out of date. Although a majority of Americans believe privacy laws are inadequate, the surveillance debate has not led to a useful discussion of privacy in the context of changed technologies and consumer preferences. Technology is more intrusive as companies pursue revenue growth by harvesting user data. Tracking online behavior is a preferred business model. On average, there are 16 hidden tracking programs on every website. The growing market for "big data" to predict consumer behavior and target advertising will further change privacy. Judging by their behavior, **Internet users are willing to exchange private data for online services.** A survey in a major European country found a majority of Internet users disapproved of Google out of privacy concerns, but more than 80 percent used Google as their search engine. The disconnect between consumer statements and behavior reduces the chances of legislating better protections.

Solvency

Congress Can't Solve

Congress can't keep up with speed of technology

Gatewood, 2014 (Jace C., Associate Professor of Law at Atlanta's John Marshall Law School, "District of Columbia Jones and the Mosaic Theory - In Search of a Public Right of Privacy: The Equilibrium Effect of the Mosaic Theory" Nebraska Law Review Lexis)

Nevertheless, the question that still remains is why the onus should be on the government, rather than the courts or legislature, to determine the scope of the mosaic theory's reach. In other words, why should not the courts or legislature provide specific guidance to law enforcement on the degree of permissible intrusion that will be permitted by the use of specific technology? The simple answer is that the courts and legislature cannot keep up with the speed of technology.

n223 There is no fix-all law that will address all current and future technological advances. By not articulating specific standards in terms of how much information is too much or how long is too long to conduct surveillance, the courts are free to address each new technological advance on a case-by-case basis to determine if the necessary mosaic has been created. Law enforcement and privacy will best be served and preserved if the government is forced to make critical decisions regarding the use and abuse of advanced technology.

Expansion of Mosaic Theory Bad DA

Uniqueness – Court against Mosaic Now

Courts are not ruling on the Mosaic theory now

Bellovin et al, 2014 (Steven M., Prof of Computer Science @ Columbia, Renee M. Hutchins, Associate Prof. of Law @ Maryland Francis King Carey School of Law, Tony Jebara, Associate Prof. of Computer Science @ Columbia, and Sebastian Zimmeck, Ph D. Candidate in Computer Science @ Columbia, "When Enough is Enough: Location Tracking, Mosaic Theory, and Machine Learning" New York University Journal of Law & Liberty Lexis)

In the context of location tracking, the Court has previously suggested that the Fourth Amendment may (at some theoretical threshold) be concerned with the accumulated information revealed by surveillance.3 Similarly, in the Court's recent decision in United States v. Jones, a majority of concurring justices indicated willingness to explore such an approach.4 However, in general, the Court has rejected any notion that technological enhancement matters to the constitutional treatment of location tracking.5 Rather, it has decided that such surveillance in public spaces, which does not require physical trespass, is equivalent to a human tail and thus not regu-lated by the Fourth Amendment. In this way, the Court has avoided a quantitative analysis of the amendment's protections. The Court's reticence is built on the enticingly direct assertion that objectivity under the mosaic theory is impossible. This is true in large part because there has been no rationale yet offered to objectively distinguish relatively short-term monitoring from its counterpart of greater duration.6 This article suggests that by combining the lessons of machine learning with the mosaic theory and apply-ing the pairing to the Fourth Amendment we can see the contours of a response. Machine learning makes clear that mosaics can be created. Moreover, there are important lessons to be learned on when this is the case.c

Uniqueness – Sequential Approach

There is a sequential approach to the Fourth Amendment now

Kerr, 2012 (Orin S., Professor of Law @ George Washington University Law School "THE MOSAIC THEORY OF THE FOURTH AMENDMENT" Michigan Law Review Lexis)

The five votes in favor of a mosaic approach in United States v. Jones do not establish the theory as a matter of law. The majority opinion in Jones failed to adopt the mosaic approach, and it only touched on the mosaic method in passing to express skepticism of it.187 Even if five votes of the current court are ready to embrace the theory, lower courts

must adhere to Supreme Court holdings even when subsequent developments suggest that the Supreme Court would reject those holdings if it reviewed them.188 For now, then, the sequential approach remains good law. At the same time, the concurring opinions in Jones invite lower courts to consider embracing some form of the mosaic approach. Our attention therefore must turn to the normative question: Should courts embrace the mosaic theory? Is the mosaic approach a promising new method of Fourth Amendment interpretation, or is it a mistake that should be avoided? This section argues that courts should reject the mosaic theory. The better course is to retain the traditional sequential approach to Fourth Amendment analysis. The mosaic theory aims at a reasonable goal. Changing technology can outpace the assumptions of existing precedents, and courts may need to tweak prior doctrine to restore the balance of privacy protection from an earlier age. I have called this process "equilibrium adjustment,"189 and it is a longstanding method of interpreting the Fourth Amendment. But the mosaic theory aims to achieve this goal in a very peculiar way.

Hurts Police (General)

Expansion of the Mosaic theory kills investigations – there are no limits, retroactivity, and ensures court clog.

Ostrander, 2011 (Benjamin M. Candidate for JD @ Notre Dame Law School, "THE "MOSAIC THEORY" AND FOURTH AMENDMENT LAW" Notre Dame Law Review Lexis)

Maynard left little guidance as to what durational threshold must to be crossed in order for the use of pattern-detecting technology to be sufficiently prolonged as to render it a search.93 Without a clearly demarcated **line,** law enforcement agents, judges, and individuals cannot know when an aggregate of information will receive Fourth Amendment protection. Law enforcement agents are left to speculate as to how much is too much.94 **This lack of clarity will deter law enforcement agents from utilizing the full extent of their investigatory power**. This is even more problematic with respect to the "mosaic theory's" creation of retroactive unconstitutionality.95 As soon as a pattern is created, previously permissible individual law enforcement steps become unconstitutional. Because the "mosaic theory" retroactively renders the entire mosaic unconstitutional and subject to suppression, law enforcement agents will be even more hesitant in exercising the full extent of their investigatory power. Further, if the "mosaic theory" in the Fourth Amendment is premised on the idea that "prolonged GPS monitoring reveals an intimate picture of the subject's life that he expects no one to have— short perhaps of his spouse,"96 who has the burden of proof with respect to whether the prolonged surveillance has in fact revealed an intimate picture of an individual's life and thus created a mosaic? Unless the location of a "stash-house" is an intimate detail, Maynard can be read to stand for the proposition that warrantless prolonged GPS surveillance is per se unconstitutional. Such an approach would be over-inclusive in that prolonged location monitoring that does not result in a pattern, or a pattern that does not reveal intimate details, would be rendered a search within the meaning of the Fourth Amendment and therefore subject to suppression. Once the mosaic threshold is crossed and a mosaic is created, the question that arises is to how to define the scope of the mosaic. If law enforcement officials engage in a number of sustained investigatory techniques—as they often do—it is likely that whole investigations will be called into question. That is, if a pattern is detected only through the use of multiple investigatory techniques, and the theory is applied consistently, the investigation in its entirety will be rendered a search.97 In this respect, the retroactive effect of the "mosaic theory" takes on greater significance. Rather than having the entire investigation held inadmissible and subject to suppression, law enforcement agents will be overly cautious as to the amount of surveillance conducted. The lack of clarity as to how prolonged the surveillance must be to render it a search, whether intimate details need in fact emerge, and what the proper scope of the **mosaic is will provide defendants with an arsenal to attack every police investigation.**

Mosaic theory kills effective law enforcement.

Bedi, 2014 (Monu, Assistant Professor, DePaul University College of Law, "SOCIAL NETWORKS, GOVERNMENT SURVEILLANCE, AND THE FOURTH AMENDMENT MOSAIC THEORY" Boston University Law Review Lexis)

The most troubling part of adopting the mosaic theory is that it requires the abandonment of, or dramatic alterations to, the Doctrines. The basic problem is the inherent conflict between the first and second models of reasonable expectation. While the Doctrines embrace a per se rule focusing solely on disclosure and why this vitiates privacy, the mosaic theory rests on society's opinion and what it deems reasonable.223 Consider the Public Disclosure Doctrine. The fact that public movements are not protected under the Fourth Amendment is **critical to law enforcement investigations**.224 Visual warrantless surveillance remains a central part of police surveillance.225 It is not clear to what extent these practices will remain constitutional with the introduction of the mosaic theory. For instance, it is common for officers to track vehicles and aggregate information from various sources over a period of time.226 As Gray and Citron point out, the "mosaic theory puts these practices and the line of doctrine endorsing them in obvious jeopardy, particularly when officers are too successful and their investigations produce too much information."227 This danger is compounded by the fact that law enforcement may use a combination of visual and technology-based surveillance (a la Knotts) when investigating a suspect. "How, after all," ask Gray and Citron, "are we to distinguish 'between the supposed invasion of aggregation of data between GPS-augmented surveillance and a purely visual surveillance of substantial length'?"228 It won't do here to simply say that a specific duration of technology-dependent surveillance violates the expectation of privacy. The problem is that the Public Disclosure Doctrine treats all public movements the same, regardless of how much information is disclosed or how long it is observed.229 To carve out exceptions based on what society thinks is unreasonable leaves vulnerable investigative techniques that are **essential to effective law enforcement.**

Using the mosaic theory hampers numerous investigative techniques.

Ostrander, 2011 (Benjamin M. Candidate for JD @ Notre Dame Law School, "THE "MOSAIC THEORY" AND FOURTH AMENDMENT LAW" Notre Dame Law Review Lexis)

One of the most serious implications of the "mosaic theory" in Fourth Amendment law is that it calls into question the validity of previously accepted forms of surveillance. GPS surveillance is not the only form of surveillance that provides law enforcement with a comprehensive and detailed record of someone's movements or affairs when it is sustained on a prolonged basis. Thus, the "mosaic theory," which focuses on the resulting patterns created by individual law enforcement acts that in and of themselves are not searches, naturally calls into question other accepted investigative techniques that are performed on a sufficiently prolonged basis.98 For instance, the "mosaic theory" calls into question the use of pen registers99 and trap and trace devices,100 which have been held to not implicate the Fourth Amendment.101 The "mosaic theory" would also seemingly implicate the prolonged use of a mail cover 102 as an investigatory technique. 103 Although the Supreme Court has yet to address the issue, courts have held that the warrantless use of a mail cover does not violate the Fourth Amendment.104 Another accepted investigatory technique that can reveal very intimate details of an individual's life— particularly if sustained for a prolonged basis—is garbage inspections. 105 It could plausibly be argued that the patterns that result from the prolonged use of garbage inspections are much more intrusive than any pattern resulting from the use of a GPS device.106 The same could be said about prolonged video surveillance.107 It is well settled that video surveillance in public areas does not give rise to a Fourth Amendment issue.108 Thus, video cameras may be placed outside of an individual's residence, and so long as the cameras are incapable of viewing the interior of the residence, no Fourth Amendment right is infringed upon.109 Since Maynard, the "mosaic theory" has in fact been used as the basis for holding a previously accepted investigatory technique a search. In In re Application of the United States of America for an Order Authorizing the Release of Historical

Cell-Site Information,110 Magistrate Judge Orenstein denied the government's application for an order under the Stored Communications Act111 directing a service provider to disclose two months worth of historical cell-site location information. 112 According to Magistrate Judge Orenstein: The Maynard court's concern with sustained GPS tracking over the course of a month was not its formally continuous nature, but rather the fact that it results in a vast collection of specific data points that, viewed together, convey the "intimate picture" of a subject's life. It is the ability to amass a collection of such points, and not the ability to trace the route from each one to the next, that carries with it the ability to resolve those points into a comprehensible picture.113 Applying the "mosaic theory" to historical cell-site information, Magistrate Judge Orenstein concluded that the Fourth Amendment required the government to obtain a warrant based on a showing of probable cause.114 The most significant implication of the "mosaic theory," however, is that it calls into question the governmental use of prolonged visual surveillance in criminal investigations.115 In Maynard, the court addressed the issue of the possible extension of the "mosaic theory" to prolonged visual surveillance.116 Although the court ultimately declined to decide whether such a situation would constitute a search under the new theory, it suggested that visual surveillance would not be implicated.117 The court noted that practically, law enforcement agents do not have the capability to sustain visual monitoring for a duration that exposes information not revealed to the public.118 This argument is unpersuasive to the extent that it suggests that a mosaic is only created if the whole of one's movements is captured. A pattern can be created, and thus intimate details revealed, by the aggregation of individual law enforcement steps not necessarily constituting the whole of the investigatory techniques employed. The court implicitly recognizes this, as even continuous GPS tracking of a vehicle does not reveal the entirety of one's movements, but rather only the movements of a particular vehicle. Further, the dismissal of the implication of visual surveillance is problematic to the extent that it relies on the probability of law enforcement success. Such probability, however, must be viewed in relation to the factual context in which the investigation is conducted, and not in the abstract. To be sure, it is not beyond the realm of possibility that a properly equipped and resourced law enforcement unit would be capable of monitoring an unsuspecting individual for a continuous period of time sufficient to create a mosaic. As a theoretical matter, the court reasoned that in contrast to prolonged GPS monitoring, the extension of the "mosaic theory" to visual surveillance would fail as the means used to uncover private information would not defeat one's expectation of privacy.119 The court's analogy to the distinction between the placement of undercover agents and wiretapping120 overlooks the fact that here, warrantless GPS tracking and visual surveillance are constitutional in the first instance. In fact, the "**mosaic theory" focuses on the nature of the information revealed**—a pattern exposing intimate details—**and does not focus on the investigatory method** used to attain such information. Beyond prolonged visual and video surveillance, Maynard does not express a view as to whether other investigatory techniques would be called into question by the "mosaic theory." This analysis suggests that the "mosaic theory," if consistently applied, would implicate the cumulative effect of previously accepted surveillance methods.121 It is in this capacity that the "mosaic theory" has the potential to revolutionize the Fourth Amendment.

Court application of the mosaic theory is impractical and hurts police investigations.

Ostrander, 2011 (Benjamin M. Candidate for JD @ Notre Dame Law School, "THE "MOSAIC THEORY" AND FOURTH AMENDMENT LAW" Notre Dame Law Review Lexis)

The use of emerging and existing intrusive technologies in criminal investigations certainly has the potential to have a substantial effect on privacy. In an effort to combat the threat of such use, Maynard introduced the "mosaic theory" into Fourth Amendment law. The "mosaic theory" holds that individual law enforcement acts that are not "searches" become a "search" when aggregated, as the whole reveals more than the individual acts it comprises. This Note suggests that despite the intuitive appeal of a "mosaic theory," the use of the theory in Fourth Amendment law is misguided. The "mosaic theory" is inconsistent with the Supreme Court's voluntary exposure analysis, which has often classified theoretical or limited disclosures of information as complete exposures warranting no Fourth Amendment protection. 176 It is also inconsistent with the Supreme Court's implicit rejection of the proposition that the Fourth Amendment analysis is altered when an investigatory technique is prolonged to the point where information may be accumulated.177 Not only is the theory inconsistent with existing Fourth Amendment jurisprudence, it is also impractical in application.

A problematic question arises as to what durational threshold must be crossed in order for the use of a pattern-detecting technology to be sufficiently prolonged as to render it a search. Once this illusive threshold is crossed and a mosaic is created, the question that then arises is how to define the scope of the mosaic. If a pattern is created only through the use of multiple investigatory techniques, the entire investigation will be rendered a search. Also left unanswered is the appropriate standard of review for the use of pattern-detecting investigatory techniques in criminal investigations. The most serious implication of the theory, however, is that it calls into question a number of previously accepted investigatory techniques.

Removal of the third party doctrine hurts law enforcement's ability to investigate

Thompson 14 – Richard M Thompson II, is a Legislative Attorney for —— 2014. ("The Fourth Amendment Third-Party Doctrine," Congressional Research Service, June 5, 2014. Available at https://www.fas.org/sgp/crs/misc/R43586.pdf, Accessed on 07-06-2015)

As a more practical matter, assistance from third parties is utilized by law enforcement in almost every investigation. When investigating a murder, robbery, or any other crime committed in the real world, police officers will usually interview witnesses to obtain facts about the crime. To conduct these interviews, the officers generally need not obtain a warrant, and witnesses who refuse to cooperate can be compelled to testify with a grand jury subpoena.119 It could be argued that this process of fact finding is very similar to requesting documentary evidence held by third parties and the same standard should be applied to each.

In this same vein, Professor Orin Kerr has defended the third-party doctrine on the ground that it maintains the appropriate balance of privacy and security in the face of technological change.120 Without the ability to use third parties such as telephone or Internet companies, Kerr posits, the criminal would traditionally have to go out into the public to commit his crime where the Fourth Amendment offers more limited protection. He argues that a criminal can use the services of these third parties to commit crimes without having to expose these activities to areas open to public surveillance.121 This, he posits, upsets the privacy-security balance that undergirds the Fourth Amendment because it would require police to have probable cause to obtain any evidence of the crime: "The effect would be a Catch-22: The police would need probable cause to observe evidence of the crime, but they would need to observe evidence of the crime first to get probable cause."122 Kerr contends that the third-party doctrine responds to this imbalance by providing the same amount of protection regardless of whether the defendant commits the crime on his own or through the use of a third-party service.

Hurts Undercover Informants

Mosaic theory undermines the ability of undercover agents to work in law enforcement.

Bedi, 2014 (Monu, Assistant Professor, DePaul University College of Law, "SOCIAL NETWORKS, GOVERNMENT SURVEILLANCE, AND THE FOURTH AMENDMENT MOSAIC THEORY" Boston University Law Review Lexis)

Scholars have questioned the viability of the mosaic theory, particularly as it relates to the status of government investigative practices.11 Accepting this theory puts routine government surveillance in jeopardy of

Fourth Amendment restrictions.12 It seems that even the brief surveillance of an individual could reveal private information. For instance, a single trip to a particular religious gathering or political function could reveal compromising or otherwise personal information that an individual would like to keep secret. More generally, people may disagree as to what society thinks is reasonable or unreasonable surveillance.13 Perhaps even short-term monitoring of a person's public movements in a remote area where police are not likely to find themselves would also qualify as an unreasonable intrusion.14 To make matters worse, this theory also severely curtails the application of the Third Party Doctrine, the corollary to the Public Disclosure Doctrine (collectively the "Doctrines").15 The Third Party Doctrine states that any information disclosed to another person or entity—much like the public generally—loses any Fourth Amendment protection.16 This doctrine allows law enforcement to use undercover agents and surreptitiously gather information without a warrant.17 However, under the mosaic approach, one could also argue that these communications, taken in the aggregate, can reveal private information about this person (e.g., disclosures about religious or privately held beliefs) and thus should be protected, particularly if the agent goes to great lengths in gaining the confidence of the suspect.1

Hurts Third Party Doctrine

Mosaic theory kills the third party doctrine and law enforcement

Bedi, 2014 (Monu, Assistant Professor, DePaul University College of Law, "SOCIAL NETWORKS, GOVERNMENT SURVEILLANCE, AND THE FOURTH AMENDMENT MOSAIC THEORY" Boston University Law Review Lexis)

The Third Party Doctrine would also be on shaky ground. Here, too, the mosaic theory would upset the voluntary disclosure principle that stands at the heart of this doctrine.230 Shifting the focus to what society or an individual deems reasonable (the first model of reasonable expectation of privacy) would surely frustrate the use of undercover informants or other surreptitious data collection techniques that do not require a warrant. Imagine a scenario where an informant is deep undercover for a significant period of time gaining the trust of a Or imagine an informant who dupes a suspect into allowing her into her home and disclosing private and incriminating information. suspect. Or perhaps the government simply acquires a wealth of financial records from a suspect's bank. Currently, all of these types of law enforcement tools do not trigger Fourth Amendment protection because the individual voluntarily discloses the information to another person or entity.231 However, under the mosaic theory, none of these tactics are secure.232 Societal expectations may find that these methods, too, impinge on Fourth Amendment rights as they involve unreasonable duplicity and reveal private information. Police would thus find themselves in the new position of having to secure a warrant based on probable cause before engaging in these practices. For some, this conclusion may be welcomed, particularly in today's technological world where disclosures to various entities and individuals have become ubiquitous.233 Justice Sotomayor, in fact, raises this possibility in her concurrence.234 This Article does not take such a drastic approach, nor would such a course be desirable. Any such rejection would come at the cost of jettisoning or severely curtailing essential law enforcement investigative techniques that have historically not been subject to warrant and probable cause requirements.235

Child Porn Impact

Police effectiveness and internet surveillance strategies are key to stopping atrocities such as child pornography

Wortley and Smallbone 12 – Richard Wortley has a PhD in psychology, and worked as a prison psychologist for ten years, and is a past national Chair of the Australian Psychological

Society's College of Forensic Psychologists; Stephen Smallbone is a psychologist and Professor in the School of Criminology and Criminal Justice and an Australian Research Council 'Future' Fellow, 2012 ("Child Pornography on the Internet," Problem-Oriented Guides for Police Problem-Specific Guides Series No. 41, 5/2012, Avaliable Online at http://www.hawaii.edu/hivandaids/Child_Pornography_on_the_Internet.pdf, accessed on 7/3/15)//CM

General Considerations for an Effective Response Strategy As noted, Internet child pornography presents some unique challenges for law enforcement agencies. However, despite the difficulties involved in controlling the problem, local police have an important role to play. To maximize their contribution, local police departments need to: Acquire technical knowledge and expertise in Internet pornography. If your department does not have a specialized Internet crime unit, then find out where you can obtain assistance or training. Appendix B lists online resources that can provide information on national and international initiatives, tips and leads, technical assistance, and staff training. Establish links with other agencies and jurisdictions. It is important that local police departments share information and coordinate their activities with other jurisdictions. Appendix B also lists agencies that have specific programs or sections designed to provide a coordinated response to Internet child pornography. Establish links with ISPs. ISPs can be crucial partners for police. As has been noted, there is often a lack of specific legislation setting out ISPs' obligations. This makes it especially important for police to establish good working relations with ISPs to elicit their cooperation in the fight against Internet child pornography. Prioritize their efforts. Because of the volume of Internet child pornography crime, police forces need to prioritize their efforts and concentrate on the most serious offenders, particularly those actually involved in abusing children and producing pornographic images.60 For example, one strategy may be to cross reference lists of Internet child pornography users with sex offender registries to increase the chance of targeting hands-on offenders (see Appendix B). It has been noted that success in combating child pornography is too often judged in terms of the number of images recovered, rather than by the more significant criterion of whether the crimes the images portray have been prevented. Specific Responses to Reduce Internet Child Pornography It is generally acknowledged that it is impossible to totally eliminate child pornography from the Internet. However, it is possible to reduce the volume of child pornography on the Internet, to make it more difficult or risky to access, and to identify and arrest the more serious perpetrators. Since 1996, ISPs have removed some 20,000 pornographic images of children from the web.62 Around 1,000 people are arrested annually in the United States for Internet child pornography offenses.63 The following strategies have been used or suggested to reduce the problem of child pornography on the Internet. Computer Industry Self Regulation ISPs have a central role to play in combating Internet child pornography. The more responsibility ISPs take in tackling the availability of child pornography images on the Internet, the more resources police can devote to addressing the production side of the problem. However, there are two competing commercial forces acting on ISPs with respect to self regulation. On the one hand, if an ISP restricts access to child pornography on its server, it may lose out financially to other ISPs who do not. Therefore, it will always be possible for offenders to find ISPs who will store or provide access to child pornography sites. On the other hand, ISPs also have their commercial reputation to protect, and it is often in their best interests to cooperate with law enforcement agencies. Most major ISPs have shown a commitment to tackling the problem of child pornography. By establishing working relationships with ISPs, and publicizing those ISPs who take self regulation seriously, police may be able to encourage greater levels of self regulation. Current self-regulatory strategies include:1. Removing illegal sites. A number of ISP associations have drafted formal codes of practice that explicitly bind members to not knowingly accept illegal content on their sites, and to removing such sites when they become aware of their existence. Service agreement contracts with clients will often set out expected standards that apply to site content. Large ISPs may have active cyber patrols that search for illegal sites.64 2. Establishing complaint sites/hotlines. Some ISP associations have set up Internet sites or hotlines that allow users to report illegal practices.65 These associations either deal directly with the complaint (e.g., by contacting the webmaster, the relevant ISP, or the police) or refer the complainant to the appropriate authorities. 3. Filtering browsers/search engines. ISPs can apply filters to the browsers and search engines their customers use to locate websites. There are numerous filtering methods. For example, filters can effectively treat certain key words as if they do not exist, so that using these words in a search will be fruitless.66 Software that can identify pornographic images is also being developed. Legislative Regulation Not everyone is satisfied with the current reliance on self regulation, and there have been calls for increased legislation to compel the computer

industry to play a greater role in controlling Internet child pornography. Police may be an important force in lobbying for tighter restrictions. Among the proposals for tighter regulation are: 4. Making ISPs legally responsible for site content. ISPs' legal responsibilities to report child pornography vary among jurisdictions. In the United States, ISPs are legally required to report known illegal activity on their sites, but they are not required to actively search for such sites.68 It has been argued that ISPs' legal responsibilities should be strengthened to require a more proactive role in blocking illegal sites.69 5. Requiring the preservation of ISP records. Police may apply for a court order to seize ISP accounts.70 However, to assist in the prosecution of offenders, ISPs need to maintain good records of IP logging, caller ID, web hostings, and so forth.71 6. Requiring user verification. ISPs often exercise little control over verifying the identities of people who open Internet accounts. Accounts may be opened using false names and addresses, making it difficult to trace individuals who engage in illegal Internet activity. In addition, without verifying users' ages, there is no way of knowing if children are operating Internet accounts without adult supervision. This problem of Internet anonymity is likely to increase as the potential to access the Internet via mobile phones becomes more common. It has been argued that both ISPs and mobile phone networks need to strengthen procedures for user verification.72 7. Regulating anonymous remailers. Remailers are servers that forward emails after stripping them of sender identification. It has been argued that much tighter regulation of remailers is necessary. Some have advocated making remailer administrators legally responsible for knowingly forwarding illegal material, while others have called for a complete ban on remailers.73 8. Using key escrowed encryption. Encryption of pornographic images is shaping to be the biggest technological problem facing law enforcement agencies. Key escrowed encryption would require anyone selling encryption software to supply a trusted third party with a key to the code.74 This has been strongly resisted by the computer industry. In the meantime, work continues on developing code-breaking software.

Surv. Key To Solve

Law enforcement responses to child pornographers rely on effectiveness and surveillance

Wortley and Smallbone 12 – Richard Wortley has a PhD in psychology, and worked as a prison psychologist for ten years, and is a past national Chair of the Australian Psychological Society's College of Forensic Psychologists; Stephen Smallbone is a psychologist and Professor in the School of Criminology and Criminal Justice and an Australian Research Council 'Future' Fellow, 2012 ("Child Pornography on the Internet," Problem-Oriented Guides for Police Problem-Specific Guides Series No. 41, 5/2012, Avaliable Online at http://www.hawaii.edu/hivandaids/Child_Pornography_on_the_Internet.pdf, accessed on 7/3/15)//CM

Law Enforcement Responses In the strategies discussed so far the police role has largely involved working in cooperation with other groups or acting as educators. A number of strategies are the primary responsibility of police. As a rule, local police will not carry out major operations. Most major operations require specialized expertise and inter-agency and inter-jurisdictional cooperation. (See Appendix C for a summary of major coordinated law enforcement operations in recent years.) However, local police will almost certainly encounter cases of Internet child pornography in the course of their daily policing activities. Law enforcement responses include: 19. Locating child pornography sites. Police agencies may scan the Internet to locate and remove illegal child pornography sites. Many areas of the Internet are not accessible via the usual commercial search engines, and investigators need to be skilled at conducting sophisticated searches of the 'hidden net.' Police may issue warnings to ISPs that are carrying illegal content.

20. Conducting undercover sting operations. Law enforcement agents may enter pedophile newsgroups, chat rooms, or P2P networks posing as pedophiles and request emailed child pornography images from others in the group.82 Alternatively, they may enter child or teen groups posing as children and engage predatory pedophiles lurking in the group who may send pornography or suggest a meeting. A variation of the sting operation is to place ads on the Internet offering child pornography for sale and wait for replies.83 Recently, Microsoft announced the development of the Child Exploitation Tracking System to help link information such as credit card purchases, Internet chat room messages, and conviction histories.84 21. Setting up honey trap sites. These sites purport to contain child pornography but in fact are designed to capture the IP or credit card details of visitors trying to download images. These can be considered a type of sting operation and have resulted in numerous arrests. However, their primary purpose is to create uncertainty in the minds of those seeking child pornography on the Internet, and, therefore, reduce the sense of freedom and anonymity they feel (see Operation Pin in Appendix C). 22. Publicizing crackdowns. Many police departments have learned to use the media to good effect to publicize crackdowns on Internet child pornography.85 Coverage of crackdowns in the mass media increases the perception among potential offenders that the Internet is an unsafe environment in which to access child pornography. 23. Conducting traditional criminal investigations. Although most media attention is often given to technological aspects of controlling Internet child pornography, in fact many arrests in this area arise from traditional investigative police work. Investigations may involve information from: The public: The public may contact police directly, or information may be received on one of the various child pornography hotlines. Computer repairers/technicians: Some states mandate computer personnel to report illegal images.86 There are cases where computer repairers have found child pornography images on an offender's hard drive and notified police.87 Police may establish relationships with local computer repairers/ technicians to encourage reporting. Victims: A point of vulnerability for producers of child pornography is the child who appears in the pornographic image. If the child informs others of his/her victimization, then the offender's activities may be exposed.88 Known traders: The arrest of one offender can lead to the arrest of other offenders with whom he has had dealings, producing a cascading effect. In some cases the arrested offender's computer and Internet logs may provide evidence of associates. (See Operation Cathedral in Appendix C.) Unrelated investigations: There is increasing evidence that many sex offenders are criminally versatile and may commit a variety of other offenses.89 Police may find evidence of Internet child pornography while investigating unrelated crimes such as drug offenses.

Cyber Harassment Impact

Cyberharassment is a growing problem - mosaic theory hinders apprehension.

Gray, Keats Citron, and Rinehart, 2013 (David, Associate Professor, University of Maryland Francis King Carey School of Law, Danielle, Lois K. Macht Research Professor of Law, University of Maryland Francis King Carey School of Law, and Liz Clark, University of

Maryland Francis King Carey School of Law, "SYMPOSIUM ON CYBERCRIME: FIGHTING CYBERCRIME AFTER UNITED STATES V. JONES" Journal of Criminal Law & Criminology Lexis)

Cyberharassment is a widespread and growing challenge for law enforcement in the United States. These online attacks feature threats of violence, privacy invasions, reputation-harming falsehoods, impersonation, computer hacking, and extortion. They often appear in e-mails, instant messages, blog entries, message boards, or sites devoted to tormenting individuals. As the executive director of the National Center for Victims of Crime explained in her congressional testimony supporting the 2006 cyberstalking amendment to the Violence Against Women Act: Stalkers are using very sophisticated technology ... - installing spyware on your computer so that they can track all of your interactions on the Internet, your purchases, your e-mails and so forth, and then using that against you, forwarding e-mails to people at your job, broadcasting your whereabouts, your purchases, your reading habits and so on, or installing GPS in your car so that you will show up at the grocery store, at your local church, wherever and there is the stalker and you can't imagine how the stalker knew that you were going to be there... . I am happy that this legislation amends the statute so that prosecutors have more effective tools, I think, to address technology through VAWA 2005. n257 Although some attackers confine their harassment to networked technologies, others use all available tools to harass victims, including real-space contact. Offline harassment or stalking often includes abusive phone calls, vandalism, threatening mail, and physical assault. n258 According to the Bureau of Justice Statistics, 850,000 adults experienced stalking with an online component in 2006, including threats in e-mails, text messages, chat rooms, and blogs. n259 Young people are even more likely to experience some form of cyberharassment. The National Center for Education Statistics reports that, during the 2008-2009 school year, 1.5 million young people in the United States were victims of some form of cyberharassment. n260 Already a significant problem, [*789] cyberharassment is on the rise. College students now report more sexually harassing speech in online interactions than in face-to-face ones. As the National Institute of Justice explains, the "ubiquity of the Internet and the ease with which it allows others unusual access to personal information" make individuals more accessible and vulnerable to online abuse. n261 Harassing someone online is far cheaper and less personally risky than confronting them in space. n262 Cyberharassment and the identity of its victims follow the well-worn pathways of bias crimes. The most recent Bureau of Justice Statistics findings report that 74% of online stalking victims are female. n263 Perpetrators are far more likely to be men. n264 Unsurprisingly, the content of these attacks are often sexually explicit and demeaning, drawing predominantly on gender stereotypes. As one blogger observed, "the fact is, to be a woman online is to **eventually be threatened with rape and death**. On a long enough timeline, **the chances of this not occurring** drop to [*790] zero." n265 Cyberharassment also follows racial lines. A study conducted in 2009 asked 992 undergraduate students about their experience with cyberharassment. According to this study, nonwhite females faced cyberharassment more than any other group, with 53% reporting having been harassed online. Next were white females, with 45% reporting having been targeted online, with nonwhite males right behind them at 40%. The group least likely to have been harassed was white males, at 31%. n266 Across race, being lesbian, transgender, or bisexual also raised the risk of being harassed. real n267 Another disturbing feature of cyberharassment is that it tends to be perpetrated by groups rather than individuals. Those who engage in abusive online conduct often move in packs. n268 Cyberharassers frequently engage proxies to help torment their victims. n269 These group attacks bear all of the hallmarks of violent mob behavior. So much so, in fact, that one of us has dubbed them "cyber mobs." n270 As with sole practitioners, online mob harassment is more likely to be perpetrated by members of dominant demographics, and to draw on popular stigmas for the purpose of shaming and degrading their targets. n271 Of course, cold statistics and general description tell at best part of the story of legitimate government and law enforcement interests in preventing, detecting, and prosecuting cyberharassment. Recent efforts to highlight the privacy interests that compel recognition of the mosaic theory of Fourth Amendment privacy make liberal use of individual stories, in part to pluck [*791] empathetic strings in the audience. n272 In weighing the competing interests at stake in regulating access to and use of digital surveillance technologies, it is therefore fair to consider the impact of crimes like cyberharassment in individual cases. Take the publicly reported case of D.C. v. R.R. n273 D.C. was a high school student who was actively pursuing a career in the entertainment industry as a singer and actor. n274 He used a pseudonym in his professional career, n275 under which he maintained a

fan site that, among other features, allowed visitors to post comments to a "guestbook." Several students at D.C.'s school, who were later identified in a civil suit, engaged in a pattern of targeted harassment of D.C. by posting comments to his website. Some were simply offensive - one student told D.C. that he was "the biggest fag in the [high school] class." n276 Others, however, went much further, threatening physical and sexual violence in graphic detail. One person posted on D.C.'s website, "I want to rip out your fucking heart and feed it to you... . If I ever see you I'm ... going to pound your head in with an ice pick. Fuck you, you dick-riding penis lover. I hope you burn in hell." n277 Another post told D.C. that he was "now officially wanted dead or alive," and a third promised to "unleash my manseed in those golden brown eyes." n278 According to a California appellate court, the contents of these posts suggested that "the students ... sought to destroy D.C.'s life, threatened to murder him, and wanted to drive him out of [his high school] and the community in which he lived." n279 In that goal they were successful. On [*792] advice of law enforcement, who consulted the Federal Bureau of Investigation, D.C. withdrew from his school and moved with his family to the other end of the state. n280 Despite these efforts, the student newspaper at his former school reported his new location and the name of his new institution. n281 As a consequence of this harassment, D.C. developed a persistent anxiety disorder. n282 Cyberharassment has also spawned a new brand of extortion labeled "sextortion." n283 This is a form of blackmail in which the extortionist threatens to publicize images or information that his target might find embarrassing unless the victim provides sexually explicit pictures and videos or agrees to participate in live sex shows via Skype or other direct video communications. n284 One infamous perpetrator of sextortion schemes invaded his targets' computers using malicious software that allowed him to mine his victims' hard drives for compromising images or to capture images using their own computer cameras. n285 He then used those images and access to his targets' computers and e-mail accounts to terrorize them until they agreed to produce sexually explicit pictures or videos for him. Young people are particularly vulnerable. n286 Teenagers who are extorted into engaging in explicit sex acts under threat and at such a formative stage of their development are also more likely to suffer scarring emotional and psychological harm. n287 As United States Attorney Joseph Hogsett put the [*793] point when commenting on a successful prosecution, "This defendant may not remember his alleged victims, but the true tragedy is that not one of them will ever forget." n288 Cyberharassers engage in telephone harassment as well. For example, in September 2010, Daniel Leonard pleaded guilty to a pattern of harassment that involved over 4,000 threatening and sexually explicit phone calls made to over 1,200 phone numbers using an Internet "spoofing" service that masked his phone number from the call recipients. n289 Others go further still by using the Internet to incite others to rape and stalk victims. Federal prosecutors recently brought a cyberstalking indictment against a man who impersonated his ex-girlfriend online over a four-year period, inciting others to stalk her in person. The man posted online advertisements with the victim's contact information and her alleged desire for sex with strangers. On porn sites, he uploaded videos of her having sex (which he filmed while they were dating) alongside her contact information. n290 Because strange men began appearing at her home demanding sex, the woman changed her name and moved to another state. Her ex-boyfriend discovered her new personal information and again posted her name, address, and an invitation to have sex on pornography sites next to her picture. The cycle repeated itself, with strange men coming to her house at night demanding sex. Although this victim was never physically assaulted, others are not so lucky. In December 2009, Ty McDowell broke into the home of a woman in Casper, Wyoming, tied her up, and raped her. During the course of the [*794] attack, he told her: "You want an aggressive man, bitch, I'll show you aggressive." n291 Although McDowell did not know his victim, his crime was not random. Rather, he had responded to an online advertisement posted on Craigslist that purported to be from a woman seeking to fulfill her own rape fantasies. After a lengthy correspondence with the ad's poster, McDowell believed that he was fulfilling his victim's desires. n292 He was not. As a subsequent investigation would reveal, McDowell was in communication with Jebediah Stipe, who posted the ad and arranged the attack on his ex-girlfriend. n293 Stipe and McDowell were sentenced to sixty-year prison terms after pleading guilty to charges of aggravated kidnapping, rape, and burglary. n294 Cyberharassment can also be more general. Sites that encourage sexualized online abuse are all too common. The website IsAnyoneUp.com provides a notorious example. For a time, it was one of the most popular forums on the Internet for "revenge porn," which entails spurned former lovers posting sexualized pictures of their ex-wives and ex-girlfriends on a public forum so that others can leer at and demean them. n295 Although IsAnyoneUp.com eventually shut down amidst protests and outcry, its operator, Hunter Moore, started a similar site under a different name, HunterMoore.TV, which may eventually include not only pictures of women, but also an overlaid map to the homes of those featured in the pictures. n296 Consider too "Violentacrez," a notorious Reddit administrator [*795] who oversaw forums like "Jailbait," "Creepshots," "Rapebait," "Incest," "Beatingwomen," and "Picsofdeadjailbait," each of which featured pictures and commentary from his followers that celebrated the interests described by the forums' titles. n297 There is, of course, much more to be written about the incidents and dynamics of cyberharassment crimes. For present purposes, however, the foregoing is sufficient to show that there are significant and legitimate governmental interests at stake in preventing, detecting, and prosecuting various forms of cyberharassment. Although cyberharassment is relatively new, executives and legislatures have manifested these interests by setting up dedicated enforcement units and passing tailored criminal statutes. n298 As we argue in the next section, **adopting a mosaic theory of the Fourth Amendment likely will implicate**

these law enforcement concerns by limiting access to both existing and future digital surveillance techniques and technologies. n299

Online harassment and the lack of response from institutions allows for threats, violence, and discrimination against women to continue unabated

Hess 14 – Amanda Hess is a Slate staff writer and popular Gender & Sexuality reporter, 2014 ("Why Women Aren't Welcome on the Internet," Pacific Standard, 1/6/14, http://www.psmag.com/health-and-behavior/women-arent-welcome-internet-72170, 7/3/15)//CM

A woman doesn't even need to occupy a professional writing perch at a prominent platform to become a target. According to a 2005 report by the Pew Research Center, which has been tracking the online lives of Americans for more than a decade, women and men have been logging on in equal numbers since 2000, but the vilest communications are still disproportionately lobbed at women. We are more likely to report being stalked and harassed on the Internet—of the 3,787 people who reported harassing incidents from 2000 to 2012 to the volunteer organization Working to Halt Online Abuse, 72.5 percent were female. Sometimes, the abuse can get physical: A Pew survey reported that five percent of women who used the Internet said "something happened online" that led them into "physical danger." And it starts young: Teenage girls are significantly more likely to be cyberbullied than boys. Just appearing as a woman online, it seems, can be enough to inspire abuse. In 2006, researchers from the University of Maryland set up a bunch of fake online accounts and then dispatched them into chat rooms. Accounts with feminine usernames incurred an average of 100 sexually explicit or threatening messages a day. Masculine names received 3.7. There are three federal laws that apply to cyberstalking cases; the first was passed in 1934 to address harassment through the mail, via telegram, and over the telephone, six decades after Alexander Graham Bell's invention. Since the initial passage of the Violence Against Women Act, in 1994, amendments to the law have gradually updated it to apply to new technologies and to stiffen penalties against those who use them to abuse. Thirty-four states have cyberstalking laws on the books; most have expanded long-standing laws against stalking and criminal threats to prosecute crimes carried out online. But making quick and sick threats has become so easy that many say the abuse has proliferated to the point of meaninglessness, and that expressing alarm is foolish. Reporters who take death threats seriously "often give the impression that this is some kind of shocking event for which we should pity the 'victims,'" my colleague Jim Pagels wrote in Slate this fall, "but anyone who's spent 10 minutes online knows that these assertions are entirely toothless." On Twitter, he added, "When there's no precedent for physical harm, it's only baseless fear mongering." My friend Jen Doll wrote, at The Atlantic Wire, "It seems like that old 'ignoring' tactic your mom taught you could work out to everyone's benefit.... These people are bullying, or hope to bully. Which means we shouldn't take the bait." In the epilogue to her book The End of Men, Hanna Rosin—an editor at Slate—argued that harassment of women online could be seen as a cause for celebration. It shows just how far we've come. Many women on the Internet "are in positions of influence, widely published and widely read; if they sniff out misogyny, I have no doubt they will gleefully skewer the responsible sexist in one of many available online outlets, and get results." "Twitter is the place where I laugh, whine, work, schmooze, procrastinate, and flirt. It sits in my back pocket wherever I go and lies next to me when I fall asleep. And since I first started writing in 2007, it's become just one of the many online spaces where men come to tell me to get out." So women who are harassed online are expected to either get over ourselves or feel flattered in response to the threats made against us. We have the choice to keep quiet or respond "gleefully." But no matter how hard we attempt to ignore it, this type of gendered harassment—and the sheer volume of it—has severe implications for women's status on the Internet. Threats of rape, death, and stalking can overpower our emotional bandwidth, take up our time, and cost us money through legal fees, online protection services, and missed wages. I've spent countless hours over the past four years logging the online activity of one particularly committed cyberstalker, just in case. And as the Internet becomes increasingly central to the human experience, the ability of women to live and work freely online will be shaped, and too often limited, by the technology companies that host these threats, the constellation of local and federal law enforcement officers who investigate them, and the popular commentators who dismiss them—all arenas that remain dominated by men, many of whom have little personal understanding of what women face online every day. This Summer, Caroline Criado-Perez became the English-speaking Internet's most famous recipient of online threats after she petitioned the British government to put more female faces on its bank notes. (When the Bank of England announced its intentions to replace social reformer Elizabeth Fry with Winston Churchill on the £5 note, Criado-Perez made the modest suggestion that the bank make an effort to feature at least one woman who is not the Queen on any of its currency.) Rape and death threats amassed on her Twitter feed too quickly to count, bearing messages like "I will rape you tomorrow at 9 p.m ...

Shall we meet near your house?" Then, something interesting happened. Instead of logging off, Criado-Perez retweeted the threats, blasting them out to her Twitter followers. She called up police and hounded Twitter for a response. Journalists around the world started writing about the threats. As more and more people heard the story, Criado-Perez's follower count skyrocketed to near 25,000. Her supporters joined in urging British police and Twitter executives to respond. Under the glare of international criticism, the police and the company spent the next few weeks passing the buck back and forth. Andy Trotter, a communications adviser for the British police, announced that it was Twitter's responsibility to crack down on the messages. Though Britain criminalizes a broader category of offensive speech than the U.S. does, the sheer volume of threats would be too difficult for "a hard-pressed police service" to investigate, Trotter said. Police "don't want to be in this arena." It diverts their attention from "dealing with something else." Feminine usernames incurred an average of 100 sexually explicit or threatening messages a day. Masculine names received 3.7. Meanwhile, Twitter issued a blanket statement saying that victims like Criado-Perez could fill out an online form for each abusive tweet; when Criado-Perez supporters hounded Mark Luckie, the company's manager of journalism and news, for a response, he briefly shielded his account, saying that the attention had become "abusive." Twitter's official recommendation to victims of abuse puts the ball squarely in law enforcement's court: "If an interaction has gone beyond the point of name calling and you feel as though you may be in danger," it says, "contact your local authorities so they can accurately assess the validity of the threat and help you resolve the issue offline." In the weeks after the flare-up, Scotland Yard confirmed the arrest of three men. Twitter—in response to several online petitions calling for action—hastened the rollout of a "report abuse" button that allows users to flag offensive material. And Criado-Perez went on receiving threats. Some real person out there—or rather, hundreds of them—still liked the idea of seeing her raped and killed. The Internet is a global network, but when you pick up the phone to report an online threat, whether you are in London or Palm Springs, you end up face-to-face with a cop who patrols a comparatively puny jurisdiction. And your cop will probably be a man: According to the U.S. Bureau of Justice Statistics, in 2008, only 6.5 percent of state police officers and 19 percent of FBI agents were women. The numbers get smaller in smaller agencies. And in many locales, police work is still a largely analog affair: 911 calls are immediately routed to the local police force; the closest officer is dispatched to respond; he takes notes with pen and paper. After Criado-Perez received her hundreds of threats, she says she got conflicting instructions from police on how to report the crimes, and was forced to repeatedly "trawl" through the vile messages to preserve the evidence. "I can just about cope with threats," she wrote on Twitter. "What I can't cope with after that is the victim-blaming, the patronising, and the police record-keeping." Last year, the American atheist blogger Rebecca Watson wrote about her experience calling a series of local and national law enforcement agencies after a man launched a website threatening to kill her. "Because I knew what town [he] lived in, I called his local police department. They told me there was nothing they could do and that I'd have to make a report with my local police department," Watson wrote later. "[I] finally got through to someone who told me that there was nothing they could do but take a report in case one day [he] followed through on his threats, at which point they'd have a pretty good lead." The first time I reported an online rape threat to police, in 2009, the officer dispatched to my home asked, "Why would anyone bother to do something like that?" and declined to file a report. In Palm Springs, the officer who came to my room said, "This guy could be sitting in a basement in Nebraska for all we know." That my stalker had said that he lived in my state, and had plans to seek me out at home, was dismissed as just another online ruse. Of course, some people are investigated and prosecuted for cyberstalking. In 2009, a Florida college student named Patrick Macchione met a girl at school, then threatened to kill her on Twitter, terrorized her with lewd videos posted to YouTube, and made hundreds of calls to her phone. Though his victim filed a restraining order, cops only sprung into action after a county sheriff stopped him for loitering, then reportedly found a video camera in his backpack containing disturbing recordings about his victim. The sheriff's department later worked with the state attorney's office to convict Macchione on 19 counts, one of which was cyberstalking (he successfully appealed that count on grounds that the law hadn't been enacted when he was arrested); Macchione was sentenced to four years in prison. Consider also a recent high-profile case of cyberstalking investigated by the FBI. In the midst of her affair with General David Petraeus, biographer Paula Broadwell allegedly created an anonymous email account for the purpose of sending harassing notes to Florida socialite Jill Kelley. Kelley reported them to the FBI, which sniffed out Broadwell's identity via the account's location-based metadata and obtained a warrant to monitor her email activity. In theory, appealing to a higher jurisdiction can yield better results. "Local law enforcement will often look the other way," says Dr. Sameer Hinduja, a criminology professor at Florida Atlantic University and co-director of the Cyberbullying Research Center. "They don't have the resources or the personnel to investigate those crimes." County, state, or federal agencies at least have the support to be more responsive: "Usually they have a computer crimes unit, savvy personnel who are familiar with these cases, and established relationships with social media companies so they can quickly send a subpoena to help with the investigation," Hinduja says. But in my experience and those of my colleagues, these larger law enforcement agencies have little capacity or drive to investigate threats as well. Despite his pattern of abusive online behavior, Macchione was ultimately arrested for an unrelated physical crime. When I called the FBI over headlessfemalepig's threats, a representative told me an agent would get in touch if the bureau was interested in pursuing the case; nobody did. And when Rebecca Watson reported the threats targeted at her to the FBI, she initially connected with a sympathetic agent—but the agent later expressed trouble opening Watson's file of screenshots of the threats, and soon stopped replying to her emails. The Broadwell investigation was an uncommon, and possibly unprecedented, exercise for the agency. As University of Wisconsin-Eau Claire criminal justice professor Justin Patchin told Wired at the time: "I'm not aware of any case when the FBI has gotten involved in a case of online harassment." After I received my most recent round of threats, I asked Jessica Valenti, a prominent feminist writer (and the founder of the blog Feministing), who's been repeatedly targeted with online threats, for her advice, and then I asked her to share her story. "It's not really one story. This has happened a number of times over the past seven years," she told me. When rape and death threats first started pouring into her inbox, she vacated her apartment for a week, changed her bank accounts, and got a new cell number. When the next wave of threats

came, she got in touch with law enforcement officials, who warned her that though the men emailing her were unlikely to follow through on their threats, the level of vitriol indicated that she should be vigilant for a far less identifiable threat: silent "hunters" who lurk behind the tweeting "hollerers." The FBI advised Valenti to leave her home until the threats blew over, to never walk outside of her apartment alone, and to keep aware of any cars or men who might show up repeatedly outside her door. "It was totally impossible advice," she says. "You have to be paranoid about everything. You can't just not be in a public place." And we can't simply be offline either. When Time journalist Catherine Mayer reported the bomb threat lodged against her, the officers she spoke to—who thought usernames were secret codes and didn't seem to know what an IP address was—advised her to unplug. "Not one of the officers I've encountered uses Twitter or understands why anyone would wish to do so," she later wrote. "The officers were unanimous in advising me to take a break from Twitter, assuming, as many people do, that Twitter is at best a time-wasting narcotic." All of these online offenses are enough to make a woman want to click away from Twitter, shut her laptop, and power down her phone. Sometimes, we do withdraw: Pew found that from 2000 to 2005, the percentage of Internet users who participate in online chats and discussion groups dropped from 28 percent to 17 percent, "entirely because of women's fall off in participation." But for many women, steering clear of the Internet isn't an option. We use our devices to find supportive communities, make a living, and construct safety nets. For a woman like me, who lives alone, the Internet isn't a fun diversion—it is a necessary resource for work and interfacing with friends, family, and, sometimes, law enforcement officers in an effort to feel safer from both online and offline violence. The Internet is a global network, but when you pick up the phone to report an online threat, you end up face-to-face with a cop who patrols a comparatively puny jurisdiction. The Polish sociologist Zygmunt Bauman draws a distinction between "tourists" and "vagabonds" in the modern economy. Privileged tourists move about the world "on purpose," to seek "new experience" as "the joys of the familiar wear off." Disempowered vagabonds relocate because they have to, pushed and pulled through mean streets where they could never hope to settle down. On the Internet, men are tourists and women are vagabonds. "Telling a woman to shut her laptop is like saying, 'Eh! Just stop seeing your family,'" says Nathan Jurgenson, a social media sociologist (and a friend) at the University of Maryland. What does a tourist look like? In 2012, Gawker unmasked "Violentacrez," an anonymous member of the online community Reddit who was infamous for posting creepy photographs of underage women and creating or moderating subcommunities on the site with names like "chokeabitch" and "rapebait." Violentacrez turned out to be a Texas computer programmer named Michael Brusch, who displayed an exceedingly casual attitude toward his online hobbies. "I do my job, go home, watch TV, and go on the Internet. I just like riling people up in my spare time," he told Adrian Chen, the Gawker reporter who outed him. "People take things way too seriously around here." Abusers tend to operate anonymously, or under pseudonyms. But the women they target often write on professional platforms, under their given names, and in the context of their real lives. Victims don't have the luxury of separating themselves from the crime. When it comes to online threats, "one person is feeling the reality of the Internet very viscerally: the person who is being threatened," says Jurgenson. "It's a lot easier for the person who made the threat—and the person who is investigating the threat—to believe that what's happening on the Internet isn't real." When authorities treat the Internet as a fantasyland, it has profound effects on the investigation and prosecution of online threats. Criminal threat laws largely require that victims feel tangible, immediate, and sustained fear. In my home state of California, a threat must be "unequivocal, unconditional, immediate, and specific" and convey a "gravity of purpose and an immediate prospect of execution of the threat" to be considered a crime. If police don't know whether the harasser lives next door or out in Nebraska, it's easier for them to categorize the threat as non-immediate. When they treat a threat as a boyish hoax, the implication is that the threat ceases to be a criminal offense. So the victim faces a psychological dilemma: How should she understand her own fear? Should she, as many advise, dismiss an online threat as a silly game, and not bother to inform the cops that someone may want to—ha, ha—rape and kill her? Or should she dutifully report every threat to police, who may well dismiss her concerns? When I received my most recent rape and death threats, one friend told me that I should rest assured that the anonymous tweeter was unlikely to take any physical action against me in real life; another noted that my stalker seemed like the type of person who would fashion a coat from my skin, and urged me to take any action necessary to land the stalker in jail. Danielle Citron, a University of Maryland law professor who focuses on Internet threats, charted the popular response to Internet death and rape threats in a 2009 paper published in the Michigan Law Review. She found that Internet harassment is routinely dismissed as "harmless locker-room talk," perpetrators as "juvenile pranksters," and victims as "overly sensitive complainers." Weighing in on one online harassment case, in an interview on National Public Radio, journalist David Margolick called the threats "juvenile, immature, and obnoxious, but that is all they are ... frivolous frat-boy rants." When police treat a threat as a boyish hoax, the implication is that the threat ceases to be a criminal offense. Of course, the frat house has never been a particularly safe space for women. I've been threatened online, but I have also been harassed on the street, groped on the subway, followed home from the 7-Eleven, pinned

down on a bed by a drunk boyfriend, and raped on a date. Even if I sign off Twitter, a threat could still be waiting on my stoop. Today, a legion of anonymous harassers are free to play their "games" and "pranks" under pseudonymous screen names, but for the women they target, the attacks only compound the real fear, discomfort, and stress we experience in our daily lives.

Ext. MT Hurts CH

Adopting the mosaic theory limits investigators ability to solve cyber harassment.

Gray, Keats Citron, and Rinehart, 2013 (David, Associate Professor, University of Maryland Francis King Carey School of Law, Danielle, Lois K. Macht Research Professor of Law, University of Maryland Francis King Carey School of Law, and Liz Clark, University of Maryland Francis King Carey School of Law, "SYMPOSIUM ON CYBERCRIME: FIGHTING CYBERCRIME AFTER UNITED STATES V. JONES" Journal of Criminal Law & Criminology Lexis)

Despite these complications, tracing an IP address is a common and effective way for authorities to identify perpetrators of cyberharassment crimes. At present, the public-observation and third-party doctrines grant law enforcement unfettered discretion to track IP addresses across the Internet. Most cyberharassment is, to one degree or another, public. Furthermore, the third-party doctrine means that law enforcement officers need a subpoena, at most, to secure user information associated with an IP address from ISPs and other third parties, including social-networking sites. n307 A mosaic theory of Fourth Amendment privacy might well change [*798] all of this. Tracking someone's online activities using an IP address over a period of time is akin to tracking a person through physical space using GPS-enabled tracking devices. By aggregating information about a user and his online activities, law enforcement officers using these fairly basic digital surveillance techniques can therefore assemble precisely the sorts of revealing informational mosaics that worried the concurring Justices in Jones. Digital surveillance technology that offends mosaic sensibilities promises even more benefits than IP traces to law enforcement officers interested in detecting cybercrimes. Take, for example, forums such as those organized and moderated by Violentacrez. n308 v c Although under current law and free speech doctrine it is perfectly legal to view and comment on pictures of young women in public, law enforcement officers might have reason to worry that habitues of forums like "Jailbait" and "Creepshots" are more likely than most to produce or possess actual child pornography. It is, of course, impossible to conduct even cursory investigations of the tens and hundreds of thousands of those who visit these sites, much less to distinguish between casual curiosity seekers and practicing pedophiles. Here, broad-scale aggregation technology, in combination with ever more sophisticated data analytics designed to identify and track those patterns of online conduct that correlate with higher risks of illegal on- and offline activities, would be tremendously valuable to law enforcement. Once officers have identified a smaller universe of potential offenders, they can then further narrow their investigative fields by using passive techniques like online honey traps to more definitively identify those who are trafficking in or actively seeking to possess child pornography. n309 Again, although these digital surveillance techniques and technologies are not presently subject to Fourth Amendment review, either **individually or in the aggregate, the situation would likely change under a mosaic theory**. In fact, officers might find themselves assembling informational mosaics sufficient to trigger Fourth Amendment concerns quite by accident. n310 Regardless, law enforcement's legitimate interests in using digital surveillance technology would be affected. n311

Fusion centers also hold significant potential for law enforcement's efforts to detect and prosecute cyberharassment. The Department of Justice, in conjunction with the National Center for Missing and Exploited [*799] Children, maintains a substantial database of known images of child pornography, each of which has a unique digital fingerprint called a "hash value." n312 Fusion centers, which have access to most Internet traffic, provide a unique - although as yet unexploited - resource that law enforcement agents can use to screen for the transmission of known images of child exploitation. Outside the relatively narrow field of child pornography cases, those who engage in cyberharassment and cyberstalking still tend to use a fairly predictable pattern of words, phrases, and images. The software used by most malicious stalkers also tends to come from a stable of online resources, which again bear an identifiable digital signature. Although the true technical capacities of fusion centers are largely unknown to the public, they appear to have the ability to monitor Internet and communications traffic for precisely these sorts of markers. That same capacity is, of course, precisely what raises concerns about fusion centers from a mosaic theory point of view. Here again, the prospect of adopting a mosaic theory of Fourth Amendment privacy raises serious concerns that the legitimate and important law enforcement goals of detecting and prosecuting cybercrimes may be compromised.

Harassment Turns Privacy

Cyberharrassment leads to violations of privacy and violence in the name of "Free Speech" – this is especially true for oppressed groups

Schroder 13 - Jared C. Schroeder, doctoral candidate at the Gaylord College of Journalism & Mass Communication at the University of Oklahoma. His research focuses on free speech and free press issues as they apply to the emerging network society. Before moving to academia, he was a professional journalist for several years, 2013 ("Electronically Transmitted Threats and Higher Education: Oppression, Free Speech, and Jake Baker," Review of Higher Education 36.3, Spring 2013, Project Muse, 7/3/15)//CM

Numerous conflicts arise when the theories of the First Amendment and concepts regarding oppression are placed beside one another. This article does not seek to condemn one area of literature or the other. Instead, this section seeks to illuminate areas of conflict between the two theoretical approaches. The Baker case is particularly relevant because it captures the challenges involved in the network society, the higher education setting, and conflicts between oppression and freedom of speech. It is not the only incident that raises questions regarding the impact of emerging online technology on providing a safe learning atmosphere. Rutgers University student Tyler Clementi committed suicide after his roommate filmed him having sex with another man and posted the video online (Starkman, 2010). The roommate and another student face criminal charges for invasion of privacy. Clearly, Clementi's privacy was invaded in an insensitive and, likely, ignorant way. In other words, the technological abilities of his tormentors outpaced their ethical understanding of the power of the new media. The scenario, though even more tragic, is similar to the Baker case. New technologies allowed a person to be oppressed and tormented, and the universities were left wondering what they could have done differently. Using Young's (2010) definition, the young woman who was named and described in Baker's story, as well as others on campus, can be viewed as oppressed. While oppression does not automatically cross the Supreme Court's threshold of true threats, it certainly raises questions about the safety and viability of the learning environment. In the Baker case, oppression comes in the form of structural norms and values; his actions can be seen as structurally accepted, to some extent, because he followed the rules created by the dominant culture. This rule-following can be seen in the court's reasoning for siding with Baker. While his behavior was viewed as deviant (United States v. Alkhabaz, 1997), the structural protections for free speech shielded him, while leaving the young woman vulnerable. This section addresses these ideas by examining the case through the violence and cultural imperialism concepts discussed by Young (2010). No physical violence occurred toward the female classmate Baker described in his story; but Young (2010) noted that oppressive violence includes [End Page 305] harassment, humiliation, and intimidation. Young (2010) explained: "The oppression of violence consists

not only in direct victimization, but in the daily knowledge shared by all members of oppressed groups that they are liable to violation, solely on account of their group identitiy" (p. 43). After hearing about the violent, explicit, and deadly story she was cast in by one of her classmates, the young woman felt the effects of violent oppression. In his dissent, Judge Krupansky wrote: "Jane Doe's reaction to those threats when brought to her attention evinces a contrary conclusion of a shattering traumatic reaction that resulted in recommended psychological counseling" (United States v. Alkhabaz, 1997, p. 1507). Other women students chose not to attend class when they heard about the story. Their fear-based response is also evidence of oppressive violence. Members of the oppressed group were forced to alter the way they live because they felt vulnerable to violence. Finally, the violence was made possible and somewhat acceptable by the decision of the court. Baker did not have to stop writing and communicating his stories about the young woman. He did not have to take down his posts. The court said what he did was legal. The structures in place made the oppression possible.

A2 No Impact to CH

The timeframe is now. The damage that the aff does to cyber harassment has lasting implications for future abusers and victims

Citron 09 Danielle Keats Citron is the Lois K. Macht Research Professor of Law, University of Maryland Francis King Carey School of Law; Affiliate Scholar, Stanford Center on Internet and Society; Affiliate Fellow, Yale Information Society Project. 2009. ("Law's Expressive Value in Combating Cyber Gender Harassment" Michigan Law Review, December. Available via LexisNexis. Accessed on 07-08-2015)

Due to the internet's relative youth, this is an auspicious time to combat the trivialization of cyber gender harassment before it becomes too entrenched. If it continues unabated, cyber harassment could very well be the central front of struggles against sexual harassment in the coming decades given our increasing dependence on the net. More people make friends, apply for jobs, and discuss policy online than ever before, shifting their social and professional interactions to the net and with it the risk of sexual harassment. n18 As the market leans toward more realistic sensory experiences in virtual worlds and as these sites become more popular, cyber gender harassment may more closely approximate conventional notions of sexual violence. For instance, Second Life users' avatars have reportedly been forced to perform sexually explicit acts after being given malicious code. n19 These developments, and others like them, would further threaten gender equality in our digital age.

Wrestling with the marginalization of cyber sexual harassment is a crucial step in combating its gender-specific harms. Law has a crucial role to play in this effort. Law serves different functions here. It can deter online [*377] harassment's harms by raising the costs of noncompliance beyond its expected benefits. Law can also remedy such harm with monetary damages, injunctions, and criminal convictions. My article Cyber Civil Rights explored antidiscrimination, criminal, and tort law's role in preventing, punishing, and redressing cyber harassment. n20 In this piece, I explore law's other crucial role: educating the public about women's unique suffering in the wake of cyber harassment and potentially changing societal responses to it. Because law is expressive, it constructs our understanding of harms that are not trivial. The application of a cyber civil rights legal agenda would reveal online harassment for what it truly is - harmful gender discrimination. It would recognize the distinct suffering of women, suffering that men ordinarily do not experience or appreciate as harmful.

Don't let them lesson the blow to cyber harassment. The impact is real and should be acknowledged

Citron 09 Danielle Keats Citron is the Lois K. Macht Research Professor of Law, University of Maryland Francis King Carey School of Law; Affiliate Scholar, Stanford Center on Internet and Society; Affiliate Fellow, Yale Information Society Project. 2009. ("Law's Expressive Value in Combating Cyber Gender Harassment" Michigan Law Review, December. Available via LexisNexis. Accessed on 07-08-2015)

Such harassment has a profound effect on targeted women. It discourages them from writing and earning a living online. n5 It interferes with their professional lives. It raises their vulnerability to offline sexual violence. It brands them as incompetent workers and inferior sexual objects. The harassment causes considerable emotional distress. n6 Some women have committed suicide. n7

To avoid future abuse, women assume gender-neutral pseudonyms or go offline, even if it costs them work opportunities. n8 Others curtail their online activities. n9 For the "digital native" n10 generation, forsaking aspects of the internet means missing innumerable social connections. Although online harassment inflicts the most direct costs on targeted individuals, it harms society as well by entrenching male hierarchy online.

But no matter how serious the harm that cyber gender harassment inflicts, the public tends to trivialize it. Commentators dismiss it as harmless locker-room talk, characterizing perpetrators as juvenile pranksters and targeted individuals as overly sensitive complainers. n11 Others consider cyber gender harassment as an inconvenience that victims can ignore or defeat with counterspeech. n12 Some argue that women who benefit from the internet have assumed the risks of its Wild West norms. n13 Although the arguments [*376] differ, their message is the same - women need to tolerate these cyber "pranks" or opt out of life online. This message has the unfortunate consequence of discouraging women from reporting cyber gender harassment and preventing law enforcement from pursuing cyber-harassment complaints. n14

Terrorism Impact

A strong law enforcement is key to preventing terrorist attacks

Kris 11 David S. Kris, Assistant Attorney General for National Security at the U.S. Department of Justice from March 2009 to March 2011. 2011. ("Law enforcement as a Counterterrorism Tool," Journal of National Security Law & Policy

Today, law enforcement efforts against terrorism continue. In 2009, as outside observers have remarked, the DOJ charged more individuals with significant terrorism-related offenses than in any year since 9/11. n49 That trend continued in 2010. Here are a few examples of recent terrorism charges or convictions: In June and August 2009, Syed Ahmed Harris and Ehsanul Islam Sadequee were each convicted in the Northern District of Georgia for providing material support to al Qaeda, including videotaping potential U.S. targets. They were sentenced to 13 and 17 years in prison, respectively. In September 2009, Michael C. Finton was arrested and charged with terrorism offenses after he attempted to detonate an explosive device outside a federal building in Springfield, Illinois. That same month, Hosam Maher Husein Smadi was arrested and charged with attempting to detonate an explosive device outside an office building in Dallas, Texas. Smadi pleaded guilty in May 2010 to attempting to use a weapon of mass destruction, and he was sentenced in October 2010 to 24 years in prison. Finton is awaiting trial. Also in September 2009, Najibullah Zazi was arrested just before carrying

out a very serious plot to bomb the New York subway system; he pleaded guilty in February 2010 and is awaiting sentencing in the Eastern District of New York. In October and December 2009, David Coleman Headley and Tahawwur Hussain Rana were charged in the Northern District of Illinois with conspiracy to attack a Dutch cartoonist overseas, and with assisting the terror attack in Mumbai, India that killed 164 people. Headley pleaded guilty in March 2010 to a dozen federal terrorism charges, admitting that he participated in planning both attacks, and he is awaiting sentencing; Rana is awaiting trial. In May 2010, Faisal Shahzad was arrested in the Southern District of New York in connection with an attempted car bombing in Times Square; he pleaded guilty in June 2010 to all counts of the 10-count indictment against him, including conspiring and attempting to use a weapon of mass destruction, conspiring and attempting to commit an act of terrorism transcending national boundaries, attempting to use a destructive device during and in relation to a conspiracy to commit an act of terrorism [*17] transcending national boundaries, and transporting an explosive, among other charges. In October 2010, Shahzad was sentenced to life imprisonment. In October 2010, James Cromitie, David Williams, Onta Williams, and LaGuerre Pen were convicted in the Southern District of New York after a jury trial for their participation in a plot to bomb a synagogue and Jewish community center and to shoot military planes with Stinger surface-to-air guided missiles. Each faces a mandatory minimum sentence of 25 years and maximum of life imprisonment. The examples go on to include Mohammed Warsame, the Minnesota al-Shabaab cases, n50 and Colleen LaRose ("Jihad Jane"), among others. n51 [*18] Not all of these cases made the headlines and not all of the defendants were hard-core terrorists or key terrorist operatives. The results of the cases vary according to several factors. First, as in traditional intelligence or criminal investigations, aggressive and wide-ranging counterterrorism efforts may net many small fish along with the big ones. Those small fish need to be dealt with, but - if they are indeed small fish - the charges will not necessarily yield the heavy penalties that accompany more serious offenses. n52 In some of these cases, moreover, a conviction will support [*19] deportation (and a plea agreement may support rapid deportation), which can mitigate threats posed to the homeland. n53 Alternatively, there are cases in which a seemingly small fish may in fact be a big one, yet it may not be feasible either to prove that he is, or to establish an alternative basis for detaining him, even under the law of war. These cases pose the traditional tension between the intelligence benefit of continued surveillance and the risk to public safety from leaving a suspected terrorist at large (in other words, a tension between the values of short-term disruption and long-term incapacitation). In some of these cases, the risk-benefit equation will demand immediate action, disrupting a terrorist plot through arrest and prosecution for whatever criminal conduct can be established. Sometimes, a sentence of even a few months or years can shatter a terrorist cell and cripple its operational ability. Finally, of course, disruptive arrests may also generate valuable intelligence. Some small fish may be ripe for recruitment precisely because they are not fully radicalized. Such persons may be persuaded to cooperate, either before or after they are released. Moreover, arrests and other disruptive efforts may provoke statements or actions from others that provide an understanding of a terrorist network - such cases effectively "shake the tree" and show how suspects still at large respond to the arrest. Since 2001, in fact, the criminal justice system has collected valuable intelligence about a host of terrorist activities. In effect, it has worked as what the Intelligence Community would call a HUMINT collection platform. n54 I will first explain how the system works as an intelligence collection platform - beginning with pre-arrest activity and ending with sentencing and beyond - and then turn to a few illustrative examples.

Ext. Hurts Terror

The third party doctrine is key to maintaining law enforcement capabilities to combat terrorists

Sales 14 – Nathan Alexander Sales, Associate Professor of Law, Syracuse University College of Law. This Essay is based on testimony presented at a July 9, 2013 hearing of the Privacy and Civil Liberties Oversight Board. 2014. ("NSA SURVEILLANCE: ISSUES OF SECURITY, PRIVACY AND CIVIL LIBERTY: ARTICLE: Domesticating Programmatic Surveillance: Some Thoughts on the NSA Controversy" I/S: A Journal of Law and Policy for the Information Society. Summer. Available via LexisNexis. Accessed on 07-08-2015)

The FISA court repeatedly has upheld the section 215 program on both constitutional grounds (concluding that the acquisition of bulk telephony metadata was not a "search" within the meaning of the Fourth Amendment, largely on the strength of the third-party doctrine recognized in Smith v. Maryland n14 and other cases) and statutory ones (concluding that troves of data sought were tangible things that are relevant to an authorized investigation, as required by section 215). n15 By 2013, 15 different FISA court judges had approved the program in 35 separate rulings since its inception. n16 Other judges are more divided; in a pair of dueling rulings issued late last year, a federal judge in Washington, DC invalidated the program while another in Manhattan affirmed its legality. n17

The second program--known as PRISM or section 702--uses court orders issued under section 702 of FISA n18 to collect the content of certain international communications. In particular, the NSA targets specific non-Americans who are reasonably believed to be located outside the country, and also engages in bulk collection of some foreign-to-foreign communications that happen to be passing through telecommunications infrastructure in the United States. n19 The FISA [*527] court does not approve individual surveillance applications each time the NSA wishes to intercept these communications; instead, it issues once-a-year blanket authorizations. n20 As detailed below, in 2011 the FISA court struck down the program on constitutional and statutory grounds after the government disclosed that it was inadvertently intercepting a significant number of communications involving Americans; n21 the court later upheld the program when the NSA devised a technical solution that prevented such over-collection. n22

Programmatic surveillance initiatives like these differ in simple yet fundamental ways from the traditional forms of monitoring with which many people are familiar--i.e., individualized or particularized surveillance. Individualized surveillance takes place when authorities have some reason to think that a specific, known person is breaking the law. Investigators will then obtain a court order authorizing them to collect information about the target, with the goal of assembling evidence that can be used to establish guilt in subsequent criminal proceedings. Individualized surveillance is common in the world of law enforcement, as under Title III of the Omnibus Crime Control and Safe Streets Act of 1968. n23 It is also used in national security investigations. FISA allows authorities to obtain a court order to engage in wiretapping if they demonstrate, among other things, probable cause to believe that the target is "a foreign power or an agent of a foreign power." n24

By contrast, programmatic surveillance has very different objectives and is conducted in a very different manner. It usually involves the government collecting bulk data and then examining it to identify previously unknown terrorists, spies, and other national security threats. A good example

of the practice is link analysis, in [*528] which authorities compile large amounts of information, use it to map the social networks of known terrorists--has anyone else used the same credit card as Mohamed Atta?--and thus identify associates with whom they may be conspiring. n25 (It is also possible, at least in theory, to subject these large databases to pattern analysis, in which automated systems search for patterns of behavior that are thought to be indicative of terrorist activity, but it's not clear that the NSA is doing so here.) Suspects who have been so identified can then be subjected to further forms of monitoring to determine their intentions and capabilities, such as wiretaps under FISA or other authorities. In a sense, programmatic surveillance is the mirror image of individualized surveillance. With individualized monitoring, authorities begin by identifying a suspect and go on to collect information; with programmatic monitoring, authorities begin by collecting information and go on to identify a suspect.

Programmatic surveillance is a potentially powerful counterterrorism tool. The Ra'ed al-Banna incident is a useful illustration of how the technique, when coupled with old-fashioned police work, can identify possible threats who otherwise might escape detection. Another example comes from a 2002 Markle Foundation study, which found that authorities could have identified the ties among all 19 of the 9/11 hijackers if they had assembled a large database of airline reservation information and subjected it to link analysis. n26 In particular, two of the terrorists--Nawaf al-Hamzi and Khalid al-Mihdhar--were on a government watchlist after attending a January 2000 al-Qaeda summit in Malaysia. So they could have been flagged when they bought their tickets. Querying the database to see if any other passengers had used the pair's mailing addresses would have led investigators to three more hijackers, including Mohamed Atta, the plot's operational leader. Six others could have been found by searching for passengers who used the same frequent-flyer and telephone numbers as these suspects. And so on. Again, the Markle study concerns airline reservation data, not the communications data that are the NSA's focus. But it is still a useful illustration of the technique's potential.

The government claims that programmatic surveillance has been responsible for concrete and actual counterterrorism benefits, not just hypothetical ones. Officials report that PRISM has helped detect and [*529] disrupt about 50 terrorist plots worldwide, including ten in the United States. n27 Those numbers include Najibullah Zazi, who attempted to bomb New York City's subway system in 2009, and Khalid Ouazzani, who plotted to blow up the New York Stock Exchange. n28 Authorities further report that PRISM played an important role in tracking down David Headley, an American who aided the 2008 terrorist atrocities in Bombay, and later planned to attack the offices of a Danish newspaper that printed cartoons of Mohamed. n29 The government also claims at least one success from the telephony metadata program, though it has been coy about the specifics: "The NSA, using the business record FISA, tipped [the FBI] off that [an] individual had indirect contacts with a known terrorist overseas. . . . We were able to reopen this investigation, identify additional individuals through a legal process and were able to disrupt this terrorist activity." n30 Quite apart from foiling attacks, the government also argues that the NSA programs can conserve scarce investigative resources by helping officials quickly spot or rule out any foreign involvement in a domestic plot, as after the 2013 Boston Marathon bombing. n31

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SEC enforcement works in the squo – it's strong and aggresive

Wiggin and Dana 2014, (A full service law firm -- clients are publicly traded companies, entrepreneurs and emerging growth companies, real estate developers, financial institutions, "TIME TO FOCUS ON COMPLIANCE PROGRAMS AGAIN: SEC ENFORCEMENT ACTIONS AND SANCTIONS ARE ON THE RISE", 10/31/2014, http://www.wiggin.com/15507) BBer

Probably to no one's surprise, given the SEC's much publicized enforcement efforts, the Commission has announced that it filed a record number of enforcement actions over the last three fiscal years and secured record payouts in penalties and disgorgements.[1] Over this period, the SEC has taken aim at a broad spectrum of conduct in the securities markets and targeted a diverse range of market actors. Although **the SEC has divided its focus across a range of different areas, three themes have emerged from its increased enforcement activity**. **First, the SEC has aggressively targeted lapses in regulatory compliance and risk controls over a broad spectrum of conduct and industries. Second, the SEC has increasingly relied on technology to detect such misconduct. And third, the SEC has made substantial awards to whistleblowers for providing information that has led to successful enforcement actions. Considering this increase in enforcement activity, companies and individuals engaged in business relating to the financial industry need to be prepared to meet the SEC's heightened scrutiny.** With this in mind, it is a good time to revisit compliance programs, policies and procedures to assure they are up-to-date and focus on the concerns of the SEC and requirements of the securities laws. According to a recent press release, the Commission reported that it had filed a record high of 755 enforcement actions in Fiscal Year ("FY") 2014. Along with those actions was another high mark: orders for penalties and disgorgement in the amount of $4.16 billion. That reflects a 22% increase in penalties and disgorgement as a result of SEC enforcement actions over last year. In FY 2013, the Commission filed 686 enforcement actions and obtained orders totaling $3.4 billion in disgorgement and penalties. In FY 2012, the Commission filed 734 enforcement actions and obtained orders totaling $3.1 billion in disgorgement and penalties. The SEC continued to crack down on traditional financial fraud, charging more than 135 parties with violations relating to reporting and disclosure. At the same time, it continued its focus on misconduct relating to complex financial instruments such as mortgage-backed securities and collateralized debt obligations, and it brought several novel actions targeting deficient compliance and control practices. For example, the SEC successfully held global investment bank and brokerage firm Jefferies LLC responsible for its failure to properly supervise trading on its mortgage-backed securities desk. The SEC also brought actions, for the first time, under a rule requiring firms to establish adequate risk controls before providing customers with market access. It imposed the largest penalty ever for net capital rule violations in a case against a high frequency trading firm and a former senior executive. And it also filed enforcement actions against the New York Stock Exchange and brokerage subsidiaries for their failure to comply with exchange rules, and Wells Fargo Advisors LLC in the Commission's first case against a broker-dealer for failing to protect a customer's material nonpublic information. The compliance and control practices and procedures of private equity firms, investment advisers and investment companies were also in the SEC's line of sight. According to the Commission, it brought its first-ever action under the investment adviser "pay-to-play" rule. The SEC also filed its first action arising from a focus on fees and expenses charged by private equity firms. It also instituted an action against a private equity firm and its president, alleging

fraud in the allocation of expenses to the firm's funds. Finally, the Commission charged three investment advisory firms with failure to maintain adequate controls on the custody of customer accounts. Accountants, attorneys and compliance professionals also found themselves contending with SEC enforcement actions this past year. In one matter, the SEC filed an action against Ernst & Young LLP relating to auditor independence rules. In another, the SEC filed an action against an audit firm and four of its auditors for their roles in the failed audits of three China-based companies. The Commission charged two Florida-based attorneys, a transfer agent and its CEO for their roles in an offering fraud involving improper distributions of billions of shares of unregistered stock. Finally, in a fraud case, the Commission charged a company's audit committee chair, who learned of the misconduct in question and failed to take meaningful action to investigate it or disclose it to investors. The SEC also touted its success in using new technologies to detect market misconduct over the last three years. SEC Chair Mary Jo White stated that "[t]he innovative use of technology – enhanced use of data and quantitative analysis – was instrumental in detecting misconduct and contributed to the Enforcement Division's success in bringing quality actions that resulted in stiff monetary sanctions." The SEC successfully used quantitative analytics to identify especially high rates of filing deficiencies and brought coordinated charges against 34 individuals and companies for violating laws requiring them to promptly report information about their holdings and transactions in company stock. The SEC pursued wrongdoing by asset managers through proprietary analytics that identify hedge funds with suspicious returns. It also employed "next generation analytical tools to help identify patterns of suspicious trading" in its continued efforts to eliminate trading on the basis of inside information. Over the last three years, the SEC charged 80 people in connection with insider trading and, among those charged are a former hedge fund trader, a portfolio manager, the co-chairman of a board, an investment banker, an investor relations executive, an accountant, husbands who traded on information they learned from their wives, and a group of golf buddies and other friends. There is every reason to expect that the continued use of these techniques will lead to more enforcement actions across a broad spectrum of market conduct. Lastly, **the SEC's record payout of awards to whistleblowers is bound to incentivize whistleblowers to come forward and may lead to more prosecutions of individuals**. In FY 2014, nine whistleblowers received awards totaling approximately $35 million, including one that was more than $30 million for a whistleblower who provided key original information that led to a successful enforcement action. That award was the largest-ever whistleblower award. The Commission also demonstrated its commitment to protect whistleblowers in that it brought its first charges under new authority to bring anti-retaliation enforcement actions. In that case, the SEC charged a hedge fund advisory firm with engaging in prohibited principal transactions and then retaliating against the employee who reported the trading activity to the Commission. It also charged the firm's owner in connection with the principal transactions. In terms of actions against individuals in addition to companies, as U.S. Attorney General Eric Holder recently remarked, cases against individuals are more easily brought when there is a witness who is able to provide evidence of a corporate executive's knowledge of and intent to participate in wrongdoing.[2] Those witnesses are more incentivized to come forward when there is a robust whistleblower program. Undoubtedly, the recent provision of substantial awards to whistleblowers will provide such incentive for people to come forward when they are aware of possible illegal conduct and may lead to increasingly vigorous investigation and enforcement activity against not only companies but also individuals. According to Chair White over the last three years, **"aggressive enforcement against wrongdoers who harm investors and threaten our financial markets remains a top priority, and we brought and will continue to bring creative and important enforcement actions across a broad range of the securities markets.**" As Chair White's and the Commission's statements reflect, **the SEC is committed to using modern data analytics and investigative techniques to monitor the securities markets and enforce the securities laws**. Further, whistleblower awards and legal mechanisms designed to protect whistleblowers from retaliation by their employers have made it more likely that people in possession of information relating to possible wrongdoing will report it to law enforcement authorities and both corporations and individuals will be prosecuted on the basis of that information. Moreover, the SEC continues to hone in on firms' deficient compliance and control practices through bringing novel actions charging companies with violating various laws and rules. Thus, companies and individuals engaged in business relating to the financial industry should expect to encounter even more aggressive enforcement of the securities laws from the SEC. Going forward, a company's compliance programs, policies and procedures will likely be subject to heightened scrutiny by the SEC. With this in mind, now is a good time to re-evaluate compliance programs and internal controls to assure that they are up-to-date, that best practices have been adopted and are being followed, and that, importantly, they adequately address the SEC's concerns.

Requiring a probable cause warrant would obliterate routine investigations — no authority to require a warrant and lack of evidence to receive one.

Baker 11 — James A. Baker, Associate Deputy Attorney General, Statement before the Committee on Judiciary United States Senate, 2011 ("The Electronic Communications Privacy Act: Government Perspectives on Protecting Privacy in the Digital Age," *American Civil*

Liberties Union, April 6th, Available Online at https://www.aclu.org/files/pdfs/email-content-foia/DOJ%20Crim%20Div%20docs/CRM-231.pdf, Accessed on 07-08-15)

Finally, the eighth and last potentially appropriate topic for legislation is the standard for compelling disclosure of the contents of stored communications. As noted above, we appreciate that there are concerns regarding ECPA's treatment of stored communications - in particular, the rule that the government may use lawful process short of a warrant to obtain the content of emails that are stored for more than 180 days. **Indeed**, some have argued recently **in favor** of a probable cause standard for compelling disclosure of all such content under all circumstances. Because communication services are provided in a wide range of situations, any simple rule for compelled disclosure of contents raises a number of serious public safety questions. In considering whether or not there is a need to change existing standards, several issues are worthy of attention. First, current law allows for the acquisition of certain stored communications using a subpoena where the account holder receives prior notice. This procedure is similar to that for paper records. If a person stores documents in her home, the government may use a subpoena to compel production of those documents. Congress should **consider carefully** whether it is appropriate to afford a higher evidentiary standard for compelled production of electronically stored records than paper records. Second, it is important to note that **not all federal agencies have authority to obtain search warrants**. For example, the Securities and Exchange Commission (SEC) and Federal Trade Commission (FTC) conduct investigations in which they need access to information stored as the content of email. Although those entities have authority to issue subpoenas, **they lack the ability to obtain search warrants**. Raising the standard for obtaining stored email or other stored communications to a search warrant **could substantially impair their investigations**. Third, Congress should recognize the collateral consequences to criminal law enforcement and the national security of the United States if ECPA were to provide only one means — a probable cause warrant — for compelling disclosure of all stored content. For example, in order to obtain a search warrant for a particular email account, law enforcement has to establish probable cause to believe that evidence will be found in that particular account. In some cases, this link can be hard to establish. In one recent case, for example, law enforcement officers **knew that a child exploitation** subject had used one account to send and receive child pornography, and officers discovered that he had another email account, but they **lacked evidence about his use of the second account**. Thus, Congress should consider carefully the adverse impact on criminal as well as national security investigations if a probable cause warrant were the only means to obtain such stored communications.

Insider Trading will lead to the collapse of the stock market and SEC regulation prevents that

Dent '12, George W. Dent JR,Professor of Law at Case Western University, 2012 ("Why Legalized Insider Trading Would Be a Disaster", November 2012, Available Online at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2169975,Accessed 07/08/15)

The ban on insider trading probably has something to do with this:100 Stock traders are more sophisticated now than in the 1920s. Most traders then were individuals, many of whom were buying stock for the first time and knew little of the risks, including insider trading, until they were rudely educated by the 1929 stock market crash.102 Today, most trading is done by institutions that are keenly aware of such risks.103 Furthermore, in the 1920s, no foreign stock markets barred insider trading, so investors had no better alternative than the American markets.104 Today, all developed countries ban insider trading.105 If America were to legalize insider trading, investors would simply go elsewhere.106 Legalizing insider trading could effectively destroy public stock markets.107 Defenders of insider trading claim that it does not harm

outsiders.108 Although it is virtually impossible to identify the victims of any particular act of insider trading, it is easy to see that it must hurt outside investors collectively.109 Imagine two publicly traded companies with identical operations. In one there is some significant amount of insider trading; in the other there is none. In the former, insiders siphon off some of the profits from the stock. Accordingly, outsiders must value its stock lower than the stock of the latter company.110 Nonetheless, as long as the level of insider trading stays low, the potential profits to outsiders are still high enough to attract them to purchase the stock at some price.111 This all changes once insider trading is permitted, as it is hard to see how there could be any other trading.112 Insiders will trade whenever no higher returns are attainable from other investments (e.g., real estate).113 Imagine being asked to bid on a bag whose contents you do not know, but that are known to another bidder. The informed bidder will raise her bid unless and until you bid more than the bag's fair value. No reasonable person would enter such a contest.114 It is suggested that insider trading will not scare off outsiders because they "already disregard a large body of evidence indicating that even the most sophisticated institutions have difficulty outperforming the stock market averages. . . . These investors may be convinced that certain stocks will make them money; the occurrence of insider trading may have little effect on investment so motivated."115 Not all "uninformed" traders, however, are so naive.116 Even investors familiar with the efficient market hypothesis buy and sell stock when they want to make additional investments, disinvest, or better diversify their portfolios.117 As already noted, the public market in a stock can survive some level of insider trading.118 To compensate for the gains siphoned off by insiders, the market will discount a stock's price to allow rational trading by outsiders.119 In an efficient market, uninformed investors cannot beat the market, but neither will they underperform other outsiders, "even the most sophisticated institutions."120 They will invest in stocks if the stock market outperforms other available investments.121 In the long run, it does.122 If insider trading becomes rampant, however, the only trades left on the table for outsiders will be those that insiders have spurned because they offer a lower return than is available elsewhere.123 Not even the most sophisticated mutual fund could match the performance of even a minimally skilled insider. In such a world only a fool would utilize anything but an insider trading equity fund to trade stock.124 Not even through examining foreign experience can we adequately tell how stock markets would fare under legalized insider trading because "all countries with developed capital markets limit insider trading to some extent."125 However, the breadth and enforcement of the prohibitions vary, and stricter insider trading bans are associated with wider stock ownership, better stock price accuracy, and deeper market liquidity.126 The corporate cost of equity declines significantly when a country forbids insider trading and actually enforces the law. Countries that more effectively bar insider trading have less volatile stock markets.128 So it is no surprise that whenever the SEC announces enforcement actions involving insider trading, the price of the affected stock declines.129 All this evidence contradicts the market efficiency arguments for insider trading. Although less of the pie remains for outsiders if more of it is taken by inside traders, outsiders might still be better off if insider trading spurs innovation, thereby causing the pie to expand.130 In that case however, companies in markets that allow insider trading should have a lower cost of capital, and revelations of possible insider trading in a company's stock should cause its stock price to rise.131 The evidence just discussed demonstrates that the opposite is true. Outsiders might be able to share in superior profits by investing in insider trading equity funds. However, as already suggested, insiders will probably have little need to create such funds because they will be able to finance most or all of their trading with (cheaper) debt.132 Thus, everyone but insiders would abandon the stock market.133 As an obvious consequence, public trading in stocks would essentially cease.134 Insiders can trade only if there are outsiders (including market makers)135 with whom to trade. If outsiders pull out, that is associated with a reduction in the cost of equity in a country trading , there would be no stock market; there would be no publicly traded companies.136 It would not, however, be tenable to have all the equity of large firms owned by just a few insiders; that is why public ownership originally evolved. If public ownership were destroyed by insider trading, large firms would have to seek investment from private equity companies.137 In most cases, private equity owners demand control.138 As part of that control, they also insist on full disclosure when executives buy or sell the firm's stock.139 In other words, they do not tolerate insider trading. Thus, ironically, legalizing insider trading would lead to the extinction of public stock markets and of insider trading itself. Although unrestricted insider trading would destroy the stock markets and thus preclude insider trading, could market forces somehow react so as to prevent this destruction? It is

true that individual insiders would have no incentive to restrain their trading,140 but, as a response, individual companies could try to curb insider trading.141

Stock Market Key to the Global Economy

Naes '11, Writer for the Journal of Finance, Randi Naes, 2011 ("Stock Market Liquidity and the Business Cycle", Journal of Finance, February 2011, Available Online at http://onlinelibrary.wiley.com/doi/10.1111/j.1540-6261.2010.01628.x/pdf, Accessed 07/10/2015)

IN DISCUSSIONS OF THE CURRENT financial crisis, much is made of the apparent causality between a decline in the liquidity of financial assets and the economic crisis. In this paper we show that such effects are not new; changes in the liquidity of the U.S. stock market have been coinciding with changes in the real economy at least since the Second World War. In fact, stock market liquidity is a very good "leading indicator" of the real economy. Using data for the United States over the period 1947 to 2008, we document that measures of stock market liquidity contain leading information about the real economy, even after controlling for other asset price predictors. Figure 1 provides a time-series plot of one measure of market liquidity, the Amihud (2002) measure, together with the National Bureau of Economic Research (NBER) recession periods (gray bars). This figure illustrates the relationship found between stock market liquidity and the business cycle. As can be seen from the figure, liquidity clearly worsens (illiquidity increases) well ahead of the onset of the NBER recessions. Our results are relevant for several strands of the literature. One important strand is the literature on forecasting economic growth using different asset prices, including interest rates, term spreads, stock returns, and exchange rates. The forward-looking nature of asset markets makes the use ∗Randi Næs is at the Norwegian Ministry of Trade and Industry. Johannes A. Skjeltorp is at Norges Bank (the Central Bank of Norway). Bernt Arne Ødegaard is at the University of Stavanger, Norges Bank, and Norwegian School of Management. We are grateful for comments from an anonymous referee, an associate editor, and our Editor (Campbell Harvey). We also thank Kristian Miltersen, Luis Viceira, and seminar participants at the fourth Annual Central Bank Workshop on the Microstructure of Financial Markets in Hong Kong, Norges Bank, the Norwegian School of Economics and Business Administration, Statistics Norway (SSB), Center for Research in Economics and Statistics, and the Universities of Oslo, Stavanger, and Aarhus for comments. Ødegaard acknowledges funding from "Finansmarkedfondet" (The Finance Market Fund). The views expressed are those of the authors and should not be interpreted as reflecting those of Norges Bank or the Ministry of Trade and Industry. 139 140 The Journal of FinanceR -1.2 -0.8 -0.4 0.0 0.4 0.8 1.2 1950 1960 1970 1980 1990 2000 NBER recessions ILR detrended Figure 1. Liquidity and the business cycle. The figure shows time-series plots of the detrended Amihud (2002) illiquidity ratio (ILR) for the United States over the period 1947 to 2008. The gray bars indicate the NBER recession periods. ILR is an elasticity (price impact) measure of liquidity and reflects how much prices move in response to trading volume. ILR is first calculated for each stock for each year. Then the equally weighted cross-sectional average for each year is calculated. A more precise definition is found in equation (2) in the paper. Note that ILR reflects illiquidity, so a high value reflects a high price impact of trades (i.e., low liquidity). ILR is detrended using a Hodrick–Prescott filter. of these prices as predictors of the real economy intuitive. If a stock price equals the expected discounted value of future earnings, it seems natural that it should contain information about future earnings growth. Theoretically, a link between asset prices and the real economy can be established from a consumption–smoothing argument. If investors are willing to pay more for an asset that pays off when the economy is thought to be in a bad state than for an asset that pays off when the economy is thought to be in a good state, then current asset prices should contain information about investors' expectations about the future real economy. In their survey article, however, Stock and Watson (2003) conclude that there is considerable instability in the predictive power of asset prices. We shift focus to a different aspect of asset markets: the liquidity of the stock market (i.e., the costs of trading equities). It is a common observation that stock market liquidity tends to dry up during economic downturns. However, we show that the relationship between trading costs and the real economy is much more pervasive than previously thought. A link from trading costs to the real economy is not as intuitive as the link from asset prices, although several possible explanations are suggested in the literature.

Economic decline triggers lash-out and global war---no checks

Harold **James 14**, Professor of history at Princeton University's Woodrow Wilson School who specializes in European economic history, 7/2/14, "Debate: Is 2014, like 1914, a prelude to world war?," http://www.theglobeandmail.com/globe-debate/read-and-vote-is-2014-like-1914-a-prelude-to-world-war/article19325504/

As we get closer to the centenary of Gavrilo Princip's act of terrorism in Sarajevo, there is an ever more vivid fear: it could happen again. The approach of the hundredth anniversary of 1914 has put a spotlight on the fragility of the world's political and economic security systems. At the beginning of 2013, Luxembourg's Prime Minister Jean-Claude Juncker was widely ridiculed for evoking the shades of 1913. By now he is looking like a prophet. By 2014, as the security situation in the South China Sea deteriorated, Japanese Prime Minister Shinzo Abe cast China as the equivalent to Kaiser Wilhelm's Germany; and the fighting in Ukraine and in Iraq is a sharp reminder of the dangers of escalation. Lessons of 1914 are about more than simply the dangers of national and sectarian animosities. The main story of today as then is the precariousness of financial globalization, and the consequences that political leaders draw from it. In the influential view of Norman Angell in his 1910 book The Great Illusion, the interdependency of the increasingly complex global economy made war impossible. But a quite opposite conclusion was possible and equally plausible – and proved to be the case. Given the extent of fragility, a clever twist to the control levers might make war easily winnable by the economic hegemon. In the wake of an epochal financial crisis that almost brought a complete global collapse, in 1907, several countries started to think of finance as primarily an instrument of raw power, one that could and should be turned to national advantage. The 1907 panic emanated from the United States but affected the rest of the world and demonstrated the fragility of the whole international financial order. The aftermath of the 1907 crash drove the then hegemonic power – Great Britain - to reflect on how it could use its financial power. Between 1905 and 1908, the British Admiralty evolved the broad outlines of a plan for financial and economic warfare that would wreck the financial system of its major European rival, Germany, and destroy its fighting capacity. Britain used its extensive networks to gather information about opponents. London banks financed most of the world's trade. Lloyds provided insurance for the shipping not just of Britain, but of the world. Financial networks provided the information that allowed the British government to find the sensitive strategic vulnerabilities of the opposing alliance. What pre-1914 Britain did anticipated the private-public partnership that today links technology giants such as Google, Apple or Verizon to U.S. intelligence gathering. Since last year, the Edward Snowden leaks about the NSA have shed a light on the way that global networks are used as a source of intelligence and power. For Britain's rivals, the financial panic of 1907 showed the necessity of mobilizing financial powers themselves. The United States realized that it needed a central bank analogous to the Bank of England. American financiers thought that New York needed to develop its own commercial trading system that could handle bills of exchange in the same way as the London market. Some of the dynamics of the pre-1914 financial world are now re-emerging. Then an economically declining power, Britain, wanted to use finance as a weapon against its larger and faster growing competitors, Germany and the United States. Now America is in turn obsessed by being overtaken by China – according to some calculations, set to become the world's largest economy in 2014. In the aftermath of the 2008 financial crisis, financial institutions appear both as dangerous weapons of mass destruction, but also as potential instruments for the application of national power. In managing the 2008 crisis, the dependence of foreign banks on U.S. dollar funding constituted a major weakness, and required the provision of large swap lines by the Federal Reserve. The United States provided that support to some countries, but not others, on the basis of an explicitly political logic, as Eswar Prasad demonstrates in his new book on the "Dollar Trap." Geo-politics is intruding into banking practice elsewhere. Before the Ukraine crisis, Russian banks were trying to acquire assets in Central and Eastern Europe. European and U.S. banks are playing a much reduced role in Asian trade finance. Chinese banks are being pushed to expand their role in global commerce. After the financial crisis, China started to build up the renminbi as a major international currency. Russia and China have just proposed to create a new credit rating agency to avoid what they regard as the political bias of the existing (American-based) agencies. The next stage in this logic is to think about how financial power can be directed to national advantage in the case of a diplomatic tussle. Sanctions are a routine (and not terribly successful) part of the pressure applied to rogue states such as Iran and North Korea. But financial pressure can be much more powerfully applied to countries that are deeply embedded in the world economy. The test is in the Western imposition of sanctions after the Russian annexation of Crimea. President Vladimir Putin's calculation in response is that the European Union and the United States cannot possibly be serious about the financial war. It would turn into a boomerang: Russia would be less affected than the more developed and complex financial markets of Europe and America. The threat of systemic disruption generates a new sort of uncertainty, one that mirrors the decisive feature of the crisis of the summer of 1914. At that time, no one could really know whether clashes would escalate or not. That feature contrasts remarkably with almost the entirety of the Cold War, especially since the 1960s, when the strategic doctrine of Mutually Assured Destruction left no doubt that any superpower conflict would inevitably escalate. The idea of network disruption relies on the ability to achieve advantage by surprise, and to win at no or low cost. But it is inevitably a gamble, and raises prospect that others might, but also might not be able to, mount the same sort of operation. Just as in 1914, there is an enhanced temptation to roll the dice, even though the game may be fatal.

Uniqueness

Insider Trading Low

Insider activity low – SEC enforcement

Wiggin and Dana 10/31, (A full service law firm -- clients are publicly traded companies, entrepreneurs and emerging growth companies, real estate developers, financial institutions, "TIME TO FOCUS ON COMPLIANCE PROGRAMS AGAIN: SEC ENFORCEMENT ACTIONS AND SANCTIONS ARE ON THE RISE", 10/31/2014, http://www.wiggin.com/15507) BBer

The SEC successfully used quantitative analytics to identify especially high rates of filing deficiencies and brought coordinated charges against 34 individuals and companies for violating laws requiring them to promptly report information about their holdings and transactions in company stock. The SEC pursued wrongdoing by asset managers through proprietary analytics that identify hedge funds with suspicious returns**. It also employed "next generation analytical tools to help identify patterns of suspicious trading" in its continued efforts to eliminate trading on the basis of inside information.** Over the last three years, the SEC charged 80 people in connection with insider trading and, among those charged are a former hedge fund trader, a portfolio manager, the co-chairman of a board, an investment banker, an investor relations executive, an accountant, husbands who traded on information they learned from their wives, and a group of golf buddies and other friends. There is every reason to expect that the continued use of these techniques will lead to more enforcement actions across a broad spectrum of market conduct. L**astly, the SEC's record payout of awards to whistleblowers is bound to incentivize whistleblowers to come forward and may lead to more prosecutions of individuals.** In FY 2014, nine whistleblowers received awards totaling approximately $35 million, including one that was more than $30 million for a whistleblower who provided key original information that led to a successful enforcement action. That award was the largest-ever whistleblower award

Inside trading is on a decline

Nili 3/18, (Yaron, Co-Editor on the Harvard law school forum on Corporate Governance and Financial Regulation – Went to The Hebrew University: M.B.A., Finance - LL.B., Law --- Activities and Societies: Teaching assistant, "Mishpatim" Law review editor-in-chief, "SEC Enforcement Developments in 2014, and a Look Forward", Harvard Law School, 3-18-2015, http://corpgov.law.harvard.edu/2015/03/18/sec-enforcement-developments-in-2014-and-a-look-forward/) BBer

Substantive Developments Insider Trading Law The year 2014 may have seen the rolling back of the tide of successful insider trading cases brought both by the Manhattan US Attorney's Office and the SEC. **Last year saw the SEC bring 52 insider trading actions, charging 80 people, an increase over the 44 cases brought in 2013.** Already, the US Attorney's Office has filed a brief in another insider trading case, United States v. Durant, arguing that the Second Circuit decision should be construed narrowly. The government argued that, while "[t]he Newman decision dramatically (and, in our view, wrongly) departs from thirty years of

controlling Supreme Court authority," the decision does not apply in Durant. Newman applies to insider trading cases brought under the classical theory of liability the government argued, while Durant was brought under the misappropriation theory.

Insider trading is low – increase in prosecutions and SEC enforcement

Morrison and Foerster 2/21, (Law firm – includes prominent attorneys with decades of experience, former prosecutors, former SEC enforcement attorneys, former senior officials of the CFTC and FINRA, and in-house forensic accounting experts, "2014 Insider Trading: Annual Review", 2/21/2015, http://www.mofo.com/~/media/Files/ClientAlert/2015/02/150211InsiderTradingAnnualReview.pdf) BBer

2014 will be remembered as the year that the Department of Justice's ("DOJ") winning streak in insider trading cases came to an end. **The last few years have been punctuated by the government's aggressive – and highly successful – enforcement of criminal insider trading laws.** Since 2009, **the U.S. Attorney's Office for the Southern District of New York** ("S.D.N.Y.") **had enjoyed a perfect trial record in insider trading cases.** With the high-profile trial conviction of Mathew Martoma, 2014 was poised to be another banner year. However, in July 2014 the perfect record came to an end when a jury acquitted Rajarengan (Rengan) Rajaratnam of insider trading charges. Rengan's acquittal not only ended the government's seemingly endless winning streak, but also signified the end of the longrunning "Perfect Hedge" investigation that initially ensnarled his brother, Raj Rajaratnam, and brought down most of the insider trading defendants over the last few years. To close out 2014, the United States Court of Appeals for the Second Circuit issued the highly anticipated decision overturning the insider trading convictions of Todd Newman and Anthony Chiasson. The blockbuster opinion cast doubt on countless other convictions and guilty pleas secured over the past several years. The early effects of the decision have already been felt in the first few weeks of 2015, with a number of associated guilty pleas by downstream tippees having been vacated. The U.S. Attorney's Office for the S.D.N.Y. is not going quietly; instead, it filed a blistering petition for rehearing and suggestion for rehearing en banc, arguing that the panel not only got it wrong, but also "threaten[ed] the integrity of the securities markets." The viability of the panel opinion and its ripple effects are among the central events to watch in insider trading law in 2015. The consequences of being found liable for insider trading can be severe. Individuals convicted of criminal insider trading can face up to 20 years imprisonment per violation, criminal forfeiture, and fines of up to $5,000,000 or twice the gain from the offense. A successful civil action by the SEC may lead to disgorgement of profits and a penalty not to exceed the greater of $1,000,000, or three times the amount of the profit gained or loss avoided. In addition, individuals can be barred from serving as an officer or director of a public company, acting as a securities broker or investment adviser, or in the case of licensed professionals, such as attorneys and accountants, from serving in their professional capacity before the SEC. **In 2014, the SEC filed insider trading actions against 111 individuals or entities, naming 44 of them in administrative proceedings, while DOJ brought criminal charges involving insider trading against 20 individuals or entities.** Last year in our Review, we included in our tally for the first time administrative proceedings filed by the SEC. With the increasing preference by the SEC Staff to bring actions as administrative proceedings instead of federal court cases, reporting only on the number of SEC enforcement actions would give an incomplete picture of enforcement activity. **As we predicted last year, the trend towards filing administrative proceedings continued in 2014**. **2014 saw DOJ and the SEC continue to aggressively pursue insider trading actions. The total number of actions brought demonstrates that neither agency has lost its interest in enforcing insider trading laws.** While 2014 certainly brought some high-profile victories for the government, 2014 will likely be better remembered for the significant set-backs suffered by both DOJ and the SEC. There are a number of potential explanations for the disparity in sentences inside and outside the S.D.N.Y. In recent years, **prosecutors** in the S.D.N.Y**. compiled an impressive win record**, largely with the benefit of cooperating witnesses in a series of related actions. The success of that approach may have provided additional incentive for prosecutors to encourage cooperation by recommending sentences of probation for cooperators. In addition, because **there are more insider trading cases brought in** the S.D.N.Y. than in all other districts combined, judges in the S.D.N.Y. may be less likely to impose as harsh a sentence on a cooperator as might a judge for which insider trading cases are more novel. **2014 was another big year for insider trading cases.**

Insider trading prosecution on the rise – cooperation

Morrison and Foerster 2/21, (Law firm – includes prominent attorneys with decades of experience, former prosecutors, former SEC enforcement attorneys, former senior officials of the CFTC and FINRA, and in-house forensic accounting experts, "2014 Insider Trading: Annual Review", 2/21/2015, http://www.mofo.com/~/media/Files/ClientAlert/2015/02/150211InsiderTradingAnnualReview.pdf) BBer

The 2014 sentencing data stands out in a number of ways. First, **ten cooperators received prison time in 2014, more than had been sentenced to prison in the prior four years combined, even though the number of cooperators sentenced in 2014 was less than in 2013 and equal to 2012.** Second, **the gap in expected outcomes between cooperators and those who go to trial has narrowed substantially** if one factors in the reversal of the Newman and Chiasson convictions, the doubt that ruling casts upon the Steinberg and Martoma convictions, and DOJ's loss in the Rengan Rajaratnam trial. In short, defendants can now factor in a real chance of acquittal if they go to trial, whereas conviction seemed all but inevitable just one year ago. If the Newman holding remains undisturbed and is followed in other circuits, **we may well see a reduction in the absolute number of insider trading criminal cases (and SEC enforcement actions), as prosecutors forgo hard-to-win remote tippee cases.** Despite these developments, however, it remains true that cooperators receive lower prison sentences (on average 25% of the minimum guidelines in 2014), as compared to settling defendants who do not cooperate (35% of the minimum guidelines in 2014), and those who go to trial (35% of the minimum guideline in 2014). In total over the last five years, the numbers are more stark: cooperators received prison sentences of approximately 11% of the minimum guidelines on average, as compared to 43% for settling non-cooperators, and 45% for those who went to trial. **The benefits of cooperation in 2014 also remained the most pronounced** in the S.D.N.Y. The one cooperator sentenced in the S.D.N.Y. in 2014, Reemah Shah, received no prison time, whereas numerous non-cooperators received substantial prison time. In contrast, seven cooperators outside the S.D.N.Y. were sentenced to prison for more than one year, and non-cooperators' prison sentences were generally not as high outside the S.D.N.Y. **The aggregate sentencing data from 2010 through 2014 shows a clear trend.**

SEC investigations work

SEC investigations successful

Eaglesham 14, (Jean, writes about law enforcement by the Securities and Exchange Commission and other financial agencies, working from the Wall Street Journal's New York bureau, "As SEC Enforcement Cases Rise, Big Actions Are Sparse", WSJ, 9-29-2014, http://www.wsj.com/articles/as-sec-enforcement-cases-rise-big-actions-are-sparse-1412028262) BBer

Mary Jo White will end her first full fiscal year running the Securities and Exchange Commission able to claim an increase in its annual tally of cases, the first year-over-year rise since 2011, according to people close to the agency. It is an important benchmark for the SEC chairman, a former federal prosecutor who promised "aggressive and creative" enforcement soon after taking office last year. But some SEC watchers said the heightened activity masks a scarcity of the blockbuster actions that should be a feature of an effective Wall Street cop. "When the chairman testifies before Congress…she will have nice numbers to cite," said Thomas

Gorman, a partner at law firm Dorsey & Whitney LLP. "But she's not going to have the really good cases that the SEC made its reputation on." Ms. White said **the SEC's enforcement division has been highly successful in the past year, and aggressive enforcement will continue**. "**What is most impressive is that the cases span the spectrum of the securities markets and that we demanded tough remedies**," she said in a statement. The SEC is still completing its official tally of enforcement actions for the fiscal year ending Tuesday. But a recent flurry of activity has boosted total enforcement actions, one of the agency's measures of success, to well over the 686 reached in the previous 12-month period, the people close to the agency said. Ms. White can also point to recent progress on two of her priorities. Her policy of requiring admissions of wrongdoing to settle SEC allegations in some cases has produced 12 such pacts, the most recent last week, according to an analysis by The Wall Street Journal. And her "broken windows" strategy of pursuing even small legal violations led to 54 new cases this month, a handy addition to the annual tally, according to the analysis. Senior SEC officials said **the agency** under Ms. White **is moving on from its effort to punish misconduct related to the financial crisis, which dominated the five years after 2008**. But such actions still accounted for more than half of its biggest-penalties cases in this fiscal year, according to the analysis by the Journal. Four of seven cases with settlements of more than $100 million brought by the SEC in the past 12 months, including the three biggest fines, involve conduct dating back to the financial crisis, the analysis found. Three of these seven $100 million-plus cases included admissions of wrongdoing by the firm involved, reflecting the agency's determination to require admissions in some of its most important cases. But the 12 pacts with admissions reached under the new policy also include alleged misconduct that resulted in much smaller penalties, in which fraud wasn't alleged, such as a computer-coding error that resulted in a discount brokerage giving incorrect data to the SEC. "When you look at the [admissions] cases they've brought so far, it's hard to understand why those have been selected and not others," said Stephen Crimmins, a partner at law firm K&L Gates LLP. Andrew Ceresney, SEC enforcement chief, said all 12 admissions "are important cases that warranted admissions, which enhanced the defendants' acceptance of responsibility for their actions." The SEC has chalked up some notable firsts under Ms. White. This month alone, the agency made a record $30 million payout to a whistleblower and filed its first enforcement action against a high-frequency trading firm, as well as its first case against a brokerage firm for failing to protect customers' nonpublic information. Senior SEC officials said the agency's postcrisis strategy is to pursue wrongdoing on a broad range of fronts, on both Wall Street and Main Street, rather than target any particular area. **"Now that we have completed nearly all of our financial crisis cases, we will increase our focus in a range of different areas,"** said Mr. Ceresney. **The types of cases being targeted include insider trading, market structure, microcap-stock fraud, pyramid schemes, municipal securities, complex financial instruments, and investment-adviser fraud,** he said. Mr. **Ceresney highlighted financial-reporting fraud as another area in which the SEC is ramping up efforts. The numbers of these bread-and-butter, fiddling-the-books cases fell sharply in the aftermath of the crisis. That trend is now reversing: The SEC will this fiscal year be able to report an increase for this type of case for the first time since 2008, said a person close to the agency. Accounting and financial-reporting fraud numbers are up at least 25% on the 68 total for the year** through September 2013, the person said. But these cases are mostly on a fairly modest scale, in terms of the sanctions imposed. "We're not seeing many really big actions; there is nothing to match the accounting fraud cases of the late 1990s," said Thomas Sporkin, a former SEC attorney who is now a partner at law firm BuckleySandler LLP. Some lawyers question the seeming pressure on the SEC to bring ever-bigger cases. Bradley Bondi, a former counsel to two former SEC Republican commissioners, said the agency has touted its enforcement statistics as a gauge of its effectiveness for the past decade. But police chiefs often rate success in terms of falling crime rates, said Mr. Bondi, now a partner at law firm Cadwalader, Wickersham & Taft LLP. The SEC's increasing numbers of cases and "ever-growing penalty amounts" could show a need to re-evaluate how well it is deterring future misconduct, he said. Arthur Levitt, the SEC's chairman from 1993 to 2001, said Ms. White has "got off to a good start" on enforcement. But it is probably too early to judge the effectiveness of her drive to make the SEC a tougher agency. "I don't think we'll really know for a few years," he said.

SEC investigations will continue to be successful – multiple warrants

Nili 3/18, (Yaron, Co-Editor on the Harvard law school forum on Corporate Governance and Financial Regulation – Went to The Hebrew University: M.B.A., Finance - LL.B., Law --- Activities and Societies: Teaching assistant, "Mishpatim" Law review editor-in-chief, "SEC Enforcement Developments in 2014, and a Look Forward", Harvard Law School, 3-18-2015, http://corpgov.law.harvard.edu/2015/03/18/sec-enforcement-developments-in-2014-and-a-look-forward/) BBer

As we noted last year in our memorandum focused on 2013 developments, Securities and Exchange Commission Chair Mary Jo White has called for the SEC to be more aggressive in its enforcement program. By all accounts, **the Enforcement Division has responded to that call**. **The past year saw the SEC continue the trend,** started under Enforcement Director Robert Khuzami in 2009, **of transforming the SEC's civil enforcement arm into an aggressive law enforcement agency modeled on a federal prosecutor's office.** This should not come as a surprise since both Andrew Ceresney, the current Director, and George Cannellos, Ceresney's Co-Director for a brief period of time, like Khuzami, spent many years as federal prosecutors in the Southern District of New York. And the Commission itself is now led for the first time by a former federal prosecutor, Mary Jo White, the US Attorney for the Southern District of New York from 1993 to 2002. Given the events of the past decade involving the Madoff fraud and the fallout from the 2008 financial crisis, we believe both **the aggressive tone and positions the SEC has taken in recent years will continue.** In this post, we outline some of the developments in the SEC's enforcement program and the remedies it has pursued over the past year. We also discuss important developments in areas where we expect to see continued enforcement attention during 2015, including insider trading law, the private equity industry, and accounting and financial reporting matters. **Enforcement Program Focus Adopting a "Broken Windows" Approach to Enforcement** One of the significant and over-arching approaches to the enforcement agenda under Chair White's leadership is the so-called "broken windows" style of enforcement. Emulating tactics introduced by the New York City Police Department in the mid-1990s, **the Commission has pledged to crack down on even minor securities law infractions in an effort to deter more significant violations.** Chair White has explained that **the purpose of the "broken windows" approach is twofold: to ensure that the SEC is punishing "even the smallest infractions" while still pursuing the larger violations, and to make "you feel like we are everywhere."** Extending the policing analogy further, she has said that "[i]t is important because investors in our markets want to know that there is a strong cop on the beat—not just someone sitting in the station house waiting for a call, but patrolling the streets and checking on things." To the extent the approach is designed to make clear that the Commission will attempt to have a presence in virtually every sector of the markets and that it will enforce all of the agency's rules, the program should be neither controversial nor unique. The concern in the corporate sector, however, has focused on the extent to which the "broken windows" policy means that disproportionately harsh sanctions, adverse publicity, and reputational harm will be the consequence of transgressions that may indeed be minor. In announcing the program, Chair White suggested that a group of actions in 2013 relating to violations of Rule 105 of Regulation M (prohibiting certain short sales of a security in advance of a public offering of the same security) were an early example of this approach. Since then, however, the only matter explicitly described as a "broken windows" effort was a group of actions announced in September 2014 against 28 corporate insiders (officers, directors, and major shareholders) for failure to timely and properly file reports of securities ownership. It is noteworthy that these actions do not seem to have been the result of a significant time investment by the Enforcement staff. Rather, as described by the Commission, the actions were an example of the SEC's recent investments in new technology—the deficient filers were identified using sophisticated computer analysis. This may ultimately be a key feature of this initiative—that more powerful computer-based analysis will expose technical violations of filing or other requirements that may previously have gone unnoticed, allowing the Commission to bring such message cases without distracting significantly from other enforcement priorities. The debate over this enforcement policy will continue. Each Chairman and each Enforcement Director over the past several decades has worried about both the breadth and reach of the enforcement program, attempting to have a presence throughout the markets and attempting to identify all manner of violative behavior, whether delinquent filings or even very technical violations. The Chair's public articulation of a policy, analogized to the "broken windows" approach, was perhaps the lightning rod here, and the SEC may now be trying to ratchet back that rhetoric. Enforcement Director Ceresney has recently said that the "broken windows" approach is not about turning every

violation into an enforcement action but, rather, is about targeting rules where "we have seen a pattern of a lack of compliance" and bringing cases that "send a strong message" to the market. **Increasing Use of the Administrative Forum The SEC has said that it will increasingly use the authority it gained** through the Dodd-Frank Act **to bring more actions administratively.** Previously, the Commission was limited in the types of actions it could bring and the relief it could obtain in administrative proceedings. Dodd-Frank significantly expanded the relief the SEC can obtain administratively. The SEC is now authorized to bring actions against non-regulated entities and individuals and to impose significant penalties in administrative actions. The remedies available to the SEC in the different fora are now effectively the same. In preparing to both bring and likely litigate more administrative actions, the SEC recently increased the number of its Administrative Law Judges from three to five and increased the ALJs' staff. The SEC has also expanded the types of cases that it will consider bringing administratively. In June 2014, shortly after two well-publicized trial losses, Director Ceresney noted that, although it had been rare in the past, the SEC would likely bring insider trading cases as administrative proceedings going forward. The SEC has since filed several insider trading cases administratively, and the Staff has said that it expects to bring more FCPA cases in the administrative forum as well. After judicial challenges to a number of negotiated settlements and losses in court over the past several years, many observers have suggested that the increased use of administrative proceedings is an effort by the SEC to secure a "home-court advantage" and avoid the scrutiny of federal judges and juries. In fiscal year 2014, the SEC won all six of its litigated administrative proceedings, but only 11 of its 18 federal court trials. While lauding the agency's trial record on the one hand, Ceresney has not been shy about highlighting the advantageous features of the administrative forum, including prompt decisions, specialized fact-finders, and less stringent rules of evidence. Not surprisingly, the SEC's decision to use its administrative forum in more cases has come under criticism. For example, Judge Rakoff of the Southern District of New York has discussed the dangers of bringing more cases administratively, including concerns about the securities laws being interpreted in a non-judicial forum and the fairness of the administrative proceedings due to the inapplicability of the federal rules of evidence, the lack of a jury trial, and the deference the decisions are entitled to on appellate review. James Cox, a professor at Duke University School of Law, has similarly commented that the SEC must be "sensitive to the benefits" of developing precedent in the federal courts. While there is no basis to believe that the ALJs in these proceedings are not fair and, indeed, that this forum may be more advantageous to respondents in some cases, the process concerns (absence of clear discovery rules, appeal to the Commission itself if one loses) and appearance issues (an in-house forum) should concern the Commission and the Staff. A number of respondents in SEC administrative actions have filed suit in recent months challenging the actions on constitutional and procedural grounds. Thus far, none of these challenges has been successful, though several remain pending. In the first action to be decided, the District Court for the District of Columbia held that it lacked subject matter jurisdiction over the action because no final decision had been rendered by the Commission. Even then, the court noted, the Exchange Act provided for initial judicial review in the Court of Appeals, not the District Court. That case is now on appeal to the DC Circuit. In December, Judge Lewis Kaplan of the SDNY similarly held that the district court lacked jurisdiction to consider an action seeking to enjoin the SEC from proceeding with an administrative action against an investment adviser and his firm. Several other cases remain pending. Recently, a former Standard & Poor's executive filed a pre-emptive declaratory judgment action against the SEC after being notified that the Staff intended to recommend that the Commission bring an administrative proceeding against her. She is asking the court to enjoin the SEC proceeding and to find that, because the SEC's Administrative Law Judges are officers of the executive branch who cannot be removed from office directly by the President, the SEC's adjudicatory system violates Article II of the Constitution. The SEC itself has been dismissive of complaints that its administrative proceedings are unfair. In the face of criticism regarding the Commission's increased use of administrative proceedings and the argument that it is unfair or unconstitutional, Director Ceresney defended the practice, noting that the Commission is still bringing a "significant" number of cases in district court and arguing that the SEC's use of its administrative forum is "eminently proper, appropriate, and fair to respondents." In seeking to impose individual liability, the Staff is also increasingly focused on those in so-called "gatekeeper" roles, including compliance officers, accountants, and attorneys. This focus, which harkens back to the Stanley Sporkin era in the 1970s, was, if anything, sharpened in 2014 with the Commission introducing an initiative it refers to as "Operation Broken Gate." This is an effort to look even more closely at the role of such gatekeepers—those who are "obviously central to our system"—in enforcement actions. **This focus appears designed to achieve at least two goals: (1) sending a message to the public that the SEC is getting tough on individuals in positions of authority within public companies who may have benefited from improper conduct; and (2) incentivizing those in the private sector who can prevent violations because they hold the keys to disclosure and investor protection by pushing them "to actively look for red flags, ask the tough questions, and demand answers." We expect this focus on "gatekeepers" to**

continue into 2015 and beyond. Remedial Developments **Eroding the "No Admit/No Deny" Settlement Model** As we noted in last year's memo, in 2013, the Commission announced a change to its long-standing policy of concluding nearly all settled enforcement cases without an admission from the respondent. Previously, the SEC had required admissions only in cases where the respondent had already pled guilty to criminal charges stemming from the same conduct. SEC settlements generally included language stating that the respondent neither admitted nor denied the factual allegations set forth in the Commission's complaint or order. The policy change comes after the SEC has been subject to significant criticism from federal judges and others for submitting such "no admit/no deny" settlements to the courts for approval. Over the past few years, several proposed SEC settlements have been delayed and scrutinized as a result of concerns raised by the presiding judge. Judge Rakoff started the trend of federal judges refusing to "rubber-stamp" SEC settlements and has been the most vocal critic of the Commission's no admit/no deny settlement policy. He initially refused to approve the Commission's proposed $285 million settlement with Citigroup over its role in structuring and marketing a package of mortgage bonds to investors. Other courts have followed Judge Rakoff's lead. For example, Judge Kane of the District of Colorado issued an opinion rejecting a proposed settlement, stating that "'[l]ike Judge Rakoff, I will not be a mere handmaiden to a settlement negotiated on unknown facts, while the public is deprived of ever knowing the truth in a matter of obvious public importance.'" Although Judge Rakoff's refusal to approve the Citigroup settlement was overturned by the Second Circuit, the Commission has nonetheless said it will continue to demand admissions in certain cases. The new policy reflects the Commission's view that admissions increase accountability and boost investor confidence in the SEC and the markets. The SEC has since sought and obtained admissions in a number of cases. Under the new policy, the SEC will potentially seek admissions where: a large number of investors were harmed or the conduct was "egregious"; the conduct posed "significant risk" of harm to the markets or investors; the admissions would "aid investors deciding whether to deal with a particular party in the future"; and reciting the facts of the case would "send an important message" to the market. Significantly, according to Director Ceresney, admissions are not negotiable. Once the SEC determines there should be an admission in a particular case, there is no room for negotiation. For example, according to Ceresney, the SEC will not accept a larger penalty in lieu of an admission. The respondent must either admit or litigate. **Declining to Relieve Collateral Consequences of Settlements** When public companies or regulated entities settle enforcement actions with government regulators, including the SEC, there are often automatic consequences that apply. These collateral consequences can be quite dramatic and have significant negative impacts on the settling entity. In the SEC context, for example, a public company that settles to violations of the anti-fraud provisions of the securities laws automatically loses its status as a Well-Known Seasoned Issuer, or WKSI. WKSI status allows a company to issue new securities without going through the SEC's typical review process, allowing for faster capital raising. Similarly, Dodd-Frank required the SEC to implement a so-called "bad actor" rule that disqualifies broker-dealers with "a relevant criminal conviction, regulatory or court order, or other disqualifying event" from relying on a Rule 506 exemption to sell certain private investments, like interests in hedge funds and private-equity funds. Challenges to the routine granting of waivers seems likely to continue into 2015. Recently, the Department of Labor, which oversees a similar disqualification regime, took the unusual step of holding an open meeting on a waiver request from Credit Suisse in connection with a disqualification from managing pension funds as a result of its resolution of a tax evasion case with federal prosecutors. Historically, the DOL staff had routinely granted such waivers. In Credit Suisse's case, however, consumer advocates and members of Congress objected to the waiver, prompting the DOL to hold public hearings on the question in early January 2015. Consumer advocate Ralph Nader testified against granting the waiver. While the DOL decision-making process seems to be more protracted than the SEC's, allowing interested parties more opportunity to participate in the process, it seems likely that activists will eventually turn their attention to the SEC waiver process, increasing the political pressure on the Commissioners in considering such requests. **Tying Penalties to the Respondent's Financial Position, Not the Underlying Activity We expect that the SEC will continue to push for ever-larger penalties in 2015,** especially in cases, as with the examples cited above, where the respondent is not a public company and the impact of the penalties will not be passed on to shareholders. Under the discretion the securities laws give the Staff and the Commission to set penalties, and citing "deterrence" as the key consideration, the Commission will continue to take into account the size and financial wherewithal of an individual or an enterprise in setting the amount of any penalties sought or assessed. **Substantive Developments Insider Trading Law** The year 2014 may have seen the rolling back of the tide of successful insider trading cases brought both by the Manhattan US Attorney's Office and the SEC. Last year saw the SEC bring 52 insider trading actions, charging 80 people, an increase over the 44 cases brought in 2013. Already, the US Attorney's Office has filed a brief in another insider trading case, United States v. Durant, arguing that the Second Circuit decision should be construed narrowly. The government argued that, while "[t]he Newman decision dramatically (and, in our view, wrongly) departs from thirty years of controlling Supreme Court authority," the decision does not apply in Durant. Newman applies to insider trading cases brought under the classical theory of liability the government argued, while Durant was brought under the misappropriation theory. On January 23, the US Attorney's Office asked the three-judge panel that

decided the case to reconsider its ruling. If the court elects not to reconsider its decision, the government may request that the entire Second Circuit hear the case en banc or petition the Supreme Court to hear the appeal. That said, the decision is already having an effect. On January 29, Southern District prosecutors indicated that, as a result of Newman, the Office would drop charges against five men who had been indicted on insider trading charges relating to IBM's acquisition of a software company in 2009. **Asset Management Industry The SEC has been focused on the private equity sector for several years.** In 2014, the Office of Compliance Inspections and Examinations began completing a series of "presence exams" it had been conducting of a large number of industry participants since 2012. The results of the exams were sufficiently troubling to the SEC that, in April 2014, the Commission announced that it was launching a new unit within OCIE dedicated to the examination of private equity and hedge funds. In addition to this new unit, two other groups within the SEC continue to focus on private equity: the Asset Management Unit, established in 2010, and the Financial Reporting and Audit Task Force. Andrew Bowden, the Director of OCIE, has said that over half of the private equity advisers that have been examined under the presence exam initiative appear to be violating laws or have material weaknesses around how they assess fees and expenses to clients. The SEC has filed several enforcement actions arising out of those exams. The actions brought include the Commission's first-ever action against a private equity firm for violating the pay-to-play rules. Those rules prohibit investment advisers from providing advisory services to a government entity for two years following a campaign contribution to an elected official of that entity. The SEC also brought an action relating to the fees and expenses charged by a private equity firm. The SEC alleged that the firm and its president violated the anti-fraud and other provisions of the securities laws by misallocating assets from the funds to pay expenses of the management company, including rent, salaries, and other employee benefits. The SEC also alleged that after depleting the funds' assets, the management company made loans to the funds at "excessive" interest rates. Finally, the SEC brought fraud charges against a private equity fund manager for breaching its fiduciary duty by inappropriately allocating expenses between two of its funds. Given the breadth of the presence exams and the establishment of a new unit focused specifically on this industry, we expect to see more actions against private equity firms in 2015. **Accounting and Financial Reporting Another area where we expect to see increased SEC enforcement activity in 2015 is in accounting and financial reporting cases.** Although this has not been much of a focus area since the financial crisis, that is beginning to change. After several years of seeing the number of such actions decline year over year, the number of financial reporting and disclosure cases brought by the SEC shot up 45% in fiscal 2014. The SEC has said it expects to "continue the momentum in pursuing financial reporting and accounting fraud" in 2015. The Financial Reporting and Audit Task Force mentioned above was established by the Commission to identify and develop potential cases that can then be referred to the Enforcement Division for investigation. While the Task Force has begun issuing information requests to public companies, it remains to be seen how active or effective it will be in generating enforcement recommendations. * * * This remains a challenging environment for individuals and enterprises who find themselves involved in regulatory investigations. **The SEC has demonstrated its increasing willingness to push traditional boundaries—including bringing more actions administratively, naming individuals, and seeking admissions in settled matters—suggesting that is not likely to either change course or become less demanding anytime soon.**

Links

Subpoena Key

The SCA impedes federal investigations — they'd need prior approval.

Thompson and Cole 15 — Richard M. Thompson II and Jared P. Cole, Legislative Attorneys for the Congressional Research Service, 2015 ("Stored Communications Act: Reform of the Electronic Communications Privacy Act (ECPA)," *Federation of American Scientists*, May 19th, Available Online at http://fas.org/sgp/crs/misc/R44036.pdf, Accessed on 07-06-15)

While the various ECPA reform bills discussed above appear to enjoy broad support among technology, civil liberty, and government constituencies, some federal agencies have argued that passage of these bills would significantly curtail their ability to conduct investigations. In an apparent effort to assuage these concerns, the Email Privacy Act, the ECPA Amendments Act, and the LEADS Act include a "rule of construction" noting that these agencies could still seek electronic communications directly from the target of their investigation.

Currently, many federal agencies possess subpoena authority which allows them to compel the production of documents from providers **without prior approval** of a court. Pursuant to Section 2703(b), federal agencies have issued subpoenas to service providers to obtain subscriber information about individuals, including their names, telephone numbers, email addresses, and physical addresses, and have indicated that they have used this authority to obtain the content of emails held by service providers for more than 180 days.

The plan would prevent agencies from using subpoenas – requires DOJ intervention.

Thompson and Cole 15 — Richard M. Thompson II and Jared P. Cole, Legislative Attorneys for the Congressional Research Service, 2015 ("Stored Communications Act: Reform of the Electronic Communications Privacy Act (ECPA)," *Federation of American Scientists*, May 19th, Available Online at http://fas.org/sgp/crs/misc/R44036.pdf, Accessed on 07-06-15)

All of the major ECPA reform bills would require a warrant to obtain the contents of electronic communications held by service providers, whether held for more or less than 180 days. One result of this provision would be that administrative subpoenas—subject to a lower standard of proof than warrants—would **no longer be sufficient** to compel service providers to produce the contents of electronic communications. However, because most federal agencies—other than the Department of Justice (DOJ)—do not possess independent authority to seek a warrant from a magistrate judge, such legislation would appear to preclude agencies conducting an investigation to obtain the contents of electronic communications held by service providers directly from the provider itself. Instead, in order to do so, agencies would presumably need to rely on the DOJ to seek a warrant, whose authority is limited to doing so in criminal investigations.

Probable Cause Link

Requiring higher probable cause makes hampers investigations.

Baker 11 — James A. Baker, Associate Deputy Attorney General, Statement before the Committee on Judiciary United States Senate, 2011 ("The Electronic Communications Privacy Act: Government Perspectives on Protecting Privacy in the Digital Age," *American Civil Liberties Union*, April 6th, Available Online at https://www.aclu.org/files/pdfs/email-content-foia/DOJ%20Crim%20Div%20docs/CRM-231.pdf, Accessed on 07-07-15)

A third potentially appropriate topic for legislation is to clarify the standard for issuance of a court order under § 2703(d) of ECPA. ECPA provides that the government can use a court order under § 2703(d) to compel the production of non-content data, such as email addresses, IP addresses, or historical location information stored by providers. These orders can also compel production of some stored content of communications, although compelling content generally requires notice to the subscriber. According to the statute, "[a] court order for disclosure... may be issued by any court that is a court of competent jurisdiction and shall issue only if the governmental entity offers specific and articulable facts showing that there are

reasonable grounds to believe that the contents of a wire or electronic communication, or the records or other information sought, are relevant and material to an ongoing criminal investigation." 18 U.S.C. § 2703(d). Until recently, no court had questioned that the United States was entitled to a 2703(d) order when it made the "specific and articulable facts" showing specified by § 2703(d). However, the Third Circuit recently held that because the statute says that a 2703(d) order "may" be issued if the government makes the necessary showing, judges may choose not to sign an application even if it provides the statutory showing. See In re Application of the United States, 620 F.3d 304 (3d Cir. 2010). The Third Circuit's approach thus makes the issuance of § 2703(d) orders unpredictable and potentially inconsistent; some judges may impose additional requirements, **while others may not**. For example, some judges will issue these orders based on the statutory "reasonable grounds" standard, while others will devise higher burdens. In considering the standard for issuing 2703(d) orders, it is important to consider the role they play in early stages of criminal and national security investigations. In the Wikileaks investigation, for example, this point was recently emphasized by Magistrate Judge Buchanan in the Eastern District of Virginia. In denying a motion to vacate a 2703(d) order directed to Twitter, Judge Buchanan explained that "at an early stage, the requirement of a higher probable cause standard for non-content information voluntarily released to a third party would **needlessly hamper an investigation**."

Kills SEC

The SEC is specifically effected — no guarantee targets will provide their e-mails.

Thompson and Cole 15 — Richard M. Thompson II and Jared P. Cole, Legislative Attorneys for the Congressional Research Service, 2015 ("Stored Communications Act: Reform of the Electronic Communications Privacy Act (ECPA)," *Federation of American Scientists,* May 19th, Available Online at http://fas.org/sgp/crs/misc/R44036.pdf, Accessed on 07-06-15)

Nevertheless, at least one federal agency has claimed that the new warrant requirement contained in the reform bills would **unduly restrict its investigative authority**. The Securities and Exchange Commission (SEC), in a letter to the Senate Judiciary Committee, noted that the targets of agency investigations do not always "retain copies of their incriminating communications or may choose not to provide the e-mails in response to Commission subpoenas."96 Accordingly, the letter argued, the SEC has historically relied on authority under Section 2703(b) to obtain the contents of electronic communications from service providers during its investigations. The legislation would foreclose the SEC from doing so in the future, thereby weakening its investigative authority. The letter argued that if the individuals under investigation knew that the SEC cannot go directly to the service providers to obtain the contents of emails, then those individuals would be less likely to be forthcoming in response to subpoenas issued directly to them. The letter concluded by suggesting that the legislation be amended by inserting a provision that would allow a federal civil agency to seek the contents of electronic communications from service providers subject to a standard similar to that governing the issuance of criminal search warrants.

General Impact to Be Investigated Latter

The ability to access easily access communications data is crucial to law enforcement.

Baker 11 — James A. Baker, Associate Deputy Attorney General, Statement before the Committee on Judiciary United States Senate, 2011 ("The Electronic Communications Privacy Act: Government Perspectives on Protecting Privacy in the Digital Age," *American Civil Liberties Union*, April 6th, Available Online at https://www.aclu.org/files/pdfs/email-content-foia/DOJ%20Crim%20Div%20docs/CRM-231.pdf, Accessed on 07-07-15)

Mr. Chairman, the Department of Justice is charged with the responsibility of enforcing the laws, safeguarding the constitutional rights of Americans, and protecting the national security of the United States. As such, we welcome these hearings on this important topic. We appreciate the concerns that some in Congress, the courts, and the public have expressed about ECPA. We know that some believe that ECPA has not kept pace with technological changes or the way that people today communicate and store records, notwithstanding the fact that ECPA has been amended several times for just that purpose. We respect those concerns, and we appreciate the opportunity to discuss them here today. We also applaud your efforts to undertake a renewed examination of whether the current statutory scheme appropriately accommodates such concerns and adequately protects privacy while at the same time fostering innovation and economic development. It is legitimate to have a discussion about our present conceptions of privacy, about judicially-supervised tools the government needs to conduct **vital law enforcement and national security investigations**, and how **our statutes should accommodate both.** For example, we appreciate that there are concerns regarding ECPA's treatment of stored communications - in particular, the rule that the government may use lawful process short of a warrant to obtain the content of emails that are stored for more than 180 days. We are ready and willing to engage in a robust discussion of these matters to ensure that the law continues to provide appropriate protections for the privacy and civil liberties of Americans as technology develops. As we engage in that discussion, what we must not do - either intentionally or unintentionally - is unnecessarily hinder the government's ability to effectively and efficiently enforce the criminal law and protect national security. The government's ability to access, review, analyze, and act promptly upon the communications of criminals that we acquire lawfully, as well as data pertaining to such communications, is vital to our mission to protect the public from **terrorists**, **spies**, **organized criminals**, **kidnappers**, and other malicious actors. We are prepared to consider reasonable proposals to update the statute - and indeed, as set forth below, we have a few of our own to suggest — provided that they do not compromise our ability to protect the public from the **real threats we face**. Significantly, ECPA protects privacy in another way as well: by authorizing law enforcement officers to obtain evidence from communications providers, ECPA enables the government to **investigate and prosecute hackers**, **identity thieves**, and other online criminals. Pursuant to ECPA, the government obtains evidence critical to prosecuting these privacy-related crimes.

National security investigations are effected by ECPA standards.

Baker 11 — James A. Baker, Associate Deputy Attorney General, Statement before the Committee on Judiciary United States Senate, 2011 ("The Electronic Communications Privacy Act: Government Perspectives on Protecting Privacy in the Digital Age," *American Civil Liberties Union*, April 6th, Available Online at https://www.aclu.org/files/pdfs/email-content-foia/DOJ%20Crim%20Div%20docs/CRM-231.pdf, Accessed on 07-07-15)

ECPA has never been more important than it is now. Because many criminals, terrorists and spies use telephones or the Internet, electronic evidence obtained pursuant to ECPA is now critical in prosecuting cases involving terrorism, espionage, violent crime, drug trafficking, kidnappings, computer hacking, sexual exploitation of children, organized crime, gangs, and **white collar offenses**. In addition, because of the inherent overlap between criminal and national security investigations, ECPA's standards affect critical national security investigations and cyber security programs.

Internal Link

Ext. Stock Market Key

Wall Street key to the Global Economy

Picardo '13 Elvis Picardo, CFA and Portfolio manager at Global Securities Corporation, 2013 ("Why Wall Street Is A Key Player In The World's Economy", Investopedia, No Month Provided, Available Online at http://www.investopedia.com/articles/investing/100814/wall-streets-enduring-impact-economy.asp**, Accessed 07/10/15)**

The most important financial center in the world? A fabled place of silver spoons and golden parachutes? A hub of cut-throat capitalism? Or all of the above. Wall Street is many things to many people, and the perception of what it really is depends on who you ask. Although people's views of Wall Street may differ widely, what is beyond dispute is its enduring impact not just on the American economy, but on the global one. What is Wall Street anyway? Wall Street physically takes up only a few blocks that amount to less than a mile in the borough of Manhattan in New York City; however, its clout extends worldwide. The term "Wall Street" was initially used to refer to the select group of large independent brokerage firms that dominated the U.S. investment industry. But with the lines between investment banks and commercial banks having been blurred since 2008, Wall Street in current financial parlance is the collective term for the numerous parties involved in the U.S. investment and financial industry. This includes the biggest investment banks, commercial banks, hedge funds, mutual funds, asset management firms, insurance companies, broker-dealers, currency and commodity traders, financial institutions and so on. Although many of these entities may have their headquarters in other cities such as Chicago, Boston, and San Francisco, the media still refers to the U.S. investment and financial industry as Wall Street or simply "The Street." Interestingly, the popularity of the term "Wall Street" as a proxy for the U.S. investment industry has led to similar "Streets" in certain cities where the investment industry is clustered being used to refer to that nation's financial sector, such as Bay Street in Canada and Dalal Street in India. Why Wall Street has such an impact The U.S. is the world's biggest economy, with 2013 gross domestic product (GDP) of $16.80 trillion, comprising 22.4% of global economic output. It is almost twice the size of the second-biggest economy, China (2013 GDP = $9.24 trillion). In terms of market capitalization, the U.S. is the world's biggest by some distance, with a market value of $23.6 trillion dollars (as of September 23, 2014) that comprises 36.3% of global market capitalization. Japan's $4.6-trillion market is a distant second, with just over 7% of global market cap. Wall Street has such a significant impact on the economy because it is the trading hub of the biggest financial markets in the world's richest nation. Wall

Street is home to the venerable New York Stock Exchange (now called NYSE Euronext), which is the undisputed leader worldwide in terms of average daily share trading volume and total market capitalization of its listed companies. Nasdaq OMX, the second-largest exchange globally, also has its headquarters on Wall Street. Street firms together control trillions of dollars in financial assets, while New York is the second-largest trading center in the foreign exchange market, where daily trading volumes exceed $5 trillion. How does Wall Street have an impact? Wall Street affects the U.S. economy in a number of ways, the most important of which are – Wealth Effect: Buoyant stock markets induce a "wealth effect" in consumers, although some prominent economists assert that this is more pronounced during a real estate boom than it is during an equity bull market. But it does seem logical that consumers may be more inclined to splurge on big-ticket items when stock markets are hot and their portfolios have racked up sizeable gains. Consumer Confidence: Bull markets generally exist when economic conditions are conducive to growth and consumers and businesses are confident about the outlook for the future. When their confidence is riding high, consumers tend to spend more, which boosts the U.S. economy since consumer spending accounts for an estimated 70% of it. Business investment: During bull markets, companies can use their pricey stock to raise capital, which can then be deployed to acquire assets or competitors. Increased business investment leads to higher economic output and generates more employment. Global bellwether The stock market and the economy have a symbiotic relationship, and during good times, one drives the other in a positive feedback loop. But during uncertain times, the interdependence of the stock market and the broad economy can have a severely negative effect. A substantial downturn in the stock market is regarded as a harbinger of a recession, but this is by no means an infallible indicator. For example, the Wall Street crash of 1929 led to the Great Depression of the 1930s, but the crash of 1987 did not trigger a recession. This inconsistency led Nobel laureate Paul Samuelson to famously remark that the stock market had predicted nine of the last four recessions. Wall Street drives the U.S. equity market, which in turn is a bellwether for the global economy. The 2000-02 and 2008-09 global recessions both had their genesis in the U.S., with the bursting of the technology bubble and housing collapse respectively. But Wall Street can also be the catalyst for a global expansion, as is evident from two examples in the current millennium. The 2003-07 global economic expansion commenced with a huge rally on Wall Street in March 2003. Six years later, amid the biggest recession since the 1930s depression, the climb back from the economic abyss started with a massive Wall Street rally in March 2009. Why Wall Street reacts to economic indicators Prices of stocks and other financial assets are based on current information, which is used to make certain assumptions about the future that in turn form the basis for estimating an asset's fair value. When an economic indicator is released, it would usually have little impact on Wall Street if it comes in as per expectations (or what's called the "consensus forecast" or "analysts' average estimate"). But if it comes in much better than expected, it could have a positive impact on Wall Street; conversely, if it is worse than expectations, it would have a negative impact on Wall Street. This positive or negative impact can be measured by changes in equity indices like the Dow Jones Industrial Average or S&P 500, for instance. For example, let's say that the U.S. economy is coasting along and payroll numbers to be released on the first Friday of next month are expected to show that the economy created 250,000 jobs. But when the payrolls report is released, it shows that the economy only created 100,000 jobs. Although one data point does not make a trend, the weak payroll numbers may lead some economists and market-watchers on Wall Street to rethink their assumptions about U.S. economic growth going forward. Some Street firms may lower their forecasts for U.S. growth, and strategists at these firms may also reduce their targets for the S&P 500. Large institutional investors who are clients of these Street firms may choose to exit some long positions upon receiving their lowered forecasts. This cascade of selling on Wall Street may result in equity indices closing significantly lower on the day. Why Wall Street reacts to company results Most medium to large-sized companies are covered by several research analysts who are employed by Wall Street firms. These analysts have in-depth knowledge of the companies they cover, and are sought after by institutional "buy side" investors (pension funds, mutual funds etc.) for their analysis and insights. Part of analysts' research efforts are devoted to developing financial models of the companies they cover, and using these models to generate quarterly (and annual) revenue and earnings per share forecasts for each company. The average of analysts' quarterly revenue and EPS forecasts for a specific company is called the "Street estimate" or "Street expectations." Thus, when a company reports its quarterly results, if its reported revenue and EPS numbers match the Street estimate, the company is said to have met Street estimates or expectations. But if the company exceeds or misses Street expectations, the reaction in its stock price can be substantial. A company that exceeds Street expectations will generally see its stock price rise, and one that disappoints may see its stock price plunge.

Insider Trading Enforcement Solves

SEC's management of Insider trading is effective and evolving

Hohenstein, ’06 -- Kurt Hohenstein, Ph D in History from the University of Virginia, 2006 (“Old Debate and New Rules: SEC Regulation of Insider Trading in the Global Marketplace”, SEC Historical, November 1, Available online at http://www.sechistorical.org/museum/galleries/it/index.php, Accessed 07/08/15)

Part of the reason for the SEC's success in enforcing its rules against insider trading is how the SEC, which in its early years battled with the stock exchanges, developed a cooperative relationship with the stock exchanges, particularly on disclosure and investor confidence issues. Officials of the New York Stock Exchange tightened their own rules in response to the major insider trading scandals, designed to monitor and flag suspicious trading. While there is still disagreement on how far the stock exchanges must go to regulate their own traders, SEC officials and NYSE officers have worked together to create a more transparent system to identify and disclose transactions that appear to violate the law. Both organizations have agreed that wide-spread investor confidence is a priority.(55) The SEC's ability to adapt played a prominent role in the agency's success in regulating insider trading. In 2000, the SEC adopted Rules 10b5-1 and 10b5-2 to deal with new devices for automatic and computer- programmed securities purchases and sales. In addition, Rule 10b5-2 was intended to provide a guide to investors as to what constituted the kinds of duties which would make the misappropriation theory applicable. Regulation FD was yet another response by the SEC to concerns by investment managers, who often shared confidential information with clients, as to how they might avoid insider trading liability yet continue to perform their duties. The Sarbanes-Oxley Act of 2002 extended the SEC concerns about insider trading by requiring "real time disclosure", increasing penalties and lengthening the statute of limitations for fraud, requiring prompter reporting for trades by insiders, and prohibiting trading by insiders during a pension fund blackout.(56) The SEC continues to respond to new situations with rules meant to provide additional instruction to investors and securities professionals as to how the SEC would apply the misappropriation theory to new and changing securities practices. Even as the 21st century revealed new insider trading scandals involving Enron, Martha Stewart and Imclone, the SEC has continued its steady push for more disclosure, more fiscal transparency, and more regularity in financial reporting and accounting in order to ensure that every investor has access to equal information about regulated companies.(57) But the path of insider trading enforcement becomes increasingly complicated as SEC regulations are applied to the global market. The story of insider trading regulation to the present has involved the SEC's use of administrative and common law and institutional competence to react to challenges, and to reshape legal theories in order to promote fair markets and investor confidence. Whether those methods can successfully work to regulate insider trading in the global marketplace will prove to be the challenge for SEC officials as the future history of insider trading unfolds.

SEC regulation deters Insider Trading; multiple warrants

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http://poseidon01.ssrn.com/delivery.php?ID=218125068102112120114082024088108010103082061020005063086101094127013119113102119078123118100120050104112113075084126017002104020059005039077090125097102122080023037012093070115112090008001068023085114068127031075113003122068092021073100110003&EXT=pdf&TYPE=2**, Accessed 07/08/15)**

The effects of enforcing insider trading laws have been debated in the law, economics, and finance literature for decades. Early arguments proposed by Manne (1966) and Carlton and Fischel (1983) predict that price efficiency improves when trading by insiders with superior information quickly and accurately impounds information into stock prices. An opposing view is that price efficiency is harmed when investors believe that privileged insiders have an unfair informational advantage because it reduces the incentive of outside investors to gather information or even participate in the stock market (Fishman and Hagerty (1992) and Khanna, Slezak, and Bradley (1994)). Under this view, unchecked insider trading crowds out trading by other potential participants, such as institutional investors, who would otherwise compete for profits under a more level playing field. Although we do not attempt to settle this debate, we recognize that both arguments assume that enforcement deters insider trading, a largely untested premise, at least in the United States. We fill this gap by providing direct evidence of the link between resource-based measures of the U.S. Securities and

Exchange Commission's (SEC's) enforcement intensity and the level of insider trading. Despite the fact that the U.S. has a longer history of insider trading enforcement and devotes more resources toward it than any other country, we have limited empirical evidence of whether these efforts deter insider trading or affect price efficiency.1 Previous studies have measured the effect of U.S. enforcement by comparing days on which prosecuted insider trades took place with days when they did not. Most studies in this strand of the literature analyze detailed transaction-level data from a single court case (Cornell and Sirri (1992), Chakravarty and McConnell (1999), and Fishe and Robe (2004)), and not surprisingly find mixed evidence. Only Meulbroek (1992) examines a comprehensive sample of Insider trading laws were first enforced in the U.S. in 1961. In 2012, the SEC dedicated $467 million and 1300 staff to the Enforcement Division. This does not count resources devoted to other divisions within the SEC or to enforcement by the U. S. Attorney's Offices of the Department of Justice. See Bhattacharya and Daouk (2002), Beny (2007), and Coffee (2007) for cross-country comparisons. all prosecuted insider trading cases, although her sample ends over two decades ago in 1989. In addition, studies of prosecuted trades suffer from the well-known concern that the results may not generalize if successfully prosecuted trades systematically differ from the population of all illegally informed trades. Most empirical evidence on the effects of enforcement comes from cross-country analysis either comparing countries with different enforcement regimes (Bhattacharya et al. (2000) and Griffin et al. (2011)), or testing for the impact of the first-time enactment or enforcement of insider trading laws (Bhattacharya and Daouk (2002), Bushman et al. (2005), DeFond et al. (2007), Fernandes and Ferreira (2009)). The consensus in this literature is that the enforcement of insider trading laws matters, rather than just the law on the books, and that more aggressive enforcement is associated with improvements in liquidity and stock price informativeness, and lower costs of capital, generally supporting the crowding out view. In this paper, we argue that dramatic changes in insider trading enforcement since the 1980s enable us to empirically identify the effects of more aggressive enforcement on trader behavior and stock price discovery. First, the types of trades that expose individuals to legal liability has broadened in scope since the 1980s, extending far beyond the original principles of those with a fiduciary duty to the stock traded (Nagy, 2009; Bainbridge, 2012). Second, punishments for successfully prosecuted traders have become more severe, while at the same time the amount of resources devoted to enforcement has increased dramatically. For example, the SEC's budget in real terms is over four-times larger today than it was in the 1980s. Finally, high-profile insider trading cases (e.g., Galleon) and recent developments in SEC enforcement have both received extensive press coverage, suggesting that regulators have been actively signaling their increased enforcement aggressiveness. We posit that traders are aware of these developments and test whether more aggressive SEC enforcement effort deters illegal insider trading and affects price discovery. To measure variation in the intensity of SEC enforcement over time, we follow recent studies that use resource-based measures to test for the effects of enforcement on capital market outcomes. For example, Christensen, Hail, and Leuz (2011) show that stock market liquidity increases by 15% after European reforms to enforce insider trading and market manipulation laws, but only in the countries with the highest regulatory staff and the highest growth in staff from before to after the reforms. In the spirit of Jackson and Roe (2009), we argue that both the level of the SEC's budget in constant 2011 dollars and the number of staff positions available in SEC annual reports are useful proxies for investors' perceived enforcement intensity of insider trading laws. We show that SEC resources vary substantially over time, and more importantly, that annual increases and decreases are often driven by the idiosyncrasies of the federal budgeting process and are arguably exogenous to the level of illegal insider trading. We also show that the years following the high-profile Galleon insider trading case in October 2009 represent a structural break in SEC enforcement, and an opportunity for further identification of the effect of enforcement. This date marks the beginning of a transformative restructuring of the SEC's Enforcement Division, including the introduction of more effective detection technologies, new legal tools (e.g., cooperation agreements), and a commitment to target more sophisticated serial Wall Street offenders. Most legal experts agree that the SEC's aggressiveness in detecting and prosecuting insider trading in the post-Galleon era is unprecedented. For example, former SEC Commissioner and current Stanford Law Professor Joseph Grundfest stated in the Wall Street Journal that the SEC has "declared war on insider trading" and is taking "a zero-tolerance approach."2 We use data on a comprehensive sample of SEC prosecuted cases from fiscal years 2003 through 2007 and 2010 through 2011 to document that the typical prosecuted trader is more likely to be a sophisticated Wall Street professional in the post-Galleon era, consistent with a structural break. Recent data on SEC prosecuted cases also allow for a comparison to Meulbroek's (1992) results from the 1980s, a period with both fewer enforcement budget and staff resources and less effective tools for detecting and prosecuting insider trading. Under more aggressive enforcement, traders with access to inside information before its public announcement should fear detection and punishment, and thus less illegal trading will occur. As long recognized in the literature, deterrence should also manifest in the pattern of price discovery around news events. With less illegally-informed trading, the stock price reaction to news should be more concentrated at the public announcement, with less anticipatory run-up of prices in the pre-announcement period.3 Market makers and other liquidity providers would also view trading by insiders as a less serious threat under aggressive enforcement,

suggesting that insiders' trades would result in smaller price changes. We find that the price impact on days with prosecuted insider trades is in fact much smaller in the last decade than in the 1980s, consistent with a deterrent effect. Meulbroek reports an average abnormal return of 3.1% on insider trading days, whereas the average from our more recent sample is 0.5%. Moreover, inflation-adjusted insider dollar volume is surprisingly similar in the two sample periods despite a roughly eight-fold increase in total trading volume, suggesting that insiders did not scale up their volume in the later period, perhaps reflective of an increased fear of prosecution. The pronounced decrease in relative insider trading volume is only partially responsible for the smaller price impacts. In a subsample representing the top quintile of insider volume, the abnormal insider trading day return is still only about 1.5%, significantly different from 3.1% at the 1% level, consistent with more muted reactions to informed trading by liquidity providers. To tie these findings more directly to enforcement intensity, we show that variation in insider volume is significantly related to variation in SEC enforcement intensity. Specifically, we show that while illegal insiders trade more in higher-volume stocks, this sensitivity to stock volume is smaller when SEC budgets and staffing are higher and during the post-Galleon period. This is consistent with the predictions of a modified Kyle model in which insiders facing greater fear of prosecution scale up their trading less aggressively in response to increases in uninformed volume. In light of the potential lack of generalizability of results obtained from any sample of only prosecuted cases, we also test whether pre-announcement run-up is negatively related to our proxies for SEC enforcement intensity using two additional samples that are free of selection bias. Specifically, we analyze patterns of price discovery for all annual earnings announcements and all takeover bid announcements for publicly-traded target firms from the early 1980s through 2011. Earnings and takeover news are especially relevant because they represent the most common type of information on which prosecuted insiders trade. For general samples of both types of informational events, we find significant negative relations between the pre-announcement price run-ups and both resource-based measures of SEC enforcement intensity after controlling for a time trend and other factors related to the information content of the announcement. This suggests that increased SEC effort reduces insider trading in advance of these events. Even after controlling for these continuous measures, we find that pre-announcement price runups are significantly lower for earnings announcements during the 2010 and 2011 fiscal years, indicating that the change in SEC tools and increased severity of punishment had an additional dampening effect on insider trading, beyond what would have been expected given the level of SEC budget or staff. Our resource-based, U.S. enforcement intensity measures allow us to exploit thirty years of time-series variation to explain patterns of price discovery and pre-announcement price run-up, and improve our understanding of the deterrence effects of public enforcement.

Insider Trading Hurts Econ

Insider trading erodes the economy

Stefano 11 — Theodore F. di Stefano is a founder and managing partner at Capital Source Partners, which provides a wide range of investment banking services to the small and medium-sized business and is also a frequent speaker to business groups on financial and corporate governance matters, 2011 ("Who's Hurt by Insider Trading", 11/4/11, available at http://www.ecommercetimes.com/story/73674.html date accessed 7/10/15 // K.K)

What's Wrong With Insider Trading? I have no doubt that there are still people who wonder what the big deal is about insider trading. It seems to be a victimless crime, right? The fact is that such trading erodes our very economic foundation. Why is that? Because such trading creates a trading field that is not level -- meaning only certain "special" people on this trading field possess valuable information about specific securities. Such information has the effect of oversized gains for a certain few and losses to the masses. This is patently unfair on its face. Our economic system and stock exchanges need to be efficient and honest. This means that everyone involved in trading securities has access to the same information as everyone else. It doesn't necessarily mean

that someone involved in the stock market will take advantage of the available information. It does mean, however, that no information is hidden from any participants in our markets. Rajaratnam has paid dearly for his moral lapses. Besides being sentenced to 11 years in prison, he must pay a US$10 million fine and forfeit $53.8 million of his illegal profits from insider trading. The interesting (and wonderful) thing about this sentence is that the profits Rajaratnam made from information that wasn't available to the entire market must be returned. This sentence specifically quantifies the illegal gains derived by a person who had information that the general market did not. It clearly shows that nature abhors a vacuum -- the vacuum created by all of the information possessed by Rajaratnam and not possessed by the rest of the market.

Insider Trading causes economic decline and prevents growth

Beny 2 — Laura Nyantung Beny is a John M. Olin Fellow in Law and Economics, Harvard Law School, 2000-2001; Assistant Professor of Law, University of Michigan Law School, beginning 2003, 2002, ("The Political Economy of Insider Trading Legislation and Enforcement: International Evidence", Harvard Law Review, 01/2, available at http://www.law.harvard.edu/programs/olin_center/papers/pdf/348.pdf date accessed 7/10/15 // K.K)

1. Price Informativeness and Capital Allocation Arbitrage (informed) traders play a positive role in price formation, both in the extent and kind of information that is impounded in stock prices (Morck, Yeung and Yu, 2000; Goshen and Parchomovsky, 2000). Risk arbitrageurs invest resources in discovering firm-specific information. Their reward is the profit that they earn by trading with their superior information against less informed investors. Risk arbitrageurs gather proprietary information about firms until the marginal cost of doing so is greater than the marginal benefit. The collective trading of many risk arbitrageurs leads to more efficient capitalization of information into stock prices (Grossman, 1976; Shleifer and Vishny, 1997). In particular, more firm-specific arbitrage by informed traders leads to more firmspecific price variation, making stock prices more informative (French and Roll, 1986; Roll, 1988). Wurgler (2000) shows that capital is more efficiently allocated in the economy the greater the amount of firm-specific information that is capitalized into stock prices. Therefore, if insider trading discourages informed/arbritrage traders, it imposes a negative externality on the economy by reducing the informativeness of stock prices. 2. Capital Constraints and the Cost of Capital Capital constraints limit the range of feasible investments in the economy, in turn limiting economic growth (Bekaert, Harvey, and Lundblad, 2001). A lower cost of capital makes investments more profitable and encourages the entry of new entrepreneurs into the capital market. Using international time series data, Bhattacharya and Daouk (2001) demonstrate that enforcing insider trading legislation is followed by a 5% decrease in the cost of capital (measured by stock returns relative to an international benchmark).18 Their finding suggests that the market's perception of unregulated insider trading makes capital more expensive, while serious enforcement of insider trading laws significantly relaxes capital constraints. Hence enforcing an insider trading ban could lead ultimately to increased economic growth. 3. Transaction Costs and Liquidity Liquid markets are socially valuable because greater liquidity makes purchasing and disposing of shares on short notice, at the appropriate price, easier for investors. The more liquid the market, the more willing investors are to participate in it. This is true for both primary and secondary markets. Amihud and Mendelson (1986) confirm that investors value liquidity by

showing that companies whose shares are more liquid must pay investors a lower expected rate of return than companies with less liquid shares. That is, companies whose shares are more liquid have a lower cost of equity capital. Liquid markets might also mitigate agency costs, by lowering the opportunity cost of monitoring and facilitating the market for corporate control (Maug, 2000; Berndt, 2000).19 As noted above, however, insider trading increases transaction costs and thus reduces stock market liquidity.

Insider trading kills the economy.

Breslow and Yglesias 14 – Jason M. Breslow, degree in communication from American University, Political and Economic reporter. Matthew Yglesias, business and economics correspondent for Slate and the author of The Rent Is Too Damn High, ("Should Insider Trading Be Legal?" Jan 7 2014, PBS, Available online at http://www.pbs.org/wgbh/pages/frontline/business-economy-financial-crisis/to-catch-a-trader/should-insider-trading-be-legal/**) N.H**

On the other hand, I don't think the argument that allowing insider trading would improve market efficiency by putting more information to work makes much sense. As Jie Hue and Thomas Noe write in their analysis of the issue for the Atlanta Federal Reserve, the existence of a sophisticated securities analysis industry in the United States means we don't really face the problem of a major informational gap. Just look at this year's Nobel Prize winners in economics. Eugene Fama has shown that U.S. equities markets are essentially "efficient" in an informational sense as is. His co-winner, Robert Shiller, has done an enormous amount to demonstrate that this kind of efficiency hardly precludes periodic manias and panics and that asset prices fluctuate much more dramatically than the fundamentals. But the substantial holes poked in the theory of the stock market as efficient point to herd psychology as the key flaw, not hidden information that insider trading would reveal.

The real impact of legalizing insider trading, in this instance, would be twofold. On the one hand, firms that don't want their insiders to trade on inside information would need to invest in their own monitoring and enforcement mechanisms of firm-level rules. On the other hand, firms that didn't bother to invest in halting insider trading could construe permissive insider trading rules as a form of additional compensation to employees.

The first impact hardly seems desirable. Since firms couldn't level the same kind of sanctions as the government, the monitoring would need to be much more intensive and expensive to produce equivalent deterrence, leading to a huge waste of social resources. And **the second impact seems potentially disastrous. The last thing the American economy needs is a dynamic in which managers of major corporations have even more financial incentive to spend their time thinking about ways to game the stock market rather than manage their enterprises for the long term.**

There are some good questions to be asked about the overall role of surveillance in American law enforcement that would, of course, have important implications for insider trading cases as well as other kinds of criminal activity. But the fundamental social goal of securities law is to have

well-managed, well-capitalized enterprises and the ban on insider trading serves those goals perfectly well as it stands.

Trillions of dollars are at stake enforcing insider trading rules are key.

Breslow and Yglesias 14 – Jason M. Breslow, degree in communication from American University, Political and Economic reporter. Matthew Yglesias, business and economics correspondent for Slate and the author of The Rent Is Too Damn High, ("Should Insider Trading Be Legal?" Jan 7 2014, PBS, Available online at http://www.pbs.org/wgbh/pages/frontline/business-economy-financial-crisis/to-catch-a-trader/should-insider-trading-be-legal/**) N.H**

This is perhaps a good way of thinking about the fundamental issue that divides us. When I look at the contemporary United States, I'm much more inclined to worry that we are seeing systematically too little capital investment than to worry that owners of corporate stock have too little cash in their pockets. Business investment could create jobs and raise productivity, while stock ownership is overwhelmingly concentrated in the hands of the most prosperous Americans.

Weakening insider trading protections will shift us into a lower-trust equilibrium in corporate governance where we see less investment and more cash flushing out to people who don't really need it. A bad recipe.

Your suggestion that vigorous enforcement of insider trading laws is crowding out more worthy investigations is an intriguing one. Certainly even in my role as designated basher of insider trading, I wouldn't try to make the case that this should be our absolute top priority. That said, there are an awful lot of questions one can raise about priority-setting in the federal law enforcement context. We have federal resources dedicated to hassling medical marijuana dispensaries in California, to policing the size of shampoo bottles that people bring onto airplanes, and into deporting otherwise law-abiding people for the "crime" of moving here from Mexico to roll burritos at Chipotle. Obviously, to debate marijuana legalization or airport security or immigration reform would take us far outside the scope of this exercise.

But my point is that to the extent that we're really worried about resource constraints here, insider trading enforcement is hardly the only place to look. More broadly, when you look at the scale of the economic losses associated with the financial crisis and the ensuing recession — literally trillions of dollars in unrecoverable lost output — it's obvious that any genuinely useful regulatory efforts would more than "pay for themselves." Where I think we can agree is that as a purely political matter the Obama administration has developed a bad habit of acting as if vigorous insider trading enforcement is a way of striking at the heart of the issues that led to the crisis. That's at best political theater aimed at garnering a little undeserved populist credibility. It's bad, and the press shouldn't let them get away with it. But it's not a reason to legalize insider trading any more than the existence of unsolved murders would be a reason for a state to legalize car theft. America's market regulators and federal prosecutors likewise need to be able to walk and chew gum at the same time.

Impacts

War

Economic decline triggers multiple impacts such as war and terrorism

Royal 10 - Jedediah Royal, Director of Cooperative Threat Reduction at the U.S. Department of Defense, ("Economics of War and Peace: Economic, Legal and Political Perspectives" 2010 pg 213-215 Accessed 7/6/15)

Less intuitive is how periods of economic decline may increase the likelihood of external conflict. Political science literature has contributed a moderate degree of attention to the impact of economic decline and the security and defence behavior of interdependent states. Research in this vein has been considered at systemic, dyadic and national levels. Several notable contributions follow. First, on the systemic level, Pollins (2008) advances Modelski and Thompson's (1996) work on leadership cycle theory, finding that rhythms in the global economy are associated with the rise and fall of a pre-eminent power and the often bloody transition from one pre-eminent leader to the next. As such, exogenous shocks such as economic crises could usher in a redistribution of relative power (see also Gilpin, 1981) that leads to uncertainty about power balances, increasing the risk of miscalculation (Fearon, 1995). Alternatively, even a relatively certain redistribution of power could lead to a permissive environment for conflict as a rising power may seek to challenge a declining power (Werner, 1999). Separately, Pollins (1996) also shows that global economic cycles combined with parallel leadership cycles impact the likelihood of conflict among major, medium and small powers, although he suggests that the causes and connections between global economic conditions and security conditions remain unknown. Second, on a dyadic level, Copeland's (1996, 2000) theory of trade expectations suggests that 'future expectations of trade' is a significant variable in understanding economic conditions and security behavior of states. He argues that interdependent states are likely to gain pacific benefits from trade so long as they have an optimistic view of future trade relations. However, if the expectations of future trade decline, particularly for difficult to replace items such as energy resources, the likelihood for conflict increases, as states will be inclined to use force to gain access to those resources. Crises could potentially be the trigger for decreased trade expectations either on its own or because it triggers protectionist moves by interdependent states. Third, others have considered the link between economic decline and external armed conflict at a national level. Blomberg and Hess (2002) find a strong correlation between internal conflict and external conflict, particularly during periods of economic downturn. They write, the linkages between internal and external conflict and prosperity are strong and mutually reinforcing. Economic conflict tends to spawn internal conflict, which in turn returns the flavor. Moreover, the presence of a recession tends to amplify the extent to which international and external conflicts self-reinforce each other. (Blomberg & Hess, 2002, p. 89) Economic decline has also been linked with an increase in the likelihood of terrorism (Blomberg, Hess, & Weerapana, 2004), which has the capacity to spill across borders and lead to external tensions. Furthermore, crises generally reduce the popularity of a sitting government . 'Diversionary theory' suggests that, when facing unpopularity arising from economic decline, sitting governments have increased incentives to fabricate external military conflicts to create a 'rally around the flag' effect. Wang (1996), DeRouen (1995), and Blomberg, Hess, and Thacker (2006) find supporting evidence showing that economic decline and use of force are at least indirectly correlated. Gelpi (1997), Miller

(1999), and Kisangani and Pickering (2009) suggest that the tendency towards diversionary tactics are greater for democratic states than autocratic states, due to the fact that democratic leaders are generally more susceptible to being removed from office due to lack of domestic support. DeRouen (2000) has provided evidence showing that periods of weak economic performance in the United States, and thus weak Presidential popularity, are statistically linked to an increase in the use of force. In summary, recent economic scholarship positively correlates economic integration with an increase in the frequency of economic crises, whereas political science scholarship links economic decline with external conflict at systemic, dyadic and national levels. This implied connection between integration, crises, and armed conflict has not featured prominently in the economic-security debate and deserves more attention.

Economic decline causes conflict, resource competition, terrorism and war

Kemp, 10 - Director of Regional Strategic Programs at The Nixon Center, served in the White House under Ronald Reagan, special assistant to the president for national security affairs and senior director for Near East and South Asian affairs on the National Security Council Staff, Former Director, Middle East Arms Control Project at the Carnegie Endowment for International Peace, Geoffrey The East Moves West: India, China, and Asia's Growing Presence in the Middle East", p. 233-4)

The second scenario, called Mayhem and Chaos, is the opposite of the first scenario; everything that can go wrong does go wrong. The world economic situation weakens rather than strengthens, and India, China, and Japan suffer a major reduction in their growth rates, further weakening the global economy. As a result, energy demand falls and the price of fossil fuels plummets, leading to a financial crisis for the energy-producing states, which are forced to cut back dramatically on expansion programs and social welfare. That in turn leads to political unrest: and nurtures different radical groups, including, but not limited to, Islamic extremists. The internal stability of some countries is challenged, and there are more "failed states." Most serious is the collapse of the democratic government in Pakistan and its takeover by Muslim extremists, who then take possession of a large number of nuclear weapons. The danger of war between India and Pakistan increases significantly. Iran, always worried about an extremist Pakistan, expands and weaponizes its nuclear program. That further enhances nuclear proliferation in the Middle East, with Saudi Arabia, Turkey, and Egypt joining Israel and Iran as nuclear states. Under these circumstances, the potential for nuclear terrorism increases, and the possibility of a nuclear terrorist attack in either the Western world or in the oil-producing states may lead to a further devastating collapse of the world economic market, with a tsunami-like impact on stability. In this scenario, major disruptions can be expected, with dire consequences for two-thirds of the planet's population.

Heg

The economy is key to national security

Flournoy and Fontaine '15 - Michèle Flournoy is chief executive of the Center for a New American Security and former undersecretary of defense for policy in the Obama administration. Mr. Fontaine is president of the center and

former foreign-policy adviser. Richard Fontaine is President of the Center for a New American Security (CNAS). He served as a Senior Advisor and Senior Fellow at CNAS from 2009-2012 and previously as foreign policy advisor. Worked at the State Department, the National Security Council and on the staff of the Senate Foreign Relations Committee. 2015 ("Economic Growth Is a National Security Issue" Available Online at http://www.wsj.com/articles/economic-growth-is-a-national-security-issue-1432683397**, May 26, 2015, Accessed 7/7/15) N.H**

The truth is that national security and economic strength are inextricably linked, and Washington needs to pursue both. In siloed government agencies, though, they are too often considered in isolation. America's economy is the foundation of its military and political power, and boosting growth helps relieve the downward pressure on defense and foreign-affairs budgets that reduces Washington's ability to shape international events. With the world aflame from Syria to Ukraine, and tensions with China rising, the demand for U.S. power is higher than it has been in decades. The challenge today is supplying it.

Perceptions of American retrenchment in recent years stem partly from Obama administration policies and congressional dysfunction—the sequester cuts, remember, were supposed to be so onerous that lawmakers would never let them take effect. But equally important is that in the wake of the financial crisis, the country turned inward to focus on creating jobs and reducing income inequality at home rather than sending aid and personnel abroad.

Until the rise of Islamic State in the Middle East and aggression from Russia in Ukraine, the percentage of Americans saying that the country should mind its own business internationally was 52%. This figure, from a December 2013 poll, was the highest ever recorded. The sentiment was driven by pervasive war-weariness and the middle class's increased focus on its pocketbook. Indeed, throughout U.S. history, periods of economic strife have coincided with America's trimming its national sails overseas. An internationally engaged U.S. must be an economically prosperous and confident one.

A bright economic outlook is a powerful counter to the narrative of American decline. It boosts perceptions of U.S. leadership and thus Washington's ability to shape and enforce the international rules of the road, in domains as diverse as trade, maritime security and cyberspace.

U.S. security decline triggers a laundry list of impacts and transition wars

1. Transition wars 2. Asian nuclear war 3. Middle East conflicts 4. Nuclear prolif 5. Nuclear miscalc 6. Terrorism 7. Piracy 8. Organized Crime 9. Climate Change 10. Disease

Brooks 13 – Stephen Brooks, Associate Professor of Government at Dartmouth College, John Ikenberry, Albert G. Milbank Professor of Politics and International Affairs at Princeton University and Global Eminence Scholar at Kyung Hee University in Seoul, John Wohlforth, Daniel Webster Professor of Government at Dartmouth College ("Lean Forward" Foreign Affairs, Available Online at https://www.foreignaffairs.com/articles/united-states/2012-11-30/lean-forward, January/February 2013) N.H

Of course, even if it is true that the costs of deep engagement fall far below what advocates of retrenchment claim, they would not be worth bearing unless they yielded greater benefits. In fact,

they do. The most obvious benefit of the current strategy is that it reduces the risk of a dangerous conflict. The United States' security commitments deter states with aspirations to regional hegemony from contemplating expansion and dissuade U.S. partners from trying to solve security problems on their own in ways that would end up threatening other states. Skeptics discount this benefit by arguing that U.S. security guarantees aren't necessary to prevent dangerous rivalries from erupting. They maintain that the high costs of territorial conquest and the many tools countries can use to signal their benign intentions are enough to prevent conflict. In other words, major powers could peacefully manage regional multipolarity without the American pacifier. But that outlook is too sanguine. If Washington got out of East Asia, Japan and South Korea would likely expand their military capabilities and go nuclear, which could provoke a destabilizing reaction from China. It's worth noting that during the Cold War, both South Korea and Taiwan tried to obtain nuclear weapons; the only thing that stopped them was the United States, which used its security commitments to restrain their nuclear temptations. Similarly, were the United States to leave the Middle East, the countries currently backed by Washington--notably, Israel, Egypt, and Saudi Arabia--might act in ways that would intensify the region's security dilemmas. There would even be reason to worry about Europe. Although it's hard to imagine the return of great-power military competition in a post-American Europe, it's not difficult to foresee governments there refusing to pay the budgetary costs of higher military outlays and the political costs of increasing EU defense cooperation. The result might be a continent incapable of securing itself from threats on its periphery, unable to join foreign interventions on which U.S. leaders might want European help, and vulnerable to the influence of outside rising powers. Given how easily a U.S. withdrawal from key regions could lead to dangerous competition, advocates of retrenchment tend to put forth another argument: that such rivalries wouldn't actually hurt the United States. To be sure, few doubt that the United States could survive the return of conflict among powers in Asia or the Middle East--but at what cost? Were states in one or both of these regions to start competing against one another, they would likely boost their military budgets, arm client states, and perhaps even start regional proxy wars, all of which should concern the United States, in part because its lead in military capabilities would narrow. Greater regional insecurity could also produce cascades of nuclear proliferation as powers such as Egypt, Saudi Arabia, Japan, South Korea, and Taiwan built nuclear forces of their own. Those countries' regional competitors might then also seek nuclear arsenals. Although nuclear deterrence can promote stability between two states with the kinds of nuclear forces that the Soviet Union and the United States possessed, things get shakier when there are multiple nuclear rivals with less robust arsenals. As the number of nuclear powers increases, the probability of illicit transfers, irrational decisions, accidents, and unforeseen crises goes up. The case for abandoning the United States' global role misses the underlying security logic of the current approach. By reassuring allies and actively managing regional relations, Washington dampens competition in the world s key areas, thereby preventing the emergence of a hothouse in which countries would grow new military capabilities. For proof that this strategy is working, one need look no further than the defense budgets of the current great powers: on average, since 1991 they have kept their military expenditures as A percentage of GDP to historic lows, and they have not attempted to match the United States' top-end military capabilities. Moreover, all of the world's most modern militaries are U.S. allies, and the United States' military lead over its potential rivals .is by many measures growing. On top of all this, the current grand strategy acts as a hedge against the emergence regional hegemons. Some supporters of retrenchment argue that the U.S. military should keep its forces over the horizon and pass the buck to local powers to do the dangerous work of counterbalancing rising regional powers. Washington, they contend, should deploy forces abroad

only when a truly credible contender for regional hegemony arises, as in the cases of Germany and Japan during World War II and the Soviet Union during the Cold War. Yet there is already a potential contender for regional hegemony--China--and to balance it, the United States will need to maintain its key alliances in Asia and the military capacity to intervene there. The implication is that the United States should get out of Afghanistan and Iraq, reduce its military presence in Europe, and pivot to Asia. Yet that is exactly what the Obama administration is doing. MILITARY DOMINANCE, ECONOMIC PREEMINENCE Preoccupied with security issues, critics of the current grand strategy miss one of its most important benefits: sustaining an open global economy and a favorable place for the United States within it. To be sure, the sheer size of its output would guarantee the United States a major role in the global economy whatever grand strategy it adopted. Yet the country's military dominance undergirds its economic leadership. In addition to protecting the world economy from instability, its military commitments and naval superiority help secure the sea-lanes and other shipping corridors that allow trade to flow freely and cheaply. Were the United States to pull back from the world, the task of securing the global commons would get much harder. Washington would have less leverage with which it could convince countries to cooperate on economic matters and less access to the military bases throughout the world needed to keep the seas open. A global role also lets the United States structure the world economy in ways that serve its particular economic interests. During the Cold War, Washington used its overseas security commitments to get allies to embrace the economic policies it preferred--convincing West Germany in the 1960s, for example, to take costly steps to support the U.S. dollar as a reserve currency. U.S. defense agreements work the same way today. For example, when negotiating the 2011 free-trade agreement with South Korea, U.S. officials took advantage of Seoul's desire to use the agreement as a means of tightening its security relations with Washington. As one diplomat explained to us privately, "We asked for changes in labor and environment clauses, in auto clauses, and the Koreans took it all." Why? Because they feared a failed agreement would be "a setback to the political and security relationship." More broadly, the United States wields its security leverage to shape the overall structure of the global economy. Much of what the United States wants from the economic order is more of the same: for instance, it likes the current structure of the World Trade Organization and the International Monetary Fund and prefers that free trade continue. Washington wins when U.S. allies favor this status quo, and one reason they are inclined to support the existing system is because they value their military alliances. Japan, to name one example, has shown interest in the Trans-Pacific Partnership, the Obama administration's most important free-trade initiative in the region, less because its economic interests compel it to do so than because Prime Minister Yoshihiko Noda believes that his support will strengthen Japan's security ties with the United States. The United States' geopolitical dominance also helps keep the U.S. dollar in place as the world's reserve currency, which confers enormous benefits on the country, such as a greater ability to borrow money. This is perhaps clearest with Europe: the EU'S dependence on the United States for its security precludes the EU from having the kind of political leverage to support the euro that the United States has with the dollar. As with other aspects of the global economy, the United States does not provide its leadership for free: it extracts disproportionate gains. Shirking that responsibility would place those benefits at risk. CREATING COOPERATION What goes for the global economy goes for other forms of international cooperation. Here, too, American leadership benefits many countries but disproportionately helps the United States. In order to counter transnational threats, such as terrorism, piracy, organized crime, climate change, and pandemics, states have to work together and take collective action. But cooperation does not come about effortlessly, especially when national interests diverge. The United States' military

efforts to promote stability and its broader leadership make it easier for Washington to launch joint initiatives and shape them in ways that reflect U.S. interests. After all, cooperation is hard to come by in regions where chaos reigns, and it flourishes where leaders can anticipate lasting stability. U.S. alliances are about security first, but they also provide the political framework and channels of communication for cooperation on nonmilitary issues. NATO, for example, has spawned new institutions, such as the Atlantic Council, a think tank, that make it easier for Americans and Europeans to talk to one another and do business. Likewise, consultations with allies in East Asia spill over into other policy issues; for example, when American diplomats travel to Seoul to manage the military alliance, they also end up discussing the Trans-Pacific Partnership. Thanks to conduits such as this, the United States can use bargaining chips in one issue area to make progress in others. The benefits of these communication channels are especially pronounced when it comes to fighting the kinds of threats that require new forms of cooperation, such as terrorism and pandemics. With its alliance system in place, the United States is in a stronger position than it would otherwise be to advance cooperation and share burdens. For example, the intelligence-sharing network within NATO, which was originally designed to gather information on the Soviet Union, has been adapted to deal with terrorism. Similarly, after a tsunami in the Indian Ocean devastated surrounding countries in 2004, Washington had a much easier time orchestrating a fast humanitarian response with Australia, India, and Japan, since their militaries were already comfortable working with one another. The operation did wonders for the United States' image in the region. The United States' global role also has the more direct effect of facilitating the bargains among governments that get cooperation going in the first place. As the scholar Joseph Nye has written, "The American military role in deterring threats to allies, or of assuring access to a crucial resource such as oil in the Persian Gulf, means that the provision of protective force can be used in bargaining situations. Sometimes the linkage may be direct; more often it is a factor not mentioned openly but present in the back of statesmen's minds." THE DEVIL WE KNOW Should America come home? For many prominent scholars of international relations, the answer is yes--a view that seems even wiser in the wake of the disaster in Iraq and the Great Recession. Yet their arguments simply don't hold up. There is little evidence that the United States would save much money switching to a smaller global posture. Nor is the current strategy self-defeating: it has not provoked the formation of counterbalancing coalitions or caused the country to spend itself into economic decline. Nor will it condemn the United States to foolhardy wars in the future. What the strategy does do is help prevent the outbreak of conflict in the world's most important regions, keep the global economy humming, and make international cooperation easier. Charting a different course would threaten all these benefits. This is not to say that the United States' current foreign policy can't be adapted to new circumstances and challenges. Washington does not need to retain every commitment at all costs, and there is nothing wrong with rejiggering its strategy in response to new opportunities or setbacks. That is what the Nixon administration did by winding down the Vietnam War and increasing the United States' reliance on regional partners to contain Soviet power, and it is what the Obama administration has been doing after the Iraq war by pivoting to Asia. These episodes of rebalancing belie the argument that a powerful and internationally engaged America cannot tailor its policies to a changing world. A grand strategy of actively managing global security and promoting the liberal economic order has served the United States exceptionally well for the past six decades, and there is no reason to give it up now. The country's globe-spanning posture is the devil we know, and a world with a disengaged America is the devil we don't know. Were American leaders to choose retrenchment, they would in essence be running a massive

experiment to test how the world would work without an engaged and liberal leading power. The results could well be disastrous.

Offcase Links

Politics Links

No political support for the plan

Robinson, 2010 (William Jeremy, Georgetown Law, J.D., "Free at What Cost?: Cloud Computing Privacy Under the Stored Communications Act" Georgetown Law Journal Vol. 98)

Although Congress has historically favored the enlargement of privacy protections, it is unlikely to lead the fight to expand online privacy. Congressional inertia can be overcome when the right combination of variables intersect, including political momentum and societal demand.239 Two main obstacles currently prevent these variables from aligning for online privacy issues. First, the SCA itself impedes the adoption of new privacy measures by shrinking the gap between the existing and ideal degree of privacy protections that Congress might want. Second, recent congressional actions are reducing the sphere of individual privacy, especially after the September 11, 2001 terrorist attacks, rather than seeking its expansion.240 The SCA limits the political value of tackling online privacy issues and, therefore, obstructs efforts to adopt stronger protections. Congress has a limited capacity to pursue new legislation and it is hard to get its finite attention focused on a particular issue. Consequently, seeking incremental change in a previously legislated subject area is particularly difficult.241 The SCA already provides some quantum of privacy in online communications and content, but as society embraces new technologies, including cloud computing, the balance that the Act struck more than two decades ago may no longer be appropriate. But aligning the SCA's provisions with current mainstream views about online privacy would not require dramatic changes that would generate substantial public attention. Instead, such an effort would likely involve making incremental enhancements to the Act's structure, clarifying issues of judicial dispute, or modernizing statutory language.242 Because of the limited political return such modest changes would offer, politicians have few incentives to advocate for them.

No Turns – impossible to build support for the plan.

Robinson, 2010 (William Jeremy, Georgetown Law, J.D., "Free at What Cost?: Cloud Computing Privacy Under the Stored Communications Act" Georgetown Law Journal Vol. 98)

The SCA also influences societal expectations about online privacy and thus minimizes the political pressure for change. Societal forces can cause both Congress and the courts to revisit privacy protections. Within the judicial realm, the Court held in Katz v. United States that privacy issues under the Fourth Amendment focus on whether society is prepared to recognize an expectation of privacy under certain circumstances as being reasonable.243 This approach makes it difficult for privacy advocates to advance their interests because of the circularity in using societal expectations to define new legal protections for individual privacy when those expectations are influenced by existing legal protections.244 In the same circular manner, the SCA's privacy standards subtly influence societal norms when they are reflected in media reports, judicial decisions, and terms of service agreements.245 In the legislative realm, the lack of a significant disparity between societal privacy expectations and the SCA's existing protections minimizes the political pressure to bring about change. Political action is motivated when constituencies expand and engage their members to generate enough momentum to attract attention.246 Yet, privacy issues attract a limited natural constituency and building a large coalition of interested online users to generate political change is difficult247—particularly when the SCA's existing statutory scheme continues to define and reinforce societal norms about online privacy. Even if there is societal demand for greater online privacy protections, elected officials and judges need to recognize that a shift in expectations has happened. However, the demographics of Congress and

the Judiciary make it unlikely that their members are well-positioned to determine society's expectations, especially about emerging technologies. Younger people are much more likely to embrace cloud computing services,248 but the average age of senators249 and House members250—as well as the Justices251 on the Court—reflects a notable generational gap from this core user population. Advocates for enhanced online privacy measures will have to bridge this divide and ensure that elected officials and judges understand the technology and its implications for individual privacy before they can secure their assistance in changing the status quo.

SEC opposition makes any reform to ECPA a huge fight — empirics prove the SEC can block reform

Fulton 14 — Sandra Fulton, 2014 ("SEC Blocking Update to Electronic Privacy Laws," American Civil Liberties Union, April 11th, Available Online at https://www.aclu.org/blog/sec-blocking-update-electronic-privacy-laws, Accessed 7-16-2015)

During the long, hard fight to bring the outdated Electronic Communications Privacy Act (ECPA) into the 21st century, advocates have run into the most unlikely of opponents: the Securities and Exchange Commission (SEC). Yes, **the SEC**—the agency charged with regulating the securities industry—**has brought the ECPA update to a screeching halt**. Yesterday the ACLU, along with the Heritage Foundation, Americans for Tax Reform and the Center for Democracy and Technology, sent the agency a letter calling them out on their opposition.

ECPA, enacted in 1986, is the main statute protecting our online communications from unauthorized government access. Unfortunately, as our lives have moved online the law has remained stagnant, leaving dangerous loopholes in our privacy protections. A broad coalition including privacy and consumer advocates, civil rights organizations, tech companies, and members of Congress from both parties has been pushing for an update. Strong bipartisan legislation to update the law has over 200 sponsors and is making serious headway in Congress. Even the Department of Justice—the law enforcement agency with arguably the most to lose in such an update—testified that some ECPA loopholes need to be closed.

But the SEC is pushing back—essentially arguing that they should get to keep one of the loopholes that have developed as the law has aged. When ECPA was passed in 1986, Congress developed an elaborate framework aimed at mirroring existing constitutional protections. Newer email, less than 180 days old, was accessible only with a warrant. Based on the technology of the time, older email was assumed to be "abandoned" and was made accessible with a mere subpoena. Similarly, another category of digital records, "remote computing services," was created for information you outsourced to another company for data processing. Seen as similar to business records, it could also be collected with a subpoena under the law.

Fast forward to the 21st Century. Now we keep a decade of email in our inboxes and "remote computing services" has morphed into Facebook keeping all our photos or Microsoft storing our Word documents in their cloud. Suddenly the SEC can access content in way it never could before.

But in 2010 the 6th Circuit, in United States v Warshak, ruled that email was protected by the Fourth Amendment. Since the SEC doesn't have the power to get a search warrant, they lost the benefit of the loophole that they had been exploiting.. Up until now this hasn't seemed like a big deal. They have never legally challenged this prohibition or been able to identify a case, pre- or post-Warshak, where they have really needed this authority; they already have a wide range of tools at their disposal.

So while the SEC is trying to frame the issue as a loss of authority, it is really a power grab—one that would apply not just to the SEC but all federal and state agencies, including the IRS, DEA, and even state health boards.

Even if the plan has some support, the SEC blocks passage — regardless of the truth of the SEC's claims, congress is buying it

Rottman and Mcauliffe 15 — Gabe Rottman and Katie Mcauliffe, 2015 ("How Congress Can Protect Americans' Email Privacy," *Roll Call*, January 27th, Available Online at http://www.rollcall.com/news/how_congress_can_protect_americans_email_privacy_commentary-239611-1.html?pg=1&dczone=opinion, Accessed 7-14-2015)

Congress should have passed the bipartisan ECPA reform bills last year. But one federal agency, the Securities and Exchange Commission, essentially blocked its passage. As a civil regulatory agency, the SEC doesn't have warrant authority. It only has subpoena power. By holding up ECPA reform, it's trying to obtain the power of a warrant with the lower standards of proof required to issue a subpoena. In short, the SEC wants indiscriminate power to investigate American businesses and their employees and customers by gaining access to private records and property stored online, without convincing a judge a crime is likely being committed. That is an unprecedented, unnecessary and unjust power grab, and rather than acquiescing to it, members of Congress should regard it as a cause to rebuke the agency that attempted it.

Terror Links

Even privacy advocates support keeping the SCA to stop threats

Wyden et al. 14 — Ron Wyden, senator from Oregon since 1996, member of Senate Select Committee on Intelligence with access to classified meta-date program information, Mark Udall, Senator from Colorado from 2009 to 2015, also a member of the Senate Select Committee on Intelligence, and Martin Heinrich, senator from New Mexico, 2014 (. "BRIEF FOR AMICI CURIAE SENATOR RON WYDEN, SENATOR MARK UDALL, AND SENATOR MARTIN HEINRICH IN SUPPORT OF PLAINTIFF-APPELLANT, URGING REVERSAL OF THE DISTRICT COURT," *Electronic Frontier Foundation*, submitted to *Smith v. Obama*, September 9th, Available online at https://www.eff.org/document/wyden-udall-heinrich-smith-amicus, Accessed 7-16-15)

For example, the Stored Communications Act permits the government to obtain precisely the same call records that are now acquired through bulk collection under section 215 when they are

"relevant and material to an ongoing criminal investigation." 18 U.S.C. §2703 (d). Individualized orders for phone records, as opposed to orders authorizing bulk collection, can also be obtained under section 215. 50 U.S.C. §1861.7National security letters, which do not require a court order, can also be used by the government to obtain call records for intelligence purposes. See18 U.S.C. §2709. The government can also acquire telephony metadata on a real-time basis by obtaining orders from either regular federal courts or the FISC for the installation of pen registers or trap-and-trace devices. See18 U.S.C. §§3122, 3125; 50 U.S.C. §1842. And the government may also seek call records using standard criminal warrants based on probable cause. See 18 U.S.C. §2703 (c)(A); Fed. R. Crim. P. 17(c). The government can use many of these authorities without any more evidence than what is currently required to use the bulk phone-records database, with less impact on the privacy interests of innocent Americans.

SCA is used for tracking in tens of thousands of cases

Witmer-Rich 14 — Jonathan Witmer-Rich, Assistant Professor of Law at Cleveland-Marshall College of Law of Cleveland State University, JD from University of Michigan School of Law B.A. from Goshen College 2014 ("The Rapid Rise of Delayed Notice Searches, and the Fourth Amendment "Rule Requiring Notice," *Pepperdine Law Review*, Available to subscribing institutions via Lexis-Nexis, Accessed 7-16-15)

The volume of cell phone location tracking is huge, with one federal judge estimating in 2011 that "federal courts alone approve 20,000-30,000 tracking requests annually, and the number is rising." n187 These different cell phone tracking technologies are governed by a variety of different legal regimes, and there is considerable uncertainty about which legal regimes govern which types of tracking. n188 In many cases, investigators have been able to covertly track cell phone locations without using a search warrant, for example through court orders under 18 U.S.C. § 2703(d) (the Stored Communications Act) or pen/trap orders under 18 U.S.C. § 3123. n189

In recent years, a number of federal magistrate judges have begun demanding that police obtain search warrants for various categories of cell phone tracking data, while other courts continue to permit investigators to use less stringent forms of statutory authority. n190 Amidst this uncertainty, it is clear that investigators are increasingly (though not uniformly) using Fourth Amendment search warrants to conduct various kinds of cell phone location tracking, and that those warrants are always delayed notice [*544] warrants. n191 Some courts have been requiring search warrants for at least some types of cell phone location data (such as prospective, real-time tracking) since at least 2005. n192

To the extent investigators engage in covert cell phone location tracking using statutory orders that are not search warrants, that practice will not be reported in the Delayed Notice Reports (which reports on "warrants" issued under § 3103a). But to the extent investigators conduct the exact same covert tracking using search warrants, that tracking will be reported in the Delayed Notice Reports. It is impossible to determine precisely what percentage of the delayed notice search warrants in the covered years (2006-2012) are warrants for cell phone location tracking. Some investigators likely continue to perform this tracking without using reported search warrants. n193 But given the judicial pressure to use search warrants, it is quite likely that investigators are increasingly using reported search warrants to conduct cell phone location tracking. n194 This shift--from conducting covert cell location tracking searches with court

orders, to conducting that same covert tracking with delayed notice search warrants--would result in a steady increase in the reported number of "delayed notice search warrants" in the Delayed Notice Reports. This increase would appear even if the total number of covert cell phone location tracking remained constant.

E-mail messages. A similar trend may be occurring with covert searches of e-mail messages, although the time frame here is somewhat more recent. At least since 2010, however, and arguably since 2007 or earlier, investigators have been under increasing pressure to use delayed notice search warrants (reported in the Delayed Notice Reports) for any [*545] covert searching of e-mail messages, instead of using other (unreported) legal mechanisms to do so. n195

Access to e-mail messages is governed by the Stored Communications Act (SCA), passed by Congress in 1986. n196 Under the SCA, investigators can obtain e-mail messages in several ways, some of which do not require a search warrant. Depending on the circumstances, investigators can obtain e-mail messages by using a subpoena, with a court order under § 2703(d), or with a search warrant. n197 In some cases, investigators want to access e-mail records without notifying the owner of the account, and the SCA expressly authorizes that practice in specified circumstances. n198 Indeed, recall that it is precisely this list, from the SCA, that Congress chose to cross-reference in section 3103a for delayed notice search warrants. n199

In short, investigators in past years have been able to obtain e-mail messages without using search warrants (at least in some circumstances), and often have been able to obtain those e-mails covertly, without giving notice to the account holder until some later date. n200 These covert e-mail searches--if conducted without search warrants--would not have been reported in the annual Delayed Notice Reports

Student Visas Northwestern

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This advantage is just wrong—the number of middle eastern students studying in the US has tripled since 9/11

Haynie 2/18 [Devon, Staff writer for US News. 2/18/15, "More Middle Eastern Students Come to the U.S., Find Surprises" http://www.usnews.com/education/best-colleges/articles/2015/02/18/more-middle-eastern-students-come-to-the-us-find-surprises//jweideman]

Middle Eastern students thinking about studying in the U.S. are in good company. Since 2000, the number of students from the Middle East and North Africa has more than tripled, according to a report released by the Institute of International Education. Saudi Arabia, which has one of the fastest-growing student populations in the U.S., sent nearly 54,000 students to the country during the 2013-2014 school year. That same year, the number of North African and Middle Eastern students coming to the States grew by 20 percent. "There's a very long tradition, going back many generations, of students from the Middle East coming to study in the U.S.," says Erik Love, assistant professor of sociology at Dickinson College. "The United States has an excellent system of higher education that in many ways remains the envy of the world."

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The Middle East has the highest growth rate—newest ev

Hua 7/29 [University of Michigan. Forbes Staff. 7/29/15, "U.S. Colleges: The American Dream For International Students" http://www.forbes.com/sites/karenhua/2015/07/29/u-s-colleges-the-american-dream-for-international-students///jweideman]

The world still sees America as the land of opportunity – for higher ed. This is why in 2014, there were some 1 million foreign students enrolled in U.S. colleges and universities, another peak in a string of all-time highs going back to 2000. China and India export the most students, followed by South Korea and Saudi Arabia. Currently, about 5.4% of America's college students hail from outside the country – a 14% increase from last year and an 85% increase from just 10 years ago. The numbers aren't just big, they're valuable: The 1.2 million international students studying in the U.S. contribute about $34.6 billion total in tuition and other spending. Though college costs around the world vary widely, U.S. tuition has the distinction of being one of the costliest and, not coincidentally, one of the least affordable based on median income. In many European countries such as Germany, France and Sweden, the price of college is virtually free. The cost is largely absorbed by taxpayer dollars. College is tuition-free in Brazil, as well, but what's most surprising is that the country has sent over 13,000 students to the U.S. to study – the 10th most of any country and also with the second-highest growth rate of 22%. So, how do international students pay for expensive U.S. colleges? According to 2014 Open Doors Data, 65% of college funding for foreign students comes from personal and family funds, but 78% also say the lure to the States comes from more active university recruitment efforts. In fact, 19% report that their U.S. college covered part of the costs with either pathway programs or foreign government scholarship programs. Currently, about half of all international students hail from China, India and South Korea collectively. Whereas the top places of origin were all Asian at the start of the century, this year sees a mix of Asian, Middle Eastern and Canadian. Though China still boasts the largest number of students at 274,439 (23% of the total), Kuwait has seen the largest growth of students sent to the States at a 43% increase over the past year. Other Middle Eastern countries such as Saudi Arabia and Iran also have some of the highest growth rates, as do South American countries Brazil and Venezuela.

Best reports prove uniqueness goes neg

Ruiz 14 [Neil G. Ruiz is a senior policy analyst and associate fellow at The Brookings Institution Metropolitan Policy Program. August 29 2014. "The Geography of Foreign Students in U.S. Higher Education: Origins and Destinations" http://www.brookings.edu/research/interactives/2014/geography-of-foreign-students#/M10420//jweideman]

This report uses a new database on foreign student visa approvals from 2001 to 2012 to analyze their distribution in the United States, finding that: The number of foreign students on F-1 visas in U.S. colleges and universities grew dramatically from 110,000 in 2001 to 524,000 in 2012. The sharpest increases occurred among students from emerging economies such as China and Saudi Arabia. Foreigners studying for bachelor's and master's degrees and English language training accounted for most of the overall growth. Foreign students are concentrated in U.S. metropolitan areas. From 2008 to 2012, 85 percent of foreign students pursuing a bachelor's degree or above attended colleges and universities in 118 metro areas that collectively accounted for 73 percent of U.S. higher education students. They contributed approximately $21.8 billion in tuition and $12.8 billion in other spending—representing a major services export—to those metropolitan economies over the five-year period.

Its one of the fastest growing regions for incoming students

O'Malley 14 [Brendan, University world news. 11/20/14, "Middle East swells international student growth in US" http://www.universityworldnews.com/article.php?story=20141120215857 41//jweideman]

The number of international students in American universities rose by 8% in 2013-14, with 73% of the growth accounted for by students from China and Saudi Arabia, according to the latest Open Doors report from the Institute of International Education, or IIE. The fastest growing student populations were from Kuwait, Brazil and Saudi Arabia, where governments are investing heavily in scholarships for international studies, to develop a globally competent workforce, the report said. The fastest growing region this year was the Middle East and North Africa, or MENA, with an increase of 20% in students enrolled in US higher education. The number of international students in US universities rose to a record 886,052, according to the Open Doors Report on International Educational Exchange, published by the IIE in partnership with the US Department of State's Bureau of Educational and Cultural Affairs on 17 November. In 2013-14, the number of international students rose by 66,408 compared to the year before. "International education is crucial to building relationships between people and communities in the United States and around the world," said Evan M Ryan, assistant secretary of state for educational and cultural affairs. "It is through these relationships that together we can solve global challenges like climate change, the spread of pandemic disease, and combating violent extremism," she said.

AT: Discrimination

Double bind. Either A. campus culture is an alt cause, or B. The squo solves discrimination

Haynie 2/18 [Devon, Staff writer for US News. 2/18/15, "More Middle Eastern Students Come to the U.S., Find Surprises" http://www.usnews.com/education/best-

colleges/articles/2015/02/18/more-middle-eastern-students-come-to-the-us-find-surprises//jweideman]

Laurie Riggin, an adjunct instructor at Dominican University who runs a course to help international students acclimate, says many of the nearly 70 Saudi students enrolled at the school were primarily worried about safety before coming to the U.S. "Many international students' perception of safety in the U.S. is based on media that isn't entirely accurate," she says. "I would really encourage them to keep an open mind about these experiences because college campuses are safe and supportive environments." Saad Alqurashi, a 21-year-old from Riyadh, Saudi Arabia, is one of those students. The freshman at Dominican blames his initial safety concerns on American films, which are often packed with crime and violence. "It's not like the movies," he says of the U.S. "You have to come here and see everything with your own eyes." With reports of intimidation aimed at Muslims at U.S. colleges and the recent shooting of three Muslims near the University of North Carolina—Chapel Hill, Middle Eastern students may be understandably concerned about how they will be treated at school. While American campuses are generally tolerant and attacks are very unlikely, experts say Middle Eastern students should be prepared to face some level of prejudice or discrimination, even if small. "I think, yes, in this day and age Muslim international students and Arab Muslims in particular experience prejudice both within the student body and in the host community," says Stephen Sheehi, Sultan Qaboos bin Said Chair of Middle East Studies at the College of William and Mary. The good news, says Sheehi, who has written about Islamophobia, is that they can also find a community of like-minded people in Muslim student groups, the local mosque and other organizations. Love, who also studies Islamophobia, agrees. "In general, U.S. campus culture is quite welcoming and supportive of diversity and Muslim life and the idea that there should be space for people of all cultures and religions," he says. Mohammed Abu Dalhoum, who left his home of Amman, Jordan to attend Maryland's Washington College, says he has rarely felt any kind of discrimination or discomfort in the States. Every now and then in a political science class, someone will say something ignorant about the Middle East. That angers him, he says, but then he shakes it off.

AT: Hearts and minds

A/C—ISIS Propaganda

ISIS propaganda is too strong for the plan to overcome

Engel 7/15 [Pamela Engel is a reporter for Business Insider's main page, covering mostly breaking news and crime. She previously worked for the Associated Press in Indianapolis and has also written for The Columbus Dispatch, the Scripps Howard news wire and the New York Observer. Ohio University, bachelor's degree in journalism. 7/15/15, "ISIS is winning hearts and minds in a deceptively simple way" http://www.businessinsider.com/isis-is-winning-hearts-and-minds-in-a-deceptively-simple-way-2015-7//jweideman]

While many Westerners associate Islamic State propaganda with violence and beheadings, the terror group also likes to showcase its deceptively "softer" side to those within its territory in the Middle East, as a Vocativ analysis showed this week. And given that their target audience is disaffected Sunnis living in war-torn Iraq and Syria, the plan is working. Videotaped beheadings and action-packed fighting scenes might be effective recruitment tools for young people who are thinking about traveling to Syria to fight with the militants, but the Islamic State (also known as ISIS, ISIL, and Daesh) knows that winning hearts and minds is just as important to its longevity. Vocativ notes that "in the areas it already controls or is fighting to take over, almost half of what [ISIS] broadcasts has a positive theme to it. 'Come to the Islamic State,' is the message. 'There is fun here, and food, and services.'" ISIS markets itself as an Islamic utopia that can provide happiness and stability its residents. In addition to enforcing a strict interpretation of Sharia law, ISIS sets up

schools and consumer protection bureaus in the areas of Iraq and Syria it holds. And apparently, ISIS also operates a mall and amusement park near Mosul, Iraq: The above propaganda video shows children playing and residents talking about how much better life is now that ISIS has moved in and taken control of Mosul. And it's not just amusement parks — earlier this year, ISIS' media wing announced that the group had re-opened a "luxury" hotel in Mosul. The video makes no mention of the headless bodies that can also be seen in the streets of ISIS' self-proclaimed "caliphate," an aspirational Islamic empire that aims to unite the world's Muslims under a single religious and political entity. With its civil services and positive propaganda, ISIS seeks to build a sense of community within its caliphate. And given that many ISIS members are from disaffected Sunni communities, the group has a natural advantage over Westerners in uniform trying to win hearts and minds. Recruiting with camaraderie ISIS also uses positive propaganda, along with more brutal propaganda, to bring in foreign fighters replenish their ranks on the b+attlefield. In an extensive analysis of ISIS propaganda for the counter-extremism think tank Quilliam Foundation, Charlie Winter noted that the idea of belonging is "one of Islamic State's most powerful draws to new recruits," especially Westerners who are thinking of traveling to the caliphate. "Through their regular publication of, for example, videos and photographic reports depicting istirāḥat al-mujāhidīn — fighters relaxing with tea and singing with each other — the propagandists emphasise the idea of brotherhood in the 'caliphate,'" Winter wrote. "The carefully branded camaraderie that one is absorbed into upon arrival in Islamic State-held territories is, as the propagandists would have their audiences believe, almost overwhelming." ISIS "recognize[s] that offers of friendship, security and a sense of belonging are powerful draws for its supporters abroad," Winter wrote.

XT: ISIS already won

The ISIS narrative is too strong for the plan to overcome

Cottee 15 [SIMON COTTEE is a contributing writer for The Atlantic and a senior lecturer in criminology at the University of Kent. He is the author of the forthcoming book The Apostates: When Muslims Leave Islam. March 2 2015. "Why It's So Hard to Stop ISIS Propaganda" http://www.theatlantic.com/international/archive/2015/03/why-its-so-hard-to-stop-isis-propaganda/386216///jweideman]

ISIS has beheading videos. The CSCC doesn't. Beheading videos are shocking and repugnant. But they are also weirdly fascinating—and they go viral for this reason. The CSCC's videos, by and large, are not shocking or repugnant, still less fascinating—and don't go viral for this reason. ISIS's métier is shock and gore, whereas the CSCC's, to put it unkindly, is more mock and bore, more Fred Flintstone than Freddy Krueger. Shock and gore, needless to say, is where the action is—and hence where the Internet traffic tends to go. "You're never going to be able to match the power of their outrageousness," Fernandez said, conceding this disadvantage. ISIS has a vast network of "fanboys," as its virtual supporters are widely and derisively known, who disseminate the group's online propaganda. (ISIS ennobles them with the title "knights of the uploading.") They are dedicated, self-sufficient, and even, Fernandez said, occasionally funny. And they are everywhere on Twitter, despite the social-media network's efforts to ban them. Fernandez described the group's embrace of social media as "a stroke of genius on their part." The CSCC doesn't have fanboys. More crucially, ISIS has a narrative. This is often described by the group's opponents as "superficial" or "bankrupt." Only it isn't. It is immensely rich. The International Centre for the Study of Radicalisation and Political Violence estimates that of the 20,000 or more foreign jihadists believed to have gone to fight in Syria and Iraq, around 100 are from the United States. These fighters may be naive or stupid, but they didn't sacrifice everything for nothing. John Horgan, director of the Center for Terrorism and Security Studies at University of Massachusetts Lowell, told me that people who join groups like ISIS "are trying to find a path, to answer a call to something, to right some perceived wrong, to do something truly meaningful with their lives." The CSCC doesn't have a narrative—not one, at any rate, remotely comparable in emotional affect and resonance to that of ISIS. No one is more sharply aware of this than Fernandez himself. "ISIS's message," he said, "is that Muslims are being killed and that they're the

solution. ... There is an appeal to violence, obviously, but there is also an appeal to the best in people, to people's aspirations, hopes and dreams, to their deepest yearnings for identity, faith, and self-actualization. We don't have a counter-narrative that speaks to that. What we have is half a message: 'Don't do this.' But we lack the 'do this instead.' That's not very exciting. The positive narrative is always more powerful, especially if it involves dressing in black like a ninja, having a cool flag, being on television, and fighting for your people." In his biography of the philosopher Ludwig Wittgenstein, Ray Monk discussed Wittgenstein's decision to enlist in the Austro-Hungarian army during the First World War. It wasn't really about patriotism, Monk suggested. Rather, Wittgenstein "felt that the experience of facing death would, in some way or other, improve him. ... What Wittgenstein wanted from the war was a transformation of his whole personality, a 'variety of religious experience' that would change his life irrevocably." One of the greatest challenges in counterterrorism today is working out how to create a narrative that directly speaks to a similar kind of longing among potential terrorists—and channels that longing in a nonviolent direction. As Scott Atran argues in Talking to the Enemy, "In the long run, perhaps the most important counterterrorism measure of all is to provide alternative heroes and hopes that are more enticing and empowering than any moderating lessons or material offerings." The more immediate, but no less intractable, challenge is to change the reality on the ground in Syria and Iraq, so that ISIS's narrative of Sunni Muslim persecution at the hands of the Assad regime and Iranian-backed Shiite militias commands less resonance among Sunnis. One problem in countering that narrative is that some of it happens to be true: Sunni Muslims are being persecuted in Syria and Iraq. This blunt empirical fact, just as much as ISIS's success on the battlefield, and the rhetorical amplification and global dissemination of that success via ISIS propaganda, helps explain why ISIS has been so effective in recruiting so many foreign fighters to its cause.

AT: ISIS Impact

AT: Grids—Author indicts

Their grid internal link ev cites Frank Gaffney—he's a crazy right wing islamophobe and conspiracy theorist--- zero quals. Seriously he's super racist.

SPLC 15 [The Southern Poverty Law Center is an American nonprofit legal advocacy organization specializing in civil rights and public interest litigation. 2015. "Frank Gaffney Jr." http://www.splcenter.org/get-informed/intelligence-files/profiles/frank-gaffney-jr//jweideman]

Once a respectable Washington insider, Frank Gaffney Jr. is now one of America's most notorious Islamophobes. Gripped by paranoid fantasies about Muslims destroying the West from within, Gaffney believes that "creeping Shariah," or Islamic religious law, is a dire threat to American democracy. He favors congressional hearings to unmask subversive Muslim conspiracies, and was even banned from far-right Conservative Political Action Conference events after accusing two of its organizers of being agents of the Muslim Brotherhood. In His Own Words: "We're witnessing not just the violent kind of jihad that these Islamists believe God compels them to engage in, but also, where they must for tactical reasons, a more stealthy kind, or civilizational jihad as the Muslim Brotherhood calls it. We're witnessing that playing out, not only in places in the Middle East but also in Europe, in Australia, in Canada and here in the United States as well." —Quoted by Newsmax, October 2011 "So pervasive now is the MB's [Muslim Brotherhood's] 'civilization jihad' within the U.S. government and civil institutions that a serious, sustained and rigorous investigation of the phenomenon by the legislative branch is in order. To that end, we need to establish a new and improved counterpart to the Cold War-era's HUAC [House Un-American Activities Committee] and charge it with examining and rooting

out anti-American – and anti-constitutional – activities that constitute an even more insidious peril than those pursued by communist Fifth Columnists fifty years ago. ” –column, Center for Security Policy, October 2011 “We know for a fact that the Muslim Brotherhood has as its mission the worldwide imposition of Islam's toxic, brutally repressive and anti-constitutional supremacist doctrine known as Shariah. And yes, it means here, too.” – column, FamilySecurityMatters.org, August 2013 Background: If Frank Gaffney Jr. had his way, average hard-working Americans of the Muslim faith would be dragged before Congress to face such questions as, “Are you now, or have you ever been, a member of the Muslim Brotherhood?” In Gaffney’s mind, America is in peril, and bringing back the notorious Cold War-era House Un-American Activities Committee (HUAC) would expose the subversives he imagines are working to implement Shariah religious law throughout the land. Gaffney’s wild-eyed accusations would certainly fit right into the red-baiting HUAC tradition, judging from his long history of smears and innuendo aimed at Muslims. There was his groundless 2011 claim that Huma Abedin — aide to then-Secretary of State Hillary Clinton — was part of a “Muslim Brotherhood conspiracy.” That charge was subsequently trumpeted by U.S. Rep. Michele Bachmann (R-Minn.), prompting even conservative Republican stalwarts such as Sen. John McCain (Ariz.) and House Speaker John Boehner (Ohio) to condemn it. Then there was Gaffney’s 2011 claim that two board members of the Conservative Political Action Committee (CPAC) were secretly aiding the Muslim Brotherhood, proving that even potential right-wing allies are not safe from his vitriol. Gaffney’s evidence was predictably flimsy — board member and anti-tax crusader Grover Norquist’s wife is Palestinian-American, while board member Suhail Khan is a Muslim. Both were political appointees in the George W. Bush administration with long experience in conservative Republican Party affairs. Calling the accusations reprehensible, CPAC banned Gaffney from participating in future events. Following his banishment from CPAC events, Gaffney teamed up with the inflammatory right-wing site Brietbart News to offer an alternative conference, called Homeland Threats. Featured speakers at the March 2014 event included U.S. Rep. Steve King (R-Iowa) and Sen. Ted Cruz (R-Tex.), and panel discussions flogged such tired topics as “Benghazigate: The Ugly Truth and the Cover-Up” and “Amnesty and Open Borders: The End of America.” Naturally, Gaffney also hosted a panel entitled “The Muslim Brotherhood, the Civilization Jihad and Its Enablers” in the March Homeland Threats lineup, not so subtly thumbing his nose at his former CPAC comrades in arms. Among the “enablers” of civilization jihad in America, President Obama is near the top of Gaffney’s list. But Gaffney has tried — and failed — to gather support for baseless suggestions that Obama is a practicing Muslim, or for the accusations he leveled in a series of Washington Times articles in 2009 that the Obama administration is adopting the Muslim Brotherhood’s Middle East plan. “What if it turns out that some of the people the Obama administration has been embracing are actually promoting the same totalitarian ideology and seditious agenda as al Qaeda, only they’re doing it from White House Iftar dinners?” he asked in the Washington Times, referring to the meal served after Ramadan fasts. During an appearance on MSNBC’s “Hardball with Chris Matthews” in 2009, Gaffney made a statement that boggled even veteran Gaffney-watchers: “There is also circumstantial evidence, not proven by any means, but nonetheless some pretty compelling circumstantial evidence, of Saddam Hussein's Iraq being involved with the people who perpetrated both the 1993 attack on the World Trade Center and even the Oklahoma City bombing." But Gaffney wasn’t always such a fringe character. As recently as in 2002, a prominent British newspaper listed him with Iraq invasion cheerleaders Paul Wolfowitz, Douglas Feith, and Richard Perle as one of the men “directing” then-President George W. Bush’s post 9/11 security doctrine. A native of Pittsburgh, Pa., Gaffney graduated from the Edmund A. Walsh School of Foreign Service at Georgetown University in 1975, and subsequently received a graduate degree from Johns Hopkins University's Paul H. Nitze School of Advanced International Studies. After serving as an aide to the late Sen. Henry M. “Scoop” Jackson (D-Wash.) in the 1970s, Gaffney in 1983 was appointed Deputy Assistant Secretary of Defense for Nuclear Forces and Arms Control Policy. In 1987, he was nominated for an Assistant Secretary of Defense post, but the Senate did not confirm him. In 1988, he founded the Center for Security Policy (CSP), a hawkish but initially respectable think tank. Sometime after that, he seemed to go off the rails, becoming increasingly taken with a conspiracy theory about the infiltration of the United States by nefarious Muslim Brotherhood operatives burrowed deep within the infrastructure. This line — amplified via Gaffney’s radio show, his contributions to numerous far-right periodicals, and the CSP website — quickly elevated his stature in hard-line anti-Muslim circles.

Their second source is Peter Pry—he’s super biased—the advantage is paranoid hype

Dykes 14 [Melissa, journalist and cofounder of the Daily Sheeple. Global research center. September 2014. “War on Terror” Fearmongering: ISIS Is Going to Attack America’s Electric Grid” http://www.globalresearch.ca/war-on-terror-fearmongering-isis-is-going-to-attack-americas-electric-grid/5400464//jweideman]

Back in August, it was all about how ISIS is tremendously well-funded and like nothing the Pentagon had ever seen and another 9/11 was on the way. Then we were told an ISIS terror attack on American streets is highly likely; so likely, in fact, that an Imminent Terrorist Attack Warning By Feds on US Border alert was released featuring the possibility that ISIS groups operating out of the Mexican border city of Juarez might attack the U.S. with car bombs, although no specific threats had been received. Then we were told that there are nearly a dozen jets missing from war-torn Libya which could be used to strike 9/11-like targets. The new and latest September-fresh talking point is that ISIS is going to attack America’s ‘frail and vulnerable’ electric grid. Frank Gaffney, founder and president of the Center for Security Policy in Washington, has actually given it the monicker “grid jihad.” Not only that, but they are being VERY specific on exactly how ISIS could commit this act and all the ways it could cripple the country if they did. At

a recent press conference, Dr. Peter Pry, a former CIA officer and head of the task force on National and Homeland Security, went on record that America's power grid faces an "imminent" attack by ISIS — and the media has run with it. "There is an imminent threat from ISIS to the national electric grid and not just to a single U.S. city," Pry warns. He points to a leaked U.S. Federal Energy Regulatory Commission report in March that said a coordinated terrorist attack on just nine of the nation's 55,000 electrical power substations could cause coast-to-coast blackouts for up to 18 months. […] "The Congressional EMP Commission, on which I served, did an extensive study of this," Pry says. "We discovered to our own revulsion that critical systems in this country are distressingly unprotected. We calculated that, based on current realities, in the first year after a full-scale EMP event, we could expect about two-thirds of the national population – 200 million Americans – to perish from starvation and disease, as well as anarchy in the streets." (source) Here are just a few of the headlines now coming off the news wire. Chicago Tribune: "ISIS has changed the game for America" If ISIS gets a nuclear electromagnetic-pulse device and succeeds in setting it off in America, it could shut down our electric grid and plunge America into the Dark Ages. KBOI2: "Experts warn of ISIS attack on US power grid" Washington Examiner: "New ISIS threat: America's electric grid; blackout could kill 9 of 10″ "Inadequate grid security, a porous U.S.-Mexico border, and fragile transmission systems make the electric grid a target for ISIS," said Peter Pry, one of the nation's leading experts on the grid. […] "By one estimate, should the power go out and stay out for over a year, nine out of 10 Americans would likely perish," said Frank Gaffney, founder and president of the Center for Security Policy in Washington. WND: "Expert: 'Imminent' ISIS threat to U.S. power grid" Pry surmised such an attack on the U.S. power grid "wouldn't be difficult for them." "There are … open-source computer models where you can figure out which are those nine critical transformer substations where if attacked would take down the whole national power grid," he said. "So something like that could be arranged. It could happen tomorrow. It could happen next week." So glad he's busy giving out precise instructions on exactly how to accomplish this. Let's continue. International Business Times: "ISIS Will Target the U.S. Power Grid, Former CIA Says; Could Tap Other Fellow Extremist Groups to Do the Job" "All they've got to do is contact the Knights Templar, wire these guys $10 million, I mean they'll do anything for money. And say, 'Hey, go across that open U.S. border and take out the electric grid in Arizona, or New Mexico, or Minnesota or New York. Or the entire nation.'" Oh so knocking out the grid would run them about $10 mil? KGNS.TV: "Security experts warn about possible ISIS targets in the US" "Unfortunately, there's a lot to evidence that enemies of this country have figured out that if you attack that very vulnerable grid, they could cause cataclysmic damage to the American people," Gaffney said. Gaffney says the "domino effect" of an attack on the electric grid could reach all corners of the country and be deadly. "Water requires power, food requires power, transportation requires electricity, finance, telecommunications," explained Gaffney. Peter Pry even showed up on Fox to advertise, er, discuss the ISIS electric grid threat: At this point, all the bases on this scenario have been covered. The only thing they didn't do was give senior ISIS leadership a tour of a major power plant, complete with fake badges and blueprints as take home souvenirs. If these experts and reporters have left any detail to the imagination on exactly how ISIS [a US-Saudi sponsored intelligence asset] could carry this plan out and what precise steps are needed to make it a reality, I'm not sure what that is. The repeated talking point also seems noteworthy, considering that one of the last warnings former Homeland Security Secretary Janet Napolitano gave to her successor in an 'open letter' before heading out the door was that a cyber or physical event that knocks out the power grid will occur – and it was not a question of "if" but "when."

AT: Teaming up with cartels

The ISIS-Mexican cartel connection was completely made up--- reject their random newspapers

Smith 15 [J.R. 21st century Wire. Citing the US state Department. 4/17/15, "Latest 'ISIS Camp in Mexico' Story is Completely FAKE" http://21stcenturywire.com/2015/04/17/latest-isis-camp-in-mexico-story-is-completely-fake///jweideman]

There's good money to be made in fake news. Earlier this week on April 14th, a nameless 'news story' appeared on the "Corruption Chronicles Blog" section of the website Judicial Watch, which claimed "ISIS Camp a Few Miles from Texas, Mexican Authorities Confirm." The website claims that 'an ISIS base' exists approximately 8 miles from the US-Texas border in an area known as 'Anapra' just west of Ciudad Juárez in the Mexican state of Chihuahua.Upon closer inspection, it's clear that this story is fake. The following day, even FOX News distanced itself from the story, reporting that US law enforcement agencies flatly denied there was any truth at all to allegations that ISIS militants had set up a training base in Mexico. El Paso-based local news affiliate ABC-7 also contacted multiple federal border agencies. They all said the same thing: the report is unverified, and there is no ISIS in Anapra, or Juarez. Today, the US State Department also weighed-in, calling the claims "unfounded". This did not stop a number of right-wing, fear mongering and opportunistic media outlets from running with this latest fake ISIS story, with some US-based outlets even producing their own fake ISIS beheading videos designed to hype-up the fear surrounding this fake story (as if

we needed any more fake ISIS videos made to scare the US population into submission). If one actually reads into the original Judicial Watch 'report', it soon becomes apparent that nothing in it is actually real. The blog post cites "sources in the Mexican military", and further alludes to an "unnamed Mexican Army officer" and a Mexican "police inspector". Based on the over-the-top sensationalism and the lack of any substance in the story, most intelligent Americans might write it off as just another fake 'ISIS in Mexico' story, but for cash-obsessed media businesses, a wild story like this, whether true or not, will automatically generate tens of thousands of dollars in online ad revenues overnight. Beyond the obvious financial gains however, the real function of a planted story like this is political. By invoking the ISIS threat, it energizes the far right-wing in America which further polarizes the political spectrum. Here we can see how a planted news story is custom designed to advance a fear-based agenda, where media outlets work hand-in-glove with the US government's military establishment to secure more funding and foreign intervention in the Middle East, as well as more funding for the Department of Homeland Security in the US. The Judicial Watch decoy story cites multiple vague sources including "Mexican intelligence sources". This might be the first mention of "Mexican Intelligence" in US media ever, as it's widely accepted that Mexico is not known for having any 'intelligence' body that is not already co-opted by organized drug cartels. Regardless, Judicial Watch and its media affiliates have no reservations about passing off lines like these to their readers: "Another ISIS cell to the west of Ciudad Juárez, in Puerto Palomas, targets the New Mexico towns of Columbus and Deming for easy access to the United States, the same knowledgeable sources confirm." Notice the phrase, "the same knowledgeable sources confirm." This vague wording is all it takes to fool any reader who is already predisposed to swallowing a certain flavor of either pro-war and Islamophobic propaganda. Unfortunately, the story quickly cascaded through what many would classify as the right-wing tabloid media, led by the highly dubious Washington Times (not to be confused with the real media outlet The Washington Post), The Blaze, Drudge Report, and also by 'alternative' media outlet Infowars. The ad revenues from this story alone across all media have already generated millions of dollars in the aggregate. The Judicial Watch blog post then goes on to build-up an imaginary case stating, "During the course of a joint operation last week, Mexican Army and federal law enforcement officials discovered documents in Arabic and Urdu, as well as "plans" of Fort Bliss – the sprawling military installation that houses the US Army's 1st Armored Division. Muslim prayer rugs were recovered with the documents during the operation." Of course, no such "ISIS documents" or "prayer rugs" were ever presented by the Mexican authorities. So the logical conclusion should be fairly certain to anyone by now: they do not exist. Full-Spectrum Propaganda Not content with the initial fake news story, Judicial Watch doubled-down with a "follow-up" story contrived in order to add credence and reinforce the original fake story planted earlier on Tuesday. Their follow-up, impressively entitled, "FBI Holds "Special" Meeting in Juárez to Address ISIS, DHS Not Invited", and again, claims to have scooped this off of a "high-level intelligence source", who must remain anonymous for "safety reasons". Here they claim that another anonymous source has leaked to Judicial Watch about "a secret FBI meeting to determine who is providing information to Judicial Watch". There are only two possibilities here. Either the editor at Judicial Watch is being fed fake information by his "anonymous intelligence sources", or the editor is simply making it up. Either way, you cannot call it journalism, or even 'reporting'. Perhaps worse, is the fact that so many other alternative media outlets have not even questioned the original blog post, and ran with such a wild fish story. All anonymous, and all secret. This has all the makings of a classic circular media psy-op. Judicial Watch continues, stating that: "To the east of El Paso and Ciudad Juárez, cartel-backed "coyotes" are also smuggling ISIS terrorists through the porous border between Acala and Fort Hancock, Texas." Almost hidden away at the very bottom of the same propaganda article in the Washington Times, a tacit admission is printed confirming that the story is not real, stating that Mexican authorities dispute the Judicial Watch invention: "The government of Mexico dismisses and categorically denies each of the statements made today by the organization Judicial Watch on the alleged presence of ISIS's operating cells throughout the border region, particularly at Ciudad Juárez, Chihuahua – El Paso, Texas," Ariel Moutsatsos-Morales, Mexico's minister for press and public affairs, told The Washington Times. The irony here is almost comical, as this official denial by the Mexican government and Moutsatsos-Morales – is the only real item to be found throughout this whole invented ISIS drama.

AT: ISIS WMD's

ISIS can't get WMDs

Cottee 14 [Matthew **Cottee 14**, research analyst with the Non-Proliferation and Disarmament Programme at the International Institute for Strategic Studies; and Dina Esfandiary, research associate with the Non-Proliferation and Disarmament Programme at the International Institute for Strategic Studies, 10/15/14, "The very small Islamic State WMD threat," http://thebulletin.org/very-small-islamic-state-wmd-threat7729//jweideman]

In short, ISIS does seem interested in acquiring chemical, biological, and nuclear weapons, but **ambitions do not** necessarily **equate with reality.** The complexities of such weapons, combined with the difficulties involved in **obtaining** and **handling** the necessary material, make the likelihood of **its use remote. Let's not exaggerate the threat.**

1nc: Squo solves ISIS

Squo solves ISIS

Beauchamp 2/23 [Zack, world correspondent @ Vox, Editor of TP Ideas (ThinkProgress), MSc in IR from London School of Economics, "ISIS is losing," http://www.vox.com/2015/2/23/8085197/is-isis-losing//jweideman]

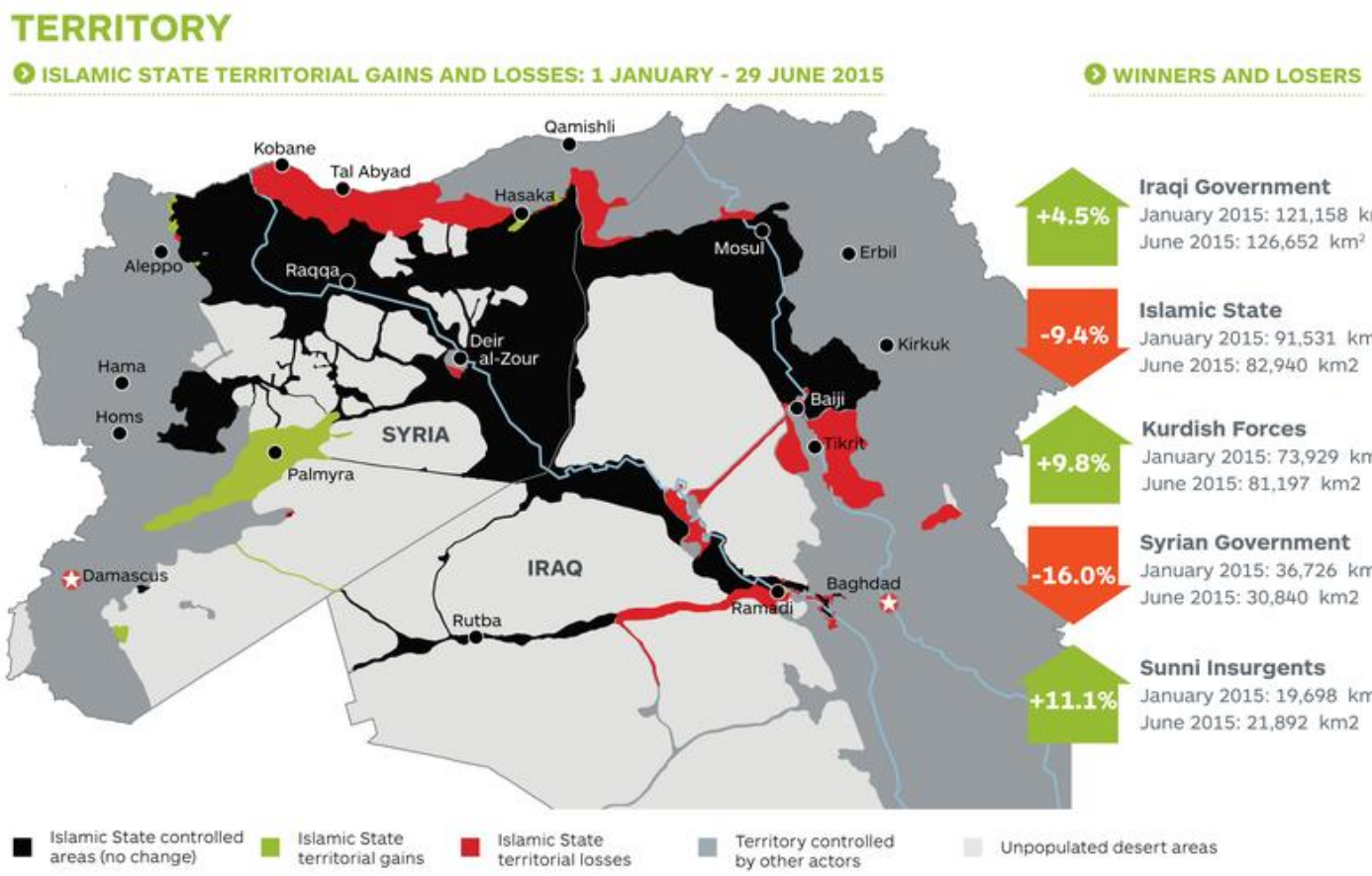
If you want to understand what's happening in the Middle East today, you need to appreciate one fundamental fact: **ISIS is losing its war** for the Middle East. This may seem hard to believe: in Iraq and Syria, the group still holds a stretch of territory larger than the United Kingdom, manned by a steady stream of foreign fighters. Fighters pledging themselves to ISIS recently executed 21 Christians in Libya. It's certainly true that ISIS remains a terrible and urgent threat to the Middle East. The group is not on the verge of defeat, nor is its total destruction guaranteed. But, after months of ISIS expansion and victories, the group is now being beaten back. It is losing territory in the **places that matter.** Coalition airstrikes have **hamstrung** its **ability to wage offensive war**, and it has no friends to turn to for help. Its governance model is unsustainable and risks collapse in the long run. Unless ISIS starts adapting, there's a very good chance its so-called caliphate is going to fall apart. Believe it or not, Iraq is looking better than anyone could have hoped six months ago One year ago, ISIS was soon to launch the offensive in Iraq that, in June, would sweep across northern Iraq and conquer the country's second-largest city, Mosul. Today, the Iraqi government is prepping a **counter-offensive** aimed at seizing Mosul back, which the US believes will launch in April. In that year, the situation has changed dramatically. After ISIS's seemingly unstoppable rampage from June to August of 2014, the Iraqi government and its allies have **turned the tide.** Slowly, unevenly, but surely, ISIS is being pushed back. "**There's really nowhere where [ISIS] has momentum,"** Kirk Sowell, the principal at Uticensis Risk Services and an expert on Iraqi politics, told me in late January. "There are a significant string of [Iraqi] victories all along the northern river valley, up through Diyala and Salahuddin [two central Iraqi provinces]," Doug Ollivant, National Security Council Director for Iraq from 2008-2009 and current managing partner at Mantid International, explained. In northern Iraq, Kurdish forces are threatening to cut off a highway that serves as ISIS's **main supply line** between Iraq and Syria. They took the town of Sinjar, which sits on the highway, in December; by late January, they had taken a longer stretch of the highway near a town called Kiske. Ollivant describes much of the Kurdish progress in the north as a "circling around Mosul." Though the Kurds won't attempt to retake the city on their own, a joint Iraqi-Kurdish force is now poised to do so. Re-taking Mosul would be a **major blow** to ISIS. To be clear, ISIS isn't on the retreat everywhere. "The news in [western province] Anbar is more mixed," Ollivant says. "Things are shifting, but not to anyone's particular advantage. The Iraqi government gains ground here, and loses ground there." In February, an ISIS offensive in Anbar threatened al-Asad airbase, where US troops are training Iraqi soldiers. Still, ISIS is falling back in most places where it's facing a serious push. And Iraq watchers are starting to see ISIS's struggles as **harbingers of a larger collapse.** "The Islamic State ... will lose its battle to hold territory in Iraq," Ollivant writes in War on the Rocks. **"The outcome in Iraq is now clear to most serious analysts."** Sowell agrees. "There is no Islamic 'State' in Iraq. They're basically operating as an insurgency/mafia," he says. "They just don't have the ability, the wherewithal in Iraq to set up Sharia courts, patrol, and really govern a state." ISIS is at a standstill in Syria Syria is a different story. ISIS has a firm hold on the Syrian city Raqqa and its environs; it's stronger there than it is anywhere in Iraq. No faction in Syria is in a position to challenge ISIS's core holdings, at least in the near term. Still, ISIS's months of progress in Syria have stalled. And that bodes poorly for the group's long-term prospects. By the end of January, ISIS had been driven out of Kobane, a Kurdish town in northern Syria that it had spent enormous amounts of manpower and resources trying to seize. Kobane isn't hugely important in strategic terms. But the fact that Kurdish forces pushed ISIS back there, with support from heavy American airstrikes, does matter. "We can take [Kobane], to a limited extent, as a signal that the airstrikes are helping roll back or at least stop [ISIS] progress in Syria," says Sasha Gordon, an associate at the private research and consulting firm Caerus Associates, who tracks developments on the ground at Syria closely. "A lot of [elite ISIS forces] might have been lost at Kobane," adds Yasir Abbas, another Caerus associate on the Syria desk.

2nc: Squo solves ISIS

Territory loss proves—we'll also insert a map

Beauchamp 7/30 [Zack, world correspondent @ Vox, Editor of TP Ideas (ThinkProgress), MSc in IR from London School of Economics, 7/30/15 "Map: ISIS has lost 9.4 percent of its territory this year" http://www.vox.com/2015/7/30/9069705/isis-map-10-percent//jweideman]

ISIS has lost almost 10 percent of its territory so far in 2015, yet another indication that the group, for all the terror it has sown in Syria and Iraq, is losing the war. Defense analysis group IHS Jane's 360 detailed the territorial loss in a report, which includes this map below estimating the change in ISIS's territory between January 1 and June 29 of this year. Green shows territory ISIS has taken in those months, and red shows land that it's lost:



Jane's estimates the total loss at 9.4 percent of what ISIS held when the year began. The year has included gain for ISIS, as well, most notably the Syrian city Palmyra and the Iraqi city Ramadi. But according to Jane's analyst Columb Strack, "Successes in Palmyra and Ramadi came at the expense of significant territorial losses elsewhere." This points to one of ISIS's most fundamental problems: It has too many enemies. You can see this in another thing on the Jane's map, showing who gained territory: the Iraqi government, Syrian rebels (labeled "Sunni insurgents"), and Kurdish forces in both Iraq and Syria. All of those groups are hostile to ISIS, and two of them are backed by US airpower. ISIS's fighters might be skilled, but they can't fight everyone at once. Losing territory is a serious problem for ISIS. The whole idea of ISIS, the thing that makes it really different from al-Qaeda, is that it claims to be the actual state: a caliphate that governs and holds territory. It needs that territory to ideologically

justify itself, to collect the extortionary "taxes" it uses to fund its activities, and to attract ever more foreign recruits. "When they declared the caliphate, their legitimacy came to rest on the continuing viability of their state," Daveed Gartenstein-Ross, a senior fellow at the Foundation for the Defense of Democracies, told me in October. If they keep losing territory, their funding and recruiting pool will slowly dry up. Recent developments have been bad for ISIS. Syrian Kurdish forces advanced dangerously close to ISIS's de facto capital, Raqqa, in late June. Iraqi forces are pressuring ISIS in Anbar province, home to Ramadi and ISIS stronghold Fallujah. None of this means ISIS is going to fall quickly. But it does show that the widely feared terrorist group, for all the terrible suffering it has inflicted, is on the battlefield not as fearsome as it sometimes is perceived to be.

Innovation

SQ solves

1nc

Squo solves foreign students—numbers are increasing

Jordan 15 [Miriam, Staff writer for the wall street journal. Has BA's in international relations and psychology from Stanford University and a master's degree in journalism from Columbia University. 3/24/15 "International Students Stream Into U.S. Colleges" http://www.wsj.com/articles/international-students-stream-into-u-s-colleges-1427248801//jweideman]

American universities are enrolling unprecedented numbers of foreign students, prompted by the rise of an affluent class in China and generous scholarships offered by oil-rich Gulf states such as Saudi Arabia. Cash-strapped public universities also are driving the trend, aggressively recruiting students from abroad, especially undergraduates who pay a premium compared with in-state students. There are 1.13 million foreign students in the U.S., the vast majority in college-degree programs, according to a report to be released Wednesday by the Department of Homeland Security. That represents a 14% increase over last year, nearly 50% more than in 2010 and 85% more than in 2005. Students from China account for the largest share—331,371 of all international students, or 29%. Nearly 81,000 subjects of the Saudi kingdom are studying in the U.S. this school year, up from about 5,000 in 2000-01. Nearly three-quarters of Saudi students are enrolled in bachelor's programs or English-language programs that precede starting undergraduate studies here. Of the top five campuses for international students, two are public universities: Purdue, at No. 2, and the University of Illinois Urbana-Champaign, at No. 4. The No. 1 school is the University of Southern California, with 12,480 students, according to the report. Columbia ranks No. 3. and New York University comes in at No. 5. Amid rising costs, shrinking state support and student resistance to tuition increases, foreign students have become crucial to many public universities. Some hire foreign consultants to recruit students overseas, while others send their own staff on scouting missions. Officials at many state universities say the higher-paying students essentially subsidize in-state students.

2nc- SQ solves

Enrollment is increasing despite competition—and other countries fill in for China

Strauss 14 [Valerie, staff writer for the Washington Post. 11/12/14, "China is sending fewer graduate students to U.S., but more are arriving from India" http://www.washingtonpost.com/blogs/answer-sheet/wp/2014/11/12/china-is-sending-fewer-graduate-students-to-u-s-but-more-are-arriving-from-india///jweideman]

The United States remains a popular destination for international graduate students despite increased competition, according to new data just released showing that China sends the most to U.S. schools, followed by India and South Korea — although the flow of students from China declined for the first time since the data started to be collected a decade ago. According to a new report by the nonprofit Council of Graduate Schools, the total graduate enrollment increased by 8 percent between fall 2013 and fall 2014. It says that 17 percent of all graduate students in U.S. graduate institutions come from other countries — up from 14.5 percent in 2012. Students from China, India and South Korea account for about one-half of all international students attending U.S. graduate schools. But the data show that first-time graduate enrollment of Chinese students decreased 1 percent in 2014, a drop that involves "a relatively large number of students, since Chinese students constitute 33 percent of the total enrollment of international graduate students in the U.S." There were other declines too: The first-time graduate enrollment of South Korean students fell by 7 percent, and of Taiwanese students by 8 percent. But there were increases from other parts of the globe: First-time enrollment of students from India increased 27 percent, marking the second year in a row of double-digit growth in first-time enrollments of students from that country, First-time graduate enrollment of students from

Brazil increased 91 percent in 2014, following a 17 percent increase in 2013 and a 14 percent increase in 2012. It should be noted that these increases concern a relatively small number of students. Changes in first-time graduate enrollment of students from the Middle East were the largest among the three regions followed (8 percent), a trend that has been consistent for the past three years.

AT: China decline

Indian and Iranian students are more likely to enter STEM

Ayres 14 [Alyssa, senior fellow for India, Pakistan, and South Asia at the Council on Foreign Relations. 11/18/14, "India and U.S. Higher Education: Strong Indian Presence In The United States, But Americans Studying In India Still Meager" http://www.forbes.com/sites/alyssaayres/2014/11/18/india-and-u-s-higher-education-strong-indian-presence-in-the-united-states-but-americans-studying-in-india-still-meager///jweideman]

As the Open Doors fact sheet on India shows, India was the number one place of origin for foreign students in the United States for eight years, from the 2001-02 survey year through 2008-09. In 2009-10, however, China surpassed India as a place of origin, with more than 127,000 students in the United States that year compared with India's nearly 105,000. The number of students from India then began to dip slightly, dropping to below 100,000 by 2012-13, although it was still the number two place of origin. By comparison, students from China have been rapidly increasing in numbers such that for the 2013-14 year just released, there were close to 275,000 Chinese students in the United States. An overwhelming number of Indian students in the United States are at the graduate level, 59.5%. Just 12.3% of the Indian students here are undergrads, and 27% are pursuing optional practical training (a year of work preceding or following degree completion). This profile differs substantially from the breakdown of Chinese students in the United States, of whom 40% are undergrads, 42% are graduate level and 12.2% are carrying out optional practical training. More interestingly, 78.6% of the Indian students in the United States are in the "STEM" (Science, Technology, Engineering, Math) fields. The only country sending a higher proportion of its students in the STEM fields is Iran, with 79.6%. I was surprised that the number of Indian students in business is just 11.7%. Every other field of study tracked by Open Doors clocks in at 3% or less for Indian students: the social sciences, just 2.7%; fine arts, 1.4%; humanities, a mere 0.5%, as was education. This means the average Indian student in the United States is highly likely to be in a STEM graduate degree program.

A/C—State regs

State backlash is a massive alt cause

Jordan 15 [Miriam, Staff writer for the wall street journal. Has BA's in international relations and psychology from Stanford University and a master's degree in journalism from Columbia University. 3/24/15 "International Students Stream Into U.S. Colleges" http://www.wsj.com/articles/international-students-stream-into-u-s-colleges-1427248801//jweideman]

But the perception that foreign students, in addition to out-of-state Americans, displace state residents has fueled a backlash in some states. The University of California system recently announced it will cap the

percentage of out-of-state and foreign undergraduate students at the Los Angeles and Berkeley campuses at the current level, 22%. University of Iowa regents last year adopted a plan to tie state funding of public universities to the number of in-state students enrolled. Brenda Nard of Salem, Ore., said she encountered many out-of-state and foreign students during her daughter's recent college search. "You wrestle with it because you want your kids to have the most opportunity," she said. "I understand the state needs the money yet I also wonder if it eliminates opportunities for some Oregonians." Tina Orwall, a Washington state legislator, in 2012 introduced an amendment to a tuition bill that allowed the University of Washington to increase enrollment as long as the number of in-state residents remained at a minimum level. The amendment, prompted by an influx of both foreign and out-of-state students, passed. "I was hearing from constituents that their sons and daughters were being denied admission into our state institutions despite being very strong academic students," she said. The growth in international students also has caused tensions on some campuses. At Michigan State University, where the Chinese undergraduate population has risen eightfold in nine years to nearly 4,000, staff and students have been promoting dialogue since luxury cars owned by Chinese students were vandalized in 2012. "There is a widespread notion that dollars are being spent on foreign students and that they are displacing U.S. students, even if in general that isn't right," said John Bound, a University of Michigan economist who has studied the influx.

Competitiveness

Tech sector strong

The tech sector is strong—solves competitiveness

Delloitte 15 [Outlook firm. 2015, "2015 Technology Industry Outlook" http://www2.deloitte.com/us/en/pages/technology-media-and-telecommunications/articles/2015-technology-outlook.html//jweideman]

Consumer hunger for new technologies has been driving tech sector growth for years. Going forward, enterprises will take the lead as they harness new technologies to improve efficiency and strengthen competitive advantage. Consider the Internet of Things (IoT). It is moving out of the hype phase and landing at the center of enterprise applications in everything from industrial equipment and supply chain management to retail shopping experiences. The rise of enterprise IoT use will drive increased demand for network infrastructure, sensors, software applications, and all technologies needed to operate IoT applications including data analytics. The growth of IoT will also create significant demand for cyber security services. As the proliferation of sensors and smart devices mounts, companies will need to protect data and secure access points between product technology stacks and other company systems. Enterprise needs will also fuel the growth of Artificial Intelligence (AI). Despite futuristic hype, AI is already on the ground in many industries. Banks, for example, use machine learning to identify behaviors that predict fraud. Media companies have coupled natural language technology with analytics to draft content on data-heavy topics such as corporate earnings and sports scoresi. The cloud is also poised for significant growth, especially among enterprises. Between this year and 2017, the enterprise cloud market is expected to grow from $70 billion to more than $250 billion. The growth will be driven to a great extent by enterprises becoming more adept at integrating, aggregating and orchestrating cloud and on premise assets.

Econ UQ

1nc- Econ high

No uniqueness- the economy is poised for growth in every sector

Conerly 15 [Bill, economist with a PHD. Contributes to Forbes. 1/6/15, "Economic Forecast 2015-2017" http://www.forbes.com/sites/billconerly/2015/01/06/economic-forecast-2015-2017/2///jweideman]

The economic outlook if the Fed does not trigger a recession is quite positive and gets better as time goes by. My own forecast is stronger than my colleagues' projections, which I think is due to my greater optimism about housing construction, business capital spending, and reduced energy imports. Consumer spending is likely to grow just in pace with the economy. Few consumers are stretching beyond their incomes, and few are withdrawing from spending. As incomes rise, their spending rises at about the same rate. I see this continuing. Housing starts are poised to grow significantly. Our population growth justifies 1.2 to 1.4 million starts a year, but we're at only one million. We are within a tenth of a percent of working off the excess supply that was constructed in the boom, so it's time to start building. I forecast two years of 10 percent residential construction gains. Non-residential construction, however, won't see much acceleration in the next two years, due to continued soft demand. The lack of new construction now means that eventually landlords will be able to command strong rents with little new competition. Business capital spending will improve. Already it has been strong, but look for even more growth. Manufacturing production has increased five percent over the past 12 months and is well above the pre-recession peak. Look for more companies to add machinery, computers and transportation equipment. Government spending on transfer payments will continue to grow, but federal discretionary spending will be limited due to budget constraints and Republican resistance to higher taxes. Defense spending will probably be protected, but Congress's traditional aversion to cutting existing programs means there isn't much room to increase military budgets. State and local governments will be able to expand their spending by the three-to-five percent revenue gains they reap. Interest rates will rise in this environment. The Federal Reserve will start pushing short-term interest rates up in the spring. The rate hike will be about one percentage point per year, which is one-third their full-blown speed. Long-term interest rates will rise, primarily due to global economic expansion (which pushes global demand for credit up faster than global supply of savings), with additional help from the Fed's tightening. Inflation will remain subdued. The all-items measure will drop with lower oil prices, while core inflation is flat. Businesses plans should be based on expansion—the odds certainly favor growth. However, every company should acknowledge the risk of recession, and also acknowledge their inability to predict when the next recession will come. You can check out my video series, Business Planning With A Risk Of Recession. The stock market should do well in this environment, with the positive effects of economic growth outweighing the negative impact of higher interest rates.

2nc Econ high

GDP is expanding

Backman 7/30 [Melvin, Finance and markets reporter for Quartz. 7/30/15, "The US economy: GDP is growing, but not going gangbusters" http://qz.com/467904/the-us-economy-gdp-is-growing-but-not-going-gangbusters///jweideman]

The American economy grew at an annualized rate of 2.3% in the second quarter, according to the Bureau of Economic Analysis. That's not as a high as analysts were expecting (2.7%). But it is a lot better than the first quarter. Earlier estimates of the first three months of 2015 said the economy shrank. (The most recent report said the economy contracted at a 0.2% rate during the first three months of 2015.) Exports helped growth in the second quarter, which shows that the economic disruption from the West Coast port strike was short-lived. Spending from consumers and local governments also gave growth a lift. On the deficit side of the ledger, inventory building and residential real estate slowed, and federal government spending and business investment contracted. Final sales, a measure of GDP growth when you strip out unsold business inventories swung higher to 2.4% in the second quarter after falling 0.2% in the first.

Growth is strong

Whitefoot 7/8 [John Whitefoot is an editor at Lombardi Financial, specializing in low-priced investment opportunities. He contributes to Lombardi's Profit Confidential and Daily Gains

Letter newsletters. 7/8/15, "U.S. Economic Outlook for 2015: Economy Strong but Markets Unstable" http://www.profitconfidential.com/economic-analysis/u-s-economic-outlook-2015///jweideman]

As 2014 winds down, many investors are wondering what the economic outlook for 2015 will be. If you look at the U.S. economic data that's been trickling in, 2015 looks like it could be a very strong year. The U.S. announced strong third-quarter gross domestic product (GDP) growth of 3.9%. This extends the recent trend of strong quarter-over-quarter GDP growth; in the fourth quarter of 2013, real GDP growth came in at 2.4%; GDP in the first quarter of 2014 contracted 2.9%—though this was primarily seen as a result of the brutal winter; and in the second quarter, real GDP increased 4.6%. Gloss over the winter of 2014, and the U.S. economy is showing signs of sustained growth. Not only is GDP growth up, but the U.S. jobs market is also improving with unemployment at 5.8%, consumer confidence is up, and so, too, is retail spending. The U.S. Census Bureau announced recently that November retail sales increased 0.7% month-over-month to $449.3 billion—the largest monthly gain since March 2014. Economists were expecting November sales to climb just 0.4%. On a year-over-year basis, November retail sales were up a whopping 5.1%.(1) The momentum could continue well into 2015. And it is excellent news for a country that gets 70% of its GDP from consumer spending. This may be why the U.S. economy is forecast to grow by 3.1% in 2015. That would represent the strongest annual GDP growth since 2005, when the economy grew 3.3%. In fact, thanks to an improving job market and falling oil prices, the U.S. could enjoy the fastest economic growth in a decade. The optimism and boost in consumer spending can be attributed, in large part, to slumping oil prices.

Stock market recovery and fed analysis proves

Agrawal 7/30 [Tanya, Journalist for Reuters. 7/30/15, "US STOCKS-Wall St recovers as data points to growing economy" http://www.reuters.com/article/2015/07/30/markets-stocks-usa-idUSL3N10A5YS20150730//jweideman]

The S&P 500 almost recovered the day's losses while the Dow and Nasdaq were higher in afternoon trading on Thursday as investors digested earnings and GDP data showed that the economy grew in the second quarter. Procter & Gamble fell 3.7 percent after the company reported its sixth straight quarter of lower sales while Facebook shares fell 2.6 percent after the social media company's profit decreased. Mondelez International rose 4.9 percent to $45.22 after reporting results that beat expectations. Gross domestic product expanded at a 2.3 percent annual rate in the second quarter, while first-quarter numbers were revised to show that the economy, previously reported to have shrunk, grew at 0.6 percent. The Federal Reserve on Wednesday said the economy was improving and left doors open for a possible rate hike in September. The Fed has maintained near-zero interest rates for nearly a decade, saying it will raise rates only when it sees a sustained recovery in the economy. "Earnings haven't been great and there is much more slack in the economy than the market or the Fed thought while big concerns such as oil and China continue to persist," said John Canally, investment strategist at LPL Financial. "We are in a slow-growth environment and anything that knocks that down further is not a plus for the market." The U.S. dollar continued to strengthen and was up 0.75 percent near a weekly high of $97.70 against a basket of currencies as the Fed readies to raise rates this year. U.S. stocks closed stronger on Wednesday after the Fed statement. The S&P 500 has bounced about 2 percent higher in the past two days following a near-3 percent drop over the preceding week that had been caused in part by a rout in China's stock markets. At 13:15 p.m. ET (1715 GMT) the Dow Jones industrial average was up 3.37 points, or 0.02 percent, at 17,754.76, the S&P 500 was down 0.09 points, or -0 percent, at 2,108.48 and the Nasdaq Composite was up 19.57 points, or 0.38 percent, at 5,131.31. Five of the 10 major S&P sectors were lower with the energy index's 0.6 percent fall leading the decliners. More than halfway through the second-quarter earnings season, analysts expect overall earnings of S&P 500 companies to edge up 0.8 percent and revenue to decline 3.9 percent, according to Thomson Reuters data.

Econ resilient

The economy is resilient to shocks

Kohn 15 [Donald, Senior Fellow, Economic Studies at Brookings. 1/30/15, "U.S. Monetary Policy: Moving Toward the Exit in an Interconnected Global Economy" http://www.brookings.edu/research/speeches/2015/01/30-us-monetary-policy-global-economy-kohn//jweideman]

The global financial authorities have made major strides in making their systems more resilient to unexpected developments, in particular with higher capital and greater liquidity for banks and bank holding companies. In several jurisdictions, banks have been stress tested with scenarios that included rising rates. Moreover, we've seen several episodes in which volatility and risk spreads have risen, including the summer of 2013 during the so-called taper tantrum, and in the past few months amid mounting uncertainty about global economic prospects, plunging oil prices, growing political and economic tensions in the euro area, and strong monetary policy responses. Although there's been some fallout from these financial market developments, none has threatened financial stability.

AT: Stem crisis

1nc- No stem crisis

No STEM crisis—numbers are overblown, don't assume growth, non-STEM majors fill in the gap

Charette 13 [Robert. Writing at IEEE.org, advanced technology organization. August. "The STEM Crisis Is a Myth" http://spectrum.ieee.org/at-work/education/the-stem-crisis-is-a-myth//jweideman]

You must have seen the warning a thousand times: Too few young people study scientific or technical subjects, businesses can't find enough workers in those fields, and the country's competitive edge is threatened. It pretty much doesn't matter what country you're talking about—the United States is facing this crisis, as is Japan, the United Kingdom, Australia, China, Brazil, South Africa, Singapore, India…the list goes on. In many of these countries, the predicted shortfall of STEM (short for science, technology, engineering, and mathematics) workers is supposed to number in the hundreds of thousands or even the millions. A 2012 report by President Obama's Council of Advisors on Science and Technology, for instance, stated that over the next decade, 1 million additional STEM graduates will be needed. In the U.K., the Royal Academy of Engineering reported last year that the nation will have to graduate 100 000 STEM majors every year until 2020 just to stay even with demand. Germany, meanwhile, is said to have a shortage of about 210 000 workers in what's known there as the MINT disciplines—mathematics, computer science, natural sciences, and technology. The situation is so dismal that governments everywhere are now pouring billions of dollars each year into myriad efforts designed to boost the ranks of STEM workers. President Obama has called for government and industry to train 10 000 new U.S. engineers every year as well as 100 000 additional STEM teachers by 2020. And until those new recruits enter the workforce, tech companies like Facebook, IBM, and Microsoft are lobbying to boost the number of H-1B visas—temporary immigration permits for skilled workers—from 65 000 per year to as many as 180 000. The European Union is similarly introducing the new Blue Card visa to bring in skilled workers from outside the EU. The government of India has said it needs to add 800 new universities, in part to avoid a shortfall of 1.6 million university-educated engineers by the end of the decade. And yet, alongside such dire projections, you'll also find reports suggesting just the opposite—that there are more STEM workers than suitable jobs. One study found, for example, that wages for U.S. workers in computer and math fields have largely stagnated since 2000. Even as the Great Recession slowly recedes, STEM workers at every stage of the career pipeline, from freshly minted grads to mid- and late-career Ph.D.s, still

struggle to find employment as many companies, including Boeing, IBM, and Symantec, continue to lay off thousands of STEM workers. To parse the simultaneous claims of both a shortage and a surplus of STEM workers, we'll need to delve into the data behind the debate, how it got going more than a half century ago, and the societal, economic, and nationalistic biases that have perpetuated it. And what that dissection reveals is that there is indeed a STEM crisis—just not the one everyone's been talking about. The real STEM crisis is one of literacy: the fact that today's students are not receiving a solid grounding in science, math, and engineering. In preparing this article, I went through hundreds of reports, articles, and white papers from the past six decades. There were plenty of data, but there was also an extraordinary amount of inconsistency. Who exactly is a STEM worker: somebody with a bachelor's degree or higher in a STEM discipline? Somebody whose job requires use of a STEM subject? What about someone who manages STEM workers? And which disciplines and industries fall under the STEM umbrella? Such definitions obviously affect the counts. For example, in the United States, both the National Science Foundation (NSF) and the Department of Commerce track the number of STEM jobs, but using different metrics. According to Commerce, 7.6 million individuals worked in STEM jobs in 2010, or about 5.5 percent of the U.S. workforce. That number includes professional and technical support occupations in the fields of computer science and mathematics, engineering, and life and physical sciences as well as management. The NSF, by contrast, counts 12.4 million science and engineering jobs in the United States, including a number of areas that the Commerce Department excludes, such as health-care workers (4.3 million) and psychologists and social scientists (518 000). Such inconsistencies don't just create confusion for numbers junkies like me; they also make rational policy discussions difficult. Depending on your point of view, you can easily cherry-pick data to bolster your argument. Another surprise was the apparent mismatch between earning a STEM degree and having a STEM job. Of the 7.6 million STEM workers counted by the Commerce Department, only 3.3 million possess STEM degrees. Viewed another way, about 15 million U.S. residents hold at least a bachelor's degree in a STEM discipline, but three-fourths of them—11.4 million—work outside of STEM. The departure of STEM graduates to other fields starts early. In 2008, the NSF surveyed STEM graduates who'd earned bachelor's and master's degrees in 2006 and 2007. It found that 2 out of 10 were already working in non-STEM fields. And 10 years after receiving a STEM degree, 58 percent of STEM graduates had left the field, according to a 2011 study from Georgetown University. The takeaway? At least in the United States, you don't need a STEM degree to get a STEM job, and if you do get a degree, you won't necessarily work in that field after you graduate. If there is in fact a STEM worker shortage, wouldn't you expect more people with STEM degrees to be filling those jobs? And if many STEM jobs can be filled by people who don't have STEM degrees, then why the big push to get more students to pursue STEM? Now consider the projections that suggest a STEM worker shortfall. One of the most cited in recent U.S. debates comes from the 2011 Georgetown University report mentioned above, by Anthony P. Carnevale, Nicole Smith, and Michelle Melton of the Center on Education and the Workforce. It estimated there will be slightly more than 2.4 million STEM job openings in the United States between 2008 and 2018, with 1.1 million newly created jobs and the rest to replace workers who retire or move to non-STEM fields; they conclude that there will be roughly 277 000 STEM vacancies per year. But the Georgetown study did not fully account for the Great Recession. It projected a downturn in 2009 but then a steady increase in jobs beginning in 2010 and a return to normal by the year 2018. In fact, though, more than 370 000 science and engineering jobs in the United States were lost in 2011, according to the Bureau of Labor Statistics.

2nc- no crisis

Their numbers are inaccurate and the plan can't solve the problems STEM fields do have.

gov data discounts entrepenours and non-stem degree workers

problem is experience no amount of workers

Alphonse 13 [Lylah, Lylah M. Alphonse is the Managing Editor of News for U.S. News & World Report. 2013. “Are We Misinterpreting the STEM Crisis?” http://www.usnews.com/news/stem-solutions/articles/2013/09/09/are-we-misinterpreting-the-stem-crisis//jweideman]

But the severity of the crisis depends on how you crunch the numbers, writes Robert Charette at IEEE Spectrum, the publication of the Institute of Electrical and Electronics Engineers. The president of ITABHI Corporation, a business and technology risk management consultancy, Charette calls the STEM crisis a myth, and says that leaders the world over are focusing on filling jobs and earning specific college degrees when they should be worrying about boosting general STEM literacy instead. The Department of Commerce counted 7.6 million people working at STEM jobs in 2010, Charette writes. But the National Science Foundation's tally was much higher – 12.4 million people. Why the difference? The NSF included jobs held by health-care workers, psychologists, and social scientists, among other fields that the Department of Commerce didn't factor in. Even going by the lower number, "Of the 7.6 million STEM workers counted by the Commerce Department, only 3.3 million possess STEM degrees," he writes. "Viewed another way, about 15 million U.S. residents hold at least a bachelor's degree in a STEM discipline, but three-fourths of them -- 11.4 million -- work outside of STEM." The data indicate that there are far more STEM-qualified workers than there are STEM jobs, Charette points out. "And if many STEM jobs can be filled by people who don't have STEM degrees, then why the big push to get more students to pursue STEM?" he asks. The government data also doesn't take into account STEM jobs created by entrepreneurs in traditionally non-STEM industries, Devin Voorsanger, a New York-based digital strategist to Fortune 100 companies, points out. "For every STEM graduate who becomes an entrepreneur you usually will have several STEM positions that are needed to support his or her endeavor," he tells U.S. News & World Report. Even as the most-recent recession eases, tech companies continue to lay off STEM workers or hire less-expensive (and temporary) foreign workers using H1B visas, Charette writes. Many STEM jobs end up being outsourced or automated. In some industries, NPR reports, we no longer need many highly skilled workers, just many computers and machines -- and maybe a handful of people to maintain them. The way companies hire STEM workers has also changed dramatically in just a generation. "In engineering, for instance, your job is no longer linked to a company but to a funded project," Charette explains. "Long-term employment with a single company has been replaced by a series of de facto temporary positions that can quickly end when a project ends or the market shifts." Workers in STEM fields, however, argue that the crisis does indeed exist -- but they say it's about a lack of skills and experience, not a lack of jobs or candidates with advanced degrees. "There's a shortage of employers willing to hire young people and train them," commenter "Moltenmetal" writes at IEEE. "They call this a 'skills shortage': they can't find sufficient numbers of people with 10 years of experience because they didn't hire fresh grads 10 years ago."

The affs a giant misconception

Leef 14 [worked at the John W. Pope Center for Higher Education Policy. Forbes contributor. 6/6/14, “True Or False: America Desperately Needs More STEM Workers” http://www.forbes.com/sites/georgeleef/2014/06/06/true-or-false-america-desperately-needs-more-stem-workers///jweideman]

“Never let a crisis go to waste,” advised Rahm Emanuel when he served as President Obama’s chief of staff. And the crisis doesn’t have to be real — politicians can take advantage of a perceived crisis just as well as a real one. Many Americans are convinced that the country faces a STEM crisis. That is, we supposedly don’t have enough teachers in Science, Technology, Engineering, and Mathematics, don’t have enough students taking degrees in those fields, and don’t have enough STEM workers to maintain the country’s leadership. In his 2011 State of the Union address, President Obama pledged to create 100,000 new STEM teachers by 2020—a key part of his plan to “win the future.” In February of 2012, his Council of Advisors on Science and Technology released a report stating that the nation needs one million new STEM workers. Naturally, the White House was reacting to widespread beliefs. The groundwork for those beliefs was set in place by influential reports done years earlier. In 2005, the Business Roundtable released a report entitled “Tapping America’s Potential.” The big conclusion of the report: the country needed to double the number of STEM graduates within a decade (by 2015.) Then in 2007, the National Research Council published a much

heftier study bearing the ominous title "Rising Above the Gathering Storm." It too argued that the U.S. needs to increase its training of students in the STEM disciplines. Otherwise, we will suffer from a shortage of American scientists and engineers and thus "reduced ability to compete in a globalizing world." Those reports received serious criticism, but that did very little to damp down the widespread belief that America desperately needs to get more people through college with STEM degrees. That belief, however, is starting to collapse under scrutiny. In his recent book Falling Behind: Boom, Bust & the Global Race for Scientific Talent, Michael Teitelbaum (Senior Research Associate at Harvard Law School) shows that the U.S. has been through at least five STEM-related cycles since World War II. In each instance, alarms about a perceived shortage of STEM workers led to federal action to stimulate STEM research and education. But after the government's stimulus ended, we were left with a surfeit of people with STEM degrees but no work commensurate with their training. Far from "falling behind," Teitelbaum shows that the U.S. currently has a surplus of people with STEM education. After surveying the research, he writes that America "produces far more science and engineering graduates annually than there are S&E job openings—the only disagreement is whether it is 100 percent or 200 percent more." Nevertheless, many Americans instinctively believe that there is something special about science, engineering and technology. They drive progress. We might have too many lawyers or baristas or interior designers, but we can't have too many STEM workers. Furthermore, interest groups that want more STEM education, research funding and workers know how to capitalize on that belief to get politicians to enact the policies they want. Even through there is nothing approaching a crisis, they keep lobbying as if we have a dire one.

Surveillance Samford

Immigration Surveillance Aff + Neg

Resolution

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

FYI

General FYI

Here's a rundown of some key acronyms to know on this topic:

DHS= Department of Homeland Security, an agency of the U.S. federal government that was created after September 11th, 2001 to protect the country from terrorist attacks, natural disasters, etc. They are frequently behind border control policies to prevent illegal immigration and criminal smuggling.

ICE= Immigration Customs Enforcement, an enforcement agency under the DHS, which deals with security-related immigration policies. They often conduct raids of immigrants' homes and workplaces for the purposes of deportation and detention.

Here are some other important terms to know for the topic:

TIME '13 [TIME staff, "A Glossary of Government Surveillance," August 1, 2013, http://nation.time.com/2013/08/01/a-glossary-of-government-surveillance/]

The National Security Agency (NSA) is the United States' chief coordinator of signals intelligence—the collection and analysis of communication through radio, radar, and electronic means. It serves the Department of Defense, other government agencies, the Intelligence Community, private sector partners, the armed forces and international allies. Little is known about the NSA because of the sensitive nature of its operations, but the agency's headquarters in Fort Meade, Maryland is home to some of the world's best cryptographers, computer scientists, engineers and mathematicians. General Keith B. Alexander is the current director of the National Security Agency, chief of the Central Security Service and commander of U.S. Cyber Command. John C. Inglis is the agency's deputy director.

The Federal Bureau of Investigation (FBI) is an agency of the US Department of Justice with investigative jurisdiction over 200 categories of federal crime. Its primary duties include

counterterrorism and counterintelligence efforts, cyberwarfare research and defense, the protection of civil rights and the prosecution of violent, organized, and white collar criminal activity. The FBI is headquartered in Washington, DC but maintains hundreds of international field offices. In June 2013, President Barack Obama named James Comey Jr. to succeed Robert Mueller as director of the FBI.

The Foreign Intelligence Surveillance Act (FISA) was a United States law passed in 1978 that outlined procedures for the federal conduction of electronic surveillance, physical searches, and the mining of information for foreign intelligence purposes. FISA established the United States Foreign Intelligence Surveillance Court (FISA Court), a federal counsel that oversees the granting of surveillance warrants to law enforcement and intelligence agencies. The Act also gave the President authority to conduct electronic surveillance without a court order through the Attorney General and the FISA Court. FISA garnered national attention in 2005 after the Bush administration authorized unwarranted wiretapping of US phones by the National Security Agency.

The Protect America Act (PAA) was an amendment to the Foreign Intelligence Surveillance Act that was championed by President George W. Bush and passed by Congress in 2007. In a controversial maneuver later upheld by the FISA Court, the PAA removed the requirement of a warrant for the federal surveillance of foreign intelligence targets reasonably believed to be outside the country and any Americans communicating with them. It also dramatically reduced the power of authorities such as the FISA Court and granted retroactive immunity to telecommunications providers that cooperated with the government's surveillance agencies. The PAA was heavily criticized by civil liberties groups like the American Civil Liberties Union, which called it the "Police America Act."

The Responsible Electronic Surveillance That is Overseen, Reviewed and Effective Act (RESTORE Act) was a 2007 amendment to the Foreign Intelligence Surveillance Act that restored the checks and balances left out of the Protect America Act. Notably, it required an individualized court warrant for the targeting of persons inside the United States, reestablished the power of the FISA Court and mandated regular audits of surveillance programs.

The FISA Amendments Act (FAA) was a law hastily pushed through Congress to establish and clarify intelligence procedure when the Protect America Act expired in 2008. The FAA enhanced protections for Americans overseas but increased the time allowed for warrantless surveillance and allowed eavesdropping in emergency situations. It also granted immunity to the telecommunications companies involved in the Bush administration's wiretapping scandal and renewed the government's authority to monitor electronic communications of foreigners abroad without a warrant. Section 702 of the FAA, which permits the Attorney General and the Director of National Intelligence to target "persons reasonably believed to be located outside the United States to acquire foreign intelligence information," authorizes foreign surveillance programs like PRISM, which in 2008 were no longer protected by George W. Bush's President's Surveillance

Program. The day that the FAA was enacted, the American Civil Liberties Union and other civil rights groups sued James R. Clapper, the Director of National Intelligence, claiming that the FAA violated the first and fourth amendments. The case made its way to the Supreme Court, which decided that the groups could not challenge the FAA because they could not prove that they had personally been targets of surveillance. Congress and President Obama extended the provisions of the FAA for five more years in 2012. The law now applies through the end of 2017.

The Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act (USA PATRIOT Act) was the US government's primary legislative response to the September 11, 2001 attacks. Passed a month after the attacks, it dramatically expanded the investigative powers of the executive branch, broadened the definition of terrorism, increased the budget for counterterrorism and counterintelligence efforts and tightened restrictions on immigration to the United States. Section 215 of the PATRIOT Act modified the Foreign Intelligence Surveillance Act by allowing the FBI to secretly collect records, papers and other documents—domestically or elsewhere—for use in counterterrorism or counterintelligence investigations. Section 215 was condemned by a number of organizations and public figures because it did not require the presence of a defendant or proof of probable cause before the commencement of data collection.

PRISM is an electronic surveillance data mining program operated by the United States National Security Agency under Section 702 of the PATRIOT Act. PRISM commenced operation under the supervision of the Foreign Intelligence Surveillance Court after the passage of the Protect America Act in 2007. Technically, the program cannot "target" Americans because it must operate legally under FISA; however, the information leaked in June by Edward Snowden revealed that NSA analysts can exploit a number of loopholes in surveillance legislation to obtain the private communications of Americans at home. Through the Federal Bureau of Investigation, PRISM collects the broad outlines of communications stored on the servers of nine providers: Microsoft, Yahoo, Google, Facebook, PalTalk, AOL, Skype, Youtube and Apple. The program is believed to be unconstitutional by the American Civil Liberties Union, FreedomWatch USA and other civil rights advocates.

BLARNEY is a data mining program operated by the National Security Agency alongside PRISM. According to the slides leaked by Edward Snowden, BLARNEY is an "upstream" program that collects Internet metadata in the same way that the NSA collects phone data: by sucking up information "on fiber cables and infrastructure as it flows past." The program's summary describes BLARNEY as "an ongoing collection program that leverages IC [intelligence community] and commercial partnerships to gain access and exploit foreign intelligence obtained from global networks." Unlike PRISM, BLARNEY only collects metadata.

Metadata, strictly speaking, is information about data rather than data itself. In the context of the NSA leaks, metadata is information about phone and email messages that does not include their

content. Examples include the time and location of phone calls or the author, date created and file size of an email. US law does not require the procurement of a warrant before obtaining metadata.

1AC

1AC

Observation 1 is Inherency:

Immigrant surveillance has skyrocketed- it's a central part of enforcement strategies

Kalhan '14 [Anil, J.D. from Yale Law School, Associate Professor of Law, Drexel University. A.B., Brown University, "Immigration Surveillance," Maryland Law Review, Volume 74, Issue 1, http://digitalcommons.law.umaryland.edu/cgi/viewcontent.cgi?article=3646&context=mlr]

As these immigration enforcement activities have widely proliferated, and the scale of the enforcement regime's "formidable machinery" has grown and solidified, authorities have deployed a variety of new surveillance, dataveillance, and tracking systems as key components of their enforcement strategies at every stage of the migration process.110 In this Part, I analyze the swift, extensive, and largely unconstrained implementation of these technologies, which have given rise to what I term, adapting from Jack Balkin, the immigration surveillance state: an approach to immigration governance "that features the collection, collation, and analysis of information about populations . . . to identify problems, to head off potential threats, to govern populations, and to deliver valuable social services."111 These systems enable and routinize the collection, storage, aggregation, processing, and dissemination of detailed personal information for immigration control and other purposes on an unprecedented scale and facilitate the involvement of an escalating number of federal, state, local, private, and non-U.S. actors in immigration control activities.

This causes mass deportation and deters immigration, both legal and illegal

Kalhan '14 [Anil, J.D. from Yale Law School, Associate Professor of Law, Drexel University. A.B., Brown University, "Immigration Surveillance," Maryland Law Review, Volume 74, Issue 1, http://digitalcommons.law.umaryland.edu/cgi/viewcontent.cgi?article=3646&context=mlr]

In recent decades, however, the regulation of immigration after noncitizens have entered the United States has increased dramatically. In part, post-entry enforcement serves as an extension of regulation of the territorial border, intended to apprehend noncitizens who are unlawfully present. Under what Daniel Kanstroom terms an "extended border control" model of enforcement, officials seek to deport not only unlawful entrants but also the many individuals—estimated in recent years to comprise between forty and fifty percent of all unauthorized migrants—who lawfully enter as temporary nonimmigrants and then overstay or otherwise violate their terms of admission.57 But Congress also has fashioned a second model of deportation by expanding the bases upon which individuals who are lawfully present may be "delegalized" and deported for post-entry conduct.58 The trend toward this model of what Kanstroom calls "postentry social control" has been particularly severe for individuals with postentry criminal convictions.59 Until the 1980s, only a limited number of serious crimes rendered noncitizens deportable, and in most instances, those individuals could seek discretionary relief from deportation. Since 1988, however, Congress has steadily (and at times retroactively) expanded the list of criminal deportability grounds to include a broad range of comparatively minor crimes, including a variety of misdemeanors and nonviolent felonies, and has sharply narrowed eligibility for discretionary relief.60 The consequences have been transformative, as federal officials now place unprecedented emphasis on direct post-entry enforcement within the United States. Over half of all individuals removed in recent years have been deported from inside the United States.61 Since 1999, deportation of individuals with criminal convictions has been the government's highest stated interior enforcement priority, and the number of individuals removed on criminal grounds has increased accordingly.62 Of the 391,000 individuals removed in 2011, almost half had a prior conviction, compared to three percent in 1986.63 Moreover, as the U.S. economy has slumped since 2008 and the number of unauthorized migrants has dropped—and as southwestern border enforcement strategies have increasingly emphasized criminal prosecution rather than immediate expulsion—the number of informal, "voluntary" returns without formal removal

orders, which typically occur at or near the territorial border, has plummeted.64 As a result of these shifts, lawfully present noncitizens have become immigration enforcement targets to a greater extent than ever before, and the number of formal removals arising from interior enforcement activities now significantly dwarfs the number of informal returns arising from apprehensions at or near the territorial border.65

Thus the plan:

The United States Federal Government should substantially curtail its domestic surveillance of non-citizens done for the purposes of deportation, detention or raids.

Observation 2 is Solvency:

Federal action is key- it shapes state-level immigration policies

Carcamo '13 [Cindy, covers immigration issues for the Los Angeles Times, "States back off from enacting immigration laws," October 12, http://articles.latimes.com/2013/oct/12/nation/la-na-ff-immigration-laws-20131013]

Utah mirrors a national trend of states holding back on passing immigration laws in hopes that the federal government will act on the issue, according to a study released this fall by the National Conference of State Legislatures. It's a far cry from 2011, when states enacted 162 immigration laws, many following Arizona's controversial SB 1070. By 2012, states had shrunk away from the immigration issue, especially after the U.S. Supreme Court rejected key provisions of the Arizona law that June. This year, 146 immigration laws have been enacted in 43 states and the District of Columbia. California has led the nation in providing benefits to people who are in the country illegally. New laws would allow such immigrants to obtain driver's licenses and practice law, for example. On the other end of the spectrum is Georgia, where officials this year expanded on a sweeping crackdown on illegal immigration. State law now prevents people who are in the country illegally from obtaining public housing, driver's licenses, state grants and loans. Most states have taken a more nuanced approach to immigration law this year. In the Southwest, for instance, Utah enacted legislation that excluded people who are in the country illegally from receiving new state scholarships. At the same time, legislators created a provision in a law regarding abandoned property, allowing former tenants access to a property if they needed to retrieve documents about their immigration status. In Virginia, legislators did not opt for sweeping laws like Georgia, but did ban people who are in the country illegally from obtaining concealed weapons permits. Most noteworthy is that **24 states — double the number from previous years — passed resolutions asking the federal government to step in and take the reins on immigration**, according to the report by the National Conference of State Legislatures.

The plan creates room for effective immigration reform

ACLU '13 [American Civil Liberties Union, a non-partisan organization aimed at protecting civil rights, "A STUDY IN CONTRASTS: HOUSE AND SENATE APPROACHES TO BORDER SECURITY," House Homeland Security Committee Hearing, July 23, 2013 http://www.gpo.gov/fdsys/pkg/CHRG-113hhrg86033/html/CHRG-113hhrg86033.htm]

The ACLU urges the House to reject S. 744's wasteful resource splurge on border security as irrational and damaging to border communities. Instead, Congress must prioritize the reduction of abuses in the currently-oppressive immigration and border enforcement system. That profligate enforcement has cost $219 billion in today's dollars since 1986.\50\ By jettisoning proposals for escalated border security that clash with civil liberties and thereby creating space for genuine immigration reform, Congress can ensure that the roadmap to citizenship for aspiring Americans, which is indispensable to true immigration reform, is a generous one free of unjust obstacles.

Advantage 1 is Agriculture-

Global food crises are coming – stable markets are key to prevent resource wars

Lehane 1-16-15 [Sinéad Lehane, Research Manager at Future Directions International, "Shaping Conflict in the 21st Century—The Future of Food and Water Security," http://www.brinknews.com/shaping-conflict-in-the-21st-century-the-future-of-food-and-water-security/]

Food and water security will shape the 21st century. The interconnection between the availability and access to natural resources, political and economic stability, community wellbeing and the potential for conflict are indisputable. Those who view security through a traditional lens risk overlooking the complexities of conflict triggers as we move further into the 21st century. Over the next 35 years, population growth, reduced access to fresh water and declining arable land will place mounting pressure on global food and water security. The greatest pressure will be on those countries least equipped to deal with these challenges, increasing the risk of both inter- and intra-state conflict. Food and water insecurity is not necessarily about a dearth of resources—we have enough food and water globally to meet demand. But demand for food and water is expected to outpace the supply of globally available resources. The majority of the world's population growth to 2050 is expected to occur in Asia and Sub-Saharan Africa, but both regions are ill-equipped at present to access the required resources and meet the basic needs of their growing populations. Population Growth and Movement By 2050, an increasing number of countries will be unable to feed their people or quench their thirst for water. Land and water won't move, but food and people can—and will—in response to resource scarcity. Consequently, food systems and markets around the world will continue to become progressively interdependent. In the case of food shortages, we can expect increased migration, across states and regions—but this is likely to intensify the potential for conflict.

Surveillance of undocumented workers destroys US agriculture

Devadoss and Luckstead '11 [Stephen Devadoss, PhD in Economics from Iowa State University, is a professor at the Department of Agricultural Economics and Rural Sociology at the University of Idaho, Jeff Luckstead, PhD in economics from Washington State, is an Assistant Professor of Agricultural Economics and Agribusiness at the University of Arkansas, "Implications of immigration policies for the U.S. farm sector and workforce," 7-1-11, http://www.freepatentsonline.com/article/Economic-Inquiry/261386342.html]

Because illegal immigration was not a serious problem in the 1960s and 1970s, legislation addressed only the number of legal immigrants allowed to enter the United States. But in the 1980s, illegal immigration began to emerge as a national problem, and extensive debates entrenched around issues such as preventing the entry of unauthorized workers, providing public services to illegal immigrants, and even legalizing these workers. Consequently, the U.S. Congress attempted to address the immigration problems by enacting the 1986 Immigration Reform and Control Act (IRCA). The goals of IRCA were to eliminate the stock of undocumented workers through amnesty (2) and domestic enforcement of employer sanctions and curb the influx of illegal immigrants by increasing the border surveillance. Amnesty failed to eliminate the stock of illegal immigrants because only about half of the illegal immigrants filed for citizenship, and it created future expectation of amnesty and more illegal unauthorized entry. Furthermore, domestic sanctions on employers of undocumented workers and deportation of these workers were scantly enforced. To stop the influx of immigrants, IRCA focused heavily on tightening border control. The IRCA

also legislated the H-2A program, which allowed agricultural employers to bring in guest workers during seasonal operations (ERS 2007). However, farmers complained that the cumbersome paperwork of H-2A and bureaucratic delay were not conducive to procure seasonal laborers at the time of peak farm operations such as vegetable and fruit picking. (3) In spite of IRCA's amnesty provision and strengthened control measures, illegal immigration continued to rise--about 12 million unauthorized immigrants resided in the United States in 2007 (Martin 2007) which is reaffirmed by many popular press reports--leading to an extended congressional debate that began at the start of this decade to solve the illegal immigration problem. Several bills were proposed by the House of Representatives, the Senate, and the White House, addressing issues related to increased domestic and border enforcements, (4) paths to citizenship, and guest-worker programs (Montgomery 2006). These bills were not passed because of major disagreements among lawmakers over providing citizenship and guest-worker programs. As a result of the failed legislations and the September 11 attack, the government primarily focused on border security. Accordingly, funding for border enforcement has steadily increased, (5) and resources were diverted from domestic to border enforcement. However, Boucher and Taylor (2007) documented that increased funding to secure the border did not deter undocumented workers from crossing the border because determined immigrants eventually find a way to enter the country by repeated attempts. Following September 11, 2001, the U.S. Immigration and Customs Enforcement (ICE) further decreased the number of human hours devoted to worksite inspection because monitoring critical infrastructure took priority (GAO 2005). For example, from 1999 to 2003, the number of human hours for domestic enforcement decreased from 480,000 to 18,000. (6,7) But, by late 2005, the U.S. government started to intensify domestic surveillance. For example, only 25 criminal arrests relating to illegal immigration occurred in 2002, but increased to 716 by 2006 and 1,103 by 2008 (U.S. Department of Homeland Security 2008c). **Domestic surveillance has** further **intensified** under the current administration (Meyer and Gorman 2009). According to Passel (2008), a decreasing trend in the unauthorized immigrant population is recently occurring. (8) This is largely due to worksite and border enforcements and the recent U.S. economic recession. These enforcements have exacerbated U.S. agricultural labor shortages before the 2008/2009 economic crisis. According to the National Agricultural Worker Survey, 80% of the newly hired farm labor force is from Mexico, of which 96% are unauthorized (U.S. Department of Labor 2005). Therefore, as border and domestic enforcements intensified, entry of undocumented immigrants into the U.S. farm labor force was thwarted, which led to an acute labor scarcity. For example, the Wall Street Journal (2007) reported that in 2006, about 20% of agricultural products were not harvested nationwide. Furthermore, the Rural Migration News (2007) provides a detailed and specific list of these shortages and the adverse effect on crucial cultivational operations which resulted in heavy losses. As a result, farm groups are one of the strongest allies of overhauling the current guest-worker program to bring immigrants to legally work in U.S. agriculture. For the last several decades, **immigrants played a crucial role in the development and competitiveness of U.S. agricultural production** (Torok and Huffman 1986). For example, Devadoss and Luckstead (2008) provide evidence of the importance of immigrant farm workers to vegetable production which is highly labor intensive. The United States has a great land endowment and ideal growing conditions; however, without immigrant labor who perform the back-breaking labor-intensive operations that U.S. low-skilled workers are unwilling to perform, agricultural productivity and total production would decline. Consequently, costs to U.S. consumers of agricultural products would increase and net exports would also decrease. In recent years, Mexican immigrant labor contributed significantly to the expansion of U.S. agricultural exports, particularly between the United States and Mexico. For example, between 1994 and 2008, net U.S. exports to the world and to Mexico increased by 82% and 200%, respectively (U.S. Department of Agriculture 2008f). Devoid of these laborers, this dramatic increase would not have been possible. Although domestic and border enforcements address only the symptoms of illegal immigration, they are an important part of the immigration policy and the U.S. government devotes vast resources to prevent illegal entry and the employment of illegal aliens. The specific objectives of this paper are to: (1)analyze theoretically through illegal immigration and trade theory the effects of domestic and border enforcements on the illegal farm wage rate, commodity prices, unauthorized entry, and commodity trade between the United States and Mexico and (2) empirically implement the theoretical model through econometric estimation and simulation analysis and quantify the impacts of immigration policies on farm labor and commodity markets.

Immigrant workers are key to US agriculture, food security and job growth

McDaniel 4-1-15 [Paul, PhD in Geography and Urban Regional Analysis from the University of North Carolina at Charlotte, researcher at the American Immigration Council, "How Inaction on Immigration Impacts the Agricultural Economy," http://immigrationimpact.com/2015/04/01/how-inaction-on-immigration-impacts-the-agricultural-economy/]

Due to its geographic diversity and natural resource abundance, the United States is one of the world's leading agricultural producers and suppliers. Indeed, the $374 billion U.S. agriculture sector is critical to the U.S. economy, but its health depends on a functioning immigration system. From migrant workers on farms, to foreign-born scientists at agribusiness and agricultural research centers, immigrant labor is important for U.S. agriculture, and analysts predict that in the absence of immigration reform, the growth of the entire sector may stall. At an event Tuesday on immigration, agriculture, and the economy, panelists described how the status quo is harmful to employers, workers, the broader economy, and food security. Stephanie Mercier, with the Farm Journal Foundation, and author of Employing Agriculture: How the Midwest Farm Sector Relies on Immigrant Labor, observed that between 2000 and 2012, "U.S. consumption of fresh produce rose by 10.5 percent, while U.S. production rose only 1.4 percent. As a result, imports of fresh fruits and vegetables have increased by 38 percent over that period, with imports in several categories spiking well over 100 percent." And citing a previous study, she notes that labor supply challenges and H-2A visa shortcomings are key factors in a 27 percent decline in market share for U.S. growers, accounting for $3.3 billion in missed GDP growth and $1.4 billion in unrealized farm income for 2012. Another panelist, Craig Regelbrugge, with AmericanHort, observed on AgriTalk radio that immigrants working in the

agriculture sector are helping to create jobs for U.S. workers by enabling us to produce in the United States: "And when we produce here we are generating thousands upon thousands of jobs that are not on the farm necessarily. They're related to inputs that the farmer must buy in order to produce. They're related to things that must happen after the crop or product leaves the farm. The multiplier effect for each farmworker is said to be somewhere between 2 and 3 jobs that are created here…If we become reliant on Canada, Mexico, Central America, and…China to feed us, most of the jobs that exist here in agriculture will go offshore to support us." Describing the perspective of farmworkers, Adrienne DerVartanian, with Farmworker Justice, noted that "when you have a majority undocumented workforce, you have a workforce that's fearful of defending their workplace rights, of seeking improved wages and working conditions." She explained that farmworkers should be presented with an opportunity to have lawful permanent residency and a path to citizenship, which would stabilize the agricultural labor force and result in higher wages and better working conditions. Employers would benefit through higher retention rates and improved productivity, subsequently benefitting our nation through greater food security and food safety. Panelists agreed that **the future of agriculture in this country** and the ability to feed ourselves **is very much connected with immigration**. "Clearly, U.S. agriculture in the Midwest and elsewhere in the country really needs significant reforms to how the current U.S. immigration system works," Mercier said. "The current stalemate is very frustrating to a lot of farmers because it's forcing them to rethink how they operate their farms, what kind of crops they plant, in a way that's very limiting to their ability to run a good business." Regelbrugge explained the adverse effect of delaying immigration reform: "The do-nothing strategy is a net loser because the reality is new folks aren't coming in, and there is over time going to be attrition of the existing workforce…It doesn't take a nuclear physicist or rocket scientist to figure out how to solve agriculture's problem."

The US is key to global food security

DeCapua '12 ["US Drought Impacts Global Food Security," http://www.voanews.com/content/us-drought-food-security-8aug12/1475641.html]

The United States is the leading producer of corn and soybeans – two commodities that developing countries rely on. However, over the past two months, prices have risen sharply as the U.S. experiences its worst drought since the 1950s. A food policy expert says effectively responding to the drought can help prevent another global food crisis More than half the United States is experiencing the dual problems of too little rain and temperatures that are too high. Shenggen Fan, head of the International Food Policy Research Institute, said that's not only driving up prices, but contributing to price volatility as well.¶ "**The U.S. plays a huge role in global food security**. The U.S. is the largest food exporter – soybeans, maize and many other food commodities. So **anything [that] happens in the U.S. will have global significance**," he said.

Food wars go nuclear

FDI '12 [Future Directions International, an Australian-based independent, not-for-profit research institute, "International Conflict Triggers and Potential Conflict Points Resulting from Food and Water Insecurity," http://www.futuredirections.org.au/files/Workshop_Report_-_Intl_Conflict_Triggers_-_May_25.pdf]

There is little dispute that conflict can lead to food and water crises. This paper will consider ¶ parts of the world, however, where **food and water insecurity can be the cause of** conflict ¶ and, at worst, result in **war**. While dealing predominately with food and water issues, the ¶ paper also recognises the nexus that exists between food and water and energy security. ¶ There is a growing appreciation that the conflicts in the next century will most likely be fought over a lack of resources. Yet, in a sense, this is not new. Researchers point to the French and Russian revolutions as conflicts induced by a lack of food. More recently, Germany's World War Two efforts are said to have been inspired, at least in part, by its perceived need to gain access to more food. Yet the general sense among those that attended FDI's recent workshops, was that the scale of the problem in the future could be significantly greater as a result of population pressures, changing weather,

urbanisation, migration, loss of arable land and other farm inputs, and increased affluence in the developing world. In his book, Small Farmers Secure Food, Lindsay Falvey, a participant in FDI's March 2012 ¶ workshop on the issue of food and conflict, clearly expresses the problem and why countries ¶ across the globe are starting to take note. . ¶ He writes (p.36), "…if people are hungry, especially in cities, the state is not stable – riots, ¶ violence, breakdown of law and order and migration result." ¶ "Hunger feeds anarchy." ¶ This view is also shared by Julian Cribb, who in his book, The Coming Famine, writes that if "large regions of the world run short of food, land or water in the decades that lie ahead, then wholesale, bloody wars are liable to follow." ¶ He continues: "An increasingly credible scenario for World War 3 is not so much a ¶ confrontation of super powers and their allies, as a festering, self-perpetuating chain of ¶ resource conflicts." He also says: "The wars of the 21st Century are less likely to be global conflicts with sharply defined sides and huge armies, than a scrappy mass of failed states, rebellions, civil strife, insurgencies, terrorism and genocides, sparked by bloody competition over dwindling resources." ¶ As another workshop participant put it, people do not go to war to kill; they go to war over ¶ resources, either to protect or to gain the resources for themselves. Another observed that hunger results in passivity not conflict. Conflict is over resources, not because people are going hungry. ¶ A study by the International Peace Research Institute indicates that where food security is an issue, it is more likely to result in some form of conflict. Darfur, Rwanda, Eritrea and the Balkans experienced such wars. Governments, especially in developed countries, are increasingly aware of this phenomenon. **The UK Ministry of Defence, the CIA**, the US Center for Strategic and International Studies ¶ and the Oslo Peace Research Institute, **all identify famine as a** potential **trigger for conflicts and** possibly even **nuclear war**.

Food crises collapse civilization- causes disease spread, terrorism, and economic collapse

Brown '09 [Lester, environmental analyst, founder of the Worldwatch Institute, and founder and president of the Earth Policy Institute, a nonprofit research organization, recipient of 26 honorary degrees and a MacArthur Fellowship, has won several prizes and awards, including the United Nations Environment Prize, the World Wide Fund for Nature Gold Medal, and the Blue Planet Prize, "Could Food Shortages Bring Down Civilization?" http://www.scientificamerican.com/article/civilization-food-shortages/]

One of the toughest things for people to do is to anticipate sudden change. Typically we project the future by extrapolating from trends in the past. Much of the time this approach works well. But sometimes it fails spectacularly, and people are simply blindsided by events such as today's economic crisis. For most of us, the idea that civilization itself could disintegrate probably seems preposterous. Who would not find it hard to think seriously about such a complete departure from what we expect of ordinary life? What evidence could make us heed a warning so dire—and how would we go about responding to it? We are so inured to a long list of highly unlikely catastrophes that we are virtually programmed to dismiss them all with a wave of the hand: Sure, our civilization might devolve into chaos—and Earth might collide with an asteroid, too! For many years I have studied global agricultural, population, environmental and economic trends and their interactions. The combined effects of those trends and the political tensions they generate point to the breakdown of governments and societies. Yet I, too, have resisted the idea that **food shortages could bring down** not only individual governments but also our **global civilization**. I can no longer ignore that risk. Our continuing failure to deal with the environmental declines that are undermining the world food economy—most important, falling water tables, eroding soils and rising temperatures—forces me to conclude that such a collapse is possible.¶ The Problem of Failed States¶ Even a cursory look at the vital signs of our current world order lends unwelcome support to my conclusion. And those of us in the environmental field are well into our third decade of charting trends of environmental decline without seeing any significant effort to reverse a single one.¶ In six of the past nine years world grain production has fallen short of consumption, forcing a steady drawdown in stocks. When the 2008 harvest began, world carryover stocks of grain (the amount in the bin when the new harvest begins) were at 62 days of consumption, a near record low. In response, world grain prices in the¶ spring and summer of last year climbed to the¶ highest level ever.¶ As demand for food rises faster than supplies¶ are growing, the resulting food-price inflation puts severe stress on the governments of countries already teetering on the edge of chaos. Unable to buy grain or grow their own, hungry people take to the streets. Indeed, even before the¶ steep climb in grain prices in 2008, the number of failing states was expanding [see sidebar at left]. Many of their problems stem from a failure¶ to slow the growth of their populations. But if the food situation continues to deteriorate, entire nations

will break down at an ever increasing rate. We have entered a new era in geopolitics. In the 20th century **the main threat to international security** was superpower conflict; **today** it **is failing states**. It is not the concentration of¶ power but its absence that puts us at risk. **States fail when** national **governments can no longer provide** personal security, **food security**¶ and basic social services such as education and¶ health care. They often lose control of part or all¶ of their territory. When governments lose their¶ monopoly on power, law and order begin to disintegrate.¶ After a point, countries can become so dangerous that food relief workers are no longer¶ safe and their programs are halted; in Somalia¶ and Afghanistan, deteriorating conditions have¶ already put such programs in jeopardy.¶ Failing states are of international concern because¶ they are a source of terrorists, drugs, weapons¶ and refugees, threatening political stability everywhere. Somalia, number one on the 2008¶ list of failing states, has become a base for piracy.¶ Iraq, number five, is a hotbed for terrorist training.¶ Afghanistan, number seven, is the world's¶ leading supplier of heroin. Following the massive¶ genocide of 1994 in Rwanda, refugees from that¶ troubled state, thousands of armed soldiers among¶ them, helped to destabilize neighboring Democratic¶ Republic of the Congo (number six).¶ Our global civilization depends on a functioning network of politically healthy nationstates to control the spread of infectious disease, to manage the international monetary system, to control international terrorism and to reach¶ scores of other common goals. If the system for¶ controlling infectious diseases—such as polio,¶ SARS or avian flu—breaks down, humanity will be in trouble. Once states fail, no one assumes responsibility for their debt to outside lenders. If enough states disintegrate, their fall will threaten the stability of global civilization itself.

Diseases cause extinction

Guterl '12 [Fred, award-winning journalist and executive editor of Scientific American, worked for ten years at Newsweek, has taught science at Princeton University, *The Fate of the Species: Why the Human Race May Cause Its Own Extinction and How We Can Stop It*, 1-2, Google Books, online]

Over the next few years, the bigger story turned out not to be SARS, which trailed off quickly, bur avian influenza, or bird flu. It had been making the rounds among birds in Southeast Asia for years. An outbreak in 1997 Hong Kong and another in 2003 each called for the culling of thousands of birds and put virologists and health workers into a tizzy. Although the virus wasn't much of a threat to humans, scientists fretted over the possibility of a horrifying pandemic. Relatively few people caught the virus, but more than half of them died. What would happen if this bird flu virus made the jump to humans? What if it mutated in a way that allowed it to spread from one person to another, through tiny droplets of saliva in the air? One bad spin of the genetic roulette wheel and a deadly new human pathogen would spread across the globe in a matter of days. With a kill rate of 60 percent, such a pandemic would be devastating, to say the least.¶ Scientists were worried, all right, but the object of their worry was somewhat theoretical. Nobody knew for certain if such a supervirus was even possible. To cause that kind of damage to the human population, a flu virus has to combine two traits: lethality and transmissibility. The more optimistically minded scientists argued that one trait precluded the other, that if the bird flu acquired the ability to spread like wildfire, it would lose its ability to kill with terrifying efficiency. The virus would spread, cause some fever and sniffles, and take its place among the pantheon of ordinary flu viruses that come and go each season.¶ The optimists, we found out last fall, were wrong. Two groups of scientists working independently managed to create bird flu viruses in the lab that had that killer combination of lethality and transmissibility among humans. They did it for the best reasons, of course—to find vaccines and medicines to treat a pandemic should one occur, and more generally to understand how influenza viruses work. If we're lucky, the scientists will get there before nature manages to come up with the virus herself, or before someone steals the genetic blueprints and turns this knowledge against us. ¶ Influenza is a natural killer, but we have made it our own. We have created the conditions for new viruses to flourish—among pigs in factory farms and live animal markets and a connected world of international trade and travel—and we've gone so far as to fabricate the virus ourselves. Flu is an excellent example of how we have, through our technologies and our dominant presence on the planet, begun to multiply the risks to our own survival.

Advantage 2 is the Economy-

Sustainable immigration is key to the economy- solves workforce shortages

Guilford '13 [Gwynn, economics reporter and editor for Quartz, a news publication, "The US economy needs low-skilled immigrant workers as much as it needs PhDs," http://qz.com/75006/the-us-economy-needs-low-skilled-workers-as-much-as-it-needs-computer-science-phds/]

Immigrants have increasingly been filling low-wage jobs that Americans don't want. And that's not because they're stealing US jobs. As the native workforce has become more educated—and, therefore, moved up the income chain—immigrants have increasingly met the demand for the lowest-skilled jobs (pdf, p.4). By 2012, 24% of foreign workers did not have a high school diploma, compared with just 5% of working natives. Plus, native and immigrant low-skilled workers now tend to compete for different types of jobs (pdf, p.22). And demand for those workers is growing rapidly… The highest-volume and fastest-growing job categories also tend to be low-skilled ones (pdf), according to the Bureau of Labor Statistics. …particularly as the US workforce ages. Growth of the native working population in slowing, as retirees make up an increasing proportion of the overall population. This means there won't be enough native workers to fill many of the 4 million low-skilled jobs that the economy will add by 2020, according to the BLS. Take, for example, home health and personal care aides. If the 2020 workforce breakdown stayed at current levels—around a 25-75 split between foreign-born and native workers (pdf)—the economy would be short some 700,000 of those aides by 2020. That's a lot of sick and old people without help. Immigration of low-skilled workers drives up native wages… Research on what would happen if the US cleared a path to citizenship for its 11 million undocumented immigrants (a workable proxy for low-skilled immigrants) suggests that, as economic security encourages immigrants to consume, overall incomes will rise by $470 billion in a decade (pdf), and the economy would add 121,000 jobs each year. Plus, immigration pushes low-skilled natives up the income chain, helping to close that nagging wage gap. …and boost native productivity… Availability of domestic workers helps free up a highly productive slice of the workforce: ultra-educated women. "Domestic workers…make it possible for [high-skilled] women to enter the labor force and hold full-time jobs because they are home caring for their loves ones and maintaining the household," Haeyoung Yoon, of the National Employment Law Project tells Quartz. "[D]omestic workers make all other work possible." In short, more low-skilled immigrants will help women worried about "having it all," well, have it all. …as well as immigrant productivity. As The Economist discussed in Nov. 2012, the US's superior infrastructure and institutions alone would "supercharge" the productivity of an immigrant worker, regardless of how talented he is. With US worker productivity on the decline, this is much needed. Of course, no one's going to set up a fancy lobbying group for gardeners, nannies and bricklayers. But **they're** just as **crucial to the US's economic outlook**.

Deportation shakes the entire US economy- spills over and depresses wages

Zahniser et al '12 [Steven Zahniser, agricultural economist at the United States Department of Agriculture Economic Research Service, Thomas Hertz, Ph.D. in economics from the University of Massachusetts at Amherst, Peter B. Dixon, Professor in the Centre of Policy Studies at Victoria University, Maureen T. Rimmer, PhD in mathematics and lecturer in the Departments of Mathematics and Economics at La Trobe, "Immigration Policy and Its Possible Effects on U.S. Agriculture," June 5, http://www.ers.usda.gov/amber-waves/2012-june/immigration-policy.aspx#.VWe_189VhBf]

The results from the increased farm labor supply scenario conform to basic economic principles when the supply of one factor or input of production--such as labor, land, or machinery--becomes more plentiful. Greater availability of temporary nonimmigrant foreign-born farmworkers leads to their increased employment at lower wages. This, in turn, results in longrun increases in agricultural output and exports, above and beyond the growth projected by the base forecast. The increases in output and exports are generally larger in labor-intensive sectors such as fruit, tree nuts, vegetables, and nursery products. By Year 15 of the scenario, these four sectors experience a 1.1- to 2.0-percent increase in output and a 1.7- to 3.2-percent increase in exports, relative to the base forecast. Less labor-intensive sectors, such as grains, oilseeds, and livestock production, tend to have smaller increases, ranging from 0.1 to 1.5 percent for output and from 0.2 to 2.6 percent for

exports. Accompanying this additional growth in agricultural output and employment, however, would be a relative decrease of about 5.7 percent in the number of U.S.-born and other permanent residents employed as farmworkers and a 3.4-percent relative decrease in their wage rate. In the model, U.S.-born and foreign-born permanent resident workers are assumed to compete with foreign-born temporary nonimmigrant workers in the labor market. A 3.4-percent relative decrease in the wage rate does not mean that the wage rate is projected to fall by 3.4 percent over the 15-year period of the projection. Instead, it means that the wage rate in Year 15 is projected to be 3.4 percent lower in the increased farm labor supply scenario than in the base forecast. The longrun results from the decreased unauthorized labor supply scenario show a reduction in the labor supply to agriculture with effects on agricultural output and exports that are opposite in sign from the increased farm labor supply scenario and larger in magnitude. Fruit, tree nuts, vegetables, and nursery production are again among the most affected sectors but with longrun relative declines of 2.0 to 5.4 percent in output and 2.5 to 9.3 percent in exports. These effects tend to be smaller in other, less labor-intensive, parts of agriculture--a 1.6- to 4.9-percent decrease in output and a 0.3- to 7.4-percent decrease in exports. As part of the decreased unauthorized labor supply scenario, the number of unauthorized workers employed as farmworkers falls by between 34.1 and 38.8 percent, depending on modeling assumptions, relative to the base forecast for Year 15. At the same time, the number of farmworkers who are either U.S.-born or foreign-born, permanent residents increases by about 2.4 to 4.0 percent in the long run, compared with the base forecast, and their wage rate increases by 3.3 to 7.5 percent. However, the increased farm employment of U.S.-born and other permanent resident workers is not sufficient to offset the decrease in unauthorized farmworkers. As a result, the total number of farmworkers decreases by 3.4 to 5.5 percent. Some observers question whether a reduction in the number of unauthorized workers would benefit or harm U.S.-born and other permanent resident workers. Model results suggest that wages would rise (relative to the base forecast) in some lower paying occupations where unauthorized workers are common, decrease slightly in many higher paying occupations, and decrease on average. Several factors account for the slight decrease in earnings. First, **the decrease in the supply of unauthorized labor leads to a** longrun relative **decrease in production, not just in agriculture but in all sectors of the economy**. This, in turn, reduces incomes to many complementary factors of production, including U.S.-born and foreign-born, permanent resident workers in higher paying occupations. Second, with the departure of so many unauthorized workers, the occupational distribution of U.S.-born and other permanent resident workers necessarily shifts in the direction of more hired farm work and other lower paying occupations, such as food service, child care, and housekeeping, and away from higher paying occupations (a much larger category). The effect of this compositional change is to reduce the average real wage for U.S.-born and foreign-born, permanent resident workers in all sectors of the economy, even as real wages in many lower paying occupations rise. In the long term, overall gross national product accruing to U.S.-born and foreign-born, permanent residents would fall by about 1 percent, compared with the base forecast. This result indicates that the negative economic effects generated by the departure of a significant portion of the labor force outweigh the positive effects on the wages of U.S.-born workers and other permanent residents employed in lower paying occupations. This conclusion, however, might be different in a model that reproduced current levels of unemployment, rather than describing a longrun equilibrium in which the economy is much closer to full employment.

US economic decline causes global great power wars

Duncan '12 [Richard Duncan, former IMF consultant, financial sector specialist for the World Bank, Chief Economist Blackhorse Asset Management, The New Depression: The Breakdown of the Paper Money Economy, Page 12, Ebooks]

The political battle over America's future would be bitter, and quite possibly bloody. It cannot be guaranteed that the U.S. Constitution would survive. Foreign affairs would also confront the United States with enormous challenges. During the Great Depression, the United States did not have a global empire. Now it does. The United States maintains hundreds of military bases across dozens of countries around the world. Added to this is a fleet of 11 aircraft carriers and 18 nuclear-armed submarines. The country spends more than $650 billion a year on its military. If the U.S. economy collapses into a New Great Depression, the United States could not afford to maintain its worldwide military presence or to continue in its role as global peacekeeper. Or, at least, it could not finance its military in the same way it does at present. Therefore, either the United States would have to find an alternative funding method for its global military presence or else it would have to radically scale it back. Historically, empires were financed with plunder and territorial expropriation. The estates of the vanquished ruling classes were given to the conquering generals, while the rest of the population was forced to pay imperial taxes. The U.S. model of empire has been unique. It has financed its global military presence by issuing government debt, thereby taxing future generations of Americans to pay for this generation's global supremacy. That would no longer be possible if the economy collapsed. Cost–benefit analysis would quickly reveal that much of America's global presence was simply no longer affordable. Many—or even most—of the outposts that did not pay for themselves would have to be abandoned. Priority would be given to those places that were of vital economic interests to the United States. The Middle East oil fields would be at the top of that list. The United States would have to maintain control over them whatever the price. In this global depression scenario, the price of oil could collapse to $3 per barrel. Oil consumption would fall by half and there would be no speculators left to manipulate prices higher. Oil at that level would impoverish the oil-producing nations, with extremely destabilizing political consequences. Maintaining control over the Middle East oil fields would become much more difficult for the United States. It would require a much larger military presence than it does now. On the one hand, it might become necessary for the United States to reinstate the draft (which would possibly meet with violent resistance from draftees, as it did during the Vietnam War). On the other hand, America's all-volunteer army might find it had more than enough volunteers with the national unemployment rate in excess of 20 percent. The army might have to be employed to keep order at home, given that mass unemployment would inevitably lead to a sharp spike in crime. Only after the Middle East oil was secured would the country know how much more of its global military presence it could afford to maintain. If international trade had broken down, would there be any reason for the United States to keep a military presence in

Asia when there was no obvious way to finance that presence? In a global depression, the United States' allies in Asia would most likely be unwilling or unable to finance America's military bases there or to pay for the upkeep of the U.S. Pacific fleet. Nor would the United States have the strength to force them to pay for U.S. protection. Retreat from Asia might become unavoidable. And Europe? What would a cost–benefit analysis conclude about the wisdom of the United States maintaining military bases there? What valued added does Europe provide to the United States? Necessity may mean Europe will have to defend itself. Should a New Great Depression put an end to the Pax Americana, the world would become a much more dangerous place. When the Great Depression began, Japan was the rising industrial power in Asia. It invaded Manchuria in 1931 and conquered much of the rest of Asia in the early 1940s. Would China, Asia's new rising power, behave the same way in the event of a new global economic collapse? Possibly. China is the only nuclear power in Asia east of India (other than North Korea, which is largely a Chinese satellite state). However, in this disaster scenario, it is not certain that China would survive in its current configuration. Its economy would be in ruins. Most of its factories and banks would be closed. Unemployment could exceed 30 percent. There would most likely be starvation both in the cities and in the countryside. The Communist Party could lose its grip on power, in which case the country could break apart, as it has numerous times in the past. It was less than 100 years ago that China's provinces, ruled by warlords, were at war with one another. United or divided, China's nuclear arsenal would make it Asia's undisputed superpower if the United States were to withdraw from the region. From Korea and Japan in the North to New Zealand in the South to Burma in the West, all of Asia would be at China's mercy. And hunger among China's population of 1.3 billion people could necessitate territorial expansion into Southeast Asia. In fact, the central government might not be able to prevent mass migration southward, even if it wanted to. In Europe, severe economic hardship would revive the centuries-old struggle between the left and the right. During the 1930s, the Fascists movement arose and imposed a police state on most of Western Europe. In the East, the Soviet Union had become a communist police state even earlier. The far right and the far left of the political spectrum converge in totalitarianism. It is difficult to judge whether Europe's democratic institutions would hold up better this time that they did last time. England had an empire during the Great Depression. Now it only has banks. In a severe worldwide depression, the country—or, at least London—could become ungovernable. Frustration over poverty and a lack of jobs would erupt into anti-immigration riots not only in the United Kingdom but also across most of Europe. The extent to which Russia would menace its European neighbors is unclear. On the one hand, Russia would be impoverished by the collapse in oil prices and might be too preoccupied with internal unrest to threaten anyone. On the other hand, it could provoke a war with the goal of maintaining internal order through emergency wartime powers. Germany is very nearly demilitarized today when compared with the late 1930s. Lacking a nuclear deterrent of its own, it could be subject to Russian intimidation. While Germany could appeal for protection from England and France, who do have nuclear capabilities, it is uncertain that would buy Germany enough time to remilitarize before it became a victim of Eastern aggression. As for the rest of the world, its prospects in this disaster scenario can be summed up in only a couple of sentences. Global economic output could fall by as much as half, from $60 trillion to $30 trillion. Not all of the world's seven billion people would survive in a $30 trillion global economy. Starvation would be widespread. Food riots would provoke political upheaval and myriad big and small conflicts around the world. It would be a humanitarian catastrophe so extreme as to be unimaginable for the current generation, who, at least in the industrialized world, has known only prosperity. Nor would there be reason to hope that the New Great Depression would end quickly. The Great Depression was only ended by an even more calamitous global war that killed approximately 60 million people.

Empirical studies prove economic decline causes wars

Royal '10 [Jedediah, Director of Cooperative Threat Reduction at the U.S. Department of Defense, "Economic Integration, Economic Signaling and the Problem of Economic Crises," Economics of War and Peace: Economic, Legal and Political Perspectives, 213-215, online]

Less intuitive is how periods of economic decline may increase the likelihood of external conflict. Political science literature has contributed a moderate degree of attention to the impact of economic decline and the security and defence behaviour of interdependent states. Research in this vein has been considered at systemic, dyadic and national levels. Several notable contributions follow. First, on the systemic level, Pollins (2008) advances Modelski and Thompson's (1996) work on leadership cycle theory, finding that rhythms in the global economy are associated with the rise and fall of a pre-eminent power and the often bloody transition from one pre-eminent leader to the next. As such, exogenous shocks such as economic crises could usher in a redistribution of relative power (see also Gilpin. 1981) that leads to uncertainty about power balances, increasing the risk of miscalculation (Feaver, 1995). Alternatively, even a relatively certain redistribution of power could lead to a permissive environment for conflict as a rising power may seek to challenge a declining power (Werner. 1999). Separately, Pollins (1996) also shows that global economic cycles combined with parallel leadership cycles impact the likelihood of conflict among major, medium and small powers, although he suggests that the causes and connections between global economic conditions and security conditions remain unknown. Second, on a dyadic level, Copeland's (1996, 2000) theory of trade expectations suggests that 'future expectation of trade' is a significant variable in understanding economic conditions and security behaviour of states. He argues that interdependent states are likely to gain pacific benefits from trade so long as they have an optimistic view of future trade relations. However, if the expectations of future trade decline, particularly for difficult to replace items such as energy resources, the likelihood for conflict increases, as states will be inclined to use force to gain access to those resources. Crises could potentially be the trigger for decreased trade expectations either on its own or because it triggers protectionist moves by

interdependent states.4 Third, others have considered the link between economic decline and external armed conflict at a national level. Blomberg and Hess (2002) find a strong correlation between internal conflict and external conflict, particularly during periods of economic downturn. They write: The linkages between internal and external conflict and prosperity are strong and mutually reinforcing. Economic conflict tends to spawn internal conflict, which in turn returns the favour. Moreover, the presence of a recession tends to amplify the extent to which international and external conflicts self-reinforce each other. (Blomberg & Hess, 2002. p. 89) Economic decline has also been linked with an increase in the likelihood of terrorism (Blomberg, Hess, & Weerapana, 2004), which has the capacity to spill across borders and lead to external tensions. Furthermore, crises generally reduce the popularity of a sitting government. "Diversionary theory" suggests that, when facing unpopularity arising from economic decline, sitting governments have increased incentives to fabricate external military conflicts to create a 'rally around the flag' effect. Wang (1996), DeRouen (1995). and Blomberg, Hess, and Thacker (2006) find supporting evidence showing that economic decline and use of force are at least indirectly correlated. Gelpi (1997), Miller (1999), and Kisangani and Pickering (2009) suggest that the tendency towards diversionary tactics are greater for democratic states than autocratic states, due to the fact that democratic leaders are generally more susceptible to being removed from office due to lack of domestic support. DeRouen (2000) has provided evidence showing that periods of weak economic performance in the United States, and thus weak Presidential popularity, are statistically linked to an increase in the use of force. In summary, recent economic scholarship positively correlates economic integration with an increase in the frequency of economic crises, whereas political science scholarship links economic decline with external conflict at systemic, dyadic and national levels.5 This implied connection between integration, crises and armed conflict has not featured prominently in the economic-security debate and deserves more attention.

Inherency

Immigration surveillance now

Surveillance of immigrants has substantially increased in recent years

Kalhan '14 [Anil, J.D. from Yale Law School, Associate Professor of Law, Drexel University. A.B., Brown University, "Immigration Surveillance," Maryland Law Review, Volume 74, Issue 1, http://digitalcommons.law.umaryland.edu/cgi/viewcontent.cgi?article=3646&context=mlr]

This expansion of direct post-entry enforcement consists of several component mechanisms. First, noncitizens have been subject to more extensive, ongoing monitoring and registration requirements while in the United States. While noncitizens have long been required, as a formal matter, to register and be fingerprinted upon arrival, to carry proof of registration at all times within the United States, and to notify immigration officials promptly of changes of address, these provisions went largely unenforced for decades. 66 Even today, these registration requirements largely remain a legal fiction.67 Nevertheless, in the aftermath of the 2001 terrorist attacks, the government did step up both its formal and informal efforts to monitor certain categories of noncitizens within the United States.68 For example, beginning soon after the attacks, the FBI initiated a program of "voluntary" interviews for thousands of Arab and Muslim men with nonimmigrant visas.69 In early 2002, the Justice Department announced plans to aggressively enforce the change of address provision, warning of severe adverse consequences for noncompliance.70 Later in 2002, the Attorney General initiated the National Security Entry-Exit Registration System ("NSEERS"), which imposed registration requirements on nonimmigrant men who were at least sixteen years old and current or former nationals of twenty-five countries, all but one predominantly Arab or Muslim. 71 Congress and DHS also tightened oversight of international students and schools where they are enrolled to ensure compliance with the terms of student visas.72 Second, DHS has devoted substantially more resources to post-entry investigations.73 In 2002, DHS launched an initiative targeting "absconders" or "fugitives," categories that it defines to include (1) individuals with removal orders who have not departed the United States and (2) individuals who have otherwise failed to report to ICE when required.74 Between 2003 and 2010, funding for these programs spiraled from $9 million to over $230 million, increasing the personnel devoted to these programs by more than 1300%. 75 The operations conducted under these programs have involved tactics ranging from undercover investigations to high profile, paramilitary-style home and workplace raids and blanket community sweeps in apartment complexes, grocery stores, laundromats, and parks.76 Third, federal officials have enlisted hundreds of thousands of state and local law enforcement and corrections officials in immigration policing.77 These initiatives, whose particular manifestations have evolved swiftly, seek to identify potentially deportable noncitizens by screening individuals when they are arrested, convicted, and incarcerated to determine their citizenship and immigration status and potential deportability. In addition to these federal initiatives, some states and localities unilaterally have sought to become directly involved in immigration policing. For example, several states and localities—most prominently Arizona, with its controversial and widely-noted Senate Bill 1070—have authorized or required law enforcement to inquire about the immigration status of individuals they encounter and in some instances to convey that information to federal immigration officials.78 While the Supreme Court left open the possibility of as-applied challenges to Section 2 when it reviewed SB 1070, it declined to facially invalidate the provision, and it has previously signaled its willingness to tolerate an active role for state and local police in direct immigration enforcement.79

Surveillance has drastically reduced immigration

Kalhan '14 [Anil, J.D. from Yale Law School, Associate Professor of Law, Drexel University. A.B., Brown University, "Immigration Surveillance," Maryland Law Review, Volume 74, Issue 1, http://digitalcommons.law.umaryland.edu/cgi/viewcontent.cgi?article=3646&context=mlr]

In this Article, I examine a set of important but underappreciated consequences of this entrenchment of mass immigration enforcement, tracing and analyzing the evolution of immigration governance into an enduring regime of immigration surveillance. 4 By any measure, enforcement levels have soared in recent years. Federal expenditures on border and immigration control have grown fifteen-fold since 1986 and now substantially exceed expenditures on all other federal law enforcement programs combined.5 These activities have been supplemented by a dizzying array of initiatives, often administered by state, local, and private actors, that indirectly enforce immigration law by regulating access to rights, benefits, and services—including employment, social services, driver's licenses, transportation services, and education—based on citizenship or immigration status.6 Increasingly, immigration control objectives also are pursued using criminal prosecutions.7 These initiatives have yielded a staggering, widely noted increase in the number of noncitizens formally removed from the United States.8 Much less widely noted, however, has been the full significance of that growth—including an attendant sea change in the underlying nature of immigration regulation itself, hastened by the implementation of transformative new surveillance and dataveillance technologies. Like many other areas of contemporary governance, immigration control has rapidly become an information-centered and technology-driven enterprise. At virtually every stage of the process of migrating or traveling to, from, and within the United States, both noncitizens and U.S. citizens are now subject to collection and analysis of extensive quantities of personal information for immigration control and other purposes. This information is aggregated and stored by government agencies for long retention periods in networks of interoperable databases and shared among a variety of public and private actors, both inside and outside the United States, with little transparency, oversight, or accountability.9

ICE raids now

ICE is still cracking down on immigrants

Fox 2 Now 6-17-15 [News service based in St. Louis, "Surge in ICE enforcement leads to 44 arrests in St. Louis," http://fox2now.com/2015/06/17/surge-in-ice-enforcement-leads-to-44-arrests-in-st-louis/]

A surge in Midwest enforcement by the U.S. Immigration and Customs Enforcement (ICE) led to 280 arrests, 44 in St.Louis. The initiative was conducted from May 18th to June 13th. The focus was on the arrest and removal of convicted criminal aliens. Officers worked in six states: Illinois, Indiana, Wisconsin, Kentucky, Kansas and Missouri. ICE reports that 40 men and 4 women were arrested in the area. Convicted criminals were from the following countries: Mexico (33), Guatemala (4), Kenya (2), and one each from Honduras, Nigeria, Saudi Arabia, Spain and Vietnam.

Immigration decreasing

Illegal immigration is falling now

Markon 5-27-15 [Jerry, reporter for The Washington Post, "Fewer immigrants are entering the U.S. illegally, and that's changed the border security debate," http://www.washingtonpost.com/politics/flow-of-illegal-immigration-slows-as-us-mexico-border-dynamics-evolve/2015/05/27/c5caf02c-006b-11e5-833c-a2de05b6b2a4_story.html]

As the Department of Homeland Security continues to pour money into border security, evidence is emerging that illegal immigration flows have fallen to their lowest level in at least two decades. The nation's population of illegal immigrants, which more than tripled, to 12.2 million, between 1990 and 2007, has dropped by about 1 million, according to demographers at the Pew Research Center.

Solvency

Federal action key

The federal government should take the lead on immigration policy- states can't undermine the plan

Cannato '12 [Vincent J. Cannato is an associate professor of history at the University of Massachusetts, Boston, "Our Evolving Immigration Policy," National Affairs Issue 13, Fall 2012, http://www.nationalaffairs.com/publications/detail/our-evolving-immigration-policy]

Legitimate though these state concerns may be, however, their solution is not to be found in 50 separate immigration policies. "Arizona may have understandable frustrations with the problems caused by illegal immigration while that process [of discourse] continues," the Court declared, "but the State may not pursue policies that undermine federal law." And though the power to control immigration may not be explicitly granted to the federal government under the Constitution, it is hard to imagine a modern nation-state in the 21st century in which that power does not rest firmly in the central government's hands. Nevertheless, this still means, as the Court noted, that the federal government has a responsibility to act on immigration — to pursue reform that reflects a shared "political will," and to forge that agreement through "searching, thoughtful, rational civic discourse." The history of American immigration suggests that this agreement will be reached only when the national mood and the country's politics more broadly are ready for it — and the signs indicate that now is not that moment. But settling on a sensible immigration policy will be crucial in the coming decades. Without one, it will be impossible to maintain a high standard of living and a dynamic, entrepreneurial economy while also managing the large demographic changes that continue to remake our society. In this sense, the unproductive nature of our immigration debate may be telling us something about the state of the nation more generally. Our decaying institutions have forced us to make enormously consequential decisions about the role of our government, its relationship to the individual, and the direction of the nation. As with immigration policy, our ability to settle these broader disputes satisfactorily is an open question.

Federal action is essential to shape immigration policy- states can't reverse it

Cannato '12 [Vincent J. Cannato is an associate professor of history at the University of Massachusetts, Boston, "Our Evolving Immigration Policy," National Affairs Issue 13, Fall 2012, http://www.nationalaffairs.com/publications/detail/our-evolving-immigration-policy]

For all the debate that surrounds America's immigration policy, just who is responsible for enforcing that policy has rarely been in dispute in recent decades — until Arizona adopted the statute S.B. 1070. Arguing that the federal government had proved incapable of stopping the illegal immigration wreaking havoc in the state, Arizona lawmakers took matters into their own hands, enacting legislation that used state penalties and state police to try to give meaningful force to federal laws already on the books. Washington, for its

part, resisted, claiming that Arizona's approach intruded on federal prerogatives. The federal-state power struggle ultimately landed before the Supreme Court, which, amid a swirl of politicized commentary on both sides of the matter, issued its ruling in June. "The Government of the United States has broad, undoubted power over the subject of immigration and the status of aliens....The federal power to determine immigration policy is well settled," opined Justice Anthony Kennedy, writing for the Court's majority in Arizona v. United States. In a 5-3 decision (Justice Elena Kagan recused herself), the Court struck down most of the Arizona law and limited the permissible range of state activity in the realm of immigration enforcement. To allow each of the 50 states to enact its own immigration-control laws — even if those laws did not conflict with, but instead complemented, federal law — would, in the Court's view, violate the doctrine that "the States are precluded from regulating conduct in a field that Congress, acting within its proper authority, has determined must be regulated by its exclusive governance." In the eyes of the Court's majority, the regulation of immigration has been so thoroughly dominated by the federal government as to leave virtually no room for action by the states. Justice Antonin Scalia disagreed, writing in his dissent that such a ruling "deprives States of what most would consider the defining characteristic of sovereignty: the power to exclude from the sovereign's territory people who have no right to be there." The majority's opinion, he contended, is supported by "neither the Constitution itself nor even any law passed by Congress." Nor is it supported by the history of immigration in the United States. As Scalia noted, "In light of the predominance of federal immigration restrictions in modern times, it is easy to lose sight of the States' traditional role in regulating immigration — and to overlook their sovereign prerogative to do so." He is correct: Federalism and immigration have interacted in complicated ways since our republic was created. In fact, until the late 19th century, immigration was an issue largely left up to individual states to regulate. A look at the history of our immigration system can therefore offer some important clarification of the dispute at the heart of Arizona v. United States. But that history also has a great deal to say about our approach to immigration policy more broadly. After all, Arizona did not resolve the much bigger dilemma facing the nation: how, exactly, we should repair a national immigration system that is quite clearly broken. Designed almost five decades ago, that system has ceased to function effectively, to suit the needs and circumstances of today's society and economy, and to retain the support of the public. It is precisely the failure of that system that has driven Arizona and other states to try to fix the problem themselves, and that has prompted lawmakers at the national level to spend the better part of the past decade in pursuit of "comprehensive immigration reform." That effort has tortured the nation's politics and stoked controversy surrounding questions of race and national identity — and yet has achieved essentially nothing. Why? Here, too, history points to the answer: Our immigration policies, and the role the federal government plays in them, tend to follow American political trends more broadly. Large reforms of immigration laws have coincided with sweeping changes in the public's expectations of the federal government — during the Progressive era, in the wake of World War I, and in the heart of the Great Society period. We may well be in the midst of such a dramatic shift in our approach to government, though it is not yet evident precisely where these changing expectations will lead. We should not be surprised, then, that our immigration debate has, to date, been similarly inconclusive.

Agriculture Advantage

Food crisis coming

https://www.futurelearn.com/courses/global-food-crisis

http://www.bozemandailychronicle.com/news/education/scientists-at-msu-warn-of-global-food-crisis/article_365f69c1-df5c-52af-b084-cfe5a23f3f0b.html

http://www.thechicagocouncil.org/blog-entry/new-project-announced-global-food-security-numbers

http://blueandgreentomorrow.com/2014/08/28/climate-change-will-trigger-global-food-crisis-says-world-bank-official/

http://elibrary.law.psu.edu/cgi/viewcontent.cgi?article=1096&context=jlia

http://theplate.nationalgeographic.com/2015/04/16/while-u-s-economy-improves-food-insecurity-lingers/

https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=8&cad=rja&uact=8&ved=0CFQQFjAH&url=http%3A%2F%2Fcsis.org%2Fprogram%2Ffood&ei=JCBqVaqgGIzEogS7uoKADg&usg=AFQjCNH3G9_3Ezpn2W7rBROQZ4fIYGz0nQ&sig2=R1e1uOxuz_S8Oi-PKtg6sA

http://csis.org/program/food

US key

http://www.foodandagpolicy.org/sites/default/files/AGree%20Intl%20Devl_2014.pdf

http://www.ers.usda.gov/publications/err-economic-research-report/err174.aspx

Alt causes

http://www.trust.org/spotlight/what-creates-food-crises/

Nuke war turns food security

http://www.app.com/story/enviroguy/2015/03/26/nuclear-war-could-ignite-global-food-crisis/70482928/

Farms declining now

Worker shortages are threatening US food security- immigration is key

Ahrens 4-5-15 [Daniel, Berkeley Political review, "An Agri-Culture of Settlement," http://bpr.berkeley.edu/2015/04/05/an-agri-culture-of-settlement/]

Increasingly serious labor shortages are putting America's conveniently low food prices at risk. Yet, Obama's recent executive action on immigration does little to assuage the agricultural labor crisis and could possibly exacerbate the shortage. The shortage problem is challenging the agriculture industry to adapt and may lead to the establishment of a more efficient food system. According to a report by the National Council for Agricultural Employers, a group that represents the agriculture industry before Congress, farmers are losing 320 million dollars a year due to labor shortages. The shortage has left agriculture unpicked on branches, and fields neglected. While the government does not collect data on labor shortage costs due to the subjective nature of the measurement, the industry's conclusions are backed up by other statistics. First, real wages are rising for agriculture workers, signifying a greater need for work. The National Agricultural Statistics Services's Farm Labor Survey finds that real wages are on the rise at a rate of 0.8% per year. Second, the average age of the workforce is growing, suggesting fewer younger workers are entering the agricultural industry. A 2012 agricultural census from the US Department of Agriculture found that the average age of principal farmers was 58.3, up 1.2 years from 2007, and is still on the rise. Fewer workers

are entering agriculture, and America's food supply is suffering as a result. A quick glance at the US Department of Labor's National Agricultural Workers Survey (NAWS) finds that 75% of farm laborers were born in Mexico. Yet, immigration from Mexico fell from its peak of approximately 7 million immigrants living in the United States in 2009 to 5.8 million in 2012. Many attribute the labor shortage in agriculture to the decline in immigration from Mexico.

US agriculture is declining- profits are low

Bjerga 2-9-15 [Alan, writer for Bloomberg Business, "U.S. Farmers Watch $100 Billion-a-Year Profit Fade Away," http://www.bloomberg.com/news/articles/2015-02-10/u-s-farmers-watch-100-billion-a-year-profit-fade-away]

Farm income this year in the U.S., the world's top agricultural producer and exporter, is heading for a third straight decline and will post its biggest slide since the Great Depression, the government said today. While raising livestock remains profitable, as tight meat supplies keep prices high, growers of corn, soybeans and wheat saw crop and land values fall faster than many of their costs. That's pinching sales for equipment maker Deere & Co. and seed producers including DuPont Co. "The budget picture for corn and soybeans is as negative as we've seen in a long time," said Brent Gloy, an agricultural economist at Purdue University in West Lafayette, Indiana. "You will see some farmers not able to cover their production costs." USDA Forecast Net-cash income from all farm activity will tumble 22 percent to $89.4 billion, the biggest drop since 1932 and the lowest since 2009, the U.S. Department of Agriculture said in a report today in Washington. Last year's slump was 12 percent to $115.1 billion. Net income, including the value of inventory and non-cash income, was forecast to drop 32 percent to $73.6 billion, with expenses at a record $370.4 billion, the government said.

Surveillance hurts agriculture

Surveillance cuts off ag labor supplies and exports- boosts commodity prices

Devadoss and Luckstead '11 [Stephen Devadoss, PhD in Economics from Iowa State University, is a professor at the Department of Agricultural Economics and Rural Sociology at the University of Idaho, Jeff Luckstead, PhD in economics from Washington State, is an Assistant Professor of Agricultural Economics and Agribusiness at the University of Arkansas, "Implications of immigration policies for the U.S. farm sector and workforce," 7-1-11, http://www.freepatentsonline.com/article/Economic-Inquiry/261386342.html]

To examine the effect of an increase in the domestic enforcement in the United States on the illegal labor flow, d[W.sub.I] and d[P.sub.U] from Equations (11a) and (11b) are substituted into Equation (13a). Holding all other exogenous variables, except for domestic enforcement, constant in Equation (13a), the change in illegal labor flow in response to tighter domestic control is stated as: (14a) [MATHEMATICAL EXPRESSION NOT REPRODUCIBLE IN ASCII] The first set of terms shows the wage effect. Because tighter domestic control is likely to reduce the illegal wage rate, the unauthorized entry will contract. The second set of terms demonstrates the price effect. Increased domestic enforcement will make production more expensive, leading to a higher commodity price and increased demand for labor. The net effect of domestic enforcement is to reduce the cross-border migration because the wage effect is likely to dominate the price effect. To study the effect of an increase in the domestic enforcement on commodity trade, d[W.sub.I] and d[P.sub.U] from Equations (11a) and (11b) are substituted into Equation (13b). Holding all other exogenous variables, except for domestic enforcement, constant in Equation (13b), the change in U.S. exports to Mexico is expressed as: (14b)

[MATHEMATICAL EXPRESSION NOT REPRODUCIBLE IN ASCII] The first set of terms illustrates the wage effect. Tighter domestic surveillance forces undocumented workers to return to Mexico, which will increase the Mexican workforce and reduce the Mexican wage rate. This lower wage rate will increase Mexican commodity production, leading to lower imports. The second set of terms demonstrates the price effect. Increased domestic enforcement will cause the U.S. wage rate to rise and make production more expensive, leading to a lower U.S. commodity supply. This will result in a higher commodity price and lower imports by Mexico. Thus, both effects reinforce each other in reducing U.S. exports to Mexico. To analyze the effect of heightened U.S. border enforcement on the illegal labor flow, d[W.sub.I] and d[P.sub.U] from Equations (12a) and (12b) are substituted into Equation (13a). Holding all other exogenous variables, except for border security, constant in Equation (13a), the change in illegal labor flow in response to a change in border control is written as: (15a) [MATHEMATICAL EXPRESSION NOT REPRODUCIBLE IN ASCII] In Equation (15a), the first set of terms shows the wage effect. Strengthened border surveillance reduces the illegal entry and thus raises the illegal wage rate. Even though immigrants apprehended at the border are sent back to Mexico, the higher illegal wage rate in the United States lures them to cross the border repeatedly. The second set of terms illustrates the price effect. As the United States implements additional measures to secure its borders, fewer illegal workers enter the United States, causing the cost of production and commodity price to rise. This also results in a higher Mexican commodity price. The higher Mexican price draws would be immigrant laborers back into Mexican production, which contracts the illegal labor supply. The third set of terms represents the direct effect of an increase in U.S. border security on the illegal labor supply. As a result of the tightened border control, fewer laborers successfully cross the U.S. border, which reduces the supply of unauthorized labor. The combined effect of the three terms should result in fewer illegal laborers entering the U.S. labor market from Mexico. To examine the effect of heightened U.S. border security on the commodity trade, d[W.sub.I] and d[P.sub.U] from Equations (12a) and (12b) are substituted into Equation (13b). Holding all other exogenous variables, except for border surveillance, constant in Equation (13b), the change in commodity trade resulting from tighter border security is expressed as: (15b) [MATHEMATICAL EXPRESSION NOT REPRODUCIBLE IN ASCII] The first set of terms in Equation (15b) demonstrates the wage effect. Increased border surveillance reduces the illegal entry and thus drives up the illegal wage rate in the United States, but augments the Mexican workforce and lowers the Mexican wage rate, which expands Mexican commodity production, leading to lower imports. The second set of terms represents the price effect. An increase in border enforcement curtails the illegal workforce in U.S. agricultural production, leading to an increase in U.S. production cost, reduced supply, and lowers exports to Mexico. The third set of terms conveys the indirect effect of heightened border enforcement on commodity trade through changes in the wage rate. This effect also reduces U.S. exports to Mexico. Thus, the combined effects of all three terms reinforce each other in reducing U.S. exports to Mexico.

Surveillance devastates agriculture- curbs production, trade and labor

Kille '12 [Leighton Walter Kille, degree from the Harvard Kennedy School of Government, where he serves as a Research Editor, "Implications of immigration policies for U.S. farm sector and workforce," June 25, http://journalistsresource.org/studies/government/immigration/implications-immigration-policies-u-s-farm-sector-labor]

In the United States, illegal immigration has long been the subject of public debate as well as political skirmishing. The 1986 Immigration Reform and Control Act (IRCA) attempted to reduce the flow of undocumented immigrants through a mix of amnesty programs, increasing monitoring of employers and tighter border controls; after the 9/11 attacks, policy shifted toward enforcement, even as the collapse of the housing markets in 2007 led to declining rates of immigration. Despite this, immigration is still a key issue in the 2012 presidential contest. A 2011 study published in Economic Inquiry, "Implications of Immigration Policies for U.S. Farm Sector and Workforce," examined the effect of U.S. immigration policy on the flow of unauthorized immigrants from Mexico and the subsequent impact on the nation's economy. The researchers, based at Washington State University and the University of Idaho, modeled the relationship between restrictive policies and the productivity of the U.S. agricultural sector. The findings include: There is a strong relationship between spending on border security and rates of illegal immigration from Mexico. "As the probability of apprehension of illegal immigrants at the border increases, the flow of undocumented workers into the United States lessens." A 10% increase in domestic enforcement spending, primarily worksite surveillance, reduces the wage rate for illegal workers more than 11%; curbs illegal labor use by approximately 9,000 workers to U.S. agriculture; and decreases U.S.-Mexico commodity trade by an average of $180 million. "Heightened border enforcements reduce the employment of undocumented workers and commodity production, which causes U.S. agricultural exports to Mexico to decline by an average of 5%."

Reductions in the immigrant labor force has caused labor shortages in several states and has had "devastating effects on farm production and profitability." These are being felt by consumers through higher costs for fruits and vegetables. "The results of the study show the distinct tradeoffs between reducing illegal immigration into the United States, and the productivity of the agricultural sector, and subsequently the U.S. economy," the researchers state. "U.S. government policies aimed at deporting unauthorized workers — without taking adequate measures to supply farm laborers through guest-worker programs — will adversely affect the supply of farm laborers to crop production."

Immigrants key to agriculture

Lower immigration rates destroy US agriculture

Plumer '14 [Brad, senior editor at Vox.com, where he oversees the site's science, energy, and environmental coverage, "America is running out of farm workers. Will robots step in?" July 2, http://www.vox.com/2014/7/2/5861274/americas-running-out-of-farmworkers-will-robots-help]

What's more, the paper noted, it's unlikely that America will be able to find ready replacements of farmworkers. Most native-born Americans don't seem to have much interest in going back to the farm, even if wages rise significantly. And poorer countries like Guatemala or El Salvador are either too small or urbanizing too rapidly to supplant Mexico in providing low-wage farm labor. Combine that with stricter immigration enforcement in recent years, and America's already starting to see the effects. In 2012, California faced one of its worst agricultural labor shortages ever. This year, Washington is suffering its largest shortage of seasonal farmworkers on record. (Georgia, for its part, has tried to use prison inmates to replace lost farm labor after enacting stricter immigration laws — and it's gone poorly.)

Stable immigration is vital to US agriculture- otherwise labor shortages kill global food supplies

PNAE '13 [The Partnership for a New American Economy brings together more than 500 Republican, Democratic, and Independent mayors and business leaders united in making the economic case for streamlining, modernizing, and rationalizing our immigration system, "Agriculture," http://www.renewoureconomy.org/issues/agriculture/#]

Farmers across the country depend on temporary labor to help grow their crops and their businesses. Immigrants help fill these vital positions, creating an additional 2 to 3 jobs for domestic-born workers in industries such as food packaging, shipping, and farming supplies. For many farms across the country, there are simply not enough native-born workers to work their fields. In North Carolina, the Growers Association had 6,500 agriculture jobs available in 2011, but out of the 500,000 unemployed North Carolinians, only 7 applied and completed the growing season. Without immigrants to staff these openings, North Carolina may have lost a major industry for the state – a trend that is happening across the country. Over 84,000 acres of production and 22,000 jobs in agriculture have been lost to Mexico, and according to a 2014 Partnership study, labor shortages on farms led to $3.3 billion in

missed GDP growth and $1.3 billion in lost farm income in 2012. When America has the workers it needs, farmers can produce the food locally and create a major source of revenue – agricultural exports created 920,000 full-time jobs in 2008, according to a USDA study. The U.S. must act to fix its burdensome immigration system if America's agriculture industry hopes to remain competitive and continue to be the breadbasket for the world.

Brink

Global food security is approaching the brink- strong US exports are key to solve global instability

Kiefer '13 [Captain T. A. "Ike" Kiefer, naval aviator and EA-6B pilot with 7 deployments ¶ to the PACOM and CENTCOM AORs and 21 months on the ground in Iraq. He ¶ has a Bachelor's degree in physics from the US Naval Academy and a Master's ¶ in Strategy from the US Army Command and General Staff College. He has ¶ commanded at the O-5 and O-6 level and was 2005 action officer of the year of the ¶ Joint Staff J-7 Directorate in the Pentagon. He currently teaches strategy at the US ¶ Air Force Air War College as the CJCS Chair, "Twenty-First Century Snake Oil: ¶ Why the United States ¶ Should Reject Biofuels as ¶ Part of a Rational National ¶ Security Energy Strategy," January, http://phe.rockefeller.edu/docs/Kiefer%20-%20Snake%20Oil.pdf]

In 2008, world grain market prices tripled, mirroring and surpassing the spike in ¶ global oil prices, and proving the linkage between food Calories and energy ¶ calories in the modern world. Grain prices to the poorest consumers increased ¶ as much as 50%, driving 8% more of Africa's population toward hunger and raising ¶ the world's undernourished population to approximately 850 million.¶ 151¶ Today's ¶ market prices are still double what they were in 2007. Various studies of the 2008 ¶ food price spike surveyed by the World Bank have attributed as much as 70% of ¶ the increase in corn prices and 100% of the increase in sugar prices to global ¶ diversion of food to biofuels.¶ 152¶ A union of the world's preeminent food and ¶ assistance agencies including the World Food ¶ Program and the Food and Agriculture ¶ Organization of the United Nations has formally ¶ called for all G20 nations to drop their biofuels ¶ subsidies and mandates because of the impact ¶ they are having on driving up food prices ¶ around the world.¶ 153¶ It is a myth to think that ¶ non-food biofuel crops do not compete with ¶ food. Labels such as "Gen2" or "Advanced" can ¶ only serve as Orwellian attempts to hide the ¶ truth and assuage investor consciences. That fact is that every cultivated crop—¶ food or non-food—competes with every other cultivated crop for finite resources ¶ including water, land, agrichemicals, farm equipment, transportation, financing, etc. ¶ Putting more demand on these resources raises prices for everyone. Biofuels are ¶ becoming a huge threat to global food security, and thereby to global stability—a ¶ fact that should shape any military or political energy strategy. Many analysts now ¶ looking at the "Arab Spring" phenomenon recognize that, underlying the very real ¶ political aspirations of movements such as the revolution in Tunisia, there was ¶ outrage at skyrocketing food prices. What first began as riots in Egypt due to the ¶ government no longer being able to afford to subsidize the price of bread became a ¶ hot-blooded revolt and coup.¶ 12.1. The Looming Global Food Crisis ¶ As the global population sprints toward 9 billion by 2050, there are 140,000 ¶ more mouths to feed every day. Food grain consumption is growing at 40 million ¶ tons per year.¶ 154¶ Yet, because of enormous market-distorting subsidies, the United ¶ States today produces more corn for ethanol than for food or cattle feed.¶ 155¶ For ¶ decades past, America had surplus food crop capacity and used it to rescue other ¶ nations from famine. In 1965 President Lyndon Johnson's administration shipped one-fifth of the US wheat crop to India during a devastating drought.¶ 156¶ With slack ¶ land now being consumed by biofuels production, a drought such as the one that ¶ destroyed 40% of Russia's grain crop in 2010 would be devastating to national ¶ security—particularly because both food and fuel would be simultaneously affected. ¶ The negative consequences of biofuels upon food crop production have been ¶ understood by the US government since a blue-ribbon panel of scientists appointed ¶ by the newly formed DoE rejected gasohol for this and other sound reasons in ¶ 1980.¶ 157¶ Twenty-five years

later in 2005, politics trumped science with the ¶ imposition of US ethanol blending mandates and corn ethanol subsidies that even Al ¶ Gore now regrets—and the world is reaping what we have sown.¶ 158¶ If our greater interest is truly global peace and security, US farmers should be out of the fuel business, and instead looking to increase food production to fill commodity and direct export orders with famine-wary nations in the overstressed global food market.

US ag key to global food security

US is key to food stability- prevents destabilizing food crises

Coleman '12 [Isobel Coleman, Senior Fellow and Director of the Civil Society, Markets, and Democracy Initiative; Director of the Women and Foreign Policy Program, "U.S. Drought and Rising Global Food Prices," August 2, http://www.cfr.org/food-security/us-drought-rising-global-food-prices/p28777]

The ongoing drought in the Midwest has affected approximately 80 percent of the U.S. corn crop and more than 11 percent of the soybean crop, triggering a rise in global food prices (RFE/RL) that CFR's Isobel Coleman says may fuel political instability in developing countries. The United States produces approximately 35 percent of the world's corn and soybean supply, commodities that are "crucial in the food chain, because they are used for feed stock for animals," Coleman says. Growing demand for meat and protein from emergent middle classes internationally has made many countries dependent on "relatively inexpensive food stocks" from the United States, she explains. "When you see a crop failure of the magnitude you have seen this summer, it flows through the whole food chain," says Coleman, who recommends reconsidering the U.S. ethanol mandate and building "more resilience into the global food system." How is the U.S. drought affecting commodity crops, food production, and prices? As recently as May, experts were predicting a record crop in the United States--and of course, what the United States does is so important, because the Midwest is the bread basket for the rest of the world. But with severe drought in the Midwest, you've already seen a failure in the soybean and corn crop in the United States. That increased world commodity prices, and it is going to trickle through the whole food chain. This is the hottest summer on record in the United States since 1895, and people are beginning to wonder whether this type of drought that we're experiencing could become a new normal. The United States is a pivotal player in world food production and has the most sophisticated agricultural sector in terms of seeds, technology, irrigation, deep commodity markets, and future markets. If the United States crop is so devastated by drought, what is going to happen to the rest of the world? How do rising U.S. food prices affect global food prices down the world's food supply chain? Which areas of the globe are most at risk? There are many large food producers in the world. China is the largest wheat producer, but it is also the largest wheat consumer. What makes the United States unique is that we are the largest exporter, so we produce about 35 percent of the world's corn and soybean supply. Those two commodities are crucial in the food chain, because they are used for feed stock for animals. Around the world you have rising middle classes, a growing demand for meat and protein in the diet, and countries around the world are becoming increasingly dependent on relatively inexpensive food stocks from the United States. When you see a crop failure of the magnitude you have seen this summer, it flows through the whole food chain. Right now you have American livestock producers taking their pigs and cattle to the slaughter house because they simply don't have the food to be feeding them. So you're going to see meat prices in the short term in the United States go down, but over the longer term you're going to see rising meat prices; [experts] are predicting already 4 to 5 percent price increases in meat for the next year. That flows through the whole food chain. [to] big-population countries that import a lot of food, such as the Philippines, Afghanistan, Egypt. And when you see rapidly rising food prices, of course it leads to instability. We've seen [this] in the last five years across many of those countries, and you see rising food prices translate almost directly into street protests. You're going to see the continuation of [political] instability driven in part by rapidly rising food prices. In 2008, we had food protests across much of the Middle East, so governments are going to be very much on the alert for unrest and very sensitive to it. Egypt is already spending about one-third of its subsidies on food, and it is draining the Egyptian foreign exchange reserve to continue those subsidies. This combination of an already mobilized population out on the streets demanding lots of different changes [in Egypt], and rising food prices is going to create a very unstable atmosphere. What are some policy responses for alleviating the pressures being felt in the United States and other countries because of rising food prices? In the United States, we have to look at our own policies that are part of the problem, [including] our mandated use of ethanol in gasoline. This is something that is a mandated [10] percent that is not flexible, and when you have rising food prices and a problem with the failing crop, you would think that maybe we could lighten up on the ethanol mandate. Because right now so much of our food production is going into ethanol. So you've already seen governors across the United States in some of the hard-hit states saying, "Shouldn't we review our ethanol policies?" That's not a short-term fix, but it is potentially longer-term and something we should be looking at carefully. In terms of policy, we have a rising global population. We have more mouths to feed every year, and food security for the world is a critical issue. We should be looking at how to build in more resilience into the global food system. Africa, which has the highest population growth rates of any continent in the world, used to feed itself and used to export food, but [its] agriculture has suffered tremendously over the last half century. Only 4 percent of the land in Africa is even irrigated, and you've seen a green revolution occur in many parts of the world that has really passed Africa by.

And so building in greater resilience and improving the agricultural capacity of Africa is a critical part of this equation, so that Africa has more of an ability to feed itself and become more a part of the global supply chain and not be so dependent on it. Unfortunately, governments have not made the investments in the agricultural sector that they needed to over the past half century, which is why you have this situation in Africa today.

Specifically, slowdowns in US food production pushes us over the brink

Kennedy '12 [Robert, Al Jazeera, "Food riots predicted over US crop failure," 8-21-12, http://www.aljazeera.com/indepth/features/2012/08/20128218556871733.html]

The world is on the brink of a food "catastrophe" caused by the worst US drought in 50 years, and misguided government biofuel policy will exacerbate the perilous situation, scientists and activists warn.¶ When food prices spike and people go hungry, **violence soon follows**, they say. Riots caused by food shortages - similar to those of 2007-08 in countries like Bangladesh, Haiti, the Philippines and Burkina Faso among others - may be on the horizon, threatening social stability in impoverished nations that rely on US corn imports.¶ This summer's devastating drought has scorched much of the mid-western United States - the world's bread basket.¶ Crops such as corn, wheat, and soy have been decimated by high temperatures and little rain. Grain prices have skyrocketed and concerns abound the resulting higher food prices will hit the world's poor the hardest - sparking violent demonstrations.¶ Early dryness in Russia's wheat growing season, light monsoon rains in India, and drought in Africa's Sahel region, combined with America's lost crop, mean a perfect storm is on the horizon.¶ Surging food prices could kick off food riots similar to those in 2008 and 2010, Professor Yaneer Bar-Yam, president of the New England Complex Systems Institute, told Al Jazeera.¶ "Recent droughts in the mid-western United States threaten to cause global catastrophe," said Bar-Yam, whose institute uses computer models to identify global trends.¶ Hopes were high in May of a bumper corn crop this year, but sizzling temperatures in June and July scuttled those predictions. US corn yields are now expected to be the lowest in 17 years.¶ The United States accounted for 39 per cent of global trade in corn in 2011-12. Stockpiles are now down 48 per cent, according to the US Department of Agriculture. Corn prices have shot up 60 per cent since June 15.¶ Corn is a primary staple in Sub-Saharan Africa, and in much of Central and South America. In South Africa, the cost of maize has increased about 40 per cent in the last year, even before the US drought struck. ¶ Bar-Yam highlighted the food riots of 2007-08 and 2010-11 that were fuelled by sudden and dramatic spikes in food prices. He said his institute recently entered data from the US drought into its computer model, which predicted the outbreak of food-related unrest "in a short period of time".¶ "When people are unable to feed themselves and their families, widespread social disruption occurs," Bar-Yam said. "**We are on the verge of** another crisis, the third in five years, and likely to be **the worst yet**, capable of causing new food riots and turmoil on a par with the Arab Spring."¶ Fighting for food¶ While Americans and other Westerners will largely escape the financial pain spawned by the drought, impoverished people around the globe won't be so fortunate.¶ People in wealthy industrialised countries spend between 10 to 20 per cent of their income on food. Those in the developing world pay up to 80 per cent. According to Oxfam, a one per cent jump in the price of food results in 16 million more people crashing into poverty. ¶ More than 60 food riots occurred worldwide between 2007 and 2009, when rapidly rising commodity prices wreaked havoc on family budgets.¶ The world is not yet in a food crisis, said David Hallam, the UN Food and Agriculture Organisation's director of trade and markets.¶ "We're a long way from that … Some of the elements that we saw in 2007-08 are very much missing at the moment", Hallam told Reuters. He said wheat stocks were currently stable, and a bumper rice crop was still expected later this year. ¶ But he added: "We are in a very vulnerable situation in markets, and any **further supply-side shocks** or any disruptive policy actions that individual countries might take could add further to the problems we have and **create turmoil in markets**."

Yes Resource Wars- Empirics

Empirics go aff

Acemogluy et al '10 [Daron Acemogluy, Ph.D., London School of Economics, named the Charles P. Kindleberger Professor of Applied Economics in 2004, member of the Economic Growth program of the Canadian Institute of Advanced Research. He is also affiliated with the National Bureau of Economic Research, Center for Economic Performance, International Growth Centre, and Centre for Economic Policy Research, Michael Golosovz, professor of economics at Princeton University, Aleh Tsyvinskix, Professor of Economics Co-Director, Macroeconomics Program, Cowles Foundation at Yale, Pierre Yared, Assistant Professor of Finance and Economics at Columbia University's Graduate School of Business, "A Dynamic Theory of Resource Wars," October 12, http://econ.as.nyu.edu/docs/IO/16865/Golosov_20101029.pdf]

Control over natural resources has been one of the key determinants of wars.1 An early study of¶ causes of modern wars by Bakeless (1921) during the 1878 to 1918 period argues that fourteen of the twenty major wars had significant economic causes, often related to the conflict over resources. He emphasizes ì[t]he rise of industrialism has led to the struggle for ... raw materials. For example, in the War of the Pacific (1879-1884), Chile fought against a defensive alliance of¶ Bolivia and Peru for the control of guano mineral deposits. The war was precipitated by the rise¶ in the value of the deposits due to their extensive use in agriculture. Chile's victory increased¶ the size of its treasury by 900 percent.2¶ In another study, Westing (1986) argues that many of the wars in the twentieth century had an important resource dimension. As examples, he cites the Algerian War of Independence¶ (1954-1962), the Six Day War (1967), and the Chaco War (1932-1935).3 More recently, Saddam¶ Hussein's invasion of Kuwait in 1990 was a result of the dispute over the Rumaila oil field. In¶ Resource Wars (2001), Klare argues that following the end of the Cold War control of valuable¶ natural resources has become increasingly important and these resources will become a primary motivation for wars in the future. The famous Carter Doctrine, which states that Any attempt by any outside force to gain control of the Persian Gulf ... will be repelled by any means necessary, including military force.. is just one facet of this perspective.4 This paper develops an economic theory of resource wars and clarifies the conditions under¶ which such wars can be prevented. We consider the interaction between a resource-rich and a¶ resource-poor country. Our model is dynamic in order to capture the effect of the increasing¶ scarcity of finite resources. We construct a theory which combines the classical Hotelling (1931)¶ model of exhaustible resources with a dynamic guns and butter model of armament and war along the lines of Powell (1993). A key friction in our model is the presence of limited commitment,¶ as countries cannot commit to future policies. We use the model to ask three main questions.¶ First, what is the effect of resource scarcity on the likelihood of war? Second, how does the¶ threat of war affect resource extraction and prices? Finally, how are the realization of war and¶ the dynamics of resource extraction affected by market structure?¶ More specifically, in our framework, the resource-poor country (country A) exchanges a nonexhaustible good (a consumption good) for an exhaustible good (oil) with the resource-rich¶ country (country S). At any date, country A can arm and invade country S, where higher¶ armaments result in country A capturing a greater portion of the left-over resources in country¶ S. We consider two different market structures. In the first market structure, the competitive¶ environment, the entire stock of the exhaustible resource in country S is distributed among a set¶ of perfectly competitive price-taking firms which supply the world market. Country A consumers¶ purchase at the world market price, unless there is a war (in which case country A captures part¶ of the endowment and the rest of the stock is destroyed). In the second market structure, the¶ monopolistic environment, the government of country S regulates the price and the level of¶ production of the resource (for example, by setting nonlinear taxes). More specifically, following¶ the armament decision by country A, country S makes a take-it-or-leave-it price-quantity offer¶ to country A, where country A has the option of declaring war if this is preferable to accepting¶ the offer. We characterize the equilibrium in Markovian strategies.¶ A key force which emerges in both of these environments is the elasticity of the demand for¶ oil. More specifically, if the elasticity of demand for oil is below 1, the value of the outstanding¶ stock of oil rises as the resource is depleted. This implies that the incentives for country A to¶ arm and to fight country S rise over time. In contrast, if this elasticity exceeds 1, the value¶ of the outstanding stock of oil declines with time, as do country A's incentives to arm and to¶ fight. As we will see, the elasticity of demand plays a crucial role for the characterization of¶ equilibrium dynamics. Given that empirically relevant estimates of elasticity are below 1, we¶ focus our discussion on the implications of the model for elasticities below 1.5¶ Our first main result is that a novel externality emerges in the competitive environment and¶ this externality can precipitate war. Specifically, firms in country S do not internalize effect¶ of selling decision on country A's war incentives. In the case with inelastic demand, firms do¶ not take into account that their extraction decision increases country A's incentives to invade¶ country S, since these incentives rise with resource scarcity. Moreover, if country A is sufficiently¶ powerful (i.e., it can acquire a large enough portion of the outstanding oil during war), then¶ country A will eventually invade country S once the stock of oil has been sufficiently depleted.¶ Firms anticipate this prospect of future war by increasing their extraction today, which in turn¶ increases country A's incentives to engage in war even earlier, an effect which we refer to as the¶ unraveling of peace.

Impacts- Extinction

Food insecurity causes extinction

Trudell '5 (Robert H., Fall, Trudell, J.D. Candidate 2006, Food Security Emergencies And The Power Of Eminent Domain: A Domestic Legal Tool To Treat A Global Problem, 33 Syracuse J. Int'l L. & Com. 277, Lexis)

2. But, Is It Really an Emergency? In his study on environmental change and security, J.R. McNeill dismisses the scenario where environmental degradation destabilizes an area so much that "security problems and ... resource scarcity may lead to war." 101 McNeill finds such a proposition to be a weak one, largely because history has shown society is always able to stay ahead of widespread calamity due, in part, to the slow pace of any major environmental change. 102 This may be so. However, as the events in Rwanda illustrated, the environment can breakdown quite rapidly - almost before one's eyes - when food insecurity drives people to overextend their cropland and to use outmoded agricultural practices. 103 Furthermore, as Andre and Platteau documented in their study of Rwandan society, overpopulation and land scarcity can contribute to a breakdown of society itself. 104 Mr. McNeill's assertion closely resembles those of many critics of Malthus. 105 The general argument is: whatever issue we face (e.g., environmental change or overpopulation), it will be introduced at such a pace that we can face the problem long before any calamity sets in. 106 This wait-and-see view relies on many factors, not least of which are a functioning society and innovations in agricultural productivity. But, today, with up to 300,000 child soldiers fighting in conflicts or wars, and perpetrating terrorist acts, the very fabric of society is under increasing world-wide pressure. 107 Genocide, anarchy, dictatorships, and war are endemic throughout Africa; it is a troubled continent whose problems threaten global security and challenge all of humanity. 108 As [*292] Juan Somavia, secretary general of the World Social Summit, said: "We've replaced the threat of the nuclear bomb with the threat of a social bomb." 109 Food insecurity is part of the fuse burning to set that bomb off. It is an emergency and we must put that fuse out before it is too late.

Impacts- General

Food insecurity is a conflict multiplier

Brinkman and Hendrix '11 [Henk-Jan Brinkman is Chief, Policy, Planning and Application in the Peacebuilding Support Of ice of the¶ United Nations. Cullen S. Hendrix is Assistant Professor, The College of William & Mary, and Fellow, Robert¶ S. Strauss Center for International Security and Law, University of Texas at Austin, "Food Insecurity and Violent Conflict: Causes, Consequences, and Addressing the Challenges," July, http://documents.wfp.org/stellent/groups/public/documents/newsroom/wfp238358.pdf]

This paper provides an overview of the link between¶ food insecurity and violent conflict, addressing both¶ traditional and emerging threats to security and¶ political stability. It discusses the effects of food¶ insecurity on several types of conflict, and the¶ political, social, and demographic factors that may¶ exacerbate these effects. It then discusses the¶ interventions that can break the link between food¶ security and conflict, focusing on mechanisms that¶ can shield consumers and producers from food price¶ shocks. Finally, it discusses ways in which the¶ international community can assist in breaking this¶ link and build peace.¶ Food insecurity – especially when caused by a rise in¶ food prices – is a threat and impact multiplier for violent conflict. It might not be a direct cause and¶ rarely the only cause, but combined with other¶ factors, for example in the political or economic¶ spheres, it could be the factor that determines¶ whether and when violent conflicts will erupt. Changes in food security, rather than levels of food¶ insecurity, are probably most influential. Food¶

insecurity is neither a necessary nor a sufficient¶condition for violent conflict. Food price stabilization¶measures and safety nets are critical instruments to¶prevent violent conflict. Food assistance can¶contribute to peacebuilding, restore trust in¶governments and rebuild social capital.

Food insecurity makes all impacts inevitable

Trudell '05 [Robert H., J.D. Candidate, Food Security Emergencies And The Power Of Eminent Domain: A Domestic Legal Tool To Treat A Global Problem, 33 Syracuse J. Int'l L. & Com. 277, Lexis]

Today, more than 842 million people - nearly three times the population of the United States - are chronically hungry. 43 "Chronic hunger is a profound, debilitating human experience that affects the ability of individuals to work productively, think clearly, and resist disease. It also has devastating consequences for society: it drains economies, destabilizes governments, and reaches across international boundaries." 44 The enormous number of chronically hungry people conjures up a critical question: how can we feed these people? While the rate of population growth has been leveling off in the developed, wealthy countries of the world, the populations of the poorest countries and regions of the world still grow at an alarming pace. 45 Population statisticians refer to this phenomenon as population momentum. 46 Of the seventeen countries whose women average six or more births in a lifetime, all but two are in Africa. 47 In sub-Saharan Africa, millions are undernourished and millions more live on a dollar a day, making it the most poverty-stricken region in the world today. 48 [*285] Chronic hunger and poverty are the rock-and-a-hard-place in between which the people of sub-Saharan Africa find themselves today. One tragedy endlessly feeds upon and exacerbates the other because a person needs money to buy food, but she (or he) cannot earn money when she is chronically hungry. 49 The food security issues of this region are a global concern. Silvio Berlusconi, Prime Minister of Italy, and Chairperson of the 2002 World Food Summit in Rome said, "Together with terrorism, hunger is one of the greatest problems the international community is facing." 50 Human security is a value which can be broadly defined as both the "freedom from fear" and the "freedom from want." 51 Until recently, security was largely a concern arising out of the conflict among states, i.e. state security, which can be summed up in the phrase "military preparedness." 52 Today, it is recognized that the achievement of freedom from want is as important a goal as the achievement of freedom from fear and countries must arm themselves against such fear by addressing food insecurity. 53 In an editorial in the Economist, Kofi Annan, Secretary General of the United Nations, wrote that today's threats to security - terrorism, food security and poverty - are all interrelated so that no one country can tackle them alone. 54 For example, keeping our food supply secure plays a direct role in achieving freedom from fear. The State Department has been studying the possibilities of food-borne bioterrorism, introducing the national security element to food security concerns. 55 Likewise, in December [*286] 2004, during his resignation announcement, Tommy Thompson, the former Secretary of the Health and Human Services Department, stated: "For the life of me, I cannot understand why the terrorists have not attacked our food supply, because it is so easy to do." 56 Yet it is a mistake to think of global security only in military terms. 57 Food security deserves its place in any long-term calculation regarding global security. Widespread chronic hunger causes widespread instability and debilitating poverty and decreases all of our safety, for example from the increased threat from global terrorism. 58 Widespread instability is an unmistakable characteristic of life in sub-Saharan Africa. 59 Food insecurity, therefore, causes global insecurity because widespread instability in places like sub-Saharan Africa threatens all of our safety. Food insecurity in the unstable regions of the world must be taken on now lest we find ourselves facing some far worse danger in the days to come.

Food insecurity causes escalatory wars

Brinkman and Hendrix '11 [Henk-Jan Brinkman is Chief, Policy, Planning and Application in the Peacebuilding Support Of ice of the¶United Nations. Cullen S. Hendrix is Assistant Professor, The College of William & Mary, and Fellow, Robert¶S. Strauss Center for International Security and Law, University of Texas at Austin, "Food Insecurity and Violent Conflict: Causes, Consequences, and Addressing the Challenges," July, http://documents.wfp.org/stellent/groups/public/documents/newsroom/wfp238358.pdf]

Competition over scarce resources, particularly land¶and water, often causes or exacerbates communal conflict (Homer-Dixon, 1999;Kahl, 2006;Ban,¶ 2007).Communal conflict involves groups with¶ permanent or semi-permanent armed militias but¶ does not involve the government. However, it can¶escalate to include government forces, as in the¶massacres in Darfur, Rwanda and Burundi. These conflicts have the potential to

escalate to civil war¶ when the government is perceived to be supporting,¶ tacitly or otherwise, one communal group at the¶ expense of the other (Kahl, 2006).While the conflict in Darfur began as a communal conflict over land¶ and water, its impact escalated to devastating proportions following the government's support for¶ Janjaweed militias in their fight against the Sudan¶ People's Liberation Army/Movement and Justice¶ and Equality Movement rebels.¶ Communal conflicts are common in the Sahel, the¶ zone of transition between the Sahara desert and the¶ savanna, particularly in years of extremely high and¶ low rainfall(Hendrix and Salehyan, 2010).¶ Recurrent, long-lasting droughts in the Sahel have¶ undermined cooperative relationships between¶ migratory herders and sedentary farmers, leading to¶ food insecurity and increased competition for water¶ and land between farmers and herders, but also¶ within herding and farming groups. As a pastoralist¶ in the Sudan noted: "When there is food, there is no¶ cattle raiding." (quoted in Schomerus and Allen,¶ 2010). Once violence begins, conflict escalates and persists because of security dilemmas (fear of future¶ attacks leads to preemptive attacks – see Posen,¶ 1993) and lack of alternative dispute mechanisms¶ between groups and effective policing within groups¶ (Fearon and Laitin, 1996).¶ These conflicts have been particularly lethal in¶ Kenya, Nigeria, the Sudan and Uganda. Repeated¶ clashes between Fulani herders and Tarok farmers in¶ Nigeria's Plateau State killed 843 people in 2004.¶ Similar clashes between Rizeigat Abbala and Terjam¶ herders in the Sudan killed 382 in 2007.Cattle¶ raiding in the Karamoja Cluster, a cross-border¶ region of Ethiopian, Kenyan and Ugandan territory,¶ resulted in more than 600 deaths and the loss of¶ 40,000 heads of livestock in 2004 alone (Meier,¶ Bond and Bond, 2007). These conflicts tend to occur¶ in politically marginalized territories far from the¶ capital(Raleigh, 2010).

Don't buy their generic impact defense- new ag slowdowns collapse food security and causes extinction

Palm '13 [Justin T., writer for The Real Truth magazine, "Agriculture's Amazing Future!" http://realtruth.org/articles/130125-005.html]

Seventy-four days. That is all that stands between mankind and starvation—the length of time the world's food reserves would feed humanity before disappearing. From 1986 to 2001, the world held an average of 107 days' worth of grain in storage. But from 2002 to 2011, the average dropped to just 74. Not even three months' worth!¶ Shrinking levels of surplus food supplies are signaling that the future of food may not be as secure as most think. The Guardian quoted Lester Brown, president of the Earth Policy Institute and author of Full Planet, Empty Plates: "Ever since agriculture began, carry-over stocks of grain have been the most basic indicator of food security." If mankind missed one harvest, it would begin to starve. For thousands of years, man's existence has been drawn from the soil. Civilizations unable to provide lasting sustenance for their people were invariably lost to history. Healthy, arable land has always been humanity's most precious commodity. As its total area shrinks to dangerous, never-before-seen levels, and man's population explodes, the very future of civilization is at stake. Too little food is being grown on too few acres to provide for the roughly 370,000 human beings born every day.¶ Like millions of American families living "paycheck to paycheck," humanity is living harvest to harvest. Mr. Brown also stated, "An unprecedented period of world food security has come to an end. The world has lost its safety cushions and is living from year to year…" (ibid.).¶ Once-bountiful water sources are drying up. Arable land is dwindling. Now more than ever, mankind must address the issue of food security.

Impacts- Wars

Food insecurity is the greatest risk of great power war- magnifies every impact

Brown '09 [Lester R., United States environmental analyst, founder of the Worldwatch Institute, and founder and president of the Earth Policy Institute, a nonprofit research organization based in Washington, D.C., recipient of 26 honorary degrees and a MacArthur Fellowship, Brown

has been described by the Washington Post as "one of the world's most influential thinkers," has been the recipient of many prizes and awards, including, the 1987 United Nations Environment Prize, the 1989 World Wide Fund for Nature Gold Medal, and the 1994 Blue Planet Prize for his "contributions to solving global environmental problems," "Can Food Shortages Bring Down Civilization?" Scientific American, May]

The biggest threat to global stability is the potential for food crises in poor countries to cause government collapse. Those crises are brought on by ever worsening environmental degradation One of the toughest things for people to do is to anticipate sudden change. Typically we project the future by extrapolating from trends in the past. Much of the time this approach works well. But sometimes it fails spectacularly, and people are simply blindsided by events such as today's economic crisis. For most of us, the idea that civilization itself could disintegrate probably seems preposterous. Who would not find it hard to think seriously about such a complete departure from what we expect of ordinary life? What evidence could make us heed a warning so dire--and how would we go about responding to it? We are so inured to a long list of highly unlikely catastrophes that we are virtually programmed to dismiss them all with a wave of the hand: Sure, our civilization might devolve into chaos--and Earth might collide with an asteroid, too! For many years I have studied global agricultural, population, environmental and economic trends and their interactions. The combined effects of those trends and the political tensions they generate point to the breakdown of governments and societies. Yet I, too, have resisted the idea that food shortages could bring down not only individual governments but also our global civilization. I can no longer ignore that risk. Our continuing failure to deal with the environmental declines that are undermining the world food economy--most important, falling water tables, eroding soils and rising temperatures--forces me to conclude that such a collapse is possible. The Problem of Failed States Even a cursory look at the vital signs of our current world order lends unwelcome support to my conclusion. And those of us in the environmental field are well into our third decade of charting trends of environmental decline without seeing any significant effort to reverse a single one. In six of the past nine years world grain production has fallen short of consumption, forcing a steady drawdown in stocks. When the 2008 harvest began, world carryover stocks of grain (the amount in the bin when the new harvest begins) were at 62 days of consumption, a near record low. In response, world grain prices in the spring and summer of last year climbed to the highest level ever. As demand for food rises faster than supplies are growing, the resulting food-price inflation puts severe stress on the governments of countries already teetering on the edge of chaos. Unable to buy grain or grow their own, hungry people take to the streets. Indeed, even before the steep climb in grain prices in 2008, the number of failing states was expanding [see sidebar at left]. Many of their problem's stem from a failure to slow the growth of their populations. But if the food situation continues to deteriorate, entire nations will break down at an ever increasing rate. We have entered a new era in geopolitics. In the 20th century the main threat to international security was superpower conflict; today it is failing states. It is not the concentration of power but its absence that puts us at risk. States fail when national governments can no longer provide personal security, food security and basic social services such as education and health care. They often lose control of part or all of their territory. When governments lose their monopoly on power, law and order begin to disintegrate. After a point, countries can become so dangerous that food relief workers are no longer safe and their programs are halted; in Somalia and Afghanistan, deteriorating conditions have already put such programs in jeopardy. Failing states are of international concern because they are a source of terrorists, drugs, weapons and refugees, threatening political stability everywhere. Somalia, number one on the 2008 list of failing states, has become a base for piracy. Iraq, number five, is a hotbed for terrorist training. Afghanistan, number seven, is the world's leading supplier of heroin. Following the massive genocide of 1994 in Rwanda, refugees from that troubled state, thousands of armed soldiers among them, helped to destabilize neighboring Democratic Republic of the Congo (number six). Our global civilization depends on a functioning network of politically healthy nation-states to control the spread of infectious disease, to manage the international monetary system, to control international terrorism and to reach scores of other common goals. If the system for controlling infectious diseases--such as polio, SARS or avian flu--breaks down, humanity will be in trouble. Once states fail, no one assumes responsibility for their debt to outside lenders. If enough states disintegrate, their fall will threaten the stability of global civilization itself.

Most qualified research proves resource wars are true

Brinkman and Hendrix '11 [Henk-Jan Brinkman is Chief, Policy, Planning and Application in the Peacebuilding Support Of ice of the¶United Nations. Cullen S. Hendrix is Assistant Professor, The College of William & Mary, and Fellow, Robert¶S. Strauss Center for International Security and Law, University of Texas at Austin, "Food Insecurity and Violent Conflict: Causes,

Consequences, and Addressing the Challenges," July, http://documents.wfp.org/stellent/groups/public/documents/newsroom/wfp238358.pdf]

Rising food prices contribute to food insecurity, which is a clear and serious threat to human security. Interest in food security as a catalyst for political instability and conflict has grown rapidly since 2007–2008, when food protests and riots broke out in 48 countries as a result of record world prices. In February 2011,the food price index of the Food and Agriculture Organization of the United Nations (FAO) reached a new historic peak, and the rise in food prices contributed to the wave of protests across North Africa and the Middle East that toppled Tunisian president Zine El Abidine BenAli and Egyptian president Hosni Mubarak. Among major development organizations, the unchallenged consensus is that war and conflict are development issues: conflict ravages local economies, often leading to forced migration, refugee populations, disease, a collapse of social trust, and acute food insecurity. But is food insecurity itself a cause of conflict? Based on a review of recent research, the answer is a highly qualified yes. Food insecurity, especially when caused by higher food prices, heightens the risk of democratic breakdown, civil conflict, protest, rioting, and communal conflict. The evidence linking food insecurity to interstate conflict is less strong, though there is some historical evidence linking declining agricultural yields to periods of regional conflict tin Europe and Asia.

Food-based conflict is the most probable form of warfare

Brinkman and Hendrix '11 [Henk-Jan Brinkman is Chief, Policy, Planning and Application in the Peacebuilding Support Of ice of the United Nations. Cullen S. Hendrix is Assistant Professor, The College of William & Mary, and Fellow, Robert S. Strauss Center for International Security and Law, University of Texas at Austin, "Food Insecurity and Violent Conflict: Causes, Consequences, and Addressing the Challenges," July, http://documents.wfp.org/stellent/groups/public/documents/newsroom/wfp238358.pdf]

Civil conflict is the prevalent type of armed conflict in the world today (Harbom and Wallersteen, 2010). Itis almost exclusively a phenomenon of countries with low levels of economic development and high levels of food insecurity. Sixty-five percent of the world's food-insecure people live in seven countries: India, China, the Democratic Republic of Congo (DRC),Bangladesh, Indonesia, Pakistan and Ethiopia (FAO, 2010), of which all but China have experienced civil conflict in the past decade, with DRC, Ethiopia, India and Pakistan currently embroiled in civil conflicts. Pinstrup-Andersen and Shimokawa (2008)find that poor health and nutrition are associated with greater probability of civil conflict, though their findings are based on small sample sizes. Countries with lower per capita caloric intake are more prone to experience civil conflict, even accounting for their levels of economic development (Sobek and Boehmer, 2009). This relationship is stronger in those states where primary commodities make up a large proportion of their export profile. Some of the countries most plagued by conflict in the past 20 years are commodity-rich countries characterized by widespread hunger, such as Angola, DRC, Papua New Guinea and Sierra Leone. The mixture of hunger– which creates grievances – and the availability of valuable commodities – which can provide opportunities for rebel funding – is a volatile combination. World commodity prices can trigger conflict, as higher prices, especially for food, increase affected groups' willingness to fight. Timothy Besley and Torsten Persson (2008)find that as a country's import prices increase, thereby eroding real incomes, the risk of conflict increases. Oeindrila Dube and Juan F.Vargas (2008) arrive at similar conclusions when looking at Colombia, where higher export prices for coffee (which is labour intensive and a source of rural income) reduced violence in coffee producing areas while higher export prices for oil (which is capital intensive and a source of income for rebels and paramilitary groups)increased violence in regions with oil reserves and pipelines.

Impacts- Starvation

Food insecurity can cause billions to starve

Brown '5 (Lester Brown, President of the Earth Policy Institute, February 7, 2005, People and the Planet, "Falling water tables 'could hit food supply'," http://www.peopleandplanet.net/doc.php?id=2424

Many Americans see terrorism as the principal threat to security, but for much of humanity, the effect of water shortages and rising temperatures on food security are far more important issues. For the 3 billion people who live on 2 dollars a day or less and who spend up to 70 per cent of their income on food, even a modest rise in food prices can quickly become life-threatening. For them, it is the next meal that is the overriding concern."

Impacts- Democracy

Food insecurity destroys democracy

Brinksman and Hendrix '11 [Henk-Jan Brinkman is Chief, Policy, Planning and Application in the Peacebuilding Support Of ice of the United Nations. Cullen S. Hendrix is Assistant Professor, The College of William & Mary, and Fellow, Robert

S. Strauss Center for International Security and Law, University of Texas at Austin, "Food Insecurity and Violent Conflict: Causes, Consequences, and Addressing the Challenges," July, http://documents.wfp.org/stellent/groups/public/documents/newsroom/wfp238358.pdf]

Food insecurity, proxied by low availability of¶ calories for consumption per capita, makes democratic breakdown more likely, especially in higher-income countries, where people expect there to be larger social surpluses that could be invested to reduce food insecurity (Reenock,Bernhard and¶ Sobek, 2007). Though statistical evidence is lacking, rising food prices have been implicated in the wave of demonstrations and transitions from authoritarian rule to fledgling democracy in some countries across North Africa and the Middle East in 2011. There are some historical precedents for this: a bad harvest in 1788 led to high food prices in France, which caused rioting and contributed to the French revolution in 1789; and the wave of political upheaval that swept Europe in 1848 was at least in part a response to food scarcity, coming after three below-average¶ harvests across the continent(Berger and Spoerer¶ 2001).

Democracy is key to solve extinction

Diamond ’95 [Larry Diamond, Hoover Institution, Stanford University, December, PROMOTING DEMOCRACY IN THE 1990S, 1995, p. http://www.carnegie.org//sub/pubs/deadly/diam_rpt.html]

Nuclear, chemical and biological weapons continue to proliferate. The very source of life on Earth, the global ecosystem, appears increasingly endangered. Most of these new and unconventional threats to security are associated with or aggravated by the weakness or absence of democracy, with its provisions for legality, accountability, popular sovereignty and openness. The experience of this century offers important lessons. Countries that govern themselves in a truly democratic fashion do not go to war with one another. They do not aggress against their neighbors to aggrandize themselves or glorify their leaders. Democratic governments do not ethnically "cleanse" their own populations, and they are much less likely to face ethnic insurgency. Democracies do not sponsor terrorism against one another. They do not build weapons of mass destruction to use on or to threaten one another. Democratic countries form more reliable, open, and enduring trading partnerships. In the long run they offer better and more stable climates for investment. They are more environmentally responsible because they must answer to their own citizens, who organize to protest the destruction of their environments.

Impacts- Protectionism

US food shortages cause protectionism

Pollan ‘8 (BOOKS ARTICLESAPPEARANCESMEDIA PRESS KITNEWSRESOURCES TODAY’S LINK Farmer in Chief By Michael Pollan The New York Times Magazine, October 12, 2008

The impact of the American food system on the rest of the world will have implications for your foreign and trade policies as well. In the past several months more than 30 nations have experienced food riots, and so far one government has fallen. Should high grain prices persist and shortages develop, you can expect to see the pendulum shift decisively away from free trade, at least in food. Nations that opened their markets to the global flood of cheap grain (under pressure from previous administrations as well as the World Bank and the I.M.F.) lost so many farmers that they now find their ability to feed their own populations hinges on decisions made in Washington (like your predecessor’s precipitous embrace of biofuels) and on Wall Street. They will now rush to rebuild their own agricultural sectors and then seek to protect them by erecting trade barriers. Expect to hear the phrases “food sovereignty” and “food security” on the lips of every foreign leader you meet. Not only the Doha round, but the whole cause of free trade in agriculture is probably dead, the casualty of a cheap food policy that a scant two years ago seemed like a boon for everyone. It is one of the larger paradoxes of our time that the very same food policies that have contributed to overnutrition in the first world are now contributing to undernutrition in the third. But it turns out that too much food can be nearly as big a problem as too little — a lesson we should keep in mind as we set about designing a new approach to food policy.

Protectionism causes extinction

Miller and Elwood ’88 (Miller and Elwood, 1988 International Society for Individual Liberty , http://www.free-market.net/resources/lit/free-trade-protectionism.html, gender modified)

TRADE WARS: BOTH SIDES LOSE When the government of Country "A" puts up trade barriers against the goods of Country "B", the government of Country "B" will naturally retaliate by erecting trade barriers against the goods of Country "A". The result? A trade war in which both sides lose. But all too often a depressed economy is not the only negative outcome of a trade war . . . WHEN GOODS DON'T CROSS BORDERS, ARMIES OFTEN DO **History is not lacking in examples of cold trade wars escalating into hot shooting wars**: Europe suffered from almost non-stop wars during the 17th and 18th centuries, when restrictive trade policy (mercantilism) was the rule; rival governments fought each other to expand their empires and to exploit captive markets. British tariffs provoked the American colonists to revolution, and later the Northern-dominated US government imposed restrictions on Southern cotton exports - a major factor leading to the American Civil War. In the late 19th Century, after a half century of general free trade (which brought a half-century of peace), short-sighted politicians throughout Europe again began erecting trade barriers. Hostilities built up until they eventually exploded into World War I. In 1930, facing only a mild recession, US President Hoover ignored warning pleas in a petition by 1028 prominent economists and signed the notorious Smoot-Hawley Act, which raised some tariffs to 100% levels. Within a year, over 25 other governments had retaliated by passing similar laws. The result? **World trade came to a grinding halt, and the entire world was plunged into the "Great Depression**" for the rest of the decade. **The depression in turn led to World War II**. THE #1 DANGER TO WORLD PEACE The world enjoyed its greatest economic growth during the relatively free trade period of 1945-1970, a period that also **saw no major wars**. **Yet we again see trade barriers being raised around the world by short-sighted politicians. Will the world again end up in a shooting war as a result of these economically-deranged policies? Can we afford to allow this to happen in the nuclear age**? "What generates **war** is the economic philosophy of nationalism: embargoes, trade and foreign exchange controls, monetary devaluation, etc. The philosophy of protectionism is a philosophy of war." Ludwig von Mises THE SOLUTION: FREE TRADE A century and a half ago French economist and statesman Frederic Bastiat presented the practical case for free trade: "It is always beneficial," he said, "for a nation to specialize in what it can produce best and then trade with others to acquire goods at costs lower than it would take to produce them at home." In the 20th century, journalist Frank Chodorov made a similar observation: "Society thrives on trade simply because trade makes specialization possible, and specialization increases output, and increased output reduces the cost in toil for the satisfactions men live by. That being so, the market place is a most humane institution." WHAT CAN YOU DO? Silence gives consent, and there should be no consent to the current waves of restrictive trade or capital control legislation being passed. If you agree that free trade is an essential ingredient in maintaining world peace, and that it is important to your future, we suggest that you inform the political leaders in your country of your concern regarding their interference with free trade. Send them a copy of this pamphlet. We also suggest that you write letters to editors in the media and send this pamphlet to them. Discuss this issue with your friends and warn them of the danger of current "protectionist" trends. Check on how the issue is being taught in the schools. Widespread public understanding of this issue, followed by citizen action, is the only solution. Free trade is too important an issue to leave in the hands of politicians. "For thousands of years, the tireless effort of productive men and women has been spent trying to reduce the distance between communities of the world by reducing the costs of commerce and trade. "Over the same span of history, the slothful and incompetent protectionist has endlessly sought to erect barriers in order to prohibit competition - thus, effectively moving communities farther apart. When trade is cut off entirely, the real producers may as well be on different planets. The protectionist represents the worst in humanity: fear of change, fear of challenge, and the jealous envy of genius. The protectionist is not against the use of every kind of force, even warfare, to crush his rival. **If [hu]mankind is to survive**, then these primeval fears must be defeated."

Economy Advantage

Econ declining now

The economy is heading for a recession now

Gula 3-18-15 [Alan, chief income analyst at Wall St. Daily, holds an MBA from New York University, "U.S. Economy Edges Closer to Recession," "http://www.wallstreetdaily.com/2015/05/18/u-s-economy-recession/]

And we may be witnessing the start of a recession right now… In late April, we learned that preliminary U.S. real GDP growth for the first quarter of 2015 was just 0.2% – lower than 82 of the 86 estimates from economists polled by Bloomberg. Interestingly, the Atlanta Fed's GDPNow forecasting model actually nailed the number by predicting 0.1% growth. However, information released in May indicates that growth actually contracted quarter over quarter. Barclays Capital and JPMorgan (JPM) both lowered U.S. Q1 GDP estimates to negative 1.1% after disappointing factory order data revisions last Thursday. Now, it even looks as if the second quarter is imperiled. Retail sales for April were disappointing. Again, economists had expected that a decline in gasoline prices would boost consumption, which hasn't happened. What's truly amazing is that retail sales and food services (excluding motor vehicles and parts dealers) contracted versus the year-ago figure. As can be seen in the chart below, retail sales growth is actually lower than it was at any point during the recession in 2001! On Friday, we learned that industrial production contracted in April. GDPNow's forecast for the second-quarter growth is running at just +0.7%. Granted, some components of GDP – such as net exports (trade) and changes in private inventory levels – are extremely difficult to forecast, so the model isn't going to appear prophetic every quarter. Nonetheless, it's a good approximation. All of this points to a grim conclusion: **The probability of a U.S. recession is increasing**. Ironically, the Federal Reserve is supposed to be raising short-term interest rates sometime this year.

The economy is stumbling now

Samuelson 5-21-15 [Robert, economics reporter for the Washington Post, "The tentative economy," http://www.washingtonpost.com/opinions/our-tentative-economy/2015/05/31/8160fb52-0615-11e5-a428-c984eb077d4e_story.html]

The U.S. economy continues to stumble. It's creating jobs at a goodly clip, but other aspects of growth are less impressive. Business investment has been lackluster. The housing recovery is improving but remains short of where many economists thought it would be. Consumer spending, representing slightly more than two-thirds of total spending, has been soft. The economy has a tentative quality that repeatedly disappoints forecasts of stronger growth. My main explanation for this — as I've argued before — is the hangover from the 2008-2009 financial crisis and the Great Recession. These events changed economic psychology, precisely because they were unanticipated and horrific. They transcended the experience of most Americans (that is, anyone who hadn't lived through the Great Depression). Corporate executives and consumers alike became more defensive; they saved and hoarded a bit more. If a novel calamity struck once, it could strike again. They'd better prepare.

Deportations = economic decline

Mass deportations are the biggest threat to our economy

McDaniel '14 [PhD in Geography and Urban Regional Analysis from the University of North Carolina at Charlotte, researcher at the American Immigration Council, "Increase in Deportations Harms Native-Born Workers and Economy," March 14, http://immigrationimpact.com/2014/03/14/increase-in-deportations-harms-native-born-workers-and-economy/]

More immigrants are being "removed" from the United States than ever before by a deportation system that has grown larger and more aggressive coupled with an agency with misplaced priorities in which most immigrants deported pose no threat to anyone. "For nearly two decades, the federal government has been pursuing an enforcement-first approach to immigration control that favors mandatory detention and deportation

over the traditional discretion of a judge to consider the unique circumstances of every case." Pressure is growing, however. On Thursday, President Obama met with three members of the Congressional Hispanic Caucus (CHC)—Reps. Ruben Hinojosa (TX), Xavier Becerra (CA) and Luis Gutierrez (IL)—about concerns over the administration's deportation policy. The President subsequently ordered a review of immigration policies "to determine ways to make it more humane," the Washington Post reported. Gutierrez later remarked, "It is clear that the pleas from the community got through to the president. The CHC will work with him to keep families together." Amid concerns over a mounting humanitarian disaster, the increasing number of deportations also has economic ramifications. A new study from the National Bureau of Economic Research, by economists Andri Chassamboulli and Giovanni Peri, explores the labor market effects of reducing undocumented immigrants. They find that an increase in deportation results in a negative effect on employment opportunities and wages for native-born workers, while legalization of the undocumented would produce positive labor market effects for the native-born. The major question the paper asks is "how can we reduce undocumented immigration in the least costly way for U.S. firms and workers?" With that question in mind, the paper analyzes four policy scenarios: "reducing the opportunities of illegal immigration (more border enforcement), increasing the costs that undocumented face in looking for a job (hostile environment, no access to any social benefits), increasing the frequency of deportations and, finally, increasing legalization rates." As the report notes, each of these policy proposals would have different effects on the economy, including effects on employment opportunities for native-born workers and job-creation by U.S. firms. What the findings show is that policies increasing deportation rates have a large negative effect on native-born workers' employment opportunities, but legalization could lead to higher wages and a lower unemployment rate for native-born workers. As the authors of the study explain: "policies increasing deportation rates have the largest negative effect on employment opportunities of natives. Legalization, instead has a positive employment effect for natives. This is because repatriations are disruptive of job matches and they reduce job-creation by US firms. Legalization instead stimulates firms' job creation by increasing the total number of immigrants and stimulating firms to post more vacancies some of which are filled by natives." The "most disruptive policy, for the economy and for the wage and labor market opportunities of natives," the report concludes, "is an increase in deportation rates." Unfortunately, the federal immigration system has been taking a similar approach over the past two decades rather than instituting meaningful and systemic reforms. As the number of deportations under the current administration approaches 2 million, spending billions more on an already costly border enforcement and deportation system is not the answer to reducing undocumented immigration. Reforming our byzantine immigration system to meet the needs of a 21st century economy and society is the way forward that benefits everyone. Recent research shows that, on top of the moral and social impetus' for legalization, there is also a clear economic case for a pathway to citizenship. Ultimately, this research adds further evidence to the breadth of analyses finding that enforcement-only policies are economically, socially, and morally ruinous.

Immigrants key to the economy

Sustainable immigration is key to US economic growth

Clemons '14 [Scott Clemons is Chief Investment Strategist in Private Banking at Brown Brothers Harriman, America's oldest private partnership bank, "The Unsung Economics Of Immigration," 9-4-14, http://www.forbes.com/sites/realspin/2014/09/04/the-unsung-economics-of-immigration/]

Lost amidst the national debate on immigration reform is the critical fact that we need to attract workers from abroad to maintain the long term growth of our labor force. U.S. fertility rates are right at population replacement levels, and labor force participation has been in decline since the 1970s. Thus, without immigration, we are headed toward a stagnant or even declining labor force in the not too distant future, with dire implications for economic growth. **Getting immigration right is an economic imperative** for the 21st century. Data from the Population Division of the United Nations paints a stark picture of what the future labor force of the United States would look like without immigration. Using projected fertility rates and current immigration trends, the population of the United States continues to grow throughout the 21st century, topping 460 million inhabitants at the turn of the 22nd century. If we subtract immigration from the data, the population of the United States stops growing in about 2042, with seriously negative implications for economic activity. Why is the labor force so important? In the short run, economic activity is determined by demand: the degree to which people consume, businesses invest and governments tax and spend. In the long run, however, economic activity is driven by the supply of resources, and the most critical resource turns out to be human capital. The capacity of any economy to expand over time is a function of growth in the labor force plus the productivity of that labor force. A few simple dynamics determine growth in the labor force: fertility, mortality, participation, and immigration. We routinely think of these as demographic or social issues, but the economic implications are meaningful. Our economic capacity is defined by how many new people are being born, how long they live, the extent to which they participate in the formal economy, and whether or not we can "borrow" population growth from other countries through immigration. On several of these measures, the United States is in relatively good demographic shape compared to the rest of the world. Our fertility rate of 2.06 births per woman is right in line with population replacement levels, but better than Germany, Japan, France, Brazil and even China. Our health care system, although beset with well-documented challenges, has nevertheless resulted in longer, healthier and more productive lifespans than ever before. Aging workers pose their own challenges to government policy and corporate protocols, but an information or knowledge based economy ought to benefit from retaining experienced workers, whose human capital does not deteriorate over time, but increases. Yet the demographic front has bad news, too. The labor force participation rate in the United States in May stood at 62.8%, a 36-year low. This decline in participation may reflect the leading edge of baby boomer retirements, or lingering effects of the financial crisis, or even a shift in how we define work. But the absence of 29.2% of the working age population from the labor force is an undeniable drag on economic potential. Net immigration helps to offset this drag, and furthermore provides a boost to population and labor force growth if fertility rates continue to decline. A survey of global

economies provides plenty of examples of economies that struggle with stagnant or even negative population or labor force growth, and illustrates how difficult it is to generate sustainable economic growth when human capital is in short supply. Japan – an economy relatively closed to immigration – stands as the clearest example of these challenges.

Crackdowns devastate the economy- undocumented workers are key

CAP Immigration Team '14 [Center for American Progress Immigration Team, research group specializing in immigration studies, "The Facts on Immigration Today," https://www.americanprogress.org/issues/immigration/report/2014/10/23/59040/the-facts-on-immigration-today-3/]

The record on immigrants and the economy Undocumented immigrants pay billions of dollars in taxes annually. Households headed by unauthorized immigrants paid $10.6 billion in state and local taxes in 2010. This includes $1.2 billion in personal income taxes, $1.2 billion in property taxes, and more than $8 billion in sales and excise taxes. Immigrants—even legal immigrants—are barred from most social services, meaning that they pay to support benefits they cannot even receive. Research shows that immigrants complement, rather than compete with, native-born American workers—even less-skilled workers. Research by renowned economists such as David Card, Gianmarco Ottaviano, Giovanni Peri, and Heidi Shierholz shows that American workers are not harmed by—and may even benefit from—immigration. This is because immigrants tend to complement the skillsets of American workers, thus helping them be more productive. Immigration reform will not affect the unemployment rates of native-born Americans. The CBO estimates that during the 10-year period following passage of immigration reform, unemployment will increase by 0.1 percent. This small increase falls entirely upon the undocumented and is the short-term effect of growth in the labor force and of the labor market adjusting to undocumented workers positioning themselves to be productive for decades to come. Taxes paid by legalized immigrants more than offset any use of social programs. The CBO found that increases in costs to social programs are modest and will be more than paid for by the tax contributions of immigrants. The increase in spending in Social Security and Medicare from 2024 through 2033, for example, will be $65 billion—just 4.4 percent of the total increase in tax revenue. As Baby Boomers retire en masse over the next 20 years, immigrants will be crucial to fill these job openings and promote growth in the labor market. More than two-thirds of new entrants into the labor market will replace retiring workers. However, while 58.6 million new workers will be needed to fill these retirements, only 51.3 million native-born people are projected to enter the workforce, meaning that immigrants and their children will be crucial to filling the additional 7.3 million job openings while also furthering growth in the labor market. The price of inaction and the cost of mass deportation Inaction on immigration reform carries a heavy cost. Each day the House of Representatives fails to pass immigration reform costs the United States $37 million in missed tax revenue. As of October 2014, the House's inaction has cost more than $17.7 billion. Maintaining the status quo is not revenue neutral. With only one-third of unauthorized immigrants working in the formal economy and contributing about $12 billion in payroll taxes each year, the United States loses around $20 billion in payroll tax revenue annually. This lost revenue would go a long way toward funding the retirement of Americans across the country. The United States spends more on immigration and border enforcement annually than the annual gross domestic product of 80 countries. In fact, the United States now spends $3.5 billion more on immigration and border enforcement—a total of nearly $18 billion per year—than it does on all other federal law enforcement combined. A self-deportation regime would cost our economy trillions of dollars. If all undocumented immigrants in the country were deported or "self-deported"—meaning they choose to leave the country because life is too difficult—the United States' cumulative GDP would suffer a hit of $2.6 trillion over 10 years. Mass deportation of the undocumented immigrant population would cost billions of dollars. Deporting the entire undocumented population would cost $285 billion over a five-year period, including continued border and interior enforcement efforts. For that price, we could hire more than 1 million new public high school teachers and pay their salaries for five years. It costs taxpayers more than $20,000 to carry out the deportation of a single individual. Apprehending, detaining, processing, and transporting one individual in the deportation process cost $23,482 in fiscal year 2008.

Undocumented workers key

Illegal immigrants are vital to the economy- deportations crush key industries

Goodman '14 [H.A., journalist for The Hill, "Illegal immigrants benefit the U.S. economy," http://thehill.com/blogs/congress-blog/foreign-policy/203984-illegal-immigrants-benefit-the-us-economy]

When analyzed from the vantage point of information derived from reputable, nonpartisan sources (the Pew Research Center, USDA, United States Department of Labor, and leading economists and researchers) then one can obtain a clearer view of this muddled discussion. The truth of the matter is that illegal immigrants are important to the U.S. economy, as well as vital to certain industries like agriculture. According to the Pew Research Hispanic Trends Project, there were 8.4 million unauthorized immigrants employed in the U.S.; representing 5.2 percent of the U.S. labor force (an increase from 3.8 percent in 2000). Their importance was highlighted in a report by Texas Comptroller Susan Combs that stated, "Without the undocumented population, Texas' work force would decrease by 6.3 percent" and Texas' gross state product would decrease by 2.1 percent. Furthermore, certain segments of the U.S. economy, like agriculture, are entirely dependent upon illegal immigrants. The U.S. Department of Agriculture states that, "about half of the hired workers employed in U.S. crop agriculture were unauthorized, with the overwhelming majority of these workers coming from Mexico." The USDA has also warned that, "any potential immigration reform could have significant impacts on the U.S. fruit and vegetable industry." From the perspective of National Milk Producers Federation in 2009, retail milk prices would increase by 61 percent if its immigrant labor force were to be eliminated. Echoing the Department of Labor, the USDA, and the National Milk Producers Federation, agricultural labor economist James S. Holt made the following statement to Congress in 2007: "The reality, however, is that if we deported a substantial number of undocumented farm workers, there would be a tremendous labor shortage." In terms of overall numbers, The Department of Labor reports that of the 2.5 million farm workers in the U.S., over half (53 percent) are illegal immigrants. Growers and labor unions put this figure at 70 percent. But what about the immense strain on social services and money spent on welfare for these law breakers? The Congressional Budget Office in 2007 answered this question in the following manner: "Over the past two decades, most efforts to estimate the fiscal impact of immigration in the United States have concluded that, in aggregate and over the long term, tax revenues of all types generated by immigrants—both legal and unauthorized—exceed the cost of the services they use." According to the New York Times, the chief actuary of the Social Security Administration claims that undocumented workers have contributed close to 10% ($300 billion) of the Social Security Trust Fund. Finally, the aggregate economic impact of illegal immigration is debatable, but any claim that they've ruined the country doesn't correlate to the views of any notable economist. An open letter to President George W. Bush in 2006, signed by around five hundred economists (including five Nobel laureates) stated the following: "While a small percentage of native-born Americans may be harmed by immigration, vastly more Americans benefit from the contributions that immigrants make to our economy, including lower consumer prices." Although Harvard economist Jorge Borjas has stated that illegal immigrants from 1980-2000 have reduced the wages of high school dropouts in the U.S, he also states that the average American's wealth has increased by 1 percent because of illegal immigration. In an op-ed published in the Los Angeles Times, UC Davis economist Giovanni Peri stated that new laws are needed to meet demands within industries like construction, agriculture, and hospitality: "In recent decades, the high demand for these services and the pressure for keeping their cost low and prices competitive have generated incentives to hire undocumented workers."

US k2 global econ

US is key to the global economy

James and Lombardi '13 [Harold James is Professor of History and International Affairs at Princeton University, Professor of History at the European University Institute, Florence, and a senior fellow at the Center for International Governance Innovation, Domenico Lombardi is Director of the Global Economy Program at the Centre for International Governance Innovation, "Who Should Lead the Global Economy?" http://www.project-syndicate.org/commentary/harold-james-and-domenico-lombardiconsider-whether-china-or-the-eurozone-has-what-it-takes-to-replace-the-us-as-the-world-s-economic-leader]

In terms of global economic leadership, the twentieth century was American, just as the nineteenth century was British and the sixteenth century was Spanish. Some Chinese and Europeans think that they are next. Are they? And should they even want to be?¶ The most important prerequisite for global economic leadership is size. The bigger an economy, the greater its systemic importance, and the more leverage its political representatives have in international decision-making. The United States is the world's largest economy, with a GDP of roughly $16.7 trillion. The eurozone's $12.6 trillion output puts it in second place, and China, with a GDP of around $9 trillion, comes in third. In other words, all three economies are conceivably large enough to serve as global economic leaders.¶ But an economy's future prospects are also crucial to its leadership prospects – and serious challenges lie ahead. No one thinks that the eurozone will grow more quickly than the US in the coming years or decades. While China is expected to overtake the US in terms of output by 2020, decades of rigid population-control measures will weaken growth in the longer run, leaving the US economy as the most dynamic of the three.¶ Another key requirement for global economic leadership is systemic importance in commercial, monetary, and financial terms. Unlike China, a large trade power with underdeveloped monetary and financial capabilities, the eurozone meets the requirement of systemic significance in all three areas.¶ There is also a less concrete aspect to leadership. Being a true global leader means

shaping and connecting the global economic structures within which states and markets operate – something the US has been doing for almost 70 years.¶ At the 1944 Bretton Woods conference, the US crafted the post-World War II international monetary and financial order. The basic framework, centered around the US dollar, has survived financial crises, the Soviet Union's dissolution, and several developing countries' integration into the world economy.¶ Today, American leadership in global trade and financial and monetary governance rests on inter-related strengths. The US provides the world's key international currency, serves as the linchpin of global demand, establishes trends in financial regulation, and has a central bank that acts as the world's de facto lender of last resort.¶ Beyond delivering a global public good, supplying the world's central currency carries substantial domestic benefits. Because the US can borrow and pay for imports in its own currency, it does not face a hard balance-of-payments constraint. This has allowed it to run large and sustained current-account deficits fairly consistently since the early 1980's.¶ These deficits raise persistent concerns about the system's viability, with observers (mostly outside the US) having long predicted its imminent demise. But the system survives, because it is based on a functional trade-off, in which the US uses other countries' money to act as the main engine of global demand. In fact, export-oriented economies like Germany, Japan, and China owe much of their success to America's capacity to absorb a massive share of global exports – and they need to keep paying America to play this role.¶ Given this, the big exporters have lately come under intense pressure to "correct" their external surpluses as part of responsible global citizenship. While this has contributed to a sharp contraction of the Chinese and Japanese surpluses, the eurozone's current-account surplus is growing, with the International Monetary Fund expecting it to reach 2.3% of GDP this year (slightly less than the Chinese surplus).¶ A global economy led by a surplus country seems more logical, given that creditors usually dictate terms. At the time of the Bretton Woods conference, the US accounted for more than half of the world's manufactured output. The rest of the world needed dollars that only the US could supply.¶ Chinese or European leadership would probably look more like the pre-World War I Pax Britannica (during which the United Kingdom supplied capital to the rest of the world in anticipation of its own relative economic decline), with the hegemon supplying funds on a long-term basis. But this scenario presupposes a deep and well-functioning financial system to intermediate the funds – something that China and the eurozone have been unable to achieve.¶ Despite the 2008 financial crisis, the US remains the undisputed leader in global finance. Indeed, American financial markets boast unparalleled depth, liquidity, and safety, making them magnets for global capital, especially in times of financial distress. This "pulling power," central to US financial dominance, underpins the dollar's global role, as investors in search of safe, liquid assets pour money into US Treasury securities.

US is key to the global economy

McIntyre 1-15-14 [Douglas, partner at 24/7 Wall St., LLC. former Editor-in-Chief and Publisher of Financial World Magazine, first president of Switchboard.com when it was the 10th most visited website in the world, former CEO of FutureSource, LLC and On2 Technologies, Inc, is a magna cum laude graduate of Harvard, "U.S. Key to Global Recovery, Says World Bank," http://247wallst.com/economy/2014/01/15/u-s-key-to-global-recovery-says-world-bank/]

While the developed economies of the world will stage improvements this year, and the growth of the developing world will accelerate sharply, **the U**nited **S**tates, the largest nation based on gross domestic product (GDP), **is the key to a strong global recovery** in 2014. At the core of the U.S. effect is the activity of Federal Reserve and its efforts to taper its stimulus programs. The recovery, in other words, may come down to the decisions of a single central bank. Economists in America and abroad say that if access to money at extremely low interest rates in the United States begins to disappear, the American economy cannot sustain growth, which has only picked up sharply in the past few quarters, both based on GDP improvement and employment gains. The jobless rate in the United States, at 6.7%, is still well above the average when the economy is in strong recovery. American consumer activity is still about two-thirds of GDP, and the foundations of that activity are still modest.¶ The World Bank reports in its new "Global Economic Prospects" analysis that:¶ Growth prospects for 2014 are, however, sensitive to the tapering of monetary stimulus in the United States, which began earlier this month, and to the structural shifts taking place in China's economy.¶ China likely will continue to step into the limelight as its cements it position as the world's second largest nation as measured by GDP, and one that is growing much faster than the United States.¶ Other World Bank forecasts:¶ The report forecasts growth in developing countries to pick up from 4.8 percent in 2013 to a slower than previously expected 5.3 percent this year, 5.5 percent in 2015 and 5.7 percent in 2016. While the pace is about 2.2 percentage points lower than during the boom period of 2003-07, the slower growth is not a cause for concern. Almost all of the difference reflects a cooling off of the unsustainable turbo-charged pre-crisis growth, with very little due to an easing of growth potential in developing countries. Moreover, even this slower growth represents a substantial (60 percent) improvement compared with growth in the 1980s and early 1990s.¶ Global GDP is projected to grow from 2.4 percent in 2013 to 3.2 percent this year, stabilizing at 3.4 percent and 3.5 percent in 2015 and 2016, respectively, with much of the initial acceleration reflecting a pick-up in

high-income economies.¶ In other words, the consuming economies will help those that produce the goods that are fruits of the recovery in the United States, Europe and Japan.

Impacts- Econ=nuclear wars

Economic decline causes every major impact

Green '09 [Michael J., Senior Advisor and Japan Chair at the Center for Strategic and International Studies (CSIS) and Associate Professor at Georgetown University, Asia Times Online, 3.26.9, http://www.atimes.com/atimes/Asian_Economy/KC26Dk01.html AD 6/30/09]

Facing the worst economic crisis since the Great Depression, analysts at the World Bank and the US Central Intelligence Agency are just beginning to contemplate the ramifications for international stability if there is not a recovery in the next year. For the most part, the focus has been on fragile states such as some in Eastern Europe. However, the Great Depression taught us that a downward global economic spiral can even have jarring impacts on great powers. It is no mere coincidence that the last great global economic downturn was followed by the most destructive war in human history. In the 1930s, economic desperation helped fuel autocratic regimes and protectionism in a downward economic-security death spiral that engulfed the world in conflict. This spiral was aided by the preoccupation of the United States and other leading nations with economic troubles at home and insufficient attention to working with other powers to maintain stability abroad. Today's challenges are different, yet 1933's London Economic Conference, which failed to stop the drift toward deeper depression and world war, should be a cautionary tale for leaders heading to next month's London Group of 20 (G-20) meeting. There is no question the US must urgently act to address banking issues and to restart its economy. But the lessons of the past suggest that we will also have to keep an eye on those fragile threads in the international system that could begin to unravel if the financial crisis is not reversed early in the Barack Obama administration and realize that economics and security are intertwined in most of the critical challenges we face. A disillusioned rising power? Four areas in Asia merit particular attention, although so far the current financial crisis has not changed Asia's fundamental strategic picture. China is not replacing the US as regional hegemon, since the leadership in Beijing is too nervous about the political implications of the financial crisis at home to actually play a leading role in solving it internationally. Predictions that the US will be brought to its knees because China is the leading holder of US debt often miss key points. China's currency controls and full employment/export-oriented growth strategy give Beijing few choices other than buying US Treasury bills or harming its own economy. Rather than creating new rules or institutions in international finance, or reorienting the Chinese economy to generate greater long-term consumer demand at home, Chinese leaders are desperately clinging to the status quo (though Beijing deserves credit for short-term efforts to stimulate economic growth). The greater danger with China is not an eclipsing of US leadership, but instead the kind of shift in strategic orientation that happened to Japan after the Great Depression. Japan was arguably not a revisionist power before 1932 and sought instead to converge with the global economy through open trade and adoption of the gold standard. The worldwide depression and protectionism of the 1930s devastated the newly exposed Japanese economy and contributed directly to militaristic and autarkic policies in Asia as the Japanese people reacted against what counted for globalization at the time. China today is similarly converging with the global economy, and many experts believe China needs at least 8% annual growth to sustain social stability. Realistic growth predictions for 2009 are closer to 5%. Veteran China hands were watching closely when millions of migrant workers returned to work after the Lunar New Year holiday last month to find factories closed and jobs gone. There were pockets of protests, but nationwide unrest seems unlikely this year, and Chinese leaders are working around the clock to ensure that it does not happen next year either. However, the economic slowdown has only just begun and nobody is certain how it will impact the social contract in China between the ruling communist party and the 1.3 billion Chinese who have come to see President Hu Jintao's call for "harmonious society" as inextricably linked to his promise of "peaceful development". If the Japanese example is any precedent, a sustained economic slowdown has the potential to open a dangerous path from economic nationalism to strategic revisionism in China too. Dangerous states It is noteworthy that North Korea, Myanmar and Iran have all intensified their defiance in the wake of the financial crisis, which has distracted the world's leading nations, limited their moral authority and sown potential discord. With Beijing worried about the potential impact of North Korean belligerence or instability on Chinese internal stability, and leaders in Japan and South Korea under siege in parliament because of the collapse of their stock markets, leaders in the North Korean capital of Pyongyang have grown increasingly boisterous about their country's claims to great power status as a nuclear weapons state. The junta in Myanmar has chosen this moment to arrest hundreds of political dissidents and thumb its nose at fellow members of the 10-country Association of Southeast Asian Nations. Iran continues its nuclear program while exploiting differences between the US, UK and France (or the P-3 group) and China and Russia - differences that could become more pronounced if economic friction with Beijing or Russia crowds out cooperation or if Western European governments grow nervous about sanctions as a tool of policy. It is

possible that the economic downturn will make these dangerous states more pliable because of falling fuel prices (Iran) and greater need for foreign aid (North Korea and Myanmar), but that may depend on the extent that authoritarian leaders care about the well-being of their people or face internal political pressures linked to the economy. So far, there is little evidence to suggest either and much evidence to suggest these dangerous states see an opportunity to advance their asymmetrical advantages against the international system.

US economic decline causes WMD wars

Nyquist '05 [J.R. renowned expert in geopolitics and international relations, WorldNetDaily contributing editor, "The Political Consequences of a Financial Crash," February 4, www.financialsense.com/stormw...2005/0204.html]

Should the United States experience a severe economic contraction during the second term of President Bush, the American people will likely support politicians who advocate further restrictions and controls on our market economy – guaranteeing its strangulation and the steady pauperization of the country. In Congress today, Sen. Edward Kennedy supports nearly all the economic dogmas listed above. It is easy to see, therefore, that the coming economic contraction, due in part to a policy of massive credit expansion, will have serious political consequences for the Republican Party (to the benefit of the Democrats). Furthermore, an economic contraction will encourage the formation of anti-capitalist majorities and a turning away from the free market system. The danger here is not merely economic. The political left openly favors the collapse of America's strategic position abroad. The withdrawal of the United States from the Middle East, the Far East and Europe would catastrophically impact an international system that presently allows 6 billion people to live on the earth's surface in relative peace. Should anti-capitalist dogmas overwhelm the global market and trading system that evolved under American leadership, the planet's economy would contract and untold millions would die of starvation. Nationalistic totalitarianism, fueled by a politics of blame, would once again bring war to Asia and Europe. But this time the war would be waged with mass destruction weapons and the United States would be blamed because it is the center of global capitalism. Furthermore, if the anti-capitalist party gains power in Washington, we can expect to see policies of appeasement and unilateral disarmament enacted. American appeasement and disarmament, in this context, would be an admission of guilt before the court of world opinion. Russia and China, above all, would exploit this admission to justify aggressive wars, invasions and mass destruction attacks. A future financial crash, therefore, must be prevented at all costs. But we cannot do this. As one observer recently lamented, "We drank the poison and now we must die."

AT: Past recession disproves

Despite the past recession, it could be much worse if we can't stave off another downturn

Reich '10 [Robert, professor of public policy at the University of California at Berkeley and former secretary of labor during the Clinton administration, "The root of economic fragility and political anger," 7-13-10,

http://www.salon.com/news/great_recession/?story=/news/feature/2010/07/13/reich_economic_anger]

The crash of 2008 didn't turn into another Great Depression because the government learned the importance of flooding the market with cash, thereby temporarily rescuing some stranded consumers and most big bankers. But the financial rescue didn't change the economy's underlying structure — median wages dropping while those at the top are raking in the lion's share of income. That's why America's middle class still doesn't have the purchasing power it needs to reboot the economy, and why the so-called recovery will be so tepid—maybe even leading to a double dip. It's also why America will be vulnerable to even larger speculative booms and deeper busts in the years to come.

Continued worsening of recessions increases likelihood of war

Mead '09 [Walter Russell, Senior Fellow in U.S. Foreign Policy at the Council on Foreign Relations, New Republic, February 4, http://www.tnr.com/politics/story.html?id=571cbbb9-2887-4d81-8542-92e83915f5f8&p=2]

So far, such half-hearted experiments not only have failed to work; they have left the societies that have tried them in a progressively worse position, farther behind the front-runners as time goes by. Argentina has lost ground to Chile; Russian development has fallen farther behind that of the Baltic states and Central Europe. Frequently, the crisis has weakened the power of the merchants, industrialists, financiers, and professionals who want to develop a liberal capitalist society integrated into the world. Crisis can also strengthen the hand of religious extremists, populist radicals, or authoritarian traditionalists who are determined to resist liberal capitalist society for a variety of reasons. Meanwhile, the companies and banks based in these societies are often less established and more vulnerable to the consequences of a financial crisis than more established firms in wealthier societies. As a result, developing countries and countries where capitalism has relatively recent and shallow roots tend to suffer greater economic and political damage when crisis strikes--as, inevitably, it does. And, consequently, financial crises often reinforce rather than challenge the global distribution of power and wealth. This may be happening yet again. None of which means that we can just sit back and enjoy the recession. History may suggest that financial crises actually help capitalist great powers maintain their leads--but it has other, less reassuring messages as well. If financial crises have been a normal part of life during the 300-year rise of the liberal capitalist system under the Anglophone powers, so has war. The wars of the League of Augsburg and the Spanish Succession; the Seven Years War; the American Revolution; the Napoleonic Wars; the two World Wars; the cold war: The list of wars is almost as long as the list of financial crises. Bad economic times can breed wars. Europe was a pretty peaceful place in 1928, but the Depression poisoned German public opinion and helped bring Adolf Hitler to power. If the current crisis turns into a depression, what rough beasts might start slouching toward Moscow, Karachi, Beijing, or New Delhi to be born? The United States may not, yet, decline, but, if we can't get the world economy back on track, we may still have to fight.

2AC Blocks

AT: Terrorism DA

Illegal immigration won't cause terrorist attacks

Stewart '14 [Scott, supervisor for Stratfor's analysis of terrorism and security issues, former special agent with the U.S. State Department for 10 years and was involved in hundreds of terrorism investigations, "Examining the Terrorist Threat from America's Southern Border," July 24, https://www.stratfor.com/weekly/examining-terrorist-threat-americas-southern-border]

Changes in Terrorist Dynamics Another factor to consider is the changes in the way militant groups have operated against the United States since 9/11. Because of increased counterterrorism operations and changes in immigration policies intended to help combat terrorist travel, it has become increasingly difficult for terrorist groups to get trained operatives into the United States. Even jihadist groups such as al Qaeda in the Arabian Peninsula have been forced to undertake remote operations involving bombs placed aboard aircraft overseas rather than placing operatives in the country. This indicates that the group does not have the ability or the network to support such operatives. In addition to remote operations launched from its base in Yemen, al Qaeda in the Arabian Peninsula has also undertaken efforts to radicalize grassroots operatives residing in the United States, equipping them with easy-to-follow instructions for attack through its English-language magazine, Inspire. This focus on radicalizing and equipping grassroots operatives is also reflected in the fact that the majority of the attacks and failed plots inside the United States since 2001 have involved such grassroots operatives rather than trained terrorists. These operatives are either U.S. citizens, such as Nidal Hasan, Dzhokhar Tsarnaev and Faisal Shahzad, or resident aliens such as Najibullah Zazi. Failed shoe bomber Richard Reid was traveling on a British passport (no U.S. visa required) and the would-be underwear bomber, Umar Farouk Abdulmutallab, had obtained a valid U.S. visa. The operatives had the ability to legally reside in the United States or to enter the country legally without having to sneak across the border from Mexico.

Turn- the plan boosts immigrant cooperation that's key counter-terror information

Johnson 2-13-15 [Kevin R. Johnson, Professor of Public Interest Law and Chicana/o Studies, University of California at Davis School of Law, "Possible Reforms of the U.S. Immigration Laws," http://www.chapmanlawreview.com/wp-content/uploads/2014/09/Johnson.pdf]

A system that authorizes easier migration of labor to the United States would likely decrease the incentive for circumventing the immigration laws. More liberal admissions grounds that allow workers and migrants who lack family members in the United States to lawfully enter into this nation would be a good first step. To this end, narrower inadmissibility grounds in the U.S. immigration laws would be more realistic than the current blanket exclusions that, for example, bar the immigration of poor and working people from the developing world.44 With relaxation of the inadmissibility grounds, the nation could devote scarce enforcement resources to efforts to bar the entry into the United States of criminals, terrorists, and other serious dangers to society. As seen in other areas of law enforcement, more focused immigration law enforcement has a greater likelihood of rooting out public safety risks than scattershot efforts that infringe on the civil rights of large numbers of people.45 Moreover, more carefully crafted immigration enforcement is less likely to frighten **immigrant communities**—the very communities whose **assistance is essential if the United States truly seeks to successfully combat global terrorism** and crime generally. Unfortunately, the "war on terror" following September 11, 2001 has almost undoubtedly chilled Arabs and Muslims living in the United States from cooperating with the government in counter-terrorism efforts.46

US immigration enforcement is ineffective- too incompetent to solve terrorism

Johnson 2-13-15 [Kevin R. Johnson, Professor of Public Interest Law and Chicana/o Studies, University of California at Davis School of Law, "Possible Reforms of the U.S. Immigration Laws," http://www.chapmanlawreview.com/wp-content/uploads/2014/09/Johnson.pdf]

The American immigration bureaucracy frequently is accused of being unfair and biased. Many commentators and jurists currently express a lack of respect and confidence in the agencies that enforce the immigration laws. The Immigration and Naturalization Service (INS), which until the spring of 2003 possessed primary responsibility for enforcing the immigration laws, had long been criticized as excessively focused on enforcement and being inefficient, arbitrary, and incompetent.30 The new Department of Homeland Security (DHS) appears as enforcement-oriented as the old INS. This is not altogether surprising because the agency, as its name connotes, was created with the primary purpose of better protecting "homeland security," not serving the needs of immigrants. Nor has the dismantling of the INS seen any dramatic improvement in the efficiency of immigration operations.31 Unless the DHS is reformed so that it better balances its enforcement and service functions, pouring increasing resources into the agency is unlikely to improve matters. For example, additional increases to funding to increase the number of Border Patrol officers without significantly providing sufficient training for them is likely to make matters worse, not better.32 In addition, the decisions of the immigration courts and Board of Immigration Appeals (BIA) have been the subject of sustained criticism.33 The Board has long been challenged for, among other things, a lack of independence and neutrality. Other criticisms run the gamut from poor quality rulings (most charitably attributed to a high volume of matters to review), to bias against noncitizens, to simple incompetence. Such criticism increased after the BIA changed its procedures in 2002 to expedite its rulings in an attempt to reduce a large backlog of appeals.34

Ext- Surveillance hurts intel co-op

Deportation kills counter-terror cooperation that's key to solve attacks

Homeland Security News Wire 5-11-15 [News service specializing in threats to U.S. security, "DHS deportations undermine efforts to get immigrants to provide leads on radical suspects," http://www.homelandsecuritynewswire.com/dr20150511-dhs-deportations-undermine-efforts-to-get-immigrants-to-provide-leads-on-radical-suspects]

DHS counterterrorism teams rely on cooperation from immigrant communities to obtain leads on radical individuals and pending terrorism plots, but many of these communities are becoming more wary of federal law enforcement as the number of deportations increase. DHS chief Jeh Johnson met last Thursday with immigrant rights groups in Brooklyn, where he encouraged them to work with DHS to fight terrorism. "The global terrorist threat has evolved to a new place," Johnson said. "The global terrorist threat is more decentralized, it's more defuse, it's more complex. We see now terrorist organizations making effective use of social media, the Internet, films." Camille Meckler, the director of legal initiatives at the New York Immigration Coalition, attended last week's meeting. She said DHS officials wanted immigrant groups and communities to report suspicious activity, but the agency failed to present a program to facilitate the reporting. She added that immigrants are concerned with reaching out to DHS, much of whose work revolves around tracking and deporting undocumented immigrants. "We welcome and encourage any opportunity for meaningful dialogue," Meckler told Huffington Post. "But at the same time, I think it needs to be said that the onus is on DHS to make sure that these dialogs are meaningful. … The trust has been significantly eroded. Immigrant communities are against terrorism just like any other community. They want to be safe and they want their neighbors to be safe, but it's on the government to restore that trust." Following the 9/11 attacks, the federal government stepped up efforts to track undocumented immigrants and secure the southern U.S. border. DHS launched Secure Communities in 2008, which urged local law enforcement to share fingerprint data with DHS's Immigration and Customs Enforcement. Immigrant rights groups complained about the program, saying it bred distrust of local police by connecting police with deportation officials. President Barack Obama canceled the program last year and focused deportation efforts on undocumented immigrants who have been convicted of violent crimes. Abraham Paulos, the director of Families for Freedom, a New York human rights group that helps people fight deportation, said about DHS combating terrorism while enforcing immigration laws, that if DHS had focused more on terrorism and less on deportation, immigrant communities might be more willing to work with the agency. "It's ironic that you've got them coming in and trying to get information from our communities even as they're detaining and deporting us at an alarming rate," Paulos told Huffington Post. "That trust is just not going to be there. You can't have it both ways."

AT: Other laws deter immigrants

The plan solves the bulk of immigrant crackdowns

Chacon '13 [Jennifer M. Chacon, professor of law at the University of California, Irvine, "Governing Immigration Through Crime: A Reader," Google Books]

Ashcroft's warning to the "terrorists among us" summarizes the Justice Department's clear policy of using the immigration enforcement bureaucracy as a means of preventatively detaining and perceived "terrorists." Immigration law already provided an effective tool for widespread detention and removal of noncitizens. Therefore, simple changes in immigration enforcement practices, rather than changes to law or regulation, truly account for the bulk of the most troubling post-September 11 changes to the immigration landscape.

AT: Immigration reform solves

Immigration reform won't solve the aff

Kalhan '14 [Anil, J.D. from Yale Law School, Associate Professor of Law, Drexel University. A.B., Brown University, "Immigration Surveillance," Maryland Law Review, Volume 74, Issue 1, http://digitalcommons.law.umaryland.edu/cgi/viewcontent.cgi?article=3646&context=mlr]

In recent years, the politics of immigration have been in a state of considerable flux. Although only months before the 2012 election the Republican Party and its presidential nominee officially embraced policies aimed at inducing large-scale "self-deportation" by unauthorized migrants, in the wake of the election leading Republicans exhibited a widely noted change of heart, facilitating the Senate's bipartisan adoption of sweeping comprehensive immigration reform legislation.1 Since then, legislative reform efforts in Congress have stalled, leaving the prospects for significant immigration reform legislation deeply uncertain. However, even if Congress eventually embraces comprehensive immigration reform, the sprawling immigration enforcement system that has emerged in recent decades appears certain not just to endure, but to extend its reach. The reform frameworks advanced by the Obama Administration and leading members of Congress, while committing to legalize millions of unauthorized migrants, all pledge major expansions in border security and immigration control.2 Although the particular forms of regulation remain in flux, any reforms that occur undoubtedly will include an aggressive, continuing commitment to large-scale enforcement measures.3

AT: Alt cause- border enforcement

Most border enforcement is post-entry, not at the border

Kalhan '14 [Anil, J.D. from Yale Law School, Associate Professor of Law, Drexel University. A.B., Brown University, "Immigration Surveillance," Maryland Law Review, Volume 74, Issue 1, http://digitalcommons.law.umaryland.edu/cgi/viewcontent.cgi?article=3646&context=mlr]

The consequences have been transformative, as federal officials now place unprecedented emphasis on direct post-entry enforcement within the United States. Over half of all individuals removed in recent years have been deported from inside the United States.61 Since 1999, deportation of individuals with criminal convictions has been the government's highest stated interior enforcement priority, and the number of individuals removed on criminal grounds has increased accordingly.62 Of the 391,000 individuals removed in 2011, almost half had a prior conviction, compared to three percent in 1986.63 Moreover, as the U.S. economy has slumped since 2008 and the number of unauthorized migrants has dropped—and as southwestern border enforcement strategies have increasingly emphasized criminal prosecution rather than immediate expulsion—the number of informal, "voluntary" returns without formal removal orders, which typically occur at or near the territorial border, has plummeted.64 As a result of these shifts, lawfully present noncitizens have become immigration enforcement targets to a greater extent than ever before, and the number of formal removals arising from interior enforcement activities now significantly dwarfs the number of informal returns arising from apprehensions at or near the territorial border.65

AT: Plan increases crime

Plan doesn't cause crime- data proves

CAP Immigration Team '14 [Center for American Progress Immigration Team, research group specializing in immigration studies, "The Facts on Immigration Today," https://www.americanprogress.org/issues/immigration/report/2014/10/23/59040/the-facts-on-immigration-today-3/]

Immigrants are less likely to commit crimes or to be incarcerated than native-born Americans. A 2007 study by the Immigration Policy Center found that the incarceration rate for immigrant men ages 18 to 39 in 2000 was 0.7 percent, while the incarceration rate for native-born men of the same age group was 3.5 percent. While the foreign-born share of the U.S. population grew from 8 percent to 13 percent between 1990 and 2010, FBI data indicate that violent crime rates across the country fell by about 45 percent, while property crime rates fell by 42 percent.

AT: T "Surveillance"

Surveillance includes immigration crackdowns- it's a core topic area

Kalhan '14 [Anil, J.D. from Yale Law School, Associate Professor of Law, Drexel University. A.B., Brown University, "Immigration Surveillance," Maryland Law Review, Volume 74, Issue 1, http://digitalcommons.law.umaryland.edu/cgi/viewcontent.cgi?article=3646&context=mlr]

As conceptualized by John Gilliom and Torin Monahan, surveillance involves "the systematic monitoring, gathering, and analysis of information in order to make decisions, minimize risk, sort populations, and exercise power."112 In this Section, I identify and analyze a series of specific **surveillance practices** and technologies that **have become increasingly important components of immigration enforcement strategies**. The processes and technologies that comprise the information infrastructure of immigration enforcement enable new approaches to four distinct sets of surveillance activities: identification, screening and authorization, mobility tracking and control, and information sharing. 1. Identification Perhaps as much as anything else, the recent expansion of immigration enforcement has helped spark heightened attention to identification—and in particular, the deployment of systems that seek to authenticate or verify the identity of a particular individual ("Is this person who she says she is?") or to ascertain the identity of an unknown individual ("Who is

this person?" or "Who generated this biometric?").113 Identification mechanisms, of course, have always been a central element of immigration regulation. While one's identity ordinarily plays no role in most aspects of day-to-day life for either noncitizens or U.S. citizens, rules governing admissibility or deportability necessarily require authorities to accurately identify and determine the particular individuals who are eligible for admission or subject to deportation.114 Debates over the proper role and scope of identification systems for immigration regulation purposes—including most prominently, in recent decades, the potential role of a mandatory, standardized national ID card—have accordingly persisted and recurred over many generations.115

AT: State Bad Kritik

Our engagement with institutions is key to combat legal atrocities against immigrants

Kalhan '14 [Anil, J.D. from Yale Law School, Associate Professor of Law, Drexel University. A.B., Brown University, "Immigration Surveillance," Maryland Law Review, Volume 74, Issue 1, http://digitalcommons.law.umaryland.edu/cgi/viewcontent.cgi?article=3646&context=mlr]

In this Article, I theorize and assess this underappreciated transformation of the techniques and technologies of immigration enforcement—their swift proliferation, enormous scale, likely entrenchment, and broader meanings. Situating this reconfiguration within a larger set of developments concerning surveillance and technology, I explain how these technologies have transformed a regime of immigration control, operating primarily upon noncitizens at the territorial border, into part of a more expansive regime of migration and mobility surveillance, operating without geographic bounds upon citizens and noncitizens alike. The technologies that enable this immigration surveillance regime can, and do, bring great benefits. However, their unimpeded expansion erodes the practical mechanisms and legal principles that have traditionally constrained aggregations of power and protected individual autonomy, as similarly illustrated in current debates over surveillance in other settings. In the immigration context, those constraints have always been less robust in the first place. Accordingly, I urge more constrained implementation of these technologies to preserve zones where immigration surveillance activities do not take place and to ensure greater due process and accountability when they do. A complete understanding of immigration enforcement today must account for how the evolution of enforcement institutions, practices, and meanings has not simply increased the number of noncitizens being deported but has effected a more basic transformation in immigration governance. The institutions of immigration surveillance are becoming integrated into the broader national surveillance state very rapidly. As that reconfiguration proceeds, scholars, policymakers, advocates, and community members need to grapple more directly with its implications.

Evaluating the plan through a policymaking lens is key to combat immigration surveillance

Kalhan '14 [Anil, J.D. from Yale Law School, Associate Professor of Law, Drexel University. A.B., Brown University, "Immigration Surveillance," Maryland Law Review, Volume 74, Issue 1, http://digitalcommons.law.umaryland.edu/cgi/viewcontent.cgi?article=3646&context=mlr]

Technology, as Erin Murphy has explained, "alters—rather than just mechanizes—the relationship between the individual and the state."323 With the introduction of new surveillance and dataveillance technologies, the traditional relationships between individuals and the institutions of immigration control are being reconfigured in fundamental ways for both noncitizens and U.S. citizens alike. And yet, compared to other aspects of the expansion of immigration enforcement, these shifts in migration and mobility surveillance have garnered exceedingly little attention, analysis, or concern—even as vigorous debates about surveillance and dataveillance by public and private institutions have emerged in

other settings. These shifts have not simply contributed to a regime of mass enforcement, in which hundreds of thousands of noncitizens have faced detention and deportation. More fundamentally, the evolution of immigration enforcement institutions, practices, and meanings has also contributed to a more basic transformation of the nature of immigration governance—with implications for noncitizens and U.S. citizens alike. By recounting and analyzing this transformation and its consequences, this Article highlights the need for scholars, advocates, policymakers, and other observers to devote greater attention and scrutiny to the onset of the immigration surveillance state and its rapid integration into the broader national surveillance state.

Immigration Surveillance Negative

To-do

- Racism answers
- CP
    - Reform?
    - Advantage CP?
        - Agri-robots CP
        - Subsidies CP?
    -

Agriculture Answers

1NC

US agriculture is strong now

Caspers-Simmet 2-24-15 [Jean, writer for AgriNews.com, "US economy slowly improving, farm economy weathering low prices," http://www.agrinews.com/news/iowa_news/us-economy-slowly-improving-farm-economy-weathering-low-prices/article_ef6f69b6-b9bb-5e2c-9734-4ee78c3ece79.html]

The farm economy, which experienced some of its highest real income levels since the 1970s from 2009-13, is weathering lower crop prices, said David Oppedahl, senior business economist with the Federal Reserve Bank of Chicago. Oppedahl, who directs the Chicago Fed's survey of agricultural banks on land values and credit conditions, spoke at last week's Money Smart Ag Conference at Hawkeye Community College. With economic turmoil in other parts of the world, the exchange value of the U.S. dollar has strengthened but it is still far below its 2002 peak, Oppedahl said. U.S. trade is exceeding earlier peaks and while imports are greater than exports, the margin is tightening with oil and agriculture playing a role. A stronger dollar means U.S. exports are more expensive, which is a factor contributing to USDA's projection that agricultural exports will be down in 2015, although ag exports, which have been at record levels, will continue to be strong. "With a rising middle class around the world and more mouths to feed, agricultural exports will continue to grow in the long term," Oppedahl said. What happens in agriculture is important to the Chicago Federal Reserve because it remains the backbone of the economy, Oppedahl said. The states which make up the Chicago Fed, Iowa and most of Illinois, Indiana, Michigan and Wisconsin, are leaders in corn, soybean, hog, egg, dairy and beef production. Fed stakeholders are commercial banks that make agriculture. Increasing surpluses have brought lower corn and soybean prices, Oppedahl said. Dairy and hog prices, which finished the year very strong, have started falling. Indications are that high cattle prices may be headed down in the coming year. "Everyone in agriculture needs land and that's why we follow farmland value carefully," Oppedahl said. "It accounts for over 75 percent of the sector's asset value and is an indicator of agriculture's health. Farmland values affect collateral values and portfolio quality and have an impact on lending institutions." Dramatically declining land values were a factor in the 1980s farm crisis, but Oppedahl said this downturn won't be as dramatic. The Chicago Federal Reserve released its most recent farmland value survey on Feb. 12, two days after Oppedahl's speech. The Seventh Federal Reserve District reported an annual decrease of 3 percent in "good" farmland values for 2014, marking the first yearly decline since 1986. Farmland values in the fourth quarter of 2014 remained largely the same as in the third quarter, according to survey respondents from 224 banks across the District. Farmland values were down 2 percent for the district as a whole for the July 1 to Oct. 1, 2014 quarter. Iowa values were down 7 percent for 2014 and 1 percent for the fourth quarter after dropping 6 percent in the third quarter, according to the survey. Cash rents, which lag behind land values, have headed up in recent years and have started to come down as well. Net farm income while down is relatively strong, Oppedahl said. Government farm payments are lower but more risk management tools available to farmers. Credit conditions on agricultural loans have improved in recent years because of strong farm income with only about 2 percent of loans in troubled status, although in 2014 conditions have weakened some, Oppedahl said. Real farm sector assets and equity are at record levels. Interest rates are low but will likely climb slowly in the next few years. "While it's an uncertain future, it's not the 1980s," Oppedahl said. "The fundamentals are mixed on the direction of farmland values, but remain positive for the longer term."

Immigration policies can't solve agriculture

Perkowski 2-26-15 [Mateusz Perkowski, reporter for The Capital Press, "Expert: Immigration reform won't fix farm labor shortage," http://www.capitalpress.com/Nation_World/Nation/20150226/expert-immigration-reform-wont-fix-farm-labor-shortage]

Immigration policy reforms cannot overcome broader economic forces that are reducing farm labor supplies, an expert says. Shortages of farm labor will likely persist in the long term regardless of possible changes to immigration law, according to an agricultural economist. U.S. immigration policy is often cited as a key factor in the availability of farm workers, but larger economic forces are reducing the agricultural labor pool, said Ed Taylor, a professor at the University of California-Davis who is studying the phenomenon. "Hoping the workers come back is a non-starter," he said at the recent Oregon Wine Symposium in Portland, Ore. The number of potential farm workers is falling due to changes in Mexico that are beyond the control of U.S. lawmakers or immigration regulators, Taylor said. Immigration policy can't solve the farm labor problem unless there enough people to do the work, he said. The birthrate in Mexico is falling fast and has now roughly "converged" with the U.S. average of about two children per woman, Taylor said. Mexico has also invested in schools in recent decades, significantly boosting the years of education received by young people and steering them toward other occupations, he said.

No resource wars- best studies prove

Pinker '11 [Steven, Harvard College Professor and Johnstone Family Professor in the Department of Psychology at Harvard University, "The Better Angels of Our Nature: Why Violence Has Declined," Google Books]

Once again it seems to me that the appropriate response is "maybe, but maybe not." Though climate change can cause plenty of misery and deserves to be mitigated for that reason alone, it will not necessarily lead to armed conflict. The political scientists who track war and peace, such as Halvard Buhaug, Idean Salehyan, Ole Theisen, and Nils Gleditsch, are skeptical of the popular idea that people fight wars over scarce resources. Hunger and resource **shortages are** tragically **common** in sub-Saharn countries such as Malawi, Zambia, and Tanzania, **but wars** involving them **are not**. Hurricanes, floods, droughts, and tsunamis (such as the disastrous one in the Indian Ocean in 2004) do not generally lead to armed conflict. The American dust bowl in the 1930s, to take another example, caused plenty of deprivation but no civil war. And while temperatures have been rising steadily in Africa during the past fifteen years, civil wars and war deaths have been falling. Pressures on access to land and water can certainly cause local skirmishes, but a genuine war requires that hostile forces be organized and armed, and that depends more on the influence of bad governments, closed economies, and militant ideologies than on the sheer availability of land and water. Certainly any connection to terrorism is in the imagination of the terror warriors: terrorists tend to be underemployed lower-middle-class men, not subsistence farmers. As for genocide, the Sudanese government finds it convenient to blame violence in Darfur on desertification, distracting the world from its own role in tolerating or encouraging the ethnic cleansing. In a regression analysis on armed conflicts from 1980 to 1992, Theisen found that conflict was more likely if a country was poor, populous, politically unstable, and abundant in oil, but not if it had suffered from droughts, water shortages, or mild land degradation. (Severe land degradation did have a small effect.) Reviewing analyses that examined a large number (N) of countries rather than cherry-picking one or two, he concluded, "those who foresee doom, because of the relationship between resource scarcity and violent internal conflict, have very little support in the large-N literature." Salehyan adds that relatively inexpensive

advances in water use and agriculture practices in the developing world can yield massive increases in productivity with a constant or even shrinking amount of land, and that better governance can mitigate the human costs of environmental damage, as it does in developed democracies. Since the state of the environment is at most one ingredient in a mixture that depends far more on political and social organization, **resource wars are far from inevitable**, even in a climate-changed world.

Status quo solves food insecurity

Lewis 1-10-14 [Kim, international broadcaster for VOA News, "Expanded Research Puts Global Food Security on the Horizon," http://www.voanews.com/content/cgiar-agriculture-food-africa-asia-maize-rice-nutrient-crops-research-scientists/1827211.html]

Scientists and food experts have high hopes in achieving global food security as the Cinsultatvie Group on Internnational Agricultural Research (CGIAR) recently announced a billion-dollar funding milestone.¶ The world's largest agriculture research partnership says funding for research and development went from $500 million dollars in 2008 to $1 billion dollars in 2013.¶ CGIAR partners around the world conduct research to reduce poverty in rural areas to overcome complex challenges in areas such as climate change, water scarcity, land degradation and chronic malnutrition. The new funding allows the consortium to expand their focus on their 16 global research programs in developing policies and technologies. ¶ The increased funding has also allows the partnership to commit to providing 12 million African households with sustainable irrigation; saving 1.7 million hectares of forest from destruction; and providing 50 million poor people with access to highly nutritious food crops. Two major crops that have already been improved upon due to expanded research are maize and rice.¶ "Results of those changes, for example, have allowed for a large expansion in the work on drought tolerant maize, particularly in Africa, and in Asia on flood tolerant rice, where the fruits of research have gotten into the hands of farmers in a very, very rapid way," says Jonathan Wadsworth, executive secretary of the CGIAR Fund Council.¶ He uses rice as an example. Four years after the release of new types of rice that withstand temporary flooding in Asia, he said over four million farm families are reaping the benefits.¶ "In Africa, on drought tolerant maize, hundreds of thousands of farmers are now using varieties which give them a harvest even in times of drought," says Wadsworth.¶ In severe drought conditions of sub-Saharan Africa and in the Sahel region, agroforestry is being incorporated into the production of maize production. ¶ In looking ahead into the year 2014, Wadsworth sees challenges throughout the agriculture production cycle. However, scientists are already meeting these challenges head on.¶ "I think one thing which we have shown in the CGIAR is that food security is not only a question of the amount of food, it's also to do with the quality of the food which is produced and available both to rural households, and to urban population," he explains.¶ He points out that one of the areas that CGIAR has been developing over the last few years and will expand on this year is increasing the nutritional value of staple crops to ensure higher levels of protein, micro-nutrients, and vitamins that are essential to the health of the population, particularly for pregnant and lactating women, and children.¶ He highlights new research done in Latin America that has yielded new types of sweet potato. Now more nutrient-enriched, this crop has been introduced in Africa, and the high levels of vitamin A in the sweet potato will improve the vitamin A deficient diets in many African countries.

Ext- Farms strong now

Status quo solves farm profits and sustainable agriculture

Seedstock '14 [Seedstock is a news service covering food sustainability and farming, works with governmental agencies and private stakeholders, "U.S. to See More Urban Farming in 2015 as Economics Improve, Consumer Demand Increases and More Incentives are Added," 12-10-14, http://seedstock.com/2014/12/10/u-s-to-see-more-urban-farming-in-2015-as-economics-improve-

consumer-demand-increases-and-more-incentives-are-added/]

Urban agriculture is expected to maintain strong growth in the United States in 2015 as cities and states provide more incentives, more start-up farmers enter the field, smaller operations improve their profitability and consumer demand for locally grown food remains strong, according to Seedstock.com. The growth outlook for land, production and jobs connected with urban farming was generated from Seedstock's recent annual conference at UCLA where more than 250 farmers, entrepreneurs, policy makers, investors and others gathered to hear experts discuss current factors driving robust local food systems in dozens of urban settings across the country. "Urban agriculture will truly emerge as one of this country's most visible economic and cultural forces in 2015. We'll see strong job growth, continued innovation, more commercial-scale farming in cities and greater production numbers of locally grown food," said Robert Puro, co-founder of Seedstock, the nation's leading information, consulting and networking company promoting innovation in urban and sustainable agriculture. Direct to consumer local food sales via community supported agriculture (CSA), farmers markets and farm stands increased from approximately $600 million to $1.2 billion from 1997 to 2007. USDA estimates that farm-level value of local food sales totaled about $4.8 billion in 2008 (1.7 percent of revenue from all farm production) and are expected to continue double-digit growth into 2015 and beyond. The top five trends or changes for urban and sustainable agriculture in the U.S. in 2015, according to Seedstock, are: More government incentives, primarily through land-use policy changes, job training and economic programs. For example, a new law in California authorizes tax breaks for land-owners who lend their property to urban farmers. Cities across the U.S. are approving similar policies to stimulate more commercial-scale urban farming. An increase in aggregation and distribution centers catering to smaller farm operations. The U.S. Department of Agriculture set aside millions of dollars in the last farm bill to support these efforts, mostly through marketing assistance. Demand for locally grown food will continue to increase among consumers. Grocers, such as Whole Foods Market, have already placed heavy emphasis on marketing locally grown produce. Locally sourced meats, seafood and produce will remain the top trends in 2015 among the nation's chefs, according to a survey by the National Restaurant Association. The rise of local food business incubators. Grocers and restaurants won't be the only buyers of locally grown produce. Consumers already are looking to buy more regionally produced food products, which is prompting more business start-ups. In 2015, Los Angeles will open its first food production business incubator to provide entrepreneurs a staging area to develop, market and scale their fledgling food businesses. More controlled-environment farms. Hydroponic and aquaponic farming are increasing – driven by a scarcity of affordable land in urban areas, reductions in the costs of technology and local food demand. The popularity of an indoor-ag conference in Las Vegas, and government incentives to convert abandoned buildings to farms are two indicators this industry is taking off. Also, more rooftop gardens will appear in more urban areas. "As start-up costs go down and consumer demand continues to climb, the U.S. will continue to see many more people enter the field of urban, sustainable farming," Puro said. "You also can't overlook the significant societal change we're witnessing – more and more young people are abandoning the typical office job or changing their career search to do something good for the environment. They are discovering they can make a decent living by growing food in or near urban areas on smaller plots." Another key to continued growth in urban, sustainable farming is education. Groups like Seedstock have become necessary to new farmers who need resources and networking. As highlighted in one of Seedstock's recent articles, a variety of factors will determine whether an individual urban agriculture operation will be profitable. "Smaller farms can face greater financial risks because their liabilities are not spread over as large an area as an industrial-scale farm, or they don't enjoy the same economies of scale when it comes to purchasing supplies," Puro said. "Those obstacles are beginning to fade as technology improves, more small farms emerge and entrepreneurs figure out the right business model. As a result, financing is becoming more available and profits are being realized."

Ext- No food crises now

Global food systems are stabilizing

Schwab '14 [Charles Schwab is a financial services firm with a 40-year history, "3 Factors Helping Food Stocks," http://www.schwab.com/public/schwab/nn/articles/3-Factors-Helping-Food-Stocks]

In 2013, investors were hungry for food companies as record-low interest rates led them to seek out dividend-paying stocks. This interest in food stocks helped the sector to a 22% gain for the year as of mid-October,1 outpacing the S&P 500® Index's 19% increase. But with interest rates possibly on the rise, will food stocks lose their appeal?¶ Not necessarily, says Brad Sorensen, Director of Market and Sector Analysis at the Schwab Center for Financial Research. Three factors are leaning in food stocks' favor:¶ Stable prices. Global commodity prices may be nearing the end of an extended upward trend, so any resulting price stability could boost food makers' profits. "These companies operate in a pretty low-margin environment, so any cost savings certainly benefits them," Brad says.¶ Low sensitivity to interest rate changes. Historically, food stocks haven't been as affected by higher interest rates as other consumer staples because demand for food stays relatively constant.¶ Long-term outlook. The United Nations expects the world population to add almost one billion people over the next 12 years.2 Given how closely food sales are linked with population growth, Brad believes equity investors should consider food companies as part of their long-term core portfolio.

Empirics prove- global food security can survive crises

FPD '13 [Food Product Design, multi-media brand focused on the application of science based ingredients that drive innovative & compliant food and beverage products for the consumer market, "Despite Challenges, Global Food Security Stable," http://www.foodproductdesign.com/news/2013/07/despite-challenges-global-food-security-stable.aspx]

Global food security has remained largely stable over the past year despite challenges, including food price volatility, new areas of political unrest, the ongoing European economic crisis, and a severe summer drought in the Midwestern U.S. and Eastern Europe, according to the Global Food Security Index 2013 Report from Economist Intelligence Unit.¶ While the global average food security score remained virtually unchanged in the latest index (53.5) compared with a year ago (53.6), some notable trends emerged. Developing countries made the greatest food security gains in the past year. Ethiopia, Botswana and the Dominican Republic led the way, rising eight places on average in the global food security rankings, based largely on greater food availability and income growth.¶ High-income countries still dominate the top 25% of the index, but falling national incomes hurt food security in many cases, especially in countries on the periphery of Europe. The United States retained the top ranking in the 2013 GFSI, with some shifts in the Top 10 group resulting in Norway taking the second spot, and France the third.¶ "Prices for some key food crops, especially grains, spiked last year, raising food costs globally," said Leo Abruzzese, global forecasting director for the Economist Intelligence Unit. "Fortunately, those prices have retreated in the last six months, although they remain higher than they were just a few years ago. The EIU expects the prices of wheat and other grains to fall further during 2013, which is good news for global food security."¶ The GFSI, developed by the EIU and sponsored by DuPont is intended to deepen the dialogue on food security by examining the core issues of food affordability, availability and quality across a set of 107 developed and developing countries worldwide. The dynamic benchmarking model evaluates 27 qualitative and quantitative indicators which collectively create the conditions for food security in a country.¶ The 2013 Global Food Security Index builds on the insights from last year's assessment and includes two new indicators—corruption and urban absorption capacity, and two new countries—Ireland and Singapore.¶ Key findings from this year's index include:¶ Overall average food security remained consistent with last year. No region's score improved dramatically, but Sub-Saharan Africa showed the biggest gain, climbing by around one point in the index. Last year's drought in some key growing regions will have reduced food security for a period of time, as grain prices rose, although that trend eased later in the year.

Ext- No impact

Food shortages don't cause war

Allouche '11 [Jeremy, professor at MIT, Research Fellow, Water Supply and Sanitation at the Institute for Development Studies, "The sustainability and resilience of global water and food systems: Political analysis of the interplay between security, resource scarcity, political systems and global trade," Food Policy, Vol. 36, S3-S8, January, online]

The question of resource scarcity has led to many debates on whether scarcity (whether of food or water) will lead to conflict and war. The underlining reasoning behind most of these discourses over food and water wars comes from the Malthusian belief that there is an imbalance between the economic availability of natural resources and population growth since while food production grows linearly, population increases exponentially. Following this reasoning, neo-Malthusians claim that finite natural resources place a strict limit on the growth of human population and aggregate consumption; if these limits are exceeded, social breakdown, conflict and wars result. Nonetheless, it seems that most empirical studies do not support any of these neo-Malthusian arguments. Technological change and greater inputs of capital have dramatically increased labour productivity in agriculture. More generally, the neo-Malthusian view has suffered because during the last two centuries humankind has breached many resource barriers that seemed unchallengeable. Lessons from history: alarmist scenarios, resource wars and international relations In a so-called age of uncertainty, a number of alarmist scenarios have linked the increasing use of water resources and food insecurity with wars. The idea of water wars (perhaps more than food wars) is a dominant discourse in the media (see for example Smith, 2009), NGOs (International Alert, 2007) and within international organizations (UNEP, 2007). In 2007, UN Secretary General Ban Ki-moon declared that 'water scarcity threatens economic and social gains and is a potent fuel for wars and conflict' (Lewis, 2007). Of course, this type of discourse has an instrumental purpose; security and conflict are here used for raising water/food as key policy priorities at the international level. **In the Middle East**, presidents, prime ministers and foreign ministers have also used this bellicose rhetoric. Boutrous Boutros-Gali said; 'the next war in the Middle East will be over water, not politics' (Boutros Boutros-Gali in Butts, 1997, p. 65). The question is not whether the sharing of transboundary water sparks political tension and alarmist declaration, but rather to what extent water has been a principal factor in international conflicts. The evidence seems quite weak. Whether by president Sadat in Egypt or King Hussein in Jordan, none of these declarations have been followed up by military action. The governance of transboundary water has gained increased attention these last decades. This has a direct impact on the global food system as water allocation agreements determine the amount of water that can used for irrigated agriculture. The likelihood of conflicts over water is an important parameter to consider in assessing the stability, sustainability and resilience of global food systems. None of the various and extensive databases on the causes of war show water as a casus belli. Using the International Crisis Behavior (ICB) data set and supplementary data from the University of Alabama on water conflicts, Hewitt, Wolf and Hammer found only seven disputes where water seems to have been at least a partial cause for conflict (Wolf, 1998, p. 251). In fact, about 80% of the incidents relating to water were limited purely to governmental rhetoric intended for the electorate (Otchet, 2001, p. 18). As shown in The Basins At Risk (BAR) water event database, more than two-thirds of over 1800 water-related 'events' fall on the 'cooperative' scale (Yoffe et al., 2003). Indeed, if one takes into account a much longer period, the following figures clearly demonstrate this argument. According to studies by the United Nations Food and Agriculture Organization (FAO), organized political bodies signed between the year 805 and 1984 more than 3600 water-related treaties, and approximately 300 treaties dealing with water management or allocations in international basins have been negotiated since 1945 (FAO, 1978 and FAO, 1984). The fear around water wars have been driven by a Malthusian outlook which equates scarcity with violence, conflict and war. **There is** however **no** direct **correlation between water scarcity and transboundary conflict.** Most specialists now tend to agree that the major issue is not scarcity per se but rather the allocation of water resources between the different riparian states (see for example Allouche, 2005, Allouche, 2007 and [Rouyer, 2000]). Water rich countries have been involved in a number of disputes with other relatively water rich countries (see for example India/Pakistan or Brazil/Argentina). The perception of each state's estimated water needs really constitutes the core issue in transboundary water relations. Indeed, whether this scarcity exists or not in reality, perceptions of

the amount of available water shapes people's attitude towards the environment (Ohlsson, 1999). In fact, some water experts have argued that scarcity drives the process of co-operation among riparians (Dinar and Dinar, 2005 and Brochmann and Gleditsch, 2006). In terms of international relations, **the threat of water wars** due to increasing scarcity **does not make** much **sense in the light of the recent historical record.** Overall, the water war rationale expects conflict to occur over water, and appears to suggest that violence is a viable means of securing national water supplies, an argument which is highly contestable. The debates over the likely impacts of climate change have again popularised the idea of water wars. The argument runs that climate change will precipitate worsening ecological conditions contributing to resource scarcities, social breakdown, institutional failure, mass migrations and in turn cause greater political instability and conflict (Brauch, 2002 and Pervis and Busby, 2004). In a report for the US Department of Defense, Schwartz and Randall (2003) speculate about the consequences of a worst-case climate change scenario arguing that water shortages will lead to aggressive wars (Schwartz and Randall, 2003, p. 15). Despite growing concern that climate change will lead to instability and violent conflict, the evidence base to substantiate the connections is thin ([Barnett and Adger, 2007] and Kevane and Gray, 2008).

No food wars- empirics prove

Salehyan '07 [Idean, Professor of Political Science, University of North Texas, "The New Myth About Climate Change," Foreign Policy, Summer, http://www.foreignpolicy.com/story/cms.php?story_id=3922]

First, aside from a few anecdotes, there is little systematic empirical evidence that resource scarcity and changing environmental conditions lead to conflict. In fact, several studies have shown that an abundance of natural resources is more likely to contribute to conflict. Moreover, even as the planet has warmed, the number of civil wars and insurgencies has decreased dramatically. Data collected by researchers at Uppsala University and the International Peace Research Institute, Oslo shows a steep decline in the number of armed conflicts around the world. Between 1989 and 2002, some 100 armed conflicts came to an end, including the wars in Mozambique, Nicaragua, and Cambodia. If global warming causes conflict, we should not be witnessing this downward trend. Furthermore, if famine and drought led to the crisis in Darfur, why have scores of environmental catastrophes failed to set off armed conflict elsewhere? For instance, the U.N. World Food Programme warns that 5 million people in Malawi have been experiencing chronic food shortages for several years. But famine-wracked Malawi has yet to experience a major civil war. Similarly, the Asian tsunami in 2004 killed hundreds of thousands of people, generated millions of environmental refugees, and led to severe shortages of shelter, food, clean water, and electricity. Yet the tsunami, one of the most extreme catastrophes in recent history, did not lead to an outbreak of resource wars. Clearly then, there is much more to armed conflict than resource scarcity and natural disasters.

AT: Disease

Extinction impossible and ahistorical

Posner 05 [Richard A., Judge U.S. Court of Appeals 7th Circuit, Professor at the Chicago School of Law, "Catastrophe: Risk and Response," 1-1-05 http://goliath.ecnext.com/coms2/gi_0199-4150331/Catastrophe-the-dozen-most-significant.html#abstract]

Yet the fact that Homo sapiens has managed to survive every disease to assail it in the 200,000 years or so of its existence is a source of genuine comfort, at least if the focus is on extinction events. There have been enormously destructive plagues, such as the Black Death, smallpox, and now AIDS,

but **none has come close** to destroying the entire human race. There is a biological reason. Natural selection favors germs of **limited lethality**; they are fitter in an evolutionary sense because their genes are more likely to be spread if the germs do not kill their hosts too quickly. The AIDS virus is an example of a lethal virus, wholly natural, that by lying dormant yet infectious in its host for years maximizes its spread. Yet there is no danger that AIDS will destroy the entire human race. The likelihood of a natural pandemic that would cause the extinction of the human race is probably even less today than in the past (except in prehistoric times, when people lived in small, scattered bands, which would have limited the spread of disease), despite wider human contacts that make it more difficult to localize an infectious disease. The reason is improvements in medical science. But the comfort is a small one. Pandemics can still impose enormous losses and resist prevention and cure: the lesson of the AIDS pandemic. And there is always a lust time. That the human race has not yet been destroyed by germs created or made more lethal by modern science, as distinct from completely natural disease agents such as the flu and AIDS viruses, is even less reassuring. We haven't had these products long enough to be able to infer survivability from our experience with them. A recent study suggests that as immunity to smallpox declines because people am no longer being vaccinated against it, monkeypox may evolve into "a successful human pathogen," (9) yet one that vaccination against smallpox would provide at least some protection against; and even before the discovery of the smallpox vaccine, smallpox did not wipe out the human race. What is new is the possibility that science, bypassing evolution, will enable monkeypox to be "juiced up" through gene splicing into a far more lethal pathogen than smallpox ever was.

Disease extinction claims are hype

Fitzpatrick '10 [Michael Fitzpatrick, General Practitioner at Barton House Health Center, "Pandemic Flu: Public Health and the Culture of Fear," November, http://www.rsis.edu.sg/NTS/resources/research_papers/NTS%20Working%20Paper2.pdf]

Projections by leading public health officials of rates of disease and death from pandemic flu on a catastrophic scale had a major impact. While WHO experts such as Keiji Fukuda speculated that global death rates would be in the millions, if not tens of millions, television reports featured images of the 1918-19 pandemic and accounts of the devastating effects of that (historically unprecedented) viral pestilence.10 Patients fearful for their own healtn and that of their children, their elderly relatives, and family members with chronic illnesses sought medical advice and whatever preventative measures were available. There is however little evidence that raising awareness of the emerging threat of swine flu had any protective value. Given the rapid spread of the virus, it appears than none of the measures taken in the early 'containment' phase of the outbreak, such as more assiduous hand-washing, face masks, social distancing measures (school closures, etc.) and the provision of prophylactic antivirals to contacts had an appreciable effect on its spread. Pregnant women, deemed to be particularly at risk, were particularly susceptible to pandemic fears - and their anxieties were subsequently compounded by the development of vaccines that rival scaremongers claimed were unsafe. It soon emerged that early reports from Mexico provided unreliable figures for deaths resulting from swine flu and an uncertain number of cases of infection to use as a denominator with which to calculate the mortality rate. As it also became clear that most cases were mild, projections for the impact of the pandemic were steadily scaled down." In July, British authorities anticipated that 30 per cent of the population (19 million people) would become infected, with a complication rate of 15 per cent, a hospitalisation rate of 2 per cent and a death rate between 0.1 per cent and 0.35 per cent (between 19,000 and 65,000 people). By September the figure of 19,000 had become the worst-case scenario; the following month this was reduced to 1,000. In December, the official report on the mortality statistics for the first six months of the pandemic in England estimated a mortality rate of 0.026 per cent (138 confirmed deaths, and cases of swine flu in 1 per cent of the population), a rate substantially lower than the most optimistic scenario of six months earlier.12 The contrast with earlier influenza pandemics was dramatic: the death rate in 1918-19 was 2-3 per cent, and that in the less severe pandemics of 1957-58 and 1967-68 around 0.2 per cent. In the judgement of the Hine Report, ministers and officials placed excessive faith in mathematical modelling. They had come to regard this as 'hard, quantitative science' that could provide 'easily understandable figures' which had the aura of appearing 'scientifically very robust'.13 Though the mathematicians had warned, at the first pandemic planning meeting in April, that in the absence of reliable data **their modelling capability was low**, they were under pressure from the politicians to 'produce forecasts'. The high level of uncertainty surrounding these projections does not seem to have deterred the modellers from producing them or the politicians from projecting them into the public realm. The Hine Report observes that by the end of the first wave of swine flu cases in September, sufficient data were available to guarantee accurate modelling of the second wave. However, official statements still sought to warn against complacency about future dangers and did

nothing to allay the anxieties provoked by earlier doomsday scenarios. The Hine Report is critical of the public promotion of 'reasonable worst-case scenarios', which imply 'a reasonably likely event', focusing in particular on CMO Professor Liam Donaldson's July statement. The report says: The English CMO's citing of the 'reasonable worst-case' planning assumption of 65,000 fatalities on 16 July 2009 was widely reported in headlines in somewhat alarmist terms.14 It seems unfair to blame the media for the alarmist tone of their reports, when it was echoed by the newly appointed health minister Andy Bumham, who told parliament that the swine flu pandemic could no longer be controlled and that there could be 100,000 cases a day by the end of August. It is striking that British authorities chose to promote such gloomy projections at a time when other prominent health figures had already declared such figures improbable. A month earlier, on the occasion of declaring the swine flu outbreak a global pandemic, WHO chief Margaret Chan had already recognised that most cases were mild and that she did not expect to see a sudden and dramatic jump in severe or fatal infections.15 While the Hine Report is generally highly congratulatory of the UK response to the swine flu pandemic, it suggests that the authorities may have adhered too strictly to the contingency plan they had developed over the previous decade to cope with the emergence of an influenza pandemic on the scale of the 1918-19 outbreak. As a result they 'did not consider sufficiently the possibility that a pandemic might be **far less severe'** than the one envisioned in that contingency plan. Their response was 'tailored to the plan, not the nature of the virus' and thus lacked flexibility. The report tentatively suggests that the authorities might consider as an alternative approach, a policy of preparing for the most likely outcome, while being prepared to monitor and change tack as necessary. The **alarmist response** to the swine flu outbreak reflects the **wider trend** of the past decade in which **'crying wolf** has emerged as the appropriate official response to diverse real and imaginary threats, from the millennium bug to bioterrorism, obesity to global warming.'5 For the authorities, the over-riding principle is to avoid blame for unforeseen disasters, by always **proclaiming the worst-case scenario** and repeating the mantra 'prepare for the worst, hope for the best'. From this perspective, rational contingency planning gives way to scaremongering. Instead of making discreet preparations for probable, predictable emergencies (snow in winter, drought in summer), the authorities engage in speculation about the grimmest possible eventualities (massive loss of life resulting from disease or climate change) with the aim of promoting more responsible behaviour and healthier lifestyles.17 Rather than communicating realistic assessments of risk to the public, the authorities engage in sharing their anxieties and promoting fears. Instead of guiding practical professional interventions in response to real social problems, politicians and public health officials engage in dramatic posturing.

Economy Answers

1NC

No economic recession now

Schweppe 5-13-15 [Sarah, assistant editor at The Cheat Sheet, a daily news publication, "Is It Time to Worry About the Health of the U.S. Economy?" http://www.cheatsheet.com/politics/is-the-u-s-economy-slipping-into-another-recession.html/?a=viewall]

While we're supposed to be in a period of recovery from the Great Recession, the economy has been lagging more than expected lately. Does this lack of growth mean we're slipping back into a recession? If we are, it's not one similar to what we saw in 2008 because the unemployment rate isn't soaring up. Rather growth has been stalling this year, enough to make the Federal Reserve question whether to hike interest rates in June as it has said it wants to. ADVERTISING Growth stalled a lot in the winter. Annual gross domestic product growth dropped to 0.2%, and according to the Atlanta Fed's GDPNow model, it's only increased to 0.9% since. And the

Washington Post suspects that any positive growth in the first quarter could be revised now that we know the U.S. trade deficit grew to the highest level in more than six years in March. The gap increased 43.1% to $51.4 billion, according to the Commerce Department, exceeding the estimates of 70 economists surveyed by Bloomberg. Foreign goods, capital goods, and consumer products were purchased at record rates, while demand for petroleum dropped. Those facts are what make economists nervous, but employment growth may be keeping us from falling into a real recession. How is this affecting jobs? Despite adding 591,000 jobs this year, the the unemployment rate remained unchanged at 5.4%, according to the U.S. Bureau of Labor Statistics. In April, the number of unemployed persons (8.5 million) stayed about the same as the previous month. Overall, the unemployment rate went down by 0.8 percentage point for the month, and the number of unemployed dropped by 1.1 million for the month. "We see this report as reducing concerns that weak first-quarter growth represents a loss of economic momentum," Michael Gapen, chief U.S. economist at Barclays in New York, said to Reuters. The BLS said in its latest report that total nonfarm payroll employment increased by 223,000 in April, slightly below the monthly average of 257,000 jobs added over the past year. Though it's not as strong as economists would like, this growth is probably still enough that to keep the Fed on track to raise interest rates, a sign that they think the economy is safely recovering.

No impact to the economy

Brandt and Ulfelder '11 [Patrick T. Brandt, Ph.D. in Political Science from Indiana University, Assistant Professor of Political Science in the School of Social Science at the University of Texas at Dallas, Jay Ulfelder, Ph.D. in political science from Stanford University, "Economic Growth and Political Instability," April, Social Science Research Network, online]

These statements anticipating political fallout from the global economic crisis of 2008–2010 reflect a widely held view that economic growth has rapid and profound effects on countries' political stability. When economies grow at a healthy clip, citizens are presumed to be too busy and too content to engage in protest or rebellion, and governments are thought to be flush with revenues they can use to enhance their own stability by producing public goods or rewarding cronies, depending on the type of regime they inhabit. When growth slows, however, citizens and cronies alike are presumed to grow frustrated with their governments, and the leaders at the receiving end of that frustration are thought to lack the financial resources to respond effectively. The expected result is an increase in the risks of social unrest, civil war, coup attempts, and regime breakdown. Although it is pervasive, the assumption that countries' economic growth rates strongly affect their political stability has not been subjected to a great deal of careful empirical analysis, and evidence from social science research to date does not unambiguously support it. Theoretical models of civil wars, coups d'etat, and transitions to and from democracy often specify slow economic growth as an important cause or catalyst of those events, but empirical studies on the effects of economic growth on these phenomena have produced mixed results. Meanwhile, the effects of economic growth on the occurrence or incidence of social unrest seem to have hardly been studied in recent years, as empirical analysis of contentious collective action has concentrated on political opportunity structures and dynamics of protest and repression. This paper helps fill that gap by rigorously re-examining the effects of short-term variations in economic growth on the occurrence of several forms of political instability in countries worldwide over the past few decades. In this paper, we do not seek to develop and test new theories of political instability. Instead, we aim to subject a hypothesis common to many prior theories of political instability to more careful empirical scrutiny. The goal is to provide a detailed empirical characterization of the relationship between economic growth and political instability in a broad sense. In effect, we describe the conventional wisdom as seen in the data. We do so with statistical models that use smoothing splines and multiple lags to allow for nonlinear and dynamic effects from economic growth on political stability. We also do so with an instrumented measure of growth that explicitly accounts for endogeneity in the relationship between political instability and economic growth. To our knowledge, ours is the first statistical study of this relationship to simultaneously address the possibility of nonlinearity and problems of endogeneity. As such, we believe this paper offers what is probably the most rigorous general evaluation of this argument to date. As the results show, some of our findings are surprising. Consistent with conventional assumptions, we find that social unrest and civil violence are more likely to occur and democratic regimes are more susceptible to coup attempts around periods of slow economic growth. At the same time, our analysis shows no significant relationship between variation in growth and the risk of civil-war onset, and results from our analysis of regime changes contradict the widely accepted claim that economic crises cause transitions from autocracy to democracy. While we would hardly pretend to have the last word on any of these relationships, our findings do suggest that the relationship between economic growth

and political stability is neither as uniform nor as strong as the conventional wisdom(s) presume(s). We think these findings also help explain why the global recession of 2008–2010 has failed thus far to produce the wave of coups and regime failures that some observers had anticipated, in spite of the expected and apparent uptick in social unrest associated with the crisis.

Immigration won't save the economy

Bingham '14 [John Bingham is a reporter for the Daily Telegraph, citing a study of OECD immigration, "Mass Immigration Not the Secret to Economic Growth, Says OECD," http://www.amren.com/news/2014/06/mass-immigration-not-the-secret-to-economic-growth-says-oecd/]

Mass immigration has brought little or no overall financial benefit to the UK and other countries, a study by the club of the world's leading economies has concluded. Evidence from around the world over the last 50 years shows that immigrants are not a "panacea" to boost economic growth but nor are they a "major burden" on the taxpayer, new analysis by the Organisation for Economic Co-operation and Development (OECD) finds. Overall, the fiscal impact of migration in OECD countries has been "broadly neutral" with taxes paid by new arrivals usually matching what they receive in benefits, it finds. Although in some countries the amount immigrants contribute to the public purse exceeds what they receive, new arrivals contribute less overall than the existing population, because many are less well paid. It comes in marked contrast to the findings of a report by University College London last year which concluded that European migrants contributed £8.8 billion more to the British taxpayer than they received over a 16-year period. Campaigners for tougher immigration restrictions said it amounted to a "nail in the coffin" of the argument that immigration provides a major economic boost to Britain. "Measuring the impact of migration on the public purse is a complex task," the study by Jean-Christophe Dumont, head of the OECD's International Migration Division, concludes. "Nevertheless, over the past 50 years migrants appear to have had a broadly neutral impact in OECD countries. "In other words, the cost of whatever state benefits they received was largely covered by the taxes they paid." "Where migrants did have a fiscal impact, it rarely exceeded plus or minus 0.5 per cent of GDP. "But while the impact of immigrants on the public purse is, broadly speaking, neutral, it is less favourable than that of native-born people.

The economy is resilient

Lanman '14 [Scott, business reporter for Bloomberg News, "Growth Surge Shows Resilient U.S. as Mediocrity Reigns Overseas," 12-23-14, http://www.bloomberg.com/news/articles/2014-12-23/growth-in-u-s-shows-flexibility-as-mediocrity-reigns-overseas]

America's recovery is picking up speed while much of the rest of the world settles into what the International Monetary Fund's Christine Lagarde calls the "new mediocre." As Europe verges on recession, Japan's economy sinks from a consumption-tax increase and China is weighed down by stimulus-induced leverage, the U.S. grew at a 5 percent annual pace in the third quarter that was the fastest since 2003, revised government figures showed today. The U.S. comeback rests on three pillars, according to Torsten Slok, chief international economist at Deutsche Bank AG: The Federal Reserve pushed more aggressively than its peers with record monetary easing. The economy has more built-in flexibility, with labor-market conditions that make it easier to trim or expand workforces. And the financial system has been restored to relative health. "The policy response was swifter and deeper," said Slok, who's based in New York and formerly worked at the IMF. In addition, the U.S. economy "is simply more dynamic and resilient," with greater competition and openness to the rest of the world, Slok said. Another reason: The U.S. has rid itself of the drag from slowing fiscal spending, after cutbacks at the federal, state and local levels spanning the past four years, according to Jay Bryson, global economist at Wells Fargo Securities LLC in Charlotte, North Carolina. IMF Forecasts "Fiscal policy has kind of gotten out of the way," said Bryson, who worked as a Fed economist in the 1990s. The IMF in October projected the U.S. would have the fastest growth among major advanced economies in 2015 at 3.1 percent, ahead of nations including

Germany at 1.5 percent and Japan at 0.8 percent. The stagnation prompted IMF Managing Director Lagarde last month to exhort Group of 20 leaders at a summit in Brisbane, Australia, to use all tools at their disposal to avoid what she called a "new mediocre" period of sub-par growth. Since the IMF forecasts were made, the European Central Bank's outlook worsened and Japan reported its economy contracted in the third quarter, while Russia faces the worst crisis since its 1998 default, amid plunging oil prices. The U.S. isn't completely alone in showing economic strength. British household spending helped drive GDP in the U.K. to its seventh straight quarter of growth in the three months through September, with a 0.7 percent advance from the previous period, the government said today. The performance reflects greater economic flexibility than most of Europe, Wells Fargo's Bryson said. "The Bank of England was pretty aggressive, at least early on, in terms of providing stimulus as well," he said. While the American consumer leads the rebound in the world's largest economy, lagging growth overseas may be restraining investment in U.S.-produced equipment. Orders for durable goods, those meant to last at least three years, unexpectedly dropped in November from the previous month, according to Commerce Department data. Demand for computers, metals and electrical equipment declined or was little changed last month. Export Share Still, cooling demand overseas may not be much of a drag on U.S. growth. Exports made up just 0.6 percentage point of last quarter's 5 percent expansion in GDP, while domestic consumption contributed 2.2 percentage points. As a share of GDP, imports and exports "are relatively low for the U.S., at least relative to most other countries in the world," Slok said. "If the U.S. grows, that's actually good for the U.S. and it's good for the rest of the world," he said. "But if the rest of the world has relatively slow growth, the impact on the U.S. is much smaller." What keeps the U.S. economy going? Flexibility and creativity, says Bryson. "The U.S. economy is more flexible than other economies in the world," he said. Moreover, "we still remain the bastion of new intellectual ideas that get applied economically. It's the most creative economy in the world."

Ext- No recession

The economy is recovering- labor markets are improving

CNN Money 6-5-15 ["America has added over 1 million jobs in 2015," http://money.cnn.com/2015/06/05/news/economy/may-jobs-report-280000-added/]

In a good sign for people looking for work, the U.S. economy gained 280,000 jobs in May. Economists surveyed by CNNMoney projected there would only be 222,000 jobs gains. The unemployment rate ticked up slightly in May to 5.5%, according to the Labor Department. That increase is a sign that more people returned to look for work in May, economists say. "It's a strong report, stronger than we had expected," says Jesse Hurwitz, senior economist at Barclays. "The U.S. labor market strength remains very much in tact." May's jobs report is welcome news after the winter slowdown. The economy actually contracted in the first three months of this year, sparking concerns that hiring would taper off. Show me the wage growth: On Thursday, the International Monetary Fund expressed concern over the U.S. job market, especially how worker pay isn't going up much. Wages grew only 2.3% in May, well below the 3.5% wage growth the Federal Reserve wants to see. Still, that beat expectations in May and is the highest level in nearly two years. Wages remain the last major economic measure to turn the corner and make significant progress. "Employers recognize that in order to attract skilled workers, they need to increase wages," says Sharon Stark, managing director at D.A. Davidson. May's job gains are a good omen for wage growth. Many experts say that pay should pick up as it gets harder and harder to find workers. March was the worst month of job growth this year, but the Labor Department revised up March's job gains from 85,000 to 119,000 on Friday. April's job gains were revised down slightly to 221,000. May brings more high quality jobs: Job gains were across the board in May too. A number of high-quality job areas made meaningful progress. In fact, service-sector job growth so far this year has outpaced the gains from the same time last year, according to Luke Tilley, chief economist at Wilmington Trust Investment Advisors in Delaware. Health care increased by 47,000 jobs, while business services -- which includes marketing and accounting jobs -- gained 63,000 jobs. Construction also had a good month, adding 17,000 new jobs, according to the Labor Department. The one drag is energy companies. They continued to slash jobs due to low gas and oil prices. Mining and drilling jobs dropped by 17,000 in May -- the fifth consecutive month of energy job losses. But overall, the job market made strong gains. It's timely progress for the economy as the Federal Reserve board meets on June 17. The Fed is widely expected not to raise its main interest rate in June, but Fed Chair Janet Yellen will speak to the press and offer her outlook on the economy. If conditions continue to improve, interest rates could rise for the first time in about a decade -- another healthy sign for America's economy.

The economy is fundamentally strong

Mutikani 5-29-15 [Lucia, writer for Business Insider, "U.S. economy likely shrank in first quarter, but fundamentals strong," http://www.businessinsider.com/r-us-economy-likely-shrank-in-first-quarter-but-fundamentals-strong-2015-5]

The U.S. economy likely contracted in the first quarter as it buckled under the weight of unusually heavy snowfalls and a resurgent dollar, but activity since has rebounded modestly. The government is expected to report on Friday that gross domestic product shrank at a 0.8 percent annual rate instead of

growing at the 0.2 percent pace it estimated last month, according to a Reuters survey of economists. A larger trade deficit and a smaller accumulation of inventories by businesses than previously thought will probably account for much of the expected downward revision. With growth estimates so far for the second quarter around 2 percent, the economy appears poised for its worst first half performance since 2011. Economists, however, caution against reading too much into the expected slump in output. They argue the GDP figure for the first quarter was held down by a confluence of temporary factors, including a problem with the model the government uses to smooth the data for seasonal fluctuations. "The weakness in the U.S. recovery is not like a cart losing its wheels because the labor market remains healthy and housing activity is picking up," said Thomas Costerg, a U.S. economist at Standard Chartered Bank in New York.

Ext- No econ impact

Econ decline doesn't cause war

Jervis '11 [Robert Jervis, Professor in the Department of Political Science and School of International and Public Affairs at Columbia University, December, "Force in Our Times," Survival, Vol. 25, No. 4, p. 403-425]

Even if war is still seen as evil, the security community could be dissolved if severe conflicts of interest were to arise. Could the more peaceful world generate new interests that would bring the members of the community into sharp disputes? 45 A zero-sum sense of status would be one example, perhaps linked to a steep rise in nationalism. More likely would be a worsening of the current economic difficulties, which could itself produce greater nationalism, undermine democracy and bring back old-fashioned beggar-my-neighbor economic policies. While these dangers are real, it is hard to believe that the conflicts could be great enough to lead the members of the community to contemplate fighting each other. It is not so much that economic interdependence has proceeded to the point where it could not be reversed – states that were more internally interdependent than anything seen internationally have fought bloody civil wars. Rather it is that even if the more extreme versions of free trade and economic liberalism become discredited, it is hard to see how without building on a preexisting high level of political conflict leaders and mass opinion would come to believe that their countries could prosper by impoverishing or even attacking others. Is it possible that problems will not only become severe, but that people will entertain the thought that they have to be solved by war? While a pessimist could note that this argument does not appear as outlandish as it did before the financial crisis, an optimist could reply (correctly, in my view) that the very fact that we have seen such a sharp economic down-turn without anyone suggesting that force of arms is the solution shows that even if bad times bring about greater economic conflict, it will not make war thinkable.

No economic war impact

Katoch '09 [Rajan Katoch, Institute for Defence Studies and Analyses, New Delhi The Global Economic Crisis Some Strategic Implications, First Published: August 2009]

Despite the above factors, the situation is not the same as in the 1930s, and in today's world, it is highly improbable that the global economic crisis could lead to a world war as it did then. The international order is relatively more stable, with all major powers working with greater coordination, and mostly seeking to stick to the status quo. Learning from experience, the current national economic

policy responses are better formulated, and therefore the economic crisis is unlikely to reach the severity of and linger on for as long as the Great Depression. The greater role being played by fora like the G20 in seeking solutions to the crisis indicates the recognition amongst the key players from both industrialised and developing countries that a broad consensus is needed to move forward. And finally, all this is backed by the hard fact of the overwhelming military dominance of the US; this acts as a force for stability. Localised conflicts remain possible; perhaps a serious threat arising out of collapse of critical states at worst, but a world war—most unlikely.

Ext- Econ resilient

The US economy is resilient

Hamilton '09 [Brian, CEO of Sageworks, Inc., member of the Texas Society of Certified Public Accountants, "The United States Will be Just Fine," http://www.tscpa.org/Currents/EconomyCommentary.asp]

There is probably something in humans and in every generation that makes us think that the problems we face are uniquely difficult. Much has been written about the economy and, if you accept certain assumptions from what you read, you might think that we are in the midst of a global depression. Yet, it is important to put the current economy in perspective. We might even try reviewing and analyzing some objective data. Last quarter, GDP fell at a rate of 0.5%, which means that the total value of goods and services produced in the U.S. fell by a half of one percentage point last quarter over the previous quarter. (1) For the first two quarters of this year, GDP grew by 0.9% and 2.8%, indicating that economic growth is relatively flat this year, but that it is not falling off a cliff. This isn't the first time GDP has fallen and it won't be the last. A decrease in GDP after almost 6 years of increases is not positive, but almost predictable. No economy grows indefinitely and consistently; there are always temporary lapses. In fact, if you consider the media coverage of the economy over the past year and the consequent way people have been scared, it is remarkable that anyone is buying anything. Some would say that we cannot only look at GDP, so let's look at other factors. Interest rates remain at historically low levels. (2) This means that if you want to borrow money, you can borrow money inexpensively as a bus iness or as a person. Loan volume in the country, according to the FDIC and contrary to what you read about the credit crisis, actually increased last quarter compared to the same quarter last year. (3) Someone is getting loans and they are not paying excessive interest rates for them. How about employment? According to the Bureau of Labor Statistics, unemployment sits at 6.7%. At this time last year, unemployment was 4.7%. The decrease in employment is not favorable, but historically an unemployment rate of 6.7% is not close to devastating. The 50-year historical rate of unemployment is 5.97%. (4) Most economists agree that the natural rate of unemployment, which is the lowest rate due to the fact that people change jobs or are between jobs, is around 4%. So, today we sit at 2.7% above that rate. Once again, the very recent trend is not good but it is certainly not horrifying. I have noticed many recent media references to the Great Depression (the period of time between late 1929 and around 1938 or so, depending upon the definitions used and personal inclinations). It might be illuminating to note that by 1933, during the height of the Depression, the unemployment rate was 24.9%. During that same time period, GDP was falling dramatically, which created a devastating impact on the country. Americans have good hearts and empathize (as they should) with those who are unemployed, yet it would be easy to go too far in our assumptions on how the working population is currently affected in aggregate. If 6% of the people are unemployed, approximately 94% of the people are working. We should always shoot for full employment, but why would we view our efforts as poor when we don't quite make that mark? A good student might try to get straight A's, but getting an occasional "B" or "C" won't end the world. Look at personal income today Personal income is income received by individuals from all sources, including employers and the government. Personal income rose last quarter compared to a year ago according to the Bureau of Economic Analysis. Compared to five years ago, personal income has risen by 32.1% . Even considering that inflation was 18.13% over this period, people are generally making more money than they used to. This is another one of those statistics that can easily get bent to fit a story. You often hear things like "personal income fell last month by 23%", but writers tend to leave larger and more important statistics out. In this case, wouldn't you be more interested in trends over a quarter or a year? using isolated statistics to fit your view is something that has become accepted and rarely challenged. Next, there is inflation The inflation rate measures the strength of the dollar you hold today as compared to a year ago. The inflation rate is currently 3.66%. Over the past 50 years, the inflation rate has averaged about 4.2% . Inflation remains well within control. Yet, would you be surprised to read a story next month citing an X% jump in inflation over the last day, month? I wouldn't be. (Ironically, the one thing about the economy that is alarming from a historical standpoint is our national debt, which gets some but not enough media coverage. We now owe $10.6 trillion and have become a debtor nation over the past several decades. We now depend on the goodwill and investments of outside countries, while we continue to spend more than we

make). Now, the skeptics reading this will undoudebtly point to other (I believe, far lesser) statistics that validate their gloomy view of the economy and the direction of the country. I ask the reader: if people are employed, are making good wages, can borrow inexpensively, hold a dollar that is worth largely what it was worth a year or five years ago, and live in a country where the value of goods and services is rising, tell me exactly where the crisis is? There is no doubt that the economy has slowed, but slowness does not equal death. It is true that the financial markets are a mess (and the depreciation of the value of equities is both scary and bad), but analysts typically go too far in ascribing the fall of the financial markets with the fall of a whole economy. The markets are an important component of the economy, but the markets are not the totality of the economy. No one can say whether conditions will worsen in the future. However, we have learned that the United States economy has been tremendously resilient over the past 200 years and will probably remain so, as long as the structural philosophies that it has been built upon are left intact. Americans are hard-working and innovative people and the country will be just fine.

Solvency

1NC Solvency

Plan can't solve indirect surveillance

Kalhan '14 [Anil, J.D. from Yale Law School, Associate Professor of Law, Drexel University. A.B., Brown University, "Immigration Surveillance," Maryland Law Review, Volume 74, Issue 1, http://digitalcommons.law.umaryland.edu/cgi/viewcontent.cgi?article=3646&context=mlr]

Especially over the past decade, these direct post-entry enforcement programs have been supplemented by a growing number of indirect enforcement initiatives.85 These indirect initiatives restrict access to rights, benefits, and services on the basis of immigration or citizenship status, thereby requiring both public and private actors—including social service agencies, educational institutions, hospitals, driver's license bureaus, employers, landlords, and transportation carriers—to verify immigration and citizenship status to make eligibility determinations. These initiatives enforce immigration law indirectly insofar as they are not always intended primarily to apprehend potentially deportable individuals but nevertheless seek to encourage "self-deportation."86 They also can facilitate direct enforcement by collecting and storing information that later can be used to identify and arrest potentially deportable individuals. Indirect enforcement programs can operate more directly when they require reporting of individuals suspected to be potentially deportable to immigration officials.87

Federal action alone fails- other actors will continue crackdowns

Kalhan '14 [Anil, J.D. from Yale Law School, Associate Professor of Law, Drexel University. A.B., Brown University, "Immigration Surveillance," Maryland Law Review, Volume 74, Issue 1, http://digitalcommons.law.umaryland.edu/cgi/viewcontent.cgi?article=3646&context=mlr]

This emphasis on interoperability in immigration governance has been particularly great as the federal institutions involved in immigration regulation have become more fragmented. With the creation of the Department of Homeland Security, most immigration policy functions were transferred from a single agency within the Department of Justice (the INS) to multiple agencies within DHS (USCIS, CBP, and ICE)—even as other immigration-related functions have remained vested within the Department of Justice, Department of State, Department of Health and Human Services, and Department of Labor. Moreover, as immigration control activities have proliferated in a variety of new state, local, and private

institutions, and the overall scale of enforcement has skyrocketed, the number of public and private actors performing immigration enforcement functions has grown exponentially. In this context, the post-2001 emphasis on information sharing for national security purposes has also given a boost to initiatives to make the technological systems used for immigration control by different agencies interoperable with each other and more widely accessible to different actors involved in immigration enforcement.158

Undocumented migration is inevitable- current policies don't deter immigrants

Johnson 2-13-15 [Kevin R. Johnson, Professor of Public Interest Law and Chicana/o Studies, University of California at Davis School of Law, "Possible Reforms of the U.S. Immigration Laws," http://www.chapmanlawreview.com/wp-content/uploads/2014/09/Johnson.pdf]

To this point, the addition of incremental enforcement measures has had a limited impact on undocumented immigration from Mexico.15 The U.S. government simply has been unable to keep migrants—who are so determined that they are willing to risk their lives—from unlawfully entering, and remaining in, the country.16 It makes little sense from an immigration or security standpoint to simply continue to throw resources at fortifying the borders, increasing border enforcement, and engaging in the futile attempt to keep all undocumented immigrants out of the country. The U.S. government has engaged in limited efforts to remove noncitizens who lawfully entered the country on temporary visas, such as students and tourists, but overstayed their terms. Visa overstays likely constitute somewhere between twenty-five and forty percent of the undocumented population.17 Increased monitoring of nonimmigrant visa holders after September 11 does not appear to have had much of an impact on reducing visa overstays. Raids and increased interior enforcement pursued by the Bush administration also have not reduced the undocumented population in the United States.18

Ext- Other actors inevitable

State and local governments will continue immigrant surveillance

Kalhan '14 [Anil, J.D. from Yale Law School, Associate Professor of Law, Drexel University. A.B., Brown University, "Immigration Surveillance," Maryland Law Review, Volume 74, Issue 1, http://digitalcommons.law.umaryland.edu/cgi/viewcontent.cgi?article=3646&context=mlr]

State and local governments also have been active in adopting indirect enforcement initiatives.95 For example, some jurisdictions have supplemented IRCA with employer sanctions regimes of their own, for which the Supreme Court has recently held that IRCA itself leaves some room.96 Other indirect initiatives go well beyond employer sanctions laws by significantly expanding the circumstances in which eligibility criteria for various services and benefits are based on citizenship or immigration status. These initiatives have dramatically expanded the categories of public and private actors that are placed in the position of collecting, storing, verifying, and disseminating immigration and citizenship status information, together with large quantities of other personal information, on a day-to-day basis.97

Federal action can't prevent states from immigrant crackdowns

Ferrell '04 [Craig E. Ferrell Jr., Deputy Director and Administration General Counsel, Chief's Command Legal Services, Houston Police Department, "Immigration Enforcement: Is It a Local

Issue?”
http://www.policechiefmagazine.org/magazine/index.cfm?fuseaction=display_arch&article_id=224&issue_id=22004]

Immigration Regulation Is a Federal Power: State and local police are not required to enforce federal immigration laws. The federal government and its agencies are the authorities responsible for enforcement of immigration law. "The power to regulate immigration is unquestionably a federal power."4 With such power, the federal government has enacted laws, such as the Immigration and Naturalization Act (INA), that regulate a person's entry into the United States, his or her ability to remain in the country, and numerous other aspects of immigration. But these federal laws do not contain any provisions that "require state law enforcement agencies to assist in enforcing the INA." This was the conclusion of a memorandum of opinion by the U.S. attorney for the Southern District of California dated February 5, 1996. Even where Congress has the authority under the Constitution to pass laws requiring or prohibiting certain acts, it lacks the power directly to compel the state to require or prohibit those acts.5 Congress "may not directly force states to assume enforcement of administrative responsibilities constitutionally vested in the federal government."6 Therefore, federal law does not require state agencies to assist the federal government in enforcement of immigration laws.

Counterplan

1NC

Text:

The United States Federal Government should substantially increase funding for the development of robotic harvesting and planting technology for domestic agricultural use.

The United States Federal Government should raise the minimum wage to $15 per hour for workers aged 18 and older.

Ag robots solve farm productivity and worker shortages

LDL Voice 4-30-15 [Load Delivered Voice is a communication outlet for Load Delivered Logistics is a technology-enabled third-party logistics (3PL) firm, “Using Robots to Combat the Farm Labor Shortage,” http://www.loaddelivered.com/blog/communications/using-robots-to-combat-the-farm-labor-shortage/]

During the last century, there were an estimated 3 million migrant and seasonal farm workers in the U.S., but that number has declined significantly to around 1 million today. Despite offering better wages in recent years, farms are struggling to attract workers due to the nature of the work. People don’t want to take on back-breaking labor when there are other options available. Farms now face up to a 30 percent shortage of workers, and that number may increase if they don’t adjust the way they do business (CNBC). Fortunately, technological advances are making it possible for robots to handle laborious farming tasks, which could benefit U.S. farms that are currently struggling with a labor shortage. Enter the Robots To offset the labor shortage, many farms have turned to technology as

a solution. Growers of corn and other commodity crops led the charge on this front, replacing most of their workers decades ago with giant combines and other machines used to cut and gather grain. Now, we're seeing the emergence of robots that can perform more tedious jobs like picking produce and plants. A Spanish company recently developed what they call an Agrobot, an automated harvester that automates the process of picking small produce like strawberries. This 14-armed machine uses high-powered computing, color sensors, and small metal baskets to gently pluck ripe strawberries, ignoring any unripe fruit in its path. Devices that handle tasks like planting vegetable seedlings, harvesting lettuce, transplanting roses, and pulling weeds are also emerging. These mechanized solutions that assume delicate tasks formerly only possible by human workers could have a huge impact on the fresh-produce industry (The Wall Street Journal). Added Value Though this new technology has a high upfront cost, the return on investment can be significant. For example, each Agrobot currently costs $100,000, but the cost of leaving a field unpicked due to no workers available can be a lot more expensive—sometimes resulting in millions of dollars lost. Mechanization of the fresh-produce industry could especially help California produce farmers, who are struggling with a devastating drought. Farming robots can also drastically increase speed of operations. Tanimura & Antle Fresh Foods Inc., one of the country's largest vegetable farms, found that they could reduce work hours for growing romaine and celery by up to 15 percent with an automated tool that transplants seedlings from greenhouse to field (The Wall Street Journal). Getting tasks like these done faster frees up worker hours that can be used for other important tasks, further increasing productivity. Weeding robots, such as LettuceBot by Blue River Technology, are also being developed, which could potentially reverse the use of harmful herbicides that threaten the health of insect and animal life. These robots bring more precision through spot spraying weeds, rather than blanket spraying entire fields (Earth Island Journal).

Raising the minimum wage is an economic silver bullet

Solomon '14 [Marty Solomon is a retired University of Kentucky professor of business and economics, "Marty Solomon: $15 minimum wage would be economic silver bullet," http://www.kentucky.com/2014/11/17/3542896_marty-solomon-15-minimum-wage.html?rh=1]

Despite corporate profits near all-time highs and the stock market's record levels, middle class incomes have fallen. The disparity between rich and the rest has never been greater. The average income of the 400 richest Americans is $130,000 an hour. The average income of the top million taxpayers is $800 an hour. Yet the average American earns $24 an hour. While the bottom 40 percent of Americans earn 7 percent of the income, the top 1 percent earns 20 percent. This disparity seems to be the new normal. What is the answer? Many things have been tried — stimulus, quantitative easing, earned income credits — yet most Americans have been left out. **There is** something that has not been tried and could make an immense difference — **a silver bullet**. Drum roll, please. **It's the $15 minimum wage for workers 18 or older**. Today 40 percent of households earn less than $25,000 a year. That is $11 an hour and that's poverty for a family of four, so even a $10.10 minimum wage seems too puny. But a $15 minimum wage could change things overnight. Guess what? None of America's millions of adult full-time workers would be in poverty. Imagine that. And guess what else? It would pump at least $400 billion annually into the economy, creating enormous demand for retail, housing and autos; requiring businesses to increase hiring, and, at the same time, permit millions of American families to enjoy a better standard of living. Billions in welfare payments would be saved; federal income tax revenues would rise, helping to reduce the federal deficit. State income tax revenues would also increase.

Ext- Ag robots solve agriculture

Ag robots solve farm production

Plumer '14 [Brad, senior editor at Vox.com, where he oversees the site's science, energy, and environmental coverage, "America is running out of farm workers. Will robots step in?" July 2, http://www.vox.com/2014/7/2/5861274/americas-running-out-of-farmworkers-will-robots-help]

Labor-saving techniques have been a mainstay of agriculture since the very beginning. Farmers have always tried to do more with less. To take one example: The recent growth of "no-till farming," which involves less plowing and more herbicides to kill weeds, has reduced demand for labor on some farms. But if a massive farmworker shortage really is on the way in the decades ahead, those labor-saving techniques will have to have to expand massively. Enter the machines. In recent years, companies have been developing driverless tractors guided by GPS. Or drones that can monitor plant health from afar. Or sensors that can automatically figure out where fields need water. Or fully autonomous cow milkers. In Australia, there are even robots that herd cows and sheep around: Robots are slowly expanding into other areas, too. Blue River Technology is developing a robot that uses sensors and algorithms to identify weeds and pluck them. In 2012, the company unveiled a prototype that can thin out lettuce crops in order to give the remaining plants room to grow — a task that usually requires dozens of workers. Fruit-picking is another area where robots could make a real difference. New Scientist notes that the state of Washington produces 17 billion apples each year — each one plucked by a human hand. A labor shortage would threaten that harvest. So a research team at Washington State University is spending the next five years developing a robot to do the job. That said, there are certainly skeptics. At the Oxford Farming Conference in the United Kingdom in January, some experts argued that many existing ideas for agricultural robots would take decades to catch on — if at all. A lot will depend on how quickly the price of human labor rises and how fast the price of machines falls. But if they do catch on, how would this shake out economically? In a 2012 presentation, Taylor and his colleague Diane Charlton looked at the lessons from "shake-and-catch" machines that surround a tree and shake out the fruits or nuts into a large basket. Whenever these machines have been adopted, they note, they typically displace large numbers of low-skilled foreign workers with a few native-born workers with high-school or college degrees. That suggests that a larger-scale shift to farm robots could be a boon to domestic farm workers (studies have found that 23 percent of US farm worker families are below the poverty line). But Taylor and Charlton noted that a shift to robot farmers would likely have other effects as well. The US may see increased demand for higher-skilled agricultural laborers from abroad, for instance.

Robots solve agricultural productivity

Merritt '14 [Ginger, holds a degree in agricultural journalism from the University of Missouri, "Can Ag Robots Clear The Obstacles?" July 9, http://www.precisionag.com/institute/can-ag-robots-clear-the-obstacles-pa-institute-content/]

That scenario might seem far-fetched and futuristic, but with automation in agriculture exploding, it might not be so off-base. Technological advances in agriculture are growing by leaps and bounds, and farmers and agricultural companies are boarding the ag robotic train. They see a bright future. "I picture a small shed in the corner of every 160-acre field with a tractor and a multi-purpose tillage/planter/sprayer tool," said Todd Golly, Winnebago, MN, farmer. "The tractors will be fully autonomous, identically built for cost savings." Industry experts can see that vision, too. Jorge Heraud, CEO of Blue River Technologies, said that ag robotics is a complicated topic, but he believes it will take the industry by storm. "Ag robotics will be everywhere," he said. "The question is when." Mike Gomes, Topcon director of agriculture business development, agrees that the ag robotics industry is strong and growing. He said he sees agriculture transforming from one machine per operator to many machines per operator. "We're ready to help the industry move on to the next levels of automation," he said. From the cotton gin in the 1830s to the monster combines of current day, agriculture has undergone a technology revolution that is not even close to ending. One of the first ways that robotics made their way into agriculture was in the form of autosteer in tractors. "Our farm, like many others, has used autosteer for years; this was probably the first form of widely accepted 'robotic' technology," Golly said. Farmers have fully embraced that technology and are welcoming more updates and equipment that make their everyday lives easier. "We have now moved into using fully autonomous unmanned aerial systems for crop scouting," said Golly, who farms his family's 7,000-acre corn and soybean farm in southern Minnesota. "We can scout hundreds of acres in the time it used to take to do only a few." Ag robotics increase efficiency on the farm. Many experts feel that one of the biggest ways this technology can help the industry is in the form of labor, which is becoming increasingly difficult to secure, especially in the labor-intensive fruit and vegetable fields. The amount of manual labor in agriculture lends itself to robotics, Heraud said, and his work at Blue River Technologies in California recognizes that opportunity. Their lettuce bot will mechanically thin the fields — a task that is currently done by humans. Heraud said that using robots for this type of work not only answers the labor-shortage call but performs at a higher level. "The better you thin the lettuce, the more uniform stand you have and the more yield you get," he said. "So, we have created this machine that can thin much better than a human can." Blue River currently has three lettuce bots in operation that are hired by farmers and operated by Blue River staff. The company has only been working on the technology for a little more than a year, but the robot is already in its third generation. Heraud said that they are rolling the equipment out in this way to ensure that the farmer gets the best results from the machines in its early stages of development. "It's very possible that we will mass produce this robot, but the first thing that needs to happen is to get the technology stable," he said.

Funding key to ag robots

More government funding is key to effective agriculture technology

Tobe '14 [Frank, "Will agricultural robots arrive in time to keep fruit and vegetable costs down?" July 11, http://robohub.org/will-agricultural-robots-arrive-in-time-to-keep-fruit-and-vegetable-costs-down/]

The race has been slow-going up until now. Farmers are very pragmatic and cost conscious. They have gradually moved toward precision agriculture (AKA satellite farming or site specific crop management (SSCM)). (Precision agriculture is farming management based on observing and responding to intra-field variations.) But they have not yet embraced robotics. They are beginning to experiment with data from aerial robots, kits that enable self-driving of tractors, and advanced GPS and communications systems, but for a variety of reasons have not moved past the experimental phase. If and when new robotic products do their jobs efficiently, reliably and economically AND low-cost labor cannot be found, farmers will change their methods and begin to deploy robots. They haven't needed to until now. The only real questions are (1) whether the robots will be funded, developed, field tested and produced in time, (2) will these new devices do their jobs properly and economically, or (3) will consumer prices need to rise to compensate for higher wages because no robots could be adapted to the work? Here are some of the factors effecting change: Migrant labor: Farm wages in Mexico are rising, giving jobs to those that used to go to the US for work Other less gruelling jobs are becoming available within Mexico and in the US, providing choices where there were few before Fewer migrant workers are coming to the US each year States are passing and enforcing stricter immigration laws deterring undocumented workers Income is a major factor in the migration away from farming: Farm production expenses in the US average $109,359 per year per farm while less than 1 in 4 of the farms produce gross revenues in excess of $50,0003 Use of robots: Researchers are forecasting expansion of the agricultural robot market from $817 million in 2013 to an anticipated $16.3 billion by 20204 Robotic harvesting, irrigation, pruning, weeding and thinning devices are being field-tested all around the world Robotic spraying and seeding have been going on in Japan and Australia for years Driverless tractors are beginning to be deployed and provide less compaction than do traditional tractors Robotic cow milking systems are making inroads in the US Nurseries are beginning to use pick-and-place robots Aerial observation robots will likely add to the precision of the global precision agricultural movement once FAA regulations are in place in late 2015 ABB, KUKA and Yaskawa have made little inroads in the industry although they do provide robots to help make farm tools and tractors and material handling equipment Fanuc, KUKA and Adept have a presence in food sorting and processing but not in growing or harvesting Other drivers: Using LED lighting has enabled year-around indoor farming which further enables the metrics for greenhouse robotic processing Better and more specific crop, chemical, air and soil sensors – all at low cost – enables better understanding of crop variability and improves precision methods Learning systems and big data processing help farmers overlay more and more data to understand their farms better and make their precision methods more accurate Swarm technologies and better telematic systems can optimize equipment and control swarm activity, e.g., variable rate swath control to save on seed, minerals, fertilizer and herbicides by reducing overlapping Governmental funding in the US has been paltry: the USDA has awarded grants totaling $4.5 million for robotics research. Growers Associations and large ag equipment producers have given research grants or done internal R&D supplementing the USDA. Venture capital firms, in a quest to incubate new technology for the industry, have invested $71.1 million in 8 ag-related start-up companies in the last two years5. European public-private-partnerships for various agricultural projects (shown below) has been sufficient to give an edge to EU ag equipment providers as well as start-up companies.

Ext- Higher wages solve econ

Raising wages is essential to the economy

Furman '14 [Jason Furman is the chairman of the Council of Economic Advisers, "Unemployment is down, and we still have work to do," http://www.washingtonpost.com/opinions/unemployment-is-down-and-we-still-have-work-to-do/2014/07/04/7172bee6-0383-11e4-b8ff-89afd3fad6bd_story.html]

Even with this good news, it is essential to dig into the numbers to understand what they mean both for families still struggling to make ends meet and for the work we still need to do to create more jobs at higher wages. We have further to go — especially given a long-term unemployment rate that is still too high and wages that have been stagnant for decades — but our challenges should not distract us from understanding the progress we have made. Skeptics point to the higher unemployment indicated by a broader gauge of unemployment and underemployment that includes people involuntarily working part time and those who have not looked for a job recently but who still want to work. But this criticism ignores that this measure is always higher than the official unemployment rate and that it has also come down steadily, falling by more than 5 percentage points from its peak in early 2010. Another claim is that the only reason unemployment has fallen is because people are dropping out of the workforce, what economists call a decline in the participation rate. In fact, since October the participation rate has been stable, so the 1.1-percentage-point decline in unemployment since then stems entirely from more people finding jobs. It is true that the participation rate has fallen over the course of the recession and recovery. But it is important to put that fact in context. According to a range of studies, including our own analysis at the Council of Economic Advisers, about half of the decline is due to the beginning of a retirement boom as the first baby boomers turned 62 and became eligible for Social Security benefits in 2008. This fully anticipated economic event will continue to put downward pressure on the participation rate for decades. The retirement boom is layered on top of other trends unrelated to

aging, such as the decline in participation by men between ages 25 and 54 since the 1950s and the decline by women in those same prime working years since the late 1990s. In fact, a 2006 study by economists at the Federal Reserve that considered these trends projected that the labor force participation rate would fall to 62.9 percent this year, almost exactly its current level. Of course, in addition to these trends, whenever the unemployment rate is elevated, the participation rate will be lower, as people seek further schooling, delay reentering the workforce after leaving for reasons such as caring for a newborn, or get discouraged and stop looking for work. These effects have likely been exacerbated by the unique challenges associated with the worst recession since the Great Depression, but they have diminished as the labor market healed, and further healing will continue to push the participation rate up, roughly offsetting the continued decline due to the population aging. Correctly diagnosing the challenges we face points us to what we can do to spur more job creation, raise wages and bring more people into the labor market. First, Congress should take steps to invest in infrastructure, extend unemployment insurance benefits and reauthorize the Export-Import Bank. In the absence of action from Congress, President Obama will press forward by using his executive authority to expand credit in mortgage markets, speed the permitting of infrastructure projects, launch new hubs of manufacturing innovation and attract foreign investment. While a strong overall recovery is the most powerful solution to long-term unemployment, we should not overlook some of the unique challenges the long-term unemployed can face. That is why this year the president required the federal government to improve its hiring practices, announced new grants to expand some of the most promising public-private efforts to connect the long-term jobless with work, and rallied some of the nation's largest employers to commit to best practices for hiring the long-term unemployed. Second, a stronger economy will help raise wages, and, conversely, **higher wages will help strengthen the economy. That is why it is essential to raise the minimum wage**. While Congress has waited to act, many states and businesses are moving ahead. At the same time, investments in everything from preschool to college will raise longer-term wage growth.

Higher wages bolsters the economy

Perez et al '14 [U.S. Secretary of Labor Tom Perez was sworn in on July 23, 2013, as the nation's 26th secretary of labor. Tom Harkin is a Democratic senator from Iowa. George Miller, a Democrat, is U.S. representative for California's 11th congressional district and former chairman of the Education and the Workforce Committee, "Raise minimum wage; working people should not live in poverty," October 10, http://www.cnn.com/2014/10/10/opinion/perez-harkin-miller-minimum-wage/]

Every day for low-wage workers is filled with struggle and anxiety. We have heard from and visited with people making heartbreaking decisions about which bill to pay, which meal to skip, which growing child will get a pair of shoes this season and whether to buy a gallon of milk or a gallon of gas. For many of us, an unexpected car repair is an inconvenience; for a minimum-wage worker, it is a catastrophe. The national minimum wage of $7.25 per hour is unconscionably low. It is an affront to our values, and it has remained unchanged for more than five years. During that time, the cost of food, utilities, transportation and other essentials has gone up, but low-wage workers' paychecks have remained the same. In fact, the purchasing power of the minimum wage has been eroding steadily (PDF) since its peak in the late 1960s. Today's minimum wage would have to be well above $10 per hour to equal the purchasing power of the minimum wage in 1968. Too many low-wage workers must rely on public assistance just to keep their heads above water. Raising the minimum wage would allow up to 3.6 million people to come off the food stamp rolls. These workers would have the dignity and satisfaction of buying food with their own paychecks while American taxpayers would no longer have to pony up billions of dollars to subsidize the large companies that build wealth for shareholders on the backs of their workers. Fortunately, many businesses are turning away from this low-road business model. Poll after poll shows that employers -- especially small businesses -- are rallying around $10.10. We've seen it firsthand in visits to these businesses, where they know that higher wages strengthen their bottom line by increasing employee loyalty, retention and productivity. Businesses also know that they need customers with money in their pockets. When working families get a raise, they don't stash it in offshore tax havens. They pump it right back into their local economies at the grocery store, hardware store or auto body shop. Increasing the minimum wage boosts consumer demand, growing our economy and helping communities thrive. Henry Ford understood this. A century ago, long before there was a federally mandated minimum wage, he doubled the pay of the workers on his assembly line because he thought they should be able to afford the very cars they were making. He said, "If we can distribute high wages, then that money is going to be spent and it will serve to make storekeepers and distributors and manufacturers and workers in other lines more prosperous. ... Countrywide high wages spell countrywide prosperity."

AFF Answers- Ag Robots

Ag robots fail- raises costs for producers and consumers

LDL Voice 4-30-15 [Load Delivered Voice is a communication outlet for Load Delivered Logistics is a technology-enabled third-party logistics (3PL) firm, "Using Robots to Combat the Farm Labor Shortage," http://www.loaddelivered.com/blog/communications/using-robots-to-combat-the-farm-labor-shortage/]

Though the use of farming robots brings increased efficiencies and long-term cost savings to farmers, it does have some disadvantages. The need for maintenance and repair can be costly, especially while some of these technologies are still being developed. High up-front costs of purchasing the new machines will likely be passed along the supply chain, resulting in higher prices for consumers in the short term. Additionally, some worry that robots will eliminate farming jobs that are still needed and give an unfair advantage to large growers that have more money to invest in such products.

Robot workers fail- immigrants solve agriculture best

Smith '13 [Scott, head of futures research lab Changeist, reporter for Quartz, a news publication, "Robotic farm workers won't improve food prices or labor costs," July 24, http://qz.com/106838/robotic-farm-workers-wont-improve-food-prices-or-labor-costs/]

One government estimate places the size of the illegal workforce in agriculture at just under 50% between 2007 and 2009, or roughly 1.5 million workers, according to the National Center for Farmworker Health. Labor costs make up 42% of variable costs for fruit and vegetable production in the US, according to the US Department of Agriculture's Economic Research Service (ERS). Withdrawing this low-cost source of maintenance, picking and packing labor, much of which is paid below minimum wage, could fuel rising commodity costs for farm-grown food at a point when the US consumer is still very sensitive to food price increases. Add to this an already shrinking immigrant pool from which to draw, eroded by Mexico's improving economy for one, and farmers are increasingly in need of new, predictable, and price-stable forms of farm labor—all of which, a shiny new worker on wheels is promised to provide. Luckily for them, robotics specialists have been increasingly happy to oblige with new creations that pick everything from lettuce to soft fruits to mushrooms to cotton, at a rate that their inventors promise can increase efficiency twenty-fold, drastically reducing the number of workers needed to cover the same acreage. Additionally, they aren't just picking, but planting, thinning, weeding, and even spraying pesticides from unmanned aerial vehicles, the latter of which becomes easier when removing humans from the mix, avoiding fears of contamination and illness through exposure to these chemicals. Robots even open up possibilities of changing the shape of the farm itself, automatically managing indoor hydroponic farms, for example. (Some are even considering how robotic farming could be applied in space.) Look, 3D Oranges! Some of the big technology shifts that have accelerated the development of farm robots have been in the allied fields of machine learning and machine vision. Robotics researchers have focused, in part, in recent years on teaching their creations how to spot a ripe strawberry, for example, and then gently remove it, skipping the unripe ones along the way. Companies such as Vision Robotics are teaching multi-armed orange picking units to capture 3D images of orange trees, and the fruit hiding in them, to pass on to grabber arms, while Stanford-launched Blue River's robots are learning to visually spot weeds and inject lethal doses of fertilizer into them. Still, researchers admit farm beds and planting techniques will have to be altered to meet some of this technology half way, creating new costs in order to accommodate these new forms of labor. Additionally, the handling expertise that a knowledgeable picker gains, which tells him or her just how lightly to twist a pickable peach, wine grape, or hot pepper in order to collect it without bruising, will take more time to perfect. And, the knowledge gained by experienced pickers of a particular field or orchard's condition aren't captured either by machine labor. Whose paycheck are we lowering, anyway? The direct costs of shifting from human to robotic farm labor aren't yet favorable enough to make the return on investment incredibly attractive—some first-generation industrial units cost upward of $1 million, far more than the workers they replace (and some workers will still be needed, a la Amazon, to "manage" the devices). What they do provide is a lack of unionization headaches, a stable workforce that isn't susceptible to seasonality, reactionary legislators, or the vagaries of a militarized border. Robotic farm labor represents an area where particularly populist politicians might find themselves in an uncomfortable position, decrying both illegal immigration and falling wages. As some have pointed out in the recent debate about technology and labor, automation is already eating into the wages of workers in industrialized markets, and turning farming over to much higher levels of automation is not, in the case of the US economy, going to free labor to pursue higher skilled work. It may in fact further erode the immigrant base that in past eras refreshed our culture, and even today helps prop up the economy itself. There are elements of the

agricultural economy that will undoubtedly benefit from robotic labor. In the best case, a complementary economy might emerge, exposing some farm workers to opportunities to manage and maintain higher levels of automation, and not simply live in an either/or world of robot vs human. A close look at the new innovations touted in automated agriculture shows that, while amazing advances are being made, and new efficiencies found, bringing these costly units up to a level of skill and insight that an experienced farm worker possesses requires forging a huge number of difficult algorithms. The promise of even lower cost food and fewer legal headaches shouldn't mask the complexity of developing and deploying technology that can do the job required. We will be getting a greater array of machine labor on the farm in the very near future, but, breathless headlines aside, it probably won't be panacea that both engineers and politicians hope for.

Ag robots aren't flexible enough to solve

Merritt '14 [Ginger, holds a degree in agricultural journalism from the University of Missouri, "Can Ag Robots Clear The Obstacles?" July 9, http://www.precisionag.com/institute/can-ag-robots-clear-the-obstacles-pa-institute-content/]

Topcon is working with a number of industry recognized original equipment manufacturers (OEMs), like AGCO, to supply on-board technology. Any new technology has limitations, and Harvest Automation's Kawola said the challenges are not small. "Ag has been historically slow to adapt new technology," he said. "There's a bias to do things the way your father did. The flip-side is that in ag, once you establish that a product is good, there's a camaraderie among farmers to share advice. They will tell their friends about the good and warn them about the bad." Kawola also said that companies building the technology need to be mindful to create it in a way that does not change the skill set needed to operate it. "We track usage and training levels on our robots, and we know that 90% of the instructions put into the robots are Spanish," he said. "The point is that the technology companies have to build the technology so that the use of the tech on the farm is as easy as possible." Another limiting factor in ag robotics is price. Technology needs to be at the point where the cost is right, Blue River's Heraud said. "The bar is set high in the Midwest when it comes to farming," he said. "People have been working on making ag the best it can be through large, efficient equipment." John Deere's Keim also sees money as an issue when implementing these new technologies, along with keeping up with the different technology available. "There are different price points for this technology," she said. "It's not anything different than what the automobile industry faces; the industry has to get the technology down to a price point that makes sense. "When considering unmanned equipment, even if it is small, safety is a concern that is top-of-mind for companies like Deere. "When a machine is running without an operator, safety obviously needs to be of utmost concern," Keim said. Schildroth said that ag robotics are limited by their lack of human intuition — the situations that humans would see and be able to take care of on their own. If a row unit plugs up, a farmer would quickly fix it and get it running again. The robot has to have a way to correct situations like those on its own without calling someone into the field every 10 minutes. Another challenge is that every farmer does things differently, said Schildroth, but the robots would respond the same every time, which causes farmers to lose some of their ability to customize. Grower Golly also sees this obstacle when thinking about the future of ag robotics. "The issue with the ag industry itself is the fact that it is so varied," Golly said. "We have so many crops and so many management systems that it's difficult to make a one size fits all solution that works and is affordable for all farmers.

AFF Answers- Minimum wage

A higher minimum wage won't solve the economy- effects are small

Patton '14 [Mike, Certified Financial Planner, economic analyst for Forbes, "The Facts On Increasing The Minimum Wage," 11-16-14, http://www.forbes.com/sites/mikepatton/2014/11/26/the-facts-on-the-minimum-wage-increase/]

Would raising the minimum wage to $15 per hour help our economy? Follow along as I provide some facts (data is from 2012-13). The total U.S. labor force was roughly 158.7 million. About 47%, or 75.3 million workers, were paid an hourly wage. Of all hourly workers about 4.7%, or 3.54 million, earned a wage equal to or below the minimum wage. For our discussion, let's assume the entire group earned the minimum wage. If you multiply the number of workers who earned the minimum wage by the current minimum wage, you'd get the total wages earned by this group (3.54 million X $7.25 = $26.1 million). If everyone of these workers received an increase to $15 per hour, the total wage earned by this group would be $54.0 million. This represents an increase of $27.9 million. If 100% of this income was spent on products and services, it would only equate to 1.25% of total U.S. GDP. Here's my point. This increase, even if completely spent (which is doubtful), would not be very significant. Therefore, in my view, the economic benefit "argument" is a red herring. What should a worker be paid? How Much Should a Worker

Be Paid? Most agree that a worker should be paid what he or she is worth. In other words, a worker should be paid a wage commensurate with the skills required for the job. Under this assumption, the minimum wage argument is weak. Why? First, in a true, free-market economy (which is not what we have), the labor market would set the rate of pay for all jobs based on a number of factors. Consider this. Should a 16 year old flipping burgers at McDonald's be paid the same as a 30 year old single mother working as a certified nursing assistant? Currently, these vocations receive about the same wage. What does the single mother's maternal status have to do with her rate of pay? Nothing really. But this is the type of argument we find today. It's all about the poor, suffering, and needy and how the government will fix all of our woes. Don't misunderstand, I feel for these people, regardless of the circumstances which brought them to a difficult place. Even if it's all their own doing. I'm simply trying to make a point that economics are blind to emotion. There is another possible downside to a drastic increase in this wage. Raising the minimum wage from $7.25 to $15.00 could put pressure on other lower-paying jobs which pay slightly more than the existing minimum. This could cause stress in the compensation structure of many small businesses. In fact, any mandate from the government which increases the cost of doing business could result in a number of consequences, mostly negative. First, it could cause prices to rise as businesses attempt to protect profit margins. Next, it could cause a loss of jobs if the business is forced to reduce expenses, again, to maintain profitability. It could also lead to an increase in automation, depending on the specific job. Finally, it could have little or no effect on small businesses, if an adequate profit margin already exists and the owner is willing to absorb the additional expense. Conclusion Even though it's true that raising the minimum wage would result in more money for those who receive it, because it is so low (hence the word minimum), **it would have very little effect on the U.S. economy**. Therefore, I think this is more about class envy than anything else. And, like so many arguments today, you can't overlook the political component.

CP can't solve the economy

Royer '14 [Jordan, Vice President for External Affairs in the Seattle office of the Pacific Merchant Shipping Association, "A $15 minimum wage won't be anyone's silver bullet," March 6, http://crosscut.com/2014/03/15-minimum-wage-kshama-sawant-socialist/]

First, raising the minimum wage so high locally could bring a number of unintended consequences with the potential to hurt those we want to help. It's already very difficult for young people to get employment experience. At $15 per hour, summer jobs will be all the more difficult to get, making it almost impossible for young people to find work and develop a work ethic through their experience. I worry that this move so quickly will make the problem worse. A more moderate increase at the national or state level would be a better option. Second, large corporations can probably absorb the immediately higher costs. Our local restaurants and retail businesses will have a much tougher time. Will this result in closures or fewer yet more experienced employees? Will employer participation in healthcare be reduced or eliminated to absorb the increased cost? And will companies be willing to take a chance on young people or immigrants with limited English skills? The mayor's task force on income inequality has been debating and receiving briefings from experts about the effects of raising the minimum wage since the beginning of the year. The challenge for Seattle is that no one has raised it to $15 so quickly. Even SeaTac's Prop. 1 only impacts certain economic sectors and exempts small businesses and those with a union contract. Some people point to San Francisco's minimum wage as an example of what we should do here. At $10.74, it's the highest in California, but only a little over a dollar more than the State of Washington's. And although San Francisco has implemented a minimum wage bump alongside rent control to make the city more affordable for working people, they are suffering more and more from the relentless march of gentrification. The reason is simple: The city's blue-collar family wage jobs left long ago. Seattle still has plenty of decisions about minimum wages left on its plate: What should our minimum wage be? Will it be phased in over time? Is total compensation counted in the minimum? Will businesses with labor contracts be exempt? Will there be other exemptions for non-profits, types of industry, or size? Will the city include some sort of tax relief for small businesses as part of the package? Rather than debate whether Seattle should pick $15 or $11 or $25 though, it might be better to discuss the problem in a larger context. How do we help people move up the economic ladder? Still, there are plenty of good jobs available in the Northwest — and no, they're not all tech companies. Many are in maritime and manufacturing, which, though they may start at $10 an hour, will hire first time job seekers and people with limited English skills. Aging workforces mean these sectors are desperate for new people, so advancement can come quickly as skills are learned. Unfortunately, over the last 30 years, we've made access to the higher rungs much more difficult. States have divested from higher education, creating huge increases in tuition. (The University of California system used to be free!) Marginal tax rates have been reduced, giving governments less money to invest in the kinds of infrastructure that, in the 1950s and 60s, became the basis of American prosperity. The workplace has changed dramatically and different skills are required, but without government investment in training and education, we are falling behind. Our frustration about that is understandable and valid, but our problems won't be solved merely through a higher minimum wage. We must also look to tax policy and investment in workforce training and education. So far, the $15 Now! debate has not included any discussion of how we get people access to these resources. My hope is that we refocus on the larger, more effective strategy of growing jobs and job training; of connecting people to new careers and rebuilding the Northwest's middle class. Because the minimum wage should not be the final wage for anybody. It is meant to be that first rung of the ladder.

Higher wages cause economic tradeoffs- doesn't help the market

Hansen '14 [Jay, spent 30 years as a COO of North Technology Group, covers economics for The Week, "The economic case for keeping the minimum wage at $7.25," October 17, http://theweek.com/articles/443077/economic-case-keeping-minimum-wage-725]

As for the prediction that the economy would benefit from extra cash in the pockets of some low-income workers, it defies common sense to think this is a critical factor. After all, total minimum wage payments are just about one-third of 1 percent of total GDP. Even if the liberal argument that extra income will be spent, therefore helping the economy, is 100 percent true, we're only talking about a few billion dollars in America's $15 trillion economy. But in the end, many Democratic politicians and idealistic progressives don't make a macroeconomic case for raising the minimum wage. Theirs is a moral argument. It's just not fair to pay such a low wage, they say. People can't live on $7.25 an hour. In essence, they view a higher minimum wage as an anti-poverty program. Ironically, free-market economists have the same goal — to help the poor. However, they know there are much more efficient ways of achieving the same end. President Obama wants to raise the federal minimum wage from $7.25 to $10.10 — a 39 percent increase. But cash that goes into one pocket must come out of another. Business owners with lots of minimum-wage employees would undeniably see their costs skyrocket. Maybe they'll compensate by raising the prices at the fast-food restaurant they own, which would hurt many poor and middle-class families who would ultimately pay higher prices at these restaurants. There is no free lunch — the money to pay for a big wage hike has to come from somewhere. But more critically, the bedrock economic principle of the interconnected relationship between supply and demand comes into play. Simply stated, if the price of a good increases, the demand for that good decreases. If the price goes down, demand goes up. Labor is a good, too. When the price of low-priced labor increases, employer demand for that labor decreases, while employee demand for those jobs increases. That means more workers will be chasing even fewer openings. Those jobs will pay more — but fewer employees will benefit. Let's look at the example of workers in the food-service industry. Of the 3.3 million (4.3 percent) in America who earned the federal minimum wage of $7.25 or less in 2013, about 1.5 million were in the food preparation and serving related occupations. What happens to them if the U.S. increases the federal minimum wage to $10.10 per hour? Both economic theory and common sense tells us that demand for those workers will decrease. Now, liberals and conservatives alike point to plenty of studies that "prove" their side of the argument. On the left, this article from Think Progress sums it up well. Or, as the above CBO study concluded, a government-mandated wage increase would cause the loss of many existing jobs, but ultimately create a net economic gain. On the right, a recent and very thorough study by the American Action Forum showed that in the states that raised the minimum wage in January of this year, by May, 129,200 jobs had been lost in the food service industry. Yet, at all other wage levels, the number of jobs increased. It's easy to drown in the noise of the arguments on both sides. Besides, belief (on both sides) usually trumps good science. So here, again, is the key point: The law of supply and demand tells us that when the price of low-priced labor increases, employer demand for that labor decreases. A big minimum wage hike will cost many minimum-wage earners their jobs.

TSA Northwestern

Privatization

Privatization worse

The TSA would just privatize its screening if the plan occurred

Jansen 14 (Bart, covers transportation primarily at the Federal Aviation Administration, the Transportation Security Administration, the National Transportation Safety Board and Congress, "Airports: Privatizing TSA security remains challenging", July 29th, http://www.usatoday.com/story/money/business/2014/07/29/tsa-airports-privatize-montana-kansas-city/13316121/)CDD

The TSA was created to standardize and improve airport security after the 9/11 terrorist attacks. But the agency has the Screening Partnership Program for airports that prefer to hire private contractors, so long as they maintain the same level of security as the TSA. Congress would like to expand the program beyond the current 18 airports — the largest in San Francisco and Kansas City — that handle a combined 4.5% of all passengers nationwide. But after a 2012 law made the application process easier so more airports could participate, lawmakers say the results are still balky. "There is no reason why (the program) cannot be expanded to create even greater efficiencies under a risk-based system," said Rep. Richard Hudson, R-N.C., and the panel chairman. William Benner, the program's director, said the agency promoted the program by meeting in January with about 100 contract companies. The TSA also met with vendors at two industry meetings in June. Benner said the agency's goal is now to get from application to contract award within a year. "That is a very aggressive timeline," Benner said. "Are we getting better? I'm convinced we are." But Cindi Martin, director of Glacier Park International Airport in Montana, described her application process that began in October 2009 and is finally scheduled to end in August with the arrival of private screeners. "We are seeing the light at the end of what has been a very long tunnel," Martin said. "Despite the frustrating length of time through the fits and starts in the process and lack of communication from TSA, we could do it all again."

The private contractors would securitize further

Ron Paul 11 (You know who he is, "Ron Paul: The TSA Is Not Above The Law!", July 5th, http://www.ronpaul.com/2011-07-05/ron-paul-the-tsa-is-not-above-the-law/comment-page-1/)CDD

The press reports are horrifying: 95 year-old women humiliated; children molested; disabled people abused; men and women subjected to unwarranted groping and touching of their most private areas; involuntary radiation exposure. If the perpetrators were a gang of criminals, their headquarters would be raided by SWAT teams and armed federal agents. Unfortunately, in this case the perpetrators are armed federal agents. This is the sorry situation ten years after the creation of the Transportation Security Administration. The requirement that Americans be forced to undergo this appalling treatment simply for the "privilege" of traveling in their own country reveals much about how the federal government feels about our liberties. The unfortunate fact that we put up with this does not speak well for our willingness to stand up to an abusive government. Many Americans continue to fool themselves into accepting TSA abuse by saying "I don't mind giving up my freedoms for security." **In fact, they are giving up their liberties and not receiving security in return**. Last week, for example, just days after an elderly cancer victim

was forced to submit to a cruel and pointless TSA search, including removal of an adult diaper, a Nigerian immigrant somehow managed stroll through TSA security checks and board a flight from New York to LA — with a stolen, expired boarding pass and an out-of-date student ID as his sole identification! He was detained and questioned, only to be released to do it again 5 days later! We should not be surprised to find government ineptitude and indifference at the TSA. At the time the TSA was being created I strongly opposed federalization of airline security. As I wrote in an article back in 2001: "Congress should be privatizing rather than nationalizing airport security. The free market can and does produce excellent security in many industries. Many security-intensive industries do an outstanding job of maintaining safety without depending on federal agencies. Nuclear power plants, chemical plants, oil refineries, and armored money transport companies all employ private security forces that operate very effectively. No government agency will ever care about the bottom-line security and profitability of the airlines more than the airlines themselves. Airlines cannot make money if travelers and flight crews are afraid to fly, and in a free market they would drastically change security measures to prevent future tragedies. In the current regulatory environment, however, the airlines prefer to relinquish all responsibility for security to the government, so that they cannot be held accountable for lapses in

Privatization of security fuels the military industrial complex- turns the aff

Turley 14 (Jonathan, the Shapiro Professor of Public Interest Law at George Washington University, "Big money behind war: the military-industrial complex", 1/11, http://www.aljazeera.com/indepth/opinion/2014/01/big-money-behind-war-military-industrial-complex-20141473026736533.html)CDD

The new military-industrial complex is fuelled by a conveniently ambiguous and unseen enemy: the terrorist. Former President George W Bush and his aides insisted on calling counter-terrorism efforts a "war". This concerted effort by leaders like former Vice President Dick Cheney (himself the former CEO of defence-contractor Halliburton) was not some empty rhetorical exercise. Not only would a war maximise the inherent powers of the president, but it would maximise the budgets for military and homeland agencies. This new coalition of companies, agencies, and lobbyists dwarfs the system known by Eisenhower when he warned Americans to "guard against the acquisition of unwarranted influence… by the military-industrial complex". Ironically, it has had some of its best days under President Barack Obama who has radically expanded drone attacks and claimed that he alone determines what a war is for the purposes of consulting Congress. Investment in homeland security companies is expected to yield a 12 percent annual growth through 2013 - an astronomical return when compared to other parts of the tanking economy. Good for economy? While few politicians are willing to admit it, we don't just endure wars we seem to need war - at least for some people. A study showed that roughly 75 percent of the fallen in these wars come from working class families. They do not need war. They pay the cost of the war. Eisenhower would likely be appalled by the size of the industrial and governmental workforce committed to war or counter-terrorism activities. Military and homeland budgets now support millions of people in an otherwise declining economy. Hundreds of billions of dollars flow each year from the public coffers to agencies and contractors who have an incentive to keep the country on a war-footing - and footing the bill for war. Across the country, the war-based economy can be seen in an industry which includes everything from Homeland Security educational degrees to counter-terrorism consultants to private-run preferred traveller programmes for airport security gates. Recently, the "black budget" of secret intelligence programmes alone was estimated at $52.6bn for 2013. That is only the secret programmes, not the much larger intelligence and counterintelligence budgets. We now have 16 spy agencies that employ 107,035 employees. This is separate from the over one million people employed by the military and national security law enforcement agencies. The core of this expanding complex is an axis of influence of corporations, lobbyists, and agencies that have created a massive, self-sustaining terror-based industry. The contractors In the last eight years, trillions of dollars have flowed to military and homeland security companies. When the administration starts a war like Libya, it is a windfall for companies who are given generous contracts to produce everything from replacement missiles to ready-to-eat meals. In the first 10 days of the Libyan war alone, the administration spent roughly $550m. That figure includes about $340m for munitions - mostly cruise missiles that must be replaced. Not only did Democratic members of Congress offer post-hoc support for the Libyan attack, but they also proposed a permanent authorisation for presidents to attack targets deemed connected

to terrorism - a perpetual war on terror. The Department of Homeland Security (DHS) offers an even steadier profit margin. According to Morgan Keegan, a wealth management and capital firm, investment in homeland security companies is expected to yield a 12 percent annual growth through 2013 - an astronomical return when compared to other parts of the tanking economy.

TSA reforms favors private contractors- prevents any effective reform

Inserra 7/2 (David Inserra, specializes in cyber and homeland security policy, including protection of critical infrastructure, as research assistant in The Heritage Foundation's Allison Center for Foreign Policy Studies, "TSA Failures Point to Need for Private Airport Security", http://dailysignal.com/2015/06/02/tsa-failures-point-to-need-for-private-airport-security/, 7/2/15, 8/2/15, MEM)

An exclusive scoop, ABC News is reporting that the Transportation Security Administration failed to stop undercover agents in 67 out of 70 recent probes of TSA screening. These agents carried fake weapons through checkpoints at major airports across the country and were not stopped. ABC reports that Jeh Johnson was "apparently so frustrated by the findings he sought a detailed briefing on them last week at TSA headquarters." Johnson has good reason to be frustrated: Such a high failure rate is unacceptable. The inspector general's report is not available publicly and will likely be classified for security reasons. This should not stop Congress, however, from investigating this matter and reviewing the remedial actions that are being taken. Importantly, it exposes the reality that government screeners are not necessarily the right answer to airport screening. Almost all European countries and Canada use private airport screeners. In the United States, airports have the right to opt out of TSA-administered screening through the Screening Partnership Program, which swaps out TSA screeners in favor of private contractors with TSA oversight.

New TSA reform would be worse- private contracted reform treat employees and customers horribly

Lasky 14 (Steve Lasky, Nicholls State University, Editorial Director of Security Technology Executive, Security Dealer & Integrator magazines and SecurityInfoWatch.com, "TSA Screeners Under Attack", http://www.securityinfowatch.com/blog/11299735/tsa-screeners-under-attack,2/14/14, 8/2/15, MEM)

Gerry Connelly, a House Democrat from Virginia has been among the most vocal political critics of the TSA in recent months. During a committee hearing on the TSA's Screening Partnership Program, Connelly said he didn't appreciate agents "barking orders" at people in airports, adding the less polite an agent is, the more likely they are to encounter resistance from the public Connelly went on to say that there was no excuse for someone barking orders continuously at the public at any airport in America who is an employee of the federal government, or a contractor for the federal government. Connelly said he'd lose his job if I treated the public that way. Rep. John Mica, R-Fla, who is head of the Oversight and Government Reform subcommittee on government operations, said last week he plans legislation "one way or the other" to privatize all federal screeners within two years. Like many critics of the agency who want to take the screening process away, Mica is in favor of leaving TSA in charge of gathering intelligence, setting standards and running audits. "If you come to Orlando airport or Sanford airport, **what is going on is almost criminal to American citizens, the way they are treated**," said Mica. "This is the mess we've created." But not all aviation security experts are ready to throw TSA screeners under the bus. Even those who have been sharp critics of the aviation industry's security infrastructure don't follow the lead of those calling for private sector intervention. Billie Vincent, a veteran of the Federal Aviation Administration and whose last position in the FAA was the director of the Office of Civil Aviation Security from 1982 to 1986, does not agree that the present system has failed. "The current U.S. TSA aviation security (AVSEC) system is far superior to the pre-9/11 AVSEC system that resulted in the deaths of almost 3,000 people. That is not to say that elements of the current TSA AVSEC system cannot be improved. Airports, airlines, and selective members of Congress that are advocating a return to a privatized AVSEC system are not doing so with the primary purpose of improving AVSEC – they have other motives," warns Vincent. "Other proponents are laboring under the mistaken impression that privatization would improve AVSEC. However, **privatizing the current TSA AVSEC system makes absolutely no sense whatsoever and would essentially be reverting to the failed pre-9/11 AVSEC system and all of its attendant problems**," concludes Vincent.

Money wasted on private contractor TSA reform- waste billions and distort public perception

Chassy and Amey 11 (Paul Chassy, reports on oversight of federal contractor, a professor of law and sociology, specializing in administrative law and legal ethics at University of Michigan Law School, a trial attorney with the Department of Justice, enforcing the government's vast panoply of environment laws, Project On Government Oversight, OSHER at Johns Hopkins University, Montgomery Philharmonic, Scoot H. Amey, general counsel and directs contract oversight investigations, testifies before Congress and federal agency panels, received a J.D., magna cum laude, from the University of Baltimore School of Law, B.A. from the University of Pittsburgh, "Bad Business:

Billions of Taxpayer Dollars Wasted on Hiring Contractors", http://www.pogo.org/our-work/reports/2011/co-gp-20110913.html, 9/13/11, 8/2/15, MEM)

The Transportation Security Administration's (TSA) airport screening program also provides cost reviews of federal and contractor employees. TSA created the Screening Partnership Program (SPP) to allow commercial airports an opportunity to use contractor screeners instead of federal employees.[172] In 2009, GAO reported on a TSA contractor study that "concluded that passenger screening at [airports staffed by contractors] has historically cost from 9 to 17 percent more than at [airports staffed by federal employees], and [contractor] screeners performed at a level that was equal to or greater than that of federal [employees]."[173] GAO highlighted limitations in TSA's methodology and made recommendations to correct future reviews.[174] Two years later, GAO revisited TSA's cost and performance reviews and reported that TSA claimed that airports with contractor screeners "would cost 3 percent more to operate in 2011 than airports using federal screeners."[175] Another comparative cost analysis, however, arrived at a different conclusion. The House Committee on Transportation and Infrastructure issued an analysis in June 2011 finding that: 1) taxpayers would save $1 billion over five years if the nation's top 35 airports operated as efficiently as the San Francisco International airport under the SPP program, and 2) SPP screeners are 65 percent more efficient than their TSA federal counterparts.[176] All of these government study examples illustrate the difficulty in comparing costs, and the contradictory results that can result from disparate methodologies. Until the government creates a system to accurately estimate the cost of performing commercial services, the public will never know the actual savings that could have been realized.

Turn-TSA reform is only drive by profit and security- it just revamps security measures

Fang 5/27 (Lee Fang, a liberal American journalist at The Intercept, graduated from Journalism at University of Maryland, "TSA Body Scanner Lobbyist Now Overseeing Spending on TSA Security", https://firstlook.org/theintercept/2015/05/27/tsa-body-scanner-lobbyist-takes-congressional-job-overseeing-spending-tsa-security/, 5/27/15, 8/2/15, MEM)

Rapiscan Systems lobbied aggressively to win a major contract with the Transportation Security Administration to provide X-ray body scanners at airports, only to lose the contract in 2013 after the company failed to deliver software to protect the privacy of passengers. Rapiscan now has a friend on the inside. Earlier this month, Rapiscan lobbyist Christopher Romig took a job with the House Appropriations Committee's Homeland Security Subcommittee, which oversees the TSA budget. During the previous push for a TSA contract, Rapiscan employed Michael Chertoff, former Secretary of Homeland Security, who now works as a pundit and a homeland security industry consultant through his firm the Chertoff Group. According to the *Huffington Post*, Rapiscan previously spent as much as $271,500 on lobbying per year to help secure business with the TSA. Romig's shift through the revolving door was first noted by Legistorm. In his last lobbying filing statement, Romig disclosed that he lobbied Congress on "aviation, port and border security," as well as the "budget and appropriation." All areas he will now supervise as a professional staff member.

TSA reform would lead to further scanning of bodies and reinforces heteronormativity

Blumenthal 3/5 (Paul Blumenthal, reporter at The Huffington Post, the senior writer for The Sunlight Foundation, "Jeb Bush Is Taking Foreign Policy Advice From These Influence Peddlers", http://www.huffingtonpost.com/2015/03/05/jeb-bush-foreign-policy_n_6795070.html, 3/5/15, 8/2/15, MEM)

WASHINGTON -- After the attempted Christmas Day underwear bombing of a jetliner in 2009, former Homeland Security Secretary Michael Chertoff blanketed cable news to reiterate his long-standing **support for the adoption of full body scanners at airports.** His revelation on CNN that Rapiscan Systems, the manufacturer of those machines, had been a client of his consulting firm sparked criticism that his advocacy was self-serving. Airport security is not the only area in which Chertoff might offer advice that aids his bottom line -- and, more importantly, CNN is not his only listener. The Chertoff Group boasts a rich and mostly secret client list of intelligence and security companies, as previously detailed by The Huffington Post, that benefit financially from the global war on terror through government contracts and policies. The founder of that firm now has the ear of potential White House candidate Jeb Bush. The former two-term Florida governor has assembled a foreign policy advisory team laden with officials who served in his father's and brother's presidential administrations and have since spun through the revolving door into the world of influence peddling. They are consultants, lobbyists, lawyers and corporate board members for business interests eager to be heard by the man who might become the 45th president of the United States. Besides Chertoff himself, they include former CIA Director Michael Hayden, who works for the Chertoff Group, and former National Security Advisor Stephen Hadley, retired Adm. Robert Natter and Tom Ridge, the first Homeland Security secretary -- the latter three all run their own consulting firms. **All of these men also sit on the boards of companies ready to reap huge rewards from defense, intelligence and security contracts.**

TSA reform of body scanners just get circumvented by profit driven companies and support heteronormativity claims

Clabough 10 (Raven Clabough, State University of New York at Albany, marketing coordinator, CCM, The New American, "Getting Rich from the TSA Naked-Body Scanners", http://www.thenewamerican.com/economy/commentary/item/3938-getting-rich-from-the-tsa-naked-body-scanners, 11/18/10, 8/2/15, MEM)

With all the commotion over the invasiveness of the naked-body scanners used by the United States Transportation Security Administration (TSA), one question that has been ignored is who is profiting from TSA's use of the body scanners? Mark Hemingway and Tim Carney at *The Examiner* discovered the shameful answer: George Soros, Michael Chertoff, and a number of lobbyists. Both Soros and Chertoff are profiting from the naked-body scanners by way of the company Rapiscan, whose contract is worth $173 million. Lobbyists for this company include Susan Carr, a former senior legislative aide to Rep. David Price (D-N.C.) who is coincidentally chairman of the Homeland Security Subcommittee. Former Homeland Security secretary Michael Chertoff was "flacking for Rapiscan," writes Tim Carney of *The Examiner*: After the undie-bomber attempt on Christmas 2009, Chertoff went on a media tour promoting the use of these scanners, without disclosing that he was getting paid by Rapiscan, one of the two companies currently contracted by TSA to take a nude picture of you at the airport. Just days after the attempted Christmas attack, the *New York Times* explained: Screening technologies with names like millimeter-wave and backscatter X-ray can show the contours of the body and reveal foreign objects. Such machines, properly used, are a leap ahead of the metal detectors used in most airports, and supporters say they are necessary to keep up with the plans of potential terrorists. "If they'd been deployed, this would pick up this kind of device," Michael Chertoff, the former homeland security secretary, said in an interview…. Another notable connection to Rapiscan is leftist billionaire George Soros, who owned 11,300 shares of OSI Systems, Inc., the company that owns Rapiscan. Nova Tea Party Patriots writes, "OSI's stock has appreciated considerably over the course of the year." In response to *The Examiner's* report of George Soros' share in Rapiscan, *Media Matters* (another of Soros' funded projects) seized on the report and mocked the writer. *The Blaze* reports that *Media Matters* argued that "11,300 shares are only 'six one-hundredths of one percent' of the company's total stock. However, once *The Examiner* reported that George Soros owned the shares of the OSI Systems, Soros coincidentally sold all 11,300 shares of the company. *The Blaze* writes, "A funny thing happened between Tuesday and Wednesday: the site detailing Soros' OSIS investments now shows that Soros owns zero shares of the company." Hemingway responded to Soros' abrupt decision to sell the shares: It would be nice if he did this as a response to public pressure, but it seems equally likely that as an investor he simply realized the political tide was turning against the company and the stock may drop as a result. To be fair, the sale of George Soros' stocks is said to have taken place between July 1 and September 30: *The Blaze* spoke with a representative from gurufocus.com, the site referenced by Hemingway and Media Matters. According to the representative, Soros owned the OSIS stock at the end of the second quarter and sold it under the third quarter. That puts the sale sometime between July 1 and September 30. The representative said the site first updated the information yesterday, which explains the change in the amount of stock owned. Perhaps Soros' connections at the very least encouraged the website to update the information immediately following *The Examiner's* report. Meanwhile, **Rapiscan reportedly knows how to "play ball in Washington to increase its profits.**" Facing obstacles related to dealing with homeland security, Rapiscan opened an office in Washington and hired a number of outside lobbyists and agency-specific federal marketing and sales staff, reports *The Examiner*. As a result, the company made $40 million in sales to the United States government, compared to $8 million in 2004. In addition to **Rapiscan, a number of other companies are profiting from the TSA body scanners.** Of those companies is L-3 Communications, a major contractor with the Department of Homeland Security. Carney explains, "L-3 employs three different lobbying firms including Park Strategies, where former Sen. Al D'Amato, R-N.Y., plumps on the company's behalf. Back in 1989, President George H. W. Bush appointed D'Amato to the President's Commission on Aviation Security and Terrorism following the bombing of Pan Am Flight 103. Also on Park's L-3 account is former Appropriations staffer Kraig Siracuse." *The Examiner* writes, "When Defense Daily reported on Price's appropriations bill last winter, the publication noted 'Price likes the budget for its emphasis on filing gaps in aviation security, in particular the whole body imaging systems.' " Another full-body scanner contractor was the American Science and Engineering company. Lobbying for this company includes Tom Blank, a former deputy for the TSA; Chad Wolf, an assistant administrator at TSA and an aide to Sen. Kay Bailey Hutchison. Hutchison is on the Transportation and Defense subcommittees of Appropriations. Likewise, another lobbyist for the American Science and Engineering Company is former Democratic Rep. Bud Cramer.

A2: Privatization

Plan solves- Contractors are still under TSA regulation

Burns 10 (Bob, member of the TSA blog writing staff, "Airports Who Opt out of TSA Screening are Still Regulated by TSA", Nov 19th, http://blog.tsa.gov/2010/11/airports-who-opt-out-of-tsa-screening.html)CDD

Airports Who Opt out of TSA Screening are Still Regulated by TSA There has been a lot of confusion after a recent report that the Orlando Sanford Airport (SFB) has requested to opt out of TSA screening. Any commercial airport can apply to TSA's Screening Partnership Program (SPP), which has been around since the inception of TSA. After approval from TSA and a competitive bidding process, SPP allows airports to transition to private screeners **while**

maintaining TSA oversight and the corresponding increased level of security implemented since 9/11. So… if an airport applies and is accepted into the SPP program, they receive the same screening from a private company instead of TSA officers. That's the only difference. All commercial airports are regulated by TSA whether the actual screening is performed by TSA or private companies. So TSA's policies – including advanced imaging technology and pat downs – are in place at all domestic airports.

Aiports

Airports alt cause

The aff can never solve-airports are seen as simultaneously as in and out of the law-can't account for biopolitical spaces that hold refugees and security threats

Feldman 7-Leonard, associate professor for political science at CUNY-Hunter College, PhD in political science from University of Washington ("Terminal Exceptions: Law and Sovereignty at the Airport Threshold", Law, Culture, and the Humanities, vol. 3 no.2 , Sage Publications) HC

1. The Airport as Heterotopia As a site for the strategic deployment of sovereignty, the airport is an important space. The international gateway airport, as much as the territorial borderline between two nation-states, is a border or boundary space, in which entry is controlled, and where people are sorted into categories such as citizens, residents, legitimate visitors, refugees and undocumented aliens. This sorting is performed by sovereign state power. Agamben, for instance, writes that in "the zones d'attentes in French international airports in which foreigners asking for refugee status are detained . . . an apparently innocuous space . . . actually delimits a space in which the normal order is de facto suspended and in which whether or not atrocities are committed depends not on law but on the civility and ethical sense of the police who temporarily act as sovereign."44 At international gateway airports such as JFK, border guards and customs officials perform the rituals of sovereignty. These deployments of sovereignty lead some analysts to note the similarities between airports and camps. As Gillian Fuller argues, "The camp, like the airport, is built for transit . . . Both airport and camp constitute zones of exception, each are framed by a rhetoric of emergency . . . One facilitates movement and the other denies it, yet both are zones of perpetual transit and futuristic promise."45 Indeed, the US airport, all the more so in this post-9/11 world, contains within it spaces of exception in which sovereign authorities (customs officials, INS agents, police) confront refugees, aliens, and suspected security threats as bare life. In "secured" spaces, interrogation rooms and holding areas, through mechanisms of surveillance, biometric identification, and profiling, 46 sovereign power and bare life meet in a zone that is in some ways outside the operation of normal law. The airport is thus a kind of relay point through which various technologies of surveillance and control are deployed. However, the airport is a complex, multifaceted space. For one thing, it is also a kind of public sphere, in which people of diverse ethnicities, nationalities and citizenships mingle. Furthermore, the airport as a space of mobility and placelessness is also taken to be a paradigm of a certain kind of cosmopolitan homelessness. Finally, add to mobility, placelessness and the cosmopolitan, the increasing centrality of consumption in the contemporary airport. The airport might thus function as what Michel Foucault calls a heterotopia. 47 Heterotopias are real spaces, as opposed to utopias, but they are outside the normal order of the everyday. Foucault suggests that "the heterotopia is capable of juxtaposing in a single real place several spaces, several sites that are in themselves incompatible." Airports do this, increasingly, by combining mobility and escape with security and control. Furthermore, "heterotopias always presuppose a system of opening and closing that both isolates them and makes them penetrable. In general the heterotopic site is not freely accessible like a public place. Either the entry is compulsory, as in the case of entering a barracks or a prison, or else the individual has to submit to rites and purifications." (Though obvious, it is perhaps worth mentioning that security screening has taken on the trappings of a purification ritual.) Heterotopias are also in a kind of dialogue with the everyday spaces around them, which they "reflect and speak about." It is this complexity of and within the airport, its bringing together of so many of the key themes of modern life – mobility and surveillance, consumption and diversity, sovereignty and vulnerability – that makes it a rich metaphor for the larger political community. It is a space distinct from everyday life that reflects and comments on the broader spaces of modern life.48

Airports are a form of disciplinary space that have complex intersections-the aff reduces discipline to the tangible and tangible

McMahon 12-John, PhD candidate and Fellow at the Center for Global Ethics and Politics at The Graduate Center-CUNY, ("Normalizing Gender, Performing the State: Disciplinary Power and Biopower at the Airport Security Checkpoint", submitted in requirement for graduate degree at The Graduate Center-CUNY,
http://www.academia.edu/2367414/Normalizing_Gender_Performing_the_State_Disciplinary_Power_and_Biopower_at_the_Airport_Security_Checkpoint**) HC**

Finally, Foucault discusses the network of rank and circulation created in disciplinary space. The "unit" of discipline is not territory or place but rank, "the place one occupies in a classification:" "[d]iscipline is an art of rank, a technique for the transformation of arrangements" that "individualizes bodies by a location that does not give them a fixed position, but distributes them and circulates them in a network of relations" (Foucault 1995, 145–146).That is, there is a kind of dynamism to disciplinary spaces, held together by gradations of rank and the production of hierarchical grids. Airport security checkpoints enact this hierarchal circulation. A set of intersecting gradations distributes individuals: the TSA agents compared to travelers or airport and airline employees compared to travelers, for example. The travelers themselves are also disaggregated into a hierarchy. Many airlines and airports have pre-screening programs that enable regular, and often wealthy passengers to pass through a special security line. Most airports in the US create separate security screening lines for 'experienced' travelers compared to other groups, such as the 'family and medical liquid line' (Hall 2011). Some travelers, depending on their biographical and consumer record and/or irregularities in the initial screening arc selected for secondary screening. Travelers are subject to racial and behavioral profiling. In all of these ways, the various individuals at the airport are distributed into a complex hierarchy of rank and then circulated through the disciplinary space. Taken together, we can see the way that the spatiality of airport security reproduces that of disciplinary sites described by Foucault. The airport security checkpoint can be understood as another of Foucault's useful, "complex spaces" that are at the same time architectural, functional, and hierarchal (1995. 148). There is another way to analyze disciplinary spaces, however: via the 'means of correct training.' I now turn to this elaboration of disciplinary power. The first component of Foucault's means of correct training is the means of hierarchal observation. Here, an architecture of light and visibility is created. This architecture, instead of being premised on enclosure and confinement, involves the seeing of individuals in order to subjectivize and transform them**. Often, this architecture constructs an optics of seeing without being seen** (Foucault 1995. 170 173).

Airports are biopolitical-all passengers are treated en masse, even with some differentiations

McMahon 12-John, PhD candidate and Fellow at the Center for Global Ethics and Politics at The Graduate Center-CUNY, ("Normalizing Gender, Performing the State: Disciplinary Power and Biopower at the Airport Security Checkpoint", submitted in requirement for graduate degree at The Graduate Center-CUNY,
http://www.academia.edu/2367414/Normalizing_Gender_Performing_the_State_Disciplinary_Power_and_Biopower_at_the_Airport_Security_Checkpoint**) HC**

Given this understanding of biopower and biopolitics, the biopower-full aspects of the airport security checkpoint are clear. The kind of 'security' enacted at the checkpoint is, I argue, biopolitical. Power at airport security does indeed seek to disallow/disqualify death; the explicit goal of airport security is to keep people safe from death-causing acts at the same time it acts to normalize and allows the

productive circulation of people and goods. Inherent to this is the production of a set of dangers, with airport security arbitrating between the freedom of travel and mobility and the security of travelers, all with reference to the danger of terrorism. There are (at least) three other ways in which the airport security checkpoint can be understood as a site of biopower. First, it **treats travelers as a massed population: all are subject to the same basic techniques of power, even if some differentiation occurs. 5**

Airports are uniquely biopoltical and disciplinary in nature

McMahon 12-John, PhD candidate and Fellow at the Center for Global Ethics and Politics at The Graduate Center-CUNY, ("Normalizing Gender, Performing the State: Disciplinary Power and Biopower at the Airport Security Checkpoint", submitted in requirement for graduate degree at The Graduate Center-CUNY,
http://www.academia.edu/2367414/Normalizing_Gender_Performing_the_State_Disciplinary_Power_and_Biopower_at_the_Airport_Security_Checkpoint**) HC**

The convergence and interpenetration of disciplinary power and biopower. This convergence at the airport security checkpoint suggests a slight modification of Foucault's understanding of the relationship between disciplinary power and biopower. He describes the two techniques as operating at different levels, with a different scale, and with different instruments as they are mutually articulated. It is as though disciplinary power and biopower do not ever actually 'touch;' that is, the may operate together but there is always some gap (in scale, technique, instrument, etc.) between the two powers. They may coexist in the same space, as with the rationally-planned town, or intersect in their mutual knowledge-effect, as with sexuality, but they do not actually physically converge at or in the same instrumentality or articulation of power.I argue for a somewhat different kind of intersection than Foucault. My claim is that, at least at the airport security checkpoint, the instrumentality and articulation of power deploys, in the very same apparatus and flow of power forces, both disciplinary power and biopower. Instead of co-existing with a gap between them, in this space the two forms of power permeate and amplify each other. The security checkpoint, I claim, signals a shift from an understanding of co-presence and mutuality to one of interpenetration and apparatus.9 Disciplinary power and biopower come from different 'directions,' but in the airport security apparatus, any gap between them closes even as they continue to operate on a different scale. I thus recast what Foucault calls the "triangle" of "sovereignty, discipline, and governmental management [biopolitics of population]" (Foucault 2007, 107) in terms of an apparatus.

No terminal solvency-all differences will be smoothed over and can't solve for extralegal concerns like holding areas which reduce to bare life

Salter 7-Mark, full professor at the School of Political Studies, University of Ottawa ("Governmentalities of an Airport: Heterotopia and Confession", International Political Sociology, vol. 1 no. 1 , Project Muse) HC

Fuller and Harley argue that, similar to the prison or the clinic, the disciplinary tactics of the airport are made possible through a logic of exceptionality: ''in our need to move, we submit to a series of invasive procedures and security checks that are becoming more pervasive and yet are still rationalized through a discourse of exception only at the airport''' (2005:44). Modern international airports are borders, where claims to citizenship, immigration, and refugee status are adjudicated.

Moreover, the bordering or sorting process takes place throughout the terminal in the airline check-in lines for economy and business class travelers, the customs lines for foreigners and nationals, the frequent flyer lounges, and deportation holding cells. The utility of a heterotopic analysis, in the face of competing models of a ''non-space'' stems from the attention Foucault pays to the contradictory elements in these spaces. Following Lisle's discussion of mediated power at the airport, heterotopias are deceptive in that they ''seem to be pure and simple openings, but [. . .] hide curious exclusions'' (2003:26). In the judicial trial, the accused is the author of his/her testimony, but not the final arbiter of truth about themselves. In the clinic, the patient is the author of the symptoms and history, but not the final arbiter of the diagnosis. So too in the airport, a traveler is the author of one's identity, but not the final arbiter of his/her belonging or mobility. The space of transit is fragmented so that arriving, departing, accompanying, and supporting staff are all hidden from one another. The connection of domestic to foreign is also smoothed by an international uniform language of iconic signs, and in the cases of Ben Gurion and Incheon airports, great walls of stones that simulate a solid boundary between inside and outside. As engaged critics, we must take note not simply of travelers eager to limit their time in the airport through frequent flyer and trusted traveler programs but also those travelers reluctantly hustled out of the airport aboard ''deportation class'' (Walters 2002). Although a primary function of the airport is security, the most fundamental policing functions are conducted out of sight. Many of the gates and check-points that structure mobilities in the airport are invisible (Adey 2004a, 2004b). Indeed, given most airports' detachment from urban space, travelers have already been ''pre-cleared,'' if only by their ability to arrive at the airport itself. Lloyd argues that the space of the airport has been configured into a space of consumption so that ''the figure of global traveler is allied to the global consumer, whereas the national citizen's ''othered'' figures, the homeless person and refugee, are precluded by consumption practices . . . This imagescape of free mobility in the international terminal is markedly different from the backstage containment of national others in identity checks, detention, and deportation that takes place within the very same institution'' (2003:106). The airport attempts to make all of these incongruous forces appear smooth and systematic, as if all travelers were safe, all planes on time and all policing efficient. Analyzing the airport as a heterotopia leads to three insights: the disaggregation of sovereignty and territory, the importance of confession and surveillance at the airport, and the hidden dynamics of airport security screening.

Pat-downs

Pat-downs worse

Strip searches are psychologically disturbing

Costello 12 – Professor from Milwaukee and intersex trans man who is married to an intersex trans woman [Cary Gabriel Costello, "TSA Body Scanning and the Trans Body," 3-25-12, Accessed 8-1-15, http://trans-fusion.blogspot.com/2012/03/tsa-body-scanning-and-trans-body.html] ~~*thelasthall@gmail.com*~~

I was taken aside for a patdown. I asked that this be done in privacy, and was taken to a room by two TSA (cis) male agents. One blocked the closed and locked door, and the second stood in front of me. They asked me to answer yes or no, did I have any medical implants or a pacemaker, and I said no. I was then given a through full body patdown, which took some time. The agent doing the patdown seemed concerned that I was concealing something under my shirt. I could have explained what the issue was, but the TSA agent, while acting thus far in a detached and professional manner, had not given me any opportunities to speak spontaneously, but just allowed me to answer yes or no to his questions. The question he asked me next was whether I was wearing a back brace. I said no. The TSA agent then asked me to open my shirt. While I am uncomfortable revealing my chest wearing just my binder, I did so. The two TSA agents then stared at my chest in the binder for a while. The TSA agent doing the patdown finally asked me what my garment was. I said that it was a chest binder, which I wore because I was a trans gender man. The agent said, "A what?" I had to explain what that meant. The agents looked both dubious and uncomfortable. I was extremely concerned that I was going to be asked to remove the binder, but, after some silent staring and thinking, the TSA agent told me he would screen the garment for explosives with swabs while I was wearing it. While less humiliating for me than being forced to reveal my breasts, the screening for explosives involved having the agent thoroughly rub a series of small swabs over the entire surface of the binder: sides, back and front. **This was quite psychologically disturbing for me.** The TSA agent's expression was one of controlled distaste. After my binder was indeed found not to be a terrorist weapon, I was allowed to leave. The process was not only humiliating, but time consuming, and I had to rush for my plane.

Pat-downs are a physical intrusion on trans bodies

Beusman 14 – Jeezbel [Callie Beusman, "Air Travel Is Even More of a Nightmare When You're Trans," May 27th 2014, http://jezebel.com/air-travel-is-even-more-of-a-nightmare-when-youre-trans-1582143419] ~~*thelasthall@gmail.com*~~

According to documents recently obtained by Al Jazeera, "trans people have been required to undergo pat-down searches by officers of the opposite gender, reveal or remove items such as chest binders and prosthetic penises and defend challenges to their gender identities and their right to opt out of body scans, among other problems." Troublingly, the logic of a strict restrictive gender binary is literally built into the system — the body scan machines used at most airports feature blue and pink start buttons, which activate special computer algorithms meant to screen male and female passengers, respectively. If a passenger is misgendered, or if s/he has body characteristics of more than one gender, it might register as an "anomaly." This was the case in one specific case at LAX, in which a trans woman was selected for a secondary screening after the machine registered a "groin anomaly." She's repeatedly misgendered in the subsequent report: T5 PM shift — a transgender male passenger alarmed that AIT for a groin anomaly. The passenger had breast implants but also a penis which lead to the IO assuming is [sic] was a female with a groin anomaly. The passenger presented himself as female so the RPD was conducted by a female LTSO. Such institutionalized insensitivity can lead to aggressive and humiliating behavior on the part of the TSA officer. In one particularly harrowing example, which took place in Las Vegas in 2012, a transgender passenger was repeatedly denied the right to opt out of going through the security body scanners (something all passengers have the right to do), then subjected to a "very uncomfortable and longer-than-usual pat-down" by an officer of the opposite gender. "Overall," the complaint reads, "this was one of the most uncomfortable and terrifying experiences of my life." **This wasn't an isolated incident or a surprising oversight** — other complaints from trans passengers detail the same sort of mistreatment. For instance, a

second passenger, a trans man who wears a brace around his chest, missed his flight after undergoing an "inappropriate and exaggerated" pat-down; a third — also a trans man — was forced to remove his strap-on and put it through the X-ray machine despite telling the TSA officer that "this item is as much a part of [him] as a prosthetic leg or arm would be to an amputee." And, in a 2011 memo from LAX, a TSA officer details the way in which he refused to let a trans woman be screened by a fellow woman, misgendering her thoughtlessly and callously: [Redacted] approached me stating that there was a male who's stating that he's identifying his self [sic] as female. I told him that we have to screen him as he presents his self [sic]... He was speaking with LTSO telling him that he wants to be screened by a female and identifies his self [sic] as a female. He also stated that if he was to be screened by a male he would feel violated. I explained to the male passenger that he would have to be screened by a male. The fear of finding oneself the receiving end of this breed of horrible ignorance is something that actively discourages trans people from flying. As trans-rights advocate Kole Myrick told Al Jazeera:"What if I am packing [wearing a prosthetic] but I still have a female gender marker? They're going to think I'm hiding something down my pants to get through security... I'm kind of an open book [but] I want my privacy if it's a private matter."

TSA policies don't account for trans people/gender non-conforming people

Bohling 12 – Truthout [Alissa Bohling, "Transgender, Gender Non-Conforming People Among First, Most Affected by War on Terror's Biometrics Craze," April 16th 2012, http://www.truth-out.org/news/item/8506-transgender-gender-non-conforming-people-among-first-most-affected-by-war-on-terrors-biometrics-craze | ~~*thelasthall@gmail.com*~~

Kai, a 19-year-old college student from the Midwest, identifies as third gender. Kai, who withheld a last name and prefers to be referred to by "they" instead of "he" or "she," might never know why they were selected for a pat-down search during a trip with their family. At a small Florida airport, Kai's family was returning from vacation when something - the baggy sweatshirt Kai was wearing? The behaviors Kai exhibits due to Asperger's? A security staff member's flash of paranoia on a slow day? - bought Kai a trip to the pat-down room. "I walked through security just fine, through the metal detector," said Kai. "The guy who was standing on the other side looked at me for a really long moment without saying anything and then was like, 'I think we should pat you down,' and sort of mumbled about my sweatshirt." It is TSA policy that travelers undergoing pat-downs be searched by a security staff member of the same gender that the traveler is presenting, but **it is unclear how such a policy might provide for non-binary gender identities**. (TSA's internal track record does not speak well for its gender protocols. Last year, the agency paid a five-figure settlement to former employee Ashley Yang, a trans woman who was forced to present as a man while she was on the clock. Yang was reportedly fired for using the women's bathroom.) "They spent several minutes basically arguing about who should give me the pat-down, while I was standing there," said Kai. "They were loudly arguing in the middle of the airport, all the while my family standing by, including my little sister, who I was not out to at the time." "I have Asperger's, so I find it very difficult to explain myself. I didn't know what to do," said Kai. Kai was fortunate to be traveling with their family, whom Kai describes as "very supportive." But what is eerie about Kai's experience is that, like Walid, it's anyone's guess which of Kai's attributes will make Kai a target. "I feel like I'm singled out because my gender is one issue," said Kai. At the same time, "I feel nervous because of habits I have because of being autistic, that it will attract the attention of security." An ongoing survey by the National Center for Lesbian Rights of travelers' complaints about gender discrimination at airport security points to potential problems at Philadelphia International Airport, George Bush Intercontinental Airport, John Wayne Airport, Charlotte Douglas International Airport, San Francisco International Airport, Los Angeles International Airport, Southwest Florida International Airport and Indianapolis International Airport. Complaints included being outed in front of other passengers, being subject to inappropriate comments about gender and having to undergo a body scan without the alternative of a pat-down search, among others. Some respondents identified as male, some as female, some as neither exclusively male or female. But their gender identities, at least by some measures, are ultimately irrelevant in post-9/11 America, where - as Walid and Kai have already discovered - there may soon be as many ways to be a suspect as there are to be yourself.

Pat downs continue to ignore different gender identities

Truitt 11 - an Executive Director of Feministing in charge of Development [Jos Truitt, "The TSA Makes it Dangerous to Fly While Trans", 8-18-11, Accessed 8-1-15, http://feministing.com/2011/08/18/the-tsa-makes-it-dangerous-to-fly-while-trans/#preComment] ~~*thelasthall@gmail.com*~~

Flying while trans is an act of bravery. Transgender travelers are disproportionately targeted for questioning and pat-downs as a result of Transportation Security Administration (TSA) policies that lead to us being "outing" as trans. Outed in airports – big, crowded, public spaces. Yeah, it sucks. The National Center for Transgender Equality (NCTE) has been doing a great job focusing on how TSA policy can negatively impact transgender and gender non-conforming folks. The new body scanners that caused such a big public outcry have been especially dangerous for trans travelers, who have been targeted for questioning and invasive pat-downs because of perceived discrepancies between their body scan and gender presentation. **The TSA recently released software upgrades so that the scanners will no longer show explicit images of a person's body**. But NCTE has pointed out we don't know if these changes will have a positive impact for trans folks. In fact, the changes might not fix the problem for us at all, since it appears TSA officers need to tell the new software if travelers are male or female. Now a TSA pilot program is raising concerns. Agents conduct mandatory short interviews with travelers, which have been dubbed "chat-downs" (someone at the TSA's feeling clever). Agents will be looking for signs of nervousness and concealment, which should raise red flags for trans folks – I know I feel damn nervous and like I'm hiding something when I fly as a result of TSA policies. Keisling on the new technique: "The TSA continues to do a good job of making transgender people uncomfortable at airports. The TSA already employs interview-style interventions at airports across the country, and the TSA's intent to explore and possibly expand this program is worrisome. " The TSA has been loving discriminatory "security" measures since 9/11, when the agency instated policies targeting people seen as Muslim or Arab. The requirement that you gender presentation match the gender on your ID was especially frightening for trans folks. Clearly, the trans community isn't the only group of marginalized folks being unfairly treated, but we're one of the groups facing the brunt of the security state. These sorts of policies have a real impact. I've been fairly lucky while flying – I've gone through an extra scan because of TSA agents' gender confusion, but that's it. I have friends who have been searched and interrogated for hours. They've been publicly outed and then had to teach some basic gender theory to TSA agents. The agents themselves are also put in confusing and uncomfortable situations when they're not offered the adequate training on working with trans travelers. **Often they have to pat down someone of a different gender, when policy states all pat-downs are supposedly same-gender**. NCTE is asking that folks file complaints with the TSA's Office of Civil Rights and Liberties and the Department of Homeland Security Office for Civil Rights and Civil Liberties if they experience discrimination. They're also encouraging folks to share their stories with NCTE to aid in advocacy efforts. Frustratingly, there aren't great options for trans folks to avoid being targeted in the short term. Once more from Keisling: "Unfortunately, when forced to pick between two traumatic experiences (an invasive pat-down or a body-scan), there are no great options for transgender people. With what we know about the scanners, trans people who go through are disproportionately selected for pat-downs anyway. The best thing transgender and gender non-conforming people can do is learn about the process and their rights, and make the choices that are best for their personal situation. We encourage transgender people to read NCTE's guide on air travel safety."

Pat-downs normalize trans bodies

Mulqueen and Currah 11 - Currah works in the intersections of gender and sexuality studies, law and policy, social and political theory, LGBT and transgender studies and Mulqueen is a PhD Candidate in Law/Critical Legal Studies at Birkbeck College [Tara Mulqueen and Paisley Currah, Securitizing Gender: Identity, Biometrics, and Transgender Bodies at the Airport" Summer 2011, pp. 557-582, project muse] ~~*thelasthall@gmail.com*~~

The very possibility of pat downs and scrutiny of identity documents contributed to m any participants engaging in w hat I refer to as identity normalizing strategies. **These normalizing strategies often consisted of the deliberate construction of a normatively gendered presentation of self**. . . . A few individuals in m y study changed their gendered appearance to coincide with their identity documents that still listed their sex assigned at birth and which often had outdated photos. . . . Almost all of the individuals I interviewed . . . described engaging in bodywork and presentation rituals in order to appear non-threatening in regards to all aspects o f their identities (Kelly 2011). These identity management strategies require adding a metalevel analysis of the social production of gender. It is axiomatic in the theories that inform much thought about gender, at least

in the humanities and social sciences, that gender is performed rather than expressed, that gender is an effect rather than a cause, that gender is produced through social relations rather than through willful acts of individuals. But at the airport, successfully negotiating the different and contradictory ways that gender has been securitized requires a performance of a performance.

A2: Patdowns

A pat down is a scan—Is solved by the aff

Legal dictionary.com (http://legal-dictionary.thefreedictionary.com/frisk)CDD

v. quickly patting down the clothes of a possible criminal suspect to determine if there is a concealed weapon. This police action is generally considered legal (constitutional) without a search warrant. Generally it is preferred that women officers frisk women and men officers frisk men. frisk verb check, conduct a search, examine, examine closely, examine intently, explore, hunt, hunt through, investigate, lascivire, look into, look over, look through, peer into, poke into, probe, pry into, rake through, review, salire, scan, scour, scrutinize, search one's pockets, search through, seek, subject to scrutiny

A pat-down is just a form of scanning a body—Plan solves

Chabot 11 (George, "Answer to Question #9871 Submitted to "Ask the Experts"", September 2nd, https://hps.org/publicinformation/ate/q9871.html)CDD

Should we simply frisk hands, feet, and suspect areas OR should we allow staff to scan faster over certain low-risk locations? The former suggestion may eventually lead to personnel with contamination on certain body locations to go completely undetected. The latter would increase the MDA (minimum detectable activity) and may lead to an increase in low-level contamination incidents being undetected.

Misc. Supplement

Alt causes

ID and passports target trans bodies

Mulqueen and Currah 11 **- Currah works in the intersections of gender and sexuality studies, law and policy, social and political theory, LGBT and transgender studies and Mulqueen is a PhD Candidate in Law/Critical Legal Studies at Birkbeck College [Tara Mulqueen and Paisley Currah, Securitizing Gender: Identity, Biometrics, and Transgender Bodies at the Airport" Summer 2011, pp. 557-582, project muse] ~~*thelasthall@gmail.com*~~**

The logic of the Secure Flight program assumes that the gender marker on a piece of ID will lessen confusion—reducing the number of false positive matches to the government watch lists—rather than generate it. But for transgender passengers at the airport, a perceived mismatch between the gender marker on their ID and the gender they present is flagged as an anomaly. And at the airport, an anomaly is an event that automatically triggers higher levels of scrutiny. In the ominous moment when "identification threat" looms as transgender passengers approach the security area, their vulnerability stems from the gender norms operationalized and backed by the force of law at the airport. Conversely, in the eyes of security agents, if something about a passenger's gender appears odd, she is treated as a potential social threat (Billies 2010: 2. As a result of the Secure Flight program, travelers whose gender marker on their identity document does not reflect an airline employee's or TSA agent's perception of their gender—in its embodied totality—risk facing humiliating interrogations, sexually assaultive pat downs, outing to colleagues, even denial of travel. Blogger Katherine Cross presents a phenomenological account of identification threat: As I engaged in the ritual striptease meant to appease the airline gods at Denver International Airport, standing at the bin that I had claimed as my own with an advert I paid no attention to staring at m e from its bottom , a TSA agent walked up to me. I was depositing m y grey blazer in the bin, m y belt soon to follow, and I grew nervous, m y throat tightening as it often does on security lines. But all that the blue uniformed m an did was smile at m e and say "Good morning to ya, ma'am ." At that moment I knew . . . that I was safe. For now (Cross 2011). In response to the Secure Flight program , the leading transgender rights organization tells its constituents in a widely circulated "know your rights" flyer th a t they have the right to "travel in any gender you wish, whether or not it matches the gender marker on your identification." But, this advisory adds, "the TSA suggests that transgender travelers carry a letter from their doctor" (National Center for Transgender Equality 2010).

A2: Alt causes

You can fly without an ID if you want

Burns 13 (Bob, member of the TSA blog writing staff, "TSA Travel Tips Tuesday – Can You Fly Without an ID?", April 9th, http://blog.tsa.gov/2013/04/tsa-travel-tips-tuesday-can-you-fly.html)CDD

How so? Simply approach the travel document checker and let them know that you don't have your ID. At this point, you will be asked a simple randomly computer generated question such as: "What is the average annual rainfall in the Amazon basin?" Seriously though… You'll be able to fly as long as you provide us with some information that will help us determine you are who you say you are. If you're willing to provide some additional information, we have other means of substantiating your identity, such as using publicly available databases. If we can confirm your

identity, you'll be cleared to go through security, and you may or may not have to go through some additional screening.

A2: Terror links

Body scanners don't stop terror attacks- Empirics and lab tests prove

Sankin 14 (Aaron, writer covering politics at the Daily Dot, "New study proves just how worthless TSA airport body scanners really are", August 22nd, http://www.dailydot.com/politics/tsa-rapiscan-body-scanner-study/)CDD

Full-body scanners used for years at airports across the U.S. are even worse than previously believed—in fact, according to new research, they are easily tricked, which may have allowed passengers to smuggle guns, bombs, and other contraband through airport security. More troubling, researchers say, the study reaveals a severe lack rigorous testing of security systems by the Transportation Security Administration (TSA). When the TSA pulled Rapiscan 1000 airport security scanners from airports last summer, it did so out of privacy concerns. However, according to a report released earlier this week by a team of researchers from U.C. San Diego, University of Michigan, and Johns Hopkins University, anyone with knowledge of how the scanners work could have easily slipped weapons past security checkpoints. The results of the study are being presented this week at the USENIX Security Symposium in San Diego, Calif. While the agency had spent over a billion dollars deploying the scanners at more than 160 airports around the country, an outcry over the scanners' ability to show the airport security personnel manning the machine an outline of passengers' "junk" eventually led to the government scrapping the system, which was the primary means of ensuring security on airplanes from 2009 through 2013. When the scanners first rolled out, the results of tests of their efficacy conducted both by Rapiscan and government officials were never made public due to security concerns, nor were any units of the full-body, backscatter X-ray machines made available for third-parties to run their own independent trials. Now that the machines are no longer in wide use in airports—they are still, however, common in government faciliteis around the country like courthouses and prisons—the researchers picked up a used one on eBay (where else?) and decided to take it for a spin. What they discovered was shocking. "In laboratory tests with a real machine, we were able to conceal guns, knives, and explosive simulants in such a way that they were not visible to the scanner operator," the report reads. "We also studied the cyberphysical security of the machine and were able to show how an attacker could subvert the operator console software so that it would be possible to conceal all types of contraband." They discovered that, while the machines did a good job of identifying most smuggled items, anyone with a familiarity with how the technology works—or who even just bought a unit of their own on eBay—could easily conceal weapons by hiding them in specific places on the body or covering them with other material to fool the machines into not being able to distinguish the contraband from the passenger's body. On the machines, the person's body reads as white and all external items read as black. Here's what it looks like when the scanner detects someone attempting to smuggle a handgun tucked into the front of his pants: After running their own tests, the researchers discovered that by taping a pistol to the outside of a passenger's leg just above the knee or sewing it into the same spot inside of a pants legs, the gun doesn't show up at all. The items could be discovered if the passengers were scanned from the side, not just the front or back; however, TSA guidelines don't require all passengers to be scanned from the side because that would significantly increase the amount of wait time at airport security check lines. Another strategy, which worked well with knives, is to tape the weapon to the passenger's body and then cover it with a material that will read as the same color as a human body, such as a polytetrafluoroethylene like Teflon. The researchers found that it was possible to use a slight variation on this strategy to smuggle plastic explosives, which require a metallic detonator in order to go off. These problems neatly solve each other: we attached a detonator, consisting of a small explosive charge in a metal shell, directly over our subject's navel. Since the detonator is coated in metal, it absorbs X-rays quite well and mimics the look of the navel in the final image The team also discovered that it's possible to attack the machines to disable much of their functionality. The software on the scanner they purchased lacked any password protection or software verification, and the lock to the cabinet where the computer is housed could be picked in "under ten seconds with a commercially available tool," meaning an attacker could potentially infect a scanner with malware without much difficulty. None of these stratagies would likely occur to an attacker who hadn't done his or her homework. But someone who was both sophisticated and prepared could have use techniques like these to sneak virtually whatever they wanted onto airplanes for years. "Our results suggest that while the ... [machine] is effective against naïve attackers, it is not able to guarantee either efficacy or privacy when subject to attack by an attacker who is knowledgeable about its inner workings," the authors argued. Luckily, due to the privacy concerns, the TSA scrapped the Rapiscan machines in favor of ones based on millimeter wave technology, which likely lack many of the same vulnerabilities identified in this study. Even so, the change doesn't instill the report's authors with much confidence about the overall level of security across the nation's airline transit network. "The problems that we identified in our study point to a lack of rigorous public testing," study co-author Stephen Checkoway explained in an email to the Daily Dot. "In particular, it demonstrates a lack of adaptive, adversarial thinking. That is, it was tested against adversaries who naively conceal contraband under their clothing but not against adversaries who adapt their concealment techniques to the detection system." "I think that this sort of secret testing is counterproductive and ultimately harms security," Checkoway added.

Not Root Cause

Shouldn't just focus on bodyscanners

Mulqueen and Currah 11 - Currah works in the intersections of gender and sexuality studies, law and policy, social and political theory, LGBT and transgender studies and Mulqueen is a PhD Candidate in Law/Critical Legal Studies at

Birkbeck College [Tara Mulqueen and Paisley Currah, Securitizing Gender: Identity, Biometrics, and Transgender Bodies at the Airport" Summer 2011, pp. 557-582, project muse] ~~*thelasthall@gmail.com*~~

Rose coined the phrase "securitization of identity " to describe how "subjects are locked into circuits o f control through the multiplication of sites w here the exercise o f freedom requires proof of legitimate identity " (Rose 1999: 240). The linking o f identity with security does not depend on a single entity collecting all possible information; it depends, instead, on particular entities in particular contexts collecting only the information most useful for the particular risks being assessed. Thus, the securitization of identity is "dispersed and disorganized" across a "variety of sites and practices" (243, 242). The securitization o f identity is an example o f w hat Mariana Valverde and Michael Mopas call "targeted governance" (2004). While state entities once operated with the belief that social problem s could be solved through large-scale state intervention, targeted governance focuses the resources of the neoliberal state—concerned not with welfare but with risk management—in as efficient a manner as possible. In practice, this has meant an ever greater reliance on information and surveillance technologies which allow the now m ore limited activities of governance to be carried out, it is believed, with m ore precision: "a 'smart,' specific side-effects free, information-driven utopia o f governance" (2004: 239). Because the security calculus of state actors holds that m ore identifying information about individuals means less risk, the development of presum - ably infallible techniques for identity verification has been enrolled in the quest for perfect information. In the United States, the airport has become one of most intensely securitized sites of identity verification (Lyon 2007).

TSA Body Scanners Michigan 7

Case

SQ Solves: Scanners/ATR

The aff's criticism of body scanners is outdated—the TSA removed photographic imaging in 2013, effectively solving their transphobia impacts.

Nixon '13 (Ron, Washington correspondent for the New York Times who covers the impact of regulatory and legislative policy on the consumer, "T.S.A. to Remove Invasive Body Scanners," *nytimes.com,* http://www.nytimes.com/2013/01/19/us/tsa-to-remove-invasive-body-scanners.html)

WASHINGTON — After years of complaints by passengers and members of Congress, the Transportation Security Administration said Friday that it would begin removing the controversial full-body scanners that produce revealing images of airline travelers beginning this summer. The agency said it canceled a contract, originally worth $40 million, with the maker of the scanners, Rapiscan, after the company failed to meet a Congressional deadline for new software that would protect passengers' privacy. Since going into widespread use nearly three years ago, the scanners have been criticized by passengers for being too invasive and are the subject of lawsuits from privacy groups. The T.S.A. began deploying the scanners in 2010, after an attempt by Umar Farouk Abdulmutallab, a Nigerian citizen, to blow up a Detroit-bound Northwest Airlines flight by setting off explosives hidden in his underwear. The T.S.A. said that 174 of the machines are currently being used at airport checkpoints around the country. Another 76 are housed at a storage facility in Texas. Rapiscan will be required to pay for removing the scanners. In a statement, Deepak Chopra, the company's president, said the decision to cancel the contract and remove the scanners was a "a mutually satisfactory agreement with the T.S.A." The company said that scanners would be used at other government agencies. The removal of the Rapiscan scanners does not mean that all full-body scanners will be removed from airport security checkpoints. A second type of full-body scanner does not produce revealing images. Instead, **it makes an avatar-like projection on security screens.**

No internal link—the body scanners opposed by the aff are long gone; in 2013 the TSA replaced them with new ones that only display a generic human-shaped image and therefore prevent gendered discrimination.

Overton '13 (Gail, senior editor of *Laser Focus World* with 20 years of marketing and engineering experience in photonics and telecommunications, PHOTONICS "APPLIED: DEFENSE AND SECURITY: Will full-body scanners keep you safe and secure?", *Laser Focus World.* http://www.laserfocusworld.com/articles/print/volume-49/issue-03/features/photonics-applied--defense-and-security--will-full-body-scanners.html)

Elias adds that in addition to backscatter x-ray safety concerns, passengers being screened were also concerned about privacy issues, citing the "revealing" nature of the images acquired by these scanners. As a result, the TSA has required that privacy algorithms be applied to the images produced by commercial systems, or in the case of millimeter-wave systems, that images be eliminated entirely for viewing and replaced by Automated Target Recognition (ATR) software that only indicates the visual presence of a threat (see Fig. 1). FIGURE 1. To eliminate images that show physical human body detail, full-body scanners such as this millimeter-wave example now use Automated Target Recognition (ATR) software that displays a generic image that either flags the operator to the presence of a possible threat (a) or indicates no threat (b).*(Courtesy of Transportation Security Administration)* Just recently (January 2013), a Bloomberg article reported that the TSA plans to remove x-ray backscatter-based Rapiscan units from OSI Systems (Hawthorne, CA) because the company failed to write software to make passenger images less revealing. The TSA plans to replace the systems with millimeter-wave scanners from L-3 Communications Holdings (New York, NY) that do include adequate privacy software.

Status quo solves—the TSA has already recognized the aff's concern and taken steps to remedy the problem.

TSA '14 (Transport Security Administration, agency of US Department of Homeland Security, "Transgender Travelers," tsa.gov, https://www.tsa.gov/traveler-information/transgender-travelers)

TSA recognizes the concerns members of the transgender community may have with undergoing the security screening process at our Nation's airports and is committed to conducting screening in a dignified and respectful manner. These travel tips will explain the various screening processes and technologies travelers may encounter at security checkpoints. Making Reservations: Secure Flight requires airlines to collect a traveler's full name, date of birth, gender and Redress Number (if applicable) **to significantly decrease the likelihood of watch list misidentification**. Travelers are encouraged to use the same name, gender, and birth date when making the reservation that match the name, gender, and birth date indicated on the government-issued ID that the traveler intends to use during travel. Packing a Carry-on: All carry-on baggage must go through the screening process. If a traveler has any medical equipment or prosthetics in a carry-on bag, the items will be allowed through the checkpoint after completing the screening process. Travelers may ask that bags be screened in private if a bag must be opened by an officer to resolve an alarm. Travelers should be aware that prosthetics worn under the clothing that alarm a walk through metal detector or appear as an anomaly during Advanced Imaging Technology (AIT) screening may result in additional screening, to include a thorough pat-down. Travelers may request a private screening at any time during the security screening process. Contacting TSA in Advance of Travel: Travelers may contact TSA prior to a flight through the TSA Contact Center at 1-866-289-9673 and TSA-ContactCenter@dhs.gov. Private Screening: Screening can be conducted in a private screening area with a witness or companion of the traveler's choosing. A traveler may request private screening or to speak with a supervisor at any time during the screening process. Travel Document Checker: The traveler will show their government-issued identification and boarding pass to an officer to ensure the identification and boarding pass are authentic and match. Transgender travelers are encouraged to book their reservations such that they match the gender and name data indicated on the government-issued ID. Walk Through Metal Detector: Metal detectors are in use at all airports. Advanced Imaging Technology (AIT): Screening with advanced imaging technology is voluntary and travelers may "opt out" at any time. Travelers who "opt out" of the AIT screening are required to undergo a thorough pat-down by an officer of the same gender as the traveler presents. New Advanced Imaging Technology Software: TSA has upgraded all millimeter wave advanced imaging technology units with new software called Automated Target Recognition to further enhance privacy protections by **eliminating the image of an actual traveler and replacing it with a generic outline of a person.** Pat-Down: A pat-down may be performed if there is an alarm of the metal detector, if an anomaly is detected using advanced imaging technology, if an officer determines that the traveler is wearing non-form fitting clothing, or on a random basis. If a pat-down is chosen or otherwise necessary, private screening may be requested. Pat-downs are conducted by an officer of the same gender as presented by the individual at the checkpoint. Prosthetics: A TSA Officer may ask you to lift/raise your clothing to screen a prosthetic (only if doing so would not reveal a sensitive area). Sensitive areas should not be exposed during the screening process. Behavior Detection Program: Behavior Detection Officers screen travelers using non-intrusive behavior observation and analysis techniques to identify potentially high-risk passengers. Officers are designated to detect individuals exhibiting behaviors that indicate they may be a threat to aviation and/or transportation security. Individuals exhibiting specific observable behaviors may be referred for additional screening, which can include a pat-down and physical inspection of carry-on baggage. TSA recognizes that exhibiting some of these behaviors does not automatically mean a person has terrorist or criminal intent. Referrals for additional screening are solely based on specific observed behaviors.

SQ Solves: Info Storage

The ATR doesn't allow for the storage of images and only includes generic outlines of those being scanned – resolves their biometrics impact.

Stancombe 11 [Brittany R. Stancombe, associate at Waller Law, "Comment: Fed Up With Being Felt Up: The Complicated Relationship Between The Fourth Amendment And Tsa's "Body Scanners" And "Pat-Downs," 2011 Cumberland Law Review, lexisnexis]//JIH

As recently as February 1, 2011, TSA began testing new AIT technology in attempts to further passenger privacy. n43 The new machines, unlike the full-body scanners previously

used in airports [*187] across the United States, n44 do not produce passenger-specific images but rather indicate the position of potentially harmful items on generic outlines of people. n45 The software used on AIT machines at airports, referred to as Automated Target Software (ATR), does not include the ability to store the images. n46 The new software was first tested in Las Vegas, Atlanta, and Washington, D.C. n47 As of July 20, 2011, TSA announced that over the course of the following months they would install ATR software for millimeter wave AIT technology on all millimeter wave units in the field. n48 Testing for similar software on the backscatter units began in the fall of 2011. n49 Because the images are no longer passenger-specific, there is not a need for a separate TSA officer to view the images in a closed room. n50 If certain areas on the image look like a passenger is harboring threatening items, those areas require additional screening. n51 The new technology obviously presents less of a problem and challenge to the Fourth Amendment than the previous body-scanner technology because images no longer produce revealing passenger-specific images, but questions of reasonableness still remain.

According to the Department of Homeland Security, airport personnel using Advanced Imaging Technology (AIT) that does not have the new ATR software will post signs informing passengers [*188] what type of AIT -- backscatter or millimeter wave -- is used with a sample image. n52 Airport personnel will also inform passengers they may decline the body-scan in exchange for a pat-down. n53 Airports using the new pilot ATR software will also post signs with a sample ATR image informing passengers of the type of AIT being used, as well as their right to decline the AIT unit in exchange for a pat-down. n54 The images with the ATR software, as already mentioned, are generic as opposed to passenger specific, and for that reason the TSO reviews the image with the passenger. n55 If a passenger's body-scan produces an anomaly or a particular area of the body produces an ambiguous scan--for example a suspicious item picked up in the thigh area--the pat-down will only target that area. n56 If the anomaly is not isolated and the scan produces multiple ambiguous areas, a passenger could be subjected to a full physical screening. n57

ATR technology is necessary in order to prevent terrorist threats while preserving citizens' constitutional right to privacy.

Stancombe 11 [Brittany R. Stancombe, associate at Waller Law, "Comment: Fed Up With Being Felt Up: The Complicated Relationship Between The Fourth Amendment And Tsa's "Body Scanners" And "Pat-Downs," 2011 Cumberland Law Review, lexisnexis]//JIH

Advanced Imaging Technology units with Automated Target Software as primary screening, however, are arguably constitutional. Instead of producing an image with graphic details of a passenger's private areas, ATR software only provides a generic outline of a passenger, while still highlighting areas on a person's body that could be a potential threat. n264 If the AIT units are the best way to protect airplanes during this particular day and age, arguably using them is the best way to meet that need. It can also be argued that the level of intrusiveness is not so blatant as to cause privacy concerns. While the machine still technically undresses a passenger, Transportation Security Officers would no longer be able to see areas most people are not comfortable showing complete strangers. If the body scan produces any anomalies, then, and only then, is the passenger subject to further, more

probing screening, which is consistent with the Third Circuit's reasoning in Hartwell. n265 [*211]

The enhanced pat-downs currently being practiced by Transportation Security Officers is characterized by more probing screening. Pat-downs as primary screening, while they have not been held as unconstitutional, seem unconstitutional based on current caselaw. Once again, the reasonableness must be weighed when considering the level of intrusiveness and degree of privacy the search involves. n266 A pat-down can come as a result of a passenger opting-out of a body scan or by setting off an alarm in the metal detector or body scan. n267 With a pat-down, passengers' private areas are often touched as a result. n268 As seen earlier, the level of intrusiveness must be balanced with the state's interest and means of going about that interest. n269

The government must continue to attempt to protect the privacy interests of their citizens. On an average day, a police officer may not simply strip search any individual they so please. Requiring passengers to either bare all in a body-scan or allow a complete stranger to pat-down one's private areas in order to board an airplane is simply unreasonable and not narrowly tailored. AIT units should be a secondary form of screening once a passenger has sounded an alarm after walking through the metal detector. Only AIT units loaded with ATR software should be used to provide the utmost respect for passenger's privacy while also pursuing the legitimate government goal of preventing terrorist attacks. Ideally, security should focus more on behavioral detection, leading to suspicion of terrorist activities based on suspect mannerisms and behaviors. In a post-9/11 world though, it would seem that watching and questioning people in airports for suspicious activity is simply not enough. Israel, however, has seemed to make it work just fine. n270 Beni Tal, head of a security consulting firm in Tel Aviv, said, in reference to 9/11, "American security has been sleeping well for years. . . . Now they have woken up forever." n271

The TSA began installing ATR software in 2011 in order to secure increased privacy.

Elias 12 [Bart Elias, Specialist in Aviation Policy, “Airport Body Scanners: The Role of Advanced Imaging Technology in Airline Passenger Screening,” September 20, 2012, http://www.law.umaryland.edu/marshall/crsreports/crsdocuments/R42750_09202012.pdf]//JIH

In FY2011, TSA began installing Automated Target Recognition (ATR) software in its deployed millimeter wave machines, both to allay continuing concerns regarding privacy and to improve screening efficiency. With the introduction of ATR, TSA is working toward the eventual elimination of human image viewers. In the future, TSA plans to rely primarily or exclusively on ATR for threat detection, which automatically reviews and analyzes images for concealed threats. In 2011, TSA upgraded all deployed millimeter wave scanners with ATR software. The ATR algorithms are currently undergoing operational evaluations in which they are being tested sideby- side with existing image review procedures. The ATR displays show only a generic body outline identifying locations of potential concealed threats rather than a full body image. If no threats are detected, the ATR monitor displays no image and an “OK” appears on screen against a green background (see Figure 3). TSA plans to include ATR capabilities in all future millimeter wave AIT procurements.12 TSA has

not announced whether a similar system will be developed or implemented for X-ray backscatter imagers.

The TSA has completely phased out the technology that the aff isolates – ATR software preserves privacy.

Quirk 13 [Mary Beth Quirk, journalist at The Consumerist, "TSA Replaces Backscatter Airport Scanners With Technology That Won't Show Your Private Bits," May 31, 2013, http://consumerist.com/2013/05/31/tsa-replaces-backscatter-airport-scanners-with-technology-that-wont-show-your-private-bits/]//JIH

We've come a long way, baby, and it seems the days of worrying over whether or not Transportation Security Administration agents were snickering at your nude image on an airport scanner are over. The backscatter scanners are gone — so now we can get back to worrying about what kind of funk we're picking up in our socked feet during the security line walk instead.

The TSA told Congress in a letter yesterday from TSA head John Pistole that as of May 16, the agency was setting up airport scanners with software called Automatic Target Recognition. That software only shows generic images of travelers, whereas the offending Advanced Imaging Technology, or backscatter technology, had ticked everyone off with its somewhat detailed nudies.

The TSA had a June 1 deadline and it beat it, as all 250 airports with backscatter scanners have been effectively switched out for the new technology. You'll still walk through a full-body scan that uses radio waves, but there likely won't be as many privacy concerns and probably no health concerns, CNN reports.

Removal of backscatter imaging means that images can't be saved or profiled – solves biometrics.

Abini 14 [Deema B. Abini, attorney in Los Angeles, CA, "Traveling Transgender: How Airport Screening Procedures Threaten The Right To Informational Privacy," 2014, lawreview.usc.edu/wp-content/uploads/Abini-PDF.pdf]//JIH

The TSA has not provided to the public any specific details regarding the science behind ATR software. Evidently, "passengers are able to view the same outline that the TSA officer sees" and "a separate TSA officer is no longer required to view the image in a remotely located viewing room," meaning that the TSA officer conducting the screening is physically present with the subject.40 Images of AIT displays provided by the TSA include two color-coded start buttons, either of which can commence the scanning of a subject: one pink and one blue.41 Presumably, the TSA officer must determine the subject's gender and select the appropriate start button,42 prompting the software to highlight any differences between the form of a typical body of that sex and the individual subject's body as potential threats.43

With the introduction of ATR, the TSA began working toward the eventual elimination of the use of TSA employees to review actual images of screening subjects for threats, instead relying on ATR for threat detection.44 As of September 2012, ATR algorithms were being evaluated side-by-side with previous image review procedures to assess the viability of such a shift.45 In response to perceived privacy and efficiency improvements, Congress enacted the Federal Aviation Administration Modernization Reform Act of 2012, mandating that "any advanced imaging technology used for the screening of passengers . . . (A) is equipped with and employs automatic target recognition software; and (B) complies with such other requirements as the Assistant Secretary determines necessary to address privacy considerations."46

Originally, the date by which the TSA was to be in full compliance was June 1, 2012, but that date was extended to June 1, 2013.47 The TSA had given backscatter unit manufacturer Rapiscan until the extended date of compliance to devise an ATR software upgrade compatible with its units, but Rapiscan determined it would be unable to meet that deadline.48 Thus, in January 2013, the TSA ended its contract with Rapiscan and pledged to exclusively use millimeter wave machines equipped with ATR software by June 1, 2013.49 The remaining several hundred backscatter units were indeed removed from airports by late May 2013.50

TSA Not Gendered
If your gender identity or appearance does not match your ID it does not matter for TSA

National Center for Transgender Equality 2015 (http://transequality.org/know-your-rights/airport-security; Know Your Rights |Airport Security;7/21/15;lmm)

All passengers 18 years of age or older are required to provide proof of identity at check-in and at the security checkpoint. TSA rules require that you provide your name, gender, and date of birth when making an airline reservation. The name, gender, and date of birth must match the government-issued photo ID you will provide when passing through security. The Secure Flight program checks this information against government watch lists, and gender information is used to eliminate false matches with the same or similar names – **not to evaluate a person's gender. If you have different names or genders listed on different ID, you can choose which to provide, so long as you bring photo ID that matches your reservation. TSA Travel Document Checkers will check as you enter security to ensure that information on your ID matches your boarding pass. It does not matter whether your current gender presentation matches the gender marker on your ID or your presentation in your ID photo,** and TSA officers should not comment on this. Sometimes travelers have their tickets booked for them by other people. When this happens, you should make sure that the person booking your tickets uses the information on the government-issued ID you plan to use at the airport. The gender marker on your boarding pass must match the government-issued photo ID you show the TSA Travel Document Checker.

Pat-downs are always an option and you will be accommodated according to your gender identity. In addition private screening and a present witness checks any or all abuse the aff claims is occurring.

National Center for Transgender Equality 2015 (http://transequality.org/know-your-rights/airport-security; Know Your Rights |Airport Security;7/21/15;lmm)

At checkpoints using body scanners, a pat-down is the only alternative to being scanned. A pat-down may also be required if an anomaly is identified by the machine, if your clothing is very loose, or on a random basis. TSA pat-downs can be very invasive. Children 12 and under should receive a modified, less-intrusive pat-down under the observation and direction of their parents if necessary. If you choose a pat-down to avoid the AIT machines or if the TSA agents require one for another reason, the pat-down must be performed by an officer of the same gender as the traveler. This is based on your gender presentation. So, for instance, transgender women should be searched by female officers, and transgender men should be searched by male officers. The gender listed on your identification documents and boarding passes should not matter for pat-downs, and you should not be subjected to personal questions about your gender. If TSA officers are unsure who should pat you down, they should ask you discreetly and respectfully. If you encounter any problem, ask to speak to a supervisor and clearly and calmly state how you should be treated. Travelers may ask for a private screening at any time. You may take a witness of your choosing with you when you are being privately screened.

Terror DA

Links

The most effective way to prevent terrorism is to ensure terrorists cant get to the airport- this means the Secure Flight Program is critical

Bucci, Carafano, and Stimson 14— Director, Douglas and Sarah Allison Center for Foreign Policy Studies; Vice President, Foreign and Defense Policy Studies; Manager, National Security Law Program and Senior Legal Fellow (Steven Bucci, James Jay Carafano, and Charles Stimson, "Terrorism," Heritage foundation, 2014, http://solutions.heritage.org/terrorism/). WM

Improve the prevention of terrorist travel. The problem in stopping terrorist travel to the U.S. is not airport screening per se; attempting to turn every airport into another Maginot Line or Fort Knox is going to fail at some point. Instead, the best way to discourage terrorist plots is to frustrate groups and individuals **before they begin**. As long as terrorism exists, free nations have to do a better job of thwarting terrorist travel. Would-be murderers like Umar Farouk Abdulmutallab (the Detroit-bound Christmas bomber) should not be allowed near an airliner, and **the best way to accomplish this goal is to ensure that potential terrorists are carefully vetted by intelligence analysts before they ever get to the airport**. Of course, security at the airport and on airplanes is also important because it is the last line of defense, and suspicious travelers should be subject to greater but appropriate levels of scrutiny, inspection, and surveillance. In order to plug the gaps in preventing terrorist travel, the U.S. should improve visa security coordination between the Departments of State and Homeland Security, support the Federal Flight Deck Officer program that allows trained pilots to carry firearms, speed up **deployment of the Secure Flight program**, step up implementation of REAL ID, and expand the Visa Waiver Program.

Secure Flight is key to coordinate across agencies to effectively combat terror

Marshall 11— (Patrick, "TSA's Secure Flight curbed risk, calmed travelers," GCN, delivers technology assessments, recommendations, and case studies, Oct 24, 2011, http://gcn.com/Articles/2011/10/17/TSA-Secure-Flight-Profile-Main.aspx). WM

The Sept. 11 attacks changed many aspects of Americans' lives. At the top of the list, of course, was air travel.

The immediate impact was long security lines in airports. And the longer-term challenge was for the Transportation Security Administration to develop a system for confirming the identity of passengers and ensuring that planes could not be used for acts of terrorism in the future. At the same time, the goal was to achieve this end without unduly inconveniencing legitimate travelers.

Initially, the airlines themselves shouldered the task. But, said Stacey Fitzmaurice, director of TSA's Secure Flight program, "It became evident that having each airline conduct its own

watchlist-matching process was creating inconsistencies across the industry and limiting the ability of the U.S. government to try to coordinate operational responses in advance."

Officials were also concerned about having so much potentially sensitive personal information about citizens in the hands of private carriers. "There was a need to find a single government program that could bring this in-house, do it consistently and reduce the need for the distribution of that sensitive information," Fitzmaurice said.

The 9/11 Commission and Congress agreed. The commission recommended that TSA take over responsibility for watchlist matching from the airlines. And in 2004 Congress passed the Intelligence Reform and Terrorism Prevention Act, which implemented the commission's recommendation and created the Secure Flight program.

Hurdles to clear

When Fitzmaurice took over the project in 2006, it had been foundering a bit, mostly over privacy concerns. After the 9/11 Commission report, Fitzmaurice said, "There was a desire to build this watchlist-matching program that was really beyond just watchlist matching. There were desires to look into commercial datasets. There were desires to collect a lot more information on passengers. Those efforts really were unsuccessful in getting this program off the ground because of significant criticism that the program faced in terms of trying to be too invasive, especially from a privacy standpoint."

Fitzmaurice said the first thing the newq team did was to take a step back and reassess the program's core mission. "We realized we only needed this minimal amount of information and we're only going to retain it for a short period of time," she said. "We locked in those core principles and then built a system around that."

The team did extensive analysis of what information would be the most effective and, at the same time, the least intrusive. "I can't get into the exact details of this, but it is not just exact name matching," Fitzmaurice said. "It is a complex type of matching looking at variations of names and other things to be able to come up with matches that we're confident about."

Privacy wasn't, of course, the only issue TSA team had to resolve. Given the potential life-or-death consequences of failure, the Secure Flight system needed to have ultra-high availability, and that meant building a system with sufficient redundancy. "We needed to make sure that Secure Flight was not going to have any single points of failure," Fitzmaurice said.

Accordingly, Secure Flight runs two complete operations centers in two undisclosed secure locations. The operations centers are identically configured with redundant components, and in the event that one center experiences a failure of any sort the system will automatically switch all operations to the other site.

The massive amounts of data to be processed were also major challenges. "Every day we see 2 million to 2.5 million passengers come through," Fitzmaurice said. "And we had a requirement for a program to actually be matching 72 hours in advance, so we're really looking at three days' worth of data. That's upwards of 6 million passengers at any given time that are being vetted by Secure Flight."

Finally, the system had to be able to do its job on very short notice. “The nature of the airline business is that they can have a passenger walk up to the ticket counter and want to get on an aircraft within the next hour,” Fitzmaurice said. “Also we needed to design a system that would be capable of handling high-priority requests and be able to process and accurately vet those passengers within seconds.”

Cost and impact

It’s much easier to nail down the costs of the Secure Flight program than its effects. Fitzmaurice ballparks the cost for getting the system up and running at $285 million, including planning, initial hardware purchases, software development, program management and support activities.

Although the government does not release figures on the numbers of suspected terrorists identified by the Secure Flight program, Fitzmaurice said, “we feel very strongly that Secure Flight has **absolutely improved the security** of commercial air travel as well as the overall experience of the traveler. Secure Flight is a behind-the-scenes watchlist-matching effort that will clear well over 99 percent of passengers automatically and before they ever check in for their flights. It will eliminate the need for them to have any other interaction at the airports for the purposes of matchups.”

Fitzmaurice said Secure Flight has also been a game changer for TSA. “Secure Flight is able to allow TSA on a daily basis to coordinate in advance operational responses,” she said. “When the watchlist matching was being done by the carriers, this type of information was really not available until the last minute when the passenger was there at the airport and getting ready to travel.”

Secure flights is the best measure to check against terrorism

McNeill 09— homeland security policy analyst (Jena Baker McNeill, “Secure Flight Program Creates Safer Skies,” Heritage Foundation, April 1, 2009, http://www.heritage.org/research/reports/2009/04/secure-flight-program-creates-safer-skies). WM

On March 31, the Department of Homeland Security (DHS) announced the implementation of Secure Flight-a program to screen flight passenger data and flag possible terrorists before they board a commercial airplane. DHS should be commended for implementing such a smart security measure. Secure Flight expands America's capacity to find possible terrorists while minimizing the impact on the airline industry and protecting the rights and privacy of individuals. DHS and Congress should use this program as a model for future airline security efforts and take steps to ensure its full implementation.

Checking Passengers

Prior to 9/11, the individual airlines screened passengers for security risks. This system was known as the Computer Assisted Prescreening Passenger System (CAPPS). CAPPS,

however, was limited: The only datasets that could be screened for security risks were the passenger's form of payment and travel itinerary.

After all of the 9/11 hijackers boarded airplanes under the CAPPS system, the need for a new approach was clear. In fact, the 9/11 Commission Report emphasized that the aviation industry lacked adequate means to screen all commercial flight passengers against known or suspected terrorists watch lists. After a contentious debate over the best way to use this passenger data while protecting civil liberties, the idea for Secure Flight was developed.

Secure Flight checks a passenger's data against a federal database of the FBI Terrorist Screening Center-a center that integrates all available information on known or suspected terrorists into a central repository. While alternative proposals considered prior to Secure Flight would have tasked the airline industry with this screening process, under this program the airlines' only charge is to gather basic information (full name, date of birth, and gender) when the passenger makes a reservation.

Why **Secure Flight Works**

Implementation of Secure Flight is a positive step toward addressing a glaring security gap left open since 9/11. It produces the following benefits:

Keeps Americans safer. Secure Flight ensures that known or suspected terrorists are prevented from boarding commercial airplanes in the U.S. And since the Transportation Security Administration (TSA) is performing the screening, passenger data can be compared against a classified list rather than the unclassified list that is now shared with airlines-making certain that the right people are prohibited from boarding.

Minimizes impact on industry. Because TSA performs the screening itself, the airline industry does not have to make costly upgrades or major changes that might harm an already struggling industry. Prior to Secure Flight, an alternative plan, known as CAPPS2, would have cost the airline industry over $1 billion in logistical upgrades. Secure Flight will be significantly cheaper-it is estimated to cost approximately $630 million-and has already received far more favorable reviews from the airlines themselves.

Maintains privacy and civil liberties. Under Secure Flight, TSA-not outside entities-will check watch lists. This means that information privacy is maximized by decreasing the possibility that private data will wind up in the wrong hands. Furthermore, Secure Flight helps tackle some of the civil rights concerns associated with watch lists by minimizing misidentification. On many occasions, under the current system, those who have a name similar to someone on the watch list have been prohibited from boarding an airplane. This misidentification is minimized when airlines, during the ticket purchasing process, obtain the traveler's gender and date of birth. Furthermore, if an individual is wrongfully prohibited from boarding an airplane, he can use the DHS's Traveler's Redress Inquiry Program to address the error.

Going Forward

Going forward, **DHS and Congress should continue to implement Secure Flight** and work together to expand other programs that increase airline security while shedding those that do not. These steps include:

Ensure full implementation of Secure Flight. TSA has now implemented Secure Flight with four volunteer aircraft carriers. DHS says that they are going to add more carriers in the next few months, with 100 percent implementation on both domestic and international flights by 2010. Congress should fully fund this program and DHS should ensure 100 percent implementation.

Expand the Visa Waiver Program. The Visa Waiver Program-which allows passengers from member countries to travel to the U.S. without the need for a visa-increases air travel security by acquiring information about foreign travelers before they even reach U.S. soil. Furthermore, the information sharing and security agreements that go along with visa waiver membership help the U.S. and its member countries to fight terrorism around the globe-all while expanding the U.S. economy and improving America's image abroad.

Scrap the 100 percent air cargo mandate. The 100 percent air cargo screening mandate is an example of the wrong kind of policies for the airline industry. This mandate would require 100 percent screening of cargo transported by passenger aircraft. TSA is not likely to meet the three-year deadline given for implementation-the mandate requires enormous structural changes. Furthermore, there is nothing to indicate that this program would produce any security gains. But every indication suggests that this mandate will have a tremendous impact on the supply chain by hindering efforts to move goods around the United States. Congress should reassess the need for such a policy.

The Right Kind of Security Policies

Implementing the right kinds of aviation security policies will ensure that Americans can travel freely and safely with the knowledge that their privacy and civil liberties are being maintained. DHS deserves kudos for designing a program-Secure Flight-that achieves these goals.

Secure Flight is the best method for risk assessment

Stellin 13— (Susan, "Security Check Now Starts Long Before You Fly," The New York Times, OCT. 21, 2013, http://www.nytimes.com/2013/10/22/business/security-check-now-starts-long-before-you-fly.html?_r=0). WM

The T.S.A., which has been criticized for a one-size-fits-all approach to screening travelers, said the initiatives were needed to make the procedures more targeted.

"Secure Flight has successfully used information provided to airlines to identify and prevent known or suspected terrorists or other individuals on no-fly lists from gaining access to airplanes or secure areas of airports," the security agency said in a statement. "Additional risk assessments are used for those higher-risk passengers."

Politics DA

Links

The plan is perceived as too small scale- If there's going to be a TSA bill, its got to be a crackdown- anything that makes it to the table but is less than a crackdown enrages both sides

Jenkins 15— Senior advisor at the non-profit RAND corporation(Brian Michael, "TSA flunked its security test big time — Now what?," The Hill, June 15, 2015, http://thehill.com/blogs/pundits-blog/homeland-security/244957-tsa-flunked-its-security-test-big-time-now-what). WM

The failure of Transportation Security Administration (TSA) agents to detect 67 out of 70 weapons or fake explosives smuggled through airport security checkpoints by the TSA's own inspectors renews questions about the agency's ability to protect the country's airlines. A failure rate of 95 percent also provides a new opportunity for attack by the TSA's many foes and rekindles the hostility many Americans have not just for the TSA, but for what they see as an increasingly intrusive and untrustworthy federal government.

Without knowing more about the details of the undercover tests, it is hard to judge the precise nature of the apparent security breakdown, but in any context, a 95 percent failure rate — the repeated news story headline — is shockingly unacceptable.

There is one slender ray of good news: Department of Homeland Security inspectors found the cracks in the system, not terrorists. However, this is far outweighed by the bad news: A highly publicized failure of this magnitude destroys the illusion of security, and yes, for those who criticize airport security as being merely for show, illusion is a useful component of security. Security checkpoints, here and abroad, have almost never caught terrorists; the screeners find enough weapons — over 2,000 in 2014 — to create an impression that they are on their game. And that deters terrorists.

Whatever TSA's critics may think of airport security, terrorists seem to take it very seriously. Faced with an array of greater intelligence efforts — even the perception of increased security at the airport, the possible presence of air marshals on any flight, locked and armored cockpit doors, and passengers ready to take on anyone threatening the plane — they seem to have just about abandoned hijacking airplanes as a viable terrorism tactic.

Over the long run, attempts to sabotage airliners also have declined, but terrorists have not stopped trying to smuggle explosives aboard airliners, and sometimes they have succeeded. In an attempt to foil security, they build small devices that can be concealed in ways that will make them undetectable to all but the most intrusive searches. To find the most artfully concealed explosive devices on the most dedicated suicide bombers would require a full-body search. This vulnerability is hard to close, but forcing terrorists to operate at this level of technical sophistication and commitment is still an achievement.

The recent TSA testing failure is not merely a public relations problem. Firing one or more top officials may temporarily satisfy Washington's bloodlust, but will not solve the problem

of performance. Appointing a new director does not immediately improve performance. That would be the task of the new director. A failing grade in this round of tests also should not lead to a wholesale reorganization of TSA. Getting the wiring diagram right will not by itself improve performance.

Those who despise the TSA for various reasons, most of which are unrelated to airline security, **will take perverse delight in its failure and use it for political capital**. **Some will want to punish the TSA by cutting its budget**. If $7 billion a year delivers a lousy 5 percent success rate, they will argue, what are we paying for?

The plan sparks a political firestorm -- social conservatives backlash, pits religious liberty against sexual freedom

Walters '15 Edgar, Texas Tribune - ""Bathroom Bills" Pit Transgender Texans Against GOP" 4/4

http://www.texastribune.org/2015/04/04/bathroom-bills-pit-transgender-community-against-g/

Social conservatives say the bills, which have been referred to the House State Affairs Committee, are designed to protect people from assault in public restrooms. "**I've got four granddaughters, and I'm not interested in anybody that has a question about their sexuality to be stepping in on them," said state Rep. Dan Flynn, R-Canton**, who co-authored Riddle's bills. Neither Riddle nor Peña could be reached for comment. **There are roughly 700,000 transgender people in the United States, or less than 1 percent of the population, according to estimates from the Williams Institute, a research center at the UCLA School of Law. For Flynn and other conservatives, that means transgender advocates are fighting a battle that would benefit only a small group of people over the concerns of a majority. "I think it's unbecoming of anyone to want to make others uncomfortable," Flynn said. "It's unfortunate that there are those who want to push their agenda that's contrary to the majority public position." The controversy is part of a larger fight over how states should meet their obligation to protect both minority groups and religious liberty.** The Florida Legislature is considering a bathroom bill similar to Riddle's. And in Indiana and Arkansas, public backlash over laws to protect religious freedom forced the states' governors to sign amended versions that included protections for gays and lesbians. **Religious freedom proposals that lack such protections — including Senate Joint Resolution 10 by state Sen. Donna Campbell, R-New Braunfels — have been filed in Texas.**

TSA popular now -- only risk of link

Reed 12(Ted; worked for U.S. Airways, writing internal publications and covered the transportation industry for 20 years; http://www.forbes.com/sites/tedreed/2012/08/09/surprise-gallup-poll-people-think-tsa-does-a-good-job/; Surprise Gallup Poll: People Think TSA Does A Good Job; 7/22/15; lmm)

Surprisingly, despite all of the negative Internet commentary and Congressional complaining about the Transportation Security Administration, the majority of U.S. travelers have a positive opinion of the agency. Not only that, but people who fly, and who are exposed to TSA screening, have an even more positive opinion than people who rarely or never fly. According to a Gallup poll released Wednesday, 54% of Americans think the TSA is doing either an excellent or a good job of handling security screening at airports. Moreover, among Americans who have flown at least once in the past year, 57% have an excellent or good opinion of the agency. As far as TSA effectiveness at preventing acts of terrorism on U.S. airplanes, 41% think the screening procedures are extremely or very effective. Another 44% think the procedures are somewhat effective. That number varies little for people who fly somewhat regularly and people who rarely or never fly. The poll was conducted with telephone interviews July 9th through July 12. Gallup interviewed 1,014 adults living in all 50 states and the District of Columbia. Interestingly, younger Americans "have significantly more positive opinions of the TSA than those who are older," Gallup said, noting that 67% of people between 18 and 29 rate the agency as excellent or good. This may be because young people fly more frequently, or it may be because that for young people TSA screening, first implemented in 2001, has been part of their flying experience for the majority of their lives.

Link Turns

Absent a specific threat, security measures cost rather than save PC

Somin '9 Ilya, blogger for Volokh - "Public Ignorance and the Political Economy of Airport Security: Why Governments Don't Take Enough Precautions Before Attacks and Engage in "Security Theater" Afterwards"

http://volokh.com/2009/12/29/public-ignorance-and-the-political-economy-of-airport-security-why-governments-dont-take-enough-precautions-before-attacks-and-engage-in-security-theater-afterwards/

Before an attack occurs, or **when a long period of time has passed between attacks, politicians have little incentive to enact good security measures. They have limited time and political capital, and the incentive is to spend it on measures that are popular with the general public or that benefit powerful interest groups. Neither the public nor interest groups are likely to push hard for effective security measures when there is no immediate fear of attack.**

Powerful lobbies will fight for the plan -- intrusive TSA screenings interfere with travel and tourism

Levinthal '10 Dave, Center for Responsive Politics - "The Airport Security Lobby Squad, Whistleblower Bill Axed and More in Capital Eye Opener: December 23"

12/23 " http://www.opensecrets.org/news/2010/12/ceo-12-23-2010/

'TIS THE SEASON TO LOBBY THE GATEKEEPERS: Going Grinch on the Transportation Security Administration is most en vogue, as grumpy travelers quietly, but sincerely consider chucking their removed shoes at unwitting agents inspecting their semi-naked photos taken by a newfangled millimeter wave machines into which these folks *may* have accidentally dumped 3.4 ounces of shampoo just to see if, oh, the wiring shorts out. Of course, we exaggerate (slightly), although travel this time of year ain't exactly a bowl of noses like cherries. **Fear not, however: Several companies and organizations are rushing a small army of federally registered lobbyists to your aid in a bid to make your airport security experience less harried, a Center for Responsive Politics review of lobbying disclosure filings indicates**. **Among them is the U.S. Travel Association, a relatively new group composed of dozens of hospitality companies, tourism entities, travel agencies and the like. Through the year's first nine months, the U.S. Travel Association has spent more than $1.1 million lobbying the federal government — including the TSA — on a variety of issues, including "TSA screening," "TSA airport operations" and "international and domestic registered traveler programs." That's nice. But say you have a specific concern — like a prosthetic. You probably don't want some wiseacre asking you to remove your belt, your coat and your metallic fibula. Take heart in knowing that the Amputee Coalition of America has this year lobbied the TSA regarding "transportation issues for persons with limb loss." Grandma get run over by a reindeer? Need to get what's left of her back to the family plot in Sheboygan? *Do not* pull a Weekend at Bernie's. Do thank the National Funeral Directors Association for lobbying the TSA this year on the issue of "transportation of human remains on commercial passenger aircraft."** And take heed in knowing that wherever the friendly skies may take you for the holidays, lobbyists aren't far away. **This humble blogger, for example, will today travel from Washington Reagan National Airport (the Metropolitan Washington Airports Authority has spent $150,000 on lobbying this year) on American Airlines (parent company AMR Corp. has spent $4.52 million) to the city of San Antonio ($149,600 in lobbying) via Dallas/Fort Worth International Airport ($200,000 in lobbying).**

Corporatism K

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Demands to abolish airport security are part and parcel of the logic of neoliberal privatization

Jilani '14 Zaid, writer for Alternet, "Why Is Ezra Klein's Vox Parroting Right-Wing Talking Points About Privatizing the TSA?" **5/29**

http://www.alternet.org/media/why-ezra-kleins-vox-parroting-right-wing-talking-points-about-privatizing-tsa

Between 2011 and 2012, despite aggressive and sustained opposition from right-wing politicians and pundits, 45,000 transportation security officers at the Transportation Security Administration won their first-ever labor contract, thanks to a hardened organizing drve by the American Federation of Government Employees. It's no surprise that the agency soon came under intense attack from Republicans and D.C. lobbyists who normally utter nary a word about civil liberties. These Republicans, like Rep. John Mica (R-FL), whose campaign coffers are lined with cash from private security contractors who want to displace the TSA, made clear that their goal was to privatize the agency – meaning they were okay with security procedures some viewed as intrusive, but they wanted profit-making, non-unionized corporations to be the ones doing these searches, not one of America's newest unionized public workforces**. Earlier this week, Vox.com – a new website run by wunderkind Ezra Klein that promises to "explain the news" in an objective manner setting itself apart from supposedly more ideological media on the left and right – piled onto this campaign by publishing an article called "The Case for Abolishing The TSA**." To the piece's author, Dylan Matthews, abolishing the TSA isn't a tough call – rather, it's just a matter of objective data that shows the agency is virtually a waste of resources, and that the responsibility of airline security should be privatized and carried out by the airlines themselves. "It's worth remembering that the inconvenience and injustice of the TSA's activities exists for literally no reason," he writes. "Airline security is, so far as we can tell, totally useless." To defend reaching this conclusion, Matthews cites a variety of sources. First, he points to Bruce Schneier, a cryptographer who he refers to as a security expert. The source Matthews links to is not a peer-reviewed paper or journal article, but rather a statement Schneier made in a debate. The debate is not over abolishing the TSA, persay, but rather about TSA's post-9/11 security measures. While Schneier argues that the TSA has not apprehended any terrorists since 9/11, he does not argue for the agency's abolition. On the contrary, he writes that "aircraft require a special level of security for several reasons: they are a favoured terrorist target; their failure characteristics mean more deaths than a comparable bomb on a bus or train; they tend ot be national symbols; and they often fly to foreign countries where terrorists can operate with more impunity. But all that can be handled with pre-9/11 security." The next set of sources Matthews uses is a literature review by professors Cynthia Lum and

Leslie Kennedy, of George Mason University and Rutgers, respectively. Matthews writes that these professors studied the research on airport security and found that while the TSA has prevented hijackings, it "didn't reduce attacks, but encouraged would-be hijackers to attack through other means." He concludes, "Additional research done after the review has similarly concluded that the screenings are, in effect, a wash." Actually, that's not what Lum and Kennedy conclude. I know this because I emailed them and asked. Here's what Kennedy had to say about Matthews's article: "We did not argue for abolishing the TSA. That is the reporter's conclusion not ours. We simply reported on the effectiveness of airport screening which we found, based on the research, was quite high. Our research was not focused on the TSA per se but, obviously, based on our findings, it would make no sense to get rid of airport screening." And here is what Lum had to say: "I agree with Prof Kennedy. This is an incorrect interpretation of our research." In other words, **none of the researchers Matthews cited actually agree with him that the TSA is useless or should be abolished – even as he is basing his conclusion almost entirely on the idea that the research shows that he is right. Well, not entirely. Towards the end of his piece, Matthews cites some odd political figures to validate his idea that abolishing the TSA isn't outside of mainstream political thought: What to do, then? Simple: just abolish the agency. This is hardly an extreme proposal; members of Congress, including influential figures like Senator Rand Paul (R-Kentucky) and Congressman John Mica (R-Florida), have endorsed it. The Cato Institute's Chris Edwards wants to privatize the TSA and devolve its responsibilities to airports, but that preserves far too much of the status quo. Better would be to make security the responsibility of individual airlines, so as to allow competition on that dimension. It's mind-boggling how Matthews can view a proposal as not extreme because the Cato Institute – which publishes tracts opposing child labor laws – endorses it. The same goes for Sen. Rand Paul (R-KY), a right-libertarian who once questioned the Civil Rights Act on national television. And as was noted above, Mica is a close ally of private security firms whose behavior is just as intrusive as any government agency, and is hardly a champion of civil liberties (he recently voted for an NSA bill that liberties proponents decried as "fake reform"). Lastly, asking that individual airlines compete to provide security runs afoul of the basic history of private corporations and public safety. Yes, competition is a powerful motivation that has driven real innovation in the market – firms want business, and will often seek better products in order to win over the public. The problem is, this incentive doesn't really work out with respect to safety. Private firms see their top motivation as making the most money as possible – even if that means compromising safety.** Yes, a bomb exploded on an airplane can be very bad for business. But corporate accountants have often been caught weighing the odds of a public safety disaster versus the cost of making safety improvements. **In the 1970's, it was revealed that Ford Motor Company was aware of a design flaw in its Ford Pinto cars that could result in people burning to death. It refused to pay for a redesign of the cars, deciding that it'd be cheaper to pay off lawsuits that resulted from potential deaths. This cost-benefit analysis is completely different from what the TSA and other public**

safety agencies do – their goal is zero deaths, not whatever is cheaper for shareholders.

This impulse to regulate optimum societal outcomes through market-based approaches terminates in the absolute demolition of social value

Harvey '5 David, David Harvey is the Distinguished Professor of Anthropology and Geography at the Graduate Center of the City University of New York. "A Brief History of Neoliberalism" http://messhall.org/wp-content/uploads/2011/09/A-Brief-History-of-Neoliberalism.pdf, xdi

To presume that markets and market signals can best determine all allocative decisions is to presume that everything can in principle be treated as a commodity. Commodification presumes the existence of property rights over processes, things, and social relations, that a price can be put on them, and that they can be traded subject to legal contract. The market is presumed to work as an appropriate guide––an ethic––for all human action. In practice, of course, every society sets some bounds on where commodification begins and ends. Where the boundaries lie is a matter of contention. Certain drugs are deemed illegal. The buying and selling of sexual favours is outlawed in most US states, though elsewhere it may be legalized, decriminalized, and even state-regulated as an industry. Pornography is broadly protected as a form of free speech under US law although here, too, there are certain forms (mainly concerning children) that are considered beyond the pale. In the US, conscience and honour are supposedly not for sale, and there exists a curious penchant to pursue 'corruption' as if it is easily distinguishable from the normal practices of influence-peddling and making money in the marketplace. The commodification of sexuality, culture, history, heritage; of nature as spectacle or as rest cure; the extraction of monopoly rents from originality, authenticity, and uniqueness (of works or art, for example)––these all amount to putting a price on things that were never actually produced as commodities.17 There is often disagreement as to the appropriateness of commodification (of religious events and symbols, for example) or of who should exercise the property rights and derive the rents (over access to Aztec ruins or marketing of Aboriginal art, for example). Neoliberalization has unquestionably rolled back the bounds of commodification and greatly extended the reach of legal contracts. It typically celebrates (as does much of postmodern theory) ephemerality and the short-term contract––marriage, for example, is understood as a short-term contractual arrangement rather than as a sacred and unbreakable bond. The divide between neoliberals and neoconservatives partially reflects a difference as to where the lines are drawn. The neoconservatives typically blame 'liberals', 'Hollywood', or even 'postmodernists' for what they see as the dissolution and immorality of the social order, rather than the corporate capitalists (like Rupert Murdoch) who actually do most of the damage by foisting all manner of sexually charged if not salacious material upon the world and who continually flaunt their pervasive preference for short-term over long-term commitments in their endless pursuit of profit. But there are far

more serious issues here than merely trying to protect some treasured object, some particular ritual or a preferred corner of social life from the monetary calculus and the short-term contract. **For at the heart of liberal and neoliberal theory lies the necessity of constructing coherent markets for land, labour, and money, and these, as Karl Polanyi pointed out, 'are obviously not commodities . . . the commodity description of labour, land, and money is entirely fictitious'. While capitalism cannot function without such fictions, it does untold damage if it fails to acknowledge the complex realities behind them**. Polanyi, in one of his more famous passages, puts it this way: **To allow the market mechanism to be sole director of the fate of human beings and their natural environment, indeed, even of the amount and use of purchasing power, would result in the demolition of society.** For the alleged commodity 'labour power' cannot be shoved about, used indiscriminately, or even left unused, without affecting also the human individual who happens to be the bearer of this peculiar commodity. In disposing of man's labour power the system would, incidentally, dispose of the physical, psychological, and moral entity 'man' attached to that tag. Robbed of the protective covering of cultural institutions, human beings would perish from the effects of social exposure; they would die as victims of acute social dislocation through vice, perversion, crime and starvation. **Nature would be reduced to its elements, neighborhoods and landscapes defiled, rivers polluted, military safety jeopardized, the power to produce food and raw materials destroyed. Finally, the market administration of purchasing power would periodically liquidate business enterprise, for shortages and surfeits of money would prove as disastrous to business as floods and droughts in primitive society.**18 The damage wrought through the 'floods and droughts' of fictitious capitals within the global credit system, be it in Indonesia, Argentina, Mexico, or even within the US, testifies all too well to Polanyi's final point. But his theses on labour and land deserve further elaboration.

Only a decision-making calculus that privileges working class LIFE OVER neoliberal valorization of CAPITAL can DE-LINK economic growth from environmental destruction -- failure to articulate this political calculus results in planetary devastation

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The imposition of short-term contractual logic on environmental uses has disastrous consequences. Fortunately, views within the neoliberal camp are somewhat divided on this issue. While Reagan cared nothing for the environment, at one point characterizing trees as a major source of air pollution, Thatcher took the problem seriously. She played a major

role in negotiating the Montreal Protocol to limit the use of the CFCs that were responsible for the growing ozone hole around Antarctica. She took the threat of global warming from rising carbon dioxide emissions seriously. Her environmental commitments were not entirely disinterested, of course, since the closure of the coalmines and the destruction of the miners' union could be partially legitimized on environmental grounds. Neoliberal state policies with respect to the environment have therefore been geographically uneven and temporally unstable (depending on who holds the reins of state power, with the Reagan and George W. Bush administrations being particularly retrograde in the US). The environmental movement, furthermore, has grown in significance since the 1970s. It has often exerted a restraining influence, depending on time and place. And **in some instances capitalist firms have discovered that increasing efficiency and improved environmental performance can go hand in hand. Nevertheless, the general balance sheet on the environmental consequences of neoliberalization is** almost **certainly negative. Serious though controversial efforts to create indices of human well-being including the costs of environmental degradations suggest an accelerating negative trend since 1970 or so. And there are enough specific examples of environmental losses resulting from the unrestrained application of neoliberal principles to give sustenance to such a general account. The accelerating destruction of tropical rain forests since 1970 is a well-known example that has serious implications for climate change and the loss of biodiversity. The era of neoliberalization also happens to be the era of the fastest mass extinction of species in the Earth's recent history**.27 **If we are entering the danger zone of so transforming the global environment, particularly its climate, as to make the earth unfit for human habitation, then further embrace of the neoliberal ethic and of neoliberalizing practices will surely prove nothing short of deadly**. The Bush administration's approach to environmental issues is usually to question the scientific evidence and do nothing (except cut back on the resources for relevant scientific research). But his own research team reports that the human contribution to global warming soared after 1970. The Pentagon also argues that global warming might well in the long run be a more serious threat to the security of the US than terrorism.28 Interestingly, **the two main culprits in the growth of carbon dioxide emissions these last few years have been the powerhouses of the global economy, the US and China** (which increased its emissions by 45 per cent over the past decade). In the US, substantial progress has been made in increasing energy efficiency in industry and residential construction. The profligacy in this case largely derives from the kind of consumerism that continues to encourage high-energy-consuming suburban and ex-urban sprawl and a culture that opts to purchase gas-guzzling SUVs rather than the more energy-efficient cars that are available. Increasing US dependency on imported oil has obvious geopolitical ramifications. In the case of China, the rapidity of industrialization and of the growth of car ownership doubles the pressure on energy consumption. China has moved from selfsufficiency in oil production in the late 1980s to being the second largest global importer after the US. Here, too, the geopolitical implications are rife as China scrambles to gain a foothold in the Sudan, central Asia, and the Middle East to secure its oil supplies. But China also has vast rather low-grade coal supplies

with a high sulphur content. The use of these for power generation is creating major environmental problems, particularly those that contribute to global warming. Furthermore, given the acute power shortages that now bedevil the Chinese economy, with brownouts and blackouts common, there is no incentive whatsoever for local government to follow central government mandates to close down inefficient and 'dirty' power stations. The astonishing increase in car ownership and use, largely replacing the bicycle in large cities like Beijing in ten years, has brought China the negative distinction of having sixteen of the twenty worst cities in the world with respect to air quality.29 The cognate effects on global warming are obvious. As usually happens in phases of rapid industrialization, **the failure to pay any mind to the environmental consequences is having deleterious effects everywhere. The rivers are highly polluted, water supplies are full of dangerous cancer-inducing chemicals**, public health provision is weak (as illustrated by the problems of SARS and the avian flu), **and the rapid conversion of land resources to urban uses or to create massive hydroelectric projects (as in the Yangtze valley) all add up to a significant bundle of environmental problems that the central government is only now beginning to address**. China is not alone in this, for the rapid burst of growth in India is also being accompanied by stressful environmental changes deriving from the expansion of consumption as well as the increased pressure on natural resource exploitation. **Neoliberalization has a rather dismal record when it comes to the exploitation of natural resources. The reasons are not far to seek. The preference for short-term contractual relations puts pressure on all producers to extract everything they can while the contract lasts. Even though contracts and options may be renewed there is always uncertainty because other sources may be found. The longest possible time-horizon for natural resource exploitation is that of the discount rate (i.e. about twenty-five years) but most contracts are now far shorter. Depletion is usually assumed to be linear, when it is now evident that many ecological systems crash suddenly after they have hit some tipping point beyond which their natural reproduction capacity cannot function**. Fish stocks––sardines off California, cod off Newfoundland, and Chilean sea bass––are classic examples of a resource exploited at an 'optimal' rate that suddenly crashes without any seeming warning. 30 Less dramatic but equally insidious is the case of forestry.

Our alternative is to call for a paradigm shift in social relations towards a more equitable distribution of resources. This is a decision-making framework that recognizes a material foundation for autonomy as a prerequisite to democratic communication.

Briscoe '12 Felicia, Professor of Education at UTSA, "Anarchist, Neoliberal, & Democratic Decision-Making: Deepening the Joy in Learning and Teaching" Education Studies, Vol. 48, Issue 1

http://www.tandfonline.com/doi/abs/10.1080/00131946.2011.637257#preview, xdi

A More Equal Distribution of Resources **Emma Goldman describes anarchism as "an order that will guarantee to every human being free access to the earth and full enjoyment of the necessities of life"** (1907, 68). Rocker (1938) describes the effects of acute inequality in the distribution of resources: **Our present economic system, leading to a mighty accumulation of social wealth in the hands of a privileged minority and to a continuous impoverishment of the great masses of the people . . . sacrificed the general interests of human society to the private interests of individuals** and thus systematically undermined the relationship between man and man [sic]. People forgot that industry is not an end in itself, but should be only a means to insure to man his material subsistence and to make accessible to him the blessings of a higher intellectual culture. Where industry is everything and man is nothing begins the realm of ruthless economic despotism whose workings are no less disastrous than political despotism. (2)19 Although Rocker wrote in 1938, the polarization of wealth20 and the elevation of industry (or business/corporate interests) over human interests remain true.21 **An equal distribution of economic power or resources is fundamental to equalizing power relationships**. One anarchist, Fotopoulos (2008), describes this necessary "economic democracy . . . as the authority of the people *demos* in the economic sphere, implying the existence of economic equality in the sense of an equal distribution of economic power" (442). Without equal power relations brought about by a fairly equal distribution of wealth, the individual autonomy advocated by deep democracy and anarchism cannot be operationalized. Each Person Directly Participates in Decisions Affecting Her or His Life (Autonomy) Anarchism's and deep democracy's call for a more equal distribution of resources helps to create the conditions necessary for autonomy. Perhaps the single most important foundation of anarchist thought is autonomy, as described by Anna Goldman (2010): [Anarchism is] based in the understanding that we are best qualified tomake decisions about our own lives.Anarchists believe that we must all control our own lives,making decisions collectively about matters, which affect us. Anarchists believe and engage in direct action. (para 7) Several scholars have analyzed the importance of autonomy to human experience. Although Paulo Freire (1970) does not describe himself as an anarchist, his analysis of autonomy in regards to determining one's own thoughts and actions is often quoted by anarchists such as Spring (2008). Freire (1970) discusses the **death that occurs without autonomy: Overwhelming control—is necrophilic; it is nourished by love of death, not life. Based on a mechanistic, static, naturalistic, spatialized view of consciousness; it transforms students into receiving objects. It attempts to control thinking and action, leads men to adjust to the world, and inhibits their creative power**. (64) Freire's description of overwhelming control resonates with Mr. Jackson's description of his experience in an urban school, with students being "tested to death" under the current policies. A number of scholars22 note that **without equal power relationships, there is little autonomy; without autonomy, authentic communication becomes impossible.**

We are not a critique of capitalism but rather the hegemony of neoclassical economics which places profit-motive above human well-being. Our alternative embraces a form of cooperative economics to drive an economy for the people by the people with a proven track-record of success. Our alternative empowers the autonomy of the many to end the stranglehold of power by the few. Our approach understand the fundamental prerequisite of democratizing the workplace to altering material relations of power

Stone and Bowman '11 Betsy Bowman and Bob Stone, scholar-activists and co-founders of the Center for Global Justice "Cooperativization on the Mondragón Model As Alternative to Globalizing Capitalism" 11/15
http://www.globaljusticecenter.org/2011/11/15/cooperativization-on/, xdi

Globalization has failed humanity. In the sixty years since the launching of its main instruments, the World Bank and International Monetary Fund, global trade has expanded twelve-fold and economic growth fivefold, yet the gap between rich and poor also widened and **the number of poor is greater than ever**. To question globalization is to question capitalism, the former being a deepening of the latter. As a contribution to the ongoing debate **we propose transforming globalizing capitalism into something much better by directly altering production relations, primarily by democratizing workplaces**. Many critics of globalization who disagree on other matters endorse some form of workplace democracy as part of any viable alternative. Among available models of alternatives to capitalism, we have borrowed much from David Schweickart's "economic democracy" and Michael Albert and Robin Hahnel's "participatory planning." We put a Schweickart-like democratization **before** processes like participatory planning. What may also set us apart is our claim that **cooperativization can eliminate globalizing capitalism's worst features**. We shall not defend all aspects of Mondragón. **By "the Mondragón model" we mean the network of co-ops associated with the town of Mondragón in the Basque country of Northern Spain. "Model" for us primarily refers to its framers' principles, which have made the network worth emulating**. As it happens, deviations from some of these principles have also long been underway. Mondragón can be sustainably generalized only if **restored** to its principles, we'll hold. Invoking this rectified model as vanguard, we'll argue such a democratizing movement can transform for the better the production relations underpining globalization. To liberate co-operative labor from capitalism itself, some options opened by cooperativization must be engaged in a second stage of "de-marketization." After sketching it we'll consider some objections. **1. Mondragón and the Degeneration Problem** Since the beginnings of capitalism worker co-ops have haunted it as its own built-in opposite, bearing hopes for a non-capitalist future. Relative to such hopes, they have inevitably "degenerated" by failing or by becoming capitalist. Mondragón is itself on the latter trajectory. The paradigm degeneration occurred in the Rochdale co-operative founded in England in 1844 when, to finance purchase of a

new mill in 1859, it took on investor members. They outvoted worker members and in three years converted the co-op to a conventional firm. Carefully avoiding **that** form of degeneration, a more recent co-op fell into yet another. In 1921, 125 dedicated Scandinavian cooperativists put up $1,000 for equal numbers of stock shares and started Olympia Veneer Company, the first of many plywood co-ops in the Pacific northwest. (Berman; Lutz & Lux, Ch. 8; Pencavel) Thanks to the efficiency of co-operative labor, share values skyrocketed. Instead of taking in new owner-members, however, they hired wage workers to work their individual shares. In 1954 the 23 remaining members voted to sell out, at around $625,000 gain each, to the U.S. Plywood Corporation, a conventional firm. A capitalist success, Olympia failed as a co-op, because of wage labor (violating the one-worker-one-vote rule) and because ownership was of individually sellable stock shares. So, despite its egalitarian impulse, Olympia's self-destruction was present at the start. The **Mondragón co-ops avoid this degeneration by** separating **ownership, which varies in value, from voting, which is strictly equal. Instead of buying stock, new applicants advance labor to pay the membership fee. Roughly a year's salary, this loan by members starts an "individual capital account" (ICA) to which monthly and year-end profits and losses are credited or debited. (Thomas & Logan 1982, p. 136) Unlike stock shares, ICAs are neither accumulable nor sellable and carry only one vote.** Being both individually recoupable upon leaving yet available meanwhile for collective investment, they constitute a sort of bank inside each co-op. Rights attach solely to membership and terminate when members retire or leave. There being no non-worker owners, co-ops remain whole solely in the hands of their active workforces, avoiding the Rochdale error. A co-op could be sold, but only by a hard-to-muster two-thirds of a general assembly vote, and this has never happened. **The "salary" spread from lowest to highest, currently 1 to 6, is based on an agreed job rating index. "Salary" is in scare quotes since members, not being** employees**, receive no wages or salaries. Rather, they have the following rights of owners and managers: 1) monthly and annual profit distributions; 2) 6% annual interest on their loans to the co-op; 3) a vote on** un**distributed funds; 4) access to all records; and 5) a vote on policy and managers**. Mondragón has outlasted Olympia as a co-op by 20 years, due partly to separating voting rights from ownership rights. The network started in 1956 with a small stove factory built by five former students of a vocational teacher, a priest named José María Arizmendiarrieta. Unions were banned but agricultural co-op laws allowed workers to own their workplaces. Basque solidarity facilitated fund-raising. The movement faced a crisis in 1958 when Madrid declared members to be self-employed, hence ineligible for state health and unemployment benefits. Turning adversity around they created their own **cheaper** system. (Huet) In 1959, with this system's reserves, founders started the Caja Laboral Popular to give banking, entrepreneurial and health services to the four then-existing co-ops. (Since post-Franco Spain offered state health coverage, the network no longer provides its own health services.) Focusing on domestic appliances and machine tools for the protected Spanish market, the network steadily expanded. The network has repeatedly proved its value. In the 1980-83 recession, the Basque country lost 20% of its jobs. Nearby firms laid off massively or closed. Many co-ops took pay cuts up to 11%, and five co-ops closed. Yet, thanks to job transfers in the network, **virtually no layoffs were made in the co-ops**, stabilizing the region's economy. (Clamp) The costly network-underwritten re-tooling was quite beyond the individual co-ops. Then a one-two punch hit with opening of Spain's

market to Europe in 1986 and to the world in 1989. We visited in 1989. It was a decisive moment. Network appliances were suddenly up against major German and French brands. This presented a fateful choice: directly compete with multinationals or follow the Italian co-ops into niche markets? Re-tooling this time was judged too costly so in 1991 over 100 co-ops, organized up to then by regions and linked through the Caja, re-organized in three sectors as Mondragón Co-operative Corporation. This allowed speedy, centralized decisions typical of the multinational competition. **As of 2003, MCC had over 66,000 employees operating over 160 co-ops in three sectors: 135 industrial, 6 financial, and 14 distribution. In both sales and workforce, MCC is the Basque country's largest business corporation and Spain's seventh largest. The three sectors are backed by the Caja, housing, service, research, education and training co-ops. Mondragón University, founded in 1997, integrates technology with cooperativism in a multi-lingual environment for over 4,000 students. As a "second degree" co-op like the Caja its board is partly nominated by its own members (students and faculty), partly by the co-ops is serves. Other second degree co-ops include technology and management schools, and research institutes. Core industrial co-ops make an array of high-tech and durable goods for world markets including robots, machine-tools, appliances, auto parts, buses, and elevators. The network's supermarket, Eroski, partnering with a French chain, has become Spain's third largest grocery retailer and largest domestically owned one. Eroski's hybrid equity structure joins employees with customers as co-investors. (MCC 2002) Typical of worker co-ops, and unlike most capitalist firms, all Mondragón co-ops devote 10% of all profits to community needs.** With a few exceptions — the Fagor group with some 5,000 members — most successful co-ops "hive off" related progeny after reaching 500 or so members. Beyond that number economies of scale do not make up for weakening of face-to-face production. Progeny take their own collective risk but infra-network competition is foreclosed by contracts with MCC committing all new co-ops to uniform principles of job creation, shared capital, and democratic structure. Usually "profit" is income after all costs, **including** labor costs. But in a worker co-op, profit is income after all non-labor costs. For labor is not a "cost" but a mutual sharing of each member's capital. Since labor time is neither bought nor sold, a co-op's workers together share all profit and losses. Not more than 30% of losses may be debited to a co-op's undivided account. Democracy is central and turns on membership. **Ultimate control of production, income spread, and board seats lies in the yearly general assembly. It elects the board of directors (**consejo rectoral**) which appoints management. The assembly elects a watchdog council (**consejo de vigilencia**) to monitor management and a social council (**consejo social**). Subject to board and management approval, the social council indexes jobs within the 1 to 6 spread based on demands for experience, training, responsibility, and hardship. In individual grievances over pay scale and social welfare its decisions are binding. A Mondragón-like co-op re-unites in** one **person the functions of worker, manager and owner. Capitalism consigns these functions to** three **separate persons. To personify these functions is to impose on the three groups thus constituted an imperative that pits them against the other two. Re-uniting these functions** in each member **abolishes the conflict among the three groups.** In this re-combination, however, one typical "function" does **not** re-appear when a firm becomes a co-operative: that of capitalist itself. Their only function is to "furnish capital." But this is not a distinct contribution to

production. **Workers can exercise entrepreneurship and either hire capital or capitalize a Mondragón-like co-op with their own labor.** Capitalists **as such** make **no** irreplaceable contribution, Schweickart notes (2002, p. 33), and since profits should go only to those who do, he concludes they deserve none. Thus while workers assume manager and owner functions, the capitalist side of the owner function — vestigial under capitalism — drops out altogether with cooperativization. Finally **Mondragón works** better **at the capitalists' own game than do capitalist firms! Concluding his two-factor comparative study, Henk Thomas writes: "Productivity and profitability are higher for co-operatives than for capitalist firms. It makes little difference whether the Mondragón group is compared with the largest 500 companies, or with small-and medium-scale industries; in both comparisons the Mondragón group is more productive and more profitable."** (Thomas 1982, p. 149) Studies of job creation, worker compensation, and job security yield similar results. (Thomas & Logan; Bradley & Gelb) **Central to our argument for cooperativization, is the persistant indication in available research that** the closer **workplaces get to Mondragón-like co-operative labor,** the more **productive and profitable they are. Summarizing forty-three economic studies of self-management, Levine and Tyson conclude worker participation in management usually boosts productivity, but especially** when combined with other elements of self-managed cooperative labor, **such as: 1) profit-sharing; 2) guaranteed long-term job security; 3) small wage spread; and 4) guaranteed worker rights.** (pp. 205-214) To these Mondragón adds the potent element of worker ownership. So, instead of tapping the power of liberated co-operative labor with one or two such elements, Mondragón unites all of them at once. Such co-ops outstrip all types of capitalist firms in productivity not in spite of being democratic but **to the extent** that they are. But Mondragón has not been true to its impetus. Is it a model? Three sets of degenerative practices make it less worth emulating and endanger its economic superiority. The practices, and remedies, are: (1) When demand increases, the co-ops often hire non-member wage labor. MCC recently persuaded local legislators to raise the ceiling on "contract" labor to 30%. (Köhler) And if a co-op applies, MCC may allow it up to 40% non-member workers. (Huet) Illegal "eventuales" or temporaries — mostly female — are not counted in the 30% quota for "contract" labor, and make up a substantial percent of workforces. In some co-ops over 40% of work may be done by non-members. The overall percentage is unknown since MCC no longer gives out membership figures. Collective exploitation of wage labor encourages more of it, membership limits, and sell-outs. Ruling out the false benefits of wage labor will in the long run be a benefit. (2) MCC is using women as a reserve army of labor. True, on the gender division of labor women do slightly better at MCC than in capitalist firms (Hacker & Elcorobairutia) and have a major presence in management. But blue collar work remains largely male. This second-class labor pool is incompatible with cooperativism. Solutions include: observing the one-worker-one-vote rule, gender integration of all co-ops and jobs; and child-care in workplaces. (Ferguson, pp. 94-99) These practices would probably boost productivity by fully engaging women's talents. (3) There are **un**necessary sacrifices of

cooperativism. In 1999 external non-voting capital stakes were 13% of MCC equity. (Köhler) This is due to joint ventures and acquisition (or start-up) of many capitalist enterprises abroad, mostly in Latin America. Vague assurances that cooperativization is "on the agenda" are extended to such workers. (Logue) This perilous mixing of co-op with external investor capital contravenes co-operative principles. Worker alienation is rampant. (Kasmir) Social councils are underutilized. (Clamp) Unionization is under discussion. (Huet) Work-floor democracy is a complex issue. In the mid-1960s the network studied Scandinavian work groups to replace Taylor's "scientific management" — up to then dominant on the work-floor. Ironically Ulgor workers voted down the innovation in favor of the assembly line! (Thomas & Logan) In in89 Total Quality Management was introduced with other disempowering practices: just-in-time inventorying, work-movement monitors, and swing shifts. Studying effects, George Cheney concluded that the changes threaten Mondragón's "organizational integrity" as a "value-based" rather than "market-based" firm. This "neo-cooperativism" trend "privileges an externally driven form of participation, in marked contrast with [one]…in which workplace democracy is justified primarily or significantly in terms of the benefits for the employees and the organization as a whole." Yet while members may not often **exercise** their powers over their work-lives and managers, they **have** them. In 2001 although the social council at Fagor — the largest and oldest co-operative — issued a blistering critique of MCC's evolution, it continued. Centralized decision-making has made meaningful consideration of alternatives harder. An observer sadly concluded that the Fagor dissidents were "not confident [they] can provide an alternative — they worry MCC is correct that survival in the global market requires compromises of critical co-operative principles." (Huet) True, islands of cooperativization **will** be gradually re-absorbed. (Köhler) But global competitiveness does **not** demand wage workers or marginalizing women or preempting opposition. On the contrary, the more elements of liberated (self-managed) cooperative labor, the more productivity and profitability. MCC managers' faith in the **economic** value of cooperativism waned, yet the evidence still suggests that the network could both compete globally and: stop all wage labor; introduce gender democracy; cease joint ventures with external capital; resume start-ups (e.g. by co-operativizing foreign subsidiaries); encourage unions for the external solidarity they provide; and allow social councils equal say with management in setting all work-floor regimes. Long-term competitive advantage would likely result. And the network would re-emerge as a model. This model is for now salvageable. Worker co-ops survive as such "longer than comparable capitalist firms," and Mondragón's innovations have vastly lengthened their life-expectancy. But cooperativization will have enough time to construct "a better world" only if it is a part of building an alternative **economy**. For such co-ops usually become capitalist not because they are co-operative, but because, in isolation, they are not co-operative **enough**. **2. Unravelling Capitalism by Liberating Cooperative Labor** Mondragón leads three sets of movements that are already building the cooperative production part of that economy — despite being under siege and lacking in coordination. In the vanguard with Mondragón are three other **networks** of co-operatives that engage **all** elements of co-operative production. In Italy's Emiglia-Romagna region three networks represent some 2,700 co-ops of all kinds employing 150,000 worker-owners. (Rosen & Young 1991, p. 172; Melman p. 370) Europe generally is having a worker co-op boom: 83,000 such enterprises in 42 countries now employ 1.3 million people, well over double those so employed in 1982. (CECOP) Growing in Canada's maritime provinces since fishing

co-operatives were started in 1927, the Co-op Atlantic federation of 166 purchasing, retailing, producer, housing and fishing co-ops employs about 5,850 workers. (GEO #16 & #17) Japan's Seikatsu network of consumer and producer cooperatives now includes 225,000 households. (GEO #12) National federations — including the new U.S. federation — are linking in a single body to facilitate global inter-co-operation. (CICOPA; GEO #60, 62) A much larger set of movements engages **some** but not all elements of liberated co-operative labor. **A growing number of trade unions demand worker participation in decision-making; Germany's** mitbestimmung **laws require board representation of workforces. (Melman, Ch. 9 & 11) The vigorous ESOP movement, though U.S.-based, is now international. Since 1974, tax breaks go to U.S. firms that loan workers money to buy company stock, re-paying with earnings. Participants in ESOPs or other employer stock plans number 20.3 million or 15.8% of private-sector employees. (Kruse) There are related movements to open books and share profits, equity, and decision-making with workers.** Much larger still, a third tier embraces much of humanity's rural half. Village-based agricultural and light-industrial production use social property. (Bayat) In a sample of Indian villages, 14 to 23 percent of all income came from use of common property resources, rising to 84 to 100 percent of the income of the poor. (Jodha) Also in this tier are: consumer, marketing, agricultural, electrical and housing, co-ops; community economic development initiatives; the community banking movement; the non-governmental organization sector; and the "social and solidarity economy" movement. This last-named movement — called **"the people's economy" in Asia** — **unites** the others. It **aims to democratize not only production, but distribution, and investment. Some advocates envision "living in networks of solidarity economy," in effect, leaving capitalism by: earning a living in a worker co-op, buying food in a fair-trade food co-op, saving and investing through a credit union, etc. At the 2004 World Social Forum at Mumbai, the movement declared the solidarity economy "is not a sector of the economy…but should be instead the subject and main agent of a social, economic, political and cultural transformation."** (www.alliance21.org) Direct economic attacks against this movement are underway, especially in the campaign to dissolve socially-owned non-governmental property into exclusive private property. Indivisible joint property is the main resource for a range of associations from poor villages to wealthy first-world worker co-ops. But such resources threaten globalization by keeping cheap labor out of reach of multi-nationals, themselves offering autonomous alternatives to them. Typical of the attack was Mexico's president Salinas de Gortari's 1992 abolition of protection of ejidos, a communal land tenure form. In 1994 NAFTA's opening of Mexico's vast corn market to cheap, subsidized corn added the second pincer that has since been squeezing farmers off the land and into urban poverty. Mexico's struggle to restore the patrimony of communal lands stolen in the conquest continues. Other weapons against social property include: biopiracy of genetic material, theft-by-patenting of indigenous medicine, and commodifying culture. Such "accumulation by dispossession." (Harvey pp. 145-149) is being resisted in Mexico, Ecuador, Bolivia, Colombia, Nepal and elsewhere. **By "cooperativization"**

we mean not only intercooperation within and among the three tiers of the cooperative labor movement, nor only restoration of social property, but everywhere replacing the hierarchical and coercive relations typical of capitalist production and consumption by voluntary cooperative associations. Cooperativization also advances from the consumer side. Conscientious consumers are drawn to "buy co-op." The "fair trade" movement's demand for democratically produced goods will in time elicit profitable production of them. Naomi Klein cautions however, that unless the fair trade movement demands improved labor conditions, it merely sanitizes the existing system. **Supported by conscientious consumers the democratic economy can displace capitalist firms. And as it becomes obvious to workers that their own labor, not capital, creates profit. Subjection to capital will no longer be seen as a necessary condition for making a living. The spreading production relations, by directly meeting needs, will undo capitalism's worst aspects.** This productivity advantage is likely due to harmonizing of conflicting imperatives. Absent rewards, workers in capitalist firms withhold their skills. By contrast workers in democratic firms, no longer pitted against each other, have strong incentives to share skills. And since effectively exercising collective creativity is pleasurable (Graeber p. 260), management supervision is less necessary, a big savings. (Fitzroy & Kraft) Also lifted is the even greater burden of supporting absentee shareholders. Co-ops thus have a flexibility, financial buoyancy, and re-investment potential lacking capitalist firms. (Jones & Svejnar, pp. 449-465) Members are not resentfully slow, care for equipment, avoid waste, and reduce downtime and absenteeism. Large-scale production still needs skilled managers, but direct market feedback, freed of "noise" from managers with inimical interests, allows faster remedy of management errors. (Estrin, Jones, Svejnar, pp. 40-61; Levin, p. 28) If productivity increases **along with** greater workplace democracy, an important corollary follows: firms tapping more of the power of liberated co-operative labor will have advantage over those tapping less. The more elements of the rectified Mondragón model in workers' hands, relative to non-co-ops, the greater their advantage, other factors equal. Less democratic firms will be compelled to democratize. Thus just **by pursuing profit, capitalist relations of production will tend to unravel. Capitalists may be powerless to end such threats to their hegemony.**

Even if there is no concrete alternative to plutocracy, using the debate space to criticize inequality incentivizes research practices that are more attuned to everyday human life and the impact of economics on ecological systems -- only this move can prioritize the solidarity of vulnerable communities

Nixon '11

(Rob, Rachel Carson Professor of English, University of Wisconsin-Madison, Slow Violence and the Environmentalism of the Poor, pgs. 14-16)

How do we bring home-and bring emotionally to life-threats that take time to wreak their havoc, threats that never materialize in one spectacular, explosive, cinematic scene? Apprehension is a critical word here, a crossover term that draws together the domains of perception, emotion, and action. To engage slow violence is to confront layered predicaments of apprehension: to apprehend-to arrest, or at least mitigate-often imperceptible threats requires rendering them apprehensible to the senses through the work of scientific and imaginative testimony. An influential lineage of environmental thought gives primacy to immediate sensory apprehension, to sight above all, as foundational for any environmental ethics of place. George Perkins Marsh, the mid-nineteenth-century environmental pioneer, argued in *Man and Nature* that "the power most important to cultivate and at the same time, hardest to acquire, is that of seeing what is before him." Aldo Leopold similarly insisted that "we can be ethical only toward what we can see.'?' But what happens when we are unsighted, when what extends before us-in the space and time that we most deeply inhabit-remains invisible? How, indeed, are we to act ethically toward human and biotic communities that lie beyond our sensory ken? What then, in the fullest sense of the phrase, is the place of seeing in the world that we now inhabit? What, moreover, is the place of the other senses? How do we both make slow violence visible yet also challenge the privileging of the visible? Such questions have profound consequences for the apprehension of slow violence, whether on a cellular or a transnational scale. Planetary consciousness (a notion that has undergone a host of theoretical formulations) becomes pertinent here, perhaps most usefully in the sense in which Mary Louise Pratt elaborates it, linking questions of power and perspective, keeping front and center the often latent, often invisible violence in the view. Who gets to see, and from where? When and how does such empowered seeing become normative? And what perspectives-not least those of the poor or women or the colonized-do hegemonic sight conventions of visuality obscure? Pratt's formulation of planetary consciousness remains invaluable because it allows us to connect forms of apprehension to forms of imperial violence." Against this backdrop, 1want to introduce the third central concern of this book. Alongside slow violence and the environmentalism of the poor, the chapters that follow are critically concerned with the political, imaginative, and strategic role of environmental writer-activists. Writer-activists can help us apprehend threats imaginatively that remain imperceptible to the senses, either because they are geographically remote, too vast or too minute in scale, or are played out across a time span that exceeds the instance of observation or even the physiological life of the human observer. In a world permeated by insidious, yet unseen or imperceptible violence, imaginative writing can help make the unapparent appear, making it accessible and tangible by humanizing drawn-out threats inaccessible to the immediate senses. Writing can challenge perceptual habits that downplay the damage slow violence inflicts and bring into imaginative focus apprehensions that elude sensory corroboration. The narrative imaginings of writer-activists may thus offer us a different kind of witnessing: of sights unseen. To allay states of apprehension-trepidations, forebodings, shadows cast by the invisible-entails facing the challenge, at once

imaginative and scientific, **of giving the unapparent a materiality upon which we can act**. Yet poor communities, often disproportionately exposed to the force fields of slow violence-be they military residues or imported e-waste or the rising tides of climate change-are the communities least likely to attract sustained scientific inquiry into causes, effects, and potential redress. Such **poor communities are abandoned to sporadic science at best and usually no science at all**; they are also disproportionately subjected to involuntary pharmaceutical experiments. Indeed, when such communities raise concerns, they often become targets of well-funded antiscience by forces that have a legal or commercial interest in manufacturing and disseminating doubt." Such embattled communities, beset by officially unacknowledged hazards, must find ways to broadcast their inhabited fears, their lived sense of a corroded environment, within the broader global struggles over apprehension. It is here that writers, filmmakers, and digital activists may play a mediating role in helping counter the layered invisibility that results from insidious threats, from temporal protractedness, and from the fact that the afflicted are people whose quality of life-and often whose very existence-is of indifferent interest to the corporate media.

2NC Overview Cards

Neoliberalist re-structuring of TSA turns the aff -- causes plan rollback and worse intrusion in the future

Atkins '14 Dante, writer for DailyKos, "**No, Vox, let's not abolish the TSA** 6/1

http://www.dailykos.com/story/2014/06/01/1303006/-No-Vox-let-s-not-abolish-the-TSA#

Let's game this scenario out a little bit. **Matthews envisions a scenario where more carefree travelers like himself who have less regard for their own personal safety will have airlines that choose to offer no security screenings so people like him can show up to a flight 20 minutes beforehand and walk right onto the plane. Will it actually turn out that way? Probably not. Because safety is paramount, the far likelier result is a scenario where this hypothetical free-market system actually results in airlines competing against each other to outdo each other on security protocols**. So the likelihood is that the free-market-competition scenario wouldn't result in less security anyway, especially in a litigious society where low-level security protocols would likely result in very high-priced lawsuits. But let's say, for the sake of argument, that there were an airline out there that specifically chose to appeal to customers who believed that the security theater of the TSA is all hogwash and were desperate for a security-free experience. **Theoretically, there might be an economic opportunity there—until the first incident of hijacking or terrorism aboard a low-security airline. When that happens, airlines would once again start falling all over themselves to offer even more stringent**

security procedures to appeal to a very scared public. And perhaps, after a decade or more, when the memory of the most recent devastating tragedy fades away, the cycle would begin again. The bottom line is that Matthews' suggestion for how we should run security at airports would not create the paradise he desires. Instead, it would leave us with a privatized hellscape where mass casualty incidents cyclically alter the free-market selling points that airlines use to attract customers. Perhaps that's an ideal libertarian paradise. But given the choice between that and the scanner? I take the scanner.

The 1AC is corporate pseudoscience used to distort the risks of market controls that de-emphasizes the risks created by corporations –treat with skepticism

Perelman '5 Michael, Professor of Economics at CSU-Chico, "Manufacturing Discontent: The Trap of Individualism in Corporate Society" Pluto Press p.1 xdi

The corporate sector has also been enormously successful in using pseudoscience to distort the nature of the risks that corporations impose on society. Chapter 7 explains how such tactics are destroying what is left of the already-frayed regulatory system. **The distortion of risk assessment is particularly clear when comparing the regulations imposed to protect people from terrorism with the regulations used to protect us from corporate-imposed risk, which has taken many, many times more lives than terrorism. The corporate sector has succeeded in hobbling the consumer's right to know about the dangers posed by pollution or by unsafe products, such as a large part of the food supply.** If the consumer is king, he is a beggarly sort of king. I close this discussion by considering the precautionary principle as an antidote to the corporate attack on regulation.

Try or die -- the current global economic order that relies on mass unemployment treats production as an end, placing the accumulation of wealth above the material necessities of living that abstracts finance from the vital process of living -- this guarantees extinction

Dyer-Witheford '1 Nick, Associate Professor in the Faculty of Information and Media Studies at the University of Western Ontario, "The New Combinations: Revolt of the Global Value-Subjects" The New Centennial Review, Volume 1, Number 3, Winter 2001, pp. 155-200 (Article) [muse], xdi

Negri, Paolo Virno, Michael Hardt, and Maurizio Lazaratto and others suggest that in the consideration of "general intellect" it is not enough to focus on the accumulation of the "fixed capital" of advanced machines.40 The critical factor is rather the variable possibilities of the human subjectivity that continues—in indirect and mediated rather than direct, hands-on form—to be critical in this high-technology apparatus. This subjective element is

variously termed "mass intellect," "immaterial labour," or, in Franco Berardi's formulation, "the cognitariat."41 These terms designate the **human "know-how"**—technical, cultural, linguistic, and ethical—that **supports the operation of the** high-tech **economy**, especially evident in the informational, communicational, and aesthetic aspects of contemporary high-tech commodity production. **The question thus becomes how far capital can contain** what Jean-Marie Vincent calls "**this plural, multiform constantly mutating intelligence" within the structures of the world market**.42 One crucial arena in which these issues focus is the Net—or, more generally, the digital information systems indispensable to globalized capital. As Vincent puts it, "general intellect" is in fact "a labour of networks and communicative discourse." In effect, it is not possible to have a "general intellect" without a great variety of polymorphous communications, sequences of communication in the teams and collectivities work, communications to use in a creative fashion the knowledge already accumulated, communications to elaborate and record new knowledge.43 If we for a moment entertain—as Marx did—the conceit that the world market constitutes an enormous capitalist "metabolism," then **capital's communication network already constitutes a sort of primitive nervous system. If we had to identify a main site for this ganglion we would name first the digital networks of the international financial system. This system only responds to money signals: it does not receive and cannot process information about life destruction, biosphere hazard, or social degradation except as investment risk or opportunity. It thus operates on the basis of an extremely simple set of signal inputs, which although efficient for operations of accumulation are potentially lethal to the life-fabric of the planet. The information transmitted from this reptilian system then cascades down through a whole series of workplace and consumer information systems, to constitute the operating intelligence of the world market** as a whole. A critical role is played by **the commercial media**, which translate the signals received from this primary level into a series of representations comprehensible at an everyday level by individual subjects. Thus corporate media, acting through mundane and well-known responses to marketing demographic and advertising revenues, construct matrix-like simulations that **convert the abstract valuations of capital back into a series of sensuously apprehensible stories, narratives, characters, and news stories, so that it indeed seems as if the world as ordered, identified, and prioritized by global money is the "real" world—so that**, for example, **television** and journalism **show a planet almost solely inhabited by affluent value subjects with a lively interest in stock market fluctuations and constant traumatic lifestyle and household design choices.**

Neoliberal thinkers control the framing of policy discussions – you should be highly skeptical of their defenses of this ideology

Ross Prof of Education U British Columbia **2010** E. Wayne Resisting the Common-nonsense of Neoliberalism: A Report from British Columbia Workplace #17 http://firgoa.usc.es/drupal/files/ross.pdf

Public debates in the corporate media about education (and other social goods) are framed in ways that serve the interests of elites. For example, in BC free market neoliberals in think tanks such as the Fraser Institute and in the dominant media outlets (particularly Canwest Global Communications, Inc.) have been successful in framing discussions on education in terms of accountability, efficiency, and market competition. 1 A frame is the central narrative, the organizer, for making sense of particular issues or problems (e.g., problem definition, origin, responsible parties) and solutions (e.g., policy). The frame is presented as common sense, thus the assumptions underlying the frame are typically unquestioned or at least under-analyzed.

A2: Perm

Sites of political alignment are mutually exclusive -- they chose the state, we choose the workplace -- the alternative is the collapse of growth impulse into fascism

Stone and Bowman '11 Betsy Bowman and Bob Stone, scholar-activists and co-founders of the Center for Global Justice "Cooperativization on the Mondragón Model As Alternative to Globalizing Capitalism" 11/15 http://www.globaljusticecenter.org/2011/11/15/cooperativization-on/

Struggle should *start* at the site of labor's original alienation and cooperativization can empower workers now. Waiting for capitalism's final collapse in order to abolish all markets has failed and — absent grassroots democracy — may well invite chaos or fascism. (Schweickart 2003, p. 177) While such networks cannot guarantee a global democracy, it seems certain that *without* them there is little hope of replacing markets with inter-communication among workers and farmers — who together constitute the world's vast majority. **Cooperativization, then, is first on the agenda.**

Our alternative is a prerequisite -- starting points are mutually exclusive

Harvey '5 David, David Harvey is the Distinguished Professor of Anthropology and Geography at the Graduate Center of the City University of New York. "A Brief History of Neoliberalism" http://messhall.org/wp-content/uploads/2011/09/A-Brief-History-of-Neoliberalism.pdf

There is a tendency to take up the issue of alternatives as if it is about describing some blueprint for a future society and an outline of the way to get there. Much can be gained from such exercises. **But we first need to initiate a political process that can lead us to a point where feasible alternatives, real possibilities, become identifiable**. There are two main paths to take. We can engage with the plethora of oppositional movements actually existing and seek to distil from and through their activism the essence of a broad-based oppositional programme. Or **we can resort to theoretical and practical enquiries into our existing condition (of the sort I have engaged in here) and seek to derive alternatives through critical analysis.** To take the latter path in no way presumes that existing oppositional movements are wrong or somehow defective in their understandings. By the same token, **oppositional movements cannot presume that analytical findings are irrelevant to their cause. The task is to initiate dialogue between those taking each path and thereby to deepen collective understandings and define more adequate lines of action**.

The federal policy PROCESS of implementing business-as-usual change to transit policy is ideologically mired in neoliberal decision-making to advantage corporate interests -- the permuation hijacks the alternative

Harvey '5 David, David Harvey is the Distinguished Professor of Anthropology and Geography at the Graduate Center of the City University of New York. "A Brief History of Neoliberalism" http://messhall.org/wp-content/uploads/2011/09/A-Brief-History-of-Neoliberalism.pdf

Behind these major shifts in social policy lie important structural changes in the nature of governance. Given the neoliberal suspicion of democracy, a way has to be found to integrate state decision-making into the dynamics of capital accumulation and the networks of class power that are in the process of restoration, or, as in China and Russia, in formation. Neoliberalization has entailed, for example, increasing reliance on public–private partnerships (this was one of the strong ideas pushed by Margaret Thatcher as she set up 'quasi-governmental institutions' such as urban development corporations to pursue economic development). **Businesses and corporations not only collaborate intimately with state actors but even acquire a strong role in writing legislation, determining public policies, and setting regulatory frameworks (which are mainly advantageous to themselves). Patterns of negotiation arise that incorporate business and sometimes professional interests into governance through close and sometimes secretive consultation.** The most blatant example of this was the persistent refusal of Vice-President Cheney to release the names of

the consultative group that formulated the Bush administration's energy policy document of 2002; it almost certainly included Kenneth Lay, the head of Enron––a company accused of profiteering by deliberately fostering an energy crisis in California and which then collapsed in the midst of a huge accounting scandal. The shift from government (state power on its own) to governance (a broader configuration of state and key elements in civil society) has therefore been marked under neoliberalism.11 In this respect the practices of the neoliberal and developmental state broadly converge. **The state typically produces legislation and regulatory frameworks that advantage corporations, and in some instances specific interests** such as energy, pharmaceuticals, agribusiness, etc. In many of the instances of public–private partnerships, particularly at the municipal level, the state assumes much of the risk while the private sector takes most of the profits. If necessary, furthermore, the neoliberal state will resort to coercive legislation and policing tactics (anti-picketing rules, for example) to disperse or repress collective forms of opposition to corporate power. Forms of surveillance and policing multiply: in the US, incarceration became a key state strategy to deal with problems arising among discarded workers and marginalized populations. The coercive arm of the state is augmented to protect corporate interests and, if necessary, to repress dissent. None of this seems consistent with neoliberal theory. The neoliberal fear that special-interest groups would pervert and subvert the state is nowhere better realized than in Washington, where armies of corporate lobbyists (many of whom have taken advantage of the 'revolving door' between state employment and far more lucrative employment by the corporations) effectively dictate legislation to match their special interests. While some states continue to respect the traditional independence of the Civil Service, this condition has everywhere been under threat in the course of neoliberalization. **The boundary between the state and corporate power has become more and more porous. What remains of representative democracy is overwhelmed, if not totally though legally corrupted by money power.**

A2: No Alt

Past resistance to capital have rested on flawed suppositions -- our 1nc Stone and Bowman evidence indicates that the Mondragon model for democratizing workplaces represents a fundamental paradigm shift from classical Marxist tactics -- their evidence assuming abstract political radicalism doesn't apply, and even if the alternative isn't utopia it's the best first step

Stone and Bowman '11 Betsy Bowman and Bob Stone, scholar-activists and co-founders of the Center for Global Justice "Cooperativization on the Mondragón Model As Alternative to Globalizing Capitalism" 11/15
http://www.globaljusticecenter.org/2011/11/15/cooperativization-on/

Apocalyptic revolutionism that followed "laws of history" to state power proved a disappointment. Cooperativization breaks our present impasse yet avoids the old errors. No utopia is before us and no reversal of gains is ruled out. But **it seems to us there is a clear first step.**

The notion that there is no alternative to neoliberalism is an ideological smokescreen of neoliberalism -- it disguises the political question of possibility through the lens of cultural preference

Harvey '5 David, David Harvey is the Distinguished Professor of Anthropology and Geography at the Graduate Center of the City University of New York. "A Brief History of Neoliberalism" http://messhall.org/wp-content/uploads/2011/09/A-Brief-History-of-Neoliberalism.pdf

How was neoliberalization accomplished, and by whom? The answer in countries such as Chile and Argentina in the 1970s was as simple as it was swift, brutal, and sure: a military coup backed by the traditional upper classes (as well as by the US government), followed by the fi erce repression of all solidarities created within the labour and urban social movements which had so threatened their power. But the neoliberal revolution usually attributed to Thatcher and Reagan after 1979 had to be accomplished by democratic means. For a shift of this magnitude to occur required the prior construction of political consent across a su ffi ciently large spectrum of the population to win elections. What Gramsci calls 'common sense' (de fi ned as 'the sense held in common') typically grounds consent. Common sense is constructed out of longstanding practices of cultural socialization often rooted deep in regional or national traditions. It is not the same as the 'good sense' that can be constructed out of critical engagement with the issues of the day. Common sense can, therefore, be profoundly misleading, obfuscating or disguising real problems under cultural prejudices. 1 Cultural and traditional values (such as belief in God and country or views on the position of women in society) and fears (of communists, immigrants, strangers, or 'others') can be mobilized to mask other realities. Political slogans can be invoked that mask speci fi c strategies beneath vague rhetorical devices. **The word 'freedom' resonates so widely within the common-sense understanding of Americans that it becomes 'a button that elites can press to open the door to the masses' to justify almost anything. 2 Thus could Bush retrospectively justify the Iraq war. Gramsci therefore concluded that political questions become 'insoluble' when 'disguised as cultural ones'.** 3 In seeking to understand the construction of political consent, we must learn to extract political meanings from their cultural integuments. So how, then, was su ffi cient popular consent generated to legitimize the neoliberal turn? The channels through which this was done were diverse. Powerful ideological in fl uences circulated through the corporations, the media, and the numerous institutions that constitute civil society –– such as the universities, schools, churches, and professional associations. The 'long march' of neoliberal ideas through these institutions that Hayek had envisaged back in 1947, the organization of think-tanks (with corporate backing and funding), the capture of certain segments of the

media, and the conversion of many intellectuals to neoliberal ways of thinking, created a climate of opinion in support of neoliberalism as the exclusive guarantor of freedom. These movements were later consolidated through the capture of political parties and, ultimately, state power. Appeals to traditions and cultural values bulked large in all of this. An open project around the restoration of economic power to a small elite would probably not gain much popular support. But a programmatic attempt to advance the cause of individual freedoms could appeal to a mass base and so disguise the drive to restore class power. Furthermore, once the state apparatus made the neoliberal turn it could use its powers of persuasion, co-optation, bribery, and threat to maintain the climate of consent necessary to perpetuate its power. This was Thatcher's and Reagan's particular forte, as we shall see. **How, then, did neoliberalism negotiate the turn to so comprehensively displace embedded liberalism? In some instances, the answer largely lies in the use of force (either military, as in Chile, or fi nancial, as through the operations of the IMF in Mozambique or the Philippines). Coercion can produce a fatalistic, even abject, acceptance of the idea that there was and is, as Margaret Thatcher kept insisting, 'no alternative'.** The active construction of consent has also varied from place to place. Furthermore, as numerous oppositional movements attest, consent has often wilted or failed in di ff erent places. But we must look beyond these in fi nitely varied ideological and cultural mechanisms –– no matter how important they are –– to the qualities of everyday experience in order to better identify the material grounding for the construction of consent. And it is at that level –– through the experience of daily life under capitalism in the 1970s –– that we begin to see how neoliberalism penetrated 'common-sense' understandings. The e ff ect in many parts of the world has increasingly been to see it as a necessary, even wholly 'natural', way for the social order to be regulated. **Any political movement that holds individual freedoms to be sacrosanct is vulnerable to incorporation into the neoliberal fold.** The worldwide political upheavals of 1968, for example, were strongly in fl ected with the desire for greater personal freedoms. This was certainly true for students, such as those animated by the Berkeley 'free speech' movement of the 1960s or who took to the streets in Paris, Berlin, and Bangkok and were so mercilessly shot down in Mexico City shortly before the 1968 Olympic Games. They demanded freedom from parental, educational, corporate, bureaucratic, and state constraints. But the '68 movement also had social justice as a primary political objective.

Micro-level labor conflict resulting from fewer people doing more work breeds micro-level backlash against the primacy of future capital accumulation over present everyday life, opening up space for coalition-building and macropolitical restructuring

Dyer-Witheford '1 Nick, Associate Professor in the Faculty of Information and Media Studies at the University of Western Ontario, "The New Combinations: Revolt of the Global Value-Subjects" The New Centennial Review, Volume 1, Number 3, Winter

2001, pp. 155-200 (Article) [muse]

Marxian crisis theory shows how **difficulties in synchronizing activities around this circuit make capital liable to continuous breakdown and restructuring**. The autonomist perspective emphasizes how these **crises are, at root, problems in capital's control over human subjects, both cause and effect of contested social relations.** Thus, for example, **we can add to the work struggles at the point of production poor people's movements that challenge the exclusion from consumption of the un- and underemployed, the multifarious mobilizations against the underfunding and degradation of the welfare state, and the green challenges to corporate environmental destruction. These contestations can link and interact with each other, producing a circulation of struggles that both mirrors and subverts the circulation of capital**. These combinations can occur in sequences that start at different points and run in different directions. Indeed, in one sense it is a mis-formulation to speak of the linking of these movements as if each were external to the other, for in some ways **the relation is** more **a "Russian doll" affair in which each conflict discovers others nested within it**. So, for example, **every crisis in the sphere of social reproduction reveals within itself a crisis of productive relations (stressed and exploited teachers, graduate students, doctors, nurses), and every workplace is discovered as a site of environmental issues, and all of these in turn contain an issue of the public consumption of mis- and dis-information generated by a commercial media.**

Framing micropolitical networks as actants of power is crucial to understand how "political events" become historically constructed through the accumulation of "common sense" about what is and is not possible

Bleiker '3 Roland, Professor of International Relations, University of Queensland "Discourse and Human Agency" Contemporary Political Theory. Avenel: Mar 2003.Vol. 2, Iss. 1; pg. 25

Confronting the difficulties that arise with this dualistic dilemma, I have sought to advance a positive concept of human agency that is neither grounded in a stable essence nor dependent upon a presupposed notion of the subject. The ensuing journey has taken me, painted in very broad strokes, along the following circular trajectory of revealing and concealing: discourses are powerful forms of domination. They frame the parameters of thinking processes. They shape political and social interactions. Yet, discourses are not invincible. They may be thin. They may contain cracks. By moving the gaze from epistemological to ontological spheres, one can explore ways in which individuals use these cracks to escape aspects of the discursive order. To recognize the potential for human agency that opens up as a result of this process, one needs to shift foci again, this time from concerns with Being to an inquiry into tactical behaviours. Moving between various hyphenated identities, individuals use ensuing mobile subjectivities to engage in daily acts of dissent, which gradually transform societal values. Over an extended period of time, such tactical expressions of human agency gradually transform societal values. By returning to epistemological levels, one can then conceptualize how these transformed discursive practices engender processes of social change. **I have used everyday forms of resistance to illustrate how discourses not only frame and subjugate our thoughts and behaviour, but also offer possibilities for human agency. Needless to say, discursive dissent is not the only practice of resistance that can exert human agency. There are many political actions that seek immediate changes in policy or institutional structures, rather than 'mere' shifts in societal consciousness. Although**

some of these actions undoubtedly achieve results, they are often not as potent as they seem. Or, rather, their enduring effect may well be primarily discursive, rather than institutional. Nietzsche (1982b, 243) already knew that **the greatest events 'are not our loudest but our stillest hours.' This is why he stressed that the world revolves 'not around the inventors of new noise, but around the inventors of new values.' And this is why, for Foucault too, the crucial site for political investigations are not institutions, even though they are often the place where power is inscribed and crystallized. The fundamental point of anchorage of power relations, Foucault claims, is always located outside institutions, deeply entrenched within the social nexus. Hence, instead of looking at power from the vantage point of institutions, one must analyse institutions from the standpoint of power relations** (Foucault, 1982, 219-222).

Captive Gender K

1NC

Eric Stanley explains two historical examples of anti-queer violence…

Stanley 11—Eric A. Stanley, Ph.D. in History of Consciousness, UC Santa Cruz, UC President's Postdoctoral Fellow at UCSD, "Captive Genders: Trans Embodiment and the Prison Industrial Complex," edited by Eric A. Stanley and Nat Smith, AK Press, pg. 1-2, AR—AD: 7/20/15

We always felt that the police were the real enemy.—Sylvia Rivera Bright lights shattered the dark anonymity of the dance floor. The flicker warned of the danger of the coming raid. Well experienced, people stopped dancing, changed clothing, removed or applied makeup, and got ready. **The police entered, began examining everyone's IDs, and lined up the trans/gender-non-conforming folks to be "checked" by an officer in the restroom to ensure that they were wearing the legally mandated three pieces of "gender appropriate clothing."** Simultaneously **the cops started roughing up people, dragging them out front to the awaiting paddy wagon. In other words, it was a regular June night out on the town for trans and queer folks in 1969 New York City.** As the legend goes, that night the cops did not receive their payoff or they wanted to remind the patrons of their precarious existence. In the shadows of New York nightlife, the Stonewall Inn, like most other "gay bars," was owned and run by the mafia, which tended to have the connections within local government and the vice squad to know who to bribe in order to keep the bar raids at a minimum and the cash flowing. **As the first few captured queers were forced into the paddy wagon, people hanging around outside the bar began throwing pocket change at the arresting officers; then the bottles started flying and then the bricks. With the majority of the patrons now outside the bar, a crowd of angry trans/queer folks had gathered and forced the police to retreat back into the Stonewall.** As their collective fury grew, **a few people uprooted a parking meter and used it as a battering ram in hopes of knocking down the bar's door and escalating the physical confrontation with the cops.** A tactical team was called to rescue the vice squad now barricaded inside the Stonewall. They eventually arrived, and **the street battle raged for two more nights.** In a blast of radical collectivity, **trans/gender-non-conforming folks, queers of color, butches, drag queens, hair-fairies, homeless street youth, sex workers, and others took up arms and fought back against the generations of oppression that they were forced to survive.**1 **Forty years later**, on a similarly muggy June night in 2009, **history repeated itself. At the Rainbow Lounge**, a newly opened gay bar in Fort Worth, Texas, **the police staged a raid, verbally harassing patrons, calling them "faggots" and beating a number of customers. One patron was slammed against the floor, sending him to the hospital with brain injuries, while seven others were arrested. These instances of brutal force and the administrative surveillance**

that trans and queer folks face today are not significantly less prevalent nor less traumatic than those experienced by the Stonewall rioters of 1969, however the ways this violence is currently understood is quite different. **While community vigils and public forums were held in the wake of the Rainbow Lounge raid, the immediate response was not to fight back, nor has there been much attempt to understand the raid in the broader context of the systematic violence trans and queer people face under the relentless force of the prison industrial complex** (PIC).2

We do not understand these narratives as two separate temporal categories, rather we recognize that these unjustified acts of anti-queer violence are part of a society anti-queerness. The 1AC does not go far enough—these forms of violence are not derived from airport security, but the prison industrial complex. Their affirmation is not radical and falls prey to the motivation of status quo queer political organizations.

Stanley 11—Eric A. Stanley, Ph.D. in History of Consciousness, UC Santa Cruz, UC President's Postdoctoral Fellow at UCSD, "Captive Genders: Trans Embodiment and the Prison Industrial Complex," edited by Eric A. Stanley and Nat Smith, AK Press, pg. 3-4, AR—AD: 7/20/15

I start with the Stonewall riot not because it was the first, most important, or last instance of radical refusal of the police state. Indeed, the riots at San Francisco's Compton's Cafeteria in 1966 and at Los Angeles's Cooper's Doughnuts in 1959 remind us that the history of resistance is as long as the history of oppression. However, **what is unique about the Stonewall uprising is that, within the United States context, it is made to symbolize the "birth of the gay rights movement."** Furthermore, dominant **lesbian, gay, bisexual, and transgender** (LGBT) **political organizations** like the Human Rights Campaign (HRC) and the National Gay and Lesbian Task Force (NGLTF) **attempt to build an arc of progress starting with the oppression of the Stonewall moment and ending in the current time of "equality" evidenced by campaigns for gay marriage, hate crimes legislation, and gays in the military. Captive Genders works to undo this narrative of progress, assimilation, and police cooperation by building an analysis that highlights the historical and contemporary antagonisms between trans/queer folks and the police state.**4 This collection argues that **prison abolition must be one of the centers of trans and queer liberation struggles. Starting with abolition we open questions often disappeared by both mainstream LGBT and antiprison movements.** Among these many silences are the radical trans/queer arguments against the proliferation of hate crimes enhancements. Mainstream LGBT organizations, in collaboration with the state, have been working hard to make us believe that hate crimes enhancements are a necessary and useful way to make

trans and queer people safer. Hate crimes enhancements are used to add time to a person's sentence if the offense is deemed to target a group of people. However, hate crimes enhancements ignore the roots of harm, do not act as deterrents, and reproduce the force of the PIC, which produces more, not less harm. Not surprisingly, in October 2009, when President Obama signed the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act into law, extending existing hate crimes enhancements to include "gender and sexuality," there was no mention by the LGBT mainstream of the historical and contemporary ways that the legal system itself works to deaden trans and queer lives. As antidote, **this collection works to understand how gender, sexuality, race, ability, class, nationality, and other markers of difference are constricted, often to the point of liquidation, in the name of a normative carceral state.** Among the most volatile points of contact between state violence and one's body is the domain of gender. An understanding of these connections has produced much important activism and research that explores how non-trans women are uniquely harmed through disproportionate prison sentences, sexual assault while in custody, and nonexistent medical care, coupled with other forms of violence. **This work was and continues to be a necessary intervention in the ways that prison studies and activism have historically imagined the prisoner as always male and have until recently rarely attended to the ways that gendered difference produces carceral differences.** Similarly, **queer studies and political organizing**, along with the growing body of work that might be called trans studies—while attending to the work of gender, sexuality, and more recently to race and nationality—**has (with important exceptions) had little to say about the force of imprisonment or about trans/queer prisoners.** Productively, we see this as both an absence and an opening for those of us working in trans/queer studies to attend—in a way that centers the experiences of those most directly impacted—to the ways that **the prison must emerge as one of the major sites of trans/queer scholarship and political organizing.**5 In moments of frustration, excitement, isolation, and solidarity, Captive Genders grew out of this friction as a rogue text, a necessarily unstable collection of voices, stories, analysis, and plans for action. What these pieces all have in common is that they suggest that **gender, ability, and sexuality as written through race, class, and nationality must figure into any and all accounts of incarceration, even when they seem to be nonexistent.** Indeed, the oftentimes ghosted ways that gender and heteronormativity function most forcefully are in their presumed absence. In collaboration and sometimes in contestation, **this project offers vital ways of understanding not only the specific experience of trans and queer prisoners, but also more broadly the ways that regimes of normative sexuality and gender are organizing structures of the prison industrial complex.** To be clear, Captive Genders is not offered as a definitive collection. Our hope is that it will work as a space where conversations and connections can multiply with the aim of making abolition flourish.

The alternative is trans-prison abolitionism. We use the example of the Stonewall Riots to catalyze a radical movement against the prison industrial complex which structures the surveillance state today.

Stanley 11—Eric A. Stanley, Ph.D. in History of Consciousness, UC Santa Cruz, UC President's Postdoctoral Fellow at UCSD, "Captive Genders: Trans Embodiment and the Prison Industrial Complex," edited by Eric A. Stanley and Nat Smith, AK Press, pg. 3-4, AR—AD: 7/20/15

Living through these forms of domination are also moments of devastating resistance where people working together are building joy, tearing down the walls of normative culture, and opening space for a more beautiful, more lively, safer place for all. Captive Genders remembers these radical histories and movements as evidence that our legacies are fiercely imaginative and that our collective abilities can, and have, offered freedom even in the most destitute of times.11 In the face of the overwhelming violence of the PIC, abolition—and specifically a trans/queer abolition—is one example of this vital defiance. **An abolitionist politic does not believe that the prison system is "broken" and in need of reform; indeed, it is, according to its own logic, working quite well. Abolition necessarily moves us away from attempting to "fix" the PIC and helps us imagine an entirely different world—one that is not built upon the historical and contemporary legacies of the racial and gendered brutality that maintain the power of the PIC.** What this means is that abolition is not a response to the belief that the PIC is so horrible that reform would not be enough. Although we do believe that the PIC is horrible and that reform is not enough, **abolition radically restages our conversations and our ways of living and understanding as to undo our reliance on the PIC and its cultural logics.** For us, **abolition is not simply a reaction to the PIC but a political commitment that makes the PIC impossible. To this end, the time of abolition is both yet to come and already here. In other words, while we hold on to abolition as a politics for doing anti-PIC work, we also acknowledge there are countless ways that abolition has been and continues to be here now.** As a project dedicated to radical deconstruction, abolition must also include at its center a reworking of gender and sexuality that displaces both heterosexuality and gender normativity as measures of worth.12 **The Stonewall uprising itself must be remembered and celebrated as a moment of a radical trans/queer abolitionist politic that built, in those three nights, the materiality of this vision.** As both a dream of the future and a practice of history, we strategize for a world without the multiple ways that our bodies, genders, and sexualities are disciplined. Captive Genders is also a telling of a rich history of trans/queer struggle against the PIC, still in the making. **This is an invitation to remember these radical legacies of abolition and to continue the struggle to make this dream of the future, lived today.**

A2: Perm

We must question the foundation of all political processes—if the 1AC truly changes the politic, then they have become complicit with a system that subjects queer subjects to an operation of violence that underlies every decision. The result is a near life position that frames queer populations as nonexistent and legitimates unending discursive colonization and war which always renders subjects abject.
Stanley 11—Eric A. Stanley, Ph.D. in History of Consciousness, UC Santa Cruz, UC President's Postdoctoral Fellow at UCSD, "Near Life, Queer Death Overkill and Ontological Capture," Social Text 107 s Vol. 29, No. 2 Summer 2011, pg. 13-15, AR—AD: 7/20/15

If for Agamben bare life expresses a kind of stripped- down sociality or a liminal space at the cusp of death, then near life names the figuration and feeling of nonexistence, as Fanon suggests, which comes before the question of life might be posed. Near life is a kind of ontocorporal (non) sociality that necessarily throws into crisis the category of life by orientation and iteration. This might better comprehend not only the incomprehensible murders of Brazell, Paige, and Weaver, but also the terror of the dark cell inhabited by the queer survivor of the Holocaust who perished under "liberation."33 Struggling with the phenomenology of black life under colonization, Fanon opens up critical ground for understanding a kind of near life that is made through violence to exist as nonexistence. For Fanon, **violence is bound to the question of recognition** (which is also the im/possibility of subjectivity) **that apprehends the relationship between relentless structural violence and instances of personal attacks evidenced by the traumatic afterlives left in their wake.** For Fanon, the Hegelian master/slave dialectic, as theoretical instrument for thinking about recognition, must be reconsidered through the experience of blackness in the French colonies. For Fanon, Hegel positions the terms of the dialectic (master/slave) outside history and thus does not account for the work of the psyche and the historicity of domination like racialized colonization and the epidermalization of that power. In other words, for Fanon, when the encounter is staged and the drama of negation unfolds, Hegel assumes a pure battle. Moreover, by understanding the dialectic singularly through the question of self- consciousness, Hegel, for Fanon, misrecognizes the battle as always and only for recognition. Informed by Alexandre Kojève and Jean- Paul Sartre, Fanon makes visible the absent figure of Enlightenment assumed by the Hegelian dialectic. For Fanon, **colonization is not a system of recognition but a state of raw force and total war. The dialect cannot in the instance of colonization swing forward and offer the self- consciousness of its promise. According to Fanon, "For Hegel there is reciprocity; here the master laughs at the consciousness of the slave. What he wants from the slave is not recognition but work."**34 Hegel's dialectic that, through labor, offers the possibility of self- consciousness, for the colonized is frozen in a state of domination and nonreciprocity.35 **What is at stake for Fanon, which is also**

why this articulation is helpful for thinking near life, is not only the bodily terror of force; ontological sovereignty also falls into peril under foundational violence. This state of total war, not unlike the attacks that left Brazell, Paige, and Weaver dead, is at once from without — the everyday cultural, legal, economic practices — and at the same time from within, by a consciousness that itself has been occupied by domination. For Fanon, the white imago holds captive the ontology of the colonized. The self/Other apparatus is dismantled, thus leaving the colonized as an "object in the midst of other objects," embodied as a "feeling of nonexistence."36 **While thinking alongside Fanon on the question of racialized difference, violence, and ontology, how might we comprehend a phenomenology of antiqueer violence expressed as "nonexistence"?** It is not that we can take the specific structuring of blackness in the French colonies and assume it would function the same today, under U.S. regimes of antiqueer violence. However, **if both desire and antiqueer violence are embrocated by the histories of colonization, then such a reading might help to make more capacious our understanding of antiqueer violence today as well as afford a rereading of sexuality in Fanon's texts.** Indeed, Fanon's intervention offers a space of nonexistence, neither master nor slave, written through the vicious work of epistemic force imprisoned in the cold cell of ontological capture. This space of nonexistence, or near life, forged in the territory of inescapable violence, allows us to understand the murders of queers against the logics of aberration. **This structure of antiqueer violence as irreducible antagonism crystallizes the ontocorporal, discursive, and material inscriptions that render specific bodies in specific times as the place of the nothing. The figuration of near life should be understood not as the antihuman but as that which emerges in the place of the question of humanity.** In other words, this is not simply an oppositional category equally embodied by anyone or anything. **This line of limitless inhabitation, phantasmatically understood outside the intersections of power, often articulated as "equality," leads us back toward rights discourse that seeks to further extend (momentarily) the badge of personhood. The nothing, or those made to live the death of a near life, is a break whose structure is produced by, and not remedied through, legal intervention or state mobilizations. For those who are overkilled yet not quite alive, what form might redress take, if any at all?**

Gender Disclosure CP

1NC

Counterplan Text: The Unites States federal government should eliminate the requirement for gender disclosure within the Secure Flight Program and remove the male and female identifiers within automated target recognition programs.

Removing the software designating gender for ATR scanners solves for unnecessary patdowns and improves airport efficiency.

Bohling 14 [Alissa Bohling, a freelance journalist based on the west coast and the recipient of a 2013 Excellence in Online Journalism Award from the National Lesbian & Gay Journalists Association, "Exclusive: Transgender travelers singled out in TSA screenings, docs show," May 26, 2014, http://america.aljazeera.com/articles/2014/5/26/groin-anomalies-andpatdownstravelingwhiletrans.html]//JIH

Freedom of Information Act (FOIA) requests netted civil rights complaints, incident reports and internal memos and emails from the DHS's Office for Civil Rights and Civil Liberties and the Transportation Security Administration. They show that trans people have been required to undergo pat-down searches by officers of the opposite gender, reveal or remove items such as chest binders and prosthetic penises and defend challenges to their gender identities and their right to opt out of body scans, among other problems.

A 2011 UCLA study estimated that about 700,000 U.S. adults are transgender, or 0.3 percent of the adult population. An estimate by the Transgender Law Center put the number higher, at 2 to 5 percent of the population. But gender identity and expression are not fixed categories, and many trans people choose to keep their gender identities private. Attempts to survey the transgender population have begun only recently. Data on trans children is even less certain, although a new study is underway at Case Western Reserve University.

The body scan machines used at most airports nationwide feature pink and blue start buttons, which activate computer algorithms designed to screen female and male passengers. If a TSA officer presses the wrong button or if a passenger has body characteristics of more than one gender, unexpected body shapes may register as anomalies. These are considered potential threats and prompt an additional screening in the form of a pat-down. At Los Angeles International Airport (LAX) in 2012, a trans woman was selected for a secondary screening after the body scanner identified a "groin anomaly." During the pat-down search, drugs were found in her pocket, and she was arrested.

The screening problems chronicled in the documents confirm concerns long held by transgender people and their supporters, like Portland, Oregon, resident Joy, who asked that her last name be withheld. Last year she took a long-awaited trip to Europe without her partner because he had fears about going through security. "Since he has not had bottom surgery," she said, "I think the fear was, 'What's going to happen when I don't have all the body parts that they expect?' I got home, and I thought, he cannot be the only person that is concerned about this." She co-organized an informational session on trans people and the TSA held in March at the Portland branch of the Q Center, an LGBT organization.

The firsthand accounts in the TSA records include a complaint from a trans passenger who was searched by an officer of the opposite gender at Las Vegas' McCarran Airport in August 2012; the traveler called the incident "one of the most uncomfortable and terrifying experiences of my life."

At Louisville International Airport in Kentucky the same month, a trans man who wore a brace around his chest missed his flight after being selected for a pat-down screening that the subsequent complaint described as inappropriate and exaggerated. At LAX, also in 2012, another trans man wearing a strap-on was required to remove it and put it through the X-ray machine despite his telling the TSA officer that "this item is as much a part of her [sic] as a prosthetic leg or arm would be to an amputee," according to an email the officer wrote to the airport's TSA customer-service manager.

In an incident described by an LAX transportation security manager in a July 2011 memo, another passenger at LAX told the manager she identified as female and "if he [sic] was to be screened by a male he would feel violated." The manager insisted three times that the passenger's gender presentation was male; the passenger was ultimately screened by a male.

Avoids the terror DA – gender isn't necessary for ensuring security, while the other parts like name are

Parker and Lutz 09— (Lisa and BJ, "Flying Is Getting More Personal," NBC Chincago, Aug 12, 2009, http://www.nbcchicago.com/traffic/transit/secure-flight-air-travel-tsa-rules-53005547.html#ixzz3hC8shtHs). WM

That reasoning is a new TSA program called "Secure Flight," which transfers the responsibility of pre-screening passengers from the airlines to the TSA. Secure Flight requires that airlines get your birthdate and gender so you can be prescreened agasinst a government watch list.

"If consumers do not include this information, they may face delays at the airport, and our goal is to communicate and educate our customers across the board that this day is coming and they are going to have to add this additional information," said Orbitz Vice-President of Governmental Affairs Brian Hoyt.

A major goal of the program is to prevent mismatches like that kind that happened to a Burr Ridge teen last year at the Miami International Airport.

Omar Jano and his mother Martha said that the TSA's mistaken detention of Omar last year -- because his name resembled one on the watch list -- terrified their family. And Jano is not alone. Mistaken detentions have played out thousands of times; most famously perhaps with Massachusetts Sen. Ted Kennedy. He has been detained six times because his name is close to a suspected terrorist's alias.

Not everyone's convinced that Secure Flight will improve the screening process.

"It may make life a little harder, but I suspect that the people who are on the no-fly list aren't giving their real names when they fly anyway," said Chicago attorney Gerald Jenkins.

Jenkins works with the Cyber Privacy Project, which says that making travelers hand over their birthdates is a step too far toward government control of travel. The right to travel is a constitutionally protected freedom, the Cyber Privacy Project says, which should not be encroached upon by the feds.

"The government already has your name and they have the ability to search you**. I'm not sure** that **adding** birthdays and **gender to that list** of intrusions that the federal government already has **creates any extra security**," Jenkins said.

2NC Solves Security

Date of Birth disclosure is sufficient to solve false matches in the Secure Flight Program.

University of Texas Health Science Center at San Antonio ND—(an institute of health science education and research, "General Secure Flight Questions"). WM

What happens if a name matches the watch list?

If a passenger's name is a match to the watch list, Secure Flight will then compare the passenger's date of birth and gender information to the date of birth and gender information of the watch list entry. Usually, this will result in a determination that based on the additional information, the passenger no longer matches a watch list entry

Gender requirements don't boost security

Hilkevitch 09— (Jon, "New airport security rules to require more personal information," Chicago Tribune, March 09, 2009, http://articles.chicagotribune.com/2009-03-09/news/0903080245_1_no-fly-lists-personal-data-passengers). WM

Passengers making airline reservations soon will be required to provide their birth date and their sex in addition to their names as part of aviation security enhancements the 9/11 Commission recommended. The information provided at the time seats are booked must exactly match the data on each traveler's ID.

The new program, called Secure Flight, shifts responsibility for checking passenger names against "watch lists" from the airlines to the Transportation Security Administration. Only passengers who are cleared to fly by the TSA will be given boarding passes.

Personal data on most passengers will be retained for no more than seven days, agency officials said.

But privacy advocates say the changes amount to a system of government control over travel. U.S. airlines carry about 2 million passengers per day. Opponents also have protested that **combing through personal information won't result in better security**.

TSA systems focus attention on innocuous anomalies due to specialization of scans to gender – unnecessary for risk evaluation.

Abini 14 [Deema B. Abini, attorney in Los Angeles, CA, "Traveling Transgender: How Airport Screening Procedures Threaten The Right To Informational Privacy," 2014, lawreview.usc.edu/wp-content/uploads/Abini-PDF.pdf]//JIH

Intimate information pertaining to the bodies of transgender travelers demands the highest level of protection because of its highly sensitive nature and neither the plaintiffs' inclusion in certain categories nor the protections the government uses to minimize the potential harm associated with disclosure should limit its protection. Arguments can be made on either side with respect to whether the TSA's screening policy is narrowly tailored or whether less restrictive means are feasible. On the one hand, the screening of passengers is undoubtedly necessary in order to further the government's interest in air security. The TSA would contend that new screening technologies and procedures, developed in reaction to new threats, are essential components of maintaining security. It would also assert that it is in the best position to know what security measures are essential and if better ones exist.

On the other hand, the necessity of the screening measures employed by the TSA is called into question by their reported inefficacy, prompting the question whether other screening alternatives could produce the same or better results while minimizing the intrusion on privacy. Experts have testified that the TSA's new screening procedures, aptly nicknamed "security theater," all too often generate false positives that "divert agents' attention from real risks while focusing their attention on innocuous anomalies."207

Allowing for increased privacy in relation to gender still allows for effective airport security.

Abini 14 [Deema B. Abini, attorney in Los Angeles, CA, "Traveling Transgender: How Airport Screening Procedures Threaten The Right To Informational Privacy," 2014, lawreview.usc.edu/wp-content/uploads/Abini-PDF.pdf]//JIH

In this informational privacy calculus, compelling interests lie on both sides of the equation. However, the government's information safeguards are rendered useless in light of security weaknesses, and the TSA's screening procedures could likely be made less intrusive without sacrificing efficacy, which suggests that the informational privacy interest trumps the government's interest in disclosure.

Additionally, an appreciation of the all-or-nothing fallacy, or the argument that privacy and security are mutually exclusive, further supports this conclusion.215 The fallacy has become so pervasive that many immediately associate increased security with being inconvenienced or having their privacy invaded.216 The true choice, however, "is not between a security measure and nothing, but between a security measure with oversight and regulation and a security measure at the sole discretion of executive officials."217

The balancing of interests here, especially considering the implications of the all-or-nothing fallacy, indicates that something must be done to cease the intrusion on the informational privacy rights of transgender travelers.

Gender ID Advantage CP

<<Duplicated from the advantage CP file>>

1NC

Text: The United States federal government should

-repeal the REAL ID Act and eliminate the requirement for listing gender on driver's licenses and state ID cards.

-further update the passport gender marker policy to allow for certification of gender change by licensed therapists, psychologists, and nurse practitioners, and to eliminate remaining burdensome procedural requirements.

- eliminate computer matching of gender data in all remaining data-matching programs.

-issue an updated Model State Vital Statistics Act that provides for gender change on birth certificates based on certification from a mental health or medical provider, without proof of specific medical or surgical procedures and without a court order

- review all new government forms and updates to forms to eliminate collection of gender data in cases where it does not serve a clear programmatic purpose.

The aff can't account for the ongoing violence done to groups outside of the census—the cp solves for greater polycultural efforts.

National Center for Transgender Equality, 15- (the nation's leading social justice advocacy organization winning life-saving change for transgender people.) "A Blueprint for Equality: Documents and Privacy (2015)" Transequality.org, 2015 http://transequality.org/issues/resources/a-blueprint-for-equality-id-documents-and-privacy-2015 //droneofark

In today's world, identification documents are needed to travel, open bank accounts, start new jobs, purchase alcohol, and even to purchase some cold medicines. Recent voter suppression efforts by some state legislatures have made voting an activity in which trans people without accurate ID may face unfair difficulties. Historically, state and federal governments have imposed intrusive and burdensome requirements—such as proof of surgery and court orders—that have made it impossible for many trans people to obtain accurate and consistent ID. For many people, financial barriers, medical contraindications or simply a lack of medical need for surgeries make

these requirements impossible to satisfy. As a result, out of those National Transgender Discrimination Survey respondents who had transitioned, only one-fifth (21%) had been able to update all of their IDs and records with their new gender. One-third (33%) had not updated any IDs or records. At the time of the survey, only 59% had been able to update their gender on their driver's license or state ID; 49% had updated their Social Security Record; 26% their passport; and just 24% their birth certificate.1 The survey results also confirmed what most trans people already knew—that gender-incongruent identification exposes people to a range of negative outcomes, from denial of employment, housing, and public benefits to harassment and physical violence.2 Because of the work done by NCTE and activists around the country, this trend is now reversing quickly. About half of states no longer impose such burdensome requirements for driver's licenses and state IDs and growing numbers are streamlining procedures. NCTE has worked with the American Association of Motor Vehicles Agencies to educate state agencies about current best practices. Since 2010, onerous requirements for gender change on federal documents and records such as passports and green cards have also been eliminated. State-level efforts have won improvements in birth certificate laws and policies in California, Oregon, New York, Connecticut, Maryland, Vermont, Washington State and the District of Columbia. These developments represent a growing recognition that older, more restrictive policies have served little, if any, purpose, and that reasonable policies enabling everyone to obtain accurate and consistent ID best serve both government agencies and individuals. There is still more to do, however. While eliminating the most draconian requirements for ID change, many existing federal and state policies are still unduly burdensome in requiring medical certifications from physicians, rather than accepting certifications from therapists or other non-physician health providers, or simply from the individuals themselves. In addition to ID documents, other government records and programs unintentionally cause the disclosure of information about a person's transgender status without their consent. Chief among these are computer matching programs used by the Social Security Administration (SSA) for identity verification, which have outed individuals when gender data is inconsistent between records. In response to NCTE's efforts, SSA announced in 2011 that it would halt gender matching in its Social Security Number Verification System, the largest matching service used by private employers. This change alone has prevented workplace problems for many trans people. However, automated gender matching has not yet been eliminated in other SSA programs used to share data with state programs and other entities. Government should not needlessly compel the disclosure of a person's medical history or transgender status. The federal government has taken important steps to end these problems and should act promptly to modernize and harmonize policies across agencies. Ultimately, listing gender on driver's licenses, state ID cards and many other documents is simply unnecessary and should be eliminated.

2NC Solves

The CP solves

National Center for Transgender Equality, 11- (the nation's leading social justice advocacy organization winning life-saving change for transgender people.) "Policy Brief: Birth Certificate Gender Markers" Transequality.org, 2011 http://transequality.org/issues/resources/a-blueprint-for-equality-id-documents-and-privacy-2015 //droneofark

A birth certificate is an important document used to prove one's identity and citizenship. For those who can afford one, a passport can serve the same purposes. However, the ability to change one's sex designation on birth certificates remains an important issue for many transgender people. As lawyers at Lambda Legal point out, states have varying procedures for updating these documents, and a few actually prohibit changing the gender marker on birth certificates. Many states model their policies for amending birth certificates on the Model Vital Statistics Act and Regulations (or Model Law). Currently being revised, the Model Law is developed by consultation between the state and federal governments and was last updated in 1992. The Model Law is intended to be a guide for states, so that states can model their own vital statistics laws and regulations after its suggestions. What's wrong with these laws? The 1992 Model Law says that a person wanting to change their sex on their birth certificate should present a court order certifying that their sex "has been changed by surgical procedure." There are three problems with this approach, which many states still use. First, the requirement of a court order can create a barrier to those transgender people who don't have enough money to hire a lawyer or who don't have enough knowledge to navigate the legal system on their own. Also, some courts are hesitant to issue orders amending birth certificates that were issued by another state, creating problems for transgender people who want to change their birth certificate after they move away from the state where they were born. Second, the Model Law's requirement of "a surgical procedure" in every case is at odds with the medical community. The World Professional Association for Transgender Health (WPATH) recognizes that different patients will have different medical needs. Surgical treatments may be necessary and appropriate for some transgender individuals, but not for others. The Model Law' ignores the differing needs of transgender communities. Third, the Model Law does not say what the new birth certificate should look like after the proper documentation is submitted. Ideally, the state would create a new birth certificate that reflects the amended gender, and some states do this. However, other states simply change the existing birth certificate, issuing one that shows the previous gender, while others designate on the new birth certificate that the gender has been changed. These approaches out transgender people whenever birth certificates are used to verify their identity. NCTE's Proposal: An updated version of the Model Law is currently being developed by a group of state officials coordinated by the National Center for Health Statistics (a part of the CDC). NCTE and allies have been advocating with NCHS to change this outdated and restrictive policy about amending birth certificate sex designation. Specifically, NCTE has suggested that NCHS make three changes in its revisions of the Model Law based on approaches developed by some states and federal agencies. The revised Model Law should allow people to change the sex designation on their birth certificate by submitting the required documentation directly to the vital statistics agency, rather than requiring a court proceeding. This will eliminate the unnecessary costs and other obstacles sometimes associated with going through the state court systems. The revised Model Law should not require proof of specific medical procedures in order to amend birth certificates. Instead, the Model Law should reflect contemporary standards of care, and require only that an individual's physician certify that

the individual has completed the treatment the physician deems necessary to achieve gender transition. This change would recognize that different people have different medical needs, and avoid disclosure of any confidential medical information. The revised Model Law should make clear that a new birth certificate should be issued after an individual presents the proper documentation, rather than a birth certificate that shows the original gender designation or states that the gender has been changed. These recommendations reflect a growing trend in state and federal policies. The Department of State modernized its policy on passports in 2009, and the policy for "Consular Reports of Birth Abroad," which are federal birth certificates for U.S. citizens born outside of the U.S., also no longer requires proof of surgery. Recent legislation in Vermont adopted the same approach for that state's birth certificates, and a similar bill is being considered in California. NCTE will continue to advocate for these changes in the new Model Law, and support the work of activists at the state level. Ensuring that transgender people are able to change their identity documents to reflect their gender identity is a major priority for NCTE.

Framework Helpers

Framework 1NC/2NC

The TSA is responsive and can be reformed- policy action empirically makes steps towards solving transphobia

Tobin 10— (Harper Jean Tobin, "An update on TSA," **National Center for Transgender Equality**, AUGUST 3, 2010, http://transequality.org/blog/an-update-on-tsa). WM

Over the last several months, **NCTE has been working with the** Transportation Security Administration (**TSA) to address** concerns about privacy and **harassment of transgender travelers in airport security screening.** This has included creating and updating informational resources for the community about TSA's Secure Flight program and airport body scanners, and bringing TSA officials to speak with community members at our Policy Conference this spring. It has also included **educating TSA** about the trans community, and making recommendations for **nondiscrimination policies and training**. Recently we had the opportunity, along with other privacy advocates, to see a demonstration of TSA's body scanner machines. The demonstration did not allay our basic concerns about the current use of this technology, but it did clarify some things. We learned that TSA's backscatter machines (one of the two types used) are set to use an automatic image filter to mute the resolution of the body scan – but that even the filtered image could be enough to out someone as trans. We learned that, **in response** to privacy concerns, the software capacity of the scanners to store and transfer images of travelers is now completely removed from the machines when they are installed in airports. And we learned that officers viewing the scans are trained only to report the presence of an anomalous object on a body scan to officers at the security checkpoint; figuring out what the object is is supposed to be left entirely to officers at the checkpoint. **We are encouraged** that **TSA is looking seriously at** automated threat detection **systems that are less privacy-invasive**, but also concerned that the agency's massive investment in the current machines will make a swift transition to alternative methods of primary screening unlikely. A measure in Congress to limit use of the scanners, though it passed the House last year, died in the Senate. Senators Klobuchar and Bennett recently introduced a bill that, instead of banning primary use of body scanners, would make it mandatory nationwide. The prospects for the Klobuchar-Bennett bill are uncertain. Meanwhile, TSA continues to use Recovery Act funds to place scanners in airports around the country, and to step up its PR offensive in support of the scanners. In April, NCTE joined the Electronic Privacy Information Center (EPIC), the ACLU, Public Citizen and many other organizations in petitioning the Department of Homeland Security to suspend the deployment of body scanners for primary screening. DHS refused, and EPIC is now seeking a court order to limit use of the scanners, asserting violations of privacy and religious exercise, as well as failure to follow proper regulatory procedures in deploying the scanners. That lawsuit is now pending in court, and may be for some time. NCTE continues to receive occasional reports of inappropriate or harassment treatment of transgender travelers at security checkpoints, and to communicate about these issues with TSA. To date, NCTE has not received any reports of problems for transgender people associated with TSA's Secure Flight program, which collects travelers' name, date of birth and gender at the time of booking to check against government watch lists. NCTE will keep working to ensure that transgender Americans have no reason to be afraid of flying.

Legal Methods work- TSA training as a result of legal action proves

Leff 11— (Lisa, "TSA Transgender Training At LAX," Huffington Post, 10/04/2011, http://www.huffingtonpost.com/2011/08/04/tsa-transgender-training-_n_918838.html). WM

SAN FRANCISCO -- The Transportation Security Administration said Thursday that its managers at Los Angeles International Airport are undergoing mandatory sensitivity training after a transgender employee alleged she was ordered to dress like a man, pat down male passengers and use the men's restroom.

Ashley Yang, 29, who spent two years as a security checkpoint screener at LAX, was fired last summer after co-workers observed her using the women's room, according to a copy of her termination letter obtained by The Associated Press. She contested the firing, resulting in a settlement that mandated the training.

"Ashley lives her life as a woman. Her co-workers recognized her as a woman. Passengers recognized her as a woman. But her employer didn't," said attorney Kristina Wertz of the San Francisco-based Transgender Law Center, which helped her file a civil rights complaint. "She was asked to hide who she was just in order to earn a living."

The settlement, reached in December and completed last month, also called for Yang to receive five months of back pay and a five-figure award for pain and suffering.

TSA spokesman Nico Melendez said he could not discuss details of the case because of privacy rules. But he confirmed that the required training of managers started this summer and was ongoing.

"It's part of the world we live in today," he said. "We need to be aware of transgender issues not only for our co-workers, but for passengers." LAX, with a staff of 2,500 security officers, has as many as 100 managers, according to Melendez.

TSA responsiveness proves policy engagement is effective to combat TSA transphobia

Cannes 12— (Lexie, "Transgender travelers vs the Transportation Security Administration (TSA)," DECEMBER 16, 2012, http://lexiecannes.com/2012/12/16/transgender-travelers-vs-the-transportation-security-administration-tsa/). WM

Indeed, the very first thing you see is this:

"TSA **recognizes the concerns members of the transgender community may have** with undergoing the security screening process at our Nation's airports and is committed to conducting screening in a dignified and respectful manner."

The webpage contains travel tips and explains the screening process for trans people. But most importantly, I thought, was this section:

"**Reporting** Travel **Issues** or Concerns

Travelers who believe they have experienced unprofessional conduct at a security checkpoint are encouraged to request a supervisor at the checkpoint **to discuss the matter**

immediately or to submit a concern to TSA's Contact Center at: TSA-ContactCenter@dhs.gov.

Travelers who believe they have experienced discriminatory conduct because of a protected basis **may file a concern** with TSA's Office of Civil Rights & Liberties, Ombudsman and Traveler Engagement. **Travelers may also file discrimination concerns** with the Department of Homeland Security (DHS) Office for Civil Rights and Civil Liberties."

Yes, that's correct, the TSA suggests you ask for a supervisor immediately at the checkpoint if there is a problem.

No, I'm not going to say the system is perfect, but I'm arguing **headway has been made and means are available for transgender people to help improve the system**.

I'm also suggesting that comments about the TSA on the internet may not reflect how things really are.

File

Plan Texts in File

The United States federal judiciary should substantially curtail the TSA's authority to conduct domestic surveillance of airports covered by the TSA's Screening Partnership Program on the grounds that such oversight constitutes an improper search and/or seizure under the fourth amendment.

The United States federal government should substantially curtail the TSA's authority to conduct domestic surveillance of airports covered by the TSA's Screening Partnership Program.

The United States federal government should substantially curtail the TSA's authority to conduct domestic airport surveillance commensurate with the conferral of this authority to local airport management.

Counterplan

1nc CP

Text

The Transportation Security Administration, while retaining its surveillance oversight, should increase outreach to encourage all airports to apply for the Screening Partnership Program (SPP) and expedite their approval if it will not compromise security, detrimentally affect cost efficiency, or detrimentally affect screening effectiveness of passengers or property. The TSA should set minimum levels of security standards and operational procedures, but give the private screeners the flexibility to provide the security in new, different, innovative, and creative ways. The TSA should develop staffing resources based on the operational requirements for each airport and the choice of screening companies should be based largely on technical capabilities and performance, not on cost

The counterplan solves the case --- expands private sector participation without undermining a strong federal role that is critical to maintain security

Hudson, 14 --- Representative in Congress From the State of North Carolina, and Chairman, Subcommittee on Transportation Security (7/29/2014, Richard, "EXAMINING TSA'S MANAGEMENT OF THE SCREENING PARTNERSHIP PROGRAM," HEARING before the SUBCOMMITTEE ON TRANSPORTATION SECURITY of the COMMITTEE ON HOMELAND SECURITY HOUSE OF REPRESENTATIVES ONE HUNDRED THIRTEENTH CONGRESS SECOND SESSION, http://www.gpo.gov/fdsys/pkg/CHRG-113hhrg92898/html/CHRG-113hhrg92898.htm, JMP)

Mr. Hudson. The Committee on Homeland Security, Subcommittee on Transportation Security, will come to order. The subcommittee is meeting today to hear testimony on TSA's management of the Screening Partnership Program. I recognize myself for an opening statement. I would like to thank our witnesses for their participation in this hearing. We know your time is valuable, and we appreciate you taking the time to be here with us today. The long-term success of TSA's Screening Partnership Program is a priority for many Members of Congress and stakeholders around the country who understand the private sector is highly capable of providing efficient and effective screening services. Unfortunately, TSA's actions over the last few years seem to demonstrate that it does not share this goal. This hearing is an opportunity to examine the problems and current--that currently exist with the program and **encourage TSA to take steps to enable more airports to choose private-sector screening**. To be clear, **this does not mean airports that participate in SPP are opting out of robust Federal oversight and regulations, which were severely lacking before 9/11**. It means opting to use qualified private vendors to carry out day-to-day screening functions, which **lets TSA concentrate on setting and enforcing security standards**. Eighteen domestic airports currently participate in SPP. The law requires that contract screeners meet the

same qualifications and receive commensurate pay and benefits to their Federal counterparts. SPP is a voluntary program, and airports must apply to participate. Under the FAA Modernization and Reform Act of 2012, unless an airport's participation in SPP would hurt security or drive up costs, TSA must approve all new applications. This 2012 provision revived an otherwise lifeless SPP application process after the TSA administrator announced he would not expand the program unless there was a clear and substantive advantage to do so. While I have great respect for Administrator Pistole, as far as I am concerned, there will always be at least three clear and substantial advantages to privatized screening. No. 1, the private sector operates more efficiently than the Federal Government and can save precious taxpayer dollars. No. 2, the private sector provides better consumer service, which is severely lacking in many of our Nation's screening checkpoints. No. 3, while private screening--or with the private screening, TSA can stop dealing with the time-consuming human resources issues that come with managing a workforce of over 50,000 screeners. This is not to imply that TSA has not made progress over the last few years. Under Mr. Pistole's leadership, TSA is becoming more risk-based and efficient through programs like TSA PreCheck. However, PreCheck operates just as well at SPP airports, including San Francisco International Airport, one of the largest and busiest airports in the country. There is no reason why SPP cannot be expanded to create even greater efficiencies under a risk-based system. In order to move forward with additional SPP airports in a constructive manner, several concerns need to be addressed in the near term. First, TSA has established a methodology for calculating Federal cost estimates for each new SPP contract based on requirements in the FAA Modernization Act, but that methodology does not include Federal retirement benefits, which we know to be a huge cost burden. TSA is also using the average screener's salary for its FCEs, but is allowing vendors to bid the minimum screener salaries, which may be unsustainable and cause significant issues in the long term. Second, **TSA's Screening Partnership Program office does not conduct the level of outreach to airport operators as it should**. To that end, TSA must make immediate changes that would include educating new airports on the benefits of SPP, communicating early and often with airports that are transitioning to SPP, and consulting the airport directors at existing SPP airports when selecting vendors for initial awards and contract recompetes. These are simple, but crucial, changes, and **the only barrier to action is TSA's well-known resistance to expanding SPP**. I look forward to discussing these and many other issues with our witnesses today to ensure the program is working and prepared to expand to additional airports.

The counterplan is mutually exclusive with the plan and necessary to address any emerging security threats --- turns the case

Laing, 14 (7/29/2014, Keith, "Lawmakers spar with TSA union over private airport security," http://thehill.com/policy/transportation/213673-lawmakers-tsa-union-spar-over-private-airport-security, JMP) *****Note --- Rep. Richard Hudson (R-N.C.)**

Hudson said privatization program did not allow airports to skimp on security.

"To be clear, this does not mean airports that participate in SPP are opting out of robust federal oversight and regulations, which were severely lacking before 9/11," he said. "It means opting to use qualified private vendors to carry out day-to-day screening functions, which lets TSA concentrate on setting and enforcing security standards."

The North Carolina lawmaker said he was open to "simple but crucial" changes to the program, such as increasing outreach to airports about their ability to request to participate.

But he added that "the only barrier to action is TSA's well-known resistance to expanding SPP."

TSA's Screening Partnership Program Director William Benner disputed the idea that the agency has blocked the expansion of the privatization program, saying the agency has allowed 31 airports to opt-out of using its personnel, however.

"The SPP is a voluntary program whereby airports may apply for SPP status and employ private security companies to conduct airport screening according to TSA standards," Benner said.

"Participation depends on interest from airport operators," he continued. "Since the program began in 2004, 31 airports have applied, including the original statutory five pilot airports. Of those 31, 18 are currently participating in the SPP program, and either have private contract screeners in place or are in the process of transitioning to contract screeners."

Benner added that even airports that successfully opt-out of using TSA personnel still had to meet the agency's standards for protecting U.S. airline passengers.

"Regardless of whether an airport has private or federal employees conducting passenger screening operations, **TSA maintains overall responsibility for transportation security**," he said. **"As new and emerging threats are identified, we must be able to adapt and modify our procedures quickly to protect the traveling public.** Federal Security Directors oversee the contracted security screening operations to ensure compliance with Federal security standards throughout the aviation network."

AT: Perm Do the CP

Permutation severs --- the counterplan does not reduce or transfer TSA authority and oversight in any way --- it merely expedites the approval of legitimate applications for the SPP.

Reject severance --- prevents testing the opportunity costs of the plan with counterplans and disadvantages.

SPP program maintains federal surveillance oversight --- that's Hudson and Lain.

SPP maintains federal oversight and requirements

TSA, 15 (4/7/15, "Program Overview: Screening Partnership Program," https://www.tsa.gov/stakeholders/program-overview, JMP)

The Aviation and Transportation Security Act, or ATSA, required TSA to establish pilot projects at up to five airports where screening would be performed by employees of qualified private companies **under federal oversight**. The law required those contract screeners to **meet all the requirements applicable to federal screeners**, and required the program be in place no later than Nov. 19, 2002.

TSA's Screening Partnership Program (SPP) grew out of a two-year pilot program with five airports. Since the conclusion of the pilot program in 2004, all U.S. airports with commercial service have been eligible to apply to SPP, which uses qualified private screening companies to provide screening services under federal oversight. Twenty-one airports are currently participating in the program. A new application process was implemented in Feb. 2012.

SSP still requires federal standards and oversight

TSA, 15 (1/2/2015, "Screening Partnership Program; Merging Private-sector Expertise and Public-sector Know How," https://www.tsa.gov/stakeholders/screening-partnership-program, JMP)

Merging Private-sector Expertise and Public-sector Know How

The Aviation Transportation Security Act (ATSA) of 2001 required TSA to conduct a pilot program with up to five airports where screening would be performed by private contractors under federal oversight. At the conclusion of the pilot in 2004, TSA created the Screening Partnership Program (SPP).

Currently, 21 airports have been awarded a contract and are participating in the program. Airport directors may submit their application to participate in SPP to TSA at any time. **Private contract companies must adhere to TSA's security standards and contract screeners must meet ATSA requirements** applicable to federally employed screeners.

AT: Permutation Do Both

This permutation is net worse ---

A) The counterplan alone solves the case --- it guarantees the SPP is sufficiently expanded to ensure airport security. The counterplan is what their plan would have been if they didn't twist it to try and be topical --- vote negative to preserve policy precision.

B) Maintaining the existing TSA oversight surveillance role is necessary to ensure security and preempt any new threats. That's Hudson and Laing.

Can't "do both" because they are mutually exclusive --- the counterplan maintains the TSA's role in surveillance oversight --- the plan curtails it. That's our 1nc evidence. Reject severance --- prevents testing the opportunity costs of the plan with counterplans and disadvantages.

2nc Solvency

Framing issue --- almost all of their 1ac evidence is over a decade old and is calling for a privatized airport security process that the TSA initiated with the Screening Partnership Program and is expanded by mandate of the counterplan. You should disregard all evidence that doesn't assume the SPP AND the counterplan's expanded reform.

The counterplan solves --- lets SPP deal with personnel issues, but retains TSA leadership on security issues --- this division of responsibility is best and promotes accountability

VanLoh, 14 --- director of aviation for the Kansas City Aviation Department (7/29/2014, Mark, "EXAMINING TSA'S MANAGEMENT OF THE SCREENING PARTNERSHIP PROGRAM," HEARING before the SUBCOMMITTEE ON TRANSPORTATION SECURITY of the COMMITTEE ON HOMELAND SECURITY HOUSE OF REPRESENTATIVES ONE HUNDRED THIRTEENTH CONGRESS SECOND SESSION, http://www.gpo.gov/fdsys/pkg/CHRG-113hhrg92898/html/CHRG-113hhrg92898.htm, JMP)

Good afternoon, Mr. Chairman and Members of the Transportation Security Subcommittee. My name is Mark VanLoh and I am the director of aviation for the city of Kansas City, Missouri. Thank you for inviting me to appear before you today to discuss the Airport Screener Partnership Program.

First, I want to describe Kansas City International Airport. It is one the country's major medium-hub airports and serves approximately 10 million annual passengers. Designed in the late 1960's, it has three separate semi-circular passenger terminals that are not connected. The lack of a central concourse also creates the need for multiple security screening locations and does not allow for central security screening that is common with more modern airports. Several hundred screeners at several checkpoints are employed to perform passenger screening.

My testimony today addresses the Screener Partnership Program based upon Kansas City's nearly 12 years of experience under the program since it began in 2002.

Kansas City was selected by TSA in 2002 under the ``pilot program'' along with 4 other airports--San Francisco, Rochester, Tupelo, and Jackson Hole.

It is a partnership that has worked extremely well at Kansas City. I have been an airport operator for 30 years, and in my view the Screening Partnership Program has provided a level of screening services and security protection at least as good as, we think better than, the levels that TSA would have provided using Federal personnel. And, it has done so with operational efficiency and high levels of customer satisfaction. My counterparts at other airports are often envious of our record of service and security. I am always pleased to brag about it.

Often I am asked by the public what an airport director does and on what issue we spend the most time during a normal day. It is not security or safety or airline negotiations but employee issues. With 500 employees, a considerable portion of the day consists of employee performance reviews, labor relations/grievance hearings, disciplinary actions, family medical leaves, random drug screening reviews, and other personnel issues. I cannot imagine what amount of time is consumed by TSA with over 50,000 employees. In my opinion, the majority of efforts by the TSA should be focused on intelligence gathering to reduce the threat against aviation and then issuing policy and procedures to protect our industry not on personnel issues. At Kansas City,

the SPP provider handles all the personnel issues leaving TSA to oversee security. The operator and overseer are different entities. **This results in built-in accountability and allows each do what they can and should do best.**

The advantages of the Screening Partnership Program can be summarized as follows:

enhanced flexibility and efficiencies in personnel use and deployment.

greater flexibility to respond to increased or decreased service requirements.

greater flexibility to cross-train and cross-utilize personnel.

not subject to Federal employee ``hiring freezes'' and employment caps. As an aside, during the recent sequestration, while other airports with Federal staff were subjected to Federal restrictions, we at Kansas City operated normally with no disruptions.

More effective in dealing with non-performers. This may sound a bit insensitive but we all know that the job requires an inordinate amount of attention and personal skills. Occasionally an employee may be hired that probably shouldn't be in that position. We can all tell the screeners that enjoy their job and want to be there. The SPP provider is able to make changes with minimal disruption to the mission. A high degree of customer service awareness is critical. We all want our passengers to enjoy their airport experience.

The private screening company has greater flexibility than the Federal Government to re-deploy screeners on short notice, to reschedule screener shifts to and from off-hours, and to add or delete screening checkpoints on short notice.

Based on our nearly 12 years of experience under the private screening program, I can report that the Screening Partnership Program has been very effective in providing high-quality service to our passengers at a level of security equal to, if not better than, the level that would be provided at the airport using Federal Government employees.

The SPP has been great for Kansas City from the beginning, but has caused me great concern lately given the issues surrounding the rebid of the contract. We are now almost 4 years outside the expiration of the most recent contract. Even through the uncertainty of not knowing if they will have a job after each holiday season, our screeners have maintained their high level of service and dedication. It is my understanding that this solicitation is now in the Court of Federal Claims for the third time. The low bidder selected by TSA included across-the-board pay cuts as well as cuts in hours to all screeners now working at the airport. Meanwhile TSA recently announced pay raises for Federal screeners at other airports but selected this low bidder in Kansas City based on this treatment of our existing workforce.

Even with the contract award issues, I firmly believe the program has worked well for Kansas City; there are a number of areas in which the program could be improved.

First, TSA needs to be more flexible in its supervision of private- screening companies so as to better foster improvements and innovation. TSA should set minimum levels of security standards and operational procedures, but give the private screeners the flexibility to provide the security in new, different, innovative, and creative ways. However, as we understand it, TSA requires Federal and private screeners to operate under the same procedures, including centralized

procedures for screener hiring and assessments, and coordination or hiring through TSA headquarters. I do not believe that the law requires a one-size-fits- all approach.

Second, TSA should develop staffing resources based on the operational requirements for each airport, not on arbitrary system-wide staffing caps based on the National models it uses for the Federal workforce. Such an approach would more effectively account for the unique requirements of each airport, including part-time and efficient full-time screener schedules. Again, one size doesn't fit all. For example, staffing requirements for Kansas City International Airport, which does not have a single central security location, will be markedly different than the requirements for airports that have centralized security screening facilities.

Third, there needs to be greater coordination with the airport operator. More can be done to get the airport operator's input in the operational procedures, staffing, and other critical activities. For example in TSA's contested contract award that I mentioned above, TSA recently chose to replace Kansas City's long-time private screening company through the bid process, yet never asked Kansas City for our input on the incumbent's prior performance.

Fourth, the choice of screening companies should be based largely on technical capabilities and performance, not on cost. Basing selection primarily on cost considerations we will return us to the poorly performing system that existed pre-9/11 where contracts were generally awarded to the lowest-cost bidder, manned by screeners who lacked experience, critical skills, and performance incentives. TSA needs to ensure that the selection is truly a ``best value".

In conclusion, the Screening Partnership Program has worked well at Kansas City International Airport. **It has shown that private screeners under the direct oversight of the TSA will perform excellent security and customer service and at reasonable costs.** Mr. Chairman, this concludes my prepared remarks. I would be pleased to address any questions you and the Members of the subcommittee may have.

Expansion of SPP --- under TSA oversight --- solves and allows TSA to still maintain airport security

Spaude, 6/6/15 --- currently a member of the Young Leaders Program at The Heritage Foundation (Ryan, "Time for Congress to Expand Private Airport Screeners," http://wtpcnews.com/2015/06/time-for-congress-to-expand-private-airport-screeners/#.VbbPqPmGPD8, JMP)

Monday was another "red letter" day for the Transportation Security Administration (TSA)—and not in a good way.

Earlier this week, ABC News reported that undercover agents in the Department of Homeland Security (DHS) successfully smuggled fake explosives and weapons through 67 of 70 checkpoints in a secret nationwide exercise. The agents, dubbed a Red Team by the department, adopted tactics commonly used by terrorists to thwart the TSA in major airports across the country.

As a result, the acting director of the TSA received his pink slip from Secretary Jeh Johnson on Monday night. Johnson immediately called on the TSA to "revise its standard operating procedures" and reassess how it manages America's airline security.

This disappointing news reveals a major shortcoming in the current structure of the TSA. Now more than ever, the U.S. must reform the agency to make airport security more efficient, less costly, and more responsive to the needs of officials and the general public.

One solution is to expand the Screening Partnership Program (SPP). Created in 2001, SPP allows private airport screeners to **operate under the oversight of the TSA**. Private personnel check bags, screen passengers, and manage daily affairs while **meeting the same standards originally enacted by Congress** after 9/11.

At the start of this year, a total of 21 airports in the U.S. received approval to use private contractors under SPP. A study by the House Transportation and Infrastructure Committee found that private screeners were up to 65 percent more efficient than federal workers. In addition, taxpayers could save $1 billion over five years if the nation's top 35 airports adopted SPP procedures.

While every airport has the ability to pursue changes under SPP, the government has made it difficult for them to do so. Congress had to reprimand the TSA in 2012 for holding up the approval of new SPP contracts. Using a flawed assessment, TSA officials reported that private screeners would cost more than the "government knows best" status quo in several airports. Outside groups criticized the calculations, stating that SPP is actually less expensive and just as safe.

A main source of savings with SPP is the reduced turnover of employees and improved on-the-job morale. Research shows that private contractors are better able to retain and keep workers, who perform their jobs just as effectively as government workers, if not more effectively. And if a contractor's performance falls short, it can and should be replaced.

Canada and numerous European countries currently utilize private contractors in their airports, with great success. In these nations, the government sets the security standards while allowing the private sector to manage the screening process and improve the overall experience for travelers.

In light of its failure to prevent 95 percent of the recent Red Team probes, the TSA should consider a number of possible reforms to how it handles airline security. The most important of these changes is an expansion of the SPP to more airports, so that private screeners can work with federal officials to ensure that Americans remain safe in the air at all times.

The TSA should say goodbye to personnel management and refocus its efforts on overseeing the actual security of our airports.

Solvency --- Terrorism

Expanding SPP with TSA oversight will improve security screening

Inserra, 6/2/15 --- specializes in cyber and homeland security policy, including protection of critical infrastructure, as research assistant at the Heritage Foundation (David, "TSA Failures Point to Need for Private Airport Security," http://dailysignal.com/2015/06/02/tsa-failures-point-to-need-for-private-airport-security/, JMP)

In an exclusive scoop, ABC News is reporting that the Transportation Security Administration failed to stop undercover agents in 67 out of 70 recent probes of TSA screening. These agents carried fake weapons through checkpoints at major airports across the country and were not stopped.

ABC reports that Jeh Johnson was "apparently so frustrated by the findings he sought a detailed briefing on them last week at TSA headquarters."

Johnson has good reason to be frustrated: Such a high failure rate is unacceptable.

The inspector general's report is not available publicly and will likely be classified for security reasons. This should not stop Congress, however, from investigating this matter and reviewing the remedial actions that are being taken.

Importantly, it exposes the reality that government screeners are not necessarily the right answer to airport screening.

Almost all European countries and Canada use private airport screeners. In the United States, airports have the right to opt out of TSA-administered screening through the Screening Partnership Program, which swaps out TSA screeners in favor of private contractors **with TSA oversight**. SPP has been found to result in screening that is more efficient, more customer friendly, less costly, and more secure.

With all these benefits and the precedent set by Europe and Canada, SPP is a no-brainer. Sadly, the program is subject to burdensome regulations and bureaucratic processes that limit its use.

So while Congress should ensure that the TSA fixes the current holes in airport screening, lawmakers should also consider expanding SPP as a longer term solution to improve transportation security.

TSA Oversight Good

TSA oversight is critical to determine the most effective contractors and ensure safety and cost effectiveness.

Mark **Bell** Acting Deputy Inspector General for Audits, U.S. Dept. of Homeland Security, Office COGR **14** (Committee on oversight and government reform) TSA OVERSIGHT: EXAMINING THE SCREENING PARTNERSHIP PROGRAM HEARING BEFORE THE SUBCOMMITTEE ON GOVERNMENT OPERATIONS OF THE COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM HOUSE OF REPRESENTATIVES ONE HUNDRED THIRTEENTH CONGRESS SECOND SESSION JANUARY 14, 2014 Serial No. 113–95 https://www.oig.dhs.gov/

At the time of the GAO audit, TSA had improved its screener performance measures, but GAO concluded that it could benefit from monitoring private versus Federal screener performance. In April 2012, TSA added measures to better address the strategic goals and

mission of screening in its assessments of screener performance at private and Federal airports. However, TSA did not separately monitor private screener and Federal screener performance. It made efforts to monitor screener performance at individual SPP airports, but these efforts did not provide information on SPP performance as a whole or across years, which made it difficult to identifY program trends. GAO noted that consistent monitoring of SPP versus non-SPP performance would help ensure that the screening and protection at SPP airports matched or exceeded that at non-SPP airports, and would ensure that SPP airports were operating as intended. GAO recommended TSA develop guidance for SPP applicants that included 1) TSA's criteria and process for assessing whether SPP participation would compromise security or detrimentally affect screening cost-efficiency or effectiveness; 2) how TSA would obtain and analyze cost information on screening cost-efficiency and effectiveness and the implications of airports not responding to related application questions; and 3) specific examples of additional information airports should consider providing to help TSA assess their suitability for SPP. GAO also recommended that TSA develop a mechanism to regularly monitor private versus Federal screener performance. TSA concurred with both recommendations. Conclusion Through our audit, we determined that TSA needed to improve some aspects of its administration of SPP to help avoid the risk of not selecting the best contractor to provide screening services. Because administration includes in-depth examination of airport applications and private contractor offers, which requires detailed calculations and analysis, TSA should ensure that decisionmakers have accurate information. TSA has taken steps to fully document its decisions on SPP applications and procurements and to improve its quality assurance procedures, including cost estimating and application document reviews.

Oversight is key

GAO 12 Government Accountability Office SCREENING PARTNERSHIP PROGRAM: TSA Should Issue More Guidance to Airports and Monitor Private versus Federal Screener Performance GAO-13-208: Published: Dec 6, 2012. Publicly Released: Dec 6, 2012. http://www.gao.gov/products/GAO-13-208

Since implementation of the Screening Partnership Program (SPP) in 2004, 29 airports have applied to the program, citing various advantages and relatively few disadvantages. Of the 25 approved, 16 are participating in the program, 6 are currently in the contractor procurement process, and the remainder withdrew from participation because their commercial airline services were discontinued. In 2011, the Transportation Security Administration (TSA) denied applications for 6 airports because, according to TSA officials, the airports did not demonstrate that participation in the program would "provide a clear and substantial advantage to TSA security operations." After enactment of the Federal Aviation Administration Modernization and Reform Act of 2012 (FAA Modernization Act) in February 2012, TSA revised its SPP application, removing the "clear and substantial advantage" question. Four of the 6 airports that had been denied in 2011 later reapplied and were approved. In GAO's survey and in interviews with airport operators (of SPP and non-SPP airports) and aviation stakeholders, improved customer service and increased staffing flexibilities were most commonly cited as advantages or potential advantages of the SPP. Individual Federal Security Directors we interviewed cited reduced involvement in human resource management as an advantage; however, TSA generally remains neutral regarding the SPP. Few disadvantages were cited; however, some airport operators cited satisfaction with federal screeners and concerns with potential disruption from the transition to private screening services. TSA has developed some resources to assist SPP applicants; however, it has not provided guidance to assist airports applying to the program. Consistent with the FAA Modernization Act, TSA's revised SPP application requested that applicants provide information to assist TSA in determining if their participation in the SPP would compromise security or detrimentally affect the cost-efficiency or screening effectiveness of passengers and property at their airport. TSA also developed responses to frequently asked questions and has expressed a willingness to assist airports that need it. However, TSA has not issued guidance to assist airports with completing applications and information on how the agency will assess them. Three of five airport operators who applied using the current application stated that **additional guidance is needed** to better understand how to respond to the new application questions. **Developing guidance could better position airports** to evaluate whether they are good candidates for the SPP. TSA recently improved its screener performance measures, but could benefit from monitoring private versus federal screener performance. In April 2012, TSA added measures to ensure that the set of measures it uses

to assess screener performance at private and federal airports better addresses its airport screening strategic goals and mission. However, TSA does not monitor private screener performance separately from federal screener performance. Instead, **TSA conducts efforts to monitor screener performance at individual SPP airports**, but these efforts do not provide information on SPP performance as a whole or across years, which makes it difficult to identify program trends. A mechanism to consistently monitor SPP versus non-SPP performance would better position TSA to ensure that the level of screening services and protection provided at SPP airports continues to match or exceed the level provided at non-SPP airports, thereby ensuring that SPP airports are operating as intended. Why GAO Did This Study TSA maintains a federal workforce to screen passengers and baggage at the majority of the nation's commercial airports, **but also oversees a** workforce of private screeners at airports who participate in the SPP. The SPP allows commercial airports to use private screeners, provided that the level of screening matches or exceeds that of federal screeners. In recent years, TSA's SPP has evolved to incorporate changes in policy and federal law, prompting enhanced interest in measuring screener performance. GAO was asked to examine the (1) status of SPP applications and airport operators', aviation stakeholders', and TSA's reported advantages and disadvantages of participating in the SPP; (2) extent to which TSA has provided airports guidance to govern the SPP application process; and (3) extent to which TSA assesses and monitors the performance of private and federal screeners. GAO surveyed 28 airport operators that had applied to the SPP as of April 2012, and interviewed 5 airport operators who have not applied and 1 airport operator who applied to the SPP after GAO's survey. Although not generalizable, these interviews provided insights. GAO also analyzed screener performance data from fiscal years 2009-2011. This is a public version of a sensitive report that GAO issued in November 2012. Information that TSA deemed sensitive has been redacted. What GAO Recommends **GAO recommends that the TSA Administrator develop guidance for SPP applicants** and a mechanism to monitor private versus federal screener performance. **TSA concurred** with the recommendations.

AT: TSA Won't Approve New Applicants to SPP

This assumes the SQ and the CP explicitly changes agency decision-making that is currently blocking SPP expansion.

AT: CP Links to Politics

Congress supports the counterplan

Laing, 14 (7/29/2014, Keith, "Lawmakers spar with TSA union over private airport security," http://thehill.com/policy/transportation/213673-lawmakers-tsa-union-spar-over-private-airport-security, JMP)

The chairman of the House panel that oversees transportation security issues accused the Transportation Security Administration (TSA) on Tuesday of blocking efforts to privatize airport security checkpoints.

"Under the FAA Modernization and Reform Act of 2012, unless an airport's participation in [Screening Partnership Program] would hurt security or drive up costs, TSA must approve all new applications," Rep. Richard Hudson (R-N.C.) said during a hearing of the House Homeland Security Committee's Transportation Security Subcommittee.

"While I have great respect for [TSA] Administrator [John] Pistole, as far as I am concerned, there will always be at least three clear and substantial advantages to privatized screening," Hudson continued. "Number one, the private sector operates more efficiently than the federal

government and can save precious taxpayer dollars. Number two, the private sector provides better customer service, which is severely lacking at many of our nation's screening checkpoints. And number three….with private screening, TSA can stop dealing with the time-consuming human resources issues that come with managing a workforce of over 50,000 screeners."

The SPP program is designed to allow airports to opt-out of utilizing TSA security personnel if they can prove they can provide the same level of protection with private workers at lower costs. The requests have to be approved by TSA, however, which has led to friction between GOP lawmakers and the TSA.

Republicans have championed the effort to privatize airport security for several years because they argue that many of the TSA's techniques, including its pat down hand searches and X-ray scanners, invade the privacy of airline passengers.

The TSA has come under fire often in recent year for its treatment of elderly and child passengers.

Case Arguments

AT: Airlines Adv

TSA is reforming now – specific to operational effectiveness – their ev. doesn't account for new developments

Monzon 6/17/15 – News Writer at United Press International (Tomas, TSA audit reveals no terrorist ties for 73 airline workers, UPI, http://www.upi.com/Top_News/US/2015/06/17/TSA-audit-reveals-no-terrorist-ties-for-73-airline-workers/3011434477493/)//JJ

A Transportation Security Administration audit has confirmed that 73 airline employees earlier suspected of terrorist ties have **no such connections.** The audit, published June 4 by the Department of Homeland Security, explained that the TSA was unable to link the 73 airline employees to terrorists, although DHS had determined they had terrorist ties. DHS used a list not available to the TSA, leading DHS to conclude that TSA "is not authorized under current interagency watchlisting policy to receive certain terrorism-related category codes". Appearing before the Homeland Security subcommittee on transportation, TSA deputy assistant Stacey Fitzmaurice ultimately confirmed that the agency found **no ties** between **terrorism and the workers**. Committee chairman and Representative John Katko, R-N.Y. criticized the TSA for its lethargy in producing this information. Fitzmaurice said the TSA used the FBI's watch list, which, he argued, contains **more reasonable data** than that of the National Counterterrorism Center, a rawer data set that DHS used to produce its report. The TSA does not have access to NCTC's data. Inspector General for Homeland Security John Roth explained that it took 18 months for the agency to clear legal obstacles and run the names of the aviation workers against the NCTC list. NCTC carried out the comparison itself once authorization was secured. To **prevent future problems**, Katko pushed House leaders Tuesday to pass his **reform bill HR2750**, "Improved Security Vetting for Aviation Workers Act of 2015". Additionally, Fitzmaurice and the TSA are still working on gaining full access to NCTC's list. The news of TSA wanting access to an intelligence database comes just as **TSA chief** Melvin Carraway was **reassigned** after an investigation revealed widespread failures with airport security. In 70 tests performed by DHS, 67 attempts at sneaking fake weapons into airports were successful. At the time, DHS Secretary Jeh Johnson called for TSA to **reevaluate** its **screening equipment** and **review** its **operating procedures**.

Alt cause – lack of federal trust

Frauenfelder 6/8/15 – founder of Boing Boing and the founding editor-in-chief of MAKE, editor-in-chief of Cool Tools and co-founder of Wink Books (Mark, Federal gov't doesn't trust TSA enough to inform it of airline employees with links to terrorism, Boing Boing, http://boingboing.net/2015/06/08/federal-govt-doesnt-trust.html)//JJ

According to a recently-released Government Accountability Office report, the "TSA did not identify 73 individuals with terrorism-related category codes because TSA is **not authorized** to receive all terrorism-related information under **current interagency watchlisting policy**." The federal government **doesn't place enough trust** in its own anti-terrorism administration to give it a list of people with terrorism-related category codes employed by airlines and airport vendors. "**Without complete** and

accurate information, TSA risks credentialing and providing unescorted access to secure airport areas for workers with potential to harm the nation's air transportation system," the report found.

The issue is not the TSA – it's interagency policy

Jesse 6/9/15 – associate editor of Allen B West, citing a Guardian report (Michelle, TSA hired 73 people on the terror watch list; reason why is MIND-BLOWING, Allan B West, http://allenbwest.com/2015/06/tsa-hired-73-people-on-the-terror-watch-list-reason-why-is-mind-blowing/)//JJ

The Guardian explains WHY these 73 individuals slipped through the cracks to stand watch at our nation's security checkpoints: TSA did not identify these individuals through its vetting operations because it is not authorized to receive all terrorism-related categories under **current interagency watch-listing policy**," the DHS document stated, adding that the agency had "acknowledged that these individuals were cleared for access to secure airport areas despite representing a potential transportation security threat". In other words, the TSA **isn't allowed** to get every bit of information available about applicants, unless the applicants report it themselves. It's up to the applicant to report information that could likely disqualify them from TSA employment. Yeaaahh. Got it. Turns out, even if information comes in after someone's hired on at the TSA, the **TSA doesn't always get that info**. All of this will be cold comfort to travelers lining up through security for their summer vacations. The silver lining – or the "gift" if you choose to see it that way – is this provides yet another stunning example of how increased government spending does NOT equal a better job done or necessarily help keep us safer. Despite almost $100 billion spent since 2011, the TSA continues to bring us lapse after lapse. Indeed, it appears that some of these gaps are a result of the very **bloated bureaucracy** that was supposed to keep us safer.

FBI aviation surveillance solves – specifically their private warrant

Perdue 2/3/15 – Deputy Assistant Director, Counterterrorism Division at the FBI (Doug, Statement Before the House Committee on Homeland Security, Subcommittee on Transportation Security, Washington, D.C., the FBI, https://www.fbi.gov/news/testimony/fbis-role-in-access-control-measures-at-our-nations-airports)//JJ

In conjunction with our partners, the FBI's Counterterrorism Division's (CTD) Civil Aviation Security Program (CASP) is **extensively involved** in efforts to **uncover and prevent terrorist operations** to attack or exploit civil **aviation** in the United States. The FBI has special agents and task force officers assigned as **airport liaison agents** (ALAs) at **each** of the nation's **TSA-regulated airports** in order to respond to aviation-related incidents and threats, participate in **joint FBI-TSA airport vulnerability** assessments, and interact with **interagency** and **private sector stakeholders** at airports around the country on exercises, threat mitigation, and other issues to protect the traveling public. The FBI's CASP and ALA program were created in 1990 to formalize the Bureau's investigative, intelligence, and liaison activities at the nation's airports. CASP is located in the FBI's National Joint Terrorism Task Force with a focus on **supporting and enhancing efforts** to prevent, disrupt, and defeat acts of **terrorism directed toward civil aviation**, and to provide counterterrorism preparedness **leadership and assistance** to **federal, state, and local agencies** responsible for civil aviation security. One of CASP's primary responsibilities is to provide program management and support to the FBI's ALAs. In addition, CASP represents the FBI on aviation security policy matters, provides guidance and training to the field, and **supports national aviation security** initiatives and mandates. I would like to go over briefly CASP's efforts to mitigate the insider threat at America's airports.

The airline industry is extremely resilient to shocks

Carlisle 15 – Chief Operating Officer at Goshawk (Andy, Airport business resilience: Plan for uncertainty and prepare for change, Journal of Airport Management, Volume 9, p. 118-132, 1/1/15)//JJ

In recent years, there has been sustained turbulence in markets around the world. Economies are emerging from recession, but the pace of recovery is mixed while geopolitical uncertainty and security threats appear to be increasing. In a connected world, problems rarely remain geographically isolated, which means there is continued economic uncertainty in many major global markets. However, uncertainty is **not always negative**. The pace of technological change is rapid; the influence of mobile and digital platforms extends across all areas of business, including aviation. While such developments are generally positive, change itself creates uncertainty and new technology can be a disruptive influence. Airport managers and investors must balance the drive toward commercial optimisation against the inherent investment risk in realising new opportunities; these challenges are magnified in a market that has a more uncertain and variable outlook. Airport business models are adapting to this new reality, and there is increased recognition of the **need for flexibility**, **creativity**, and **vigilance** in **planning**, **building**, **managing**, and **financing airports.** The most effective counterbalance to future uncertainty is to develop business models that are **resilient**, but **not resistant, to change**. In this context, business resilience means managing risk and capitalising on opportunity. It involves **preparing and organizing** for change, and being ready to change direction when **unexpected events occur**, or the **operating environment changes.** It is adopting a mind-set of surprises being the 'new normal', and realising that it's not a question of 'if ' the unexpected will happen, but rather 'when will it happen?', 'what will happen?', and 'are we prepared?'. Resilience, then, is strength with flexibility, and focus with situational awareness. Many airport operators are adapting to this new normal and recognizing the need for **greater flexibility**, creativity, **global awareness**, and social awareness in the management of airports. While there are limitations to flexibility in an infrastructure-intensive business, this paper considers some of the measures that can be taken to optimise airport financial performance in a dynamic market where rapid change has the potential to disrupt existing business models.

Increased airport security now and no terror threat

Ross and Schwartz 1/13/15 – ABC news chief correspondent AND **chief investigative producer (Brian and Rhonda, US Steps Up Airport Security After Al Qaeda's 'Hidden Bomb' Recipe, ABC News, http://abcnews.go.com/International/us-steps-airport-security-al-qaedas-hidden-bomb/story?id=28194349)//JJ

American airports are **increasing security measures across the country** in the wake of dual terrorist attacks in Paris and the publication by al Qaeda of what counterterrorism experts say appears to be the most detailed, and potentially lethal, bomb recipe ever to be sent to their followers. The **top security chiefs** for major **American airlines** have been briefed about the troubling publication, according to a senior U.S. law enforcement official. Department of Homeland Security Secretary Jeh Johnson said Monday the **T**ransportation **S**ecurity **A**dministration has **stepped up** random **searches** of travelers and carry-on luggage in addition to **enhanced screening** that was ordered this summer at "certain foreign airports." Johnson said there is "**no specific, credible threat**" of an attack on the U.S. like what happened in Paris last week, but said that incident, along with others in Canada and Australia, and "the recent public calls by terrorist organizations for attacks on Western objectives, including aircraft, military personnel, and government installations and civilian personnel" made the need for **increased security** at American airports and elsewhere "self-evident." The bomb-making recipe, published in the most recent edition of the al Qaeda in the Arabian Peninsula (AQAP) English-language magazine in December, is a detailed guide to making the explosive, getting through security and even where to sit on the plane. "We spared no effort in simplifying the idea in such we made it 'another meal prepared in the kitchen' so that every determined Muslim can prepare," the magazine says, in an apparent reference to earlier versions of bomb-making instructions called "How to Build a Bomb in the Kitchen of Your Mom." "This group, AQAP, is absolutely determined… to try and [carry] out an attack on a U.S.-bound airplane," said Matt Olsen, former Director of the National Counterterrorism Center and current ABC News consultant. "The prospect of AQAP trying to get a bomb on an airplane has been, for the past several years, at the **top of the list** for concerns of the U.S. counterterrorism community. After reviewing the recipe, explosives expert Kevin Barry said it appeared to be one of the most "sophisticated" non-metallic explosives devices he's seen, which could especially be a problem for smaller airports that don't employ high-tech

body imaging security devices. AQAP, the al Qaeda branch based in Yemen, previously attempted to bring down an American airliner on Christmas Day 2009, but the would-be bomber couldn't get the device to detonate. That bomber, Umar Farouk Abdulmuttalab, reportedly crossed paths in Yemen with one of the men who executed the Paris terror attack last week. Last week the State Department updated its Worldwide Caution travel alert to all Americans abroad. "Recent terrorist attacks, whether by those affiliated with terrorist entities, copycats, or individual perpetrators, serve as a reminder that U.S. citizens need to maintain a high level of vigilance and take appropriate steps to increase their security awareness," the alert said.

Status Quo Solves

New reforms coming now solve the aff.

Kesten 15 TSA Head Reassigned After Agency Fails 95 Percent Of Airport Security Tests AP | By LOU KESTEN Posted: 06/01/2015 10:37 pm EDT staff writer for ABC News & Business Insider, http://www.huffingtonpost.com/2015/06/01/tsa-security-reforms-jeh-_n_7489558.html

WASHINGTON (AP) — Homeland Security Secretary Jeh Johnson on Monday reassigned the leader of the Transportation Security Administration and directed the agency to **revise airport security procedures, retrain officers and retest screening equipment** in airports across the country. The TSA's acting administrator, Melvin Carraway, is being reassigned to a different job in the Department of Homeland Security. Acting Deputy Director Mark Hatfield will lead the agency until a new administrator is appointed. The directives come after the agency's inspector general briefed Johnson on a report analyzing vulnerabilities in airport security — specifically, the ability to bring prohibited items through TSA checkpoints. Johnson would not describe the results of the classified report, but said he takes the findings "very seriously." ABC News first reported Monday that undercover agents were able to smuggle prohibited items, such as mock explosives or weapons, through TSA checkpoints in 67 out of 70 attempts. ABC cited anonymous officials who had been briefed on the inspector general's report. In a statement issued Monday evening, Johnson said, "The numbers in these reports never look good out of context, but they are a critical element in the continual evolution of our aviation security." Johnson said he had directed TSA to take several corrective steps, including: —**Immediately revising standard operating procedures for screening.** —**Conducting training for all transportation security officers**, and intensive training for all supervisory personnel. —**Retesting and re-evaluating the screening equipment** currently in use at airports across the United States. —**Continuing to conduct random covert testing**. Johnson said that in the longer term, he has directed TSA and DHS to "examine adopting new technologies to address the vulnerabilities identified by the Inspector General's testing." The Homeland Security chief said that over the last year, "TSA screened a record number of passengers at airports in the United States, and ... seized a record number of prohibited items." Still, he said, the agency was "constantly testing and adapting the systems we have in place." Johnson also called on the Senate to confirm President Barack Obama's choice to lead the TSA, Coast Guard Vice Adm. Pete Neffenger.

Legislation is coming to solve the aff

Ybarra 15 By Maggie Ybarra - The Washington Times - Tuesday, June 16, 2015 http://www.washingtontimes.com/news/2015/jun/16/tsa-tells-congress-airport-workers-alleged-terror-/?page=all Maggie Ybarra is military affairs and Pentagon correspondent "TSA tells Congress that airport workers with alleged terror ties posed no real threat"

There is no excuse for that type of behavior when the nation's security is at stake, said Rep. Kathleen Rice of New York, the subcommittee's ranking Democrat. "It strikes me as sloppy, and there's no place for sloppiness when we're dealing with the security of our nation's aviation system," she said. "We strive for a security system that's airtight and precise — and in order to achieve that, our information must be airtight, everything we do must be precise." Ms. Fitzmaurice said the TSA is still working on getting full access to the U.S. intelligence database used by the inspector general's office to associate the workers with security concerns. Lawmakers livid over the security blunder said they were prepared to pass legislation designed to improve the vetting for aviation workers since the agency appears incapable of addressing its security gaps. "The reality is that in this post 9/11 world, the terrorist threat is metastasizing and we, as a nation, must remain responsive to any holes in the security of our transportation systems and ensure that the protocols keep pace with the ever-evolving threat landscape," said House Committee on Homeland Security Chairman Michael McCaul on Tuesday. "Improving the vetting of the aviation workers who have access to these sensitive areas of airports can help close another backdoor vulnerability at our nation's airports." Mr. McCaul is a sponsor of a bill that would boost information sharing between the TSA and other intelligence agencies. That bill would also

require the agency to issue guidance by the end of the year on how TSA inspectors should annually reviewing airport badging office procedures for applicants seeking access to sensitive areas of airports. The effort to reform the TSA comes as Coast Guard Vice Adm. Peter Neffenger prepares to take over as head of the troubled agency, having received Monday the voice vote approval of the Senate Homeland Security and Governmental Affairs Committee. Sen. Ron Johnson, Wisconsin Republican and the panel chairman, described him as "well qualified and well suited for the task" of leading the agency. Vice Adm. Neffenger will replace acting TSA deputy director Mark Hatfield, who stepped in for acting TSA Administrator Melvin Carraway after he was reassigned. Mr. Carraway left the top position in early June after an internal investigation by the Department of Homeland Security Office of the Inspector General showed how easy it was to slip weapons and explosive materials past airport screeners. Investigators were able to bypass security while in possession of dangerous material 67 times out of 70 tests. Vice Adm. Neffenger acknowledged the agency's troubles in a recent congressional hearing and said that those woes disturbed him. If confirmed, he promised to make it an immediate priority to pinpoint highlighted security gaps and look systematically at the issues that led to them.

This totally counts

http://cdn.meme.am/instances/500x/62761617.jpg

New legislation will check the TSA

Kimery 15 http://www.hstoday.us/briefings/daily-news-analysis/single-article/tsa-reform-bill-signed-into-law/423945e3da1c375031934cb4a62c01ca.html About Us | Contact Us | AdvertiseSearch TSA Reform Bill Signed Into Law By Obama By: Anthony Kimery, Editor-in-Chief 7/25/2015 (4:22pm)

Introduced by Rep. Richard Hudson (R-NC), chairman of the House Transportation Security Subcommittee in July 2013, HR 2719 was approved unanimously by the House in December of that year. Following introduction of companion legislation by Sen. Kelly Ayotte (R-NH) and unanimous Senate passage, the legislation as amended unanimously passed the House. "As chairman, I set out to increase transparency and accountability at TSA while keeping travelers safe and saving our tax dollars," Hudson said in a statement. "This law is an important step that will root out the waste at TSA and increase safety by ensuring that the most effective, cost-efficient security tools are implemented. Despite Washington's gridlock, the bipartisan support of this law shows that Republicans and Democrats can work together to solve problems." The Transportation Security Acquisition Reform Act introduces greater transparency and accountability for the Transportation Security Administration (TSA) spending decisions through a series of commonsense reforms. Specifically, it requires TSA to: **Develop and share** with the public **a** strategic **5-year** technology investment **plan**; **Share key information with Congress** on technology acquisitions, including cost overruns, delays, or technical failures within 30 days of identifying the problem; **Establish principles for managing equipment** in inventory to eliminate expensive storage of unusable or outdated technologies, and **Report on its goals for contracting** with small businesses. The legislation stated that, "TSA has not consistently implemented Department of Homeland Security policies and government best practices for acquisition and procurement; TSA has only recently developed a multiyear technology investment plan, and has underutilized innovation opportunities within the private sector, including from small businesses; and has faced challenges in meeting key performance requirements for several major acquisitions and procurements, resulting in reduced security effectiveness and wasted expenditures." The legislation also requires the TSA administrator not later than 180 days after the date of enactment of the Transportation Security Acquisition Reform Act, develop and submit to Congress a strategic 5-year technology investment plan that may include a classified addendum to report sensitive transportation security risks, technology vulnerabilities or other sensitive security information; and to the extent possible, publish the plan in an unclassified format in the public domain." The plan shall include an analysis of transportation security risks and the associated capability gaps that would be best addressed by security-related technology, including consideration of the most recent quadrennial homeland security review; a set of security-related technology acquisition needs that is prioritized based on identified risk and associated capability gaps. In addition, the law also requires planned technology programs and projects with defined objectives, goals, timelines and

measures; an analysis of current and forecast trends in domestic and international passenger travel; an identification of currently deployed security-related technologies that are at or near the end of their lifecycles; an identification of test, evaluation, modeling and simulation capabilities, including target methodologies, rationales and timelines necessary to support the acquisition of security-related technologies that are expected to meet specific needs; an identification of opportunities for public-private partnerships, small and disadvantaged company participation, intragovernment collaboration, university centers of excellence and national laboratory technology transfer; and an identification of the administration's acquisition workforce needs for the management of planned security-related technology acquisitions, including consideration of leveraging acquisition expertise of other federal agencies. Further, the law requires an identification of the security resources, including information security resources, that will be required to protect security-related technology from physical or cyber theft, diversion, sabotage or attack; an identification of initiatives to streamline the Administration's acquisition process and provide greater predictability and clarity to small, medium and large businesses, including the timeline for testing and evaluation; an assessment of the impact to commercial aviation passengers; a strategy for consulting airport management, air carrier representatives, and federal security directors whenever an acquisition will lead to the removal of equipment at airports, and how the strategy for consulting with such officials of the relevant airports will address potential negative impacts on commercial passengers or airport operations; and, in consultation with the National Institutes of Standards and Technology, an identification of security-related technology interface standards, in existence or if implemented, that could promote more interoperable passenger, baggage and cargo screening systems.

New director and reforms means no need for the aff

Wang 15 Shocking TSA failures lead to agency shakeup 06/01/15 10:41 PM http://www.msnbc.com/msnbc/shocking-tsa-failures-lead-agency-shakeup By Joy Y. Wang – staff writer for Newsvine

President Obama nominated Coast Guard Vice Admiral Pete Neffenger to be the next administrator of the Transportation Security Administration. "I urge the Senate to confirm this nomination as quickly as possible," Homeland Security Secretary Johnson said in a statement Monday. The investigation at the nation's airports involved so-called "Red Teams" of undercover agents who posed as passengers. They concealed various fake contraband in an attempt to smuggle them through security checkpoints. At one point, an agent triggered an alarm and was patted down, but the TSA agent failed to find a fake explosive taped to the pesudo-terrorist's back. Undercover agents have conducted similar investigations during the past 13 years, and, in the past, they have been able to smuggle weapons through security screenings. What's remarkable in the most recent incident is the frequency with which they were able to bypass TSA security. "The numbers in these reports never look good out of context, but they are a critical element in the continual evolution of our aviation security," Homeland Security officials said in a statement. Carraway's reassignment is part of the larger response announced hours after the embarrassing report became public. Johnson went on to enumerate various ways in which the he has directed the TSA to reform, including revision of standard operating procedures, additional training of TSA officers, and the continuation of "random covert testing," among other actions. Some measures are reportedly already in place. "It's disturbing news. The question is how we can best mitigate that that vulnerability in a way that doesn't prohibit the free movement of people and goods," John Pistole, a former TSA administrator, told NBC News' Tom Costello. "That's just something that there's no perfect answer for."

There are already two bills that solve your aff

Harding 15 July 21, 2015 6:30 am Robert Harding Rep. John Katko unveils bill to reform TSA's employee screening process at U.S. airports http://auburnpub.com/blogs/eye_on_ny/rep-john-katko-unveils-bill-to-reform-tsa-s-employee/article_0a90568a-2ee2-11e5-ae3b-8b6dd976a08c.html Robert Harding is an American businessman. He was the nominee for secretary of the Transportation Security Administration. Harding is a retired Major General.

Gaps in airline and airport employee screening has been a major focus of U.S. Rep. John Katko's work on the House Homeland Security Subcommittee on Transportation Security. And now, **he has introduced legislation** to address the issue. Katko, R-Camillus, unveiled the Airport Access Control Security Improvement Act Monday. The goal of the bill is to reform the Transportation Security Administration's screening process for airline and airport employees by requiring the agency to develop procedures for risk-based vetting and providing additional law enforcement

resources to screen employees. The measure also contains an **oversight plan** which will allow Congress to track airport and airline employee screening improvements. "As threats to our aviation sector continue to evolve, common sense reforms •— such as clearly differentiating between individuals authorized to have access to secure areas, and those who do not, or requiring criminal background checks that cover an extended history — will go a long way in ensuring safety at our airports," Katko said. The introduction of the bill comes after Katko has chaired hearings on potential security gaps in the screening process for employees at U.S. airports. The first hearing he led in February focused on a Delta Airlines employee's involvement in a gun smuggling operation and internal security procedures at airports. Following that hearing, Katko sponsored two bills — the TSA Office of Inspection Accountability Act and the Gerardo Hernandez Airport Security Act — to boost airport security. **Both measures were approved by the House in February**. The security issues were raised again in June when a report revealed that 73 aviation workers had potential ties to terrorism. The finding led to Katko and others calling on TSA to address vulnerabilities in the screening of airline and airport employees. Katko also introduced legislation, the Improved Vetting for Aviation Workers Act, that would bolster the TSA's ability to conduct criminal background checks of potential aviation employees and requires the Department of Homeland Security, TSA and the Interagency Policy Committee to develop best practices for expanding the employee vetting process. At a House Homeland Security Subcommittee on Transportation Security hearing in June, Katko wasn't pleased with TSA's response to the employee screening issues. Katko's latest action on aviation employee screening comes after authorities found a drug smuggling ring was operating out of Dallas/Fort Worth International Airport. Four people arrested for their alleged involvement in the operation worked at the airport or knew an employee at the airport who could bypass security. "This incident, along with others over the last few months, have highlighted concerning gaps in employee vetting and screening procedures," Katko said. "These vulnerabilities need to be addressed in order to safeguard the traveling public."

Global Airport Privatization Now

Airport privatization growing globally

Poole, 14 --- Director of Transportation Policy Reason Foundation (8/6/14, "Airport Policy and Security News #101" http://reason.org/news/show/airport-policy-security-news-101#d, JMP)

Global Airport Privatization Wave Continues

The last few months have seen **a number of significant airport privatization developments**, with large-scale programs announced in Greece and Spain, and a number of privatized terminal projects announced in the Western Hemisphere.

The biggest news was Spain's mid-June announcement that it will sell to investors 49% of state-owned AENA Aeropuertos, which owns all of the country's 46 commercial airports and two heliports. The privatization will have two parts, with 28% of the shares offered to investors via an initial public offering and another 21% offered to strategic investors via a competitive bidding process. The sales are expected to take place by November. A new airport regulatory framework will also be established. AENA Aeropuertos, the world's largest airport group, has been estimated as having a market value of $21 billion.

The Greek government is doing something similar. Its Hellenic Republic Asset Development Fund announced that 37 state-owned regional airports will be privatized under 30-year concessions. Two packages of airports are being offered, each including seven core airports.

Inspiratia Infrastructure reported last month that HRADF is currently assessing binding bids, with the assistance of a team of technical and financial advisors that include Citigroup Global Markets and Lufthansa. Greece is also seeking bids to finance, develop, and operate a new $1 billion airport at Heraklion, with a bid deadline of November 11th

The French government last month announced that it will sell a 49.99% stake in state-owned Toulouse-Blagnac Airport in southwestern France. The national government owns 60% of the airport, with another 25% owned by the Toulouse Chamber of Commerce. There has been talk of similar privatizations of the Lyon and Nice airports.

The only negative privatization news I've seen from Europe was the decision by Slovenia's Prime Minister, shortly before the July 13th elections, to suspend privatization of 15 assets, including the country's international airport in Ljubljana. The plan had been to offer 75.5% of the airport, and expressions of interest were solicited back in March.

Three Western Hemisphere developments signal no waning of airport privatization on this side of the Atlantic. The Peruvian government has awarded a 40-year concession to the Kunter Wasi consortium to design, finance, build, and operate a replacement airport for tourist city Cuzco. The consortium is a joint venture of Argentina's Corporacion America and Andino Investment Holdings. The airport is expected to cost $538 million to build, on a greenfield site 29 km from Cuzco, the jumping-off point for tourists to the Inca ruins at Machu Picchu.

Mexico appears to be getting close to going forward with a $9.2 billion replacement for the country's largest airport, Benito Juarez serving Mexico City. The master plan developed by consulting firm Arup calls for four runways and one terminal with a capacity of 30 million annual passengers, to be completed by 2018. The ultimate plan would have six runways and two terminals, to accommodate 60 million passengers by mid-century. Given the huge cost of the airport, some form of privatization or public-private partnership arrangement is likely.

Finally, the Jamaican government is moving forward with a 30-year concession to modernize its second-largest airport, Norman Manley International, serving the capital city of Kingston. The privatization would follow the model used a decade ago to modernize Sangster International Airport in Montego Bay, the country's primary tourism airport. Submissions were due July 30th, with the goal of awarding the concession in 2015.

TSA DDI

1NC Shells

Terrorism DA

TSA is a key part of the US protection against terrorism – 9/11 happened b/c TSA didn't exist (fact, TSA was established November 19, 2001)

DHS (Department of Homeland Security), **6-29**-2015, "Preventing Terrorism and Enhancing Security," No Publication, http://www.dhs.gov/preventing-terrorism-and-enhancing-security

The Department of Homeland Security (DHS) and its many partners across the federal government, public and private sectors, and communities across the country and around the world have worked since 9/11 to build a new homeland security enterprise to better mitigate and defend against dynamic threats, minimize risks, and maximize the ability to respond and recover from attacks and disasters of all kinds. Together, these efforts have provided a strong foundation to protect communities from terrorism and other threats, while safeguarding the fundamental rights of all Americans. While threats persist, our nation is stronger than it was on 9/11, more prepared to confront evolving threats, and more resilient in the face of our continued challenges. Progress Made Since 9/11 Protecting the United States from terrorism is the founding mission of the Department of Homeland Security. While America is stronger and more resilient as a result of a strengthened homeland security enterprise, threats from terrorism persist and continue to evolve. Today's threats do not come from any one individual or group. They may originate in distant lands or local neighborhoods. They may be as simple as a home-made bomb or as sophisticated as a biological threat or coordinated cyber attack. More and more, state, local, and tribal law enforcement officers, as well as citizens, businesses, and communities are on the front lines of detection and prevention. Protecting the nation is a shared responsibility and everyone can contribute by staying informed and aware of the threats the country faces. Homeland security starts with hometown security—and we all have a role to play. Building the Homeland Security Enterprise Fusion Centers: DHS supports state and major urban area fusion centers through personnel, training, technical assistance, exercise support, security clearances, connectivity to federal systems, technology, and grant funding. Nationwide Suspicious Activity Reporting Initiative: An administration effort to train state and local law enforcement to recognize behaviors and indicators related to terrorism, crime and other threats; standardize how those observations are documented and analyzed; and enhance the sharing of those reports with law enforcement across the country. Grant Funding: Since fiscal year 2003, DHS has awarded more than $31 billion in preparedness grant funding based on risk to build and sustain targeted capabilities to prevent, protect against, respond to, and recover from threats or acts of terrorism. Preventing Terrorist Travel and Improving Passenger Screening Advance Passenger Information and Passenger Name Record Data: To identify high-risk travelers and facilitate legitimate travel, DHS requires airlines flying to the United States to provide Advance Passenger Information and Passenger Name Record (PNR) Data prior to departure. During 2008 and 2009, PNR helped the United States identify individuals with potential ties to terrorism in more than 3,000 cases, and in fiscal year 2010, approximately one quarter of those individuals denied entry to the United States for having ties to terrorism were initially identified through the analysis of PNR. Visa Security Program: Through the Visa Security Program (VSP), with concurrence from the Department of State, ICE deploys trained special agents overseas to high-risk visa activity posts in order to identify potential terrorist and criminal threats before they reach the United States. The VSP is currently deployed to 19 posts in 15 countries. Pre-Departure Vetting: DHS has strengthened its in-bound targeting operations to identify high-risk travelers who are likely to be inadmissible to the United States and to recommend to commercial carriers that those individuals not be permitted to board a commercial aircraft through its Pre-Departure program. Since 2010, CBP has identified over 2,800 passengers who would likely have been found inadmissible upon arrival to the United States. Secure Flight: Fulfilling a key 9/11 Commission recommendation, DHS fully implemented Secure Flight in 2010, in which TSA prescreens 100 percent of passengers on flights flying to, from, or within the United States against government watchlists before travelers receive their boarding passes. Prior to Secure Flight, airlines were responsible for checking passengers against watchlists. Through Secure Flight, TSA now vets over 14 million passengers weekly. Enhanced Explosives Screening: Prior to 9/11, limited federal security requirements existed for cargo or baggage screening. Today, TSA screens 100 percent of all checked and carry-on baggage for explosives. Through the Recovery Act and annual appropriations, TSA has accelerated the deployment of new technologies to detect the next generation of threats, including Advanced Imaging Technology units, Explosive Detection Systems, Explosives Trace Detection units, Advanced Technology X-Ray systems, and Bottled Liquid Scanners. Strengthening Surface Transportation Security Visible Intermodal Prevention and Response Teams: TSA has 25 multi-modal Visible Intermodal Prevention and Response (VIPR) Teams working in transportation sectors across the country to prevent or disrupt potential terrorist planning activities. Since the VIPR program was created in 2008, there have been over 17,700 operations performed. Baseline Surface Transportation Security Assessments: Since 2006, TSA has completed more than 190 Baseline Assessments for Security Enhancement for transit, which provides a comprehensive assessment of security programs in critical transit systems. Strengthening Global Supply Chain Security Air Cargo Screening: Fulfilling a requirement of the 9/11 Act, 100 percent of all cargo transported on passenger aircraft that depart U.S. airports is now screened commensurate with screening of passenger checked baggage and 100 percent of high risk cargo on international flights bound for the United States is screened. Container Security Initiative: The Container Security Initiative (CSI), currently operational in 58 foreign seaports in 32 countries, identifies and screens U.S.-bound maritime containers that pose a potential risk.

An airplane terror attack would cause a sudden recession – 9/11 proves

Nanto 05 (Dick K. Nanto, Specialist in Industry and Trade, "9/11 Terrorism: Global Economic Costs", 10/5/2005, CRS Report for Congress,

http://digital.library.unt.edu/ark:/67531/metacrs7725/m1/1/high_res_d/RS21937_2004Oct05.pdf, DJE)

Following the terrorist attacks, the already weak international economy was weakened further. The aftershocks of 9/11 were felt immediately in foreign equity markets, in tourism and travel, in consumer attitudes, and in temporary capital flight from the United States. Central banking authorities worldwide reacted by injecting liquidity into their financial systems. Still, the downturn in business conditions became more generalized and most of the world dropped into a synchronous recession — from 4.1% world economic growth in 2000 to 1.4% in 2001 (a growth rate of less than 2% for the world is considered to be recessionary). By late 2002, aggressive reflationary fiscal and monetary policy in the United States and a booming Chinese economy led the recovery. As shown in Figure 2, the 2001 recession turned into a weak economic recovery with world growth of 1.9% in 2002 and 2.7% in 2003 — still anemic when compared with the growth rate of 2.3% in 1998 during the worst of the Asian financial crisis. For 2004, the recovery picked up speed and its strength broadened with growth at 4%, even though by mid-2004, the world was hit with petroleum prices exceeding $40 per barrel of which $6 to $10 was a "security premium" caused primarily by instability and uncertainty in the Middle East. Still, in most markets, there appeared to be a general dissipation of geopolitical concerns and a steady decline in post-9/11 terrorism fears. How much did 9/11 bring down world growth rates? Prior to 9/11, a major econometric forecasting firm expected real GDP for the world (185 countries) to grow at 2.8% in 2001 and 3.1% in 2002. After 9/11, world GDP actually grew by 1.4% in 2001 and 1.9% in 2002. In the aftermath of 9/11, therefore, actual growth came in at approximately 1 percentage point below expectations. Not all of this, of course, can be attributed to 9/11, but a 1 percentage point decline in global GDP amounted to about $300 billion less in world production and income in 2002. Subsequent terrorist attacks also have affected economic growth abroad. An Australian study pointed out the negative macroeconomic consequences of terrorism for developing nations because of reduced trade, investments, and tourism. The 2002 Bali bombings reduced Indonesia's growth rate by an estimated 1 percentage point.

Economic decline causes war, multiple warrants and studies

Royal 10 (Jedediah, Director of Cooperative Threat Reduction at the U.S. Department of Defense, 2010, Economic Integration, Economic Signaling and the Problem of Economic Crises, in Economics of War and Peace: Economic, Legal and Political Perspectives, ed. Goldsmith and Brauer, p. 213-215)

Less intuitive is how **periods of economic decline may increase the likelihood of external conflict**. Political science literature has contributed a moderate degree of attention to the impact of economic decline and the security and defence behaviour of interdependent stales. Research in this vein has been considered at systemic, dyadic and national levels. Several notable contributions follow. First, on the systemic level. **Pollins** (20081 **advances Modclski and Thompson's** (1996) **work on leadership cycle theory, finding that rhythms in the global economy are associated with the rise and fall of a pre-eminent power and** the often **bloody transition** from one pre-eminent leader to the next. As such, **exogenous shocks such as economic crises could usher in a redistribution of relative power** (see also Gilpin. 19SJ) **that leads to uncertainty about power balances, increasing the risk of miscalculation** (Fcaron. 1995). Alternatively, **even a** relatively **certain redistribution of power could lead to a permissive environment for conflict as a rising power may seek to challenge a declining power** (Werner. 1999). Separately. **Pollins** (1996) also **shows that global economic cycles combined with parallel leadership cycles impact the likelihood of conflict among** major, medium and small **powers**, although he suggests that the causes and connections between global economic

conditions and security conditions remain unknown. Second, on a dyadic level. **Copeland's** (1996. 2000) **theory of trade expectations suggests that 'future expectation of trade' is a significant variable in understanding** economic conditions and **security behaviour of states**. He argues that **interdependent states are likely to gain pacific benefits** from trade so long **as they have an optimistic view of future trade relations**. However, **if the expectations of future trade decline**, particularly for difficult to replace items such as energy resources, **the likelihood for conflict increases**, as **states will be inclined to use force to gain access to** those **resources. Crises could potentially be the trigger** for decreased trade expectations either on its own or **because it triggers protectionist moves** by interdependent states.4 Third, others have considered the link between economic decline and external armed conflict at a national level. **Mom berg and Hess** (2002) **find a strong correlation between internal conflict and external conflict, particularly during** periods of economic **downturn**. They write. The linkage, between internal and external conflict and prosperity are strong and mutually reinforcing. **Economic conflict lends to spawn internal conflict, which** in turn **returns the favour**. Moreover, the **presence of a recession tends to amplify** the extent to which international and **external conflicts** self-reinforce each other (Hlomhen? & Hess. 2(102. p. X9> **Economic decline has also been linked with an increase in the likelihood of terrorism** (Blombcrg. Hess. & Wee ra pan a, 2004). **which has the capacity to** spill across borders and **lead to external tensions**. Furthermore, **crises** generally **reduce the popularity of a sitting government**. "Diversionary theory" suggests that, **when facing unpopularity arising from economic decline**, sitting **governments have increased incentives to fabricate external military conflicts to create a 'rally around the flag' effect.** Wang (1996), DcRoucn (1995), and Blombcrg. Hess, and Thacker (2006) find supporting evidence showing that **economic decline and use of force are** at least indirecti) **correlated**. Gelpi (1997). Miller (1999). and Kisangani and Pickering (2009) suggest that **Ihe tendency towards diversionary tactics arc greater for democratic** states than autocratic states, due to the fact that **democratic leaders are** generally **more susceptible to being removed from office** due to lack of domestic support. **DeRouen** (2000) has **provided evidence showing that periods of weak economic performance in the United States,** and thus weak Presidential popularity, **are** statistically **linked to an increase in the use of force**. In summary, recent economic scholarship positively correlates economic integration with an increase in the frequency of economic crises, whereas **political science scholarship links economic decline with external conflict** al systemic, dyadic and national levels.' This implied connection between integration, crises and armed conflict has not featured prominently in the economic-security debate and deserves more attention.

Politics DA

Despite TSA misconduct, Dems still strongly support airport security- plan costs Obama his political capital

Maya **Rhodan**, 11-22-**2010**, "Partisan Divide Greets New Report on Airport Screener Misconduct," TIME, http://swampland.time.com/2013/08/03/partisan-divide-greets-new-report-on-airport-screener-misconduct/

Federal airport security screeners were investigated for misconduct 9,622 times from 2010 to 2012, after an array incidents, from screeners falling asleep on the job to letting relatives go around screening lines to inappropriately touching airplane passengers. Depending on whom you ask on Capitol Hill, this is either an alarming crisis or an expected footnote for a huge workforce with an enormous task. “These findings are especially hard to stomach since so many Americans today are sick of being groped, interrogated, and treated like criminals when passing through checkpoints,” said Republican Rep. Jeff Duncan of South Carolina, at a hearing on the Transportation Security Agency July 31. “If ‘Integrity’ is truly a core value, then, TSA, prove it.” “TSA employee misconduct is

on the rise — and this is intolerable," Democratic Rep. Ron Barber said in a statement to TIME. "TSA's first and foremost responsibility is to ensure the safety and security of travelers in a professional manner — and it is simply unacceptable to allow a single bag or a single person go unscreened." Some Democrats at the hearing, however, sided with the TSA officers, who many said were not to be judged by the actions of a few "bad apples." Bennie Thompson, a ranking Democratic member of the committee, from Mississippi said, "The vast majority of TSOs are hardworking, dedicated, diligent federal employees." The TSA employs about 56,000 security personnel who work at 450 airports across the country. In a July 30 report, the Government Accountability Office found there has been a 26 percent increase in cases of misconduct over the past three years. According to the report, the majority of the cases fell under two categories of misconduct, "attendance and leave" and "screening and security." Unexcused absences, tardiness, and failure to follow leave procedure accounted for 32 %, or 3,117, of the total misconduct cases. Failure to follow screening procedure, bypassing screening, and sleeping on duty made up 20 percent, or 1,936 total cases according to the report. In one instance in the report, an officer was seen neglecting to stop the conveyor belt after every piece of luggage to review the x-ray images of what's inside; in another an officer left his or her security checkpoint to assist a family member with a bag, a bag the officer later walked through the security checkpoint without screening and handed to the relative. The bag was found to have contained prohibited items, though the items are not specified in the GAO report. In a statement, David Cox, the president of the American Federation of Government Employees, the union that represents the TSA, said the report has misrepresented the conduct of TSA employees. "TSA critics on Capitol Hill seize every opportunity to give the agency and its dedicated workforce a black eye, even when the facts to not support their arm-waving displays of false outrage," Cox said in a statement. "They want to drag us back, as a nation, to the pre-9/11 practice of using poorly trained, minimum wage rent-a-cops to protect the flying public from terrorists." The agency has also tried to defend itself, blaming a handful of bad apples. "Every time we have one knucklehead that decides he's going to do something bad it tarnishes the image of our organization, TSA Deputy Administrator John Halinski said at the hearing. "I have my people on the line 365 days of the year and they know if they fail someone can die." Nearly half of the reported cases of misconduct resulted in letters of reprimand that describe the conduct and why it is subject to disciplinary action. Thirty-one percent resulted in definite suspension, and 17% led to termination, according to the GAO. The rest were subject to a multitude of outcomes, including indefinite suspension. "I think this report shows something very positive," says Rick Mathews, the director of the National Center for Security and Preparedness at the University at Albany. "It shows that the TSA is looking for these things and when people are doing wrong they're being punished." "The frequency of these actions is so low that it more than likely dissuades bad people from even trying to breach security," he added.

Elections

Curtailing TSA surveillance goes against the will of the public – they like it

Reed 12 (Ted Reed, journalist who covers the airline industry, "Surprise Gallup Poll: People Think TSA Does A Good Job", 8/9/2012, http://www.forbes.com/sites/tedreed/2012/08/09/surprise-gallup-poll-people-think-tsa-does-a-good-job/, DJE)

Surprisingly, despite all of the negative Internet commentary and Congressional complaining about the Transportation Security Administration, the majority of U.S. travelers have a positive opinion of the agency. Not only that, but people who fly, and who are exposed to TSA screening, have an even more positive opinion than people who rarely or never fly. According to a Gallup poll released Wednesday, 54% of Americans think the TSA is doing either an excellent or a good job of handling security screening at airports. Moreover, among Americans who have flown at least once in the past year, 57% have an excellent or good opinion of the agency. As far as TSA effectiveness at preventing acts of terrorism on U.S. airplanes, 41% think the screening procedures are extremely or very effective. Another 44% think the procedures are somewhat effective. That number varies little for people who fly somewhat regularly and people who rarely or never fly. The poll was conducted with telephone interviews July 9th through July 12. Gallup interviewed 1,014 adults living in all 50 states and the District of Columbia. Interestingly, younger Americans "have significantly more positive opinions of the TSA than those who are older," Gallup said, noting that 67% of people between 18 and 29 rate the agency as excellent or good. This may be because young people fly more frequently, or it may be because that for young

people TSA screening, first implemented in 2001, has been part of their flying experience for the majority of their lives. Criticism of the TSA seems to come primarily from two sources. One is Internet sites, where reporting standards are generally not at the same level as newspapers, where reporters are taught to consider what is told to them with skepticism and to seek responses to charges. On Wednesday, some sites were repeating charges by a man who said that his wife was admitted to the emergency room for treatment after TSA agents at Fort Lauderdale-Hollywood International Airport harassed her and subjected her to closed door screening after metal in her bra set off an alarm. The man said his wife was subject to a brutal rape three years ago and is still recovering from the psychological impact. Without denigrating the man or his wife in any way, it is possible to say that the TSA is put into a difficult situation when such charges are posted with little or no fact checking by reporters. As for Congress, the House Homeland Security Committee's Transportation Security Subcommittee recently convened a hearing on the topic: "Breach of Trust: Addressing Misconduct Among TSA Screeners." According to About.com, "It didn't take (committee chairman) Rep. Mike Rogers (R-Alabama) long to set the tone for the day, saying in his opening statement: "Stealing from checked luggage; accepting bribes from drug smugglers; sleeping or drinking while on duty — this kind of criminal behavior and negligence has contributed significantly to TSA's shattered public image." Now there is a poll to show that in fact, TSA does not have actually have a bad public image. And here, it is worth mentioning that the public image of Congress is not so good, perhaps reflecting a tendency to be excessively critical of perceived enemies rather than to seek compromise and solve problems.

Neolib K

Even more specifically, passing the plan favors private contractors that would replace the TSA – this promotes neolib market competition

Dan **Tracy**, 9-23-**2014**, "Sanford International Airport to replace TSA with private security," OrlandoSentinel, http://www.orlandosentinel.com/travel/os-tsa-sanford-privatize-20140923-story.html

Sanford International Airport to get private security. TSA going out, private contractor coming in. Private guards will take over security at Orlando Sanford International Airport early next year — a move U.S. Rep. John Mica and airport Director Larry Dale predict will result in more passenger-friendly service and shorter lines. But even with privatization, the people staffing the security checkpoints in Sanford most likely will be the same ones who are doing it now for the federal Transportation Security Administration. The main difference is they will be reporting to Trinity Technology Group, the Manassas, Va., company that just won a $24 million, 60-month contract to check passengers before they catch their flights in Sanford. The roughly 200 TSA officers now working at Sanford must be offered the first shot at Trinity positions, according to federal law. And Trinity is required to offer roughly equivalent wages and benefits. Mica, a Republican from Winter Park, and Dale maintain that Trinity — and other private-security companies, for that matter — will save money by having fewer managers as well as having more flexibility in firing poor performers. "I just believe private industry can do better than the government," said Dale, who predicted Trinity guards will be more courteous and attentive to passengers, and its management will be more flexible in scheduling workers to reduce lines during peak travel times. TSA spokeswoman Sari Koshetz would not comment on criticisms by Dale and Mica, saying only that the agency had five complaints and dozens of compliments last year from the more than 1.8 million passengers who went through Sanford. The switch, which includes a four-month transition that starts Oct. 1, comes more than four years after Dale started pushing to replace TSA. TSA's pre-check screening program -- in effect at 118 U.S. airports -- aims for speedy processing of select passengers who have paid a fee, been fingerprinted and undergone a computer security check. Trinity already provides security at smaller airports, such as Sioux Falls, S.D.; Santa Rosa, Calif.; and Tupelo, Miss., among others. The Sanford airport handles nearly 2 million passengers annually. Although long lines at security have rarely been a problem in Sanford, Dale has often complained that TSA was difficult to deal with and overly bureaucratic. With the change, the TSA will continue to oversee security at Sanford airport, but Trinity will run the day-to-day operations. Just like TSA, the

Trinity employees will confirm tickets belong to the correct travelers, as well as check passengers for contraband, such as explosives, and run the scanning machines. Trinity officials would not comment Tuesday to the Orlando Sentinel. TSA officers who do not sign on with Trinity can apply for other government positions or retire, Koshetz said. With the changeover, 19 airports nationally now have private security; the largest are San Francisco International, Kansas City International and Greater Rochester International in New York. In Florida, Key West International Airport has a private force, and Sarasota Bradenton International Airport is moving toward one. The board of Orlando International Airport, which 35 million travelers passed through last year, has been considering a switch to private security for 18 months. A 10-member panel was supposed to make a recommendation last fall but has yet to vote on a suggestion for the board. Orlando International spokeswoman Carolyn Fennell said, "They are still evaluating the information they have gathered." At Orlando, TSA made several changes to decrease the lines passengers face at the checkpoints after the review was started. As a result, travelers move through security more quickly than in years past, according to TSA statistics. TSA usually screens 50,000 travelers and 38,000 checked bags daily at the airport. TSA was created after the terrorists attacks of 9-11. Private security previously worked at airports. Leading the charge against TSA has been Mica, who helped draft the legislation that created the agency. He has been pushing Orlando International to fire TSA, too, arguing it is bloated and top-heavy with management. Mica also was instrumental in passing a law almost two years ago that made it easier for airports to opt out of TSA. He said he was "pleased" that Sanford was going private and hopes other airports, including Orlando, follow.

Race Advantage

Utilitarianism is good for policy makers – leads to the most benefits over harms

Manuel **Velasquez**,, 8-1-**2014**, "Calculating Consequences: The Utilitarian Approach to Ethics," Markkula Center For Applied Ethic, http://www.scu.edu/ethics/practicing/decision/calculating.html

Calculating Consequences: The Utilitarian Approach to Ethics Developed by Manuel Velasquez, Claire Andre, Thomas Shanks, S.J., and Michael J. Meyer Imagine that the U.S. Central Intelligence Agency gets wind of a plot to set off a dirty bomb in a major American city. Agents capture a suspect who, they believe, has information about where the bomb is planted. Is it permissible for them to torture the suspect into revealing the bomb's whereabouts? Can the dignity of one individual be violated in order to save many others? Greatest Balance of Goods Over Harms If you answered yes, you were probably using a form of moral reasoning called "utilitarianism." Stripped down to its essentials, utilitarianism is a moral principle that holds that the morally right course of action in any situation is the one that produces the greatest balance of benefits over harms for everyone affected. So long as a course of action produces maximum benefits for everyone, utilitarianism does not care whether the benefits are produced by lies, manipulation, or coercion. Many of us use this type of moral reasoning frequently in our daily decisions. When asked to explain why we feel we have a moral duty to perform some action, we often point to the good that will come from the action or the harm it will prevent. Business analysts, legislators, and scientists weigh daily the resulting benefits and harms of policies when deciding, for example, whether to invest resources in a certain public project, whether to approve a new drug, or whether to ban a certain pesticide. Utilitarianism offers a relatively straightforward method for deciding the morally right course of action for any particular situation we may find ourselves in. To discover what we ought to do in any situation, we first identify the various courses of action that we could perform. Second, we determine all of the foreseeable benefits and harms that would result from each course of action for everyone affected by the action. And third, we choose the course of action that provides the greatest benefits after the costs have been taken into account. The principle of utilitarianism can be traced to the writings of Jeremy Bentham, who lived in England during the eighteenth and nineteenth centuries. Bentham, a legal reformer, sought an objective basis that would provide a publicly acceptable norm for determining what kinds of laws England should enact. He believed that the most promising way of reaching such an agreement was to choose that policy that would bring about the greatest net benefits to society once the harms had been taken into account. His motto, a familiar one now, was "the greatest good for the greatest number." Over the years, the principle of utilitarianism has been expanded and refined so that today there are many variations of the principle. For example, Bentham defined benefits and harms in terms of pleasure and pain. John Stuart Mill, a great 19th century utilitarian figure, spoke of benefits and harms not in terms of pleasure and pain alone but in terms of the quality or intensity of such pleasure and pain. Today utilitarians often describe benefits and harms in terms of the satisfaction of personal preferences or in purely economic terms of monetary benefits over monetary costs. Utilitarians also differ in their views about the kind of question we ought to ask ourselves when making an ethical decision. Some utilitarians maintain that in making an ethical decision, we must ask ourselves: "What effect will my doing this act in this situation have on the general balance of good over evil?" If lying would produce the best consequences in a particular situation, we ought to lie. Others, known as rule utilitarians, claim that we must choose that act that conforms to the general rule that would have

the best consequences. In other words, we must ask ourselves: "What effect would everyone's doing this kind of action have on the general balance of good over evil?" So, for example, the rule "to always tell the truth" in general promotes the good of everyone and therefore should always be followed, even if in a certain situation lying would produce the best consequences. Despite such differences among utilitarians, however, most hold to the general principle that morality must depend on balancing the beneficial and harmful consequences of our conduct. - See more at: http://www.scu.edu/ethics/practicing/decision/calculating.html#sthash.7QghnbgB.dpuf

TURN, stopping the NSA means an alternative which involves even more federal surveillance and racial profiling elsewhere – those with Muslim backgrounds would be detained more than others

Josh **Gerstein**, 11-24-20**10**, "Alternative to TSA pat-downs: More background checks," POLITICO, http://www.politico.com/news/stories/1110/45559.html

If Americans don't want the government touching their "junk" to improve air security, the alternative may well be greater scrutiny of passengers' travel histories and personal backgrounds, security experts say. The public backlash against the aggressive pat-downs the federal government rolled out this month could put more pressure on the government to introduce security measures previously rejected on privacy grounds, including in-depth interrogations of travelers at airports, government scrutiny of passengers' airline information, and even creation of a secure, standardized national ID card. "The question is, which kind of privacy do you want to have?" said Stewart Baker, a top Department of Homeland Security official during the Bush administration. "This has been a pretty searing experience for DHS. Obviously, we're not going to do more in this area [of physical checks] and it would be welcome if we could do less….The alternative is to look for terrorists in advance." That approach to security, Baker said, calls for singling out suspicious passengers and subjecting them to intense questioning. "We're going to gather information about people we're going to encounter hours before they arrive. We'll compare names and travel partners to lists of people, not just no-fly lists, but anyone who's suspect one way or another," Baker said. "One hundred and ninety-nine people spend 30 seconds in primary [screening] getting an ID check and moved on, but one person in 200 gets an hour of screening, reviewing their personal effects, and an interrogation that's very free ranging." This kind of system might do away with some of the more jarring images at airport security checkpoints – uniformed Transportation Security Administration officers thoroughly frisking nuns and young children. "Grandma from Dubuque is probably not going to get identified as a risk," Baker said. "She spends 30 seconds and gets waved through." "With a little more information on all passengers, and more careful screening of those who raise red flags, the TSA shakedown of pregnant women, small children and nuns in habit could be made less necessary, or at least less intrusive," Shannen Coffin, a former legal counsel to Vice President Dick Cheney, wrote at National Review Online. While there have been complaints about other TSA security rules, including a requirement to remove shoes and strict limits on liquids and gels in carry-on luggage, no TSA procedure has generated as much blowback as the newly adopted procedures, including high-tech body scanners that can penetrate clothing and searches some passengers have compared to sexual molestation. The use of the scanners, which produce detailed images, produced some protest from privacy advocates and Muslim groups who object on modesty grounds. But those protests didn't receive as much attention as the more assertive pat-downs. Fran Townsend, who was one of Bush's security advisers, said the American psyche and culture views the laying on of hands by anyone in authority as far more serious invasion of privacy than investigating a passenger's background, submitting him or her to X-rays or searching their belongings. "We associate in this country, because of our Constitution, the physical touching of people by government or law enforcement as a thing we do only to criminals," Townsend said. "All of sudden grandma goes through and she's getting groped. She's resentful because it's not what she thinks of as her country…I think Americans want to be supportive of counterterror measures but they need to be persuaded that what is being asked of them is fair, reasonable and effective." Gauging public reaction to the pat-downs and body-scans has been tricky: An ABC News/Washington Post poll out Monday found roughly a 50-50 split on whether the pat-downs were a good idea, with about two-thirds supporting use of the body scanners. A USA Today/Gallup poll of Americans who travel at least twice a year found 71 percent thought use of the combined technology was "worth it," but 57 percent said they were either angry or bothered by the new pat-downs. The Obama administration's decision not to publicize the new pat-downs in advance may also have hurt support for the technology. Gallup found travelers nearly evenly split, 48 percent to 47 percent, on whether pat-downs would or would not help find potential terrorists like the Nigerian who allegedly boarded a Detroit-bound jetliner last Christmas Day and tried to detonate explosives hidden in his underwear. Some don't like to be touched, but others are troubled by the idea of a security officer in a separate room examining an image of their body. Others don't mind those intrusions, but draw the line at authorities scrutinizing their travel history, travel partners or interrogating them about where they're going and why. In 2003, privacy advocates, fearing "big brother" intrusions, convinced Congress to block TSA access to itineraries and related information on domestic air travelers, though the government does review information for international

flights. A new version of the domestic program gives TSA more limited information, including the names, birth dates and gender information of passengers. One terrorism expert said the public reaction to the new pat-downs is not surprising, but privacy advocates cannot fairly object to every technique that could be used to improve air security. "If you walk up to somebody in your office and do [a pat-down], you will be arrested. There's something peculiar about lots of people lining up to be sexually assaulted," noted Ben Wittes of the Brookings Institution. However, "you can't take the position that there should be no profiling, no intrusive searches, and it's ridiculous to treat old ladies the same as young men. Those three ideas will not go together," Wittes said. "At some point, you have to make honest choices about what kind of intrusions you're more or less worried about, or you have to be open and honest about saying, 'I'm willing to lose this number of airplanes a year.'…This does have a quality about it of people flatly refusing to make serious choices." Wittes also said the overall judgment on what privacy invasions are acceptable have to be made by society and not individual travelers. Otherwise, terrorists will "choose the one most conducive to they're getting through," he said. Chris Calabrese of the American Civil Liberties Union said his group supports traditional police work to keep planes safe. "What we've never said no to is focusing on individual criminals and individual dangers, going back to good old-fashioned law-enforcement techniques to arrest [suspects] before they even get to the airport," he said. The ACLU and other groups objected to the collection of airline itinerary information because it amounted to assembling a vast database on lawful unthreatening travelers in what would likely be an unsuccessful effort to find a few suspected terrorists intent on doing harm. "A lot of our concern was around mass surveillance – this idea that if you collect all this information on everybody and apply some computer algorithm to it, data mine it, and suddenly signs of a terrorist are going to pop out," Calabrese said. "There's no science to back that up." He added that grand jury subpoenas are available to seek itinerary data on suspects in legitimate criminal investigations. The ACLU, which had for decades opposed all airport security checkpoints as unconstitutional suspicionless searches, dropped that stance after September 11, Calabrese said. The new battle over pat-downs and scans has allied some conservatives and civil libertarians – up to a point. "The federal fondling is an unconstitutional search and seizure…. We have lost a level of our freedom in order to retain a level of our freedom and that ought to outrage every American whether you fly on an airplane or not," former Gov. Mike Huckabee (R-Ark.) told Fox News Tuesday. "Do we really think that we're going to be safer because a 5-year-old boy has his genitals looked at?" However, conservatives are again calling for profiling as an alternative to the enhanced checks. "What we've got to do, whether we like it or not, is to discern who is likely to be a person with an intent," Huckabee said. "We'd profile everybody but we would quit selling or buying machines." But Calabrese and others warn that an identity-based system that relies on racial or religious profiles would be ineffective and violate travelers' rights. "Terrorists are smart," he said. "They identify and work around the profiling,". Moving to a system that looks more at travelers' backgrounds and less at what they may be wearing or carrying would also require another important change: greater certainty that a passenger actually is whom he or she claims to be. Baker noted that Congress's effort to move to a more secure system based on state-issued driver's licenses, Real ID, was repeatedly rolled back by Congress and the Bush and Obama administrations. "As long as it's possible to get a fake driver's license, an identity-based security system doesn't work," he said.

The TSA would just be replaced with private security which insulates the government from accountability

Thompson 10 (Mark Thompson, writer, "Profiling, Political Correctness, and Airport Security", 11/29/2010, Ordinary Times, http://ordinary-gentlemen.com/blog/2010/11/29/profiling-political-correctness-and-airport-security/, DJE)

I must take issue with Erik's recent post on airport security in which he argued for abolishing the TSA, replacing it with privatized airport security, and adopting an Israeli "profiling" approach to airport security. With regards to Erik's points regarding privatization, I must say that I largely agree with mistermix's response at Balloon Juice. Erik capably answers a number of those objections in a follow-up post here, although I think he still falls short, particularly since he seems to acknowledge that privatized security firms would still primarily be contractors of the airports, which are typically government or quasi-government entities unto themselves (and which, due to their nature, are typically even more immune to democratic accountability than other government entities). That fact is, I think, fatal to his argument since under his proposed regime, the ultimate "customer" of the contractors is a government entity rather than travellers and taxpayers. One of these contractors' primary functions would thus be to further insulate the hiring government entity from accountability. This goes to one of my longtime hobby horses: the benefits of the private sector are destroyed when (typically due to some form of government intervention) the customer and the consumer are two distinctly different entities. But I wanted to focus more on Erik's argument for Israeli-style profiling, which he suggests is unrealistic in the US because

"political correctness will not protect us from being groped, but it will protect us from being profiled.." My issue is not so much with the concept of Israeli-style profiling as it is with the concept that political correctness is the primary obstacle to its implementation, which suggests race, ethnicity, or religion should be a major factor in a profiling regime. Erik has quite rightly gotten some pushback against the notion of profiling based on such factors; as Greg Sargent has correctly noted, such sentiments mean that "it's not really accurate to say that the new conservative anthem is 'don't touch my junk.' It's more like, 'touch his junk.' That doesn't seem very libertarian."

Three alt causes to racial profiling

1. Muslim profiling

Madiha **Shahabuddin**. **2/16**/2015. "The More Muslim You Are, the More Trouble You Can Be": 1 How Government Surveillance of Muslim Americans2 Violates First Amendment Rights." http://www.chapmanlawreview.com/wp-content/uploads/2014/09/Shahabuddin.pdf (really long book analysis).

And in July 2014, it was revealed that the U.S. National Security Agency (NSA) had—at the minimum—spied on five "politically active" Muslim American leaders, including a past Bush administration official, a successful attorney, a Rutgers professor, a former California State University professor, and an executive director of the Council on American-Islamic Relations (CAIR).46 At the root of these investigations is the tool of profiling, which allows the NYPD, FBI, or other governmental entity to target certain groups of individuals solely based upon their religious affiliation and pursue an almost carte blanche "fishing expedition" for evidence condemning the targeted Muslim of some link to terrorist activity.47 Justification for this treatment of Muslim American communities has come from the idea that the post-9/11 era calls for "urgent" action to thwart mass destruction that can come from a potential terror attack, and therefore—as the argument goes—constitutional infringements like this are a "small price to pay for [America's] safety." 48

2. Mosque surveillance

Center for Constitutional Rights, 7-7-20**14**, "Suspicionless Surveillance of Muslim Communities and the Increased Use and Abuse of Muslim Informants" Center for Constitutional Rights, http://www.ccrjustice.org/sites/default/files/assets/files/CCR_CERD_ShadowReport_Surveillance-20140708.pdf. Page 3.

Since 9/11, the Federal Bureau of Investigation (FBI) has greatly expanded the use of informants who, at the FBI's behest, infiltrate communities and spy on the activities of millions of law-abiding Americans. In 2008, the FBI disclosed that it had 15,000 informants on its payroll, the most the agency has ever had in history.13 The FBI has targeted Arab, Muslim, and South Asian communities for surveillance and investigation by informants.14 A vast number of the FBI's informants are recruited to infiltrate mosques, businesses, and organizations within those communities and to report back on the activities of innocent individuals.15 The FBI frequently asks informants to monitor activities within the community without any reasonable suspicion that there is criminal activity afoot – a practice that is sanctioned by FBI guidelines.16 The FBI aggressively targets men of Arab, Muslim, and South Asian descent and attempts to get them to become informants against their own communities. Although a spokesperson for the FBI has stated that its agents are prohibited from using threats or coercion to recruit informants, 17 the

Attorney General's guidelines regarding the use of confidential informants do not explicitly ban this practice.18 Many individuals have publicly recounted how FBI agents threatened them with baseless terrorism charges or deportation in an attempt to coerce them into becoming informants, or have brought charges against them in retaliation for their refusal to work as informants.19 Organizations that engage in outreach and provide legal services to individuals within Arab, Muslim, and South Asian communities have also reported to us that the FBI's practice of using intimidation tactics to recruit informants among Muslim men is widespread.

3. War on terror overseas

Zia **Ahmad**, 10-1-**2014**, "War on terror overseas leading to widespread Islamophobia at home," Australasian Muslim Times, http://www.amust.com.au/2014/10/war-on-terror-overseas-leading-to-widespread-islamophobia-at-home/

War on terror overseas leading to widespread Islamophobia at home. With the so called war on terror ramping up in the Middle East, and in the wake of the widespread police raids on Muslim homes in Sydney and Brisbane last month and in Melbourne this week, community tensions seem to be on the boil. Community leaders have warned that the alarming headlines and beat up stories in the media and vilification of Muslims by radio shock jocks and on social media is creating an atmosphere of fear and hatred in the Australian society that may lead to violence and rioting on our suburban streets. There have been a number of Islamophobic attacks directed specially on Muslim women who are easily identifiable with their Islamic dress code. Since the launching of the Islamophobia Register Australia, a large number of reports have been received ranging from verbal abuse, to threats and attacks oIDL threat imagen property as well as assaults on persons. An anonymous threat letter was issued purportedly by Australian Defence League threatening the bombing of the Lakemba Mosque, the Auburn Mosque and the Grand Mufti of Australia. Since the incident of stabbing of two Victorian police officers and death of the assailant, Victorian police have revealed a rise in unreported attacks on Muslim women. The NSW Police Force has urged the community to report all attacks, no matter how minor or trivial, to the police and has warned that it will not tolerate targeting of individuals on identifiable characteristics including race, religion, ethnicity etc. On 25 September a 21 year old man was arrested and charged after walking into Al-Faisal College in Minto armed with a knife asking if it was a "Muslim School." On 26 September a 66 year old man was arrested in Logan, South of Brisbane and charged for verbally assaulting a Muslim women wearing a niqab telling her "you are a Muslim, go back to your country." To date there are three reports of Mosques being vandalised in Queensland, the Mareeba Mosque spray painted with anti-Muslim slogans, Logan Mosque in Kingston dumped with anti-Muslim flyers and Holland Park Mosque in Brisbane dumped with a dead pig head. There have been attacks on mistaken identity as well. On 25 September, a young man with a beard, not a Muslim, was allegedly abused and threatened with beheading by a carload of Anti-Muslim teens at traffic lights on a Gold Coast Street. There have also been reports of false attacks. A 41 year old naval officer claimed last week that he was assaulted by two Middle Eastern men outside his Bella Visa home, but the police deemed the report to be false. Islamophobia Register Australia has been launched to help capture all incidents of Islamophobia and anti-Muslim sentiments in Australia. Submit a report (all information submitted will be kept strictly confidential) via the Islamic Register Australia Facebook page by sending a private message: www.fb.com/islamophobiaregisteraustralia or email islamophobiaregister@gmail.com . The register classifies Islamophobia incidents into the following groups: Assaults or attacks on persons of Muslim background. Attacks on Muslim property or institutions. Verbal abuse and hate speech/social media abuse. Unwarranted harassment or interrogation at airports by authorities. Any form of discrimination in a public or private environment.

Trans Advantage

TSA changes are an improvement for transgendered travelers

Ford 13 (Zack Ford, editor of ThinkProgress LGBT at the Center for American Progress Action Fund, "Victory For Transgender Privacy: TSA Abandons 'Nude' Body Scanners", 1/18/2015, Think Progress, http://thinkprogress.org/lgbt/2013/01/18/1471481/victory-for-transgender-privacy-tsa-abandons-nude-body-scanners/, DJE)

In what is an important victory for the transgender community, the U.S. Transportation Security Administration has announced it will remove all body scanners that show nearly nude images from airports. The TSA had already removed 76 of the machines and will now remove the remaining 174, though they may still be used in other government offices where privacy is not a concern like it is in airports. Congress had set a deadline for OSI Systems to develop software for

the scanners to produce generic passenger images instead of the the nearly nude images, but the company was unable to meet the timeline. Scanners produced by other companies that have managed to adjust the software will continue to be used. The invasion of privacy caused by the machine was particularly invasive for transgender people, who were considered suspicious if their genitalia did not match their presentation. Even the software change utilized by the remaining body scanners, which are manufactured by L-3, use "blue" and "pink" indicators for gender that can still cause confusion (and thus concern) for trans passengers. As a result, they can be disproportionately selected for invasive pat downs. The TSA is planning to expand its PreCheck program, in which passengers share more personal data before arriving at the airport but can then go through metal detectors instead of body scanners.

The aff does nothing against surveillance at border checkpoints. This is an alt cause – their evidence

Redden 13

Stephanie M., Carleton University, Canada and London School of Economics and Political Science, UK, 6-1-2013, "The End Of The Line Feminist Understandings Of Resistance To Full-Body Scanning Technology," International Feminist Journal Of Politics Issn: 1461-6742 Date: 06/2013 Volume: 15 Issue: 2 Page: 234-253 //MV

Magnet and Rodgers (2011: 1; see also Johnson 2006: 6) also make clear that it is essential to consider how this technology not only differently affects women, but also how other 'marginalized subjects' are affected. They note that: ... transgender individuals, people with disabilities, and those with particular religious affiliations are rendered newly or differently legible. As such, their application to airport security generates new implications for who are allowed to move through, and who are afforded justice within, contemporary cultural and transnational spaces. (Magnet and Rodgers 2011: 7) This differentiated legibility of bodies is **nowhere more visible** than in the interactions between gender and identity at border security points. As Currah and Mulqueen (2011: 559) have recently highlighted, the classification of individuals by the State according to gender metrics produces less certainty for queer, transgender and other bodies whose realities do not map onto the State's dichotomous understandings of gender, as 'securitizing gender does not necessarily secure identity, and may indeed destabilize it'. The intense gender-based interrogations and pat downs that these individuals often undergo as their bodies are seen as threatening suggest the deeply problematic and essentializing nature of full-body scanner technologies and other security practices, whereby a clear gender marker is understood to be a sign of positive identification. Shepherd and Sjoberg (2012: 15) importantly argue that 'both the introduction of WBI scanners in airports and the ways in which this technology has been linked to trans- bodies are forms of discursive violence'. They explain that with the use of these scanners: the visibility of trans- bodies has become both pronounced and contested, arguing that this is in itself a form of discursive violence and, further, that such strategies are productive of cisprivilege, which functions to position trans- bodies as different, deviant and dangerous and simultaneously as vulnerable and in need of protection. (Shepherd and Sjoberg 2012: 13)

Even after the plan, the largest alt cause to transphobia still remains – religion

Cruz 15 (Eliel Cruz, writer on religious topics, "The church's devaluation of trans lives is violence", 4/7/2015, Religion News Service,http://elielcruz.religionnews.com/2015/04/07/churchs-devaluation-trans-lives-violence/, DJE)

Some Christians' talk on the transgender community has been nothing short of ugly. Everyone's favorite Pope has likened the trans community to nuclear weapons. The Bible Research Institute of the Seventh-day Adventist Church called trans identities a "sophisticated form of homosexuality." And Southern Baptists have chimed in with "stern but necessary critique" on "trangenderism." These remarks only serve to dehumanize the trans community and fear monger Christians into mobilizing against them. The majority of the disagreements are against proper pronoun and restroom usage. (It seems to the extent that LGB individuals are seen as sex acts, trans persons are seen as genitals.) But while Christians have been busy debating on whether or not trans persons should be allowed to gender appropriate restrooms, trans people have been dying. A staggering nine trans persons (most of them trans women of color) have been murdered in the United States and Canada just in 2015. Those are just the ones recorded, as many trans individuals get misgendered (wrongly ID'd as the sex assigned at birth) and many more go unreported. Then there are suicides. 41% of trans adults say they've attempted suicide in their lifetime, according to a study by the Williams Institute. Also, 57% of trans youth have reported to have attempted suicide when coming from rejecting families. Many report high levels of depression and other mental health issues. The stress of gender dysphoria (having dissociation with your body) is only increased when having to deal with workplace and societal discrimination and harassment. This harassment is rooted in the dehumanization and devaluing of trans lives. Christians need to end, not add to, this ugly story, a narrative that goes against the Jesus Story. Perhaps one of the most perplexing things Jesus did while on earth was continually surround Himself with those society marginalized. Every person is created in the image of God and as such should be revered as a creation of our almighty God. Undoubtedly, given His track record, Jesus would welcome in trans persons — He would house them, feed them, wash their feet. How can we defend our anti-trans actions when looking at the Jesus story? Just last month, a debate over bathrooms in North Carolina reached embarrassing heights. Reverend Flip Benham and a group of "Christians" stood outside a women's restroom attempting to deny entrance to trans women, Raw Story reported. The uproar was over a nondiscrimination ordinance North Carolina proposed, and eventually voted against, that would have allowed transgender people to use gender appropriate restrooms. During the protests, Benham called one 17 year old trans girl "a pervert and a punk" when she attempted to use the restroom. How is this reflective of the Gospel? What this shows to the rest of the world is how completely out of depth many Christians are with gender and sexuality conversations. This bathroom panic is completely unfounded. Experts have thoroughly debunked the biggest myths perpetuated about the trans community — including that non trans people are in danger with trans persons when using the same restroom. There has been not been a single reported case of that happening. In contrast, there have been countless cases of harassment of trans persons for using the restroom. So, when Christians demean trans people, prohibiting them from basic rights, they are actively contributing to the harassment trans people face. It's cause and effect. If we truly cared about the danger the trans community faces, we wouldn't be dehumanizing them. Instead, we would act like Jesus and invite trans people in. We would educate ourselves to the issues surrounding the trans community, and actively work to end disparities such as trans violence and homelessness. As it stands, we Christians have not been known to speak out. We have been known as those who have stayed silent to the violence and dehumanization trans people face. We've rallied a mob and have harassed and shunned children made in the image of God. And as a result, trans people have died. We must step up for our trans brothers and sisters. They can't wait any longer.

The aff's criticism of the TSA fails to understand workers as humans and replicates the same injury that they criticize

Buchanan 10 (Matt Buchanan, columnist, "How TSA Agents Really Feel About Touching Your Balls", 11/22/2010, Gizmodo, http://gizmodo.com/5696210/how-tsa-agents-really-feel-about-groping-you, DJE)

Burning hatred for the TSA is easy populism. And they keep making it easier. But how do the men and women of the TSA really feel about what they have to do? Seventeen of them speak their mind. Here's a few of the comments agents told Flying With Fish. One says: "It is not comfortable to come to work knowing full well that my hands will be feeling another man's private parts, their butt, their inner thigh. Even worse is having to try and feel inside the flab rolls of obese passengers and we seem to get a lot of obese passengers!" And another, from a veteran now working at the TSA: "I served a tour in Afghanistan followed by a tour in Iraq. I have been hardened by war and in the past week I am slowly being broken by the constant diatribe of hateful comments being lobbed at me. While many just see a uniform with gloves feeling them for concealed items I am a person, I am a person who has feelings. I am a person who has served this country. I am a person who wants to continue serving his country. The constant run of hateful comments while I perform my job will break me down faster and harder than anything I encountered while in combat in the Army." There's far more over at Flying With Flsh, but it's something to keep in mind this week while traveling—while you totally have the right to be angry about security theater, you don't have to be a prick about to the people just doing their jobs, either. [Flying With Fish via BoingBoing]

Case Backlines

Race Advantage

The TSA would just be replaced with private security and insulate the government from accountability

Thompson 10 (Mark Thompson, writer, "Profiling, Political Correctness, and Airport Security", 11/29/2010, Ordinary Times, http://ordinary-gentlemen.com/blog/2010/11/29/profiling-political-correctness-and-airport-security/, DJE)

I must take issue with Erik's recent post on airport security in which he argued for abolishing the TSA, replacing it with privatized airport security, and adopting an Israeli "profiling" approach to airport security. With regards to Erik's points regarding privatization, I must say that I largely agree with mistermix's response at Balloon Juice. Erik capably answers a number of those objections in a follow-up post here, although I think he still falls short, particularly since he seems to acknowledge that privatized security firms would still primarily be contractors of the airports, which are typically government or quasi-government entities unto themselves (and which, due to their nature, are typically even more immune to democratic accountability than other government entities). That fact is, I think, fatal to his argument since under his proposed regime, the ultimate "customer" of the contractors is a government entity rather than travellers and taxpayers. One of these contractors' primary functions would thus be to further insulate the hiring government entity from accountability. This goes to one of my longtime hobby horses: the benefits of the private sector are destroyed when (typically due to some form of government intervention) the customer and the consumer are two distinctly different entities. But I wanted to focus more on Erik's argument for Israeli-style profiling, which he suggests is unrealistic in the US because "political correctness will not protect us from being groped, but it will protect us from being profiled.." My issue is not so much with the concept of Israeli-style profiling as it is with the concept that political correctness is the primary obstacle to its implementation, which suggests race, ethnicity, or religion should be a major factor in a profiling regime. Erik has quite rightly gotten some pushback against the notion of profiling based on such factors; as Greg Sargent has correctly noted, such sentiments mean that "it's not really accurate to say that the new conservative anthem is 'don't touch my junk.' It's more like, 'touch his junk.' That doesn't seem very libertarian."

Utilitarianism is good for policy makers – leads to the most benefits over harms

Manuel **Velasquez**,, 8-1-**2014**, "Calculating Consequences: The Utilitarian Approach to Ethics," Markkula Center For Applied Ethic, http://www.scu.edu/ethics/practicing/decision/calculating.html

Calculating Consequences: The Utilitarian Approach to Ethics Developed by Manuel Velasquez, Claire Andre, Thomas Shanks, S.J., and Michael J. Meyer Imagine that the U.S. Central Intelligence Agency gets wind of a plot to set off a dirty bomb in a major American city. Agents capture a suspect who, they believe, has information about where the bomb is planted. Is it permissible for them to torture the suspect into revealing the bomb's whereabouts? Can the dignity of one individual be violated in order to save many others? Greatest Balance of Goods Over Harms If you answered yes, you were probably using a form of moral reasoning called "utilitarianism." Stripped down to its essentials, utilitarianism is a moral principle that holds that the morally right course of action in any situation is the one that produces the greatest balance of benefits over harms for everyone affected. So long as a course of action produces maximum benefits for everyone, utilitarianism does not care whether the benefits are produced by lies, manipulation, or coercion. Many of us use this type of moral reasoning

frequently in our daily decisions. When asked to explain why we feel we have a moral duty to perform some action, we often point to the good that will come from the action or the harm it will prevent. Business analysts, legislators, and scientists weigh daily the resulting benefits and harms of policies when deciding, for example, whether to invest resources in a certain public project, whether to approve a new drug, or whether to ban a certain pesticide. Utilitarianism offers a relatively straightforward method for deciding the morally right course of action for any particular situation we may find ourselves in. To discover what we ought to do in any situation, we first identify the various courses of action that we could perform. Second, we determine all of the foreseeable benefits and harms that would result from each course of action for everyone affected by the action. And third, we choose the course of action that provides the greatest benefits after the costs have been taken into account. The principle of utilitarianism can be traced to the writings of Jeremy Bentham, who lived in England during the eighteenth and nineteenth centuries. Bentham, a legal reformer, sought an objective basis that would provide a publicly acceptable norm for determining what kinds of laws England should enact. He believed that the most promising way of reaching such an agreement was to choose that policy that would bring about the greatest net benefits to society once the harms had been taken into account. His motto, a familiar one now, was "the greatest good for the greatest number." Over the years, the principle of utilitarianism has been expanded and refined so that today there are many variations of the principle. For example, Bentham defined benefits and harms in terms of pleasure and pain. John Stuart Mill, a great 19th century utilitarian figure, spoke of benefits and harms not in terms of pleasure and pain alone but in terms of the quality or intensity of such pleasure and pain. Today utilitarians often describe benefits and harms in terms of the satisfaction of personal preferences or in purely economic terms of monetary benefits over monetary costs. Utilitarians also differ in their views about the kind of question we ought to ask ourselves when making an ethical decision. Some utilitarians maintain that in making an ethical decision, we must ask ourselves: "What effect will my doing this act in this situation have on the general balance of good over evil?" If lying would produce the best consequences in a particular situation, we ought to lie. Others, known as rule utilitarians, claim that we must choose that act that conforms to the general rule that would have the best consequences. In other words, we must ask ourselves: "What effect would everyone's doing this kind of action have on the general balance of good over evil?" So, for example, the rule "to always tell the truth" in general promotes the good of everyone and therefore should always be followed, even if in a certain situation lying would produce the best consequences. Despite such differences among utilitarians, however, most hold to the general principle that morality must depend on balancing the beneficial and harmful consequences of our conduct. - See more at: http://www.scu.edu/ethics/practicing/decision/calculating.html#sthash.7QghnbgB.dpuf

3 Alt Causes to profiling

1. Muslim profiling

Madiha **Shahabuddin**. **2/16**/2015. "The More Muslim You Are, the More Trouble You Can Be": 1 How Government Surveillance of Muslim Americans2 Violates First Amendment Rights." http://www.chapmanlawreview.com/wp-content/uploads/2014/09/Shahabuddin.pdf (really long book analysis).

And in July 2014, it was revealed that the U.S. National Security Agency (NSA) had—at the minimum—spied on five "politically active" Muslim American leaders, including a past Bush administration official, a successful attorney, a Rutgers professor, a former California State University professor, and an executive director of the Council on American-Islamic Relations (CAIR).46 At the root of these investigations is the tool of profiling, which allows the NYPD, FBI, or other governmental entity to target certain groups of individuals solely based upon their religious affiliation and pursue an almost carte blanche "fishing expedition" for evidence condemning the targeted Muslim of some link to terrorist activity.47 Justification for this treatment of Muslim American communities has come from the idea that the post-9/11 era calls for "urgent" action to thwart mass destruction that can come from a potential terror attack, and therefore—as the argument goes—constitutional infringements like this are a "small price to pay for [America's] safety." 48

2. Mosque surveillance

Center for Constitutional Rights, 7-7-20**14**, "Suspicionless Surveillance of Muslim Communities and the Increased Use and Abuse of Muslim Informants" Center for Constitutional Rights,

http://www.ccrjustice.org/sites/default/files/assets/files/CCR_CERD_ShadowReport_Surveillance-20140708.pdf. Page 3.

Since 9/11, the Federal Bureau of Investigation (FBI) has greatly expanded the use of informants who, at the FBI's behest, infiltrate communities and spy on the activities of millions of law-abiding Americans. In 2008, the FBI disclosed that it had 15,000 informants on its payroll, the most the agency has ever had in history.13 The FBI has targeted Arab, Muslim, and South Asian communities for surveillance and investigation by informants.14 A vast number of the FBI's informants are recruited to infiltrate mosques, businesses, and organizations within those communities and to report back on the activities of innocent individuals.15 The FBI frequently asks informants to monitor activities within the community without any reasonable suspicion that there is criminal activity afoot – a practice that is sanctioned by FBI guidelines.16 The FBI aggressively targets men of Arab, Muslim, and South Asian descent and attempts to get them to become informants against their own communities. Although a spokesperson for the FBI has stated that its agents are prohibited from using threats or coercion to recruit informants, 17 the Attorney General's guidelines regarding the use of confidential informants do not explicitly ban this practice.18 Many individuals have publicly recounted how FBI agents threatened them with baseless terrorism charges or deportation in an attempt to coerce them into becoming informants, or have brought charges against them in retaliation for their refusal to work as informants.19 Organizations that engage in outreach and provide legal services to individuals within Arab, Muslim, and South Asian communities have also reported to us that the FBI's practice of using intimidation tactics to recruit informants among Muslim men is widespread.

1. War on terror overseas

Zia **Ahmad**, 10-1-**2014**, "War on terror overseas leading to widespread Islamophobia at home," Australasian Muslim Times, http://www.amust.com.au/2014/10/war-on-terror-overseas-leading-to-widespread-islamophobia-at-home/

War on terror overseas leading to widespread Islamophobia at home. With the so called war on terror ramping up in the Middle East, and in the wake of the widespread police raids on Muslim homes in Sydney and Brisbane last month and in Melbourne this week, community tensions seem to be on the boil. Community leaders have warned that the alarming headlines and beat up stories in the media and vilification of Muslims by radio shock jocks and on social media is creating an atmosphere of fear and hatred in the Australian society that may lead to violence and rioting on our suburban streets. There have been a number of Islamophobic attacks directed specially on Muslim women who are easily identifiable with their Islamic dress code. Since the launching of the Islamophobia Register Australia, a large number of reports have been received ranging from verbal abuse, to threats and attacks oIDL threat imagen property as well as assaults on persons. An anonymous threat letter was issued purportedly by Australian Defence League threatening the bombing of the Lakemba Mosque, the Auburn Mosque and the Grand Mufti of Australia. Since the incident of stabbing of two Victorian police officers and death of the assailant, Victorian police have revealed a rise in unreported attacks on Muslim women. The NSW Police Force has urged the community to report all attacks, no matter how minor or trivial, to the police and has warned that it will not tolerate targeting of individuals on identifiable characteristics including race, religion, ethnicity etc. On 25 September a 21 year old man was arrested and charged after walking into Al-Faisal College in Minto armed with a knife asking if it was a "Muslim School." On 26 September a 66 year old man was arrested in Logan, South of Brisbane and charged for verbally assaulting a Muslim women wearing a niqab telling her "you are a Muslim, go back to your country." To date there are three reports of Mosques being vandalised in Queensland, the Mareeba Mosque spray painted with anti-Muslim slogans, Logan Mosque in Kingston dumped with anti-Muslim flyers and Holland Park Mosque in Brisbane dumped with a dead pig head. There have been attacks on mistaken identity as well. On 25 September, a young man with a beard, not a Muslim, was allegedly abused and threatened with beheading by a carload of Anti-Muslim teens at traffic lights on a Gold Coast Street. There have also been reports of false attacks. A 41 year old naval officer claimed last week that he was assaulted by two Middle Eastern men outside his Bella Visa home, but the police deemed the report to be false. Islamophobia Register Australia has been launched to help capture all incidents of Islamophobia and anti-Muslim sentiments in Australia. Submit a report (all information submitted will be kept strictly confidential) via the Islamic Register Australia Facebook page by sending a private message: www.fb.com/islamophobiaregisteraustralia or email islamophobiaregister@gmail.com . The register classifies Islamophobia incidents into the following groups: Assaults or attacks on persons of Muslim background. Attacks on Muslim property or institutions. Verbal abuse and hate speech/social media abuse. Unwarranted harassment or interrogation at airports by authorities. Any form of discrimination in a public or private environment.

Trans Advantage

Even after the plan, the largest alt cause to transphobia still remains – religion

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The aff does nothing against surveillance at border checkpoints. This is an alt cause – their evidence

Redden 13

Stephanie M., Carleton University, Canada and London School of Economics and Political Science, UK, 6-1-2013, "The End Of The Line Feminist Understandings Of Resistance To Full-Body Scanning Technology," International Feminist Journal Of Politics Issn: 1461-6742 Date: 06/2013 Volume: 15 Issue: 2 Page: 234-253 //MV

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TSA changes are an improvement for transgendered travelers

Ford 13 (Zack Ford, editor of ThinkProgress LGBT at the Center for American Progress Action Fund, "Victory For Transgender Privacy: TSA Abandons 'Nude' Body Scanners", 1/18/2015, Think Progress, http://thinkprogress.org/lgbt/2013/01/18/1471481/victory-for-transgender-privacy-tsa-abandons-nude-body-scanners/, DJE)

In what is an important victory for the transgender community, the U.S. Transportation Security Administration has announced it will remove all body scanners that show nearly nude images from airports. The TSA had already removed 76 of the machines and will now remove the

remaining 174, though they may still be used in other government offices where privacy is not a concern like it is in airports. Congress had set a deadline for OSI Systems to develop software for the scanners to produce generic passenger images instead of the the nearly nude images, but the company was unable to meet the timeline. Scanners produced by other companies that have managed to adjust the software will continue to be used. The invasion of privacy caused by the machine was particularly invasive for transgender people, who were considered suspicious if their genitalia did not match their presentation. Even the software change utilized by the remaining body scanners, which are manufactured by L-3, use "blue" and "pink" indicators for gender that can still cause confusion (and thus concern) for trans passengers. As a result, they can be disproportionately selected for invasive pat downs. The TSA is planning to expand its PreCheck program, in which passengers share more personal data before arriving at the airport but can then go through metal detectors instead of body scanners.

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Burning hatred for the TSA is easy populism. And they keep making it easier. But how do the men and women of the TSA really feel about what they have to do? Seventeen of them speak their mind. Here's a few of the comments agents told Flying With Fish. One says: "It is not comfortable to come to work knowing full well that my hands will be feeling another man's private parts, their butt, their inner thigh. Even worse is having to try and feel inside the flab rolls of obese passengers and we seem to get a lot of obese passengers!" And another, from a veteran now working at the TSA: "I served a tour in Afghanistan followed by a tour in Iraq. I have been hardened by war and in the past week I am slowly being broken by the constant diatribe of hateful comments being lobbed at me. While many just see a uniform with gloves feeling them for concealed items I am a person, I am a person who has feelings. I am a person who has served this country. I am a person who wants to continue serving his country. The constant run of hateful comments while I perform my job will break me down faster and harder than anything I encountered while in combat in the Army." There's far more over at Flying With Flsh, but it's something to keep in mind this week while traveling—while you totally have the right to be angry about security theater, you don't have to be a prick about to the people just doing their jobs, either. [Flying With Fish via BoingBoing]

Solvency/Race advantage turn

TURN, stopping the NSA means an alternative which involves even more federal surveillance and racial profiling elsewhere – those with Muslim backgrounds would be detained more than others

Josh **Gerstein**, 11-24-20**10**, "Alternative to TSA pat-downs: More background checks," POLITICO, http://www.politico.com/news/stories/1110/45559.html

If Americans don't want the government touching their "junk" to improve air security, the alternative may well be greater scrutiny of passengers' travel histories and personal backgrounds,

security experts say. The public backlash against the aggressive pat-downs the federal government rolled out this month could put more pressure on the government to introduce security measures previously rejected on privacy grounds, including in-depth interrogations of travelers at airports, government scrutiny of passengers' airline information, and even creation of a secure, standardized national ID card. "The question is, which kind of privacy do you want to have?" said Stewart Baker, a top Department of Homeland Security official during the Bush administration. "This has been a pretty searing experience for DHS. Obviously, we're not going to do more in this area [of physical checks] and it would be welcome if we could do less….The alternative is to look for terrorists in advance." That approach to security, Baker said, calls for singling out suspicious passengers and subjecting them to intense questioning. "We're going to gather information about people we're going to encounter hours before they arrive. We'll compare names and travel partners to lists of people, not just no-fly lists, but anyone who's suspect one way or another," Baker said. "One hundred and ninety-nine people spend 30 seconds in primary [screening] getting an ID check and moved on, but one person in 200 gets an hour of screening, reviewing their personal effects, and an interrogation that's very free ranging." This kind of system might do away with some of the more jarring images at airport security checkpoints – uniformed Transportation Security Administration officers thoroughly frisking nuns and young children. "Grandma from Dubuque is probably not going to get identified as a risk," Baker said. "She spends 30 seconds and gets waved through." "With a little more information on all passengers, and more careful screening of those who raise red flags, the TSA shakedown of pregnant women, small children and nuns in habit could be made less necessary, or at least less intrusive," Shannen Coffin, a former legal counsel to Vice President Dick Cheney, wrote at National Review Online. While there have been complaints about other TSA security rules, including a requirement to remove shoes and strict limits on liquids and gels in carry-on luggage, no TSA procedure has generated as much blowback as the newly adopted procedures, including high-tech body scanners that can penetrate clothing and searches some passengers have compared to sexual molestation. The use of the scanners, which produce detailed images, produced some protest from privacy advocates and Muslim groups who object on modesty grounds. But those protests didn't receive as much attention as the more assertive pat-downs. Fran Townsend, who was one of Bush's security advisers, said the American psyche and culture views the laying on of hands by anyone in authority as far more serious invasion of privacy than investigating a passenger's background, submitting him or her to X-rays or searching their belongings. "We associate in this country, because of our Constitution, the physical touching of people by government or law enforcement as a thing we do only to criminals," Townsend said. "All of sudden grandma goes through and she's getting groped. She's resentful because it's not what she thinks of as her country…I think Americans want to be supportive of counterterror measures but they need to be persuaded that what is being asked of them is fair, reasonable and effective." Gauging public reaction to the pat-downs and body-scans has been tricky: An ABC News/Washington Post poll out Monday found roughly a 50-50 split on whether the pat-downs were a good idea, with about two-thirds supporting use of the body scanners. A USA Today/Gallup poll of Americans who travel at least twice a year found 71 percent thought use of the combined technology was "worth it," but 57 percent said they were either angry or bothered by the new pat-downs. The Obama administration's decision not to publicize the new pat-downs in advance may also have hurt support for the technology. Gallup found travelers nearly evenly split, 48 percent to 47 percent, on whether pat-downs would or would not help find potential terrorists like the Nigerian who allegedly boarded a Detroit-bound jetliner last Christmas Day and tried to detonate explosives hidden in his underwear. Some don't like to be touched, but others are troubled by the idea of a security officer in a separate room examining an image of their body. Others don't mind those intrusions, but draw the line at authorities scrutinizing their travel history, travel partners or interrogating them about where they're going and why. In 2003, privacy advocates, fearing "big brother" intrusions, convinced Congress to block TSA access to itineraries and related information on domestic air travelers, though the government does review information for international flights. A new version of the domestic program gives TSA more limited information, including the names, birth dates and gender information of passengers. One terrorism expert said the public reaction to the new pat-downs is not surprising, but privacy advocates cannot fairly object to every technique that could be used to improve air security. "If you walk up to somebody in your office and do [a pat-down], you will be arrested. There's something peculiar about lots of people lining up to be sexually assaulted," noted Ben Wittes of the Brookings Institution. However, "you can't take the position that there should be no profiling, no intrusive searches, and it's ridiculous to treat old ladies the same as young men. Those three ideas will not go together," Wittes said. "At some point, you have to make honest choices about what kind of intrusions you're more or less worried about, or you have to be open and honest about saying, 'I'm willing to lose this number of airplanes a year.'…This does have a quality about it of people flatly refusing to make serious choices." Wittes also said the overall judgment on what privacy invasions are acceptable have to be made by society and not individual travelers. Otherwise, terrorists will "choose the one most conducive to they're getting through," he said. Chris Calabrese of the American Civil Liberties Union said his group supports traditional police work to keep planes safe. "What we've never said no to is focusing on individual criminals and individual dangers, going back to good old-fashioned law-enforcement techniques to arrest [suspects] before they even get to the airport," he said. The ACLU and other groups objected to the collection of airline itinerary information because it amounted to assembling a vast database on lawful unthreatening travelers in what would likely be an unsuccessful effort to find a few suspected terrorists intent on doing harm. "A lot of our concern was around mass surveillance – this idea that if you collect all this information on everybody and apply some computer algorithm to it, data mine it, and suddenly signs of a terrorist are going to pop out," Calabrese said. "There's no science to back that up." He added that grand jury subpoenas are available to seek itinerary data on suspects in legitimate criminal investigations. The ACLU, which had for decades opposed all airport security checkpoints as unconstitutional suspicionless searches, dropped that stance after September 11, Calabrese said. The new battle over pat-downs and scans has allied some conservatives and civil libertarians – up to a point. "The federal fondling is an unconstitutional search and seizure…. We have lost a level of our freedom in order to retain a level of our freedom and that ought to

outrage every American whether you fly on an airplane or not," former Gov. Mike Huckabee (R-Ark.) told Fox News Tuesday. "Do we really think that we're going to be safer because a 5-year-old boy has his genitals looked at?" However, conservatives are again calling for profiling as an alternative to the enhanced checks. "What we've got to do, whether we like it or not, is to discern who is likely to be a person with an intent," Huckabee said. "We'd profile everybody but we would quit selling or buying machines." But Calabrese and others warn that an identity-based system that relies on racial or religious profiles would be ineffective and violate travelers' rights. "Terrorists are smart," he said. "They identify and work around the profiling,". Moving to a system that looks more at travelers' backgrounds and less at what they may be wearing or carrying would also require another important change: greater certainty that a passenger actually is whom he or she claims to be. Baker noted that Congress's effort to move to a more secure system based on state-issued driver's licenses, Real ID, was repeatedly rolled back by Congress and the Bush and Obama administrations. "As long as it's possible to get a fake driver's license, an identity-based security system doesn't work," he said.

SPOT-only run if it's the SPOT plan!

Curtailing SPOT does not solve for racial TSA security check pat downs – the two are different

Hugh **Handeyside**, **3-19**-2015, "Be careful with your face at airports (Opinion)," CNN, http://www.cnn.com/2015/03/19/opinions/handeyside-tsa-spot-program/

Through a program called Screening Passengers by Observation Techniques, or SPOT, the TSA employs thousands of "behavior detection officers" who scrutinize travelers to look for signs of "mal-intent" in airport screening areas. The officers typically spend less than 30 seconds scanning an average passenger for over 90 behaviors the TSA associates with stress, fear or deception. When the officers perceive clusters of such behaviors in any given individual, they refer that person for secondary inspection and questioning. The SPOT program relies on theories about "micro-expressions," involuntary facial expressions that supposedly appear for milliseconds despite one's efforts to conceal them. Behavior detection officers look for such micro-expressions while scanning passengers' faces or engaging in casual conversation with them. It's as nutty as it sounds. Setting aside that the officers' perception of these behaviors is inherently subjective, there's just no evidence that deception or "mal-intent" can reliably be detected through observation, especially in an unstructured setting like an airport screening area. The fact that many people find such settings inherently stressful only compounds the problem. If TSA's behavior detection officers look for stress in a stressful environment, they're going to find it, along with plenty of false positives. Just about everyone outside the TSA who has reviewed the SPOT program has decided that it's unscientific and a waste of money. An exhaustive review by the Government Accountability Office found the SPOT program lacked a scientific basis, that the behavioral indicators it relied on were subjective, and that the TSA had no effective means to test its effectiveness. In no uncertain terms, the GAO recommended that Congress curtail funding for the program. An independent scientific advisory group that reviewed the SPOT program also concluded that "no scientific evidence exists to support the detection or inference of future behavior, including intent." And during a congressional hearing on the program, Republican Rep. Richard Hudson of North Carolina observed, "To my knowledge, there has not been a single instance where a behavior detection officer has referred someone to a law enforcement officer and that individual turned out to be a terrorist." Rep. Michael McCaul of Texas, the Republican chairman of the House Homeland Security Committee, stated, "I am concerned that TSA will continue to spin its wheels with this program instead of developing a more effective and efficient approach." Despite this withering criticism, SPOT remains in place and has cost taxpayers well over $1 billion (that's with a b) since its inception in 2007. Repeat: over a billion dollars on a misguided program that doesn't work. Equally troubling is that SPOT has given rise to persistent allegations of racial and ethnic profiling -- an unfortunately inevitable result when law enforcement or border agents single people out based on hasty, gut-level judgments about them. Allegations of profiling by behavior detection officers have come not only from travelers, but also from numerous other officers. Over 30 behavior detection officers at Boston Logan International Airport said that profiling was rampant there. One of the officers told reporters, "They just pull aside anyone who they don't like the way they look -- if they are black and have expensive clothes or jewelry, or if they are Hispanic." Another officer submitted an anonymous complaint saying, "The behavior detection program is no longer a behavior-based program, but it is a racial profiling program." The TSA has not revealed what, if any, steps it has taken to ensure that unlawful profiling does not occur in airport screening. Nor has TSA explained why -- despite overwhelming evidence to the contrary -- SPOT contributes meaningfully to aviation security. That's why the ACLU submitted an FOIA request to TSA seeking information on its use of behavior detection. We've received no response, so we're taking the TSA to court to get the information the public needs to fully evaluate it. People expect that when they travel, they will be screened for weapons or explosives that could bring down an airplane. They don't expect -- nor should they -- that officers will make probing judgments about their intentions based on little more than their facial expressions, or that they will be stopped, questioned and perhaps even searched because of their race or ethnicity. It's time for TSA to explain and justify the SPOT program. Or better yet, listen to those who say it's a waste of money and scrap it entirely.

Alt cause to racial profiling – plan does not solve TSA pat downs and “anomalies” on scanners

Drew **Mackenzie**, **7-22**-2015, "Racial Profiling Charges Leveled over TSA Hair Pat-Downs," Newsmax, http://www.newsmax.com/US/TSA-pat-downs-hair-African-Americans/2015/04/01/id/635817/

Racial Profiling Charges Leveled over TSA Hair Pat-Downs By Drew MacKenzie | Wednesday, 01 Apr 2015 01:20 PM Short URL| Email Article| Comment| Contact| Print| A A The Transportation Security Administration is studying its policy on hair pat-downs after receiving complaints that African-American women are being targeted at airports. The TSA launched an investigation after being contacted by the American Civil Liberties Union (ACLU), and now the agency has reached an informal agreement with the advocacy group "to enhance officer training" on the pat-downs, according to The Hill. "Racial profiling is not tolerated by TSA," the agency said in a statement. "Not only is racial profiling prohibited under DHS (Department of Homeland Security) and agency policy, but it is also an ineffective security tactic." The ACLU office in northern California had filed a complaint on behalf of Malaika Singleton, who claimed she was improperly singled out for searches in 2013 at airports in Los Angeles and Minneapolis. The civil rights organization alleged that Singleton, a California resident, was targeted for extra airport screening by TSA officials because of her hairstyle, The Hill reported. "The humiliating experience of countless black women who are routinely targeted for hair pat-downs because their hair is 'different' is not only wrong, but also a great misuse of TSA agents' time and resources," said Novella Coleman, an ACLU attorney in California. TSA officials usually conduct pat-downs, including possibly the probing of a woman's hair, when airport screeners identify "anomalies" on X-ray scanners. But the ACLU said that rule left open the potential for racial profiling against African-American women, The Hill noted. "When TSA agents are faced with ambiguous evidence or forced to apply subjective rules, it is more likely that they will unconsciously interpret the circumstances in a way that is consistent with racial stereotypes," the civil liberties group said. "Both the United States and California Constitutions prohibit unreasonable searches and selective enforcement of the law based on race. And although the law has carved out exceptions for airport screening, a search must still be tailored to detect threats to security. "That legal requirement cannot be satisfied when there is no clear policy for detecting threats to security. In this case, TSA agents were unable to provide a uniform reason to justify these searches when asked to articulate such a policy." Read Latest Breaking News from Newsmax.com http://www.newsmax.com/US/TSA-pat-downs-hair-African-Americans/2015/04/01/id/635817/#ixzz3gfKYrXei Urgent: Rate Obama on His Job Performance. Vote Here Now!

Plan does not solve racial profiling programs such as NSEERS, OFL, and TSA screening

Wade J. Henderson, Esq., President and CEO, The Leadership Conference on Civil and Human Rights, March 2011, "Restoring a National Consensus: The Need to End Racial Profiling in America" The Leadership Conference, http://www.civilrights.org/publications/reports/racial-profiling2011/racial_profiling2011.pdf

The 9/11 terrorist attacks on the World Trade Center and the Pentagon were carried out by Arabs from Muslim countries. In response to the attacks, the federal government immediately engaged in a sweeping counterterrorism campaign focused on Arabs and Muslims, and in some cases on persons who were perceived to be, but in fact were not, Arabs or Muslims, such as Sikhs and other South Asians. That focus continues to this day. The federal government claims that its anti-terrorism efforts do not amount to racial profiling, but the singling out for questioning and detention of Arabs and Muslims in the United States, as well as selective application of the immigration laws to nationals of Arab and Muslim countries, belie this claim.¶ A prime example of a federal program that encourages racial profiling is the National Security Entry-Exit Registration System (NSEERS), implemented in 2002.44 NSEERS requires certain individuals from predominantly Muslim countries to register with the federal government, as well as to be fingerprinted, photographed, and interrogated. A report issued in 2009 by the American Civil Liberties Union (ACLU) and the Rights Working Group had this to say about NSEERS:¶ More than seven years after its implementation, NSEERS continues to impact the lives of those individuals and communities subjected to it. It has led to the prevention of naturalization and to the deportation of individuals who failed to register, either because they were unaware of the registration requirement or because they were afraid to register after hearing stories of interrogations, detentions and deportations of friends, family and community members. As a result, well-intentioned individuals who failed to comply with NSEERS due to a lack of knowledge or fear have been denied "adjustment of status" (green cards), and in some cases have been placed in removal proceedings for willfully" failing to register."45¶ Despite NSEERS' near explicit profiling based on religion and national origin, federal courts have held that the program does not violate the Equal Protection

Clause of the Constitution, and that those forced to participate in the program have not suffered violations of their rights under the Fourth or Fifth Amendments to the U.S. Constitution, which protect against unreasonable search and seizure and guarantee due process, respectively.46¶ Another example of a federal program that involves racial profiling is Operation Front Line (OFL). The stated purpose of OFL,47 which was instituted just prior to the November 2004 presidential election, is to "detect, deter, and disrupt terror operations."48 OFL is a covert program, the existence of which was discovered through a Freedom of Information Act lawsuit filed by the American-Arab Anti-Discrimination Committee and the Yale Law School National Litigation Project.49¶ According to the 2009 ACLU/Rights Working Group report, data regarding OFL obtained from the Department of Homeland Security show that:¶ an astounding seventy-nine percent of the targets investigated were immigrants from Muslim majority countries. Moreover, foreign nationals from Muslim-majority countries were 1,280 times more likely to be targeted than similarly situated individuals from other countries. Incredibly, not even one terrorism-related conviction resulted from the interviews conducted under this program. What did result, however, was an intense chilling effect on the free speech and association rights of the Muslim, Arab and South Asian communities targeted in advance of an already contentious presidential election.50¶ Lists of individuals who registered under NSEERS were apparently used to select candidates for investigation in OFL.51 Inasmuch as the overwhelming majority of those selected were Muslims, OFL is a clear example of a federal program that involves racial profiling. Moreover, because OFL has resulted in no terror-related convictions, the program is also a clear example of how racial profiling uses up valuable law enforcement resources yet fails to make our nation safer.52¶ Although Arabs and Muslims, and those presumed to be Arabs or Muslims based on their appearance, have since 9/11 been targeted by law enforcement authorities in their homes, at work, and while driving or walking,53 airports and border crossings have become especially daunting. One reason for this is a wide-ranging and intrusive Customs and Border Patrol (CBP) guidance issued in July 2008 that states, "in the course of a border search, and absent individualized suspicion, officers can review and analyze the information transported by any individual attempting to enter …. the United States."(Emphasis added)54 In addition, the standard to copy documents belonging to a person seeking to enter the U.S. was lowered from a "probable cause" to a "reasonable suspicion" standard.55 Operating under such a broad and subjective guidance, border agents frequently stop Muslims, Arabs, and South Asians for extensive questioning about their families, faith, political opinions, and other private matters, and subject them to intrusive searches. Often, their cell phones, laptops, personal papers and books are taken and reviewed.¶ The FBI's Terrorist Screening Center (TSC) maintains a list of every person who, according to the U.S. government, has "any nexus" to terrorism.56 Because of misidentification (i.e., mistaking non-listed persons for listed persons) and over-classification (i.e., assigning listed persons a classification that makes them appear dangerous when they are not), this defective "watch-list" causes many problems for Muslims, Arabs, and South Asians seeking to enter the United States, including those who are U.S. citizens.¶ The case of Zabaria Reed, a U.S. citizen, Gulf War veteran, 20-year member of the National Guard, and firefighter, illustrates the problem. Trying to reenter the U.S. from Canada where he travels to visit family, Reed is frequently detained, searched, and interrogated about his friends, politics, and reasons for converting to Islam. Officials have handcuffed Reed in front of his children, pointed weapons at him, and denied him counsel.57¶ In 2005, a lawsuit—Rahman v. Chertoff—was filed in federal district court in Illinois by nine U.S. citizens and one lawful permanent resident, none of whom had any connection to terrorist activity.58 The plaintiffs—all of whom are of South Asian or Middle Eastern descent— alleged that they were repeatedly detained, interrogated, and humiliated when attempting to re-enter the U.S. because their names were wrongly on the watch-list, despite the fact that they were law abiding citizens who were always cleared for re-entry into the U.S. after these recurring and punitive detentions.59¶ In May 2010, the court dismissed the case, finding that almost all of the disputed detentions were "routine," meaning that border guards needed no suspicion at all to undertake various intrusions such as pat-down frisks and handcuffing for a brief time.60 Further, the court held that where the stops were not routine, the detentions, frisks, and handcuffings were justified by the placement of the individuals on the TSC's database—even when the listing may have been a mistake.61¶ Notwithstanding the adverse decision in the Rahman case, and the continuation of these practices on a national level, it is important to note that there have been certain positive changes in government policy since 2005. Specifically, a standard of "reasonable suspicion" is now used before a name can be added to the TSC's database, which marks a sharp departure from the essentially "standardless" policy previously in effect.62¶ Individuals wearing Sikh turbans or Muslim head coverings are also profiled for higher scrutiny at airports. In response to criticism from Sikh organizations, the Transportation Security Administration (TSA) recently revised its operating procedure for screening head coverings at airports. The current procedure provides that:¶ All members of the traveling public are permitted to wear head coverings (whether religious or not) through the security checkpoints. The new standard procedures subject all persons wearing head coverings to the possibility of additional security screening, which may include a patdown search of the head covering. Individuals may be referred for additional screening if the security officer cannot reasonably determine that the head area is free of a detectable threat item. If the issue cannot be resolved through a pat-down search, the individual will be offered the opportunity to remove the head covering in a private screening area.63¶ Despite this new procedure, and TSA's assurance that in implementing it "TSA does not conduct ethnic or religious profiling, and employs multiple checks and balances to ensure profiling does not happen,"64 Sikh travelers report that they continue to be profiled and subject to abuse at airports.65¶ Amardeep Singh, director of programs for the Sikh Coalition and a second-generation American, recounted the following experience in his June 2010 testimony before the Subcommittee on the Constitution, Civil Rights, and Civil Liberties of the House Judiciary Committee:¶ Two months ago, my family and I were coming back to the United States from a family vacation in Playa Del Carmen, Mexico. At Fort Lauderdale Airport, not only was I subjected to extra screening, but so was [my 18 month-old son Azaad]. I was sadly forced to take my son, Azaad, into the infamous glass box so that he could [be] patted down. He cried while I held him. He did not know who that stranger was who was patting him down. His bag was also thoroughly searched. His Elmo book number one was searched. His Elmo book number two was searched. His minimail truck was searched. The time spent waiting for me to grab him was wasted time. The time spent going through

his baby books was wasted time. I am not sure what I am going to tell him when he is old enough and asks why his father and grandfather and soon him—Americans all three—are constantly stopped by the TSA 100% of the time at some airports.66

SPOT regulations itself are not the problem – procedures are based on facial expressions only – means removing it would not solve for racial profiling

Denver Post Editorial Board, 11-17-**2013**, "Face it, TSA: Behavioral screening is failing," Denver Post, http://www.denverpost.com/editorials/ci_24533526/face-it-tsa-behavioral-screening-is-failing

Face it, TSA: Behavioral screening is failing By The Denver Post Editorial Board POSTED: 11/17/2013 05:01:00 PM MST34 COMMENTS Lines form in the security area at Denver International Airport as Transportation Security Administration workers check passengers. Lines form in the security area at Denver International Airport as Transportation Security Administration workers check passengers. (Kathryn Scott Osler, Denver Post file) Is it possible to spot suspicious passengers at airports based on their behavior, even their most subtle facial expressions? Not consistently or reliably, according to a report from the Government Accountability Office released last week that recommended funding be discontinued for a Transportation Security Administration program that has cost nearly $1 billion. The program is called Screening Passengers by Observation Technique, or SPOT, and involves training "behavior detection officers" and stationing them at airports. But the takeway from the report was unequivocal: See SPOT fail. After an exhaustive review of existing studies, the GAO concluded there was no scientific evidence that the SPOT program worked much better, if better at all, than chance screenings of passengers. In other words, a system that simply screens passengers based on random automated selection, the kind of system many countries use in their customs entry points, would probably work just as well. The underpinning of the SPOT system is based on something called FACS, or the Facial Action Coding System, developed by psychologists in the late 1970s to identify emotions through "micro-expressions" in the face. These quick, subtle expressions do seem to exist, but the science does not appear to be so exact that emotions — or motives — can be read with certainty on a regular basis. "TSA has not demonstrated that (behavior-detection officers) can consistently interpret the SPOT behavioral indicators," the report said. "The subjectivity of the SPOT behavioral indicators and variation in BDO referral rates raise questions about the continued use of behavior indicators for detecting passengers who might pose a risk to aviation security." More troubling, though, is that TSA officials implemented the SPOT program despite the fact there was no solid scientific foundation on which to base it.

Off Case Extras

T – Substantial (Only for SPOT)

A. Interpretation:

Less than 10% is insubstantial – this is the lowest percentage we could find in a monetary context

Mickels 8 (Alissa, JD Candidate – Hastings College of Law, "Summary of Existing US Law Affecting Fourth Sector Organizations", 7-17, http://www.fourthsector.net/attachments/7/original/Summary_of_US_Law_Affecting_FS.pdf?1229493187)

Substantial v. insubstantial: Modern courts consider competition with commercial firms as "strong evidence of a substantial nonexempt purpose." Living Faith, Inc. v. Comm'r, 60 T.C.M. 710, 713 (1990). Although the tax court has held that the definition of insubstantial is **fact specific**, it has found that **less than ten percent** of a charity's total efforts is **"insubstantial"**. World Family Corp. v. Comm'r, 78 T.C. 921 (1982), where as unrelated business activity generating one-third of an organizations revenue does not qualify for tax-exempt status. Orange County Agric. Soc'y, Inc. v. Comm'r, 55 T.C.M. 1602, 1604 (1988), aff'd 893 F.2d 647 (2d Cir. 1990). However, this may be changing after an increasing emphasis on commensurate test.

B. Violation: The aff is insubstantial

The TSA's budget is just over 7 billion dollars – this isn't even the entirety of the US' domestic surveillance budget

HBC 13 (House Budget Committee, "The Transportation Security Administration and the Aviation-Security Fee", 12/10/2013, House.gov, http://budget.house.gov/news/documentsingle.aspx?DocumentID=364049, DJE)

The Transportation Security Administration (TSA) was established by the Aviation and Transportation Security Act of 2001 to "protect the nation's transportation systems to ensure freedom of movement for people and commerce." Although TSA has security responsibilities in all forms of transportation, its main focus is aviation security. TSA has just over 55,600 full-time equivalents (FTE), the vast majority of which are passenger and baggage screeners in the Aviation Security program. (By contrast, fewer than 700 FTEs are involved in Surface Transportation Security.) In recent years, TSA has received around $5.7 billion in mandatory and discretionary appropriations, which—together with spending authority from offsetting collections—gives the agency an annual budget of more than $7 billion. Aviation Security takes the lion's share of this budget, and its funding is used for passenger- and baggage-screening operations, screener salaries and benefits, and contracts with private screeners, among other activities.

TSA's SPOT program only costs around $200 million annually. That's barely more than 2% of the agency's budget. There is no way this can be considered substantial.

GAO 13 (Government Accountability Office, "TSA Should Limit Future Funding for Behavior Detection Activities", November 2013, http://www.gao.gov/assets/660/658923.pdf, DJE)

In October 2003, TSA began testing its primary behavior detection activity, the SPOT program, and during fiscal year 2007, TSA deployed Page Behavior Detection Activities the program to 42 TSA regulated airports. By fiscal year 2012, about 3,000 BDOs were deployed to 176 of the more than 450 TSA regulated airports in the United States. From fiscal years 2011 through 2012, an estimated 1.3 billion people passed through checkpoints at the 176 SPOT airports. TSA has expended approximately $200 million annually for the SPOT program since fiscal year 2010, and a total of approximately $900 million since 2007. BDOs represent one of TSA's layers of security. In addition to BDOs, other layers of security include travel document checkers, who examine tickets, passports, and other forms of identification; transportation security officers (TSO), who are responsible for screening passengers and their carry-on baggage at passenger checkpoints using X-ray equipment, magnetometers, advanced imaging technology, and other devices; as well as for screening checked baggage; and random employee screening, among others.

C. Topicality is a voter for limits – they massively under-limit the topic by allowing for reduction in surveillance of individuals, minor alterations in texts surveillance laws, or even miniscule budget cuts. This massively skews the debate in the aff's favor.

(more evidence contextualizing how small SPOT is)

Just one of the US' domestic surveillance agencies, the NSA, has a budget of around $10 billion

CNN 13 (CNN Money, 6/7/2013, "What the NSA costs taxpayers", http://money.cnn.com/2013/06/07/news/economy/nsa-surveillance-cost/, DJE)

The National Security Agency's activities are classified. And so is its annual budget. As a result, it's impossible to say exactly how much money the NSA is given to conduct its surveillance efforts -- which Americans learned this week has recently included collecting phone call data and monitoring online activities. That's because the NSA, a Defense Department agency created in 1952, falls under the category of a "black" program in the federal budget, a term applied to classified efforts. The NSA is one of at least 15 intelligence agencies, and combined the total U.S. intelligence budget in 2012 was $75 billion, said Steve Aftergood, director of the government secrecy program at the Federation of American Scientists, a nonpartisan think tank that analyzes national and international security issues. The intelligence budget includes funding for both classified and unclassified activities. Funding for classified programs has tracked the upward trend in defense spending over the past decade, according to an analysis of fiscal year 2012 Defense Department budget request by Todd Harrison of the Center for Strategic and Budgetary Assessments. Aftergood estimates about 14% of the country's total intelligence budget -- or about $10 billion -- goes to the NSA. His reasoning: In 1996, the NSA budget was leaked, and it accounted for about 14% of the budget that year. "I am confident that the real figure is within $2 billion of that $10 billion estimate," he said. Gordon Adams, a former White House budget

official for national security, said he wouldn't be surprised if NSA's resources are "well north" of $20 billion a year.

Terror DA Links

Terrorist threats exist now and TSA key to prevent terrorists from bringing weapons onto planes – plan eliminates this

Krishnadev **Calamur**, **1-23**-2015, "TSA Agents Discovered 2,212 Guns At Airport Checkpoints In 2014," NPR.org, http://www.npr.org/sections/thetwo-way/2015/01/23/379325043/tsa-agents-discovered-2-212-firearms-at-airport-checkpoints-in-2014

The Transportation Security Administration found more than 2,000 firearms at the nation's airports last year — the overwhelming majority of them loaded, the Department of Homeland Security said today. TSA agents discovered 2,212 firearms — or a little more than six a day — in carry-on bags; 83 percent of them were loaded, the department said. The number was a 22 percent increase from 2013, when 1,813 firearms were discovered. The number of firearms discovered at TSA checkpoints has risen nearly every year since 2005. Also last year, the department said, more than 1,400 "firearm components, replica firearms, stun guns, and other similar dangerous objects were discovered" in carry-on luggage. The top five airports for firearms discoveries are: Dallas/Fort Worth International (120 firearms), Hartsfield-Jackson Atlanta International Airport (109), Phoenix Sky Harbor International Airport (78), Houston's George Bush Intercontinental Airport (77) and Denver International Airport (70). Agents discovered not just small firearms, but a grenade and an assault rifle (unloaded) with three loaded magazines. "In many cases, people simply forgot they had these items," the TSA said in its blog reviewing the data. Agents also found a disassembled .22-caliber gun in a carry-on bag at New York's John F. Kennedy International Airport. The gun's various components were found hidden inside a PlayStation 2 console. Agents also stopped a 94-year-old man who tried to enter the checkpoint at New York's LaGuardia Airport with a loaded .38-caliber revolver clipped to his belt. Other interesting discoveries: An 8.5" knife was discovered in an enchilada at the Charles M. Schulz–Sonoma County Airport. The TSA noted that "While this was a great catch, the passenger's intent was delicious, not malicious, and she was cleared for travel." A 3-inch knife concealed inside a laptop's hard drive caddy. A saw blade in a Bible, a cell phone knife case, a lipstick stun gun.

TSA is a key part of the US protection against terrorism – 9/11 happened b/c TSA didn't exist (fact, TSA was established November 19, 2001)

DHS (Department of Homeland Security), **6-29**-2015, "Preventing Terrorism and Enhancing Security," No Publication, http://www.dhs.gov/preventing-terrorism-and-enhancing-security

The Department of Homeland Security (DHS) and its many partners across the federal government, public and private sectors, and communities across the country and around the world have worked since 9/11 to build a new homeland security enterprise to better mitigate and defend against dynamic threats, minimize risks, and maximize the ability to respond and recover from attacks and disasters of all kinds. Together, these efforts have provided a strong foundation to protect communities from terrorism and other threats, while safeguarding the fundamental rights of all Americans. While threats persist, our nation is stronger than it was on 9/11, more prepared to confront evolving threats, and more resilient in the face of our continued challenges. Progress Made Since 9/11 Protecting the United States from terrorism is the founding mission of the Department of Homeland Security. While America is stronger and more resilient as a result of a strengthened homeland security enterprise, threats from terrorism persist and continue to evolve. Today's threats do not come from any one individual or group. They may originate in distant lands or local neighborhoods. They may be as simple as a home-made bomb or as sophisticated as a biological threat or coordinated cyber attack. More and more, state, local, and tribal law enforcement officers, as well as citizens, businesses, and communities are on the front lines of detection and prevention. Protecting the nation is a shared responsibility and everyone can contribute by staying informed and aware of the threats the country faces. Homeland security starts with hometown security—and we all have a role to play. Building the Homeland Security Enterprise Fusion Centers: DHS supports state and major urban area fusion centers through personnel, training, technical assistance, exercise support, security clearances, connectivity to federal systems, technology, and grant funding. Nationwide Suspicious Activity Reporting Initiative: An administration effort to train state and local law enforcement to recognize behaviors and indicators related to terrorism, crime and other threats; standardize how those observations are documented and analyzed; and enhance the sharing of those reports with law enforcement across the country. Grant Funding: Since fiscal year 2003, DHS has awarded more than $31 billion in preparedness grant funding based on risk to build and sustain targeted capabilities to prevent, protect against, respond to, and recover from threats or acts of terrorism. Preventing Terrorist Travel and Improving Passenger Screening Advance Passenger Information and Passenger Name Record Data: To identify high-risk travelers and facilitate legitimate travel, DHS requires airlines flying to the United States to provide Advance Passenger Information and Passenger Name Record (PNR) Data prior to departure. During 2008 and 2009, PNR helped the United States identify individuals with potential ties to terrorism in more than 3,000 cases, and in fiscal year 2010, approximately one quarter of those individuals denied entry to the United States for having ties to terrorism were initially identified through the analysis of PNR. Visa Security Program: Through the Visa Security Program (VSP), with concurrence from the Department of State, ICE deploys trained special agents overseas to high-risk visa activity posts in order to

identify potential terrorist and criminal threats before they reach the United States. The VSP is currently deployed to 19 posts in 15 countries. Pre-Departure Vetting: DHS has strengthened its in-bound targeting operations to identify high-risk travelers who are likely to be inadmissible to the United States and to recommend to commercial carriers that those individuals not be permitted to board a commercial aircraft through its Pre-Departure program. Since 2010, CBP has identified over 2,800 passengers who would likely have been found inadmissible upon arrival to the United States. Secure Flight: Fulfilling a key 9/11 Commission recommendation, DHS fully implemented Secure Flight in 2010, in which TSA prescreens 100 percent of passengers on flights flying to, from, or within the United States against government watchlists before travelers receive their boarding passes. Prior to Secure Flight, airlines were responsible for checking passengers against watchlists. Through Secure Flight, TSA now vets over 14 million passengers weekly. Enhanced Explosives Screening: Prior to 9/11, limited federal security requirements existed for cargo or baggage screening. Today, TSA screens 100 percent of all checked and carry-on baggage for explosives. Through the Recovery Act and annual appropriations, TSA has accelerated the deployment of new technologies to detect the next generation of threats, including Advanced Imaging Technology units, Explosive Detection Systems, Explosives Trace Detection units, Advanced Technology X-Ray systems, and Bottled Liquid Scanners. Strengthening Surface Transportation Security Visible Intermodal Prevention and Response Teams: TSA has 25 multi-modal Visible Intermodal Prevention and Response (VIPR) Teams working in transportation sectors across the country to prevent or disrupt potential terrorist planning activities. Since the VIPR program was created in 2008, there have been over 17,700 operations performed. Baseline Surface Transportation Security Assessments: Since 2006, TSA has completed more than 190 Baseline Assessments for Security Enhancement for transit, which provides a comprehensive assessment of security programs in critical transit systems. Strengthening Global Supply Chain Security Air Cargo Screening: Fulfilling a requirement of the 9/11 Act, 100 percent of all cargo transported on passenger aircraft that depart U.S. airports is now screened commensurate with screening of passenger checked baggage and 100 percent of high risk cargo on international flights bound for the United States is screened. Container Security Initiative: The Container Security Initiative (CSI), currently operational in 58 foreign seaports in 32 countries, identifies and screens U.S.-bound maritime containers that pose a potential risk.

The reason why there's no evidence of TSA foiling plots is because TSA acts as the root deterrent – powerful terrorists no longer try – but if TSA is curtailed then terrorists would act- without the TSA, private security fails to prevent terrorism – 9/11 is the empiric proof

Joseph **Straw**, Corky Siemaszko, 2-8-**2012**, "Push for more private security guards at airports," NY Daily News, http://www.nydailynews.com/news/private-security-guards-called-airports-article-1.1019531

Private security companies like those that failed to stop the 9/11 hijackers could be manning more airport checkpoints under a new bill heading for President Obama's desk. Rep. Pete King (R-L.I.), who wrote the provision and whose district lost 150 people in the attacks, said it was a compromise aimed at saving the Transportation Security Administration from Tea Party types who want to destroy the agency altogether. "Some people wanted to completely emasculate the TSA. I did it to protect the TSA — this way, security ultimately remains with the TSA," King told the Daily News. King, who heads the House Homeland Security Committee, insisted security will not be compromised — and that the TSA will still call the shots in airports that hire private screeners. "It doesn't hurt to have competition," he said. "It can put some pressure on TSA to do a better job." But King's bill is drawing howls from critics who say we've learned nothing from 9/11. "How quickly we forget," Sen. Joseph Lieberman (I-Conn.) said in a statement criticizing the item in the bill. "We have already tried an aviation security system run by private contractors. It very tragically did not work." Incredulous Democrats also ripped the bill. Rep. Jerry Costello (D-Ill.), a former cop, said, "I think if we're going to start contracting out the security of the flying public, then why don't we contract out the FBI or DEA or Secret Service or Capitol Hill police?" The TSA was created after the Sept. 11 attacks and took over the task of screening passengers and luggage from the private firms hired by the airlines. In recent years, however, the TSA has been hit with harsh criticism for intrusive searches and by Tea Party politicians who say it costs too much — especially now that the screeners are unionizing. Sen. Rand Paul (R-Ky.) recently unleashed a broadside at the TSA after he refused to submit to a patdown and was blocked from boarding a plane. Under pressure from the right in Congress, King drafted a bill last year requiring the Homeland Security Department to allow contract screeners unless it finds the change would hurt security. The bill languished for months, but was dropped into unrelated Federal Aviation Administration legislation passed by the House and Senate this month. Currently, there are private screeners at just 16 airports, the largest of which is San Francisco International Airport. Many fliers at Kennedy Airport said they don't want rent-a-cops manning security checkpoints. "After what happened to us on 9/11, I don't mind [that\] the TSA scanners are there," said Angela Franklin, 65, of Freeport, L.I. "I think it should stay that way. I had a son who survived 9/11."

A2: TSA doesn't evaluate effectiveness – they do – study shows the effectiveness of RMAT, a terrorism risk modeling tool

Morral, Andrew R., 20**12**, "Modeling Terrorism Risk to the Air Transportation System: An Independent Assessment of TSA's Risk Management Analysis Tool and Associated Methods," No Publication, http://www.rand.org/pubs/monographs/MG1241.html

Abstract RAND evaluated a terrorism risk modeling tool developed by the Transportation Security Administration and Boeing to help guide program planning for aviation security. This tool — the Risk Management Analysis Tool, or RMAT — is used by TSA to estimate the terrorism risk-reduction benefits attributable to new and existing security programs, technologies, and procedures. RMAT simulates terrorist behavior and success in attacking vulnerabilities in the domestic commercial air transportation system, drawing on estimates of terrorist resources, capabilities, preferences, decision processes, intelligence collection, and operational planning. It describes how the layers of security protecting the air transportation system are likely to perform when confronted by more than 60 types of attacks, drawing on detailed blast and other physical modeling to understand the damage produced by different weapons and attacks, and calculating expected loss of life and the direct and indirect economic consequences of that damage. This report describes RAND's conclusions about the validity of RMAT for TSA's intended uses and its recommendations for how TSA should perform cost-benefit analyses of its security programs. Key Findings Risk Management Analysis Tool (RMAT) Appears to Capture the Key Features Relevant to Security at Most Airports With good information about an adversary's capabilities and intentions, the RMAT defender model can provide credible and useful estimates of the likelihood of detecting and interdicting an adversary. RMAT has proven to be of great value to the Transportation Security Administration (TSA) in driving a more sophisticated understanding of terrorism risks to the air transportation system. The RMAT Model Has Some Gaps Even if the conceptual models on which RMAT is built were sound and comprehensive, the input data requirements exceed what subject matter experts or science can estimate with precision, and the imprecision of those estimates is subject to unknown sources and ranges of error. RMAT may not be well suited for the kinds of exploratory analysis required for high-stakes decision support, because of its reliance on a large number of uncertain parameters and conceptual models.

Terror DA Impacts

Another terrorist attack involving a plane would cost the economy billions

Balvanyos and Lave 05 (Tunde Balvanyos, Supervising Planner in the San Diego office of Parsons Brinckerhoff, a global infrastructure strategic consulting, planning, engineering and program/construction management organization, Lester B. Lave, economist, "THE ECONOMIC IMPLICATIONS OF TERRORIST ATTACK ON COMMERCIAL AVIATION IN THE USA", 9/4/2005, http://www.usc.edu/dept/create/assets/002/51831.pdf, DJE)

The air transportation system is an attractive target for terrorists. Using widely available weapons, terrorists could shoot down a passenger airliner. This disruption would be magnified if the attack caused terror in the general population and led government officials, the media, and the public to engage in costly preventive actions. Although various defenses could be mounted against attacks by missiles, rocket propelled grenades, and high powered rifles, no countermeasure could protect against all of them or even be completely successful against MANPADS. The immediate effect of shooting down an airliner would be hundreds of deaths and a cost to the airline of about $1 billion for the aircraft and payments to the survivors of deceased passengers, as well as reduced demand for all air services. Reduction in demand for air services depends on how the government, the media and the general public react to the attack. An unsuccessful attack could generate similar reaction from the public resulting in similar losses in transportation and related business. Closing

an airport for more than a few days would throw thousands of people out of work and generate losses to the surrounding businesses and those who depend on the airport and air transport of freight. Closing US airspace immediately after the attack would cause diversion of flights, stranded passengers, and major costs to the airlines and travelers. There are two major components to the economic cost of a successful terrorist attack. The direct cost for the downed aircraft and lives lost would be about $1 billion per aircraft. The indirect cost would result from operating losses to the airlines and loss of consumer welfare as some people would not fly. These amounts would depend on the length of any interruption in air travel and the public's long term reaction to terrorist threat to flying. The indirect economic cost would be greater than the direct cost and would depend on how the government reacts (investing in countermeasures and/or closing airports) and how the public reacts (measured in reduction in travel demand). While the cost of countermeasures and airport closures can be estimated, the main determinant of long term costs, the reaction of the public, is unpredictable. If a terrorist managed to shoot down a large passenger aircraft and this resulted in grounding all aircraft for 2.5 days (as was the case after 9/11), the loss to the economy would be $1 billion per air craft (including compensation for the dead passengers) (RAND), $1.6 billion in reduced airline and associated spending, and $4.75 billion in losses to business and leisure passengers. The total cost of $6.3 billion per 2.5 days (or $2.5 billion per day) makes a ground attack against commercial aircraft a tempting target. There are few areas in the USA where a lone terrorist with readily available weapons could inflict such a high cost on the economy, and possibly cause widespread terror.

A 9/11 style attack would disrupt a multitude of industries

Nanto 05 (Dick K. Nanto, Specialist in Industry and Trade, "9/11 Terrorism: Global Economic Costs", 10/5/2005, CRS Report for Congress, http://digital.library.unt.edu/ark:/67531/metacrs7725/m1/1/high_res_d/RS21937_2004Oct05.pdf, DJE)

The 9/11 attacks were part of Al Qaeda's strategy to disrupt Western economies and impose both direct and secondary costs on the United States and other nations. The immediate costs were the physical damage, loss of lives and earnings, slower world economic growth, and capital losses on stock markets. Indirect costs include higher insurance and shipping fees, diversion of time and resources away from enhancing productivity to protecting and insuring property, public loss of confidence, and reduced demand for travel and tourism. In a broader sense, the 9/11 attacks led to the invasions and occupations of Afghanistan and Iraq (and the Global War on Terrorism) and perhaps emboldened terrorists to attack in Bali, Spain, Morocco, and Saudi Arabia. A policy question for Congress is how to evaluate the costs and benefits of further spending to counter terrorism and its economic impact. This report will be updated periodically.

An airplane terror attack would cause a sudden recession – 9/11 proves

Nanto 05 (Dick K. Nanto, Specialist in Industry and Trade, "9/11 Terrorism: Global Economic Costs", 10/5/2005, CRS Report for Congress, http://digital.library.unt.edu/ark:/67531/metacrs7725/m1/1/high_res_d/RS21937_2004Oct05.pdf, DJE)

Following the terrorist attacks, the already weak international economy was weakened further. The aftershocks of 9/11 were felt immediately in foreign equity markets, in tourism and travel, in consumer attitudes, and in temporary capital flight from the United States. Central banking authorities worldwide reacted by injecting liquidity into their financial systems. Still, the downturn in business conditions became more generalized and most of the world dropped into a synchronous recession — from 4.1% world economic growth in 2000 to 1.4% in 2001 (a growth rate of less than 2% for the world is considered to be recessionary). By late 2002, aggressive reflationary fiscal and monetary policy in the United States and a booming Chinese economy led the recovery. As shown in Figure 2, the 2001 recession turned into a weak economic recovery with world growth of 1.9% in 2002 and 2.7% in 2003 — still anemic when compared with the growth rate of 2.3% in 1998 during the worst of the Asian financial crisis. For 2004, the recovery picked up speed and its strength broadened with growth at 4%, even though by mid-2004, the world was hit with petroleum prices exceeding $40 per barrel of which $6 to $10 was a "security premium" caused primarily by instability and uncertainty in the Middle East. Still, in most markets, there appeared to be a general dissipation of geopolitical concerns and a steady decline in post-9/11 terrorism fears. How much did 9/11 bring down world growth rates? Prior to 9/11, a major econometric forecasting firm expected real GDP for the world (185 countries) to grow at 2.8% in 2001 and 3.1% in 2002. After 9/11, world GDP actually grew by 1.4% in 2001 and 1.9% in 2002. In the aftermath of 9/11, therefore, actual growth came in at approximately 1 percentage point below expectations. Not all of this, of course, can be attributed to 9/11, but a 1 percentage point decline in global GDP amounted to about $300 billion less in world production and income in 2002. Subsequent terrorist attacks also have affected economic growth abroad. An Australian study pointed out the negative macroeconomic consequences of terrorism for developing nations because of reduced trade, investments, and tourism. The 2002 Bali bombings reduced Indonesia's growth rate by an estimated 1 percentage point.

Politics DA Links

Despite TSA misconduct, Dems still strongly support airport security

Maya **Rhodan**, 11-22-**2010**, "Partisan Divide Greets New Report on Airport Screener Misconduct," TIME, http://swampland.time.com/2013/08/03/partisan-divide-greets-new-report-on-airport-screener-misconduct/

Federal airport security screeners were investigated for misconduct 9,622 times from 2010 to 2012, after an array incidents, from screeners falling asleep on the job to letting relatives go around screening lines to inappropriately touching airplane passengers. Depending on whom you ask on Capitol Hill, this is either an alarming crisis or an expected footnote for a huge workforce with an enormous task. "These findings are especially hard to stomach since so many Americans today are sick of being groped, interrogated, and treated like criminals when passing through checkpoints," said Republican Rep. Jeff Duncan of South Carolina, at a hearing on the Transportation Security Agency July 31. "If 'Integrity' is truly a core value, then, TSA, prove it." "TSA employee misconduct is on the rise — and this is intolerable," Democratic Rep. Ron Barber said in a statement to TIME. "TSA's first and foremost responsibility is to ensure the safety and security of travelers in a professional manner — and it is simply unacceptable to allow a single bag or a single person go unscreened." Some Democrats at the hearing, however, sided with the TSA officers, who many said were not to be judged by the actions of a few "bad apples." Bennie Thompson, a ranking Democratic member of the committee, from Mississippi said, "The vast majority of TSOs are hardworking, dedicated, diligent federal employees." The TSA employs about 56,000 security personnel who work at 450 airports across the country. In a July 30 report, the Government Accountability Office found there has been a 26 percent increase in cases of misconduct over the past three years. According to the report, the majority of the cases fell under two categories of misconduct, "attendance and leave" and "screening and security." Unexcused absences, tardiness, and failure to follow leave procedure accounted for 32 %, or 3,117, of the total misconduct cases. Failure to follow screening procedure, bypassing screening,

and sleeping on duty made up 20 percent, or 1,936 total cases according to the report. In one instance in the report, an officer was seen neglecting to stop the conveyor belt after every piece of luggage to review the x-ray images of what's inside; in another an officer left his or her security checkpoint to assist a family member with a bag, a bag the officer later walked through the security checkpoint without screening and handed to the relative. The bag was found to have contained prohibited items, though the items are not specified in the GAO report. In a statement, David Cox, the president of the American Federation of Government Employees, the union that represents the TSA, said the report has misrepresented the conduct of TSA employees. "TSA critics on Capitol Hill seize every opportunity to give the agency and its dedicated workforce a black eye, even when the facts to not support their arm-waving displays of false outrage," Cox said in a statement. "They want to drag us back, as a nation, to the pre-9/11 practice of using poorly trained, minimum wage rent-a-cops to protect the flying public from terrorists." The agency has also tried to defend itself, blaming a handful of bad apples. "Every time we have one knucklehead that decides he's going to do something bad it tarnishes the image of our organization, TSA Deputy Administrator John Halinski said at the hearing. "I have my people on the line 365 days of the year and they know if they fail someone can die." Nearly half of the reported cases of misconduct resulted in letters of reprimand that describe the conduct and why it is subject to disciplinary action. Thirty-one percent resulted in definite suspension, and 17% led to termination, according to the GAO. The rest were subject to a multitude of outcomes, including indefinite suspension. "I think this report shows something very positive," says Rick Mathews, the director of the National Center for Security and Preparedness at the University at Albany. "It shows that the TSA is looking for these things and when people are doing wrong they're being punished." "The frequency of these actions is so low that it more than likely dissuades bad people from even trying to breach security," he added.

Elections Link

Curtailing TSA surveillance goes against the will of the public – they like it

Reed 12 (Ted Reed, journalist who covers the airline industry, "Surprise Gallup Poll: People Think TSA Does A Good Job", 8/9/2012, http://www.forbes.com/sites/tedreed/2012/08/09/surprise-gallup-poll-people-think-tsa-does-a-good-job/, DJE)

Surprisingly, despite all of the negative Internet commentary and Congressional complaining about the Transportation Security Administration, the majority of U.S. travelers have a positive opinion of the agency. Not only that, but people who fly, and who are exposed to TSA screening, have an even more positive opinion than people who rarely or never fly. According to a Gallup poll released Wednesday, 54% of Americans think the TSA is doing either an excellent or a good job of handling security screening at airports. Moreover, among Americans who have flown at least once in the past year, 57% have an excellent or good opinion of the agency. As far as TSA effectiveness at preventing acts of terrorism on U.S. airplanes, 41% think the screening procedures are extremely or very effective. Another 44% think the procedures are somewhat effective. That number varies little for people who fly somewhat regularly and people who rarely or never fly. The poll was conducted with telephone interviews July 9th through July 12. Gallup interviewed 1,014 adults living in all 50 states and the District of Columbia. Interestingly, younger Americans "have significantly more positive opinions of the TSA than those who are older," Gallup said, noting that 67% of people between 18 and 29 rate the agency as excellent or good. This may be because young people fly more frequently, or it may be because that for young people TSA screening, first implemented in 2001, has been part of their flying experience for the majority of their lives. Criticism of the TSA seems to come primarily from two sources. One is Internet sites, where reporting standards are generally not at the same level as newspapers, where reporters are taught to consider what is told to them with skepticism and to seek responses to charges. On Wednesday, some sites were repeating charges by a man who said that his wife was admitted to the emergency room for treatment after TSA agents at Fort Lauderdale-Hollywood International Airport harassed her and subjected her to closed door screening after metal in her bra set off an alarm. The man said his wife was subject to a brutal rape three years ago and is still

recovering from the psychological impact. Without denigrating the man or his wife in any way, it is possible to say that the TSA is put into a difficult situation when such charges are posted with little or no fact checking by reporters. As for Congress, the House Homeland Security Committee's Transportation Security Subcommittee recently convened a hearing on the topic: "Breach of Trust: Addressing Misconduct Among TSA Screeners." According to About.com, "It didn't take (committee chairman) Rep. Mike Rogers (R-Alabama) long to set the tone for the day, saying in his opening statement: "Stealing from checked luggage; accepting bribes from drug smugglers; sleeping or drinking while on duty — this kind of criminal behavior and negligence has contributed significantly to TSA's shattered public image." Now there is a poll to show that in fact, TSA does not have actually have a bad public image. And here, it is worth mentioning that the public image of Congress is not so good, perhaps reflecting a tendency to be excessively critical of perceived enemies rather than to seek compromise and solve problems.

TSA is popular and publicly supported—effectiveness and counterterrorism

Frank **Newport and** Steve **Ander**, Gallup news, Inc., 8-8-20**12**, "Americans' Views of TSA More Positive Than Negative," Gallup, http://www.gallup.com/poll/156491/americans-views-tsa-positive-negative.aspx)//GV

PRINCETON, NJ -- Despite recent negative press, a majority of Americans, 54%, think the U.S. Transportation Security Administration is doing either an excellent or a good job of handling security screening at airports. At the same time, **41% think TSA screening procedures are extremely or very effective at preventing acts of terrorism** on U.S. airplanes, with most of the rest saying they are somewhat effective. Thinking now about the TSA, the government agency that handles security screening at U.S. airports, do you think the TSA is doing an excellent, good, only fair, or poor job?How effective do you think the TSA's screening procedures are at preventing acts of terrorism on U.S. airplanes? The TSA in recent months has come under increased scrutiny, with some members of Congress calling for the agency to be privatized or disbanded. However, the current survey results, from Gallup interviewing conducted July 9-12, indicate that the average American has a more positive than negative impression of the TSA, even if the average American is not totally confident in the effectiveness of its procedures. Overall, Fliers' Opinions Similar to Non-Fliers' Just over half of Americans report having flown at least once in the past year. These fliers have a slightly better opinion of the job TSA is doing than those who haven't flown. Fifty-seven percent of those who have flown at least once and 57% of the smaller group who have flown at least three times have an excellent or good opinion of the TSA's job performance. That compares with 52% of those who have not flown in the past year. There is little difference in opinions about the effectiveness of TSA's screening procedures by flying status; between 40% and 42% of non-fliers, as well as of those who have flown at least once and those who have flown at least three times, believe the procedures are at least very effective. Perceptions of Transportation Security Administration, by Number of Commercial Air Trips in Past Year Perceptions of TSA Effectiveness, by Number of Commercial Air Trips in Past Year Parents of Minors and Non-Parents Have Similar Views Adults' opinions are not related to whether they have a child under age 18 at home, with both parents and non-parents expressing similar views about the TSA. This is potentially important, given that the TSA instituted revised screening procedures for children under 12 in the fall of 2011 -- the result of the agency's efforts to establish risk-based security management for its screening operations. Perceptions of the U.S. Transportation Security Administration, by Whether Respondent Has a Child Under 18 at Home Perceptions of TSA Screening Effectiveness, by Whether Respondent Has a Child Under 18 at Home Opinions, Flying Behavior Vary Across Ages Younger Americans have significantly more positive opinions of the TSA than those who are older. These differences may partly reflect substantial differences in flying frequency, with 60% of 18- to 29-year-olds reporting having flown within the last year, compared with 33% of those 65 years and older. Perceptions of the U.S. Transportation Security Administration, by Age Group Perceptions of TSA Screening Effectiveness, by Age Group Flown on Commercial Airliner in Past Year, by Age Group When the TSA was formed in late 2001, Americans who are now 18 to 29 were between 7 and 18 years old, meaning that their flying experience has been mostly in an environment in which increased airport security and TSA screening procedures are the norm. Bottom Line The American public gives the TSA a generally good report card, with a slight majority rating its overall job performance in positive terms. The fact that Americans who fly have a slightly more positive opinion of the agency than those who haven't flown recently suggests that experience with the TSA at airports does not detract from this image and may enhance it. Opinions about the effectiveness of the TSA are mixed, although most Americans and U.S. air travelers say the procedures are at least somewhat effective at preventing terrorism.

TSA popular—Americans put a higher priority on combating terrorism than protecting privacy

Jon **Cohen and** Ashley **Halsey,** Washington Post staff writers, 11-23-20**10**, "Poll: Nearly two-thirds of Americans support full-body scanners at airports," No Publication, http://www.washingtonpost.com/wp-dyn/content/article/2010/11/22/AR2010112205514.html)//GV

Nearly two-thirds of Americans support the new full-body security-screening machines at the country's airports, as most say they put higher priority on combating terrorism than protecting personal privacy, according to a new Washington Post-ABC News poll. THIS STORY Protests of TSA airport pat-downs, body scanners don't delay Thanksgiving travel At BWI, one man's campaign to 'Travel With Dignity' Scanner protests appear to fizzle among holiday travelers View All Items in This Story But half of all those polled say enhanced pat-down searches go too far. The uproar over the new generation of security technology, and the frisking of those who refuse it, continued Monday with Homeland Security Secretary Janet Napolitano saying the new measures are necessary for public safety. "There is a continued threat against aviation involving those who seek to smuggle powders and gels that can be used as explosives on airplanes," she said. "The new technology is designed to help us identify those individuals." According to the Transportation Security Administration, less than 3 percent of travelers receive the pat-downs. But Napolitano said the **TSA would "listen to concerns.** Of course we will make adjustments or changes when called upon, but not changes or adjustments that will affect the basic operational capability that we need to have to make sure that air travel remains safe." One possibility that could generate public support is the use of profiling at airports, where the TSA would single out specific passengers for extra screening based on available information. **Overall, 70 percent of Americans back the idea, which has been floated as an alternative.** White House spokesman Robert Gibbs sought to reassure the traveling public that "the evolution of the security will be done with the input of those who go through the security." But he said that safe travel remains the higher priority. Some people upset with the TSA's techniques have waged an Internet-based campaign urging people to refuse to use the scanners on Wednesday, one of the busiest travel days of the year. Coupled with bad winter weather forecasts across the Midwest, their efforts may delay Thanksgiving week travel. In response to growing criticism, two unions representing some TSA personnel are running full-page newspaper ads Tuesday and sending e-mails defending workers to frequent fliers. While the harshest critics have suggested that enhanced pat-downs amount to sexual assault, union officials said screeners are merely carrying out orders issued by the TSA. More than 400 of the controversial scanning machines have been put to use at 70 of 450 U.S. airports since October, though the majority of passengers are not being asked to use them. The scanners, which penetrate clothing to produce outlines of the naked human body, are in use at all three of the Washington region's major airports. In development for several years, the machines use backscatter and millimeter wave technology intended to reveal nonmetallic security threats that wouldn't be caught by traditional step-through metal detectors.

Complainers exaggerate – when surveyed, majority of Americans have a positive opinion of TSA – public understands TSA exists for a very important reason

Ted **Reed**, 10-23-**2012**, "Remember 9/11? TSA Finally Takes Off the Gloves, Reminds Critics of Reality.," Forbes, http://www.forbes.com/sites/tedreed/2012/10/23/remember-911-tsa-finally-takes-off-the-gloves-reminds-critics-of-reality/

The Transportation Security Administration has taken off the gloves and started to respond more aggressively to the constant barrage of criticism – as well it should. Last week, in an opinion piece in the Rockland County Times, published in a close-in New York City suburb, TSA spokeswoman Lisa Farbstein responded to a critical column by area resident Diane Dimond, a syndicated columnist. "Perhaps the next time Diane and her family fly out of a New York-area airport to a fun vacation spot, they'll look out the car window at the New York skyline minus the Twin Towers and remember some of the true facts about TSA and why it exists," Farbstein wrote. Dimond "criticized the very security measures that were designed to keep passengers safe —to help ensure that there is not another 9/11 in her back yard," said Farbstein, who answered about a dozen criticisms, point-by-point. Among them: it is inconvenient, undignified and an invasion of your privacy to be forced to remove your shoes, jackets and belts, take off your belt and take your computer from its case. TSA agents "treat all of us like we're new arrivals at a prison camp." The lines are too long and some agents seem to stand around doing nothing. While the criticisms are familiar, the aggressive response is new. In fact, the TSA responds to multiple daily attacks, most far less coherent than Dimond's**. Critics include travelers who make up stories;**

members of Congress who seek political gain and bloggers, tweeters and other self-promoters aware that the best way to be noticed and collect Internet hits is to express outrage. The outrage business, it must be said, is a growth business, thriving in the age of new media. Last week, radio talk show host Dana Loesch tweeted about an incident at the Phoenix airport. Loesch claimed she was sexually molested after a sensor showed traces of explosives on her. She was upset that the incident took place in private: she had requested a public screening. Earlier,in June, Loesch and her husband were detained by the TSA in Providence, R.I., after he allegedly underwent intrusive screenings because sensors detected traces of explosives on him. Perhaps we should conclude that TSA agents are engaged in a nationwide plot to harass the couple whenever possible. Or perhaps explosive pixie dust suddenly finds them whenever they head to the airport. Clearly, they are outliers among the 650 million people TSA screens annually. Last year, about one tenth of one percent of those filed complaints. The truth is that, for all of the complaints, most U.S. travelers have a positive opinion of the TSA. According to a Gallup poll released in August**, 54% of Americans think TSA is doing** either an excellent or **a good job of handling airport screening. Among Americans who have flown** at least once in the past year**, 57% have an excellent or good opinion of the agency**. In other words, the more you see them, the better you like them. Of course, TSA is not perfect. It employs 62,000 people, a few of whom have stolen from the luggage they are paid to inspect. The annual $8.1 billion budget seems high: the same work was done for far less by private firms before Sept. 11. The firms followed federal guidelines, which sadly did not prevent box cutters on airplanes. The TSA is very visible to millions of travelers, some of whom have had a bad day by the time they get to the airport. And of course the agency is overseen by a dysfunctional Congress, whose 535 members bring a love of the limelight, vastly differing agendas and an inability to compromise. Probably the biggest problem is that, unfortunately, we really don't know how much screening is enough and how much is too much. Eleven years later, that is something we are still learning.

Neolib Links

The aff's criticism of airport security neglects to balance privacy with other values – this is dangerous because it furthers neoliberalism

Simon **Dawes**. 20**11**. "Privacy and the public/private dichotomy." University of Georgia Libraries.

The framework of contextual integrity is outlined as a way of predicting people's reactions to newly introduced systems or practices. While such a system or practice that reduced control or access would normally give rise to calls from some of an invasion of privacy, the embracing of that same technology by others would either weaken this call or lead to the interpretation that privacy is just not that important anymore. A consideration of the integrity of this context would, however, take into account the effect on control and access as part of a package of what Nissenbaum refers to as 'values, ends and purposes', where the effect on other values such as security, ends such as efficiency, and purposes such as communication would also be taken into account. To this framework of contextual integrity, Nissenbaum adds an augmented approach, which does not preclude challenges to these context-appropriate norms or internal 'values, ends and purposes'. The augmented approach to contextual integrity compares entrenched normative practices against 'novel practices resulting from newly deployed socio-technical devices and systems' on the basis of how effective each is at achieving relevant contextual values (2010: 166). A violation of contextual integrity would be identified if the 'values, ends and purposes' argued to be inherent to a particular context were deemed to be negatively affected. So if a new technologically-mediated practice led to less control over one's personal information, and increased the access of others to that information, the integrity of the context would not necessarily have been violated if control and access were not particularly important features of the context, or if the new practice was more effective or efficient at achieving values that were. If the new practice was shown to harm any of the values, ends or purposes specific to the context, however, a violation of contextual integrity would have occurred. This is meant to tackle head on not only the approach to privacy that focuses on control and access, but that which poses the problem of balancing privacy with other values (notably security). Seeing privacy as always-already in relation to other values moves us away from having to negotiate a trade-off between values, where privacy may have to be sacrificed to make way for a more pressing concern. If one accepts privacy as a right to context-appropriate flows, then these norm-governed flows will already have been calibrated with the entire array of context-based 'values, ends and purposes', such as safety and control (2010: 188). An example cited is the increased scrutiny at airports, where travellers have to identify themselves numerous times, have their bodies patted down by security staff, sometimes after the removal of certain items of clothing, and have their luggage X-rayed and sometimes rooted through. In response to a nine-country survey on people's views on surveillance to which Nissenbaum refers, only 2 to 18 per cent felt that their privacy was not respected by airport officials (2010: 188–9). Nissenbaum

suggests that this is because what we understand by 'privacy' is actually tempered in the specific context of air travel by our fear of terrorism and disapproval of drug smuggling. We would interpret this kind of treatment in most other contexts, however, as an invasion of our privacy, because it would in most circumstances violate our expectations or contextual norms. The ostensible focus on context, however, rests upon a fundamental dismissal of the public/private dichotomy as a foundational basis for normative conceptions of privacy (2010: 116). Her justification for this dismissal is the speed of recent technological developments, which have led to an increased capacity to survey in public, to aggregate data from numerous public and private records, and to mediated interactions on social networking sites which problematize categorization along public-private lines at a rate which has 'produced a schism between experience and expectation' (2010: 231). Technological developments in the aggregation and dissemination of information have radically altered flows of information, and increased the amount of information about a 'data subject' that can be accessed, as well as the number of people who can access that information. Nissenbaum is right to criticize those who seek to limit privacy concerns to 'private information', because it is not the nature of the information itself (whether highly personal or not) that is necessarily the issue, but the potential to increase the importance of information (or for data to become knowledge). It could be impersonal information already available in public records or otherwise published, but if information is aggregated from numerous sources to create a deep archive of information about data subjects, and then made available to a far greater number of people than before, this could indeed cause anxieties 'in the name of privacy'. A focus on arbitrary distinctions between private and public information, as often happens in court proceedings, would miss the significance of these changes and not see this as a threat to privacy, whereas approaching this within the framework of contextual integrity would mean flagging up this kind of new practice as a violation. Because all information flows are normgoverned, whether in our homes or in a park, contextual integrity can be maintained or violated in any context (2010: 189), so transcending the reductive distinction between public and private places. This radical altering of flows of information, she argues, reveals faultlines not before considered significant (2010: 119), as well as the inconsistency of boundaries and the fuzziness of distinctions (2010: 101). It is not the social constructedness or variability of the dichotomy which she sees as problematic (2010: 121), however, but the assumption that it continues to be possible to divide the world into public and private in the face of socio-technical systems that so greatly expand the power of information (2010: 126). She argues that contextual integrity displaces the public/private framework because it resolves, for instance, the 'problem of privacy in public', but one could equally resolve what is actually the problem of legal interpretations of 'privacy problems' in 'public places' by criticizing the reductive reading of the dichotomy, and prescribing a more protean and mobile appreciation of the distinction2

Even more specifically, passing the plan favors private contractors that would replace the TSA – this promotes neolib market competition

Dan **Tracy**, 9-23-**2014**, "Sanford International Airport to replace TSA with private security," OrlandoSentinel, http://www.orlandosentinel.com/travel/os-tsa-sanford-privatize-20140923-story.html

Sanford International Airport to get private security. TSA going out, private contractor coming in. Private guards will take over security at Orlando Sanford International Airport early next year — a move U.S. Rep. John Mica and airport Director Larry Dale predict will result in more passenger-friendly service and shorter lines. But even with privatization, the people staffing the security checkpoints in Sanford most likely will be the same ones who are doing it now for the federal Transportation Security Administration. The main difference is they will be reporting to Trinity Technology Group, the Manassas, Va., company that just won a $24 million, 60-month contract to check passengers before they catch their flights in Sanford. The roughly 200 TSA officers now working at Sanford must be offered the first shot at Trinity positions, according to federal law. And Trinity is required to offer roughly equivalent wages and benefits. Mica, a Republican from Winter Park, and Dale maintain that Trinity — and other private-security companies, for that matter — will save money by having fewer managers as well as having more flexibility in firing poor performers. "I just believe private industry can do better than the government," said Dale, who predicted Trinity guards will be more courteous and attentive to passengers, and its management will be more flexible in scheduling workers to reduce lines during peak travel times. TSA spokeswoman Sari Koshetz would not comment on criticisms by Dale and Mica, saying only that the agency had five complaints and dozens of compliments last year from the more than 1.8 million passengers who went through Sanford. The switch, which includes a four-month transition that starts Oct. 1, comes more than four years after Dale started pushing to replace TSA. TSA's pre-check screening program -- in effect at 118 U.S. airports -- aims for speedy processing of select passengers who have paid a fee, been fingerprinted and undergone a computer security check. Trinity already provides security at smaller airports, such as Sioux Falls, S.D.; Santa Rosa, Calif.; and Tupelo, Miss., among others. The Sanford airport handles nearly 2 million passengers annually. Although long lines at security have rarely been a problem in Sanford, Dale has often complained that TSA was difficult to deal with and overly bureaucratic. With the change, the TSA will continue to oversee security at Sanford airport, but Trinity will run the day-to-day operations. Just like TSA, the Trinity employees will confirm tickets belong to the correct travelers, as well as check passengers for contraband, such as explosives,

and run the scanning machines. Trinity officials would not comment Tuesday to the Orlando Sentinel. TSA officers who do not sign on with Trinity can apply for other government positions or retire, Koshetz said. With the changeover, 19 airports nationally now have private security; the largest are San Francisco International, Kansas City International and Greater Rochester International in New York. In Florida, Key West International Airport has a private force, and Sarasota Bradenton International Airport is moving toward one. The board of Orlando International Airport, which 35 million travelers passed through last year, has been considering a switch to private security for 18 months. A 10-member panel was supposed to make a recommendation last fall but has yet to vote on a suggestion for the board. Orlando International spokeswoman Carolyn Fennell said, "They are still evaluating the information they have gathered." At Orlando, TSA made several changes to decrease the lines passengers face at the checkpoints after the review was started. As a result, travelers move through security more quickly than in years past, according to TSA statistics. TSA usually screens 50,000 travelers and 38,000 checked bags daily at the airport. TSA was created after the terrorists attacks of 9-11. Private security previously worked at airports. Leading the charge against TSA has been Mica, who helped draft the legislation that created the agency. He has been pushing Orlando International to fire TSA, too, arguing it is bloated and top-heavy with management. Mica also was instrumental in passing a law almost two years ago that made it easier for airports to opt out of TSA. He said he was "pleased" that Sanford was going private and hopes other airports, including Orlando, follow.

Counterplan

The algorithms do not involve any racial profiling

Emotional Intelligence Academy 15 (http://www.emotional-intelligence-academy.com/scanr-the-secret-to-uncovering-what-others-are-really-thinking-and-feeling/, SCAnR: Get the Truth – the secret to uncovering what others are really thinking and feeling? - See more at: http://www.emotional-intelligence-academy.com/scanr-the-secret-to-uncovering-what-others-are-really-thinking-and-feeling/#sthash.NpmNoLMI.dpuf)//A.V.

EIA is delighted to announce the launch of its SCAnR™ (Six Channel Analysis – Realtime). SCAnR is a multimodal model that has been integrated with a Realtime Cognitive Conversation (RC2) approach to deliver a gold standard, research-driven solution to help those professionals involved in behavioural analysis and high stake communications. SCAnR and RC2 are core to curriculum for the new Certificate in Behavior Analysis and Investigative Interviewing (BAII). The foundations, models and skills employed by SCAnR served as the foundation for the behavioral assessment and anti-terrorism approaches used by professionals from over 60 federal/state/corporate organizations. The uniqueness is the combination of: Realtime behavior analysis across all 6 communication channels (without technology interfaces) Impact and results achieved within 3 minutes of conversation Orienting towards 27 research validated deception indicators across the 6 channels (Archer & Lansley [August 2015] : under review) Uses a unique algorithm to define ‘cluster’ significance of those deception indicators Unpredictable framework of non-oppressive probes within a casual cognitive conversation process that ’amplifies’ leakage across all channels (due to cognitive/emotional load) only from those who are lying Uses realtime data – clean of discriminating bias (including ethnic, racial, religious profiling) Can be used in laboratory settings, post event, for detailed analysis to inform more formal/serious processes Counter-measure proof – knowing these techniques will not insulate you from those we have trained Proficiency achieved within 24 hours of intense training.

CCE is 20 times more effective and is not islamaphobic because it applies to everyone and catches people off of algorithms that catch contradictions in their speech

Rogers 14 (http://www.insidescience.org/content/new-airport-screening-method-catches-more-20-times-many-liars/2441, New Airport Screening Method Catches More Than 20 Times As Many Liars)//A.V.

(Inside Science) -- Around the world, airport security teams attempt to identify terrorists by spotting nonverbal cues such as fidgeting or facial expressions that are believed to reveal deception. But according to many researchers, this approach just doesn't work. In 2013 the Government Accountability Office analyzed the U.S. program known as Screening of Passengers by Observation Techniques, or SPOT, and found no evidence that the technique used in the U.S. is effective. European airports also have programs based on detecting nonverbal cues. "My observations of the things that were going on at airports was that they were at best useless, and at worst were actually stopping security agents from doing their job," said Tom Ormerod, a psychologist at the University of Sussex in the U.K. "The U.K. government said, 'Listen, if you think the current method's no good, why don't you try to develop a better one?'" Ormerod took his government up on the challenge. With Coral Dando, a police-officer-turned-psychologist at the University of Wolverhampton in the U.K., he developed a new screening method called "Controlled Cognitive Engagement." At major airports in Europe, CCE detected more than 20 times as many mock passengers as an existing method used to screen passengers for long-haul international flights. The mock passengers were given fake documents and cover stories. What's the secret of CCE? Get people talking. With the new method, security agents engage passengers in what feels like a casual conversation, provided you're telling the truth. If you're lying, the conversation is a series of traps. The interview starts with open-ended questions, such as "Tell me a little about the family members you may be visiting," then continues with targeted questions based on prior answers. Agents ask several sets of questions on different topics. The whole process takes about three minutes, the same as the traditional method it was compared against. An algorithm helps agents come up with unique questions for each passenger. Because the questions are different each time, deceitful passengers have no way to fully prepare. "We set out to develop an interviewing method that would be essentially benign for regular passengers; it would be just like a conversation," said Ormerod. "But if you were being deceptive, at some point during that interview you would come under challenge where you would think, 'hang on a second, given what I've just said, and given the question they've just asked me, I ought to know the answer to this. And they know I ought to know the answer.'" If agents notice that interviewees become evasive and uninformative, they flag passengers to bump them up to a more intensive level of screening. The researchers compared CCE to a method currently being used to screen passengers for certain long-haul international flights. With the existing method, security personnel ask a series of rote questions and watch for nonverbal cues of deception. This procedure is one of many security screening steps that passengers must go through before getting on an airplane. At each airport in the study, which were all in Europe, the researchers trained a group of security agents to use CCE. All but two of the 79 trainees passed a two-week training course, and then they began screening all their passengers using CCE. Other agents in the same airport continued to use the older method. Unbeknownst to the security agents, the researchers sent 204 mock passengers through security. To increase motivation, the researchers paid the mock passengers twice as much if they made it through security without being caught. These individuals were considered "caught" if agents flagged them for further security screening. Agents who used CCE caught 66 percent of mock passengers. Those who used the traditional method flagged three percent for further scrutiny. Also, it seems unlikely that practice improves a liar's deception. The mock passengers who were given the chance to pass security multiple times were repeatedly caught by agents using CCE. To ensure that the CCE interviews were not too demanding for genuine passengers, the researchers asked some people about their impressions of the experience after screening. This part of the experiment is unpublished, but Dando said that passengers did not find CCE any more stressful or unpleasant than the traditional method. The study was published online November 3 in the Journal of Experimental Psychology: General. CCE's use can extend beyond airport surveillance, to areas such as job interviews or law enforcement interrogations, according to Ormerod. The technique could even help doctors evaluate what they are told by patients who may be forgetful, frightened or confused. Dando believes it's a myth that behavioral signs such as facial expressions and body language are reliable indicators of deception. "The problem with the myths is that they assume that everybody behaves the same way when they're being deceptive, and they don't," said Dando. Judee Burgoon, director of human communication research at the University of Arizona in Tucson, agrees that unpredictable questions are a powerful way of detecting liars, but she is not ready to dismiss nonverbal cues. Burgoon is developing automated devices to detect cues such as eye movements that are too subtle for humans to spot, and she suspects CCE would work even better in combination with such tools. While the CCE approach shows promise, she said, "Nothing should be implemented without more validation." Tim Levine, a communication professor who studies deception at Korea University in Seoul, advised a swifter rollout. "If you take the results at face value, they're jaw-dropping," said Levine. He would like to see more details about the technique, and he questioned whether the interviews were as simple for honest

passengers as the researchers believe. However, he pointed out that as long as the new method doesn't increase the rate at which honest passengers are mistakenly flagged, it won't do any harm. Because the results are so promising, Levine believes airports should start using CCE right away, and continue to track how the method performs. At two major airports in Europe, that's exactly what's happening. The security agents at these airports who were trained in CCE are continuing to screen passengers using the new method, and, according to the researchers, the agents have enjoyed the new technique. "It changed their lives from being a series of rote questions, to actually talking to customers and using their minds," said Dando.

Counterplan would avoid racial profiling and be 20 times more successful than traditional security standards—shields link to Terror DA.

APA 14 (American Psychology Association, 11/6/14, "New Airport Security Screening Method More Than 20 Times as Successful at Detecting Deception, Research Finds," http://www.apa.org/news/press/releases/2014/11/airport-security.aspx, rmf)

WASHINGTON — Airport security agents using a new conversation-based screening method caught mock airline passengers with deceptive cover stories more than 20 times as often as agents who used the traditional method of examining body language for suspicious signs, according to new research published by the American Psychological Association. In experiments spanning eight months, **security agents** at eight international airports in Europe **detected dishonesty in 66 percent of the deceptive mock passengers using the new screening method, compared to just 3 percent for agents who observed signs thought to be associated with deception, including lack of eye contact, fidgeting and nervousness. The suspicious-signs screening method is widely used in airports in the United States**, United Kingdom and many other countries, **even though it has not been proven to be effective in laboratory or real-life settings**, said researcher Thomas Ormerod, PhD, head of the School of Psychology at the University of Sussex in England. "The suspicious-signs method almost completely fails in detecting deception," Ormerod said. "In addition, it costs a lot of money, absorbs a lot of time and gives people a false sense of security." The new Controlled Cognitive Engagement method (CCE), which is based on previous laboratory studies, had the highest rate of deception detection in the first large-scale study of screening methods conducted in a real-life airport setting. **This could have important implications for thwarting terrorist attacks and catching other criminals, according to the research**. The study, which was funded in part by the British government, was published in APA's Journal of Experimental Psychology: General®. Ormerod previously worked with the British government to improve security at athletic venues during the 2012 London Olympics. "The U.K. government gave us a challenge that if we didn't think the current airport screening method worked well, then we should come up with a better one," said Ormerod, who conducted the research with Coral Dando, PhD, a psychology professor at the University of Wolverhampton and former London police officer. In the CCE method, security agents engage in friendly, informal conversation by asking passengers seemingly unrelated and unpredictable questions about knowledge the passenger should possess. The agent then gauges whether a passenger's responses become more evasive or erratic. "If you're a regular passenger, you're just chatting about the thing you know the best — yourself," Ormerod said. "It shouldn't feel like an interrogation." In one example, an agent might ask a passenger the name of his high school principal and the travel time to his destination. It didn't matter if the agents knew the truthful

answers to the questions because they were examining verbal cues from the passenger, such as shorter and more evasive responses to straightforward questions, Ormerod said. In the study, 79 security agents received one week of classroom training in the CCE method, followed by a week of on-the-job training. A control group of 83 agents received no additional training. The lessons covered myths about deception detection and ways to build rapport and gather information from passengers. The bulk of the research occurred at Heathrow Airport outside London, with other screening experiments conducted at two other British airports (Gatwick and Manchester) and airports in Paris, Amsterdam, Frankfurt, Zurich and Milan. Researchers recruited 204 mock passengers (113 male, 91 female), including college acting students and undercover police detectives. Participants were paid 60 pounds (approximately $97) to participate, along with an additional 60 pounds if they avoided detection by security agents. Each mock passenger had a week to research a different deceptive cover story so he or she would be more convincing when questioned. For example, one recruit was instructed to say he was a telecommunications engineer traveling from England to Chicago for an international amateur fencing competition. The mock passengers had realistic tickets and joined genuine passengers in security lines, where their screenings were recorded. If a mock passenger was caught, he or she was flagged in a computer system for further questioning at the gate, but all mock passengers turned around after passing through security and left the airport. A control group included 204 genuine passengers (113 male, 91 female) who were asked after their screenings if the recordings could be used in the research. The CCE technique requires greater focus by security agents, who must think of different questions in each interview, rather than repeating scripted questions about luggage or travel plans in the suspicious-signs method that could be rehearsed by criminals seeking to avoid detection, the study noted. **The risk of racial profiling also is reduced with the CCE method because it is applied in the same way to all passengers, unlike the suspicious-signs method, which is based on observation of physical characteristics, Ormerod said.** The average screening time was the same for agents using CCE or the suspicious-signs method, but agents using the CCE method asked fewer questions, with both genuine and mock passengers speaking at greater length to them. But mock passengers gradually spoke less and revealed less information as they were asked more questions that might reveal their deception. Screening agents trained in the CCE method improved in their ability to catch deceptive mock passengers during the study, increasing from 60 percent during the first month to 72 percent in the sixth month. The agents in the suspicious-signs group, however, performed worse over time, dropping from 6 percent in the first month to zero in the sixth month.

Counterplan solves entirety of the AFF and offers an alternative to racist and transphobic TSA policies.

Collins 14 (Nathan, 11/14/14, Pacific Standard, "To Find Suspicious Travelers, Try Talking to Them," http://www.psmag.com/health-and-behavior/find-suspicious-travelers-try-talking-them-94318, rmf)

By now, it's safe to say that the Transportation Security Administration's behavioral detection officers—agents trained to detect suspicious behavior simply by watching people—aren't very effective. Still, the TSA would like to have tools for detecting potential threats beyond current body scanners, which have their own problems. Now, a pair of English researchers report a new interview approach that could help tell the difference between liars and others. Lie detection is a controversial subject historically, and a field perhaps dominated more by the hope that it's

possible than particularly strong scientific research. Though a few prominent scientists think we can detect lies using physiological measurements or facial expressions, most think that interview techniques are more effective for identifying prevaricators. Interviews, the thinking goes, are more mentally taxing on liars than truth tellers, and they yield more opportunities for liars to contradict themselves. On the other hand, an interview must last long enough to set traps and make them work. "In contrast to current practice, we propose that security agents should not be trained to identify specific behaviors associated with deception." Thomas Ormerod and Coral Dando's solution is to engage passengers in brief, friendly conversations that elicit fairly detailed accounts of individuals' travel plans and backgrounds. Those conversations are meant to be quite flexible, so that officers can probe details of a passenger's story as they come up. Key to the approach is to let the traveler do most of the talking, giving agents more information to go on when evaluating a passenger's truthfulness. This contrasts with other methods such as "suspicious signs," which emphasizes a fixed set of questions with generally shorter answers and which often emphasize supposed behavioral tells over information gathering. To see if their approach worked, the pair went into London Heathrow Airport and a few others and trained 79 officers in their method, called Controlled Cognitive Engagement (CCE). Another 83 trained in the suspicious-signs method also took part. To test the methods, Ormerod and Dando recruited 204 people and gave them one goal: con their way past airport security agents using falsified boarding passes and false identities. The agents' goal was to stop as many of the fakes as they could—a particularly difficult challenge since the fakes had blended in with legitimate air travelers who showed up simply to catch a flight. The contrast between methods was stark. Agents trained in CCE stopped two-thirds of the mock passengers, compared with a dismal three percent stopped by agents using suspicious signs, which is standard protocol at many airports around the world. Meanwhile, agents using CCE stopped only three percent of real passengers who agreed afterwards to participate in the study—about the same false-positive rate as the suspicious signs method. "Our results have implications for practitioners, both in security screening, and more generally for professional lie catchers such as police officers and court officials," Ormerod and Dando write in the Journal of Experimental Psychology: General. "In contrast to current practice, we propose that security agents should not be trained to identify specific behaviors associated with deception." Instead, agents should work to draw out potential inconsistencies through conversation, they argue.

Terrorism DA Links

Isis will attack us by plane!

RT 15 (http://www.rt.com/usa/257669-morrell-alqaeda-threat-flights/, US domestic & transatlantic flights vulnerable to terrorists – former CIA #2)//A.V.

Al-Qaeda terrorists could attack an American flight any time, the former CIA deputy director confesses in a new book. Michael Morrell also said that if they aren't dealt with, the Islamic State is likely to stage another 9/11 attack. The Al-Qaeda in the Arabian Peninsula (AQAP) and its notorious chief bomb maker, Ibrahim al-Asiri remain probably the biggest threat to the US, claims the retired number two at the CIA, Michael Morrell, in a new book: The Great War of Our Time: the CIA's Fight Against Terrorism from Al-Qaida to ISIS. The Yemen-based AQAP, an offshoot of Al-Qaeda, has enough resources to crash a passenger jet, Morrell said. "To put it bluntly, I wouldn't be

surprised if Al-Qaeda in the Arabian Peninsula tomorrow brought down a US airliner traveling from London to New York or from New York to Los Angeles or anywhere else in the United States," the Telegraph cites Morrell's book. The US hasn't been exactly effective so far in dealing with another terrorist entity, the Islamic State, Morell said, because "it's very hard to do." "If we don't get ISIS under control, we're going to see that kind of attack," the kind of attack Al-Qaeda launched on 9/11, Morell told USA TODAY. The former CIA executive served during the most tragic terror events of the last two decades: both 9/11 attacks on American soil and the London bombings on July 7, 2005. Morrell used to be the CIA's chief liaison with British intelligence (2003-2006).

Terrorists most likely to enter the United States on plane

Kelly 14 (http://www.azcentral.com/story/news/politics/2014/09/10/isis-likely-enter-plane-than-via-southwest-border/15414565/, Experts: ISIS more likely to enter U.S. by plane than via Southwest border)//A.V.

WASHINGTON – Islamic State terrorists who want to enter the United States are much more likely to try to fly on a commercial airline than sneak across the Southwest border, homeland security officials told a House panel Wednesday. "More than a decade after the terrorist attacks on September 11, 2001, terrorists continue to focus on commercial aviation as their primary target of interest," said Troy Miller, acting assistant commissioner for U.S. Customs and Border Protection. RELATED: Obama says he has authority for militant campaign The number of people that federal officials have encountered at the Southwest border who are on the terrorist watch list is "minimal" compared to how many are trying to enter on commercial planes, said John P. Wagner, assistant commissioner in the Office of Field Operations at Customs and Border Protection. "You're talking 10s (encountered at the border) versus thousands (in commercial aviation)," Wagner told members of the House Homeland Security Subcommittee on Border and Maritime Security.

Util

Extinction outweighs—any action we can take to stop it is worth it.

Sandberg et al 08 (Anders Samberg, James Martin Research Fellow @ Oxford University, Milan M. Ćirković, Senior research associate @ the Astronomical Observatory of Belgrade, Jason G. Matheny, PhD candidate in Health Policy and Management at Johns Hopkins Bloomberg School of Public Health, 2008, Bulletin of the Atomic Scientists, "How can we reduce the risk of human extinction?," http://thebulletin.org/how-can-we-reduce-risk-human-extinction, rmf)

Humanity could be extinguished as early as this century by succumbing to natural hazards, such as an extinction-level asteroid or comet impact, supervolcanic eruption, global methane-hydrate release, or nearby supernova or gamma-ray burst. (Perhaps the most probable of these hazards, supervolcanism, was discovered only in the last 25 years, suggesting that other natural hazards may remain unrecognized.) Fortunately the probability of any one of these events killing off our species is very low--less than one in 100 million per year, given what we know about their past

frequency. **But as improbable as these events are, measures to reduce their probability can still be worthwhile**. For instance, investments in asteroid detection and deflection technologies cost less, per life saved, than most investments in medicine. While an extinction-level asteroid impact is very unlikely, **its improbability is outweighed by its potential death toll.** The risks from anthropogenic hazards appear at present larger than those from natural ones. Although great progress has been made in reducing the number of nuclear weapons in the world, **humanity is still threatened by the possibility of a global thermonuclear war and a resulting nuclear winter.** We may face even greater risks from emerging technologies. **Advances in synthetic biology might make it possible to engineer pathogens capable of extinction-level pandemics.** The knowledge, equipment, and materials needed to engineer pathogens are more accessible than those needed to build nuclear weapons. And unlike other weapons, pathogens are self-replicating, allowing a small arsenal to become exponentially destructive. **Pathogens have been implicated in the extinctions of many wild species**. Although most pandemics "fade out" by reducing the density of susceptible populations, pathogens with wide host ranges in multiple species can reach even isolated individuals**. The intentional or unintentional release of engineered pathogens with high transmissibility, latency, and lethality might be capable of causing human extinction.** While such an event seems unlikely today, the likelihood may increase as biotechnologies continue to improve at a rate rivaling Moore's Law. Farther out in time are technologies that remain theoretical but might be developed this century. Molecular nanotechnology could allow the creation of self-replicating machines capable of destroying the ecosystem. And advances in neuroscience and computation might enable improvements in cognition that accelerate the invention of new weapons. A survey at the Oxford conference found that concerns about human extinction were dominated by fears that new technologies would be misused. These emerging threats are especially challenging as they could become dangerous more quickly than past technologies, outpacing society's ability to control them. As H.G. Wells noted, "Human history becomes more and more a race between education and catastrophe." Such remote risks may seem academic in a world plagued by immediate problems, such as global poverty, HIV, and climate change. But as intimidating as these problems are, they do not threaten human existence. In discussing the risk of nuclear winter, Carl Sagan emphasized the astronomical toll of human extinction: A nuclear war imperils all of our descendants, for as long as there will be humans. Even if the population remains static, with an average lifetime of the order of 100 years, over a typical time period for the biological evolution of a successful species (roughly ten million years), we are talking about some 500 trillion people yet to come. By this criterion, the stakes are one million times greater for extinction than for the more modest nuclear wars that kill "only" hundreds of millions of people. There are many other possible measures of the potential loss--including culture and science, the evolutionary history of the planet, and the significance of the lives of all of our ancestors who contributed to the future of their descendants. **Extinction is the undoing of the human enterprise.** There is a discontinuity between risks that threaten 10 percent or even 99 percent of humanity and those that threaten 100 percent. For disasters killing less than all humanity, there is a good chance that the species could recover. **If we value future human generations, then reducing extinction risks should dominate our considerations**. Fortunately, most measures to reduce these risks also improve global security against a range of lesser catastrophes, and thus deserve support regardless of how much one worries about extinction. These measures include: Removing nuclear weapons from hair-trigger alert and further reducing their numbers; Placing safeguards on gene synthesis equipment to prevent synthesis of select pathogens; Improving our ability to respond to infectious diseases, including rapid disease surveillance, diagnosis, and control, as well as accelerated drug

development; Funding research on asteroid detection and deflection, "hot spot" eruptions, methane hydrate deposits, and other catastrophic natural hazards; Monitoring developments in key disruptive technologies, such as nanotechnology and computational neuroscience, and developing international policies to reduce the risk of catastrophic accidents.

Prioritize even a 1% risk of extinction—the value of the lives saved is massive and outweighs.

Bostrom 13—philosophy @ University of Oxford (Nick, 2013, Global Policy, Volume 4, Issue 1, "Existential Risk Prevention as Global Priority," http://www.existential-risk.org/concept.pdf, rmf)

Holding probability constant, risks become more serious as we move toward the upper-right region of Figure 2. For any fixed probability, existential risks are thus more serious than other risk categories. But just how much more serious might not be intuitively obvious. One might think we could get a grip on how bad an existential catastrophe would be by considering some of the worst historical disasters we can think of—such as the two world wars, the Spanish flu pandemic, or the Holocaust—and then imagining something just a bit worse. Yet if we look at global population statistics over time, we find that these horrible events of the past century fail to register (Figure 3). But even this reflection fails to bring out the seriousness of existential risk. **What makes existential catastrophes especially bad** is not that they would show up robustly on a plot like the one in Figure 3, causing a precipitous drop in world population or average quality of life. Instead, their significance **lies primarily in the fact that they would destroy the future**. The philosopher Derek Parfit made a similar point with the following thought experiment: I believe that if we destroy mankind, as we now can, this outcome will be much worse than most people think. Compare three outcomes: 1. Peace. 2. A nuclear war that kills 99 per cent of the world's existing population. 3. A nuclear war that kills 100 per cent. 2 would be worse than 1, and 3 would be worse than 2. Which is the greater of these two differences? Most people believe that the greater difference is between 1 and 2. I believe that the difference between 2 and 3 is very much greater. The Earth will remain habitable for at least another billion years. Civilisation began only a few thousand years ago. If we do not destroy mankind, these few thousand years may be only a tiny fraction of the whole of civilised human history. The difference between 2 and 3 may thus be the difference between this tiny fraction and all of the rest of this history. If we compare this possible history to a day, what has occurred so far is only a fraction of a second (Parfit, 1984, pp. 453–454). **To calculate the loss associated with an existential catastrophe, we must consider how much value would come to exist in its absence.** It turns out that the ultimate potential for Earth-originating intelligent life is literally astronomical. One gets a large number even if one confines one's consideration to the potential for biological human beings living on Earth. If we suppose with Parfit that our planet will remain habitable for at least another billion years, and we assume that at least one billion people could live on it sustainably, then the potential exist for at least 10^{16} human lives of normal duration. **These lives could also be considerably better than the average contemporary human life, which is so often marred by disease, poverty, injustice, and various biological limitations that could be partly overcome through continuing technological and moral progress.** However, **the relevant figure is not how many people could live on Earth but how many descendants we could have in total**. One lower bound of the number of biological human life-years in the future accessible universe (based on current cosmological estimates) is 10^{34} years.7 Another estimate, which assumes that

future minds will be mainly implemented in computational hardware instead of biological neuronal wetware, produces a lower bound of 10^{54} human-brain-emulation subjective life-years (or 10^{71} basic computational operations) (Bostrom, 2003).8 If we make the less conservative assumption that future civilisations could eventually press close to the absolute bounds of known physics (using some as yet unimagined technology), we get radically higher estimates of the amount of computation and memory storage that is achievable and thus of the number of years of subjective experience that could be realised.9 Even if we use the most conservative of these estimates, which entirely ignores the possibility of space colonisation and software minds, we find that **the expected loss of an existential catastrophe is greater than the value of 10^{16} human lives.** This implies that the expected value of reducing existential risk by a mere one millionth of one percentage point is at least a hundred times the value of a million human lives. The more technologically comprehensive estimate of 10^{54} humanbrain-emulation subjective life-years (or 10^{52} lives of ordinary length) makes the same point even more starkly. Even if we give this allegedly lower bound on the cumulative output potential of a technologically mature civilisation a mere 1 per cent chance of being correct, we find that **the expected value of reducing existential risk by a mere one billionth of one billionth of one percentage point is worth a hundred billion times as much as a billion human lives**. One might consequently argue that even the tiniest reduction of existential risk has an expected value greater than that of the definite provision of any 'ordinary' good, such as the direct benefit of saving 1 billion lives. And, further, that the absolute value of the indirect effect of saving 1 billion lives on the total cumulative amount of existential risk—positive or negative—is almost certainly larger than the positive value of the direct benefit of such an action.10

Util good—best and most moral decision calculus.

Bostrom 02—philosophy @ University of Oxford (Nick, 2002, "Existential Risks Analyzing Human Extinction Scenarios and Related Hazards," http://www.nickbostrom.com/existential/risks.html, rmf)

Previous sections have argued that **the combined probability of the existential risks is very substantial**. Although there is still a fairly broad range of differing estimates that responsible thinkers could make, it is nonetheless arguable that because the negative utility of an existential disaster is so enormous, **the objective of reducing existential risks should be a dominant consideration when acting out of concern for humankind as a whole**. It may be useful to adopt the following **rule of thumb** for moral action; we can call it Maxipok: **Maximize the probability of an okay outcome, where an "okay outcome" is any outcome that avoids existential disaster.** At best, this is a rule of thumb, a prima facie suggestion, rather than a principle of absolute validity, since there clearly are other moral objectives than preventing terminal global disaster. Its usefulness consists in helping us to get our priorities straight. Moral action is always at risk to diffuse its efficacy on feel-good projects[24] rather on serious work that has the best chance of fixing the worst ills. The cleft between the feel-good projects and what really has the greatest potential for good is likely to be especially great in regard to existential risk. Since the goal is somewhat abstract and since existential risks don't currently cause suffering in any living creature[25], there is less of a feel-good dividend to be derived from efforts that seek to reduce them. This suggests an offshoot moral project, namely to reshape the popular moral perception so as to give more credit and social approbation to those who devote their time and resources to benefiting humankind via global safety compared to other philanthropies. Maxipok, a kind of satisficing rule, is different from Maximin ("Choose the action that has the best worst-case outcome.")[26]. Since we cannot completely eliminate existential risks (at any moment we could be sent into the dustbin of cosmic history by the advancing front of a vacuum phase transition triggered in a remote galaxy a billion years ago) using maximin in the present context has the consequence that we should choose the act that has

the greatest benefits under the assumption of impending extinction. In other words, maximin implies that we should all start partying as if there were no tomorrow. While that option is indisputably attractive, it seems best to acknowledge that **there just might**

No inherency, revealing tsa scanners were removed a few years ago. Note their ev is from 2012, we postdate.

Ron **Nixon 13**, 1-18-2013, "T.S.A. To Remove Invasive Body Scanners," New York Times, http://www.nytimes.com/2013/01/19/us/tsa-to-remove-invasive-body-scanners.html, jono)

WASHINGTON — After years of complaints by passengers and members of Congress, the Transportation Security Administration said Friday that it would begin removing the controversial full-body scanners that produce revealing images of airline travelers beginning this summer. The agency said it canceled a contract, originally worth $40 million, with the maker of the scanners, Rapiscan, after the company failed to meet a Congressional deadline for new software that would protect passengers' privacy. Since going into widespread use nearly three years ago, the scanners have been criticized by passengers for being too invasive and are the subject of lawsuits from privacy groups. The T.S.A. began deploying the scanners in 2010, after an attempt by Umar Farouk Abdulmutallab, a Nigerian citizen, to blow up a Detroit-bound Northwest Airlines flight by setting off explosives hidden in his underwear. The T.S.A. said that 174 of the machines are currently being used at airport checkpoints around the country. Another 76 are housed at a storage facility in Texas. Rapiscan will be required to pay for removing the scanners. In a statement, Deepak Chopra, the company's president, said the decision to cancel the contract and remove the scanners was a "a mutually satisfactory agreement with the T.S.A." The company said that scanners would be used at other government agencies. The removal of the Rapiscan scanners does not mean that all full-body scanners will be removed from airport security checkpoints. A second type of full-body scanner does not produce revealing images. Instead, it makes an avatar-like projection on security screens. The T.S.A. said those machines, which should be in airports by June, will allow quicker scans than those using X-rays. "This means faster lanes for the traveler and enhanced security," the agency said.

TSA Trans DDI

Case

TSA K2 Find Weapons

TSA is key to protect against dangerous weapons, explosives, and innovate in security technologies.

John S. **Pistole,** 3-5-20**12**, "Counterterrorism, Risk-Based Security and TSA's Vision for the Future of Aviation Security," Transportation Security Administration, https://www.tsa.gov/press/speeches/counterterrorism-risk-based-security-and-tsa%E2%80%99s-vision-future-aviation-security

Remember that before September 11, 2001, there was:¶ No cohesive system in place to check passenger names against terrorist watch lists in advance of flying;¶ Only limited technologies in place for uncovering a wide array of threats to passengers or aircraft;¶ No comprehensive federal requirements to screen checked or carry-on baggage;¶ Minimal in-flight security on most flights; and,¶ From a coordination standpoint, before 9/11 there was a lack of timely intelligence-sharing, in both directions — from the federal level down to the individual airports, as well as from an individual airport up to the national level.¶ I came to TSA more than a year and a half ago, having worked the previous 26 years in a variety of positions within the FBI. That experience with a range of partners inside the law enforcement and intelligence communities helped shape my approach to solidifying TSA's place within the national counterterrorism continuum.¶ Every day, we strive to ensure our operational planning and decision making process is timely, efficient and as coordinated as possible — and critically, based on intelligence. We work to share critical information with key industry stakeholders whenever appropriate, and we are constantly communicating with our frontline officers through shift briefings held several times a day.¶ Thanks to the effective partnerships we've forged with industry stakeholders, with our airline and airport partners, and with law enforcement colleagues at every level, TSA has achieved a number of significant milestones during its first 10 years of service.¶ These include matching 100 percent of all passengers flying into, out of, and within the United States against government watch lists through the Secure Flight program.¶ It includes screening all air cargo transported on passenger planes domestically and, as you know, we work closely with our international partners every day to screen 100% of high-risk inbound cargo on passenger planes. We're also working hard with these same partners to screen 100% of allinternational inbound cargo on passenger planes by the end of this year.¶ And it also includes improving aviation security through innovative technology that provides advanced baggage screening for explosives.¶ Since their inception in 2005 through February 2012, we have also conducted more than 26,000 Visible Intermodal Prevention and Response or VIPR operations. We have 25 multi-modal VIPR teams working in transportation sectors across the country to prevent or disrupt potential terrorist planning activities.¶ Additionally, since 2006, TSA has completed more than 190 Baseline Assessments for Security Enhancement for transit, which provides a comprehensive assessment of security programs in critical transit systems.¶ We are seeing the benefits of how these important steps — combined with our multiple layers of security including cutting-edge technology — keep America safe every day.¶ Since our standup in 2002, we have screened nearly six billion passengers. Our front line officers have detected thousands of firearms and countless other prohibited items and we have prevented those weapons from entering the cabin of an aircraft.¶ In fact, more than 10 years after 9/11, TSA officers still detect, on-average, between three and four firearms every day in carry-on bags at security checkpoints around the country.¶ Deploying advanced, state-of-the-art technologies continue to factor significantly into our multi-layered approach to transportation security. In particular, we continue to see the efficacy of Advanced Imaging Technology, or AIT, machines at hundreds of passenger security checkpoints around the United States.¶ From February 2011 to June 2011, the Office of the Inspector General (OIG) assessed the manner in which TSA inspects, maintains and operates backscatter units used in passenger screening.¶ The OIG found that TSA was in compliance with standards regarding radiation exposure limits and safety requirements. As a result of intensive research, analysis, and testing, TSA concludes that potential health risks from screening with backscatter X-ray security systems are minuscule.¶ While there is still no

perfect technology, AIT gives our officers the best opportunity to detect both metallic and non-metallic threats including improvised explosive devices such as the device Umar Farouk Abdulmutallab attempted to detonate on Christmas Day, 2009.¶ As manufacturers continue enhancing the detection capability and strengthening the privacy features of their machines, we maintain the ability to upgrade the software used on them to stay ahead of the rapidly shifting threat landscape. Maintaining a high level of adaptability enables us to keep an important technological advantage.¶ Throughout 2011, this and other technologies helped our officers detect hundreds of prohibited, dangerous, or illegal items on passengers.¶ These "good catches" as we call them, illustrate how effective our people, process and technology are at finding concealed metallic and non-metallic items concealed on a passenger or in their bags.¶ In an ongoing effort to help educate the traveling public, we highlight many of these good catches every week in blog posts uploaded to TSA.gov. I hope some of you have seen these. They have included incidents of items concealed in shoes, to weapons hidden in a hollowed out book, to ceramic knives, to exotic snakes strapped to a passenger's leg. As strange as some of these tales may be, they are a stark reminder that now — more than 10 years after the September 11, 2001, attacks — people are still trying to bring deadly weapons onto aircraft. And our officers are detecting numerous weapons every day and keeping them off of planes.¶ Less than one month ago in fact, over Presidents Day weekend in February, our officers detected 19 guns in carry-on bags at various checkpoints around the country. In total, 1,306 guns were detected at airport checkpoints in 2011.

The TSA is effective—discovered over 2,000 firearms in 2014 alone

TSA 15

(1/23/15, TSA Blog, "TSA 2014 Year in Review," http://blog.tsa.gov/2015/01/tsa-2014-year-in-review.html, 7/18/15, SM)

TSA had a busy year in 2014, screening more than 653 million passengers in 2014 (about 1.8 million per day), which is 14.8 million more passengers than last year.∂ 2,212 firearms were discovered in carry-on bags at checkpoints across the country, averaging more than six firearms per day. Of those, 1,835 (83 percent) were loaded. Firearms were intercepted at a total of 224 airports; 19 more airports than last year.∂ There was a 22 percent increase in firearm discoveries from last year's total of 1,813.

A terrorist attack would crush the economy

Bandyopadhyay et al 15 -- Subhayu Bandyopadhyay is Research Officer at the Federal Reserve Bank of St. Louis and Research Fellow at IZA, Bonn, Germany. Todd Sandler is Vibhooti Shukla Professor of Economics and Political Economy at the University of Texas at Dallas. Javed Younasis Associate Professor of Economics at the American University of Sharjah, United Arab Emirates. "The Toll of Terrorism" http://www.imf.org/external/pubs/ft/fandd/2015/06/bandyopa.htm

modified for ableist language

New technology has lowered transportation costs and increased trade and capital flows across nations. But the same technology that has fostered international economic growth has also allowed terrorism to spread easily among countries whose interests are tightly interwoven. Terrorism is no longer solely a local issue. Terrorists can strike from thousands of miles away and cause vast destruction. The effects of terrorism can be terrifyingly direct. People are kidnapped or killed. Pipelines are sabotaged. Bombers strike markets, buses, and restaurants with devastating effect. But terrorism inflicts more than human casualties and material losses. It can also cause serious indirect harm to countries and economies by increasing the costs of economic transactions—for example, because of enhanced security measures to ensure the safety of employees and customers or higher insurance premiums. Terrorist attacks in Yemen on the USS Cole in 2000 and on the French tanker Limburg in 2002 seriously damaged that country's shipping industry. These attacks contributed to a 300 percent rise in insurance premiums for ships using that route and led ships to bypass Yemen entirely (Enders and Sandler, 2012). In this article we explore the economic burden of terrorism. It can take myriad forms, but we focus on three: national income losses and growth-[slowing]~~retarding~~ effects, dampened foreign direct investment, and disparate effects on international trade.

UQ

The aff is fundamentally nonunique—X ray scanners were eliminated three years ago and with the new technology TSA officers don't see the image

Kuruvilla 13

(Carol, 5/31/13, NY Daily News, "TSA has completely removed revealing X-ray scanners from America's airports: rep," http://www.nydailynews.com/news/national/tsa-completely-removed-full-body-scanners-rep-article-1.1360143, 7/18/15, SM)

American travelers can wave goodbye to the X-rated X-ray scanners that once produced graphic images of passengers' bodies at airport security checkpoints.∂ The Transportation Security Administration has finished replacing the controversial "backscatter" scanners with less intrusive machines, a spokesperson confirmed to the News.∂ AP PROVIDES ACCESS TO THIS PUBLICLY DISTRIBUTED HANDOUT PHOTO PROVIDED BY THE TRANSPORTATION SECURITY ADMINISTRATION; BEST QUALITY∂ UNCREDITED/AP∂ At left are two images using backscatter advanced image X-ray technology. At right are images from new AIT scanners using new millimeter wave technology that produces a cartoon-like outline rather than naked images of passengers produced by using X-rays.∂ American airports are now using Advanced Imaging Technology (AIT), a system that presents TSA security officers with a generic outline of a body. **The outline is identical for everyone** and potential threats will pop up on the screen as small yellow boxes.∂ Backscatters can see through clothing. Critics complained that the nearly naked images they produced were an invasion of privacy.∂ MICHAEL NAGLE/GETTY IMAGES∂ Backscatters can see through clothing. Critics complained that the nearly naked images they produced were an invasion of privacy.∂ TSA administrator John Pistole told the House Homeland Security committee that the backscatter machines were all gone by May 16, two weeks earlier than the May 31 deadline set forth by the Federal Aviation Administration.∂ Backscatter technology uses low level x-rays to create a two-sided image that captures all the curves and irregularities in a person's body.∂ CHIP SOMODEVILLA/GETTY IMAGES∂ Backscatter technology uses low level x-rays to create a two-sided image that captures all the curves and irregularities in a person's body.∂ It's still pretty late - the Modernization and Reform Act of 2012 originally set the deadline for June 2012, NBC reports. It was later extended.∂ **TSA officers will no longer need to use a remotely located room to view the images**, which will make the process more efficient according to a TSA spokesman.∂ JOE RAEDLE/GETTY IMAGES∂ TSA officers will no longer need to use a remotely located room to view the images, which will make the process more efficient according to a TSA spokesman.∂ The TSA first started using backscatters in 2008. The technology, produced by the security system company Rapsican, detects hazardous objects by creating a detailed image based on each individual's body shape. The scanners were so powerful that officers could see through clothing and observe all of the curves on each individual's body, effectively creating a nude image.∂ The new software detects potential threat items and displays them on the outline of a generic body displayed on a monitor attached to the unit instead of using passenger-specific images.∂ ETHAN MILLER/GETTY IMAGES∂ The new software detects potential threat items and displays them on the outline of a generic body displayed on a monitor attached to the unit instead of using passenger-specific images.∂ The backscatters also release a small amount of ionizing radiation. At higher levels, this type of radiation has been linked to cancer, according to ProPublica.∂ The X-ray machines were removed at the expense of Rapsican. The TSA confirmed that it stopped doing business with the company.∂ "We terminated the contract with Rapsican months ago," the spokesperson said in a statement.∂ The new AIT machines are millimeter-wave scanners, which are the kind of radio waves that cell phones usually emit.∂ And **unlike backscatter images, which have to be reviewed by TSA officers, AIT scanners use a computer program to automatically detect dangerous materials**.

TSA officers accept passenger declaration of their gender, which is how they would determine which button to press

Bohling 12

(Alissa, 4/16/12, Truthout, “Transgender, Gender Non-Conforming People Among First, Most Affected by War on Terror's Biometrics Craze,” http://www.truth-out.org/opinion/item/8506, 7/19/15, SM)

McCarthy said he did not have immediate knowledge about whether or how TSA staff are trained to determine a person's gender presentation and his responses to follow-up phone calls and emails regarding this question and others did not address the issue. McCarthy did say the TSA "accepts passenger declaration, when offered." He did not say how travelers' privacy would be protected in this case.

Other Cards

Trans individuals may choose to undergo screening in a private screening area with a companion—still maintains their privacy and means they don’t have to publicly out themselves

TSA 14

(TSA, 12/22/14, TSA, “Transgender Travelers,” https://www.tsa.gov/traveler-information/transgender-travelers, 7/18/15, SM)

The Screening Process∂ Private Screening: Screening can be conducted in a private screening area with a witness or companion of the traveler’s choosing. A traveler may request private screening or to speak with a supervisor at any time during the screening process.∂ Travel Document Checker: The traveler will show their government-issued identification and boarding pass to an officer to ensure the identification and boarding pass are authentic and match. Transgender travelers are encouraged to book their reservations such that they match the gender and name data indicated on the government-issued ID.∂ Walk Through Metal Detector: Metal detectors are in use at all airports.∂ Advanced Imaging Technology (AIT): Screening with advanced imaging technology is voluntary and travelers may “opt out” at any time. Travelers who “opt out” of the AIT screening are required to undergo a thorough pat-down by an officer of the same gender as the traveler presents.∂ New Advanced Imaging Technology Software: TSA has upgraded all millimeter wave advanced imaging technology units with new software called Automated Target Recognition to further enhance privacy protections by eliminating the image of an actual traveler and replacing it with a generic outline of a person.

Alt cause to solvency—their plan doesn’t achieve spillover and they can’t solve a multitude of other instances of transphobia

Basic Rights 11

(10/1/11, Basic Rights, “Institutional Oppression of Transgender People,” http://www.basicrights.org/wp-content/uploads/2011/09/Transgender_Oppression_Triangles-2011.pdf, 7/19/15, SM)

Health Care Nearly every major insurance plan includes a specific exemption for transitionrelated∂ care. That means that insurance providers won’t cover basic, medically∂ necessary care for transgender people, even when they already provide that∂ same care to people who aren’t transgender.∂ In some cases, transgender people are even dropped from insurance coverage∂ altogether for coming out to their insurance provider.∂ Because “male” and “female” are the only options in most insurance systems,∂ sex-specific care (like reproductive health care and sex-specific cancer screenings)∂ aren’t covered for many transgender people.∂ Transphobia exists amongst doctors, nurses and other medical providers—just∂ like it

does in society broadly. Rarely are medical providers trained on how to∂ provide appropriate care to their transgender patients.∂ Education Few counselors and teachers offer support∂ to trans & gender non-conforming youth.∂ Some may even refuse to use students'∂ preferred names & pronouns.∂ Activities, PE classes, school facilities and∂ administrative forms are divided into "boys∂ and girls." Those who identify differently∂ are often ignored, punished or "corrected."∂ Trans-identified faculty & staff are∂ incredibly rare, and many face serious∂ difficulties if they transition on the job.∂ Sex education doesn't include information∂ on safer sex for transgender people.∂ While many schools have anti-bullying∂ policies, few specifically protect trans and∂ gender non-conforming students.∂ Government Nationally, only a few out transgender∂ people have been elected to public office, so∂ transgender people are grossly∂ underrepresented in positions of power.∂ There's rarely acknowledgement of trans∂ identities & issues in campaigns, because∂ candidates don't see the trans & allied vote∂ as a powerful bloc.∂ Legislation around documentation differs at∂ state and federal levels—which determines∂ what kind of documentation transpeople can∂ present, and how transpeople can transition.∂ A "trans lens" is rarely applied to policy—so∂ very few people think about how new laws∂ will impact trans people. As a result, there's∂ a lack of trans-friendly legislation—and even∂ when pro-gay legislation is passed, it's not∂ always trans-inclusive.∂ Media There's a general lack of funding structures available for bytrans,∂ for-trans media projects (movies, television shows,∂ etc).∂ Even in gay media, trans issues aren't accurately∂ represented, and trans ads aren't present.∂ To get big ratings, media will often latch onto unhelpful∂ depictions of transpeople. Few transpeople are portrayed,∂ and when they are, they're considered tragic, freakish or∂ predatory.∂ Criminal Justice Many transgender people in jails & prisons are put at risk of∂ physical and sexual violence when housed in gendersegregated∂ facilities. Even so, the federal Prison Rape∂ Elimination Act doesn't outline protections against sexual∂ assault for transgender and gender non-conforming inmates.∂ Restricted access to hormones & appropriate medical care∂ through the criminal justice system means that trans people's∂ health is put at risk, and their transition is put on hold.∂ Verdicts are delivered by juries that overwhelmingly lack∂ analysis of gender identity & may even hold negative∂ stereotypes about trans people.

Speaking For Others

Speaking on behalf of trans people is bad – reinforces this generic/simplistic narrative.

McBee '12 (Thomas Page; 8/6/12; former masculinity expert for Vice; Salon, "Trans, but not like you think" http://www.salon.com/2012/08/07/trans_but_not_like_you_think/)

Just last week I got a birth certificate from North Carolina Vital Records that put a state seal on a tale that began before I could talk. "Thomas Page McBee," it says, under "Certificate of Live Birth," and then, there's the word I spent thousands of dollars, a major surgery, two trips to probate court, two physicals, a doctor's letter, plus the 80 oily milligrams of testosterone self-shot into my thigh every week to achieve: male. When I tore open the envelope it took my breath away, much like seeing my reflection every morning — the growing pronouncement of my jaw, the square sideburns, the scruff on my cheek, the pecs and biceps ballooning steadily with each workout — I tear up sometimes, I'm so floored by the rightness of it all. I held my birth certificate, my heart galloping, and I felt born again at the age of 31. Maybe you think you've heard my story before: I knew I wasn't a girl before I knew much of anything. There were the years of private, simmering mirror-hate; the jealous glances at men, the coveting of facial hair and biceps. As trans people become more visible, our stories have narrowed into a neat narrative arc: born in the wrong body, pushed to the brink of suicide/sanity/society, the agonized decision to begin hormone treatment/surgeries for the reward of ending up ourselves and looking "normal," which ends in a lesson about the tenacity of the human spirit, the gorgeous triumph of believing in yourself. This is all true. But for me, and many others, it's also more complicated than that. I don't think I was born in the wrong body. I am not "finally myself." I've never spent a day being anyone else. Mine is another story, a real and complex story, and one, by definition, that's not as easy to tell. - - - - - - - - - - I've been thinking about Lana Wachowski since she released a video clip promoting her new film, "Cloud Atlas," last week. In an age when Chaz Bono yuks it up with David Letterman and the frontman for rock band Against Me! created a frenzy when she came out earlier this year as Laura Jane Grace Gabel, Wachowski surely knew that the video clip would garner attention, requests to be interviewed, before-and-after photos, fans' gushes of loyalty or turncoat transphobia. Even for those lucky trans folks not facing a daily threat of violence, this is a strange time: one where we find our portrayals hovering between soft-focus empathy and tawdry headlines. Despite reportedly being several years into her transition, which has been discussed in print and gossiped about openly since the early-2000s, the famously tight-lipped Wachowski has never addressed her gender identity publicly, even when "raising eyebrows" at red-carpet events in pearl earrings and dresses. So here she is, in this promotional behind-the-scenes video, meant to address the making of her new film. "Hi,

I'm Lana," she says simply, seated beside her directing partner and brother. It's a blink-and-you-miss-it moment, a wide smile and that's it. No baby picture montage, no recounting suicide attempts, no bloody footage of surgery. Hers is not that kind ,.of story. She goes on to get down to the business at hand. When she describes the new film, her pink dreads shake like flags in the wind. "I'm Lana," she says. I hope that's the sound of a tide turning. - – – – – – – – - Don't get me wrong. Some trans people feel that they've suffered a birth defect, tantamount to a missing limb. For some folks, "trapped in the wrong body" is a precise description. I don't fault anyone their language or their vision of themselves. I don't tell anyone else's story. But I do think that the typical trans narrative — the one you see on talk shows or in long human-interest stories in popular magazines — is dumbed down for your consumption because it's presumed that people who aren't trans don't think about their gender identity. Even more darkly, there's an unspoken assumption: that trans people are strange, untranslatable. There's something so fundamentally confusing about the trans experience, the logic goes, that we need to make our stories really, really palatable for you to understand us. But I've found the opposite to be true. I write a column for the Rumpus exploring themes related to my transition, and the people who email me or the friends who start conversation over drinks about their own genders are almost always not trans. We talk about the ways expectations of masculinity and femininity inform and stifle us, or how we've all grown from teenage bravado informed by those concepts into unique adults, unafraid to be who we are. Because of that sense of dialogue (inevitable Internet trolls and ignorant menace aside), I've come to believe that non-trans folks are not only capable of metabolizing more than the schlocky softball celebrity interviews and stark mirror-in-a-mirror documentary shots, but are hungry for real conversation. Gender is part of everyone's life, we're all negotiating the line between what we're expected to be and who we are. In that spirit, then, I'll tell you the whole story. - – – – – – – – – - I believe I was born in the right body; transgender, yes, but there's nothing "wrong" with me. For 10 years I was a boyish, short-haired kid, as equally interested in skateboards as poetry. As a teenager, I cultivated a guy-but-better gallantry that won me girlfriends and a few manageable bullies. There were signs that the center wouldn't hold: the way I felt caught off-guard if my reflection materialized in a window, my insistence on getting a hot shave at the barber, the ace bandage flattening my chest. Like a lot of people, I understood even at a young age that gender was a spectrum, with "hyper-masculine" and "hyper-feminine" on the extreme poles, and a million shades of potential expression between them. I knew I was masculine, but saw myself as artistic, rebellious, indifferent to alpha posturing. I loved the ruggedness of James Dean and the romanticism of the Beats. For the most part, I felt OK about myself. Anyway, in my baseball hat and jeans, I looked like all the skinny boys I was friends with. I knew I wasn't a woman, not like my girlfriends or sister or mother. Not like my friends, even the tomboy punk-rock straight girls or the swaggering butch lesbians. But I looked at most of the men in my midst and didn't see myself in their jockeying power dynamics or aversion to hugs. Even later, as I befriended guys just as baffled by masculinity as I was, I didn't connect my growing discomfort in my body to the reality of their physical differences. I didn't feel like a man exactly, and I figured, once I knew trans men in college, that hormones weren't for me. It was easier to imagine dressing like the fantasy guy I saw in countless mirrors than it was to imagine an actual life of men's rooms and shoulder claps. It was my breasts that troubled me the most: they were lost pilgrims, afloat on my frustrated body. My attempts to hide them grew more elaborate by the day, and my frustration with their shape made getting dressed an angry hurricane of discarded, too-tight T-shirts. By the time I'd moved to Oakland in my early 20s, I'd decided I would have chest-reconstruction surgery as soon as I could save up enough money to do so. Maybe, I figured, that would fix the growing reality that I no longer "passed" as a teenage boy, that every "ma'am" thrown my way tarnished my sparkle. So, one foggy June morning in 2008, a surgeon sculpted pecs where there once were breasts. I lost, in the process, five pounds of flesh; I awoke feeling a much heavier burden lifted. But something was wrong. I thought maybe I could find peace by lifting weights, jumping rope to keep trim and hide my hips, wearing V-necks that showed off my flat chest. I went swimming shirtless in the Caribbean, trying to occupy some unicorn space. I tried, with growing desperation, to both love my body and be myself. I even wrote about it for Salon: I'm not a man or a woman, I said. But pronouns made me bristle, and I didn't understand yet that I could look like a man and be whomever I wanted on that grand spectrum. I didn't think that, just like you, I have a gender identity that's growing and evolving, that I'm tasked with finding my authentic place in a jumble of stereotypes and expectations. What makes a man? I thought, looking at myself. It was my body that showed me. They call it dysphoria, but it feels to me like watching yourself become a stranger. Maybe you've known you're making a mistake: a bad marriage, the wrong career path, something that becomes clearer and more potent daily. My reflection seemed to be going in the wrong direction: rounding where it shouldn't have been, thinning where it should have thickened. Every trans person has a breaking point, and mine came two years after top surgery, when I expected to see myself and found a woman standing before me, instead. As much as I didn't connect with the cultural expectations of Being a Man, I knew that I'd grown up and become one. I was going to have to figure out how to bridge the gap. I'd done so many sit-ups and spent so much time in quiet reflection, tailoring shirts to fit my bird chest that I knew, in that last-puzzle-piece way of an epiphany, that loving myself meant allowing my body to change. I had a primal sense of home, and I knew exactly what it looked like. My body needed me. A few months later, I began injecting testosterone. - – – – – – – – – - Here we are, over a year later. I love the way my face has blended into

something familiar, how I've met the guy I saw every time I squinted at the mirror. I am indeed the male-bodied version of myself, the same romantic, tattooed guy. I wish I could explain to the 23-year-old looking in the mirror that I needn't have worried: my body knew. My gender hasn't changed since I was a teenager. I'm very much my own man. I don't know how Lana Wachowski feels, but I hope that the relative quiet of both her "introduction" and the reaction to it signal a growing awareness that we're entitled to our stories, however we want to tell them. Maybe we don't need to hand out sugar pills anymore. "I'm Lana," she said, and smiled. It was an act of faith to leave it there, in two words and a shake of that hair. Consider the story told.

Trans experiences should be shared by those who experience it—speaking for others means that some of the information is not conveyed correctly

Kailey 13

(Matt, 4/15/13, Tranifesto, "Five Attributes of Trans Allies," Matt is an author speaker, and trainer on transgender issues, he is a transindividual who transitioned from a straight woman to a gay trans man, http://tranifesto.com/2013/04/15/five-attributes-of-trans-allies/, 7/2/15, SM)

2. **A trans ally speaks up for us, but doesn't speak for us.** No matter how many trans people an ally knows and no matter how long he/she/ze has been involved in the community, an ally understands that trans people need to speak for themselves and that we are the best ones to describe our own experiences.♂ At the very beginning of my transition, I was on an LGBT Advisory Board to a particular organization. **When we were doing some "LGBT advising," someone asked what "transgender" actually was.**♂ Being the only trans member of the group, I should have been the one to field that question. Instead, the group's leader, a gay non-trans man, took it upon himself to do so – **and he got some of the information wrong**. It's hard to believe now, but I didn't speak up. I had not yet found my voice. But it did teach me a lesson about who is truly an ally and who would rather just see themselves as important.♂ Regardless, we definitely need other voices, people who have our backs, and people who will speak up for us, particularly when we aren't present. A chorus of trans and allied voices creates perfect harmony (I can't believe I just wrote that corny cliché).

Metal Detectors

Metal detectors will still be set off by prosthetics—patdowns will still happen—means they can't solve their impacts

TSA 14

(TSA, 12/22/14, TSA, "Transgender Travelers," https://www.tsa.gov/traveler-information/transgender-travelers, 8/2/15, SM)

Packing a Carry-on: All carry-on baggage must go through the screening process. If a traveler has any medical equipment or prosthetics in a carry-on bag, the items will be allowed through the checkpoint after completing the screening process. Travelers may ask that bags be screened in private if a bag must be opened by an officer to resolve an alarm**. Travelers should be aware that prosthetics worn under the clothing that alarm a walk through metal detector** or appear as an anomaly during Advanced Imaging Technology (AIT) screening **may result in additional screening, to include a thorough pat-down**. Travelers may request a private screening at any time during the security screening process.

Metal detectors would still pick up binding materials and prostheses

NCTE 14

(March 2014, National Center for Transgender Equality, "Know Your Rights: Airport Security and Transgender People," http://transequality.org/sites/default/files/docs/kyr/AirportSecurity_March2014.pdf, 8/2/15, SM)

You have the right to wear what you wish. Certain types of clothing, shoes, binding materials, prostheses or jewelry may cause you to receive additional scrutiny. Remove outerwear before you get to the security checkpoint. Airport metal detectors are extremely sensitive and may be set off by piercing jewelry, underwire or metal boning in clothing, and many shoes.

Framing

Preventing extinction outweighs structural violence

Bostrom 12

(Mar 6, Nick, director of the Future of Humanity Institute at Oxford, recipient of the 2009 Gannon Award, "We're Underestimating the Risk of Human Extinction," interview with Ross Andersen, freelance writer in D.C., http://www.theatlantic.com/technology/archive/2012/03/were-underestimating-the-risk-of-human-extinction/253821/)

Some have argued that we ought to be directing our resources toward humanity's existing problems, rather than future existential risks, because many of the latter are highly improbable. You have responded by suggesting that existential risk mitigation may in fact be a dominant moral priority over the alleviation of present suffering. Can you explain why? Bostrom: Well suppose you have a moral view that counts future people as being worth as much as present people. You might say that fundamentally it doesn't matter whether someone exists at the current time or at some future time, just as many people think that from a fundamental moral point of view, it doesn't matter where somebody is spatially---somebody isn't automatically worth less because you move them to the moon or to Africa or something. A human life is a human life. If you have that moral point of view that future generations matter in proportion to their population numbers, then you get this very stark implication that existential risk mitigation has a much higher utility than pretty much anything else that you could do. There are so many people that could come into existence in the future if humanity survives this critical period of time---we might live for billions of years, our descendants might colonize billions of solar systems, and there could be billions and billions times more people than exist currently. Therefore, even a very small reduction in the probability of realizing this enormous good will tend to outweigh even immense benefits like eliminating poverty or curing malaria, which would be tremendous under ordinary standards.

Off Case

T- Curtail

1. CURTAIL REQUIRES THAT THE PLAN, ON FACE, REDUCES SURVEILLANCE

Webster's 10 Webster's New World College Dictionary Copyright © 2010 by Wiley Publishing, Inc., Cleveland, Ohio. Used by arrangement with John Wiley & Sons, Inc. http://www.yourdictionary.com/curtail#websters

Curtail transitive verb
to cut short; reduce; abridge

2. THE PLAN DOES NOT CURTAIL—the aff would just switch everyone over to metal detectors—that's still surveillance

3. THE AFFIRMATIVE INTERPRETATION IS BAD FOR DEBATE

Limits are necessary for negative preparation and clash, and their interpretation makes the topic too big. It allows any aff that just changes their surveillance protocol. For example it would allow an aff that would change the NSA backdoor program to a front door programs.

4. T IS A VOTER because the opportunity to prepare promotes better debating

Tuck and Yang K

1NC

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

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

Urban communities, and other disenfranchised communities. Damage-centered researchers may operate, even benevolently, within a theory of change in which harm must be recorded or proven in order to

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

{YOU CAN INSERT THE ALT OF YOUR CHOOSING HERE; THIS JUST AN EXAMPLE} We must not attempt to redeem this world but refuse the demand for redemption, of ourselves or this world. Instead we need to tear everything down. Do not ask what will come next. The world beyond cannot be access except through a refusal to be held hostage to this one.

Halberstam 13 [Jack Halberstam, Prof. English @ USC, 2013, "The Wild Beyond: With and For the Undercommons" in The Undercommons: Fugitive Planning & Black Study, p. 5-6]

It ends with love, exchange, fellowship. It ends as it begins, in motion,¶ in between various modes of being and belonging, and on the way to¶ new economies of giving, taking, being with and for and it ends with¶ a ride in a Buick Skylark on the way to another place altogether. Surprising,¶ perhaps, after we have engaged dispossession, debt, dislocation¶ and violence. But not surprising when you have understood that¶ the projects of "fugitive planning and black study" are mostly about¶ reaching out to find connection; they are about making common¶ cause with the brokenness of being, a brokenness, I would venture to¶ say, that is also blackness, that remains blackness, and will, despite all,¶ remain broken because this book is not a prescription for repair. If we do not seek to fix what has been broken, then what? How do we resolve¶ to live with brokenness, with being broke, which is also what Moten¶ and Harney call "debt." Well, given that debt is

sometimes a history of¶ giving, at other times a history of taking, at all times a history of capitalism¶ and given that debt also signifies a promise of ownership but never delivers¶ on that promise, we have to understand that debt is something that¶ cannot be paid off. Debt, as Harney puts it, presumes a kind of individualized¶ relation to a naturalized economy that is predicated upon exploitation.¶ Can we have, he asks, another sense of what is owed that does not¶ presume a nexus of activities like recognition and acknowledgement,¶ payment and gratitude. Can debt "become a principle¶ of elaboration"? Moten links economic debt to the brokenness of being in the interview¶ with Stevphen Shukaitis; he acknowledges that some debts¶ should be paid, and that much is owed especially to black people by¶ white people, and yet, he says: "I also know that what it is that is¶ supposed to be repaired is irreparable. It can't be repaired. **The only¶ thing we can do is tear this shit down completely and build something¶ new."** The undercommons do not come to pay their debts, to¶ repair what has been broken, to fix what has come undone.¶ If you want to know what the undercommons wants, what Moten¶ and Harney want, what black people, indigenous peoples, queers and¶ poor people want, what we (the "we" who cohabit in the space of the¶ undercommons) want, it is this – **we cannot be satisfied with the recognition¶ and acknowledgement generated by the very system that¶ denies** a) that anything was ever broken and b) that we deserved to¶ be the broken part; so **we refuse to ask for recognition** and instead we¶ want to **take apart, dismantle, tear down the structure** that, right now,¶ limits our ability to find each other, to see beyond it and to access the¶ places that we know lie outside its walls. We cannot say what new¶ structures will replace the ones we live with yet, because once we have¶ torn shit down, we will inevitably see more and see differently and¶ feel a new sense of wanting and being and becoming. What we want¶ after "the break" will be different from what we think we want before¶ the break and both are necessarily different from the desire that issues¶ from being in the break.

Refusal is the first step to the undercommons

Halberstam 13 [Jack Halberstam, Prof. English @ USC, 2013, "The Wild Beyond: With and For the Undercommons" in The Undercommons: Fugitive Planning & Black Study, p. 8]

The path to the wild beyond is paved with refusal. In The Undercommons¶ if we begin anywhere, we begin with **the right to refuse what has¶ been refused to you.** Citing Gayatri Spivak, Moten and Harney call¶ this refusal the "first right" and it is a game-changing kind of refusal¶ in that it signals the refusal of the choices as offered. We can understand¶ this refusal in terms that Chandan Reddy lays out in Freedom¶ With Violence (2011) – for Reddy, gay marriage is the option that cannot¶ be opposed in the ballot box. While we can circulate multiple critiques¶ of gay marriage in terms of its institutionalization of intimacy,¶ when you arrive at the ballot box, pen in hand, you only get to check¶ "yes" or "no" and the no, in this case, could be more damning than the¶ yes. And so, you must refuse the choice as offered.

Link Work

We should view trans individuals holistically—they are not victims and their identity should not predicated off of their victimhood

Kailey 13

(Matt, 4/15/13, Tranifesto, "Five Attributes of Trans Allies," Matt is an author speaker, and trainer on transgender issues, he is a transindividual who transitioned from a straight woman to a gay trans man, http://tranifesto.com/2013/04/15/five-attributes-of-trans-allies/, 7/2/15, SM)

In my opinion, allies are an important component of any group. They add numbers, they add voices, and in some cases, they bring a certain amount of power that is lacking because of the way that a particular group is seen in the "mainstream," where the group is trying to gain at least equality, if not acceptance.∂That last contribution is unfortunate, but true. Without allies, many groups would not be able to move forward as rapidly and as successfully as they do with outside support. Allies are an important component of any movement. I have written about allies before, but I think it's always a good time to revisit the topic, so I would like to outline what I consider to be five important attributes of trans allies:∂1. A trans ally acknowledges his/her/hir own power and privilege and is aware of it, but also acknowledges ours. In other words, a trans ally understands that **we are not victims and don't need rescuing**, but also understands that the support of allies is beneficial to our community.∂Trans allies prefer to help us develop and utilize our personal power in situations where they have it and we don't, rather than take over and wield their own power while we are silenced. I have done many co-presentations with non-trans allies (who are all fantastic, by the way), and a couple of time, I have felt almost used as a poster child to make a point about the injustices to which trans people are subjected.∂While I appreciate the recognition of those injustices, and while I appreciate that non-trans people just learning about the topic might be more open to receiving this information from another non-trans person, I also feel that **this drains my own personal power and removes my voice** – and I do have one – from the conversation.∂Of course, not all trans people have the same level of personal power, and for each of us, the amount of power we have depends on the situation at hand. But when we do have it, we need to be able to use it.

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The aff portrays trans individuals as victims—that places them into a position of receiving pity, which is disempowering and humiliating

Gubb 13

(Sophia, 1/31/13, Sophia Gubb's Blog, "Transgenderism Is Not An Illness," writer of Stubborn Soul, she is a transwoman who is an activist in LGBT issues, http://www.sophiagubb.com/transgenderism-is-not-an-illness/, 8/1/15, SM)

I assure you that trans people, on the whole, are not crazy. We are coherent, sane. We just want something and we're looking to get it. If wanting something is insanity, we'd better lock up everyone on Earth.∂ When **trans people** are treated under the assumption that what they have is a disease, they are not given the respect their choice deserves. **They are subtly shunted into the role of "victim"** which is where most mental health patients reside. **No, we are not victims. We are not sick. We just are who we are. We don't need or want your pity. It'd be** disempowering and humiliating to accept it.∂ First and foremost, we are people.

Placing individuals in the position of the "victim" of the oppressor plays into the politics of wounded attachments. This destroys the ability of the individual to create pragmatic change, as their very identity and agency is based off of the suffering the oppressed places on them

Abbas 2010 [Asma, Professor and Division Head in Social Studies, Political Science, Philosophy at the Liebowitz Center for International Studies at Bard College at Simon's Rock, Liberalism

and Human Suffering: Materialist Reflections on Politics, Ethics, and Aesthetics, London: Palgrave Macmillan, pg. Pg. 133- 136]

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

possibilities in reality, they do necessitate each other. This is why the agent looms so large, even in the imaginations of critics of liberalism, that it holds the promise, in its potential idealist-linguistic overcoming, of the undoing of the stigmatizing victim identity it spawns. However, the sufferer subjected to the fictions of agency and of the production of injury suffers these fictions through her labors of sustaining and unwriting them.

Terror DA

Links

Only body scanners can detect explosives and other nonmetallic weapons—metal detectors fail

Grabell 11

(Michael, 12/22/11, ProPublica, "Just How Good Are the TSA's Body Scanners?" http://www.propublica.org/article/just-how-good-are-the-tsas-body-scanners, 8/2/15, SM)

The TSA says **the body scanners are the best technology available and an improvement by leaps and bounds over the metal detectors, which cannot detect explosives or other nonmetallic weapons**.∂ The agency says its body scanners have found more than 300 dangerous or illicit items -- everything from a loaded .380-caliber Ruger handgun to exotic snakes that a man tried to smuggle inside his pants.∂ Last month, TSA administrator John Pistole boasted to Congress that a scanner had picked up a piece of Nicorette gum. And in Buffalo recently, a passenger who was caught with a ceramic knife after a pat-down admitted that he had opted out of the scanner because he figured it would find the knife.∂ Although the TSA's machines have yet to find an explosive, screeners frequently come across bottles of alcohol and drugs, which could easily have been a powder or liquid explosive, spokesman Greg Soule said.∂ Two homeland security officials, who asked not be identified speaking about vulnerabilities, said **recent intelligence that terrorists are considering implanting explosives inside their bodies shows that the scanners are forcing would-be suicide bombers to adapt their methods**. The body scanners see only underneath clothing, not inside the body. Carrying out an attack with an implanted weapon, the officials said, would be technically more difficult than if an attacker had a bomb strapped to their chest.

TSA is key to protect against dangerous weapons, explosives, and innovate in security technologies.

John S. **Pistole,** 3-5-20**12**, "Counterterrorism, Risk-Based Security and TSA's Vision for the Future of Aviation Security," Transportation Security Administration, https://www.tsa.gov/press/speeches/counterterrorism-risk-based-security-and-tsa%E2%80%99s-vision-future-aviation-security

Remember that before September 11, 2001, there was:¶ No cohesive system in place to check passenger names against terrorist watch lists in advance of flying;¶ Only limited technologies in place for uncovering a wide array of threats to passengers or aircraft;¶ No comprehensive federal requirements to screen checked or carry-on baggage;¶ Minimal in-flight security on most flights; and,¶ From a coordination standpoint, before 9/11 there was a lack of timely intelligence-sharing, in both directions — from the federal level down to the individual airports, as well as from an individual airport up to the national level.¶ I came to TSA more than a year and a half ago, having worked the previous 26 years in a variety of positions within the FBI. That experience with a range of partners inside the law enforcement and intelligence communities helped shape my approach to solidifying TSA's place within the national counterterrorism continuum.¶ Every day, we strive to ensure our operational planning and decision making process is timely, efficient and as coordinated as possible

— and critically, based on intelligence. We work to share critical information with key industry stakeholders whenever appropriate, and we are constantly communicating with our frontline officers through shift briefings held several times a day.¶ Thanks to the effective partnerships we've forged with industry stakeholders, with our airline and airport partners, and with law enforcement colleagues at every level, TSA has achieved a number of significant milestones during its first 10 years of service.¶ These include matching 100 percent of all passengers flying into, out of, and within the United States against government watch lists through the Secure Flight program.¶ It includes screening all air cargo transported on passenger planes domestically and, as you know, we work closely with our international partners every day to screen 100% of high-risk inbound cargo on passenger planes. We're also working hard with these same partners to screen 100% of allinternational inbound cargo on passenger planes by the end of this year.¶ And it also includes improving aviation security through innovative technology that provides advanced baggage screening for explosives.¶ Since their inception in 2005 through February 2012, we have also conducted more than 26,000 Visible Intermodal Prevention and Response or VIPR operations. We have 25 multi-modal VIPR teams working in transportation sectors across the country to prevent or disrupt potential terrorist planning activities.¶ Additionally, since 2006, TSA has completed more than 190 Baseline Assessments for Security Enhancement for transit, which provides a comprehensive assessment of security programs in critical transit systems.¶ We are seeing the benefits of how these important steps — combined with our multiple layers of security including cutting-edge technology — keep America safe every day.¶ Since our standup in 2002, we have screened nearly six billion passengers. Our front line officers have detected thousands of firearms and countless other prohibited items and we have prevented those weapons from entering the cabin of an aircraft.¶ In fact, more than 10 years after 9/11, TSA officers still detect, on-average, between three and four firearms every day in carry-on bags at security checkpoints around the country.¶ Deploying advanced, state-of-the-art technologies continue to factor significantly into our multi-layered approach to transportation security. In particular, we continue to see the efficacy of Advanced Imaging Technology, or AIT, machines at hundreds of passenger security checkpoints around the United States.¶ From February 2011 to June 2011, the Office of the Inspector General (OIG) assessed the manner in which TSA inspects, maintains and operates backscatter units used in passenger screening.¶ The OIG found that TSA was in compliance with standards regarding radiation exposure limits and safety requirements. As a result of intensive research, analysis, and testing, TSA concludes that potential health risks from screening with backscatter X-ray security systems are minuscule.¶ While there is still no perfect technology, AIT gives our officers the best opportunity to detect both metallic and non-metallic threats including improvised explosive devices such as the device Umar Farouk Abdulmutallab attempted to detonate on Christmas Day, 2009.¶ As manufacturers continue enhancing the detection capability and strengthening the privacy features of their machines, we maintain the ability to upgrade the software used on them to stay ahead of the rapidly shifting threat landscape. Maintaining a high level of adaptability enables us to keep an important technological advantage.¶ Throughout 2011, this and other technologies helped our officers detect hundreds of prohibited, dangerous, or illegal items on passengers.¶ These "good catches" as we call them, illustrate how effective our people, process and technology are at finding concealed metallic and non-metallic items concealed on a passenger or in their bags.¶ In an ongoing effort to help educate the traveling public, we highlight many of these good catches every week in blog posts uploaded to TSA.gov. I hope some of you have seen these. They have included incidents of items concealed in shoes, to weapons hidden in a hollowed out book, to ceramic knives, to exotic snakes strapped to a passenger's leg. As strange as some of these tales may be, they are a stark reminder that now — more than 10 years after the September 11, 2001, attacks — people are still trying to bring deadly weapons onto aircraft. And our officers are detecting numerous weapons every day and keeping them off of planes.¶ Less than one month ago in fact, over Presidents Day weekend in February, our officers detected 19 guns in carry-on bags at various checkpoints around the country. In total, 1,306 guns were detected at airport checkpoints in 2011.

TSA security has made it increasingly difficult for terrorists to sneak explosives onto planes—makes attacks less likely to succeed

Greenemeier 10

(Larry, 11/22/10, Scientific American, "What is the Best Approach to Aviation Security?" http://www.scientificamerican.com/article/aviation-security-ait-pat-down/, 8/2/15, SM)

How much progress has been made with regard to air travel security since 9/11?∂ If you take the long view on this, security has had an effect on the number of hijacking attempts and airline sabotage attempts. There is no question that, as a consequence of screening measures and other factors, **the number of attempts by terrorists has significantly declined over the years**. In the 1970s and 1980s we were looking at a terrorist hijacking or an attempted terrorist sabotage of an aircraft something close to **once a month**. If you look at the post-9/11 environment, clearly there have been plots and failed attempts, but **we're looking at one of these incidents per year.** We have obliged our adversaries to make smaller devices and use exotic substances to try to conceal them, and that renders them far less reliable. Yes, Richard Reid made it onto a plane with his shoe bomb, and Abdulmutallab made it on with his underpants bomb, but the bombs didn't work. So **we've decreased the number of attempts and increased their operational difficulty**. That is a positive result, but we're running into this dilemma now as the devices get smaller and concealment gets better—the terrorists will work this out. The challenge is how do we deal with that in our society in a way that is acceptable to society?

AT 95% Failure Rate

THERE'S STILL 5% OF TERRORISTS WHO COULD GET THROUGH AND DETONATE A BOMB ON AN AIRPLANE. A 95% failure rate is better than a 100% failure rate with metal detectors at detecting nonmetallic weapons. **Metal detectors are no longer enough*. If we get rid of body imaging technology, we leave our country vulnerable to an attack.***

The Red Team test results are high on purpose—they make the tests as difficult humanly possible to identify vulnerabilities—not indicative of real terrorists getting through security

Kimery 15

(Anthony, 6/2/15, Homeland Security, "TSA Still Misses Catching Guns, Explosives, Other Weapons, IG Audits Find; Longstanding Problem," http://www.hstoday.us/briefings/daily-news-analysis/single-article/tsa-still-misses-catching-guns-explosives-other-weapons-ig-audits-find-longstanding-problem/27d48d40e9d61126fbd320a338b3f048.html, 8/2/15, SM)

Undercover investigators posing as legitimate airline passengers for TSA and the IG also managed to smuggle fake explosives and other prohibited weapons through checkpoints in 95 percent of trials, the IG reported.∂ ∂ The series of tests were conducted by DHS "Red Teams" who pose as passengers attempting to deliberately defeat TSA airport screeners and technology.∂ ∂ During the latest covert testing, TSA screeners failed 67 out of 70 tests (or 96 percent of the time) performed by Red Team members who were able to get weapons past TSA airport security checkpoints.∂ ∂ **The results aren't altogether surprising because clandestine Red Team tests like this are supposed to stress the screening process in order to improve it**, but such undercover penetration testing since at least 2007 have repeatedly uncovered the same problems. It's the same concept that's central to large scale emergency preparedness drills performed by DHS and other federal and state and local agencies to determine where the "stress points" are in the response to catastrophic events.∂ ∂ TSA's problems in detecting firearms during recent covert penetration testing raises serious concerns given the fact that 2014 was the fifth consecutive year in which TSA screeners discovered record-setting numbers of firearms, 2,212 -- more than six firearms per day -- discovered in carry-on bags at airport security checkpoints across the country, This

represented a 22 percent increase in firearm discoveries from last year's total of 1,813, according to TSA.∂ ∂ The successively record-breaking number of passengers trying to slip by TSA screeners with a handgun in a carry-on bag also comes at a time when the threat of homegrown Islamist jihadists is growing.∂ ∂ Of the 2,212 firearms found in carry-on bags in 2014, 83 percent were loaded and dozens had a round chambered. Firearms were intercepted at a total of 224 airports; 19 more airports than last year.∂ ∂ Of the 1,813 firearms TSA screeners found in carry-on bags in 2013, 1,477 (81 percent) were loaded. Firearms were intercepted at a total of 205 airports with Atlanta on top of the list for the most firearms intercepted (111).∂ ∂ Firearms confiscated by TSA screeners at 199 airports in carry-on bags in 2013 was a 16.5 percent increase (257) over the 1,556 firearms -- or more than four firearms a day -- discovered in 2012. A whopping 78.7 percent (1,215) were loaded and dozens had a round chambered.∂ ∂ The number of handguns confiscated in 2012 was up from the 1,320 handguns discovered by TSA screeners in 2011, which in turn was up from the 1,123 firearms screeners found in 2010.∂ ∂ As in the previous four years, the majority of handguns found in carry-on bags were loaded and many had a bullet chambered.∂ ∂ A record number of firearms discovered in one day was set on June 4, 2014, when 18 firearms were discovered at airports across the country in carry-on bags, breaking the previous record of 13 set in 2013, TSA said.∂ ∂ Among the "artfully concealed" firearms TSA found in 2014 was a disassembled .22 caliber firearm discovered in a carry-on bag at John F. Kennedy International Airport. Various components of the gun were found hidden inside a PlayStation 2 console.∂ ∂ An assault rifle with three loaded magazines was discovered at the Dallas Love Field checkpoint.∂ ∂ A loaded folding-stock rifle with two loaded magazines was discovered in a carry-on bag at Dallas/Fort Worth International Airport.∂ ∂ A 94-year-old man attempted to enter the checkpoint at LaGuardia Airport with a loaded .38 caliber revolver clipped to his belt.∂ ∂ A loaded 380. caliber firearm was discovered strapped to a passenger's ankle after walking through a metal detector at Cincinnati/Northern Kentucky International Airport.∂ ∂ A loaded 380. caliber firearm was discovered in the rear pocket of a San Antonio International Airport passenger during advanced imaging technology screening.∂ ∂ "We know that the adversary innovates and we have to push ourselves to capacity in order to remain one step ahead," a TSA official wrote on the agency's blog in March 2013. "**[O]ur testers often make these covert tests as difficult as possible.**"∂ ∂ In a 2013 hearing on Capitol Hill, then-TSA administrator John Pistole described the **Red Teams as "super terrorists" who know precisely which weaknesses to exploit.**∂ ∂ **"[Testers] know exactly what our protocols are. They can create and devise and conceal items that … not even the best terrorists would be able to do**," Pistole told lawmakers.

Aviation Terrorism Impacts

Aviation terrorism has huge economic repercussions for the US—we would lose $2.5 billion for each day airports are shut down

Balvanyos and Lave 05

(Tunde, Lester B., 9/4/05, University of Southern California, "The Economic Implications of Terrorist Attack on Commercial Aviation in the USA," based upon work supported by the United States Department of Homeland Security through the Center for Risk and Economic Analysis of Terrorism Events (CREATE), http://www.usc.edu/dept/create/assets/002/51831.pdf, 8/2/15, SM)

The air transportation system is an attractive target for terrorists. Using widely available∂ weapons, terrorists could shoot down a passenger airliner. This disruption would be∂ magnified if the attack caused terror in the general population and led government∂ officials, the media, and the public to engage in costly preventive actions. Although∂ various defenses could be mounted against attacks by missiles, rocket propelled grenades,∂ and high powered rifles, no countermeasure could protect against all of them or even be∂ completely successful against MANPADS.∂ The immediate effect of shooting down an airliner would be hundreds of deaths and a∂ cost to the airline of about $1 billion for the aircraft and payments to the survivors of∂ deceased passengers, as well as reduced demand for all air services. Reduction in∂ demand for air services depends on how the government, the media and the general∂ public react to the attack. An unsuccessful attack could generate similar reaction from∂ the public resulting in similar losses in transportation and related business. Closing an∂ airport for more than a few days would throw thousands of people out of work and∂ generate losses to the surrounding businesses and those who depend on the airport and air∂ transport of freight. Closing US airspace immediately after the attack would cause∂ diversion of flights, stranded passengers, and major costs to the airlines and travelers.∂ There are two major components to the economic cost of a successful terrorist attack.∂ The direct cost for the downed aircraft and lives lost would be about $1 billion per∂ aircraft. The indirect cost would result from operating losses to the airlines and loss

of∂ consumer welfare as some people would not fly. These amounts would depend on the∂ length of any interruption in air travel and the public's long term reaction to terrorist∂ threat to flying. The indirect economic cost would be greater then the direct cost and∂ would depend on how the government reacts (investing in countermeasures and/or∂ closing airports) and how the public reacts (measured in reduction in travel demand).∂ While the cost of countermeasures and airport closures can be estimated, the main∂ determinant of long term costs, the reaction of the public, is unpredictable.∂ If a terrorist managed to shoot down a large passenger aircraft and this resulted in∂ grounding all aircraft for 2.5 days (as was the case after 9/11), the loss to the economy∂ would be $1 billion per air craft (including compensation for the dead passengers)∂ (RAND), $1.6 billion in reduced airline and associated spending, and $4.75 billion in∂ losses to business and leisure passengers. The total cost of $6.3 billion per 2.5 days (or∂ $2.5 billion per day) makes a ground attack against commercial aircraft a tempting target.∂ There are few areas in the USA where a lone terrorist with readily available weapons∂ could inflict such a high cost on the economy, and possibly cause widespread terror.∂ We classify the long-term response to a terrorist attack on an airliner into three general∂ scenarios. First, even a successful attack could be regarded as one of the unfortunate∂ aspects of living in the 21st century. Some additional protection would be provided to∂ airports, but air transportation would go on as before. Second, airports and airliners∂ could be given the best available protection against attacks. This second scenario would cover a range of possible defenses. All would include anti-missile defense systems on∂ airliners. In addition, protection against rocket propelled grenades (RPG) and large∂ caliber (LC) rifles would range from improved patrols and security around airports to∂ keeping people far enough away from the airport to keep them out of range. The latter∂ would be impossible for some airports (Chicago Midway) and extremely expensive for∂ others. One example where something like this has been done is that a community∂ adjoining LAX was purchased by the airport and evacuated. However, while these∂ defense measures may serve as deterrent, there is not one sure way of protecting all∂ aircraft from all weapon systems. Therefore, successful attack would still be possible. In∂ the third scenario, all non-military aviation could be suspended for a period ranging from∂ days to years.∂ The first scenario would be least costly, unless the terror attacks managed to bring down∂ more than a few (large aircraft each year. At $1 billion per successful attack, the direct∂ dollar costs would be less than the other two alternatives, assuming that the commercial∂ aviation would operate normally with the same load factors, despite the terror attacks..∂ The second scenario involves equipping all commercial airliners with a laser-jammer∂ system to deter missiles. The ten-year life-cycle cost for developing, installing, operating∂ and supporting laser-jammer countermeasures are estimated to be $40 billion (RAND).∂ This system would be effective against some, but not all shoulder fired missiles, and∂ would not help against RPGs or LC rifles. To guard against the latter, airport security∂ and patrols could be strengthened or, in the extreme, airport perimeters could be extended∂ at least one-mile so that a terrorist at the fence would be at least 1-2 miles away aircraft∂ taking off, landing or taxiing. Flight path would be restricted and flights would be∂ scheduled for daylight hours only. Airports embedded in urban areas would be the∂ hardest to protect. Private vehicles would be barred from the airport. These airport∂ restrictions are likely to be more expensive than equipping all aircraft with∂ countermeasures.∂ The third scenario, ending commercial aviation temporarily, is estimated to cost $2.5∂ billion per day in lost revenue to airlines and their suppliers and losses to passengers as∂ estimated by consumer surplus. In addition, the regional economy around each airport∂ would suffer from lack of business and not being able to ship cargo in or out. Shut down∂ of US exports and imports by air would add to mounting costs. **The national economy∂ would suffer a slower growth rate and reduced productivity from not having air∂ transportation available.∂** **I**f it were possible, the most valuable DHS program would be one that prevented all∂ attacks. That is impossible. If it were possible, the next most attractive program would∂ be one that protected all aircraft in case of an attack. That is impossible; partial∂ protection is possible.The most costly option would be grounding all commercial flights.∂ While these are significant costs, if the public loses confidence in flying and few people∂ are willing to fly, the airline losses and costs to the economy would be higher than the∂ other three programs.

Generic Econ Scenario

Domestic terrorism deters foreign direct investment – even small attacks crush investor confidence

Bandyopadhyay et al 15 -- Subhayu Bandyopadhyay is Research Officer at the Federal Reserve Bank of St. Louis and Research Fellow at IZA, Bonn, Germany. Todd Sandler is Vibhooti Shukla Professor of Economics and Political Economy at the University of Texas at Dallas. Javed Younasis Associate Professor of Economics at the American University of Sharjah, United Arab Emirates. "The Toll of Terrorism" http://www.imf.org/external/pubs/ft/fandd/2015/06/bandyopa.htm

Scaring off investors Increased terrorism in a particular area tends to depress the expected return on capital invested there, which shifts investment elsewhere. This reduces the stock of productive capital and the flow of productivity-enhancing technology to the affected nation. For example, from the mid-1970s through 1991, terrorist

incidents reduced net foreign direct investment in Spain by 13.5 percent and in Greece by 11.9 percent (Enders and Sandler, 1996). In fact, the initial loss of productive resources as a result of terrorism may increase manyfold because potential foreign investors shift their investments to other, presumably safer, destinations. Abadie and Gardeazabal (2008) showed that a relatively small increase in the perceived risk of terrorism can cause an outsized reduction in a country's net stock of foreign direct investment and inflict significant damage on its economy. We analyzed 78 developing economies over the period 1984–2008 (Bandyopadhyay, Sandler, and Younas, 2014) and found that on average **a relatively small increase** in a country's domestic terrorist incidents per 100,000 persons **sharply reduced** net foreign direct investment. There was a similarly large reduction in net investment if the terrorist incidents originated abroad or involved foreigners or foreign assets in the attacked country. We also found that greater official aid flows can substantially offset the damage to foreign direct investment—perhaps in part because the increased aid allows recipient nations to invest in more effective counterterrorism efforts. Most countries that experienced above-average domestic or transnational terrorist incidents during 1970–2011 received less foreign direct investment or foreign aid than the average among the 122 in the sample (see table). It is difficult to assess causation, but the table suggests a troubling association between terrorism and depressed aid and foreign direct investment, both of which are crucial for developing economies. It is generally believed that there are higher risks in trading with a nation afflicted by terrorism, which cause an increase in transaction costs and tend to reduce trade. For example, after the September 11 attacks on New York City and the Washington, D.C., area, the U.S. border was temporarily closed, holding up truck traffic between the United States and Canada for an extended time. Nitsch and Schumacher (2004) analyzed a sample of 200 countries over the period 1960–93 and found that when terrorism incidents in a pair of trading countries double in one year, trade between them falls by about 4 percent that same year. They also found that when one of two trading partners suffers at least one terrorist attack, it reduces trade between them to 91 percent of what it would be in the absence of terrorism. Blomberg and Hess (2006) estimated that terrorism and other internal and external conflicts retard trade as much as a 30 percent tariff. More specifically, they found that any trading partner that experienced terrorism experienced close to a 4 percent reduction in bilateral trade. But Egger and Gassebner (2015) found more modest trade effects. Terrorism had few to no short-term effects; it was significant over the medium term, which they defined as "more than one and a half years after an attack/incident." Abstracting from the impact of transaction costs from terrorism, Bandyopadhyay and Sandler (2014b) found that terrorism may not necessarily reduce trade, because resources can be reallocated. If terrorism disproportionately harmed one productive resource (say land) relative to another (say labor), then resources would flow to the labor-intensive sector. If a country exported labor-intensive goods, such as textiles, terrorism could actually lead to increased production and exportation. In other words, although terrorism may reduce trade in a particular product because it increases transaction costs, its ultimate impact may be either to raise or reduce overall trade. These apparently contradictory empirical and theoretical findings present rich prospects for future study. Of course terrorism has repercussions beyond human and material destruction and the economic effects discussed in this article. Terrorism also influences immigration and immigration policy. The traditional gains and losses from the international movement of labor may be magnified by national security considerations rooted in a terrorism response. For example, a recent study by Bandyopadhyay and Sandler (2014a) focused on a terrorist organization based in a developing country. It showed that the immigration policy of the developed country targeted by the terrorist group can be critical to containing transnational terrorism. Transnational terrorism targeted at well-protected developed countries tends to be more skill intensive: it takes a relatively sophisticated terrorist to plan and successfully execute such an attack. Immigration policies that attract highly skilled people to developed countries can drain the pool of highly skilled terrorist recruits and may cut down on transnational terrorism.

FDI Key to the US Econ

Foreign direct investment competitiveness is vital to sustained economic recovery

Kornecki '13 [L. PhD in Economics, Prof Embry-Riddle Aeronautical University's College of Business. "Inward FDI in the United States and its policy context" Columbia FDI Profiles, 2/4/13 http://www.vcc.columbia.edu/files/vale/documents/US_IFDI_-_FINAL_-_REVISED_Feb_4_2013.pdf]

Inward foreign direct investment (IFDI) represents an **integral part** of the United States (U.S.) economy, with its stock growing from US$ 83 billion in 1980 to US$ **3.5 trillion** in 2011. The United States, which had earlier been primarily a home for multinational enterprises (MNEs) rather than a host for affiliates of foreign MNEs, has become a preferred host country for FDI since the 1980s. Foreign MNEs have contributed robust flows of FDI into diverse industries of the U.S. economy, and total FDI inflows reached US$ 227 billion in 2011, **equivalent to 15% of global inflows**, the single largest share of any economy. Inflows of FDI, with a peak of US$ 314 billion in 2000 and another of US$ 306 billion in 2008, have been an important factor contributing to sustained economic growth in the United States. The recent financial and economic crises negatively impacted FDI flows to the United States and opened a period of major uncertainty. The effectiveness of government policy responses at both the national and international levels in addressing the financial crisis and its economic consequences will play a crucial role for creating favorable conditions for a rebound in FDI inflows. Inward foreign direct investment is an essential component of the U.S. economy, contributing to **production**, **exports** and **high-paying jobs** for the country's workers. As the world's largest economy, the United States is well positioned to participate in the increasingly **competitive international environment** for FDI that has emerged as both advanced and developing economies have recognized the value of such investment. The U.S. hosts the largest stock of IFDI among the world's economies and continues to be at the **top as a destination for** inward FDI flows.

Multiple shocks on econ after terror attacks—foreign direct investment, infrastructure, trade

Sandler and Ender 10

(Todd Sandler, Professor of International Relations and Economics at the University of Southern California, Walter Enders, Bidgood Chair of Economics and Finance at the University of Alabama, July 2010, http://www.utdallas.edu/~tms063000/website/Econ_Consequences_ms.pdf)

Terrorism can impose costs on a targeted country through a number of avenues. Terrorist incidents have economic consequences by diverting foreign direct investment (FDI), destroying infrastructure, redirecting public investment funds to security, or limiting trade. If a developing country loses enough FDI, which is an important source of savings, then it may also experience reduced economic growth. Just as capital may take flight from a country plagued by a civil war (see Collier et al., 2003), a sufficiently intense terrorist campaign may greatly reduce capital inflows (Enders and Sandler, 1996). Terrorism, like civil conflicts, may cause spillover costs 2 among neighboring countries as a terrorist campaign in a neighbor dissuades capital inflows, or a regional multiplier causes lost economic activity in the terrorism-ridden country to resonate throughout the region.1 In some instances, terrorism may impact specific industries as 9/11 did on airlines and tourism (Drakos, 2004; Ito and Lee, 2004). Another cost is the expensive security measures that must be instituted following large attacks – e.g., the massive homeland security outlays since 9/11 (Enders and Sandler, 2006, Chapter 10). Terrorism also raises the costs of

doing business in terms of higher insurance premiums, expensive security precautions, and larger salaries to at-risk employees.

Training CP

Counterplan Text: The Transportation Security Administration should include transgender competence in its basic training curriculum for airport security screeners and other Transportation Security Officers but should not eliminate body scanning technology.

Restrictions on screening and increased training solve

National Center for Transgender Equality 15 (NCTE, the prime advocates for trans-equality, June 29th, 2015, "A Blueprint for Equality: The Right to Travel (2015)," http://transequality.org/sites/default/files/docs/resources/NCTE_Blueprint_2015_Travel.pdf //MV)

In recent years, many Americans have been disturbed by the decision of the Transportation Security Agency (TSA) to implement airport screening procedures that are far more intrusive than anything previously seen in the United States. These techniques—which often include intrusive body searches of passengers—present especially serious concerns for transgender people, who can be outed against their will only to face bias and harassment. These screening procedures can be especially traumatic for transgender children. In the National Transgender Discrimination Survey—which includes data collected before these more intrusive techniques were introduced—nearly one in five transgender travelers reported having been harassed or disrespected by airport security screeners or other airport workers.1 In 2011, the TSA began phasing in new screening technology that replaces electronic viewing of images of passengers' unclothed bodies with automated detection of potentially hazardous objects. This technology mitigates some privacy concerns but has not changed the frequent use of intrusive pat-downs. NCTE continues to hear troubling stories from transgender travelers about their treatment by TSA, as well as by officials at U.S. border crossings. While NCTE has long worked with TSA to promote better staff training, respond to individual complaints, and educate the trans traveling public, the agency's lack of transparency and persistent use of invasive and unproven security procedures are a continuing cause for concern. Policy Advances • The Transportation Security Administration (TSA) updated all scanners to show only a generic body outline rather than images of passengers' actual bodies. (2013) Needed Policy Changes • **The Transportation Security Administration should adopt more effective and less intrusive airport screening protocols that reduce the frequency of pat-downs and do not require additional screening of transgender travelers based solely on their personal characteristics, prosthetics, or clothing.** • **The Transportation Security Administration should include transgender competence in its basic training curriculum for airport security screeners and other Transportation Security Officers.** • U.S. Customs and Border Protection (CBP) should include transgender competence in its basic training curriculum for CBP agents. See Immigration Reform for more on border enforcement and other immigration policies

Training solves emotional trauma and embarrassment to transgender travelers

HRC 09

(1/11/09, HRC with the Obama-Biden Transition Project, "Amend Standard Operating Procedures for Screening Transgender Travelers," http://otrans.3cdn.net/9b84b65a94186d2175_6dm6bnyc6.pdf, 8/2/15, SM)

Issue∂ Transportation Security Administration's ("TSA") Standard Operating Procedures for screening∂ commercial airline passengers invade the personal and medical privacy of transgender travelers.∂ Short Answer∂ TSA should issue a comprehensive policy amending its Standard Operating Procedures ("SOP") for∂ screening by prohibiting discrimination against transgender individuals, providing transgender∂ individuals a choice as to gender of the screener, and **incorporating transgender-specific concerns∂ into TSA employees' training**.∂ Background∂ Current SOPs used by TSA to ensure that passengers do not bring any contraband materials onto∂ airplanes require that some passengers sacrifice a certain level of privacy in order to ensure the public∂ safety. TSA employees thoroughly screen selected passengers of the same sex for enhanced screening∂ through use of hand-held metal detectors and pat-downs.1∂ TSA has attempted to deal with∂ complaints over time-consuming and privacy-invasive security measures through the adoption of∂ new technologies. Today, TSA also uses next generation x-ray machines, such as the Rapiscan∂ Secure 1000, to perform security on passengers that require enhanced screening because of a∂ perceived "anomaly."∂ Despite these efforts, the current SOPs do not adequately address the privacy concerns of the∂ transgender community. As TSA employees only screen passengers of the same sex, a transgender∂ individual whose identity documents do not match his or her current gender presentation might∂ encounter uncomfortable and embarrassing situations when he or she is searched by a screener who∂ TSA believes to be of the "same sex," regardless of the transgender passenger's preference.2∂ Furthermore, x-ray machines such as the Rapiscan Secure 1000, as well as other advanced imaging∂ technologies used by the TSA, could expose transgender individuals to greater invasions of privacy to∂ a screener of the "same sex" because the machine may expose a transgender individual's bindings,∂ prostheses, or other devices used as part of his or her gender presentation. Although TSA's current∂ SOPs permit individuals with "medical conditions" to take "equipment, aids, and devices…through∂ security checkpoints once cleared through screening," a complete screening may require a∂ transgender individual to remove some or all of these devices in front of the TSA screener in order to∂ clear security.3∂ Given such an embarrassing situation, presenting the transgender individual with a∂ choice as to the gender of the screener would alleviate some of the anxiety of travel.∂ 1∂ TRANSP. SEC. ADMIN., TSA: Passenger Security Checkpoints, http://www.tsa.dhs.gov/travelers/airtravel/∂ assistant/editorial_1049.shtm.∂ 2∂ See id. TSA states that enhanced screening must be performed by a member of the same sex except in "extraordinary∂ circumstances" but does not define what types of extraordinary circumstances qualify.∂ 3∂ TRANSP. SEC. ADMIN., TSA: Travelers with Disabilities and Medical Conditions, http://www.tsa.gov/travelers/airtravel/∂ specialneeds/index.shtm. TSA states that all "[i]tems used to augment the body for medical and cosmetic reasons such as∂ mastectomy products, prosthetic breasts, bras or shells containing gels, saline solution, or other liquids" are permitted∂ through the security checkpoint. Id. ∂ HRC Exec. Recomm./TSA/Screening Trans. Trav.∂ TSA employees are not trained to understand the unique travel concerns of transgender passengers.∂ For example, TSA employees should be explicitly informed that devices used to augment a∂ transgender individual's physical appearance must be permitted through the security checkpoint.∂ **Employees that are not adequately trained to respond to these needs may cause emotional trauma∂ and embarrassment to a transgender traveler, especially in situations where a transgender individual∂ must expose their bindings and prostheses to the TSA screener. TSA screeners should be trained to∂ handle these situations appropriately.**∂ Recommendation∂ The Under Secretary for Border and Transportation Security of the Department of Homeland∂ Security should issue a policy that would prohibit discrimination against transgender travelers solely∂ based on gender identity or expression. In addition, the Under Secretary should issue explicit∂ guidance to its employees on the proper SOPs for transgender passengers and require all TSA∂ security personnel to undergo training with respect to the needs of transgender travelers.

TSA officers are not offered adequate training on working with trans travelers—leads to violence against trans individuals

Truitt 11

(Jos, 8/18/11, Feministing, "The TSA Makes it Dangerous to Fly While Trans," http://feministing.com/2011/08/18/the-tsa-makes-it-dangerous-to-fly-while-trans/, 8/2/15, SM)

These sorts of policies have a real impact. I've been fairly lucky while flying – I've gone through an extra scan because of TSA agents' gender confusion, but that's it. I have friends who have been searched and interrogated for hours. They've been publicly outed and then had to teach some basic gender theory to TSA agents. **The agents themselves are also put in confusing and uncomfortable situations when they're not**

offered the adequate training on working with trans travelers. Often they have to pat down someone of a different gender, when policy states all pat-downs are supposedly same-gender.♂ NCTE is asking that folks file complaints with the TSA's Office of Civil Rights and Liberties and the Department of Homeland Security Office for Civil Rights and Civil Liberties if they experience discrimination. They're also encouraging folks to share their stories with NCTE to aid in advocacy efforts.

CP Avoids Links to PTX

Avoids the link to politics—Schumer supports training TSA officers to solve individual and sensitive passenger needs

Frischling 12 (Steven, covering aviation and transportation security issues since September 15, 2001, spent more than a decade-and-a-half as a full-time photojournalist, social commerce strategies and solutions for global travel brands, along with researching aviation and transportation security, "Is The TSA's New Passenger Advocate Role A Good Thing?," http://flyingwithfish.boardingarea.com/2012/10/20/is-the-tsas-new-passenger-advocate-role-a-good-thing/ **//rck)**

In introducing the RIGHTS Act Sen. Schumer stated "Since the TSA Won't Voluntarily Put in Place Passenger Advocates, We'll Mandate They Do." Under the RIGHTS Act, the TSA was to establish the Office for Passenger Support, Require a TSA Passenger Advocate be on duty at all times, the agency place visible signage at all checkpoints and gates advising traveling that an Advocate is available, real-time complaint resolution be implemented and that advance notification for passengers with disabilities or medical conditions be pre-arranged for expedited screening that allows for proper screening without causing hardship for the passenger in need of special screening. Following the legislation introduced by Senators Schumer and Collins the TSA has created a new in airport job position, which was recently supported by Homeland Security Secretary Janet Napolitano and approved by the TSA's Office of Security Operations. The new passenger facing position is the Passenger Support Specialist (PSS) Position, which will soon be recruited, trained and deployed into every airport in the United States. The role of the PSS will requires the acting Officer convey the TSA's standard operating procedures to the passenger in need of assistance and clearly explain what that means in any given particular situation. The PSS will act as the primary point of contact for resolving passenger related screening complaints quickly, on site, and enhance the passengers experience with the agency … additionally the PSS on duty must respond to passenger requests for assistance within five minutes. Training for the PSS position will initially be 10 hours, with recurrent 1-to-2 hour sessions. Training for the role of PSS will address understanding the basics of customer service, the individual needs of passengers with disabilities, Civil Rights and enhancing the TSA's public image. The course work for those undertaking the PSS role will have a heavy emphasis on conflict resolution, sensitivity to passengers wit special needs and effective communications.

Metal Detectors

Metal detectors will still be set off by prosthetics—patdowns will still happen—only training will solve for that scenario

TSA 14

(TSA, 12/22/14, TSA, "Transgender Travelers," https://www.tsa.gov/traveler-information/transgender-travelers, 8/2/15, SM)

Packing a Carry-on: All carry-on baggage must go through the screening process. If a traveler has any medical equipment or prosthetics in a carry-on bag, the items will be allowed through the checkpoint after completing the screening process. Travelers may ask that bags be screened in private if a bag must be opened by an officer to resolve an alarm**. Travelers should be aware that prosthetics worn under the clothing that alarm a walk through metal detector** or appear as an anomaly during Advanced Imaging Technology (AIT) screening **may result in additional screening, to include a thorough pat-down**. Travelers may request a private screening at any time during the security screening process.

Metal detectors would still pick up binding materials and prostheses

NCTE 14

(March 2014, National Center for Transgender Equality, "Know Your Rights: Airport Security and Transgender People," http://transequality.org/sites/default/files/docs/kyr/AirportSecurity_March2014.pdf, 8/2/15, SM)

You have the right to wear what you wish. Certain types of clothing, shoes, binding materials, prostheses or jewelry may cause you to receive additional scrutiny. Remove outerwear before you get to the security checkpoint. Airport metal detectors are extremely sensitive and may be set off by piercing jewelry, underwire or metal boning in clothing, and many shoes.

NB
TERROR DA

PTX DA

PTX DA

Links

Plans unpopular with Schumer- he supports TSA security

Kully 4/26/15, (Sadef Ali Kully, http://www.timesledger.com/stories/2015/17/jfksecurity_tl_2015_04_24_q.html. AGY)

The review also was asked to determine if additional risk-based security measures, resource reallocations, new investments or policy changes are necessary. The request came after U.S. Sen. Charles Schumer (D-NY) and Brooklyn District Attorney Ken Thompson urged the DHS secretary to re-evelaute airport security following a gun running scheme at both New York airports by a former Delta Airlines employee who allegedly smuggled 153 weapons, most were purchased in Georgia and headed for Brooklyn, with the help of airline employees on commercial flights. The bust recovered weapons that ranged from AR-15 and AK-47 assault weapons to handguns in December, according to the Brooklyn DA. "When guns are as easy to carry on board a plane as a neck pillow, then we have a serious problem," Schumer said. "Today's announcement by Secretary Johnson is a prompt response and a significant first step to closing the gaping loopholes in airport security, especially with regard to reducing access points and enhancing criminal background checks. More is needed and we will work with DHS and stakeholders to press for further security improvements."

Tech Industry Advantage HSS

1NC—Data Localization

Uniqueness

Tech Industries Solve

Companies resolve perception link in the status quo

Kendrick 15 (Katharine Kendrick is a policy associate for Internet communications technologies at the NYU Stern Center for Business and Human Rights., 2.19.15, "Risky Business: Data Localization" http://www.forbes.com/sites/realspin/2015/02/19/risky-business-data-localization/, ekr)

U.S. companies' eagerness to please the EU affects their leverage in a place like Russia or China, and undermines their principled calls for a global Internet. Just as we've seen the emergence of company best practices to minimize how information is censored, we need best practices to minimize risks in where it is stored. Companies should take the following steps: Avoid localizing in a repressive country whenever possible. When Yahoo! entered Vietnam, to meet performance needs without enabling the government's Internet repression, it based its servers in Singapore. Explore global solutions. Companies like Apple and Google have started encrypting more data by default to minimize inappropriate access by any government. This doesn't solve everything, but it's a step forward for user privacy. Minimize exposure. If you must have an in-country presence, take steps to minimize risk by being strategic in what staff and services you locate there. Embrace transparency. A growing number of companies have increased transparency by issuing reports on the number of government requests they receive. They should also publish legal requirements like localization, so that people understand the underlying risks to their data. Work together. Companies should coordinate advocacy in difficult markets through organizations like the Global Network Initiative. Tech companies can take a proactive, collective approach, rather than responding reactively when their case hits the headlines. We can only expect localization demands to increase—and business pressures to pull in the opposite direction. While the political dynamics have shifted, companies should still have respect for human rights—and the strength of the global Internet—at the forefront of decisions over where to store their data.

Current Freedom Act Solves

Status Quo Freedom Act sufficient

CEA 15 (June 2, 2015, "Washington: CEA Praises Senate Passage of USA FREEDOM Act" http://www.ce.org/News/News-Releases/Press-Releases/2015-Press-Releases/CEA-Praises-Senate-Passage-of-USA-FREEDOM-Act.aspx, ekr)

The Consumer Electronics Association has issued the following news release: The following statement is attributed to Michael Petricone, senior vice president of government and regulatory affairs, Consumer Electronics Association (CEA)®, regarding the U.S. Senate's passage of H.R. 2048, the Uniting and Strengthening America by Fulfilling Rights and Ensuring Effective Discipline Over Monitoring (USA FREEDOM) Act of 2015: "We welcome this important reform to U.S. intelligence gathering which takes **critical steps to increase transparency and restore trust in American businesses**, all while maintaining our commitment to preserving our national security. The bipartisan USA FREEDOM Act is common-sense reform to our nation's intelligence gathering programs, which will preserve American businesses' competitiveness worldwide, while continuing to protect our national security. "Following the Senate passage, the legislation now heads to the White House, where we anticipate swift action by President Obama to sign this legislation into law."

Internal Link

Big data bad

Big data is ineffective and dangerous

Hardy 13 - Quentin Hardy is a reporter, providing analysis on technology, economics and global business. Citing Kate Crawford, who is a Principal Researcher at Microsoft Research New York City, a Visiting Professor at MIT's Center for Civic Media, and a Senior Fellow at NYU's Information Law Institute. ("Why Big Data Is Not Truth," http://bits.blogs.nytimes.com/2013/06/01/why-big-data-is-not-truth/ 6/1/2013) STRYKER

The word "data" connotes fixed numbers inside hard grids of information, and as a result, it **is easily mistaken for fact**. But including bad product introductions and wars, we have many examples of bad data causing big mistakes. **Big Data raises bigger issues**. The term suggests assembling many facts to create greater, previously unseen truths. It suggests the certainty of math. That promise of certainty has been a hallmark of the technology industry for decades. With Big Data, however, there are even more hazards, some human and some inherent in the technology. Kate Crawford, a researcher at Microsoft Research, calls the problem "Big Data fundamentalism — the idea with larger data sets, we get closer to objective truth." Speaking at a conference in Berkeley, Calif., on Thursday, she identified what she calls "six myths of Big Data." Myth 1: Big Data is New In 1997, there was a paper that discussed the **difficulty of visualizing Big Data**, and in 1999, a paper that discussed the **problems of gaining insight from the numbers in Big Data**. That indicates that two prominent issues today in Big Data, display and insight, had been around for awhile. "But now it's reaching us in new ways," because of the scale and prevalence of Big Data, Ms. Crawford said. That also means it is a widespread social phenomenon, like mobile phones were in the 1990s, that "generates a lot of comment, and then disappears into the background, as something that's just part of life." Myth 2: Big Data Is Objective Over 20 million Twitter messages about Hurricane Sandy were posted last year. That may seem sufficient for a picture of whom the storm affected. However, the 16 percent of Americans on Twitter tend to be younger, more urban and more affluent than the norm. "Very few tweets came out of Breezy Point, or the Rockaways," Ms. Crawford said. "These were very privileged urban stories." And some people, privileged or otherwise, put information like their home addresses on Twitter in an effort to seek aid. That sensitive information is still out there, even though the threat is gone. That means that **most data sets**, particularly where people are concerned, **need references to the context in which they were created**. Myth 3: Big Data Doesn't Discriminate "Big Data is neither color blind nor gender blind," Ms. Crawford said. "We can see how it is used in marketing to segment people." Facebook timelines, stripped of data like names, can still be used to determine a person's ethnicity with 95 percent accuracy, she said. Information like sexual orientation among males is also relatively easy to identify. (Women are tougher to pinpoint.) That information can be used to determine what kind of advertisements, for example, that people receive. It's important to remember that whenever people start creating data sets, these become fallible human tools. "Data is something we create, but it's also something we imagine," Ms. Crawford said. Myth 4: Big Data Makes Cities Smart "**It's only as good as the people using it**," Ms. Crawford said. Many of the sensors that track people as they manage their urban lives come from high-end smartphones, or cars with the latest GPS systems. "Devices are becoming the proxies for public needs," she said, "but **there won't be a moment** where everyone has access to the same technology." In addition, moving cities toward digital initiatives like predictive policing, or creating systems where people are seen, whether they like it or not, can promote lots of tension between individuals and their governments. Sorry, IBM. Take that, Cisco. That goes for you, too, Microsoft, Ms. Crawford's employer. All these big technology companies have Smart Cities initiatives. Myth 5: Big Data Is Anonymous A study published in Nature last March looked at 1.5 million phone records that had personally identifying information removed. It found that just four data points of when and where a call was made could identify 95 percent of individuals. "With just two, you can identify 50 percent of them," Ms. Crawford said. "With a fingerprint, you need 12 data points to identify somebody." Likewise, smart grids can spot when your friends come over. Search engine queries can yield health data that would be protected if it came up in a doctor's office. Myth 6: You Can Opt Out Last December, Instagram, the photo-sharing site, changed its terms of service to allow it to share customer's photos more broadly, even use images in ads. What it didn't have was a paid option, in which a person could, for a fee, not be part of that. Even if that option existed, Ms. Crawford said, this would imply a two-tier system — people who could afford to control their data and those who could not. "Besides," she said, given the ways that information can be obtained in these big systems, "what are the chances that your personal information will never be used?" Before Big Data disappears into the background as another fact of life, Ms. Crawford said, "We need to think about how we will navigate these systems. Not just individually, but as a society."

big data ineffective

Big data doesn't solve disease—predictions are too difficult and the bar for entry is too low

White 15 - Michael White is a systems biologist at the Department of Genetics and the Center for Genome Sciences and Systems Biology at the Washington University School of Medicine in St. Louis, where he studies how DNA encodes information for gene regulation. ("The Ethical Risks of Detecting Disease Outbreaks With Big Data," http://www.psmag.com/health-and-behavior/ethical-risks-of-detecting-disease-outbreaks-with-big-data 2/24/2015) STRYKER

One of the most urgent ethical issues that the researchers identify lies at what they call "the nexus of ethics and methodology." The ethical issue can be reduced to one question: **Do these methods actually work**? Ensuring that the methods work "is an ethical, not just a scientific, requirement," the researchers note. Unlike some other social media experiments, a flawed public health monitoring program can cause serious physical and economic harm to large numbers of people. Digital disease detection programs are relatively easy to set up compared to traditional disease monitoring systems, which means **there is a risk that the bar for entering this field might be dangerously low.** An **under-prediction** of a disease outbreak can result in complacency and lack of preparedness by health officials or the public. An **over-prediction** could cause panic, misallocation of limited supplies of vaccines or medical resources, and, as some reactions to the recent Ebola outbreak demonstrated, damaging stigmatization of people or communities who don't pose a risk. As the physicist Niels Bohr once noted, **prediction is hard**—especially about the future. Big data programs and algorithms often perform well when they're used to "predict" the existing data that was used to help build them, but then do poorly when confronted with new data. That's where digital disease detection tools that use social media data often run into trouble. **Google Flu Trends** looked impressive in its initial report in 2009, where it was used to retroactively predict flu activity of previous years. But it **largely missed the two waves of H1N1 swine flu that hit** later **in 2009**. As the Google Flu researchers wrote, "Internet search behavior changed during pH1N1, particularly in the categories 'influenza complications' and 'term for influenza'"—two search terms that are particularly important in the algorithm. The program also **over-predicted the severity of the 2011-12 flu season by 50 percent**.

Big data doesn't solve healthcare – multiple barriers and empirics prove

**predictive analytics/comparative data are referring to the same idea of large databases with patient information i.e. big data in general

Crockett 14 (David, Ph.D. from University of Colorado in medicine, Senior Director of Research and Predictive Analytics at Health Catalyst, "3 Reasons Why Comparative Analytics, Predictive Analytics, and NLP Won't Solve Healthcare's Problems", https://www.healthcatalyst.com/3-reasons-why-comparative-analytics-predictive-analytics-and-nlp-wont-solve-healthcares-problems/)

Comparative **Data Doesn't Drive Improvement** We've had comparative data for **years** in the U.S. healthcare system and it hasn't moved the needle towards better, at all. In fact, the latest OECD data ranks the U.S. even **worse than we've ever been** on healthcare quality and cost. Comparative data, like the OECD, is interesting and certainly worth looking at, but it's far from enough to drive improvements in an organization down to the individual patient. To drive that sort of change, you have to get your head and hands dirty in your own data ecosystem, not somebody else's that is at best a rough facsimile of your organization. There are too many variables and variations in healthcare delivery right now that add **too much noise** to the data to make comparative analytics as valuable as some pundits advocate. We don't even have an industry standard and clinically precise definition of patients that should be included (and excluded from routine management) in a diabetes registry, much less the other 15 chronic diseases and syndromes we should be managing.

Predictive Analytics Fails to Include Outcomes We've also had predictive analytics supporting risk stratification for years in healthcare, particularly in case management, **but without outcomes data, what are we left to predict**? Readmissions. That's a sad state of affairs. Before we start believing that predictive analytics is going to change the healthcare world, we need to understand how it works, technically and programmatically. Without protocol and patient-specific outcomes data, **predictive analytics is largely vendor smoke and mirrors** in all but a very small number of use cases.

Impact

Disease Defense

No zoonotic disease impact – multiple warrants

Empirics Prove

Ridley 12 (Matt Ridley, columnist for The Wall Street Journal and author of The Rational Optimist: How Prosperity Evolves, "Apocalypse Not: Here's Why You Shouldn't Worry About End Times," http://www.wired.com/wiredscience/2012/08/ff_apocalypsenot/all/)

The emergence of AIDS led to a theory that other viruses would spring from tropical rain forests to wreak revenge on humankind for its ecological sins. That, at least, was the implication of Laurie Garrett's 1994 book, The Coming Plague: Newly Emerging Diseases in a World Out of Balance. The most prominent candidate was Ebola, the hemorrhagic fever that starred in Richard Preston's The Hot Zone, published the same year. Writer Stephen King called the book "one of the most horrifying things I've ever read." Right on cue, Ebola appeared again in the Congo in 1995, but it soon disappeared. Far from being a harbinger, HIV was the only new tropical virus to go pandemic in 50 years.¶ In the 1980s British cattle began dying from **mad cow** disease, caused by an infectious agent in feed that was derived from the remains of other cows. When people, too, began to catch this disease, predictions of the scale of the epidemic quickly turned terrifying: Up to 136,000 would die, according to one study. A pathologist warned that the British "have to prepare for perhaps thousands, tens of thousands, hundreds of thousands, of cases of vCJD [new variant Creutzfeldt-Jakob disease, the human manifestation of mad cow] coming down the line." Yet the total number of deaths so far in the UK **has been 176**, with just five occurring in 2011 and none so far in 2012.¶ **In 2003 it was SARS**, a virus from civet cats, that ineffectively but inconveniently led to quarantines in Beijing and Toronto amid predictions of global Armageddon. **SARS subsided within a year**, after killing just 774 people. In 2005 it was bird flu, described at the time by a United Nations official as being "like a combination of global warming and HIV/AIDS 10 times faster than it's running at the moment." The World Health Organization's official forecast was 2 million to 7.4 million dead. In fact, by late 2007, when the disease petered out, the death toll was roughly 200. In 2009 it was Mexican swine flu. WHO director general Margaret Chan said: "It really is all of humanity that is under threat during a pandemic." The outbreak proved to be a normal flu episode.¶The truth is, a new global pandemic is growing less likely, not more. Mass migration to cities means the opportunity for viruses to jump from wildlife to the human species has not risen and has possibly even declined, despite media hype to the contrary. Water- and insect-borne infections—generally the most lethal—**are declining** as living standards slowly improve. It's true that casual-contact infections such as colds are thriving—but **only by being mild enough that their victims can soldier on** with work and social engagements, thereby allowing the virus to spread. Even if a lethal virus does go global, the ability of medical science to sequence its genome and devise a vaccine or cure **is getting better** all the time.

Burnout and variation check

York 14 (Ian, head of the Influenza Molecular Virology and Vaccines team in the Immunology and Pathogenesis Branch of the Influenza Division at the CDC, PhD in Molecular Virology and Immunology from McMaster University, M.Sc. in Veterinary Microbiology and Immunology from the University of Guelph, former Assistant Prof of Microbiology & Molecular Genetics at Michigan State, "Why Don't Diseases Completely Wipe Out Species?" 6/4/2014, http://www.quora.com/Why-dont-diseases-completely-wipe-out-species)

But mostly **diseases don't drive species extinct.** There are **several reasons** for that. For one, the most dangerous diseases are those that spread from one individual to another. If the disease is **highly lethal**, then the population drops, and it becomes **less likely that individuals will contact each other** during the infectious phase. Highly contagious diseases tend to **burn** themselves **out** that way.¶ Probably the main reason is variation. Within the host and the pathogen population there will be a wide range of variants. Some hosts may be **naturally resistant.** Some pathogens will be **less virulent**. And either alone or in combination, you end up with infected individuals who **survive**.¶ We see this in HIV, for example. There is a small fraction of humans who are naturally resistant or altogether immune to HIV, either because of their CCR5 allele or their MHC Class I type. And there are a handful of people who were infected with defective versions of HIV that didn't progress to disease. ¶ We can see indications of this sort of thing happening in the past, because our genomes contain many instances of **pathogen resistance genes** that have **spread through the whole population.** Those all started off as rare mutations that conferred a **strong selection advantage to the carriers,** meaning that the specific infectious diseases were serious threats to the species.

Indicts

Skepticism

You should be generally skeptical of their evidence – it overstates the value of big data – studies prove data is mostly irrelevant now

Aslett 13 (Matt, research director for 451 research, formerly the Deputy Editor of monthly magazine Computer Business Review and ComputerWire's daily news service, "Big data reconsidered: it's the economics, stupid", https://451research.com/report-short?entityId=79479&referrer=marketing)

For the past few years the data management industry has been in the grip of a fever related to 'big data' – a loosely defined term that has been used to describe analysis of large volumes of data, or analysis of unstructured data, or high-velocity data, or social data, or predictive analytics, or exploratory analytics or all of the above – and more besides. The expectations for the potential of big data to revolutionize the data management and analytics industry are **great and inflated**, to the extent that it is easy to become disillusioned. A quick check of recent news **headlines suggests** that big data has the potential to solve world hunger, defeat terrorism, close the gender gap, bring about world peace, cure cancer and identify life on Mars. We don't doubt that data management and analytics will have a critical role to play in efforts related to all those issues, but there is clearly a gap between the potential of big data and the extent to which related technologies have been adopted to date. For example, interviews from TheInfoPro, a service of 451 Research, with storage professionals indicate that big data accounted for just 3% of the total data storage footprint in 2012 – **and the exact same percentage in 2013**. While we believe that the big data trend has the potential to revolutionize the IT industry by enabling new business insight based on previously ignored and underutilized data, it is clear that **big data is also massively over-hyped**.

2NC—Data Localization

Uniqueness

Ext—Current Freedom Act Solves

New Freedom Act is sufficient to solve US's global credibility gap.

HRW '15

Human Rights Watch is an independent, international organization that works as part of a vibrant movement to uphold human dignity and advance the cause of human rights for all. "Strengthen the USA Freedom Act" - May 19, 2015 - http://www.hrw.org/news/2015/05/19/strengthen-usa-freedom-act

As the Senate considers the USA Freedom Act this week, policymakers should strengthen it by limiting large-scale collection of records and reinforcing transparency and carrying court reforms further. The Senate should also take care not to weaken the bill, and should reject any amendments that would require companies to retain personal data for longer than is necessary for business purposes. It has been two years since the National Security Agency (NSA) whistleblower Edward Snowden unleashed a steady stream of documents that exposed the intention by the United States and the United Kingdom to "collect it all" in the digital age. These revelations demonstrate how unchecked surveillance can metastasize and undermine democratic institutions if intelligence agencies are allowed to operate in the shadows, without robust legal limits and oversight. **On May 13,** the US House of Representatives approved the USA Freedom Act of 2015 by a substantial margin. The bill represents the latest attempt by Congress to rein in one of the surveillance programs Snowden disclosed—the NSA's domestic bulk phone metadata collection under Section 215 of the USA Patriot Act. The House vote followed a major rebuke to the US government by the US Court of Appeals for the Second Circuit, which ruled on May 7 that the NSA's potentially nationwide dragnet collection of phone records under Section 215 was unlawful. Section 215 is set to expire on June 1 unless Congress acts to extend it or to preserve specific powers authorized under the provision, which go beyond collection of phone records. Surveillance reforms are long overdue and can be accomplished while protecting US citizens from serious security threats. Congress and the Obama administration should end all mass surveillance programs, which unnecessarily and disproportionately intrude on the privacy of hundreds of millions of people who are not linked to wrongdoing. But reforming US laws and reversing an increasingly global tide of mass surveillance will not be easy. Many of the programs Snowden revealed are already deeply entrenched, with billions of dollars of infrastructure, contracts, and personnel invested. Technological capacity to vacuum up the world's communications has outpaced existing legal frameworks meant to protect privacy. The Second Circuit opinion represents an improvement over current law because it establishes that domestic bulk collection of phone metadata under Section 215 of the Patriot Act cannot continue. Section 215 allows the government to collect business records, including phone records, that are "relevant" to an authorized investigation. The court ruled that the notion of "relevance" could not be stretched to allow intelligence agencies to gather all phone records in the US. However, the opinion could be overturned and two other appeals courts are also considering the legality of the NSA's bulk phone records program. The opinion also does not address US surveillance of people not in the US. Nor does it question the underlying assumption that the US owes no privacy obligations to people outside its territory, which makes no sense in the digital age and is inconsistent with human rights law requirements. Even if the Second Circuit opinion remains good law, congressional action will be necessary to address surveillance programs other than Section 215—both domestic and those affecting people outside the US—and to create more robust institutional safeguards to prevent future abuses. The courts cannot bring about reforms to increase oversight and improve institutional oversight on their own. Human Rights Watch has supported the USA Freedom Act because it is a modest, if incomplete, first step down the long road to reining in the NSA excesses. Beyond ending bulk records collection, the bill would begin to reform the secret Foreign Intelligence Surveillance Act (FISA) Court, which oversees NSA surveillance, and would introduce new transparency measures to improve oversight. In passing the bill, the House of Representatives also clarified that it intends the bill to be consistent with the Second Circuit's ruling, so as to not weaken its findings. The bill is no panacea and, as detailed below, would not ensure comprehensive reform. It still leaves open the possibility of large-scale data collection practices in the US under the Patriot Act. It does not constrain surveillance under Section 702 of the FISA Amendments Act nor Executive Order 12333, the primary legal authorities the government has used to justify mass surveillance of people outside US borders. And the bill does not address many modern surveillance capabilities, from mass cable tapping to use of malware, intercepting all mobile calls in a country, and compromising the security of mobile SIM cards and other equipment and services. **Nonetheless,** passing a strong USA Freedom Act would be a long-overdue step in the right direction. It would show that Congress is willing and able to act to protect privacy and impose oversight over intelligence agencies in an age when technology makes ubiquitous surveillance possible. Passing this bill **would** also help **shift the debate in the US and globally** and would distance the United States from other countries that seek to make mass surveillance the norm. On a global level, other governments may already be emulating the NSA's approach, fueling an environment of impunity for mass violations of privacy. In the last year, France, Turkey, Russia, and other countries have passed legislation to facilitate or expand large-scale surveillance. If the USA Freedom Act passes, it

would be the first time Congress has affirmatively restrained NSA activities since the attacks of September 11. Key supporters of the bill have vowed to take up reforms to other laws next, including Section 702 of the FISA Amendments Act.

Internal Link

Ext—Data Doesn't Solve Healthcare

Big data doesn't work for disease—only works as well a actual data collection

Swift 14 - Janet Swift is a spreadsheets and statistics specialist for I-Programmer. ("Google Flu Trends Adopts New Model," http://www.i-programmer.info/news/197-data-mining/7939-google-flu-trends-new-model.html 11/3/2014) STRYKER
Google Flu Trends is launching a new model in the United States for the coming 2014/2015 flu season. The important difference is that it is going to incorporate CDC flu data - which rather ruins its original idea. Google Flu Trends (GFT) was launched in 2008 to predict how many cases of flu are likely to occur based on "aggregate search data". The premise used by the model was that there is a correlation between the number of cases of flu and the number of searches on the topic of flu. So rather than collect data from doctors and hospitals about people showing symptoms you can instead look for searches using terms associated with flu such as "cough" or "fever". Initially the model worked well. Not only did it provide accurate estimates of the number of cases of flu, it did so ahead of those from the CDC (Centers for Disease Control and Prevention). But over time Google's model **started to overpredict** the incidence of flu, due to what could be interpreted as a **positive feedback effect**. Heightened media attention to flu when the incidence of flu rises leads to more people googling flu related terms. For the 2012/2013 flu season the GFT prediction exceeded the number of "real" flu cases by 95%. Responding to the research that revealed this anomaly Google adjusted the model for the 2013/2014 flu season (see the details in Google Updates Flu Model but **it continued to overpredict.** So a more drastic remedy was sought. According to Christian Stefansen, Senior Software Engineer, in a post on the Google Research blog announcing "brand new engine" for GFT, for the coming flu season in the US, Google is substituting a: "more robust model that learns continuously from official flu data". While this may well improve the model's accuracy, **the fact that it uses actual data defeats the idea** that flu could be predicted solely on the basis of Internet users search behavior. If the new model works well, it won't be nearly as interesting a finding as the success of the old model.

Big data analysis is ineffective—

A. Selection bias

Hoffman and Podgurski 13 - Sharona Hoffman is a Edgar A. Hahn Professor of Law and Professor of Bioethics and Co-Director of Law-Medicine Center at Case Western Reserve University School of Law. Andy Podgurski is a Professor of Electrical Engineering and Computer Science at Case Western Reserve University. ("The Use and Misuse of Biomedical Data: Is Bigger Really Better?" *American Journal of Law & Medicine*, 39 Am. J. L. and Med. 497, 2013) STRYKER
If data subjects have the opportunity to opt out of inclusion in a database or if certain individuals' records are otherwise excluded, a class of problems often called [*522] **"selection bias"** may arise. n227 Selection bias may occur when **the subset of individuals studied is not representative of the patient population of interest**. n228 This kind of selection bias could manifest, for example, if a disproportionate number of people of one ancestry or economic class opt out of participating in a database. n229 It can likewise exist if individuals with certain behavior traits that might be important in some studies--such as diet, exercise, smoking status, and alcohol or drug

consumption--choose not to participate or cannot access medical facilities in which studies take place. n230 Selection bias can **distort assessments** of measures such as disease prevalence or exposure risk because study estimates will differ systematically from the true values of these measures for the target population. n231 That is, the estimates will not be generalizable from the research subjects to the larger population about which analysts wish to draw conclusions. n232 Another, more subtle kind of selection bias, which is also called "**collider-stratification bias**," n233 "collider-bias," n234 or "M-bias," n235 is specific to causal-effect studies. n236 These studies typically seek to measure the average beneficial effect on patients of a particular treatment or the average harmful effect on individuals of a particular exposure. n237 Collider-stratification bias occurs in analyzing study data when the analysis is conditioned on (e.g., stratified by) one or more levels of a variable that is a common effect (a "collider") of both the treatment/exposure variable and the outcome variable or that is a common effect of a cause of the treatment/exposure and a cause of the outcome. n238 Consider the following classic example. Commonly, **some patients are lost to follow-up**, and thus outcome measurements that would be essential for research purposes are unavailable. The data from these patients cannot be included in studies. Both the treatment and outcome at issue may influence which patients stop seeking medical care. Patients may fail to return for follow-up both because the treatment is unpleasant (treatment factor) and because they actually feel better and don't see a need to return to their doctors (an outcome factor). The loss of these study subjects can create a **spurious statistical association between the treatment/exposure variable and the outcome variable** that becomes mixed with and distorts the true causal effect of the former on the latter. n239 Because collider-stratification bias is associated with [*523] the exclusion of some patients from a study, it is categorized as a type of selection bias. n240

B. Confounding bias

Hoffman and Podgurski 13 - Sharona Hoffman is a Edgar A. Hahn Professor of Law and Professor of Bioethics and Co-Director of Law-Medicine Center at Case Western Reserve University School of Law. Andy Podgurski is a Professor of Electrical Engineering and Computer Science at Case Western Reserve University. ("The Use and Misuse of Biomedical Data: Is Bigger Really Better?" *American Journal of Law & Medicine*, 39 Am. J. L. and Med. 497, 2013) STRYKER

In observational causal-effect studies, confounding bias (confounding) **may be an even greater concern than selection bias**. n241 "Classical" confounding occurs because of the presence of a common cause of the treatment/exposure variable and the outcome variable. n242 Confounding is different from collider-stratification bias because it involves a common cause of the treatment/exposure and outcome variables rather than a common effect of the variables. n243 The following hypothetical illustrates classical confounding. Suppose a physician's treatment choices are influenced by the severity or duration of a patient's disease, which also influence the outcome of treatment. n244 Thus, patients at a later stage of a disease may receive one treatment (treatment A) and those who are at an earlier stage may receive a different therapy (treatment B). At the same time, sicker patients may have worse treatment outcomes than healthier individuals. Unless such a common cause, which is called a "confounding variable" or "confounder," is adjusted for appropriately during statistical data analysis, it may induce a spurious association between the treatment variable and the outcome variable, which distorts estimation of the true causal effects of treatments. n245 In other words, **researchers may reach incorrect conclusions** regarding the efficacy of the two treatments because of the confounding variable: **the degree of sickness** suffered by patients receiving the different therapies. Treatment A may appear to be less effective than treatment B not because it is in fact an inferior therapy but because so many of the patients receiving treatment A are in a late stage of the disease and would not do well no matter what treatment they received. This particular form of confounding, called "confounding by indication," is especially challenging to adjust for, because it may involve multiple factors that influence physicians' treatment decisions. n246 **Socioeconomic factors and patient lifestyle choices** may also be confounders. Those who lack financial resources or adequate health coverage may select less expensive treatments not because those are the best choices for them but because those are the only affordable options. n247 Low income may also separately lead to poor health for reasons such as poor nutrition or financial stress. In the case of preventive care, a treatment's perceived benefits may be amplified because health-oriented individuals interested in the intervention also pursue exercise, low-fat diets,

and other health-promoting behaviors. These patients' impressive outcomes thus would not be associated solely with the preventive measure. n248

C. Measurement bias

Hoffman and Podgurski 13 - Sharona Hoffman is a Edgar A. Hahn Professor of Law and Professor of Bioethics and Co-Director of Law-Medicine Center at Case Western Reserve University School of Law. Andy Podgurski is a Professor of Electrical Engineering and Computer Science at Case Western Reserve University. ("The Use and Misuse of Biomedical Data: Is Bigger Really Better?" *American Journal of Law & Medicine*, 39 Am. J. L. and Med. 497, 2013) STRYKER

Measurement biases arise from **errors in measurement and data collection**. n262 Observational study results may be compromised if the biomedical records that are analyzed contain such errors. Measurement errors occur for a variety of reasons. Measurement instruments might not be calibrated properly or might lack sufficient sensitivity to detect differences in relevant variables. n263 Storage time or conditions for biological samples might be different and might affect study results. n264 To the extent that researchers solicit and record patients' own accounts and memories, the subjects' **ability to recall** details may be influenced by the questioner's competence, patience, and apparent sympathy or by the degree to which the patient perceives the topic to be important and relevant to her life. n265 In addition, patients may have **impaired memories** or may **lie** in response to questions if they are embarrassed about the truth. n266 Accurate measurement may be further hindered by **incomplete, erroneous, or miscoded EHR data that obfuscates true values**. n267 In causal-effect studies, errors in measurement of the treatment/exposure and the outcome are most problematic when they are associated (dependent) and when they are differential, that is, when the treatment affects the measurement error for the outcome or the outcome affects the measurement error for the treatment. n268 For example, differential measurement error could occur in a study of the effect of treatment A on dementia, if the use of A was determined only by interviewing study participants, because dementia affects subjects' ability to recall whether and how they were treated. n269 **Mismeasurement of confounding variables** also impedes adjustments intended to eliminate confounding bias. n270

Healthcare prediction can't be scaled up – no motivation and structural problems

Crockett 13 (David, Ph.D. from University of Colorado in medicine, Senior Director of Research and Predictive Analytics at Health Catalyst, "Using Predictive Analytics in Healthcare: Technology Hype vs. Reality", https://www.healthcatalyst.com/predictive-analytics-healthcare-technology)

The **buzzword fever** around predictive analytics will likely continue to rise and fall. Unfortunately, lacking the proper infrastructure, staffing and resource to act when something is predicted with high certainty to happen, we fall short of the full potential of harnessing historic trends and **patterns in patient data**. In other words, without the **willpower** for clinical intervention, any predictor – no matter how good – is not fully utilized.

Ext—Big Data Bad

Big data is unnecessary—it's not needed to important discoveries and is often a distraction

Arbesman 13 - Samuel Arbesman, an applied mathematician and network scientist, is a senior scholar at the Ewing Marion Kauffman Foundation and the author of "The Half-Life of Facts." ("Five myths about big data," http://www.washingtonpost.com/opinions/five-myths-about-big-data/2013/08/15/64a0dd0a-e044-11e2-963a-72d740e88c12_story.html 8/16/2013) STRYKER

Big data holds the promise of harnessing huge amounts of information to help us better understand the world. But when talking about big data, there's a **tendency to fall into hyperbole**. It is what compels contrarians to write such tweets as "Big Data, n.: the belief that any sufficiently large pile of s--- contains a pony." Let's deflate the hype. 1. "Big data" has a clear definition. The term "big data" has been in circulation since at least the 1990s, when it is believed to have originated in Silicon Valley. IBM offers a seemingly simple definition: Big data is characterized by the four V's of volume, variety, velocity and veracity. But the term is thrown around so often, in so many contexts — science, marketing, politics, sports — that its meaning has become vague and ambiguous. There's general agreement that ranking every page on the Internet according to relevance and searching the phone records of every Verizon customer in the United States qualify as applications of big data. Beyond that, there's much debate. Does big data need to involve more information than can be processed by a single home computer? If so, marketing analytics wouldn't qualify, and neither would most of the work done by Facebook. Is it still big data if it doesn't use certain tools from the fields of artificial intelligence and machine learning? Probably. Should narrowly focused industry efforts to glean consumer insight from large datasets be grouped under the same term used to describe the sophisticated and varied things scientists are trying to do? There's a lot of confusion, and industry experts and scientists often end up talking past one another. 2. Big data is new. By many accounts, big data exploded onto the scene quite recently. "If wonks were fashionistas, big data would be this season's hot new color," a Reuters report quipped last year. In a May 2011 report, the McKinsey Global Institute declared big data "the next frontier for innovation, competition, and productivity." It's true that today we can mine massive amounts of data — textual, social, scientific and otherwise — using complex algorithms and computer power. But big data has been around for a long time. It's just that exhaustive datasets were more exhausting to compile and study in the days when "computer" meant a person who performed calculations. Vast linguistic datasets, for example, go back nearly 800 years. Early biblical concordances — alphabetical indexes of words in the Bible, along with their context — allowed for some of the same types of analyses found in modern-day textual data-crunching. The sciences also have been using big data for some time. In the early 1600s, Johannes Kepler used Tycho Brahe's detailed astronomical dataset to elucidate certain laws of planetary motion. Astronomy in the age of the Sloan Digital Sky Survey is certainly different and more awesome, but it's still astronomy. Ask statisticians, and they will tell you that they have been analyzing big data — or "data," as they less redundantly call it — for centuries. As they like to argue, big data isn't much more than a sexier version of statistics, with a few new tools that allow us to think more broadly about what data can be and how we generate it. 3. Big data is revolutionary. In their new book, "Big Data: A Revolution That Will Transform How We Live, Work, and Think,"Viktor Mayer-Schonberger and Kenneth Cukier compare "the current data deluge" to the transformation brought about by the Gutenberg printing press. If you want more precise advertising directed toward you, then yes, big data is revolutionary. Generally, though, **it's likely to have a modest and gradual impact** on our lives. **When a phenomenon or an effect is large, we usually don't need huge amounts of data** to recognize it (and science has traditionally focused on these large effects). As things become more subtle, bigger data helps. It can lead us to smaller pieces of knowledge: how to tailor a product or how to treat a disease a little bit better. If those bits can help lots of people, the effect may be large. But revolutionary for an individual? Probably not. 4. Bigger data is better. In science, some admittedly mind-blowing big-data analyses are being done. In business, companies are being told to "embrace big data before your competitors do." But **big data is not automatically better**. Really big datasets can be a **mess**. Unless researchers and analysts can reduce the number of variables and make the data more manageable, they get quantity without a whole lot of quality. Give me some quality medium data over bad big data any day. And let's not forget about bias. There's a common misconception that throwing more data at a problem makes it easier to solve. But if there's an inherent bias in how the data are collected or examined, a bigger dataset doesn't help. For example, if you're trying to understand how people interact based on mobile phone data, a year of data rather than a month's worth doesn't address the limitation that certain populations don't use mobile phones. Many interesting questions can be explored with little datasets. Big data has refined our idea of six degrees of separation: Facebook has shown that it's actually closer to four degrees. But the first six-degrees study was done by psychologist Stanley Milgram using a lot of cleverness and a small number of postcards. Furthermore, although it's exciting to have massive datasets with incredible breadth, too often they lack much in the way of a temporal dimension. To really understand a phenomenon, such as a social one, we need datasets with large historical sweep. We need long data, not just big data. 5. Big data means the end of scientific theories. Chris Anderson argued in a 2008 Wired essay that big data renders the scientific method obsolete: Throw enough data at an advanced machine-learning technique, and all the correlations and relationships will simply jump out. We'll understand everything. But you can't just go fishing for correlations and hope they will explain the world. If you're not careful, **you'll end up with spurious correlations**. Even more important, to contend with the "why" of things, we still need ideas, hypotheses and theories. If you don't have good questions, your results can be silly and meaningless. Having more data won't substitute for thinking hard, recognizing anomalies and exploring deep truths.

Impact

Ext—Disease Defense

Empirics and isolated populations prove

Beckstead 14 (Nick, Research Fellow at the Future of Humanity Institute, citing Peter Doherty, recipient of the 1996 Nobel Prize for Medicine, PhD in Immunology from the University of Edinburgh, Michael F. Tamer Chair of Biomedical Research at St. Jude Children's Research Hospital, "How much could refuges help us recover from a global catastrophe?" in Futures, published online 18 Nov 2014, Science Direct)

That leaves pandemics and cobalt bombs, which will get a longer discussion. While there is little published work on human extinction risk from pandemics, it seems that **it would be extremely challenging for any pandemic**—whether **natural or** man-made—to leave the people in a specially constructed refuge as the **sole survivors**. In his introductory book on pandemics (Doherty, 2013, p. 197) argues:¶ "**No pandemic is likely to wipe out the human species.** Even without the protection provided by modern science, we survived **smallpox, TB, and the plagues of recorded history.** Way back when human numbers were **very small,** infections may have been responsible for some of the **genetic bottlenecks** inferred from evolutionary analysis, but there is **no formal proof** of this."¶ Though some authors have **vividly described worst-case scenarios** for engineered pandemics (e.g. Rees, 2003 and Posner, 2004; and Myhrvold, 2013), it would take a **special effort** to infect people in **highly isolated locations**, especially the 100+ "**largely uncontacted" peoples who prefer to be left alone.** This is not to say it would be impossible. A madman intent on annihilating all human life could use cropduster-style delivery systems, flying over isolated peoples and infecting them. Or perhaps a pandemic could be engineered to be delivered through animal or environmental vectors that would reach all of these people.

Zoonotic diseases will not cause extinction – two reasons – missing a molecular signature and cross-reactive immunities check

Palese 9 (Peter Palese, chairman of the department of microbiology at the Mount Sinai School of Medicine in New York., "Why Swine Flu Isn't So Scary", The Wall Street Journal, http://online.wsj.com/article/SB124122223484879119.html)

Still, there is more evidence that a serious pandemic is not imminent. In 1976 there was an outbreak of an H1N1 swine virus in Fort Dix, N.J., which showed human-to-human transmission but did not go on to become a highly virulent strain. This virus was very similar to regular swine influenza viruses and did not show a high affinity for the human host.Although the swine virus currently circulating in humans is different from the 1976 virus, it is most likely not more virulent than the other seasonal strains we have experienced over the last several years. **It lacks an important molecular signature** (the protein PB1-F2) which was present in the 1918 virus and in the highly lethal H5N1 chicken viruses. If this virulence marker is necessary for an influenza virus to become highly pathogenic in humans or in chickens -- and some research suggests this is the case -- then the current swine virus, like the 1976 virus, doesn't have what it takes to become a major killer. Since people have been exposed to H1N1 viruses over many decades, **we likely have some cross-reactive immunity** against the swine virus. While it may not be sufficient to prevent illness, **it may very well dampen the impact of the virus on mortality**. I would postulate that by virtue of this "herd immunity," even a 1918-like H1N1 virus could never have the horrific effect it had in the past. The most likely outcome is that the current swine virus will become another (fourth) strain of regular seasonal influenza.

1NC—Tech Industry

Uniqueness

Tech Industries Solve

Companies resolve perception link in the status quo

Kendrick 15 (Katharine Kendrick is a policy associate for Internet communications technologies at the NYU Stern Center for Business and Human Rights., 2.19.15, "Risky Business: Data Localization" http://www.forbes.com/sites/realspin/2015/02/19/risky-business-data-localization/, ekr)

U.S. companies' eagerness to please the EU affects their leverage in a place like Russia or China, and undermines their principled calls for a global Internet. Just as we've seen the emergence of company best practices to minimize how information is censored, we need best practices to minimize risks in where it is stored. Companies should take the following steps: Avoid localizing in a repressive country whenever possible. When Yahoo! entered Vietnam, to meet performance needs without enabling the government's Internet repression, it based its servers in Singapore. Explore global solutions. Companies like Apple and Google have started encrypting more data by default to minimize inappropriate access by any government. This doesn't solve everything, but it's a step forward for user privacy. Minimize exposure. If you must have an in-country presence, take steps to minimize risk by being strategic in what staff and services you locate there. Embrace transparency. A growing number of companies have increased transparency by issuing reports on the number of government requests they receive. They should also publish legal requirements like localization, so that people understand the underlying risks to their data. Work together. Companies should coordinate advocacy in difficult markets through organizations like the Global Network Initiative. Tech companies can take a proactive, collective approach, rather than responding reactively when their case hits the headlines. We can only expect localization demands to increase—and business pressures to pull in the opposite direction. While the political dynamics have shifted, companies should still have respect for human rights—and the strength of the global Internet—at the forefront of decisions over where to store their data.

Current Freedom Act Solves

Current Freedom Act restores confidence

CEA 15 (June 2, 2015, "Washington: CEA Praises Senate Passage of USA FREEDOM Act" http://www.ce.org/News/News-Releases/Press-Releases/2015-Press-Releases/CEA-Praises-Senate-Passage-of-USA-FREEDOM-Act.aspx, ekr)

The Consumer Electronics Association has issued the following news release: The following statement is attributed to Michael Petricone, senior vice president of government and regulatory affairs, Consumer Electronics Association (CEA)®, regarding the U.S. Senate's passage of H.R. 2048, the Uniting and Strengthening America by Fulfilling Rights and Ensuring Effective Discipline Over Monitoring (USA FREEDOM) Act of 2015: "We welcome this important reform to U.S. intelligence gathering which takes **critical steps to increase transparency and restore trust in American businesses**, all while maintaining our commitment to preserving our national security. The bipartisan USA FREEDOM Act is common-sense reform to our nation's intelligence gathering programs, which will preserve American businesses' competitiveness worldwide, while continuing to protect our national security. "Following the Senate passage, the legislation now heads to the White House, where we anticipate swift action by President Obama to sign this legislation into law."

Impact

Economy Defense

Scholars have been consistently wrong about economic decline, sever economic shocks have no real impact

Drezner 14 (Daniel W., professor of international politics at the Fletcher School of Law and Diplomacy at Tufts University. His latest book, The System Worked: How the World Stopped Another Great Depression, is just out from Oxford University Press; "The Uses of Being Wrong" http://www.lexisnexis.com.proxy2.cl.msu.edu/lnacui2api/results/docview/docview.do?docLinkInd=true&risb=21_T20276111299&format=GNBFI&sort=DATE,D,H&startDocNo=1&resultsUrlKey=29_T20276111283&cisb=22_T20276111282&treeMax=true&treeWidth=0&csi=171267&docNo=1)

My new book has an odd intellectual provenance-it starts with me being wrong. Back in the fall of 2008, I was convinced that the open global economic order, centered on the unfettered cross-border exchange of goods, services, and ideas, was about to collapse as quickly as Lehman Brothers. A half-decade later, the closer I looked at the performance of the system of global economic governance, the clearer it became that **the meltdown I had expected had not come to pass**. Though the advanced industrialized economies suffered prolonged economic slowdowns, at the global level there was **no great surge in trade protectionism, no immediate clampdown on capital flows, and, most surprisingly, no real rejection of neoliberal economic principles**. Given what has normally transpired after severe economic shocks, this outcome was damn near miraculous. Nevertheless, most observers have remained deeply pessimistic about the functioning of the global political economy. Indeed, scholarly books with titles like No One's World: The West, The Rising Rest, and the Coming Global Turn and The End of American World Order have come to a conclusion the opposite of mine. Now I'm trying to understand how I got the crisis so wrong back in 2008, and **why so many scholars continue to be wrong now.**

Global economic governance institutions guarantee resiliency

Daniel W. **Drezner 12**, Professor, The Fletcher School of Law and Diplomacy, Tufts University, October 2012, "The Irony of Global Economic Governance: The System Worked," http://www.globaleconomicgovernance.org/wp-content/uploads/IR-Colloquium-MT12-Week-5_The-Irony-of-Global-Economic-Governance.pdf

Prior to 2008, numerous foreign policy analysts had predicted a looming crisis in global economic governance. Analysts only reinforced this perception since the financial crisis, declaring that we live in a "G-Zero" world. This paper takes a closer look at the global response to the financial crisis. It reveals a more optimistic picture. Despite initial shocks that were actually more severe than the 1929 financial crisis, global economic governance structures responded quickly and robustly. Whether one measures results by economic outcomes, policy outputs, or institutional flexibility, **g**lobal **e**conomic **g**overnance has displayed surprising resiliency since 2008. Multilateral economic institutions performed well in crisis situations to reinforce open economic policies, especially in contrast to the 1930s. While there are areas where governance has either faltered or failed, on the whole, the system has worked. Misperceptions about global economic governance persist because the Great Recession has disproportionately affected the core economies – and because the efficiency of past periods of global economic governance has been badly overestimated. Why the system has worked better than expected remains an open question. The rest of this paper explores the possible role that the distribution of power, the robustness of international regimes, and the resilience of economic ideas might have played.

Competitiveness Defense

Emerging economies make competitiveness decline inevitable and alt causes overwhelm their internal link

CNN ‘10

[http://finance.fortune.cnn.com/2010/10/01/david-rubenstein-u-s-is-losing-its-competitive-edge/?section=magazines_fortune]

Ever since China's economy surpassed Japan's this past summer, speculation has escalated over when the country might take over the United States as the world's largest. The estimate has ranged from 2030 to 2035, the latter date being the one Carlyle Group co-founder David Rubenstein highlighted at a forum Wednesday in Washington DC of some of the day's biggest newsmakers.¶ Rubenstein says the U.S. faces the harsh possibility of losing some of its competitive edge amid the rapid rise of emerging economics – in particular, China. The U.S. overwhelmingly dominates the private equity and venture capital industries worldwide, the prominent investor notes. China and other emerging economies have become eager players and companies such as private equity firm Carlyle have increasingly been spending more time in these regions. To date, Carlyle has invested $3 billion in China, he says.¶ But several pressing factors are threatening America's competitive edge**. Rubenstein lists huge deficits and government debt, high unemployment, and widening income disparities.**¶ His remarks echo what other business executives have said recently. In a report released by the World Economic Forum in August, the U.S. slipped a notch down the ranks of competitive economies – falling behind Sweden and Singapore, which rose to the No. 1 and No. 2 spots, respectively.¶ The report, which combines economic data and a survey of more than 13,500 business executives, commended the U.S. for its innovation, excellent universities and flexible labor market. But what has hurt America's competitiveness, in particular, is the country's huge deficits and rising government debt. **While China ranked far below the U.S. at No. 27, the Asian powerhouse outperformed all major developing economies.**¶ **"We have to recognize as Americans that we're not going to be as dominant a force in the global economy as we have been**," Rubenstein says, adding that unless the U.S. lowers its debts and deficits, improves joblessness and narrow widening income gaps, future generations will have a lower quality and less affluent lifestyle.¶ Facing the inevitable decline¶ Rubenstein couldn't have been more straight-to-the point about the depths of America's economic turmoil. But perhaps more important, he points out that **it's** virtually **inevitable** that China and even India might eventually surpass the U.S. economy – simply because they're just bigger**, not necessarily richer.**

No risk of economy or heg decline - competitiveness theory is false

Fallows ‘10

[James, correspondent for *The Atlantic Monthly,* studied economics at Oxford University as a Rhodes Scholar. He has been an editor of *The Washington Monthly* and of *Texas Monthly,* and from 1977 to 1979 he served as President Jimmy Carter's chief speechwriter. His first book, *National Defense*, won the American Book Award in 1981; he has written seven others. “How America Can Rise Again”, Jan/Feb edition, http://www.theatlantic.com/doc/201001/american-decline]

This is new. Only with America’s emergence as a global power after World War II did the idea of American “decline” routinely involve falling behind someone else. Before that, it meant falling short of expectations—God’s, the Founders’, posterity’s—or of the previous virtues of America in its lost, great days.

"The new element in the '50s was the constant comparison with the Soviets," Michael Kazin told me. Since then, external falling-behind comparisons have become not just a staple of American self-assessment but often a crutch. If we are concerned about our schools, it is because children are learning more in Singapore or India; about the development of clean-tech jobs, because it's happening faster in China. ¶ Having often lived outside the United States since the 1970s, I have offered my share of falling-behind analyses, including a book-length comparison of Japanese and American strengths (More Like Us) 20 years ago. But at this point in America's national life cycle, I think the exercise is largely a distraction, and that Americans should concentrate on what are, finally, our own internal issues to resolve or ignore. ¶ Naturally there are lessons to draw from other countries' practices and innovations; the more we know about the outside world the better, as long as we're collecting information calmly rather than glancing nervously at our reflected foreign image. For instance, if you have spent any time in places where tipping is frowned on or rare, like Japan or Australia, you view the American model of day-long small bribes, rather than one built-in full price, as something similar to baksheesh, undignified for all concerned. ¶ Naturally, too, it's easier to draw attention to a domestic problem and build support for a solution if you cast the issue in us-versus-them terms, as a response to an outside threat. In *If We Can Put a Man on the Moon …*, their new book about making government programs more effective, William Eggers and John O'Leary emphasize the military and Cold War imperatives behind America's space program. "The race to the moon was a contest between two systems of government," they wrote, "and the question would be settled not by debate but by who could best execute on this endeavor." Falling-behind arguments have proved convenient and powerful in other countries, too. ¶ But whatever their popularity or utility in other places at other times, falling-behind concerns seem too common in America now. As I have thought about why overreliance on this device increasingly bothers me, I have realized that it's because my latest stretch out of the country has left me less and less interested in whether China or some other country is "overtaking" America. The question that matters is not whether America is "falling behind" but instead something like John Winthrop's original question of whether it is falling short—or even falling apart. This is not the mainstream American position now, so let me explain. ¶ First is the simple reality that one kind of "**decline" is inevitable** and therefore not worth worrying about. China has about **four times** as many people as America does. Someday its economy will be larger than ours. Fine! A generation ago, its people produced, on average, about one-sixteenth as much as Americans did; now they produce about one-sixth. That change is a huge achievement for China—and a plus rather than a minus for everyone else, because a business-minded China is more benign than a miserable or rebellious one. When the Chinese produce one-quarter as much as Americans per capita, as will happen barring catastrophe, their economy will become the world's largest. **This** will be good for them but **will not mean "falling behind" for us.** We know that for more than a century, the consciousness of decline has been a blight on British politics, though it has inspired some memorable, melancholy literature. There is no reason for America to feel depressed about the natural emergence of China, India, and others as world powers. But second, and more important, America may have reasons to feel actively optimistic about its prospects in purely relative terms. ¶ **The Crucial American Advantage** ¶ Let's start with the more modest claim, that China has ample reason to worry about its own future. Will the long-dreaded day of reckoning for Chinese development finally arrive because of environmental disaster? Or via the demographic legacy of the one-child policy, which will leave so many parents and grandparents dependent on so relatively few young workers? Minxin Pei, who grew up in Shanghai and now works at Claremont McKenna College, in California, has predicted in *China's Trapped Transition* that within the next few years, tension between an open economy and a closed political system will become unendurable, and an unreformed Communist bureaucracy will finally drag down economic performance. ¶ America will be better off if China does well than if it flounders. **A prospering China will mean a bigger world economy with more opportunities and** probably **less turmoil—**and a China likely to be more cooperative on environmental matters**.** But whatever happens to China, prospects could soon brighten for America. The American culture's particular strengths could conceivably be about to assume new importance and give our economy new pep. International networks will matter more with each passing year. As the one truly universal nation, the United States continually refreshes its connections with the rest of the world—through languages, family, education, business—in a way **no other nation does**, or will. The countries that are comparably open—Canada, Australia—aren't nearly as large; those whose economies are comparably large—Japan, unified Europe, eventually China or India—aren't nearly as open. The simplest measure of whether a culture is dominant is whether outsiders want to be part of it. At the height of the British Empire, colonial subjects from the Raj to Malaya to the Caribbean modeled themselves in part on

Englishmen: Nehru and Lee Kuan Yew went to Cambridge, Gandhi, to University College, London. Ho Chi Minh wrote in French for magazines in Paris. These days the world is full of businesspeople, bureaucrats, and scientists who have trained in the United States. ¶ Today's China attracts outsiders too, but in a particular way. Many go for business opportunities; or because of cultural fascination; or, as my wife and I did, to be on the scene where something truly exciting was under way. The Haidian area of Beijing, seat of its universities, is dotted with the faces of foreigners who have come to master the language and learn the system. But true immigrants? People who want their children and grandchildren to grow up within this system? Although I met many foreigners who hope to stay in China indefinitely, in three years I encountered only two people who aspired to citizenship in the People's Republic. From the physical rigors of a badly polluted and still-developing country, to the constraints on free expression and dissent, to the likely ongoing mediocrity of a university system that emphasizes volume of output over independence or excellence of research, the realities of China heavily limit the appeal of becoming Chinese. Because of its scale and internal diversity, China (like India) is a more racially open society than, say, Japan or Korea. But China has come nowhere near the feats of absorption and opportunity that make up much of America's story, and it is very difficult to imagine that it could do so—well, ever. ¶ Everything we know about future industries and technologies suggests that they will offer ever-greater rewards to flexibility, openness, reinvention, "crowdsourcing," and all other manifestations of individuals and groups keenly attuned to their surroundings. Everything about American society should be hospitable toward those traits—and should foster them better and more richly than other societies can. The American advantage here is broad and atmospheric, but it also depends on two specific policies that, in my view, are the absolute pillars of American strength: continued openness to immigration, and a continued concentration of universities that people around the world want to attend. ¶ Maybe I was biased in how I listened, but in my interviews, I thought I could tell which Americans had spent significant time outside the country or working on international "competitiveness" issues. If they had, they predictably emphasized those same two elements of long-term American advantage. "My favorite statistic is that one-quarter of the members of the National Academy of Sciences were born abroad," I was told by Harold Varmus, the president of the Memorial Sloan-Kettering Cancer Center and himself an academy member (and Nobel Prize winner). "We may not be so good on the pipeline of producing new scientists, but **the country is still a very effective magnet."** ¶ "We scream about our problems, but as long as we have the immigrants, and the universities, we'll be fine," James McGregor, an American businessman and author who has lived in China for years, told me. "I just wish we could put LoJacks on the foreign students to be sure they stay." While, indeed, the United States benefits most when the best foreign students pursue their careers here, we come out ahead even if they depart, since they take American contacts and styles of thought with them. Shirley Tilghman, a research biologist who is now the president of Princeton, made a similar point more circumspectly. "U.S. higher education has essentially been our innovation engine," she told me. "I still do not see the overall model for higher education anywhere else that is better than the model we have in the United States, even with all its challenges at the moment." Laura Tyson, an economist who has been dean of the business schools at UC Berkeley and the University of London, said, "It can't be a coincidence that so many innovative companies are located where they are"—in California, Boston, and other university centers. "There is not another country's system that does as well—although others are trying aggressively to catch up." ¶ Americans often fret about the troops of engineers and computer scientists marching out of Chinese universities. They should calm down. Each fall, Shanghai's Jiao Tong University produces a ranking of the world's universities based mainly on scientific-research papers. All such rankings are imprecise, but the pattern is clear. Of the top 20 on the latest list, 17 are American, the exceptions being Cambridge (No. 4), Oxford (No. 10), and the University of Tokyo (No. 20). Of the top 100 in the world, zero are Chinese. ¶ "On paper, China has the world's largest higher education system, with a total enrollment of 20 million full-time tertiary students," Peter Yuan Cai, of the Australian National University in Canberra, wrote last fall. "Yet China still lags behind the West in scientific discovery and technological innovation." The obstacles for Chinese scholars and universities range from grand national strategy—open economy, closed political and media environment—to the operational traditions of Chinese academia. Students spend years cramming details for memorized tests; the ones who succeed then spend years in thrall to entrenched professors. Shirley Tilghman said the modern American model of advanced research still shows the influence of Vannevar Bush, who directed governmental science projects during and after World War II. "It was his very conscious decision to get money into young scientists' hands as quickly as possible," she said. This was in contrast to the European "Herr Professor"

model, also prevalent in Asia, in which, she said, for young scientists, the "main opportunity for promotion was waiting for their mentor to die." Young Chinese, Indians, Brazilians, Dutch know they will have opportunities in American labs and start-ups they could not have at home. This will remain America's advantage, unless we throw it away.

Internal Link

Alt causes

Alt cause to tech innovation decline

Jayakumar 14 (Amrita Kayakumar, staff writer, quoting Frank Kendall, the Pentagon's top official, on military innovation, "Kendall, Hagel stress innovation to maintain military superiority" , http://www.washingtonpost.com/business/capitalbusiness/kendall-hagel-stress-innovation-to-maintain-military-superiority/2014/09/04/8a10e984-3464-11e4-a723-fa3895a25d02_story.html ekr)

Kendall offered few details about the program, which he plans to elaborate on soon. In his speech, Kendall said the acquisition process, which has been blamed for slowing down the pace of government programs, was not as big a concern as investment in new technology, especially in light of foreign competition. Russia and China are "building things that are designed to be effective against the power projection capabilities of the United States and of our allies," he said. "And they're doing a reasonably good job of it, particularly China." The shrinking defense budget and cuts to research and development in particular are a source of deep concern to him, Kendall said. Such cuts were tantamount to "delaying modernization," he said. "As we delay modernization, we basically lose the time that it takes us to get things into the force," he said. Kendall also added that the Pentagon's budget would try and invest more in technology that moves capabilities forward. His remarks echoed those of Defense Secretary Chuck Hagel, who spoke on the same topic at a conference in Rhode Island Wednesday. Hagel also stressed the need for American companies to innovate in order to keep pace with the rest of the world. "We cannot assume, as we did in the 1950s and '70s, that the Department of Defense will be the sole source of key breakthrough technologies," he said.

reverse framing

Overall economic stagnation frames tech competitiveness not the other way around

Porter and Rivkin 12 (Michael Porter is an economist, researcher, author, advisor, speaker and teacher. Throughout his career at Harvard Business School, he has brought economic theory and strategy concepts to bear on many of the most challenging problems facing corporations, economies and societies, including market competition and company strategy, economic development, the environment, and health care. His extensive research is widely recognized in governments, corporations, NGOs, and academic circles around the globe. His research has received numerous awards, and he is the most cited scholar today in economics and business. Jan W. Rivkin is the Senior Associate Dean for Research and a Professor in the Strategy Unit at Harvard Business School. His research, course development, and teaching efforts examine the interactions across functional and product boundaries within a firm – that is, the connections that link marketing, production, logistics, finance, human resource management, and other parts of a firm. //From the March 2012 edition of the Harvard Business Review, "The Looming Challenge to U.S. Competitiveness" https://hbr.org/2012/03/the-looming-challenge-to-us-competitiveness)

This erosion reflects troubling trends in many of the factors that underpin U.S. competitiveness. This set of factors, as identified in the work of Michael Porter, Mercedes Delgado, Christian Ketels, and Scott Stern, includes macro and micro components. From a macro perspective, a competitive nation requires sound monetary and fiscal policies (such as manageable government debt levels), strong human development (good health care and K–12 education systems), and effective political institutions (rule of law and effective law-making bodies). Macro foundations create the potential for long-term productivity, but actual productivity depends on the microeconomic conditions that affect business itself. A competitive nation exhibits a sound business environment (including modern transport and communications infrastructure, high-quality research institutions, streamlined regulation, sophisticated local consumers, and effective capital markets) as well as strong clusters of firms and supporting institutions in particular fields, such as information technology in Silicon Valley and energy in Houston. Competitive nations develop companies that adopt advanced operating and management

practices. In a large country like the U.S., many of the most important drivers of competitiveness rest at the regional and local levels, not the national level. Though federal policies surely matter, microeconomic drivers tied to regions—such as roads, universities, pools of talent, and cluster specialization—are crucial. Assessing the U.S. through this lens, **we see significant cracks in its economic foundations**, with particularly troubling deterioration in macro competitiveness. Problems include levels of government debt not seen since World War II; health care and primary education systems whose results are neither world-class nor reflective of the large sums spent on them; and a polarized and often paralyzed political system (especially at the federal level) that makes decisions only when facing a crisis. In micro competitiveness, eroding skills in the workplace, inadequate physical infrastructure, and rising regulatory complexity increasingly offset traditional strengths such as innovation and entrepreneurship. Our HBS alumni survey provided an original and timely assessment of overall competitiveness and the strengths and weaknesses of the U.S. The findings were sobering. (See the chart "Evaluating the U.S. Business Environment," in the article "Choosing the United States," HBR March 2012.) Respondents perceived the United States as already weak and in decline with respect to a range of important factors: the complexity of the national tax code, the effectiveness of its political system, basic education, macroeconomic policies, and regulation. Some current American strengths, such as logistics and communications infrastructure and workforce skill levels, were seen as declining. America's unique strengths in entrepreneurship, higher education, and management quality were intact, but these strengths must overcome growing weaknesses in many other areas.

tech not key to competitiveness

Technological innovation isn't key to competition—the Halo effect is false

Easterly 9 - William Easterly is Professor of Economics at New York University and Co-director of the NYU Development Research Institute, which won the 2009 BBVA Frontiers of Knowledge in Development Cooperation Award. ("Tiger Woods thoughtfully explodes "Halo Effect" myth in development," http://aidwatchers.com/2009/12/tiger-woods-thoughtfully-offers-to-explode-%E2%80%9Chalo-effect%E2%80%9D-myth-in-development/ 12/14/2009) STRYKER

Our expectation that celebrities will be model citizens, contrary to vast evidence, is based on the Halo Effect. The Halo Effect is the idea that someone that is really, really good at one thing will also be really good at other things. We thought because Tiger was so good at being a golfer, he also must be very good at to have and to hold, forsaking all others, keeping thee only unto her as long as you both shall live... What Tiger considerately did for our education was to show how **the Halo Effect is a myth**. This blog has a undying affection for those psychological foibles that cause us to strongly believe in mythical things, and the Halo Effect is a prime example (and the subject of a whole book on its destructive effects in business.) Why would marital fidelity and skillful putting have any correlation? OK fine and good, but many of you are asking: What the Vegas Cocktail Waitress does this have to do with development? The Halo Effect was discussed in a previous blog, but when assaulting psychological biases, you can never repeat the attack enough. Not to mention that we all remember the psychology literature more easily when illustrated by a guy with 10 mistresses. So if we observe a country is good at say, **technological innovation, we assume that this country is also good at other good things** like, say, **visionary leadership**, freedom from corruption, and a culture of trust. Since the latter three are imprecise to measure (and the measures themselves may be contaminated by the Halo Effect), we lazily assume they are all good. But actually, there are plenty of examples of successful innovators with mediocre leaders, corruption, and distrustful populations. The US assumed world technological leadership in the late 19th century with presidents named Chester Arthur and Rutherford B. Hayes, amidst legendary post-Civil War graft. Innovators include both trusting Danes and suspicious Frenchmen. The false Halo Effect makes us think we understand development more than we really do, when we think all good things go together in the "good" outcomes. The "Halo Effect" puts heavy weight on some explanations like "visionary leadership" that **may be spurious**. More subtly, it leaves out the more complicated cases of UNEVEN determinants of success: why is New York City the world's premier city, when we can't even manage decent airports (with 3 separate failed tries)? The idea that EVERYTHING is a necessary condition for development is **too facile**. The principles of specialization and comparative advantage suggest **you DON"T have to be good at everything all the time**.

2NC—Tech Industry

Uniqueness

Ext—Current Freedom Act Solves

New Freedom Act is sufficient to solve US's global credibility gap.

HRW '15

Human Rights Watch is an independent, international organization that works as part of a vibrant movement to uphold human dignity and advance the cause of human rights for all. "Strengthen the USA Freedom Act" - May 19, 2015 - http://www.hrw.org/news/2015/05/19/strengthen-usa-freedom-act

As the Senate considers the USA Freedom Act this week, policymakers should strengthen it by limiting large-scale collection of records and reinforcing transparency and carrying court reforms further. The Senate should also take care not to weaken the bill, and should reject any amendments that would require companies to retain personal data for longer than is necessary for business purposes. It has been two years since the National Security Agency (NSA) whistleblower Edward Snowden unleashed a steady stream of documents that exposed the intention by the United States and the United Kingdom to "collect it all" in the digital age. These revelations demonstrate how unchecked surveillance can metastasize and undermine democratic institutions if intelligence agencies are allowed to operate in the shadows, without robust legal limits and oversight. **On May 13,** the US House of Representatives approved the USA Freedom Act of 2015 by a substantial margin. The bill represents the latest attempt by Congress to rein in one of the surveillance programs Snowden disclosed—the NSA's domestic bulk phone metadata collection under Section 215 of the USA Patriot Act. The House vote followed a major rebuke to the US government by the US Court of Appeals for the Second Circuit, which ruled on May 7 that the NSA's potentially nationwide dragnet collection of phone records under Section 215 was unlawful. Section 215 is set to expire on June 1 unless Congress acts to extend it or to preserve specific powers authorized under the provision, which go beyond collection of phone records. Surveillance reforms are long overdue and can be accomplished while protecting US citizens from serious security threats. Congress and the Obama administration should end all mass surveillance programs, which unnecessarily and disproportionately intrude on the privacy of hundreds of millions of people who are not linked to wrongdoing. But reforming US laws and reversing an increasingly global tide of mass surveillance will not be easy. Many of the programs Snowden revealed are already deeply entrenched, with billions of dollars of infrastructure, contracts, and personnel invested. Technological capacity to vacuum up the world's communications has outpaced existing legal frameworks meant to protect privacy. The Second Circuit opinion represents an improvement over current law because it establishes that domestic bulk collection of phone metadata under Section 215 of the Patriot Act cannot continue. Section 215 allows the government to collect business records, including phone records, that are "relevant" to an authorized investigation. The court ruled that the notion of "relevance" could not be stretched to allow intelligence agencies to gather all phone records in the US. However, the opinion could be overturned and two other appeals courts are also considering the legality of the NSA's bulk phone records program. The opinion also does not address US surveillance of people not in the US. Nor does it question the underlying assumption that the US owes no privacy obligations to people outside its territory, which makes no sense in the digital age and is inconsistent with human rights law requirements. Even if the Second Circuit opinion remains good law, congressional action will be necessary to address surveillance programs other than Section 215—both domestic and those affecting people outside the US—and to create more robust institutional safeguards to prevent future abuses. The courts cannot bring about reforms to increase oversight and improve institutional oversight on their own. Human Rights Watch has supported the USA Freedom Act because it is a modest, if incomplete, first step down the long road to reining in the NSA excesses. Beyond ending bulk records collection, the bill would begin to reform the secret Foreign Intelligence Surveillance Act (FISA) Court, which oversees NSA surveillance, and would introduce new transparency measures to improve oversight. In passing the bill, the House of Representatives also clarified that it intends the bill to be consistent with the Second Circuit's ruling, so as to not weaken its findings. The bill is no panacea and, as detailed below, would not ensure comprehensive reform. It still leaves open the possibility of large-scale data collection practices in the US under the Patriot Act. It does not constrain surveillance under Section 702 of the FISA Amendments Act nor Executive Order 12333, the primary legal authorities the government has used to justify mass surveillance of people outside US borders. And the bill does not address many modern surveillance capabilities, from mass cable tapping to use of malware, intercepting all mobile calls in a country, and compromising the security of mobile SIM cards and other equipment and services. **Nonetheless,** passing a strong USA Freedom Act would be a long-overdue step in the right direction. It would show that Congress is willing and able to act to protect privacy and impose oversight over intelligence agencies in an age when technology makes ubiquitous surveillance possible. Passing this bill **would** also help **shift the debate in the US and globally** and would distance the United States from other countries that seek to make mass surveillance the norm. On a global level, other governments may already be emulating the NSA's approach, fueling an environment of impunity for mass violations of privacy. In the last year, France, Turkey, Russia, and other countries have passed legislation to facilitate or expand large-scale surveillance. If the USA Freedom Act passes, it would be the first time Congress has affirmatively restrained NSA activities since the attacks of September 11. Key supporters of the bill have vowed to take up reforms to other laws next, including Section 702 of the FISA Amendments Act.

Internal Link

Ext—Alt Cause

Tons of insurmountable alt causes to competitiveness

Porter and Rivkin 12 (Michael Porter is an economist, researcher, author, advisor, speaker and teacher. Throughout his career at Harvard Business School, he has brought economic theory and strategy concepts to bear on many of the most challenging problems facing corporations, economies and societies, including market competition and company strategy, economic development, the environment, and health care. His extensive research is widely recognized in governments, corporations, NGOs, and academic circles around the globe. His research has received numerous awards, and he is the most cited scholar today in economics and business. Jan W. Rivkin is the Senior Associate Dean for Research and a Professor in the Strategy Unit at Harvard Business School. His research, course development, and teaching efforts examine the interactions across functional and product boundaries within a firm – that is, the connections that link marketing, production, logistics, finance, human resource management, and other parts of a firm. //From the March 2012 edition of the Harvard Business Review, "The Looming Challenge to U.S. Competitiveness" https://hbr.org/2012/03/the-looming-challenge-to-us-competitiveness ekr)

To support the interpretation that America's problems are cyclical, not structural, one could point to the facts that labor productivity has held up in America and corporate profits hit record highs in 2010. Unfortunately, that snapshot masks deeper signs of an incipient competitiveness problem—one that began before the Great Recession and in some ways contributed to it. The problem shows up in a range of economic performance measures as well as in the trajectories of the underlying factors that drive competitiveness. Productivity. America's long-run rate of growth in labor productivity was strong relative to that of other advanced economies in the late 1990s and early 2000s, but it began to trail off before the financial crisis. Productivity has been sustained since the crisis largely by rising unemployment and falling workforce participation, **ominous signs for U.S. competitiveness**. Job creation. Even more unsettling is the country's job-creation picture. Long-term growth in private-sector employment has dipped to historically low levels, a trend that started well before the Great Recession. (See the exhibit "Disappearing Job Growth.") In industries exposed to international competition, job growth has virtually stopped. Wages. American wages have been under pressure for more than a decade. In 2007, before the downturn, U.S. median household income stood below 1999 levels in real terms—and has fallen even more since. In the two decades prior to 2007, median income grew, but at an anemic annual rate of just 0.5%. Most affected have been middle- and lower-income workers, many of whom are more exposed to international competition today than ever before.

Impact

Ext—Economy Defense

Econ is resilient

Oliver '9

Business columnist for the Star, a Canadian newspaper, "David Olive: Will the economy get worse?," http://www.thestar.com/printArticle/598050, AM

Should we brace for another Great Depression? No. The notion is ludicrous. **Conditions will forever be such that the economic disaster that helped define the previous century will never happen again.** So why raise the question? Because it has suited the purposes of prominent folks to raise the spectre of a second Great Depression. Stephen Harper has speculated it could happen. Barack Obama resorted to apocalyptic talk in selling his economic stimulus package to the U.S. Congress. And British author Niall Ferguson, promoting his book on the history of money,

asserts "there will be blood in the streets" from the ravages dealt by this downturn. Cue the famished masses' assault on a latter-day Bastille or Winter Palace. As it happens, the current economic emergency Obama has described as having no equal since the Great Depression has not yet reached the severity of the recession of 1980-82, when U.S. unemployment reached 11 per cent. The negativism has become so thick that Robert Shiller was prompted to warn against it in a recent New York Times essay. Shiller, recall, is the Yale economist and author of Irrational Exuberance who predicted both the dot-com collapse of the late 1990s and the likely grim outcome of a collapse in the U.S. housing bubble. Shiller worries that the Dirty Thirties spectre "is a cause of the current situation – because the Great Depression serves as a model for our expectations, damping what John Maynard Keynes called our `animal spirits,' reducing consumers' willingness to spend and businesses' willingness to hire and expand. The Depression narrative could easily end up as a self-fulfilling prophecy." Some relevant points, I think: **LOOK AT STOCKS** Even the prospects of a small-d depression – defined by most economists as a 10 per drop in GDP for several years – are slim. In a recent Wall Street Journal essay, Robert J. Barro, a Harvard economist, described his study of 251 stock-market crashes and 97 depressions in 34 nations dating back to the mid-19th century. He notes that only mild recessions followed the U.S. stock-market collapses of 2000-02 (a 42 per cent plunge) and 1973-74 (49 per cent). The current market's peak-to-trough collapse has been 51 per cent. Barro concludes the probability today of a minor depression is just 20 per cent, and of a major depression, **only 2 per cent.** LOOK AT JOBS NUMBERS In the Great Depression, GDP collapsed by 33 per cent, the jobless rate was 25 per cent, 8,000 U.S. banks failed, and today's elaborate social safety net of state welfare provisions did not exist. In the current downturn, GDP in Canada shrank by 3.4 per cent in the last quarter of 2008, and in the U.S. by 6.2 per cent. A terrible performance, to be sure. But it would take another 10 consecutive quarters of that rate of decline to lose even the 10 per cent of GDP that qualifies for a small-d depression. Allowing that 1,000 economists laid end to end still wouldn't reach a conclusion, their consensus view is economic recovery will kick in next year, if not the second half of this year. The jobless rate in Canada and the U.S. is 7.2 per cent and 8.1 per cent, respectively. Again, the consensus among experts is that a worst-case scenario for U.S. joblessness is a peak of **11 per cent**. There have been no bank failures in Canada. To the contrary, the stability of Canadian banks has lately been acclaimed worldwide. Two of America's largest banks, Citigroup Inc. and Bank of America Corp., are on government life support. But otherwise the rate of collapse of U.S. lenders outside of the big "money centre" banks at the heart of the housing-related financial crisis has been only modestly higher than is usual in recessionary times. LOOK AT INTERVENTIONS In the Great Depression, Herbert Hoover and R.B. Bennett, just prior to the appearance of the Keynesian pump-priming theories that would soon dominate modern economic management, obsessed with balanced budgets, seizing upon precisely the wrong cure. They also moved very slowly to confront a crisis with no precedent. (So did Japan's economic administrators during its so-called "lost decade" of the 1990s.) Most earlier U.S. "panics" were directly tied to abrupt collapses in stock or commodity values not accompanied by the consumer-spending excesses of the Roaring Twenties and greatly exacerbated by a 1930s global trade war. Today, only right-wing dead-enders advance balanced budgets as a balm in this hour of economic emergency. In this downturn, governments from Washington to Ottawa to Beijing have been swift in crafting Keynesian stimulus packages. Given their recent legislative passage – indeed, Harper's stimulus package awaits passage – the beneficial impact of these significant jolts is only beginning to be felt. And, if one believes, as I long have, that this is a financial crisis – the withholding of life-sustaining credit from the economy by a crippled global banking system – and not a crisis with origins on Main Street, then the resolution to that banking failure may trigger a much faster and stronger economic recovery than anyone now imagines. tune out the static It's instructive that there was much talk of another Great Depression during the most painful recession since World War II, that of **1980-82.** Indeed, alarmist talk about global systemic collapses has accompanied just about every

abrupt unpleasantness, including the Latin American debt crisis of the 1980s, the Mexican default in 1995, the Asian currency crisis of the late 1990s, financial havoc in **Argentina** early this decade, and even the failure of U.S. hedge fund Long-Term Capital Management in the late 1990s. Modern economic **recoveries tend to be swift and unexpected.** The nadir of the 1980-82 downturn, in August 1982, kicked off the greatest stock-market and economic boom in history. And no sooner had the dot-com and telecom wreckage been cleared away, with the Dow Jones Industrial Average bottoming out at 7,286 in October 2002, than the next stock boom was in high gear. It reached its peak of 14,164 – 2,442 points higher than the previous high, it's worth noting – **just five years later.** look at the big picture Finally, **the case for a sustained economic miasma is difficult to make.** You'd have to believe that the emerging economic superpowers of China and India will remain **for years in the doldrums** to which they've recently succumbed; that oil, steel, nickel, wheat and other commodities that only last year skyrocketed in price will similarly fail to recover, despite continued global population growth, including developing world economies seeking to emulate the Industrial Revolutions in China and South Asia.

US not key to global economy – decoupling is for real

Wassener 9

Wassener, MSC in IR, 9—London School of Economics and Political Science, MSc , International Relations, Politics (Bettina, In Asia, a Derided Theory Returns, 1 July 2009, http://query.nytimes.com/gst/fullpage.html?res=9C0CEFDE163EF932A35754C0A96F9C8B63)

HONG KONG -- For a while, when the global economic crisis was at its worst, it was a dirty word that only the most provocative of analysts dared to use. Now, the D-word -- decoupling -- is making a comeback, and nowhere more so than in Asia. Put simply, the term refers to the theory that emerging countries -- whether China or Chile -- will become more independent of the ups and downs in the United States as their economies become stronger and more sophisticated. For much of last year, the theory held up. Many **emerging economies** had **steered clear of investments that dragged down a string of banking behemoths in the West**, and saw nothing like the turmoil that began to engulf the United States and Europe in 2007. But then, last autumn, when the collapse of Lehman Brothers caused the global financial system to convulse and consumer demand to shrivel, emerging economies around the world got caught in the downdraft, and the D-word became mud. Now, the tables are turning again, especially in Asia, where many emerging economies are showing signs of a stronger recovery than in the West. And economists here have begun to use the D-word in public once again. **"Decoupling is happening for real**," **the chief Asia-Pacific economist at Goldman Sachs in Hong Kong**, Michael Buchanan, **said in a recent interview**. Or as the senior Asia economist at HSBC, Frederic Neumann, said, "Decoupling is not a dirty word." To be sure, the once sizzling pace of Asian economic growth has slowed sharply as exports to and investments from outside the region slumped. Across Asia, millions of people have lost their jobs as business drops off and companies cut costs and output. Asia is heavily dependent upon selling its products to consumers in the United States and Europe, and many executives still say a strong U.S. economy is a prerequisite for a return to the boom of years past. Nevertheless, the theory of decoupling is back on the table. **For the past couple of months, data from around the world have revealed a growing divergence between Western economies and those in much of Asia**, notably China and India. The World Bank last week forecast that the economies of the euro zone and the United States would contract 4.5 percent and 3 percent, respectively, this year -- in sharp contrast to the 7.2 percent and 5.1 percent economic growth it forecasts for China and India. **Forecasts from the Organization for Economic Cooperation and Development** that **were** also **published last week backed up this general trend**. Major statistics for June, due Wednesday, are expected to show manufacturing activity in China and India are on the mend. By contrast, purchasing managers' indexes for Europe and the United States are forecast to be merely less grim than before but still show contractions. Why this diverging picture? **The crisis hit Asia much later**. **While the U.S. economy began languishing in** 20**07**, **Asian economies were still doing well right up until the collapse of Lehman Brothers** last September. What followed was a rush of stimulus measures -- rate cuts and government spending programs. In Asia's case, these came soon after things soured for the region; in the United States, they

came much later in the country's crisis. Moreover, **developing** Asian **economies were in pretty good shape when the crisis struck**. The last major crisis to hit the region -- the financial turmoil of 1997-98 -- forced governments in Asia to introduce overhauls that ultimately left them with lower debt levels, more resilient banking and regulatory systems and often large foreign exchange reserves. Another crucial difference is that **Asia**, unlike the United States and Europe, **has not had a banking crisis**. Bank profits in Asia have plunged and some have had to raise extra capital **but there have been no major collapses and no bailouts**. ''The single most important thing to have happened in Asia is that there has not been a banking crisis,'' said Andrew Freris, a regional strategist at BNP Paribas in Hong Kong. ''Asia is coming though this crisis with its banking system intact. Yes, some banks may not be making profits -- but **it is cyclical and not systemic**.'' The lack of banking disasters also has meant that, unlike in Europe and the United States, **Asian governments have not had to spend cash to clean the balance sheets of faltering banks**. In other words, all of the stimulus spending is going into the economy. The effect is greater and more immediate. Add to that the fact that companies and households in Asia are typically not burdened with the kind of debt that is forcing Americans and Europeans to cut back consumption and investment plans. Asians are generally big savers; those in developing nations have limited health care and pension systems to fall back on. So they put aside cash for retirement, sickness and their children's education, rather than maxing out multiple credit cards. Paul Schulte of Nomura said this difference was leading to a long-term shift.

Ext—Competitiveness Defense

Terror DDI

case

Mass Media influences our perception of Islam

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http://ratedoctork.com/Uploads/ProfessorDocs/bb23be29b41a4f4f80b1bd5066ada429.pdf

The role of media is to shape opinions and presenting a particular version as reality. Media are also believed and expected to portray a fair picture on any issues occur both at local and international level. However, in portraying Islam especially after the September 11 attacks, a number of research found that International media tend to negatively depict Islam by associating it with terrorism (Zulkifli, 2009; Winegar, 2008; Gerges, 2003). Issues concerning the way international media, specifically in the US and UK, equate Islam with terrorism have been tremendously debated. Research showed that after the September 11 attack, terrorism has been repeatedly associated with Islam by most of the international media. Dr. Natasha Hamilton-Hart, a lecturer in Singapore National University once said that the definition of terrorism at the moment is too narrow because it only depicts Islam and Muslims in an irrelevant manner (Berita Harian, June 5th 2008:10). The attacks on the World Trade Center in New York and Pentagon on September, 11th 2001 have given a massive impact to the whole world. The impact on the United States (US) was much bigger in various aspects including economics and military as well as the US credibility as the most powerful nation in the world. This has led the US to take revengeful actions against those who were targeted to be responsible for the attack, thus making this an opportunity for the US to do anything on anyone they dislike despite of disagreement made by International society against the US (The Star, Jan 19th , 2002:15). The US has made an initiative hunting and targeting any parties involved in a so called terrorism. The first step taken besides arresting few targeted individuals was to attack Afghanistan in which the ruler was claimed to have an affiliation with terrorists who were responsible for the September 11 attacks. In relation to this, the issue of fighting against terrorism has been the most important agenda prioritized by international media. The mass media in the US and its counterpart, UK such as Cable News Network (CNN), British Broadcasting Corporation (BBC), some mainstream news magazines namely Newsweek and TIME as well as other media have played a significant role in influencing the whole world to morally support the US in protesting against terrorism. Obviously, western countries are prone to identify terrorism with certain groups that are labeled as extremists, militants or Muslim extremists (Zulkifli, 2009). Winegar (2008) said that such an effort today is seen to focus on Muslim groups which coincidentally accused to be responsible for the September 11 attacks, and this badly affects the whole Muslim society worldwide due to an accusation made by the US government on Islam through most of western media for the tragedy at the World Trade Center. Mahathir (2003) claimed that there is an extension of negative stereotype, discrimination and hatred towards Muslims by International media, especially after the September 11. Hashim (2009) conducted a full content analysis on the labeling attitude of Islam and terrorism in US TIME news magazine for six month period right after the attacks found that the labeling attitude tendency in this magazine was remarkably high. He also proposed on a lengthier and more thorough content analysis done on this news magazine for more precise results. In analyzing discourse elements of the media portraying issues related to terrorism, Picard and Paul D. Adams in Biernatzki (2002) has displayed how media practitioners namely journalists in their reporting of violent acts, have options in choosing words that are either straightforward

descriptions, on the other hand, or that contain implicit judgments about the act, on the other. While Kumar (2008), in his content analysis study of western media found five negative discursive frames that have been employed to represent Muslims, Arabs and the Middle East post September 11. These frames are: 1) Islam is a monolithic religion. 2) Islam is a uniquely sexist religion. 3) The "Muslim mind" is incapable of rationality and science. 4) Islam is inherently violent. 5) The West spreads democracy, Islam spawns terrorism.

Plan won't deter Islamophobia – Fear incentivizes reproduction in politics and the media

Andrea Elizabeth **Cluck**, MA from University of Georgia, 20**12**, "ISLAMOPHOBIA IN THE POST-9/11 UNITED STATES: CAUSES, MANIFESTATIONS, AND SOLUTIONS", https://getd.libs.uga.edu/pdfs/cluck_andrea_e_201208_ma.pdf

In addition to the historical and psychological factors already discussed, various elements within contemporary society also contribute to Islamophobia -- for example, some politicians and media pundits both play a role in perpetuating contemporary anti-Muslim sentiment. Although a detailed discussion of the ways in which politicians and the mass media perpetuate Islamophobia is beyond the scope of the present work, one reason why both groups uphold Islamophobic stereotypes should be discussed here: personal gain. Simply put, some individuals utilize Islamophobia as a currency for personal advancement, including gaining money or societal influence. They are able to do so because genuine Islamophobia does exist; there are Americans who fear or dislike Muslims because of ignorance or erroneous information. Some Americans may fear Muslims, for examples because they mistakenly believe the actions of violent extremists are representative of the aspirations of the majority of Muslims.203 There are other people, however, who do not necessarily believe the stereotypes about Muslims, but nevertheless deliberately perpetuate them, or at least capitalize on those already in existence, in order to achieve personal gain. Deliberately perpetuating negative stereotypes about Islam and Muslims can be done for a variety of reasons, of which we will discuss three: to gain political leverage during elections, to make money through perpetuating Islamophobia in popular media, and to situate the West in a position of power against Muslims. First, Mohamed Nimer notes that "in political seasons, fear of Islam and Muslims has proven to be a useful mobilizer across party lines. The rumor about President (then Senator) Obama's being secretly Muslim serves as a vivid illustration." It was used to dissuade Democrats and Republicans alike from voting for Obama; and Obama quickly moved to disprove the allegations. Nimer notes that rather than "using his old Muslim ties as an added advantage for any future president who might be dealing heavily with the Muslim world, the senator mobilized supporters, including his church pastor, to provide witness that he is not a Muslim but a practicing Christian." 204 This indicates that "Muslim" is such a pejorative label in the United States today that no good could be salvaged from the situation and Obama had to distance himself from the signifier completely.205 Aside from politicians, media pundits can also utilize Islamophobia for personal gain. Exacerbating Islamophobia can be extremely lucrative; a good deal of money is to be made from books, television shows, films, and countless other creative ventures linking Islam to terrorism. There is truth to the saying "if it bleeds, it leads." A story about an interfaith potluck dinner at a local mosque is not very exciting and unlikely to make the nightly news. Alleged Muslim sleeper cells in the United States are far more newsworthy, however, regardless of the credibility of the claims. To give a concrete example of how polemics can generate cash, at least one of Robert Spencer's popular, controversial works on Islam was a New York Times Bestseller for several weeks.206 In addition to gains at a more personal level for politicians and pundits, Edward Said notes that a widespread policy of Islamophobia puts the West itself in a position of superiority, a position of power, in relation to the Islamic world. In Covering Islam, he discusses this power differential at length. He points out that an "anti-Islam campaign virtually eliminates the possibility of any sort of equal dialogue between Islam and the Arabs."207 Although Americans assume that there is a degree of objectivity in journalism, Said argues that this is often not the case with Islam, and that "all discourse on Islam has an interest in some authority or power;" he takes care in the book to identify the "various groups in society that have an interest in 'Islam' such as academia, the government, corporations, and the media.208 Hence, it should be taken into account that Islamophobia does not just happen on an individual level among ill-informed individuals, but rather the institutionalized manipulation of Islamophobia for personal gain does exist, and happens in order to achieve political gain, to make money through the popular media, and to perpetuate Western superiority. In summary, historically the primary causal factors of American Islamophobia were Europe's initial contact with Islam, the Puritan worldview, later American religio-political beliefs, Americans' contact with the Muslim world, American art and literature,

and finally, later American religious movements. Today, main factors driving Islamophobia include its manipulation for political gain, for financial gain via the mass media, and finally, for the perpetuation of Western superiority.

Topicality

Domestic surveillance is info gathering on US persons

IT Law Wiki 15 IT Law Wiki 2015 http://itlaw.wikia.com/wiki/Domestic_surveillance
Definition Edit
Domestic surveillance is the acquisition of nonpublic information concerning United States persons.

US person defined

Jackson et al 9 Brian A. Jackson, Darcy Noricks, and Benjamin W. Goldsmith, RAND Corporation
The Challenge of Domestic Intelligence in a Free Society RAND 2009 BRIAN A. JACKSON, EDITOR

http://www.rand.org/content/dam/rand/pubs/monographs/2009/RAND_MG804.pdf

3 Federal law and executive order define a U.S. person as "a citizen of the United States, an alien lawfully admitted for permanent residence, an unincorporated association with a substantial number of members who are citizens of the U.S. or are aliens lawfully admitted for permanent residence, or a corporation that is incorporated in the U.S." (NSA, undated). Although this definition would therefore allow information to be gathered on U.S. persons located abroad, our objective was to examine the creation of a domestic intelligence organization that would focus on—and whose activities would center around—individuals and organizations located inside the United States . Though such an agency might receive information about U.S. persons that was collected abroad by other intelligence agencies, it would not collect that information itself.

1) **Violation** – The affirmative interpretation is bad for debate
Their plan curtails surveillance on all suspected terrorist. Not all suspected terrorist are U.S persons, especially abroad.

2) **Limits** are necessary for clash. They explode the topic to any person suspected as a terrorist

3) T is a voters for well-prepared debates

K

The war on terror and fear of Islam are rhetorical strategies to preclude critique of neoliberalism – their representations shut down movements while ensuring error replication

Fasenfest 11

(David Fasenfest, American sociologist and an Associate Professor at Wayne State University, "Terrorism, Neo-Liberalism and Political Rhetoric," *Critical Sociology* 37 (4) 2011)

The second observation is over the ambivalence shown by Western governments and political parties in the USA. **Democracy is good**, the mantra goes, **but we also desire stability and** so we **are concerned about succession** and chaos that may accompany the deposition of Mubarak in Egypt. **Conservatives, long the champions of 'freedom' and 'democracy'** around the world (but perhaps not in Florida!), **find themselves critical of Obama's stance calling for change and respect for the wishes of 'the people' of Egypt.** Even these calls for change by the Administration are tempered by concerns over the transition. **After all, Mubarak was a valued ally** (translate: a willing instrument of our foreign policy) and Egypt a recipient of our foreign aid (translate: we fund their military) – they should not be abandoned so quickly. Other absolute rulers in the region are watching us to see how we respond to this 'democratic' threat. Similar themes emerge: what is this movement for change and who will assume the mantle of leadership. After all, we cannot just legitimize the aspirations of the dispossessed and the claims against tyrants we have put into place and propped up for many years, even decades – that would describe so many countries around the world and potentially herald a Jacobin moment in each. **We only wish to demonize and overthrow our enemies, not our allies**. **How best to do that if not to invoke images of** Taliban-like governments in waiting eager to seize control, thereby worrying about **the rising role of** what we call **Islamists** in the region. Images of another Iran are offered us to caution for calm and patience regarding Egypt. Nationalist forces and national liberation movements during the period from the end of World War II through the Vietnam War era and beyond were either supported by the USA if that movement called for deposing a government unfriendly to US interests – for example, funding the Contra war against Sandinista Nicaragua, or were vilified as 'communist' or worse if they opposed dictators friendly towards the USA – fostering rebellion in the Congo and the overthrow and assassination of Lumumba, and the overthrow of Mosaddeq in Iran followed by the installation of Mohammad Reza Shah come to mind (see Berberoglu, 2000 on the politics of national liberation struggles).¶ The case of the successful coup in Iran in 1953, which served as a blueprint for a successful coup in Guatemala in 1954 and the failed Bay of Pigs intervention in Cuba in 1961, is instructive in the current situation for two reasons. First, the harsh rule of the USA-supported Shah left an animosity among the Iranian people that culminated in an Islamic revolution in 1979 steeped in the hatred of the USA. So long as we were pre-occupied by our Cold War against the Soviet Union and the Warsaw Pact countries, and so long as Iran was kept in check by our ally Saddam Hussein in Iraq, that country was not a primary concern of the USA. Second, our memory of the Iranian situation and hostage taking after the overthrow of the Shah informs our political response and assessment of any post-Mubarak Egypt. Our government fails to see how this popular anti- American rhetoric is born out of an association with a hated regime propped up by American guns and money. The image of a group like the Moslem Brotherhood taking part in discussions of a post-Mubarak Egypt and visions of the Ayatollah led revolution in Iran and the unenlightened rule of the Taliban in Afghanistan (Langman, 2005) fuel our fears.¶ **Since** the events of **9/11 the West in general and the USA in particular have used the specter of Islam as our excuse and justification for our foreign (and domestic) policies**. **That cataclysmic event vaulted a neo-conservative world view front and center**, which lead to a willingness to use military power unilaterally and without regard to international norms in order to rectify and restore American and European interests as the US Government has defined them. Our official understanding of anti-western terrorism is that it is a direct result of Islam's rejection of western liberalism and a rejection of the freedom and conspicuous consumption of non-Islamic nations. **By framing the response as a 'war on terrorism' the US Government obscures the anti-communal nature of its position**. By anti-communal, I mean that **neo-liberalism rejects the rights of those who embody**

difference **even as it purports to defend a system of democracy rooted in difference**. Clearly, there is no uniform definition of Arab (David, 2007) but it is clear that **there has been an attempt to both create a singular Muslim identity and then strip it of its symbols** (Byng, 2010) **in the creation and embodiment of this external threat**. Only by raising the specter of an Islamic regime, with all its implied hostility to the West, can our current political leaders rationalize a measured and hesitant response to the opposition movement in Egypt, and in so doing urge that the transition from Mubarak does not leave a power vacuum.¶ Once again we fail to recognize or choose to ignore the fact that legitimate grievances against despotic regimes will lead, in turn, to legitimate grievances against states and governments that support and maintain those regimes in power. The anger of the Iranian people amid the memory of US involvement in installing and supporting the Shah is ignored, and in its place we identify the Islamic nature of the revolution as the root cause of the animosity against this country. **We now seem to ignore the poverty and repression sustained by US aid for a leader whose main value was to be a powerful instrument of our foreign policy** and a proxy in an important region (not to mention a willing partner through rendition and the application of torture illegal in the USA). **The signals are clear. The overthrow of the government in Tunisia, the responses to popular protest in Jordan and Yemen, and current events in Egypt all point to a growing willingness by citizens to challenge the existing order that ensures widespread poverty**, aggregates wealth and power among a very few, and in this way to resist the forces of social control in demonstrating and demanding real change. **By labeling this opposition as 'Islamist' and demonizing its goals western governments can ignore legitimate claims and dismiss popular protest.**¶ And so we return to the situation in the USA. We face persistent unemployment that promises to be devastating for a generation of workers too old to retrain and too young to partake of years of retirement – especially as the conservatives in Congress mean to strip bear the underpinning of the social supports making that retirement possible. On some level **the willingness and eagerness of** these same **conservative forces to advocate for the continuation of the Mubarak regime reveals the true nature of their domestic social political agenda**. **There are no appeals to poverty alleviation, no sense that there is a social responsibility of society to all citizens**, and no compassion for those dealt a harsh blow by the policies of its government and the working of its economy. **This is true in their response to events in Egypt, and apparently true as these politicians contemplate policies and budget cuts to social spending in the USA.**

The impact is extinction – neoliberal social organization ensures extinction from resource wars, climate change, and structural violence – only accelerating beyond neoliberalism can resolve its impacts

Williams & Srnicek 13

(Alex, PhD student at the University of East London, presently at work on a thesis entitled 'Hegemony and Complexity', Nick, PhD candidate in International Relations at the London School of Economics, Co-authors of the forthcoming Folk Politics, 14 May 2013, http://criticallegalthinking.com/2013/05/14/accelerate-manifesto-for-an-accelerationist-politics/)

At the begin-ning of the second dec-ade of the Twenty-First Cen-tury, **global civilization faces a new breed of cataclysm**. These com-ing apo-ca-lypses ridicule the norms and organ-isa-tional struc-tures of the polit-ics which were forged in the birth of the nation-state, the rise of cap-it-al-ism, and a Twen-ti-eth Cen-tury of unpre-ced-en-ted wars. 2. **Most significant is the**

break-down of the planetary climatic system. In time, **this threatens the continued existence of the** present global **human population**. Though this is the most crit-ical of the threats which face human-ity, **a series of** lesser but **potentially equally destabilising problems exist along-side** and inter-sect with **it**. **Terminal resource depletion, especially in water and energy** reserves, **offers the prospect of mass starvation, collapsing economic paradigms, and new hot and cold wars**. **Continued financial crisis has led governments to embrace the** para-lyz-ing **death spiral policies of austerity, privatisation of social welfare services, mass unemployment, and stagnating wages. Increasing automation in production processes** includ-ing 'intel-lec-tual labour' **is evidence of the secular crisis of capitalism, soon to render it incapable of maintaining current standards of living** for even the former middle classes of the global north. 3. In con-trast to these ever-accelerating cata-strophes, **today's politics is beset by an inability to generate the** new ideas and **modes of organisation necessary to transform our societies to confront** and resolve the **coming annihilations**. While crisis gath-ers force and speed, polit-ics with-ers and retreats. In this para-lysis of the polit-ical ima-gin-ary, the future has been cancelled. 4. Since 1979, **the hegemonic global political ideology has been neoliberalism**, found in some vari-ant through-out the lead-ing eco-nomic powers. In spite of the deep struc-tural chal-lenges the new global prob-lems present to it, most imme-di-ately the credit, fin-an-cial, and fiscal crises **since 2007 – 8, neoliberal programmes have** only **evolved** in the sense of deep-en-ing. **This continuation** of the neo-lib-eral pro-ject, or neo-lib-er-al-ism 2.0, **has begun to apply another round of structural adjustments**, most sig-ni-fic-antly in the form of encour-aging new and aggress-ive incur-sions by the private sec-tor into what remains of social demo-cratic insti-tu-tions and ser-vices. **This is in spite of the immediately negative** eco-nomic and social **effects of such policies**, and the longer term fun-da-mental bar-ri-ers posed by the new global crises.

The alternative articulates a "counter-conduct" – voting neg pushes towards a* cooperative conduct *that organizes individuals around a collectively shared* commons *– affirming this conduct creates a new heuristic that de-couples government from the demand for competition and production

Dardot & Laval 13

(Pierre Dardot, philosopher and specialist in Hegel and Marx, Christian Laval, professor of sociology at the Universite Paris Ouest Nanterre La Defense, *The New Way of the World: On Neoliberal Society*, pgs. 318-321)

This indicates to what extent we must take on board in our own way the main lesson of neo-liberalism: **the subject is always to be constructed**. **The whole question is** then **how to articulate subjectivation with resistance to power**. Now, precisely this issue is at the heart of all of Foucault's thought. However, as Jeffrey T. Nealon has recently shown, part of the North American secondary literature has, on the contrary, stressed the alleged break between Foucault's research on power and that of his last period on the history of subjectivity.55 According to the 'Foucault consensus', as Nealon aptly dubs it, the successive impasses of the initial neo-structuralism, and then of the totalizing analysis of panoptical power, led the 'last Foucault' to set aside the issue of power and concern himself exclusively with the aesthetic invention of a style of existence bereft of any political dimension. Furthermore, if we follow this de-politicizing reading of Foucault, the aestheticization of ethics anticipated the neo-liberal mutation precisely by making self-invention a new norm. In reality, far from being oblivious of one another, the issues of power and the subject were always closely articulated, even in the last work on modes of subjectivation. If one concept played a decisive role in this respect, it was 'counter-conduct', as developed in the lecture of 1 March 1978.56 This lecture was largely focused on the crisis of the pastorate. It involved identifying the specificity of the 'revolts' or **'forms of resistance of conduct'**

that are the correlate of the pastoral mode of power. If such forms of resistance are said to be 'of conduct', it is because they are forms of resistance to power as conduct and, as such, **are themselves forms of conduct opposed to** this **'power-conduct'**. **The term 'conduct'** in fact **admits of two meanings**: **an activity that consists in conducting others**, or **'conduction'**; **and the way one conducts oneself under the influence of this activity of conduction**.57 **The idea of 'counter-conduct'** therefore **has the advantage of directly signifying a 'struggle against the procedures implemented for conducting others', unlike the term 'misconduct', which only refers to the passive sense of the word**.58 **Through 'counter-conduct', people seek both to escape conduction by others and to define a way of conducting themselves towards others**.¶ **What relevance might this observation have for** a reflection on **resistance to neo-liberal governmentality**? It will be said that the concept is introduced in the context of an analysis of the pastorate, not government. **Governmentality**, at least **in its** specifically **neo-liberal form**, precisely **makes conducting others through their conduct towards themselves its real goal**. **The peculiarity of** this conduct towards oneself, **conducting oneself as a personal enterprise, is that it immediately and directly induces a certain conduct towards others**: **competition with others**, regarded as so many personal enterprises. Consequently, counter-conduct as a form of resistance to this governmentality must correspond to a conduct that is indivisibly a conduct towards oneself and a conduct towards others. One cannot struggle against such an indirect mode of conduction by appealing for rebellion against an authority that supposedly operates through compulsion external to individuals. If 'politics is nothing more and nothing less than that which is born with resistance to governmentality, the first revolt, the first confrontation',59 it means that ethics and politics are absolutely inseparable.¶ To the subjectivation-subjection represented by ultra-subjectivation, we must oppose a subjectivation by forms of counter-conduct. **To neo-liberal governmentality as a specific way of conducting the conduct of others, we must** therefore **oppose a no less specific double refusal**: **a refusal to conduct oneself towards oneself as a personal enterprise and a refusal to conduct oneself towards others in accordance with the norm of competition**. As such, the double refusal is not 'passive disobedience'.60 For, **if it is true** that the **personal enterprise's relationship to the self immediately and directly determines a certain kind of relationship to others** – **generalized competition** – **conversely, the refusal to function as a personal enterprise**, which is self-distance **and a refusal to line up in the race for performance, can only practically occur on condition of establishing cooperative relations with others, sharing and pooling**. In fact, **where would be the sense in a self-distance severed from any cooperative practice**? At worst, a cynicism tinged with contempt for those who are dupes. At best, simulation or double dealing, possibly dictated by a wholly justified concern for self-preservation, but ultimately exhausting for the subject. Certainly not a counter-conduct. All the more so in that **such a game could lead the subject, for want of anything better, to take refuge in a compensatory identity**, which at least has the advantage of some stability by contrast with the imperative of indefinite self-transcendence. **Far from threatening the neo-liberal order, fixation with identity**, whatever its nature, **looks like a fall-back position for subjects weary of themselves**, for all those who have abandoned the race or been excluded from it from the outset. **Worse, it recreates the logic of competition at the level of relations between 'little communities'**. **Far from being valuable in itself**, independently of any articulation with politics, **individual subjectivation is bound up at its very core with collective subjectivation**. In this sense, sheer aestheticization of ethics is a pure and simple abandonment of a genuinely ethical attitude. **The invention of new forms of existence can only be a collective act**, **attributable to the** multiplication and **intensification of cooperative counter-conduct**. A collective refusal to 'work more', if only local, is a good example of an attitude that can pave the way for such forms of counter-conduct. In effect, it breaks what André Gorz quite rightly called the 'structural complicity' that binds the worker to capital, in as much as 'earning money', ever more money, is the decisive goal for both. It makes an initial breach in the 'immanent constraint of the "ever more", "ever more rapidly"'.61¶ **The genealogy of neo-liberalism** attempted **in this book teaches** us that **the new global rationality is** in **no** wise an **inevitable fate shackling humanity**. Unlike Hegelian Reason, it is not the reason of human

history. **It is itself wholly historical** – that is, **relative to strictly singular conditions that cannot legitimately be regarded as untranscendable.** The main thing is to understand that nothing can release us from the task of promoting a different rationality. That is why the belief that the financial crisis by itself sounds the death-knell of neo-liberal capitalism is the worst of beliefs. It is possibly a source of pleasure to those who think they are witnessing reality running ahead of their desires, without them having to move their little finger. It certainly comforts those for whom it is an opportunity to celebrate their own past 'clairvoyance'. At bottom, it is the least acceptable form of intellectual and political abdication. Neo-liberalism is not falling like a 'ripe fruit' on account of its internal contradictions; and traders will not be its undreamed-of 'gravediggers' despite themselves. Marx had already made the point powerfully: 'History does nothing'.62 **There are only human beings who act in given conditions and seek through their action to open up a future for themselves**. **It is up to us to enable a new sense of possibility** to blaze a trail. The **government** of human beings **can be aligned with horizons other than those of maximizing performance, unlimited production and generalized control**. **It can sustain itself with self-government that opens onto different relations with others than** that of **competition between 'self-enterprising actors'**. The **practices of 'communization' of knowledge, mutual aid and cooperative work can delineate the features of a different world reason. Such an alternative reason cannot be better designated than by the term reason of the commons**.

DA

Terror risk is high- maintaining current surveillance is key

Inserra, 6-8-2015

David Inserra is a Research Associate for Homeland Security and Cyber Security in the Douglas and Sarah Allison Center for Foreign and National Security Policy of the Kathryn and Shelby Cullom Davis Institute for National Security and Foreign Policy, at The Heritage Foundation, 6-8-2015, "69th Islamist Terrorist Plot: Ongoing Spike in Terrorism Should Force Congress to Finally Confront the Terrorist Threat," Heritage Foundation, http://www.heritage.org/research/reports/2015/06/69th-islamist-terrorist-plot-ongoing-spike-in-terrorism-should-force-congress-to-finally-confront-the-terrorist-threat

On June 2 in Boston, Usaamah Abdullah Rahim drew a knife and attacked police officers and FBI agents, who then shot and killed him. Rahim was being watched by Boston's Joint Terrorism Task Force as he had been plotting to behead police officers as part of violent jihad. A conspirator, David Wright or Dawud Sharif Abdul Khaliq, was arrested shortly thereafter for helping Rahim to plan this attack. This plot marks the 69th publicly known Islamist terrorist plot or attack against the U.S. homeland since 9/11, and is part of a recent spike in terrorist activity. The U.S. must redouble its efforts to stop terrorists before they strike, through the use of properly applied intelligence tools. The Plot According to the criminal complaint filed against Wright, Rahim had originally planned to behead an individual outside the state of Massachusetts,[1] which, according to news reports citing anonymous government officials, was Pamela Geller, the organizer of the "draw Mohammed" cartoon contest in Garland, Texas.[2] To this end, Rahim had purchased multiple knives, each over 1 foot long, from Amazon.com. The FBI was listening in on the calls between Rahim and Wright and recorded multiple conversations regarding how these weapons would be used to behead someone. Rahim then changed his plan early on the morning of June 2. He planned to go "on vacation right here in Massachusetts…. I'm just going to, ah, go after them, those boys in blue. Cause, ah, it's the easiest target."[3] Rahim and Wright had used the phrase "going on vacation" repeatedly in their conversations as a euphemism for violent jihad. During this conversation, Rahim told Wright that he planned to attack a police officer on June 2 or June 3. Wright then offered advice on preparing a will and destroying any incriminating evidence. Based on this threat, Boston police officers and FBI agents approached Rahim to question him, which prompted him to pull out one of his knives. After being told to drop his weapon, Rahim responded with "you drop yours" and moved toward the officers, who then shot and killed him. While Rahim's brother, Ibrahim, initially claimed that Rahim was shot in the back, video surveillance was shown to community leaders and civil rights groups, who have confirmed that Rahim was not shot in the back.[4] Terrorism Not Going Away This 69th Islamist plot is also the seventh in this calendar year. Details on how exactly Rahim was radicalized are still forthcoming, but according to anonymous officials, online propaganda from ISIS and other radical Islamist groups are the source.[5] That would make this attack the 58th homegrown terrorist plot and continue the recent trend of ISIS playing an important role in radicalizing individuals in the United States. It is also the sixth plot or attack targeting law enforcement in the U.S., with a recent uptick in plots aimed at police. While the debate over the PATRIOT Act and the USA FREEDOM Act is taking a break, the terrorists are not. The result of the debate has been the reduction of U.S. intelligence and counterterrorism capabilities, meaning that the U.S. has to do even more with less when it comes to connecting the dots on terrorist plots.[6] Other legitimate intelligence tools and capabilities must be leaned on now even more. Protecting the Homeland To keep the U.S. safe, Congress must take a hard look at the U.S. counterterrorism enterprise and determine other measures that are needed to improve it. Congress should: Emphasize community outreach. Federal grant funds should be used to create robust community-outreach capabilities in higher-risk urban areas. These funds must not be used for political pork, or so broadly that they no longer target those communities at greatest risk. Such capabilities are key to building trust within these communities, and if the United States is to thwart lone-wolf terrorist attacks, it must place effective community outreach operations at the tip of the spear. Prioritize local cyber capabilities. Building cyber-investigation capabilities in the higher-risk urban areas must become a primary focus of Department of Homeland Security grants. With so much terrorism-related activity occurring on the

Internet, local law enforcement must have the constitutional ability to monitor and track violent extremist activity on the Web when reasonable suspicion exists to do so. Push the FBI toward being more effectively driven by intelligence. While the FBI has made high-level changes to its mission and organizational structure, the bureau is still working on integrating intelligence and law enforcement activities. Full integration will require overcoming inter-agency cultural barriers and providing FBI intelligence personnel with resources, opportunities, and the stature they need to become a more effective and integral part of the FBI. Maintain essential counterterrorism tools. Support for important investigative tools is essential to maintaining the security of the U.S. and combating terrorist threats. Legitimate government surveillance programs are also a vital component of U.S. national security and should be allowed to continue. The need for effective counterterrorism operations does not relieve the government of its obligation to follow the law and respect individual privacy and liberty. In the American system, the government must do both equally well. Clear-Eyed Vigilance The recent spike in terrorist plots and attacks should finally awaken policymakers—all Americans, for that matter—to the seriousness of the terrorist threat. Neither fearmongering nor willful blindness serves the United States. Congress must recognize and acknowledge the nature and the scope of the Islamist terrorist threat, and take the appropriate action to confront it.

Surveillance is critical to stopping terror threats

Lewis 14 [James Andrew Lewis, Director and Senior Fellow of the Technology and Public Policy Program at the CSIS, December 2014, "Underestimating Risk in the Surveillance Debate", Center for Strategic and International Studies, http://csis.org/files/publication/141209_Lewis_UnderestimatingRisk_Web.pdf pg 10-11 jf]

Assertions that a collection program contributes nothing because it has not singlehandedly prevented an attack reflect an ill-informed understanding of how the United States conducts collection and analysis to prevent harmful acts against itself and its allies. Intelligence does not work as it is portrayed in films—solitary agents do not make startling discoveries that lead to dramatic, last-minute success (nor is technology consistently infallible). Intelligence is a team sport. Perfect knowledge does not exist and success is the product of the efforts of teams of dedicated individuals from many agencies, using many tools and techniques, working together to assemble fragments of data from many sources into a coherent picture. Analysts assemble this mosaic from many different sources and based on experience and intuition. Luck is still more important than anyone would like and the alternative to luck is acquiring more information. This ability to blend different sources of intelligence has improved U.S. intelligence capabilities and gives us an advantage over some opponents. Portrayals of spying in popular culture focus on a central narrative, essential for storytelling but deeply misleading. In practice, there can be many possible narratives that analysts must explore simultaneously. An analyst might decide, for example, to see if there is additional confirming information that points to which explanation deserves further investigation. Often, the contribution from collection programs comes not from what they tell us, but what they let us reject as false. In the case of the 215 program, its utility was in being able to provide information that allowed analysts to rule out some theories and suspects. This allows analysts to focus on other, more likely, scenarios. In one instance, an attack is detected and stopped before it could be executed. U.S. forces operating in Iraq discover a bomb-making factory. Biometric data found in this factory is correlated with data from other bombings to provide partial identification for several individuals who may be bomb-makers, none of whom are present in Iraq. In looking for these individuals, the United States receives information from another intelligence service that one of the bombers might be living in a neighboring Middle Eastern country. Using communications intercepts, the United States determines that the individual is working on a powerful new weapon. The United States is able to combine the communications intercept from the known bomb maker with information from other sources—battlefield data, information obtained by U.S. agents, collateral information from other nations' intelligence services—and use this to identify others in the bomber's network, understand the plans for bombing, and identify the bomber's target, a major city in the United States. This effort takes place over months and involves multiple intelligence, law enforcement, and military agencies,

with more than a dozen individuals from these agencies collaborating to build up a picture of the bomb-maker and his planned attack. When the bomb-maker leaves the Middle East to carry out his attack, he is prevented from entering the United States. An analogy for how this works would be to take a 1,000-piece jigsaw puzzle, randomly select 200 pieces, and provide them to a team of analysts who, using incomplete data, must guess what the entire picture looks like. The likelihood of their success is determined by how much information they receive, how much time they have, and by experience and luck. Their guess can be tested by using a range of collection programs, including communications surveillance programs like the 215 metadata program. What is left out of this picture (and from most fictional portrayals of intelligence analysis) is the number of false leads the analysts must pursue, the number of dead ends they must walk down, and the tools they use to decide that something is a false lead or dead end. Police officers are familiar with how many leads in an investigation must be eliminated through legwork and query before an accurate picture emerges. Most leads are wrong, and much of the work is a process of elimination that eventually focuses in on the most probable threat. If real intelligence work were a film, it would be mostly boring. Where the metadata program contributes is in eliminating possible leads and suspects. This makes the critique of the 215 program like a critique of airbags in a car—you own a car for years, the airbags never deploy, so therefore they are useless and can be removed. The weakness in this argument is that discarding airbags would increase risk. How much risk would increase and whether other considerations outweigh this increased risk are fundamental problems for assessing surveillance programs. With the Section 215 program, Americans gave up a portion of their privacy in exchange for decreased risk. Eliminating 215 collection is like subtracting a few of the random pieces of the jigsaw puzzle. It decreases the chances that the analysts will be able to deduce what is actually going on and may increase the time it takes to do this. That means there is an increase in the risk of a successful attack. How much of an increase in risk is difficult to determine.

Terrorists will use bioweapons- guarantees extinction

Cooper 13

(Joshua, 1/23/13, University of South Carolina, "Bioterrorism and the Fermi Paradox," http://people.math.sc.edu/cooper/fermi.pdf, 7/15/15, SM)

We may conclude that, when a civilization reaches its space-faring age, it∂ will more or less at the same moment (1) contain many individuals who seek to cause large-scale destruction, and (2) acquire the capacity to tinker with its own genetic chemistry. This is a perfect recipe for bioterrorism, and, given the many very natural pathways for its development and the overwhelming∂ evidence that precisely this course has been taken by humanity, it is hard to∂ see how bioterrorism does not provide a neat, if profoundly unsettling, solution∂ to Fermi's paradox. One might object that, if omnicidal **individuals** are∂ successful in releasing **highly virulent** and **deadly genetic malware** into the∂ wild, they are still unlikely to succeed in killing everyone. However, even if∂ every such mass death event results only in a high (i.e., not total) kill rate and∂ there is a large gap between each such event (so that individuals can build up∂ the requisite scientific infrastructure again**), extinction would be inevitable**∂ regardless. Some of the engineered bioweapons will be more successful than∂ others; the inter-apocalyptic eras will vary in length; and post-apocalyptic∂ environments may be so **war-torn, disease-stricken, and impoverished of genetic variation that they may culminate in true extinction events even if the initial cataclysm 'only' results in 90% death rates**, since they may cause the∂ effective population size to dip below the so-called "minimum viable population."∂ This author ran a Monte Carlo simulation using as (admittedly very∂ crude and poorly informed, though arguably conservative) estimates the following∂ Earth-like parameters: bioterrorism event mean death rate 50% and∂ standard deviation 25% (beta distribution), initial population 1010, minimum∂ viable population 4000, individual omnicidal act probability 10−7 per annum,∂ and population growth rate 2% per annum. One thousand trials yielded an∂ average post-space-age time until extinction of less than 8000 years. This is∂ essentially instantaneous on a cosmological scale, and varying the parameters∂ by quite a bit does nothing to make the survival period comparable with the∂ age of the universe.

DA – White Terror

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Right-wing terrorism accesses the internal-link more than the aff

Iyer 6/19/**2015** (Deepa; Charleston Shooting is domestic terrorism; america.aljazeera.com/opinions/2015/6/charleston-shooting-is-domestic-terrorism.html; kdf)

A gun rampage. A hate crime. An act of domestic terrorism. The shooting deaths of nine people in the historic Emanuel African Methodist Episcopal Church in downtown Charleston, South Carolina, on Wednesday night must be characterized as all three. While we await further information about the suspect, Dylann Roof, and as we mourn with the families of the victims, it is important that we categorize this tragedy accurately. Roof, apprehended by police on Thursday, is a 21-year-old white man. Before he opened fire on a group of adults and children who had gathered for Bible study, Roof apparently told the congregation, "You rape our women and you're taking over our country. And you have got to go." According to his roommate Dalton Tyler, he had planned something like this attack for six months. "He was big into segregation and other stuff," Tyler told ABC News. "He said he wanted to start a civil war. He said he was going to do something like that and then kill himself." **The Charleston shooting is a violent act of racial hatred, intended to terrorize and intimidate black people**. It exists on the alarming spectrum of other acts of hate in places of worship, including the bombing of the 16th Street Baptist Church in Birmingham, Alabama, in 1963; the spate of arsons against African-American churches in the late 1990s in the South; the anti-Semitic graffiti regularly sprawled on the walls of synagogues and murders at Jewish community centers; the burning of Korans and throwing of Molotov cocktails at mosques; the vandalism of Hindu temples; and the 2012 shooting of six Sikh worshippers at a gurdwara in Oak Creek, Wisconsin, by a white supremacist. Indeed, acts of violence are perpetrated regularly in this country, on the streets and in places of worship, and on the basis of racial bias, sexual orientation, religious bias, ethnicity, disability, gender bias and gender identity. Annual reports from the Federal Bureau of Investigation (FBI) and the Bureau of Justice Statistics (BJS) sketch a national landscape filled with hate crimes against people, including assaults and homicides, and property, including vandalism to places of worship or cross-burnings. The BJS reports that the percentage of hate crimes involving violence increased from 78 percent in 2004 to 90 percent in 2011 and 2012. Meanwhile, the Southern Poverty Law Center has been tracking the organized activities of anti-immigrant, anti-gay, anti-Muslim and anti-government "patriot" groups, many of which are forming in response to changing American racial demographics, immigration patterns and the election of a black president. They are motivated by the belief that the balance of power will shift away from white Americans — a sentiment apparently voiced by Roof when he said "you are taking over," before opening fire at the church. These domestic right-wing hate groups should not be taken lightly. Their ideologies of white supremacy and white nationalism are seeping into mainstream political activity and rhetoric, and influencing "lone wolves" who are committing the majority of hate violence in the country.

Ending calls to decrease domestic surveillance makes any chance of federal authorities to investigate that terrorism impossible – they lead to worse anti-black racism

Deirdre **Griswold**, 7-14-20**15**, "As Black churches burn, where are the feds?," Workers World, http://www.workers.org/articles/2015/06/29/as-black-churches-burn-where-are-the-feds/

As of June 29, six Black churches in the South have either been destroyed or suffered severe damage from fires since Charleston. At least three are confirmed to have been caused by arson, according to the Southern Poverty Law Center. The loss to the people of these communities comes to hundreds of thousands of dollars. **Worse, the torchings are a threat of further violence to a people whose painful**

history at the hands of white exploiters still resonates so strongly. The first burning deemed by fire marshals to be arson destroyed the College Hills Seventh Day Adventist Church in Knoxville, Tenn., on June 22. The Knoxville fire department said the arsonist set multiple fires on the church's property. The church's van was also burned. The very next day, a fire in the sanctuary of God's Power Church of Christ in Macon, Ga., was also blamed on arson. And the day after that, a fire was deliberately set at the Briar Creek Baptist Church in Charlotte, N.C., that destroyed an education wing meant to house a summer program for children. The gymnasium and sanctuary burned, causing an estimated $250,000 in damage. That same week, three other Southern Black churches — in Tennessee, Florida and South Carolina — also suffered fires, although two may have had natural causes. Investigations are continuing. **After what happened in Charleston, S.C., there can be little doubt that the arson fires were set by white supremacists, whose outpourings of hate in print and on the Internet call again and again for violence against people of color, using at best flimsily disguised language and at worst the vilest and most degrading terms. One might think that mass murder of the type that happened in Charleston would immediately lead to arrests of those advocating race war against Black people. We have seen many examples in recent years of elaborate sting operations set up by the FBI and local police authorities to ensnare Black militants on charges of plotting terrorist acts — which government agents had encouraged and facilitated. But just as with the murders of the three civil rights workers in 1964 — James Chaney, Andrew Goodman and Michael Schwerner — by members of the Ku Klux Klan, the authorities have not intervened to stop such attacks**, even though it is logical to assume that, in this day and age of wide surveillance, they have knowledge of them.

at: FBI don't care

The FBI and NSA are prioritizing right-wing and white supremacist extremists

Jaeah **Lee**, 6-17-20**15**, "The Rise Of Violent Right-Wing Extremism, Explained," Mother Jones, http://www.motherjones.com/politics/2015/06/right-wing-extremism-explainer-charleston-mass-shooting-terrorism

The federal and local governments ramped up efforts to combat domestic terrorism of all kinds in the wake of the 1995 Oklahoma City bombing that killed 168 people. A few months following the 9/11 attacks, FBI official Dale Watson testified before the Senate Intelligence Committee that "right-wing groups continue to represent a serious terrorist threat." But Johnson, German, and others assert that **federal counterterrorism programs since 9/11 have focused overwhelmingly on the perceived threat from Islamic extremism**. That includes the Obama administration's "countering violent extremism" strategy, which "revolves around impeding the radicalization of violent jihadists," according to a 2014 Congressional Research Service report. **The attack in Charleston underscored "the failure of the federal government to keep closer tabs" on right-wing extremists,** argues Gerald Horne, a historian and civil rights activist at the University of Houston**. But the focus may soon increase. In February, CNN reported that DHS circulated an intelligence assessment that focused on the domestic terror threat posed by right-wing extremists**. Kurzman and Schanzer also point to **a handout from a training program sponsored by the Department of Justice, cautioning that the threat from antigovernment extremism "is real."**

List

Phineas Priesthood

Fitgzerald 13 – [ANDREW FITZGERALD – writer @ Listverse] [10 Terrorist Organizations Operating In The US] (http://listverse.com/2013/03/24/10-terrorist-organizations-operating-in-the-us/)

The Phineas Priesthood is a Christian based terrorist organization that uses violence to promote its many hateful messages. Despite their supposed Christian roots, the Priesthood preaches hate **to virtually everyone that is different from them**. They protest interracial relationships, homosexuality, abortion, Judaism, multiculturalism, and taxation. They desire **a Christian-only nation composed solely of whites**. Members of the Priesthood have carried out attacks on abortion clinics and doctors in the past, and are **labeled as a terrorist organization by the FBI.**

Army of God

Fitgzerald 13 – [ANDREW FITZGERALD – writer @ Listverse] [10 Terrorist Organizations Operating In The US] (http://listverse.com/2013/03/24/10-terrorist-organizations-operating-in-the-us/)

Much like the Phineas Priesthood, this terrorist organization spins religious texts to harm others. They often use violence to combat abortion and homosexual activity, as seen in their attacks on gay night clubs and abortion clinics. Their most notorious member, Eric Rudolph, planted a bomb at the 1996 Olympic Games in Atlanta, Georgia, killing two people and injuring 150. In 2005, Rudolph explained, without remorse, that the bombing was a necessary action, carried out to criticize the government for its, "abortion on demand" viewpoints. Rudolph has also confessed to the bombings of two abortion clinics and one gay nightclub.

The KKK

Fitgzerald 13 – [ANDREW FITZGERALD – writer @ Listverse] [10 Terrorist Organizations Operating In The US] (http://listverse.com/2013/03/24/10-terrorist-organizations-operating-in-the-us/)

By far the most notorious organization on this list, the Klu Klux Klan has been wreaking havoc since 1865 with the end of the United States Civil War. Founded by Confederate veterans, the group sought to restore white supremacy by assaulting freed slaves and those that aided them. They assassinated prominent African Americans, including politicians, religious figures, and community leaders.Today, the Klu Klux Klan focuses on illegal immigrants, homosexuals, urban criminals, and African Americans. The Klan laid forth the groundwork for nearly every white supremacist group that exists today, and as such should be held accountable for their actions as well. This includes the murder and assault of thousands of individuals throughout their history, and frequent property crimes against minority households.

Case turn

The aff's portrayal of terrorism as only an islam-related phenomenon reinforces neoconservative stereotypes and hides white terrorism- turns the case

Henderson '13 (Alex Henderson, July 24th, 2013, 10 of the Worst Terror Attacks by Extreme Christians and Far-Right White Men, http://www.alternet.org/tea-party-and-right/10-worst-terror-attacks-extreme-christians-and-far-right-white-men, AZ)

From Fox News to the Weekly Standard, **neoconservatives have tried to paint terrorism as a largely or exclusively Islamic phenomenon.** Their message of Islamophobia has been repeated many times since the George W. Bush era: Islam is inherently violent, Christianity is inherently peaceful, and there is no such thing as a Christian terrorist or a white male terrorist. But the facts don't bear that out. Far-right white male radicals and extreme Christianists are every bit as capable of acts of terrorism as radical Islamists, and to pretend that such terrorists don't exist does the public a huge disservice. Dzhokhar Anzorovich Tsarnaev and the late Tamerlan Anzorovich Tsarnaev (the Chechen brothers suspected in the Boston Marathon bombing of April 15, 2013) are both considered white and appear to have been motivated in part by radical Islam. And many terrorist attacks in the United States have been carried out by people who were neither Muslims nor dark-skinned. When white males of the far right carry out violent attacks, neocons and Republicans typically describe them as lone-wolf extremists rather than people who are part of terrorist networks or well-organized terrorist movements. Yet many of the terrorist attacks in the United States have been carried out by people who had long histories of networking with other terrorists. In fact, most of the terrorist activity occurring in the United States in recent years has not come from Muslims, but from a combination of radical Christianists, white supremacists and far-right militia groups.

Terror Talks DDI

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A. Interpretation: Domestic is of a country

Webster's 10 Webster's New World College Dictionary Copyright © 2010 by Wiley Publishing, Inc., Cleveland, Ohio. Used by arrangement with John Wiley & Sons, Inc. http://www.yourdictionary.com/domestic

domestic
adjective
having to do with the home or housekeeping; of the house or family: domestic joys
of one's own country or the country referred to
made or produced in the home country; native: domestic wine
domesticated; tame: said of animals
enjoying and attentive to the home and family life

B. Violation: the plan doesn't specify domestic surveillance

C. THE AFFIRMATIVE INTERPRETATION IS BAD FOR DEBATE

Limits are necessary for negative preparation and clash, their interp explodes the topic. They make the domestic limit meaningless. All surveillance becomes topical by their standards

D. T IS A VOTER because the opportunity to prepare promotes better debating

Elections DA

Clinton is likely to win 2016, but it's close – recent poll proves – surveillance will be a key factor

Glenza 6/23 [Jessica Glenza, Breaking News Reporter at Guardian News & Media, "Hillary Clinton on course to win presidential election, poll says", http://www.theguardian.com/us-news/2015/jun/23/hillary-clinton-presidential-election-poll, June 23rd, 2015//Rahul]

Hillary Clinton is on course to win the Democratic primary and would go on to trounce her Republican opponents, according to a new poll. The NBC News/Wall Street Journal poll found that the former secretary of state was the first choice for nominee of 75% of her party, with Vermont socialist Bernie Sanders far behind on 15%. Analysis Clinton v Bush: America is getting the dynastic matchup it said it didn't want Despite rivals' protestations, Hillary Clinton and Jeb Bush enjoy the support of their own party's voters. But the other party's dynasty candidate? Not a chance Martin O'Malley, the former Maryland governor, was on 2%, while Lincoln Chafee, the former governor of Rhode Island, polled less than 1%. Former Virginia senator Jim Webb, who has not yet formally declared he is running, was on 4%. According to the poll, 92% of likely Democratic voters said they could see themselves supporting Clinton. The poll asked 1,000 likely voters about their opinions on potential presidential candidates, both Republican and Democrat. It showed Clinton polling at 48% to 40% against her closest Republican contender, former Florida governor Jeb Bush, the brother of former president George W Bush and son of former president George HW Bush. Against the Florida senator Marco Rubio, Clinton polled 50% against 40%. And against Wisconsin governor Scott Walker she polled 51% to 37%. Among Republican primary voters, the poll showed Bush ahead with 22% of the vote. Walker was next with 17% and Rubio third

with 14%. Retired neurosurgeon Ben Carson had 11%, while former Arkansas governor Mike Huckabee (9%), libertarian senator Rand Paul (7%), former Texas governor Rick Perry (5%), New Jersey governor Chris Christie (4%) and Texas senator Ted Cruz (4%) were all in single figures. The poll is likely to encourage the Clinton camp, whose campaign got off to a rough start when questions arose about Clinton's use of personal email as secretary of state, this spring. But it is possible that early polls may not reflect the true strength of Clinton's challengers. On Tuesday, Clinton urged businesses to stop selling images with the Conferdate flag on them, in the wake of the attack on a black church in Charleston Republican pollster Bill McInturff told the Wall Street Journal that Clinton had "the strongest and most advantageous" standing among Democrats he had seen in 35 years of campaign polling. "She starts with advantages among very important groups," he said. McInturff conducted the poll with Democrat Fred Yang. Clinton's high rankings could be buoyed by increasingly positive support numbers for her 2008 rival Barack Obama, whose approval rating is up by 8 percentage points to 48% since September 2014, when it hit an all-time low of 40% according to the same polls. Among Republican candidates, Bush and Rubio remain neck and neck, with 75% and 74% of respondents saying they could see themselves supporting the candidates in a Republican primary. Bush pulls away slightly in favorability rankings, pulling 5% ahead of Walker with 22%, and 8% ahead of Rubio. Most see Clinton as a moderate candidate (58%) who is trustworthy because of her "experience and background" (59%). Respondents were fairly split over which party the next president should be from, with Republicans scoring 36% and Democrats 39%. Ongoing concerns going into the election could set the mood for the campaign. A "decline in traditional moral values" was rated as the most alarming trend in America of all respondents (25%), seconded by possible terrorist attacks on the US (18%), while corporate and wealthy individuals' influence over elections was rated as the most disconcerting facet of the upcoming campaign (33%).

Polls show most people support mass surveillance – plan means people think Dems are soft on terror

Dickerson 13 [John Dickerson, is a Slate political columnist and author of On Her Trail. Read his series on the presidency and on risk. "Why Americans Don't Fear the NSA", http://www.slate.com/articles/news_and_politics/politics/2013/06/nsa_domestic_surveillance_american_voters_trust_the_government_to_fight.html, June 7th, 2013//Rahul]

Polls suggest that people often support measures to catch terrorists that infringe on civil liberties. In a New York Times/CBS poll taken after the Boston Marathon bombing, 78 percent of people said surveillance cameras were a good idea. A CNN poll taken a month later showed the same support for cameras, but that poll indicated that there were limits. People were asked if they would allow "expanded government monitoring of cell phones and email to intercept communications" to catch suspected terrorists. Fifty-nine percent said they would not be OK with that. The disclosure this week that the NSA was monitoring huge numbers of phone calls made in the Verizon network is operationally very similar to the disclosure in 2006 that it was doing the same thing. In 2006, people were mostly comfortable with the idea. A Fox News poll found a small majority, 52 percent, supported the collection of massive amounts of phone data, and 41 percent opposed it. CBS, ABC, and CNN polls at the same time also found majority support, but a Newsweek poll found that 53 percent said that monitoring metadata goes too far. (The fact that the Bush administration, unpopular at the time, had collected the phone information without court approval or without notifying Congress could have influenced these numbers; that's not the case here.) Update, June 11, 2013: Since this piece was published, the first polls have come out evaluating public opinion about the NSA's activities. It turns out the public is even more supportive of snooping than they were in 2006, when the agency's collection of metadata was first discovered. According to a Washington Post-Pew Research poll, 56 percent of Americans consider the NSA accessing telephone records of millions of Americans "acceptable," while 41 percent call the practice "unacceptable." What has changed is the partisan makeup of who holds which position. In this poll, 69 percent of Democrats say terrorism investigations, not privacy, should be the government's main concern, an 18-percentage-point jump from early January 2006, when the NSA's activity under the George W. Bush administration was first reported. Compared with that time, Republicans' focus on privacy has increased 22 points. Polling suggests the distinction people draw is between the narrow targeting of suspects versus targeting the broader public. In 2006, when CBS asked people if they would be OK with phone surveillance if the government thought they had a suspect, 69 percent approved. If the surveillance was just a sweep of

ordinary Americans? Sixty-eight percent opposed that. Five years later, CBS found roughly the same result. In 2011, 65 percent of those polled said they were willing to let government agencies monitor telephone calls and emails of suspicious people, but when asked about a broader phone snooping "of ordinary Americans on a regular basis" 72 percent said they would disapprove of such surveillance. So support for the activities recently disclosed lies in whether people think they're a big fishing expedition or tied to specific work that has stopped terrorism. It's almost certain that we won't know for sure whether these ongoing surveillance efforts paid off in a way that connects them with specific terrorist suspects. Rep. Mike Rogers, the chairman of the House Intelligence Committee says they did. (Reuters has reported the attack Rep. Rogers was referring to was aimed at the New York City subway.) Sen. Dianne Feinstein, the chairwoman of the Senate Intelligence Committee, also said the surveillance had foiled several terrorist plots. Reports that the monitoring of computer systems has provided the bulk of the information in the president's daily intelligence briefing are likely to make people think that this is useful information worth gathering. Republican leaders who have jumped on each new development in the IRS or Benghazi scandals have been nearly mute in response to these latest disclosures. Republican Sen. Rand Paul spoke out against the program, but his colleague Sen. Marco Rubio defended it. Without a strong political force to keep pushing this story, it's unlikely to stay in the public consciousness in a way that will be politically damaging. If the public is not outraged, it may very well be because they trust these lawmakers when they say these measures are necessary to stop terrorism. That's an aberration from the normal public attitude where more than three-quarters of Americans tell pollsters they don't trust government. It's the exact opposite of what has happened in the IRS investigation. Any Democrat who suggests the extra IRS scrutiny of conservative groups was warranted will find himself sitting alone on the bench. These latest revelations do expose President Obama and Vice President Biden as having highly malleable views. As a candidate, Barack Obama was righteous in denouncing Bush-era policies, saying they jeopardized the rights and ideals of all Americans and that there was not sufficient congressional oversight. He criticized the president for monitoring Americans who did nothing wrong. Biden can be seen here in 2006 pounding on President Bush for collecting phone records indiscriminately. But if Americans believe these programs are part of a long-standing (successful) effort to thwart a major terrorist attack on American soil, it's unclear whether there will be any penalty to pay for the change of heart. The other controversies in Washington appear to have weakened the public's view of the president's honesty. That may be because his answers have been unsatisfying. He learned about the IRS mishap and Justice Department targeting journalists on the news. That may have been proper—he has direct control over neither—but polls show his disconnection has contributed to the view he's not being honest. In the aftermath of the attack on the U.S. consulate in Benghazi, Libya, administration answers have been fuzzy and evolving. In this case, though, the president supported the NSA activities as soon as the news broke. Since polls show the public trusts him on the issue of fighting terrorism above all other issues, his fast and forceful defense may cause people to give him the benefit of the doubt. In a perverse way it's even possible to imagine that the NSA revelations, by stealing a few news cycles from developments on the IRS investigation and allowing the president to present himself as protector of the American people, may wind up helping the president's standing with the American people. Not even the NSA saw that coming.

That swings the election to the GOP

Toosi 6/23 – Nahal, foreign affairs correspondent at POLITICO. ("Democrats work to blunt GOP attacks on global affairs in 2016," 6/23/15, http://www.politico.com/story/2015/06/democrats-work-to-blunt-gop-attacks-on-global-affairs-in-2016-119305.html#ixzz3fyM1NpUm)

On Tuesday, a progressive network of foreign affairs experts released a document aimed in part at influencing the White House race, one of several formal and informal attempts in the works aimed at shaping an already lively back-and-forth on America's role in the world.¶ Story Continued Below¶ The Truman National Security Project's platform touches on subjects ranging from countering violent extremism to upgrading the U.S. energy grid. At times deeply wonky and somewhat idealistic, the paper calls for ambitious American leadership at a time of "blurring borders" and "contested spaces."¶ The Truman platform comes amid growing recognition that foreign policy and national security, which rarely decide presidential elections, may play an outsized role this time for at least two key reasons: the U.S. economy is less of a concern and the rise of the Islamic State terrorist group in an increasingly tumultuous Middle East.¶ With the election still a year and a half away, Democrats insist they have plenty of confidence and time to prepare. The Democratic front-runner for president is, after all, former Secretary of State Hillary Clinton, who can boast more foreign policy and national security experience than any of the many candidates on the GOP side.¶ Still, there is a lingering worry that Republican allegations that President Barack Obama has diminished America's stature will overshadow Democratic efforts to promote solutions to a host of global challenges.¶ "It's incumbent on progressives and on Democrats to put forward a compelling, clear, forward-looking affirmative vision," said Michael Breen, executive director of the Truman Project.¶ NEW YORK, NY - JUNE 18: Knesset member Michael Oren speaks during his book release party for 'Ally: My Journey Across the American-Israeli Divide' at Gerson Lehrman Group on June 18, 2015 in New York City. (Photo by Donald Bowers/Getty Images for GLG)¶ Former Israeli envoy under fire for essay on Obama's Muslim roots¶ ADAM B. LERNER¶ Republicans have traditionally

been viewed by voters as stronger on national security, but the turmoil following the U.S. invasion of Iraq briefly helped give Democrats the advantage In more recent years, however, the Republicans have rebounded: A Gallup poll last September that asked which party would better protect the U.S. against terrorism gave the GOP a 23-point edge.¶ Those numbers weigh on Democrats, some of whom have been engaged in formal and unofficial efforts to change the trajectory.¶ Over the past year, some 40 Democratic foreign policy wonks have been meeting informally every six weeks or so to discuss the challenges facing the party and a future administration. The so-called "Unison group," named after the Virginia town in which an early meeting was held, doesn't plan to issue papers or take official positions, and it is not affiliated with a campaign. Participants work both in and out of government but attend meetings in their personal capacity.¶ Still, the sessions give attendees ideas to chew over that they can potentially use to advise campaigns. The group was born out of the recognition that Democrats need to come up with innovative, out-of-the-box ideas even when they are in control of the executive branch — and that they shouldn't just leave that work to the Obama administration.¶ Vikram Singh, one of the group's coordinators, said that although Democrats realize they face a challenge on foreign policy and national security in 2016, they don't feel that Republicans have put forth much in the way of alternatives.¶ He and others said that Republican calls for tougher policies and better leadership, for example, haven't been accompanied by concrete pledges, say, to send U.S. combat troops to Syria to fight the Islamic State.¶ "When you dig in to what Republicans are saying, they have a really hard time," said Singh, who also is a vice president at the left-leaning Center for American Progress.¶ Foreign policy and national security wonks on the right have long assumed those issues will be a major part of the 2016 election, and they have launched their own initiatives aimed at influencing the race. Perhaps the best known is the John Hay Initiative, which brings together more than 250 experts and former senior officials, has some 23 working groups and has helped staff some of the Republican campaigns.

Clinton key to stop all global wars and problems

Hodes and Emerson 15 [Paul Hodes and Peter Emerson, Paul W. Hodes of Concord is a former U.S. representative. Peter V. Emerson grew up in Hanover and is a member of a family that has maintained an active farm in Candia for more than 300 years. "My Turn: Who else but Hillary can manage world's problems?", http://www.concordmonitor.com/news/politicalmonitor/15722816-95/my-turn-who-else-but-hillary-can-manage-worlds-problems, February 22nd, 2015//Rahul]

The world is becoming increasingly unstable and unpredictable, and therefore often far more threatening and dangerous to America and to American citizens at home and abroad. Looking but a few years down the road; there will be less food, less potable water and fewer basic human necessities for most of the world's exponentially expanding population. Consequently, there will be more violence, civil strive and war. Unfortunately, many Americans are geographically and geopolitically challenged. Many still believe that America dominates the world and that we are neither dependent upon the international community nor subject to events occurring outside our borders. In short, many still hold opinions based on a world order long ago dismantled. We are now interconnected and interdependent upon every region of the world. Thus international stability and our continued prosperity are under attack in our shrinking world: ■ The continued advance of the Islamic State has already further destabilized an already precarious order in the unstable Middle East ■ The escalation of the Israeli-Palestinian stalemate with almost daily outbreaks of killings and retaliation. ■ Iran's continued nuclear program ■ The slowing of the Chinese economy and the potential head-on conflict over the Diaoyu Islands in China and the Senkaku islands in Japan. ■ The postponement of the election in Africa's largest democracy, Nigeria, a success for Boko Haram ■ Greece's possible default on its debt and the impact on the European Union ■ North Korea's continued militaristic posture and nuclear capabilities ■ Declining crop production in critical areas around the world And the list goes on and on and on. So what do these events mean to a waitress in New Hampshire, a farmer in Iowa, a rancher in Montana, an avocado grower in California, a high-tech entrepreneur in Massachusetts, a fisherman in Maine, a single mother in Harlem, a pensioner in Phoenix, a widower in Washington, our neighbors, family and friends? It means that events in other countries, often far away, spill into and through our borders. Americans are part of a new global order – or too frequently global disorder – that challenges our traditional notions of American exceptionalism and leadership. International crises that emerge anew each day directly affect the prices of our food, gas, health care, etc. – our domestic tranquility and our national security. All these events affect the bottom-line of all American households. So when we cut through the clutter of lies and gross distortions of the facts – all meant to create fear – to weigh and examine who's capable of making a dent in these seemingly intractable problems and challenges, there is only one person who is capable of managing them. Please note that we did not say solve these intractable problems because that would be impossible. But managing problems and challenges, that's possible. Although we promised not to join the chorus of those asking Secretary Clinton to run for president, we have taken a sober look at the world's condition, the prognosis for the future and America's position in the world, and **Hillary Clinton is the only one who can manage the problems that others see as unmanageable.** But given our pledge, we are reluctant to ask her to run for president, so we urge her to look around the world and within this extraordinary country of ours and ask herself, "Who else can accomplish what I can accomplish?"

Terror DA

Terror risk is high- maintaining current surveillance is key

Inserra, 6-8-2015

David Inserra is a Research Associate for Homeland Security and Cyber Security in the Douglas and Sarah Allison Center for Foreign and National Security Policy of the Kathryn and Shelby Cullom Davis Institute for National Security and Foreign Policy, at The Heritage Foundation, 6-8-2015, "69th Islamist Terrorist Plot: Ongoing Spike in Terrorism Should Force Congress to Finally Confront the Terrorist Threat," Heritage Foundation, http://www.heritage.org/research/reports/2015/06/69th-islamist-terrorist-plot-ongoing-spike-in-terrorism-should-force-congress-to-finally-confront-the-terrorist-threat

On June 2 in Boston, Usaamah Abdullah Rahim drew a knife and attacked police officers and FBI agents, who then shot and killed him. Rahim was being watched by Boston's Joint Terrorism Task Force as he had been plotting to behead police officers as part of violent jihad. A conspirator, David Wright or Dawud Sharif Abdul Khaliq, was arrested shortly thereafter for helping Rahim to plan this attack. This plot marks the 69th publicly known Islamist terrorist plot or attack against the U.S. homeland since 9/11, and is part of a recent spike in terrorist activity. The U.S. must redouble its efforts to stop terrorists before they strike, through the use of properly applied intelligence tools. The Plot According to the criminal complaint filed against Wright, Rahim had originally planned to behead an individual outside the state of Massachusetts,[1] which, according to news reports citing anonymous government officials, was Pamela Geller, the organizer of the "draw Mohammed" cartoon contest in Garland, Texas.[2] To this end, Rahim had purchased multiple knives, each over 1 foot long, from Amazon.com. The FBI was listening in on the calls between Rahim and Wright and recorded multiple conversations regarding how these weapons would be used to behead someone. Rahim then changed his plan early on the morning of June 2. He planned to go "on vacation right here in Massachusetts…. I'm just going to, ah, go after them, those boys in blue. Cause, ah, it's the easiest target."[3] Rahim and Wright had used the phrase "going on vacation" repeatedly in their conversations as a euphemism for violent jihad. During this conversation, Rahim told Wright that he planned to attack a police officer on June 2 or June 3. Wright then offered advice on preparing a will and destroying any incriminating evidence. Based on this threat, Boston police officers and FBI agents approached Rahim to question him, which prompted him to pull out one of his knives. After being told to drop his weapon, Rahim responded with "you drop yours" and moved toward the officers, who then shot and killed him. While Rahim's brother, Ibrahim, initially claimed that Rahim was shot in the back, video surveillance was shown to community leaders and civil rights groups, who have confirmed that Rahim was not shot in the back.[4] Terrorism Not Going Away This 69th Islamist plot is also the seventh in this calendar year. Details on how exactly Rahim was radicalized are still forthcoming, but according to anonymous officials, online propaganda from ISIS and other radical Islamist groups are the source.[5] That would make this attack the 58th homegrown terrorist plot and continue the recent trend of ISIS playing an important role in radicalizing individuals in the United States. It is also the sixth plot or attack targeting law enforcement in the U.S., with a recent uptick in plots aimed at police. While the debate over the PATRIOT Act and the USA FREEDOM Act is taking a break, the terrorists are not. The result of the debate has been the reduction of U.S. intelligence and counterterrorism capabilities, meaning that the U.S. has to do even more with less when it comes to connecting the dots on terrorist plots.[6] Other legitimate intelligence tools and capabilities must be leaned on now even more. Protecting the Homeland To keep the U.S. safe, Congress must take a hard look at the U.S. counterterrorism enterprise and determine other measures that are needed to improve it. Congress should: Emphasize community outreach. Federal grant funds should be used to create robust community-outreach capabilities in higher-risk urban areas. These funds must not be used for political pork, or so broadly that they no longer target those communities at greatest risk. Such capabilities are key to building trust within these communities, and if the United States is to thwart lone-wolf terrorist attacks, it must place effective community outreach operations at the tip of the spear. Prioritize local cyber capabilities. Building cyber-investigation capabilities in the higher-risk urban areas must become a primary focus of Department of Homeland Security grants. With so much terrorism-related activity occurring on the Internet, local law enforcement must have the constitutional ability to monitor and track violent extremist activity on the Web when reasonable suspicion exists to do so. Push the FBI toward being more effectively driven by intelligence. While the FBI has made high-level changes to its mission and organizational structure, the bureau is still working on integrating intelligence and law enforcement activities. Full integration will require overcoming inter-agency cultural barriers and providing FBI intelligence personnel with resources, opportunities, and the stature they need to become a more effective and integral part of the FBI. Maintain essential

counterterrorism tools. Support for important investigative tools is essential to maintaining the security of the U.S. and combating terrorist threats. Legitimate government surveillance programs are also a vital component of U.S. national security and should be allowed to continue. The need for effective counterterrorism operations does not relieve the government of its obligation to follow the law and respect individual privacy and liberty. In the American system, the government must do both equally well. Clear-Eyed Vigilance The recent spike in terrorist plots and attacks should finally awaken policymakers—all Americans, for that matter—to the seriousness of the terrorist threat. Neither fearmongering nor willful blindness serves the United States. Congress must recognize and acknowledge the nature and the scope of the Islamist terrorist threat, and take the appropriate action to confront it.

Surveillance is critical to stopping terror threats

Lewis 14 [James Andrew Lewis, Director and Senior Fellow of the Technology and Public Policy Program at the CSIS, December 2014, "Underestimating Risk in the Surveillance Debate", Center for Strategic and International Studies, http://csis.org/files/publication/141209_Lewis_UnderestimatingRisk_Web.pdf pg 10-11 jf]

Assertions that a collection program contributes nothing because it has not singlehandedly prevented an attack reflect an ill-informed understanding of how the United States conducts collection and analysis to prevent harmful acts against itself and its allies. Intelligence does not work as it is portrayed in films—solitary agents do not make startling discoveries that lead to dramatic, last-minute success (nor is technology consistently infallible). Intelligence is a team sport. Perfect knowledge does not exist and success is the product of the efforts of teams of dedicated individuals from many agencies, using many tools and techniques, working together to assemble fragments of data from many sources into a coherent picture. Analysts assemble this mosaic from many different sources and based on experience and intuition. Luck is still more important than anyone would like and the alternative to luck is acquiring more information. This ability to blend different sources of intelligence has improved U.S. intelligence capabilities and gives us an advantage over some opponents. Portrayals of spying in popular culture focus on a central narrative, essential for storytelling but deeply misleading. In practice, there can be many possible narratives that analysts must explore simultaneously. An analyst might decide, for example, to see if there is additional confirming information that points to which explanation deserves further investigation. Often, the contribution from collection programs comes not from what they tell us, but what they let us reject as false. In the case of the 215 program, its utility was in being able to provide information that allowed analysts to rule out some theories and suspects. This allows analysts to focus on other, more likely, scenarios. In one instance, an attack is detected and stopped before it could be executed. U.S. forces operating in Iraq discover a bomb-making factory. Biometric data found in this factory is correlated with data from other bombings to provide partial identification for several individuals who may be bomb-makers, none of whom are present in Iraq. In looking for these individuals, the United States receives information from another intelligence service that one of the bombers might be living in a neighboring Middle Eastern country. Using communications intercepts, the United States determines that the individual is working on a powerful new weapon. The United States is able to combine the communications intercept from the known bomb maker with information from other sources—battlefield data, information obtained by U.S. agents, collateral information from other nations' intelligence services—and use this to identify others in the bomber's network, understand the plans for bombing, and identify the bomber's target, a major city in the United States. This effort takes place over months and involves multiple intelligence, law enforcement, and military agencies, with more than a dozen individuals from these agencies collaborating to build up a picture of the bomb-maker and his planned attack. When the bomb-maker leaves the Middle East to carry out his attack, he is prevented from entering the United States. An analogy for how this works would be to take a 1,000-piece jigsaw puzzle, randomly select 200 pieces, and provide them to a team of analysts who, using incomplete data, must guess what the entire picture looks like. The likelihood of their success is determined by how much information they receive, how much time they have, and by experience and luck. Their guess can be tested by using a range of collection programs, including communications surveillance programs like the 215 metadata program. What is left out of this picture (and from most fictional portrayals of intelligence analysis) is the number of false leads the analysts must pursue, the number of dead ends they must walk down, and the tools they use

to decide that something is a false lead or dead end. Police officers are familiar with how many leads in an investigation must be eliminated through legwork and query before an accurate picture emerges. Most leads are wrong, and much of the work is a process of elimination that eventually focuses in on the most probable threat. If real intelligence work were a film, it would be mostly boring. Where the metadata program contributes is in eliminating possible leads and suspects. This makes the critique of the 215 program like a critique of airbags in a car—you own a car for years, the airbags never deploy, so therefore they are useless and can be removed. The weakness in this argument is that discarding airbags would increase risk. How much risk would increase and whether other considerations outweigh this increased risk are fundamental problems for assessing surveillance programs. With the Section 215 program, Americans gave up a portion of their privacy in exchange for decreased risk. Eliminating 215 collection is like subtracting a few of the random pieces of the jigsaw puzzle. It decreases the chances that the analysts will be able to deduce what is actually going on and may increase the time it takes to do this. That means there is an increase in the risk of a successful attack. How much of an increase in risk is difficult to determine.

Terrorists will use bioweapons- guarantees extinction

Cooper 13

(Joshua, 1/23/13, University of South Carolina, "Bioterrorism and the Fermi Paradox," http://people.math.sc.edu/cooper/fermi.pdf, 7/15/15, SM)

We may conclude that, when a civilization reaches its space-faring age, it∂ will more or less at the same moment (1) contain many individuals who seek to cause large-scale destruction, and (2) acquire the capacity to tinker with its own genetic chemistry. This is a perfect recipe for bioterrorism, and, given the many very natural pathways for its development and the overwhelming∂ evidence that precisely this course has been taken by humanity, it is hard to∂ see how bioterrorism does not provide a neat, if profoundly unsettling, solution∂ to Fermi's paradox. One might object that, if omnicidal **individuals** are∂ successful in releasing **highly virulent** and **deadly genetic malware** into the∂ wild, they are still unlikely to succeed in killing everyone. However, even if∂ every such mass death event results only in a high (i.e., not total) kill rate and∂ there is a large gap between each such event (so that individuals can build up∂ the requisite scientific infrastructure again**), extinction would be inevitable**∂ regardless. Some of the engineered bioweapons will be more successful than∂ others; the inter-apocalyptic eras will vary in length; and post-apocalyptic∂ environments may be so **war-torn, disease-stricken, and impoverished of genetic variation that they may culminate in true extinction events even if the initial cataclysm 'only' results in 90% death rates**, since they may cause the∂ effective population size to dip below the so-called "minimum viable population."∂ This author ran a Monte Carlo simulation using as (admittedly very∂ crude and poorly informed, though arguably conservative) estimates the following∂ Earth-like parameters: bioterrorism event mean death rate 50% and∂ standard deviation 25% (beta distribution), initial population 1010, minimum∂ viable population 4000, individual omnicidal act probability 10−7 per annum,∂ and population growth rate 2% per annum. One thousand trials yielded an∂ average post-space-age time until extinction of less than 8000 years. This is∂ essentially instantaneous on a cosmological scale, and varying the parameters∂ by quite a bit does nothing to make the survival period comparable with the∂ age of the universe.

Neolib

The aff's noble attempt to restore democratic values re-entrenches authoritarianism and the neoliberal state – turns case

Morozov 11

(Evgeny Morozov, contributing editor at the New Republic and the author of To Save Everything, Click Here: The Folly of Technological Solutionism, *The Net Delusion*, pgs. ix-xvii)

For anyone who wants to see democracy prevail in the most hostile and unlikely environments, the first decade of the new millennium was marked by a sense of bitter disappointment, if not utter disillusionment. **The seemingly inexorable march of freedom** that began in the late 1980s has not only come to a halt but **may have reversed its course.**¶ Expressions like "freedom recession" have begun to break out of the think-tank circuit and enter the public conversation. In a state of quiet desperation, **a growing number of Western policymakers began to con- cede** that **the Washington Consensus**—that set of dubious policies that once promised a neoliberal paradise at deep discounts—**has been superseded** by the Beijing Consensus, which boasts of delivering quick- and-dirty prosperity without having to bother with those pesky institutions of democracy.¶ The West has been slow to discover that the fight for democracy wasn't won back in 1989. For two decades it has been resting on its laurels, expecting that Starbucks, MTV, and Google will do the rest just fine. Such **a laissez-faire approach to democratization has proved rather toothless against resurgent authoritarianism**, which has masterfully adapted to this new, highly globalized world. Today's authoritarianism is of the hedonism- and consumerism-friendly variety, with Steve Jobs and Ashton Kutcher commanding far more respect than Mao or Che Guevara. No wonder the West appears at a loss. While the Soviets could be liberated by waving the magic wand of blue jeans, exquisite coffee machines, and cheap bubble gum, one can't pull the same trick on China. After all, this is where all those Western goods come from.¶ Many of the signs that promised further democratization just a few years ago never quite materialized. The so-called color revolutions that swept the former Soviet Union in the last decade produced rather ambiguous results. Ironically, it's the most authoritarian of the former Soviet republics—Russia, Azerbaijan, Kazakhstan—that found those revolutions most useful, having discovered and patched their own vulnerabilities. My own birthplace, Belarus, once singled out by Condoleezza Rice as the last outpost of tyranny in Europe, is perhaps the shrewdest of the lot; it continues its slide into a weird form of authoritarianism, where the glorification of the Soviet past by its despotic ruler is fused with a growing appreciation of fast cars, expensive holidays, and exotic cocktails by its largely carefree populace.¶ **The wars in Iraq and Afghanistan**, which were **started**, if anything, **to spread the gospel of freedom and democracy, have lost much of their initial emancipatory potential** as well, further **blurring the line between "regime change" and "democracy promotion."** Coupled with Washington's unnecessary abuses of human rights and rather frivolous interpretations of international law, these two wars gave democracy promotion such a bad name that anyone eager to defend it is considered a Dick Cheney acolyte, an insane idealist, or both.¶ It is thus easy to forget, if only for therapeutic purposes, that the West still has an obligation to stand up for democratic values, speak up about violations of human rights, and reprimand those who abuse their office and their citizens. Luckily, by the twenty-first century the case for promoting democracy no longer needs to be made; even the hardest skeptics agree that a world where Russia, China, and Iran adhere to democratic norms is a safer world.¶ That said, **there is still very little agreement on the kind of methods and policies the West needs to pursue to be most effective in promoting democracy.** As the last few decades have so aptly illustrated, good intentions are hardly enough. **Even the most noble attempts may easily backfire, entrenching authoritarianism** as a result. The images of horrific prisoner abuse at Abu Ghraib were the result, if only indirectly, of one particular approach to promoting democracy. It did not exactly work as advertised.¶ Unfortunately, as the neoconservative vision for democratizing the world got discredited, nothing viable has come to fill the vacuum. While George Bush certainly overdid it with his excessive freedom- worshiping rhetoric, his successor seems to have abandoned the rhetoric, the spirit, as well as any desire to articulate what a post-Bush "freedom agenda" might look like.¶ But there is more to **Obama's silence** than just his reasonable attempt to present himself as anti-Bush. Most likely his silence **is a sign of an extremely troubling bipartisan malaise: the growing Western fatigue with the project of promoting democracy**. **The project suffers** not just **from** bad publicity but also from **a deeply rooted intellectual crisis**. The resilience of authoritarianism in places like Belarus, China, and Iran is not for lack of trying by their Western "partners" to stir things up with an expectation of a democratic revolution. Alas, **most** such **Western initiatives flop, boosting the appeal of** many **existing dictators, who excel at playing up the threat of foreign mingling in their own affairs**. To say that there is no good blueprint for dealing with modern authoritarian- ism would be a severe understatement.¶ Lost in their own strategizing, **Western leaders are pining for** something that has guaranteed effectiveness. Many of them look back to the most impressive and most unambiguous triumph of democracy in the last few decades: **the peaceful dissolution of the Soviet Union**. Not surprisingly—and who can blame them for seeking to bolster their own self-confidence?—they tend to exaggerate their own role in precipitating its demise.

Focusing on specific manifestations of the surveillance state ignores the cultural normalization of surveillance writ large.

Giroux 14

Henry A. Giroux, Global TV Network Chair Professorship at McMaster University in the English and Cultural Studies Department and a Distinguished Visiting Professorship at Ryerson University, "Totalitarian Paranoia in the Post-Orwellian Surveillance State," 2-10, Truth-out, http://www.truth-out.org/opinion/item/21656-totalitarian-paranoia-in-the-post-orwellian-surveillance-state, fwang

Surveillance has become a growing feature of daily life. In fact, it is more appropriate to **analyze the culture of surveillance, rather than address exclusively the violations committed by the corporate-**

surveillance state. In this instance, **the surveillance and security state is one that not only listens, watches and gathers massive amounts of information through data mining** necessary for identifying consumer populations **but also acculturates the public into accepting the intrusion of surveillance technologies and privatized commodified values into all aspects of their lives**. **Personal information is willingly given over to social media and other corporate-based websites and gathered daily as people move from one targeted web site to the next across multiple screens and digital apparatuses.** As Ariel Dorfman points out, "**social media users gladly give up their liberty and privacy, invariably for the most benevolent of platitudes and reasons**," all the while endlessly shopping online and texting.7A **This collecting of information might be most evident in the video cameras that inhabit every public space from the streets, commercial establishments and workplaces to the schools our children attend as well as in the myriad scanners** placed at the entry points of airports, stores, sporting events and the like. ¶ Yet **the most important transgression may** not only **be happening through** the unwarranted watching, listening and collecting of information but also **in a culture that normalizes surveillance by upping the pleasure quotient and enticements for consumers who use the new digital technologies and social networks to simulate false notions of community and to socialize young people into a culture of security and commodification in which their identities, values and desires are inextricably tied to a culture of private addictions, self-help and commodification**.

Social inequality causes extinction – produces background of structural violence that makes conflict and environmental collapse inevitable

Szentes '8

Tamás Szentes, a Professor Emeritus at the Corvinus University of Budapest. "Globalisation and prospects of the world society" 4/22/08
http://www.eadi.org/fileadmin/Documents/Events/exco/Glob.___prospects_-_jav..pdf

It' s a common place that human society can survive and develop only in a lasting real peace. Without peace countries cannot develop. Although since 1945 there has been no world war, but --numerous local wars took place, --terrorism has spread all over the world, undermining security even in the most developed and powerful countries, --arms race and militarisation have not ended with the collapse of the Soviet bloc, but escalated and continued, extending also to weapons of mass destruction and misusing enormous resources badly needed for development, --**many "invisible wars" are suffered by the poor** and oppressed people, **manifested in mass misery, poverty, unemployment, homelessness, starvation** and malnutrition, epidemics and poor health conditions, **exploitation and oppression**, racial and other discrimination, physical terror, organised injustice, disguised forms of violence, the denial or regular infringement of the democratic rights of citizens, women, youth, ethnic or religious minorities, etc., **and** last but not least, **in the degradation of human environment**, which means that --the "war against Nature", i.e. the disturbance of ecological balance, wasteful management of natural resources, and large-scale pollution of our environment, is still going on, causing also losses and fatal dangers for human life. **Behind** global terrorism and **"invisible wars" we find striking international and intrasociety inequities and distorted development patterns , which tend to generate social as well as international tensions**, thus **paving the way for unrest and "visible" wars**. It is a commonplace now that peace is not merely the absence of war. The prerequisites of a lasting peace between and within societies involve not only - though, of course, necessarily -

demilitarisation, but also a systematic and gradual elimination of the roots of violence, of the causes of "invisible wars", of the structural and institutional bases of large-scale international and intra-society inequalities, exploitation and oppression. Peace requires a process of social and national emancipation, a progressive, democratic transformation of societies and the world bringing about equal rights and opportunities for all people, sovereign participation and mutually advantageous co-operation among nations. It further requires a pluralistic democracy on global level with an appropriate system of proportional representation of the world society, articulation of diverse interests and their peaceful reconciliation, by non-violent conflict management, and thus also a global governance with a really global institutional system. Under the contemporary conditions of accelerating globalisation and deepening global interdependencies in our world, **peace** is indivisible in both time and space. It cannot exist if reduced to a period only after or before war, and **cannot be safeguarded in one part of the world when some others suffer visible or invisible wars**. Thus, peace requires, indeed, a new, demilitarised and democratic world order, which can provide equal opportunities for sustainable development. "Sustainability of development" (both on national and world level) is often interpreted as an issue of environmental protection only and reduced to the need for preserving the ecological balance and delivering the next generations not a destroyed Nature with overexhausted resources and polluted environment. However, **no ecological balance can be ensured, unless the deep international development gap and intra-society inequalities are substantially reduced**. Owing to global interdependencies there may exist hardly any "zero-sum-games", in which one can gain at the expense of others, but, instead, the "negative-sum-games" tend to predominate, in which everybody must suffer, later or sooner, directly or indirectly, losses. Therefore, the actual question is not about "sustainability of development" but rather about the "sustainability of human life", i.e. survival of mankind – because of ecological imbalance and globalised terrorism. When Professor Louk de la Rive Box was the president of EADI, one day we had an exchange of views on the state and future of development studies. We agreed that development studies are not any more restricted to the case of underdeveloped countries, as the developed ones (as well as the former "socialist" countries) are also facing development problems, such as those of structural and institutional (and even system-) transformation, requirements of changes in development patterns, and concerns about natural environment. While all these are true, today I would dare say that besides (or even instead of) "development studies" we must speak about and make "survival studies". While the monetary, financial, and debt crises are cyclical, we live in an almost permanent crisis of the world society, which is multidimensional in nature, involving not only economic but also socio-psychological, behavioural, cultural and political aspects. **The narrow-minded, election-oriented, selfish behaviour motivated by thirst for power and wealth,** which still characterise the political leadership almost all over the world, **paves the way for the final, last catastrophe**. One cannot doubt, of course, that great many positive historical changes have also taken place in the world in the last century. Such as decolonisation, transformation of socio-economic systems, democratisation of political life in some former fascist or authoritarian states, institutionalisation of welfare policies in several countries, rise of international organisations and new forums for negotiations, conflict management and cooperation, institutionalisation of international assistance programmes by multilateral agencies, codification of human rights, and rights of sovereignty and democracy also on international level, collapse of the militarised Soviet

bloc and system-change3 in the countries concerned, the end of cold war, etc., to mention only a few. Nevertheless, the crisis of the world society has extended and deepened, approaching to a point of bifurcation that necessarily puts an end to the present tendencies, either by the final catastrophe or a common solution. **Under the circumstances provided by rapidly progressing science and technological revolutions, human society cannot survive unless such profound intra-society and international inequalities prevailing today are soon eliminated**. Like a single spacecraft, the Earth can no longer afford to have a 'crew' divided into two parts: the rich, privileged, wellfed, well-educated, on the one hand, and the poor, deprived, starving, sick and uneducated, on the other. Dangerous 'zero-sum-games' (which mostly prove to be "negative-sum-games") can hardly be played any more by visible or invisible wars in the world society. Because of global interdependencies, the apparent winner becomes also a loser. The real choice for the world society is between negative- and positive-sum-games: i.e. between, on the one hand, continuation of visible and "invisible wars", as long as this is possible at all, and, on the other, transformation of the world order by demilitarisation and democratization. No ideological or terminological camouflage can conceal this real dilemma any more, which is to be faced not in the distant future, by the next generations, but in the coming years, because of global terrorism soon having nuclear and other mass destructive weapons, and also due to irreversible changes in natural environment.

The alternative articulates a "counter-conduct" – voting neg pushes towards a *cooperative conduct* that organizes individuals around a collectively shared *commons* – affirming this conduct creates a new heuristic that de-couples government from the demand for competition and production

Dardot & Laval 13

(Pierre Dardot, philosopher and specialist in Hegel and Marx, Christian Laval, professor of sociology at the Universite Paris Ouest Nanterre La Defense, *The New Way of the World: On Neoliberal Society*, pgs. 318-321)

This indicates to what extent we must take on board in our own way the main lesson of neo-liberalism: **the subject is always to be constructed**. **The whole question is** then **how to articulate subjectivation with resistance to power**. Now, precisely this issue is at the heart of all of Foucault's thought. However, as Jeffrey T. Nealon has recently shown, part of the North American secondary literature has, on the contrary, stressed the alleged break between Foucault's research on power and that of his last period on the history of subjectivity.55 According to the 'Foucault consensus', as Nealon aptly dubs it, the successive impasses of the initial neo-structuralism, and then of the totalizing analysis of panoptical power, led the 'last Foucault' to set aside the issue of power and concern himself exclusively with the aesthetic invention of a style of existence bereft of any political dimension. Furthermore, if we follow this de-politicizing reading of Foucault, the aestheticization of ethics anticipated the neo-liberal mutation precisely by making self-invention a new norm. In reality, far from being oblivious of one another, the issues of power and the subject were always closely articulated, even in the last work on modes of subjectivation. If one concept played a decisive role in this respect, it was 'counter-conduct', as developed in the lecture of 1 March 1978.56 This lecture was largely focused on the crisis of the pastorate. It involved identifying the specificity of the 'revolts' or **'forms of resistance of conduct'** that are the correlate of the pastoral mode of power. If such forms of resistance are said to be 'of conduct', it is because they are forms of resistance to power as conduct and, as such, **are themselves forms of conduct opposed to** this **'power-conduct'**. **The term 'conduct'** in fact **admits of two meanings**: **an activity that consists in conducting others**, or **'conduction'**; **and the way one conducts oneself under the influence of this activity of conduction**.57 **The idea of 'counter-conduct'** therefore **has the advantage of directly signifying a 'struggle against the procedures implemented for conducting others', unlike the term 'misconduct', which only refers to the passive sense of the word**.58 **Through 'counter-conduct', people seek both to escape conduction by others and to define a way of conducting themselves**

towards others.¶ What relevance might this observation have for a reflection on resistance to neo-liberal governmentality? It will be said that the concept is introduced in the context of an analysis of the pastorate, not government. Governmentality, at least in its specifically neo-liberal form, precisely makes conducting others through their conduct towards themselves its real goal. The peculiarity of this conduct towards oneself, conducting oneself as a personal enterprise, is that it immediately and directly induces a certain conduct towards others: competition with others, regarded as so many personal enterprises. Consequently, counter-conduct as a form of resistance to this governmentality must correspond to a conduct that is indivisibly a conduct towards oneself and a conduct towards others. One cannot struggle against such an indirect mode of conduction by appealing for rebellion against an authority that supposedly operates through compulsion external to individuals. If 'politics is nothing more and nothing less than that which is born with resistance to governmentality, the first revolt, the first confrontation',59 it means that ethics and politics are absolutely inseparable.¶ To the subjectivation-subjection represented by ultra-subjectivation, we must oppose a subjectivation by forms of counter-conduct. To neo-liberal governmentality as a specific way of conducting the conduct of others, we must therefore oppose a no less specific double refusal: a refusal to conduct oneself towards oneself as a personal enterprise and a refusal to conduct oneself towards others in accordance with the norm of competition. As such, the double refusal is not 'passive disobedience'.60 For, if it is true that the personal enterprise's relationship to the self immediately and directly determines a certain kind of relationship to others – generalized competition – conversely, the refusal to function as a personal enterprise, which is self-distance and a refusal to line up in the race for performance, can only practically occur on condition of establishing cooperative relations with others, sharing and pooling. In fact, where would be the sense in a self-distance severed from any cooperative practice? At worst, a cynicism tinged with contempt for those who are dupes. At best, simulation or double dealing, possibly dictated by a wholly justified concern for self-preservation, but ultimately exhausting for the subject. Certainly not a counter-conduct. All the more so in that such a game could lead the subject, for want of anything better, to take refuge in a compensatory identity, which at least has the advantage of some stability by contrast with the imperative of indefinite self-transcendence. Far from threatening the neo-liberal order, fixation with identity, whatever its nature, looks like a fall-back position for subjects weary of themselves, for all those who have abandoned the race or been excluded from it from the outset. Worse, it recreates the logic of competition at the level of relations between 'little communities'. Far from being valuable in itself, independently of any articulation with politics, individual subjectivation is bound up at its very core with collective subjectivation. In this sense, sheer aestheticization of ethics is a pure and simple abandonment of a genuinely ethical attitude. The invention of new forms of existence can only be a collective act, attributable to the multiplication and intensification of cooperative counter-conduct. A collective refusal to 'work more', if only local, is a good example of an attitude that can pave the way for such forms of counter-conduct. In effect, it breaks what André Gorz quite rightly called the 'structural complicity' that binds the worker to capital, in as much as 'earning money', ever more money, is the decisive goal for both. It makes an initial breach in the 'immanent constraint of the "ever more", "ever more rapidly"'.61¶ The genealogy of neo-liberalism attempted in this book teaches us that the new global rationality is in no wise an inevitable fate shackling humanity. Unlike Hegelian Reason, it is not the reason of human history. It is itself wholly historical – that is, relative to strictly singular conditions that cannot legitimately be regarded as untranscendable. The main thing is to understand that nothing can release us from the task of promoting a different rationality. That is why the belief that the financial crisis by itself sounds the death-knell of neo-liberal capitalism is the worst of beliefs. It is possibly a source of pleasure to those who think they are witnessing reality running ahead of their desires, without them having to move their little finger. It certainly comforts those for whom it is an opportunity to celebrate their own past 'clairvoyance'. At bottom, it is the least acceptable form of intellectual and political abdication. Neo-liberalism is not falling like a 'ripe fruit' on account of its internal contradictions; and traders will not be its undreamed-of 'gravediggers' despite themselves. Marx had already made the point powerfully: 'History does nothing'.62 There are only human beings who act in given conditions and seek through their action to open up a future for themselves. It is up to us to enable a new sense of possibility to blaze a trail. The government of human beings can be aligned with horizons other than those of maximizing performance, unlimited production and generalized control. It can sustain itself with self-government that opens onto different relations with others than that of competition between 'self-enterprising actors'. The

practices of 'communization' of knowledge, mutual aid and cooperative work can delineate the features of a different world reason. Such an alternative reason cannot be better designated than by the term reason of the commons.

Agenda Politics DA

Obama can hold off a veto now – but his political capital is key

Walsh and Barrett 7/16 (Deirdre, Senior Congressional Producer for CNN, Ted, senior congressional producer for CNN Politics, "WH dispatches Joe Biden to lock down Iran deal on Capitol Hill," CNN, 7/16/2015, http://www.cnn.com/2015/07/15/politics/iran-deal-white-house-democrats-congress/)//duncan

Two days after the Iran deal was unveiled, **the** Obama **administration's sales job is in full swing.**¶ Vice President Joe Biden traveled to Capitol Hill on Wednesday to convince House Democrats to support the deal, while a small group of senators were invited to the White House to get their questions answered directly from officials who sat across from the Iranians at the negotiating table. Biden meets with Senate Democrats of the Foreign Relations Committee on Thursday.¶ House lawmakers said Biden was candid about the strengths and weaknesses of the compromise deal. One described his behind closed doors pitch.¶ "I'm going to put aside my notes and talk to you from my heart because I've been in this business for 45 years," Biden said in his opening comments, according to Rep. Bill Pascrell, D-New Jersey, who attended the session.¶ "I'm not going to BS you. I'm going to tell you exactly what I think," the vice president reportedly said.¶ Obama got a boost from the leader of his party in the chamber when Minority Leader Nancy Pelosi formally announced Thursday that she was backing the deal.¶ SInce Republicans in the House and Senate are firmly against the Iran nuclear deal -- announced by President Barack Obama on Tuesday -- **the administration is cranking up its campaign to sway concerned Democrats to back the agreement.**¶ Under legislation that allows Congress to review the agreement, the White House needs to secure enough votes from members of his own party to sustain the President's promised veto on an resolution of disapproval -- 145 in the House and 34 in the Senate.¶ After the session with Biden, several House Democrats stressed that while the process is just beginning, right now **the administration likely has the votes to sustain the President's veto on a resolution to block the deal.**¶ "I'm confident they will like it when they understand it all," the vice president told reporters on his way into the session, beginning what will be a two month campaign culminating in a vote, expected in September.¶ Democrats, both for and against the deal, praised Biden's presentation.¶ "Joe Biden was as good as I've seen him," Rep. John Larson, D-Connecticut, told CNN. "I thought he did an excellent job."¶ Texas Democratic Rep. Henry Cuellar said Biden is a "master of detail" and helped clarify some concerns he had about the verification provisions in the deal, but he still planned to carefully study it and said he was undecided.¶ Pascrell also cited the verification issue as a potential sticking point but said he is leaning 'yes' on the agreement.¶ "On our side of the aisle **there is concern and skepticism shared by a number of members but an openness to be persuaded** if the facts take them that way," Rep. Gerry Connolly of Virginia said. "I think (Biden) made some real progress on behalf of the administration today."¶ But Democratic Rep. Steve Israel of New York, a former member of Democratic leadership, told reporters he wasn't sold yet.¶ "For me, I still have some very significant questions with respect to lifting of the embargo on conventional arms. And missiles. The (International Atomic Energy Agency) verification process for me is not any time anywhere, I think there are some very significant delays built into that," Israel said.¶ Larson noted that both Biden's presentation, along with Hillary Clinton's a day earlier, who he said spoke favorably about the deal, helped lay the groundwork for most Democrats to back the White House.¶ At the same time on Wednesday that the President held a news conference trying to persuade the public he had brokered an strong and effective deal with Iran, Sen. Joe Manchin, a Democrat from West Virginia, and a handful of other senators, were in a separate part of the White House meeting with some of the President's top negotiators, who had just returned from Vienna.¶ "I was very satisfied with an awful lot of the answers we received," Manchin told CNN.¶ **The intimate meeting for senators was another example of the White House's effort to shore up support in the Senate where leaders believe as many as 15 Democrats could oppose the deal.** If they did, it could provide Senate Republicans the votes needed to override a veto of the disapproval resolution and

scuttle the deal.¶ But Manchin, a centrist who has close relations with senators on both sides of the aisle, said at this point he has not detected major blowback from Senate Democrats to the deal.¶ "At caucus yesterday I didn't get a reading there is hard, hard opposition. I did not," he said.¶ In fact, Manchin said he thought Republicans actually might struggle getting the 60 votes they will need to pass the disapproval resolution, much less the dozen or so votes that might be needed to sustain a veto.¶ One key senator whose position will be closely monitored by the White House and his colleagues from both parties on the Hill, is Sen. Chuck Schumer of New York, the third-ranking Democrats who is poised to become the Democratic leader in the next Congress. Schumer has many Jewish voters in his state who are wary of the impact of the Iran agreement on the security of Israel. Schumer said he is skeptical of the deal and won't decide whether to support it before doing his homework.¶ "I will sit down, I will read the agreement thoroughly and then I'm gonna speak with officials -- administration officials, people all over on all different sides," he said when asked about his decision-making process. "Look, this is a decision that shouldn't be made lightly and I am gonna just study this agreement and talk to people before I do anything else."¶ Sen. John McCain, R-Arizona, a leading critic of the agreement with Iran, said "**the pressure will be enormous from the administration," as it tries to keep Democrats from defecting**. As chairman of the Armed Services Committee, McCain said he intends to hold hearings to demonstrate what he calls the "fatal flaws" in the deal.¶ House **conservatives** speaking at a forum sponsored by the Heritage Foundation, a conservative think tank, one after another ripped the Iran deal. But they **conceded that ultimately they may not be able to block it.¶ "**The game is rigged in favor of getting this done" Ohio Rep. Jim Jordan said.

Obama wants national security exemptions – plan costs political capital

Kevin **Gosztola** is an American journalist, author, and documentary filmmaker known for work on whistleblowers, Wikileaks, national security, secrecy, civil liberties, and digital freedom, September 11 20**13**, "Obama Administration Dishonestly Wants Public to Believe It Voluntarily Declassified Secret NSA Documents", CommonDreams.org, http://www.commondreams.org/views/2013/09/11/obama-administration-dishonestly-wants-public-believe-it-voluntarily-declassified

The reality is the Obama administration has specifically sought to exclude national security policies and/or intelligence activities from its public commitment to openness and transparency. The Associated Press reported in March that, though the "Obama administration answered more requests from the public to see government records under the Freedom of Information Act last year," more than ever it is now citing "legal exceptions to censor or withhold the material" in order to "protect national security and internal deliberations." Agencies invoking a record number of national security exemptions included ODNI, the Pentagon, the CIA, the Department of Homeland Security and the Justice Department. The FOIA lawsuits by the ACLU and EFF were an effort to challenge the Obama administration, which has presided over a growing body of secret law. In addition to previously refusing to release secret legal interpretations of a section of the PATRIOT Act, it has fought the release of information on the legal basis for placing a suspected terrorist on a "kill list." It has refused to support regularly declassifying FISA court rulings at least in part or in some other form. The Justice Department has fought the release of two key memos from the Justice Department on when the government has the authority to use GPS tracking. And, when Obama issued "cybersecurity" policy directive that purportedly wrestled with when the US government can and cannot engage in cyber warfare, that remained classified until it was revealed by Snowden.

Failure will spur prolif and war with Iran – the plan tanks Obama's ability to hold off Congress

Beauchamp 14 (Zack – B.A.s in Philosophy and Political Science from Brown University and an M.Sc in International Relations from the London School of Economics, former editor of TP Ideas and a reporter for ThinkProgress.org. He previously contributed to Andrew Sullivan's The Dish at Newsweek/Daily Beast, and has also written for Foreign Policy and Tablet magazines, now writes for Vox , "How the new GOP majority could destroy Obama's nuclear deal with Iran," http://www.vox.com/2014/11/6/7164283/iran-nuclear-deal-congress,)

There is one foreign policy issue on which the GOP's takeover of the Senate could have huge ramifications, and beyond just the US: Republicans are likely to try to torpedo President Obama's ongoing efforts to reach a nuclear deal

with Iran. And they just might pull it off. November 24 is the latest deadline for a final agreement between the United States and Iran over the latter's nuclear program. That'll likely be extended, but it's a reminder that the negotiations could soon come to a head. Throughout his presidency, **Obama has prioritized these negotiations**; he likely doesn't want to leave office without having made a deal. But if Congress doesn't like the deal, or just wants to see Obama lose, it has the power to torpedo it by imposing new sanctions on Iran. Previously, Senate Majority Leader Harry Reid used procedural powers to stop this from happening and save the nuclear talks. But Senate Majority Leader Mitch McConnell may not be so kind, and he may have the votes to destroy an Iran deal. If he tries, we could see one of **the most important legislative fight**s **of Obama's presidency.** Why Congress can bully Obama on Iran sanctions At their most basic level, the international negotiations over Iran's nuclear program (they include several other nations, but the US is the biggest player) are a tit-for-tat deal. If Iran agrees to place a series of verifiable limits on its nuclear development, then the United States and the world will relax their painful economic and diplomatic sanctions on Tehran. "The regime of economic sanctions against Iran is arguably the most complex the United States and the international community have ever imposed on a rogue state," the Congressional Research Service's Dianne Rennack writes. To underscore the point, Rennack's four-page report is accompanied by a list of every US sanction on Iran that goes on for 23 full pages. The US's sanctions are a joint Congressional-executive production. Congress puts strict limits on Iran's ability to export oil and do business with American companies, but it gives the president the power to waive sanctions if he thinks it's in the American national interest. "In the collection of laws that are the statutory basis for the U.S. economic sanctions regime on Iran," Rennack writes, "the President retains, in varying degrees, the authority to tighten and relax restrictions." The key point here is that Congress gave Obama that power — which means they can take it back. "You could see a bill in place that makes it harder for the administration to suspend sanctions," Ken Sofer, the Associate Director for National Security and International Policy at the Center for American Progress (where I worked for a little under two years, though not with Sofer directly), says. "You could also see a bill that says the president can't agree to a deal unless it includes the following things or [a bill] forcing a congressional vote on any deal." Imposing new sanctions on Iran wouldn't just stifle Obama's ability to remove existing sanctions, it would undermine Obama's authority to negotiate with Iran at all, sending the message to Tehran that Obama is not worth dealing with because he can't control his own foreign policy. So **if Obama wants to make a deal with Iran, he needs Congress to play ball**. But it's not clear that Mitch McConnell's Senate wants to. Congress could easily use its authority to kill an Iran deal To understand why the new Senate is such a big deal for congressional action on sanctions, we have to jump back a year. In November 2013, the Obama administration struck an interim deal with Iran called the Joint Plan of Action (JPOA). As part of the JPOA, the US agreed to limited, temporary sanctions relief in exchange for Iran limiting nuclear program components like uranium production. Congressional Republicans, by and large, hate the JPOA deal. Arguing that the deal didn't place sufficiently serious limits on Iran's nuclear growth, the House passed new sanctions on Iran in December. (There is also a line of argument, though often less explicit, that the Iranian government cannot be trusted with any deal at all, and that US policy should focus on coercing Iran into submission or unseating the Iranian government entirely.) Senate Republicans, joined by more hawkish Democrats, had the votes to pass a similar bill. But in February, Senate Majority leader Harry Reid killed new Iran sanctions, using the Majority Leader's power to block consideration of the sanctions legislation to prevent a vote. McConnell blasted Reid's move. "There is no excuse for muzzling the Congress on an issue of this importance to our own national security," he said. So now that McConnell holds the majority leader's gavel, it will remove that procedural roadblock that stood between Obama and new Iran sanctions. To be clear, it's far from guaranteed that Obama will be able to reach a deal with Iran at all; negotiations could fall apart long before they reach the point of congressional involvement. But if he does reach a deal, and Congress doesn't like the terms, then they'll be able to kill it by passing new sanctions legislation, or preventing Obama from temporarily waiving the ones on the books. And make no mistake — imposing new sanctions or limiting Obama's authority to waive the current ones would kill any deal. If Iran can't expect Obama to follow through on his promises to relax sanctions, it **has zero incentive to limit its nuclear program**. "If Congress adopts sanctions," Iranian Foreign Minister Javad Zarif told Time last December, "the entire deal is dead." Moreover, it could fracture the international movement to sanction Iran. The **U**nited **S**tates is far from Iran's biggest trading partner, so it depends on international cooperation in order to ensure the sanctions bite. If it looks like the US won't abide by the terms of a deal, **the broad-based international sanctions regime could collapse**. Europe, particularly, might decide that going along with the sanctions is no longer worthwhile. "Our ability to coerce Iran is largely based on whether or not the international community thinks that we are the ones that are being constructive and [Iranians] are the ones that being obstructive," Sofer says. "If they don't believe that, then the international sanctions regime falls apart." This could be one of the biggest fights of Obama's last term It's true that Obama could veto any Congressional efforts to blow up an Iran deal with sanctions. But a two-thirds vote could override any veto — and, according to Sofer, an override is entirely within the realm of possibility. "There are plenty of Democrats that will

probably side with Republicans if they try to push a harder line on Iran," Sofer says. For a variety of reasons, including deep skepticism of Iran's intentions and strong Democratic support for Israel, whose government opposes the negotiations, Congressional Democrats are not as open to making a deal with Iran as Obama is. Many will likely defect to the GOP side out of principle. The real fight, Sofer says, will be among the Democrats — those who are willing to take the administration's side in theory, but don't necessarily think a deal with Iran is legislative priority number one, and maybe don't want to open themselves up to the political risk. These Democrats "can make it harder: you can filibuster, if you're Obama you can veto — you can make it impossible for a full bill to be passed out of Congress on Iran," Sofer says. **But it'd be a really tough battle, one that would consume a lot of energy and lobbying effort that Democrats might prefer to spend pushing on other issues.** "I'm not really sure they're going to be willing to take on a fight about an Iran sanctions bill," Sofer concludes. "I'm not really sure that the Democrats who support [a deal] are really fully behind it enough that they'll be willing to give up leverage on, you know, unemployment insurance or immigration status — these bigger issues for most Democrats." So if the new Republican Senate prioritizes destroying an Iran deal, **Obama will have to fight very hard to keep it** — without necessarily being able to count on his own party for support. And the stakes are enormous: **if Iran's nuclear program isn't stopped peacefully, then the most likely outcomes are either Iran going nuclear, or war with Iran**. The administration believes a deal with Iran is their only way to avoid this horrible choice. That's why it's been **one of the administration's top priorities** since day one. It's also why this could become one of the biggest legislative fights of Obama's last two years.

Nuke war

Stevens 13 (Philip Stevens, associate editor and chief political commentator for the Financial Times, Nov 14 2013, "The four big truths that are shaping the Iran talks," http://www.ft.com/cms/s/0/af170df6-4d1c-11e3-bf32-00144feabdc0.html)

The who-said-what game about last weekend's talks in Geneva has become a distraction. The six-power negotiations with Tehran to curb Iran's nuclear programme may yet succeed or fail. But wrangling between the US and France on the terms of an acceptable deal should not allow the trees to obscure the forest. The organising facts shaping the negotiations have not changed.¶ The first of these is that Tehran's acquisition of a bomb would be more than dangerous for the Middle East and for wider international security. It would most likely set off a **nuclear arms race** that would see **Saudi Arabia, Turkey and Egypt** signing up to the **nuclear club**. The nuclear **n**on-**p**roliferation **t**reaty would be shattered. A future regional conflict could **draw Israel into launching a pre-emptive nuclear strike.** This is not a region obviously susceptible to **cold war disciplines of deterrence**.¶ The second **ineluctable reality** is that Iran has mastered the nuclear cycle. How far it is from building a bomb remains a subject of debate. Different intelligence agencies give different answers. These depend in part on what the spooks actually know and in part on what their political masters want others to hear. The progress of an Iranian warhead programme is one of the known unknowns that have often wreaked havoc in this part of the world.¶ Israel points to an imminent threat. European agencies are more relaxed, suggesting Tehran is still two years or so away from a weapon. Western diplomats broadly agree that Ayatollah Ali Khamenei has not taken a definitive decision to step over the line. What Iran has been seeking is what diplomats call a breakout capability – the capacity to dash to a bomb before the international community could effectively mobilise against it.¶ The third fact – and this one is hard for many to swallow – is that neither a negotiated settlement nor the air strikes long favoured by Benjamin Netanyahu, Israel's prime minister, can offer the rest of the world a watertight insurance policy.¶ It should be possible to construct a deal that acts as a plausible restraint – and extends the timeframe for any breakout – but no amount of restrictions or intrusive monitoring can offer a certain guarantee against Tehran's future intentions.¶ By the same token, bombing Iran's nuclear sites could certainly delay the programme, perhaps for a couple of years. But, assuming that even the hawkish Mr Netanyahu is not proposing permanent war against Iran, **air strikes would not end it.**¶ You cannot bomb knowledge and technical expertise. To try would be to empower those in Tehran who say the regime will be safe only when, like North Korea, it has a weapon. So when Barack Obama says the US will never allow Iran to get the bomb he is indulging in, albeit understandable, wishful thinking.¶ The **best the** international **community can hope** for is that, in return for a relaxation of sanctions, Iran will make a judgment that it is better off sticking with a threshold capability. To put this another way, if Tehran does step back from the nuclear brink it will be because of **its own calculation of the balance of advantage.**¶ The fourth element in this dynamic is that Iran now has a leadership that, faced with the severe and growing pain inflicted by sanctions, is **prepared to talk**. There is nothing to say that Hassan Rouhani, the president, is any less hard-headed than previous Iranian leaders, but he does seem ready to weigh the options.

XO CP

The president of the United States should eliminate exemptions for surveillance practices for national security and counterterrorism purposes

Executive can take action to curtail surveillance

Straw 14 (Joesph Straw-Published: Friday, January 17, 2014, 6:58 AM Updated: Saturday, January 18, 2014, 1:01 AM "Obama calls for modest constraints on NSA surveillance programs" http://www.nydailynews.com/news/politics/obama-calls-constraints-nsa-surveillance-article-1.1582758)

Regardless of how we got here," Obama said, "the task before us now is greater than simply repairing the damage done to our operations or preventing more disclosures from taking place in the future."¶ National Security Agency leaker Edward Snowden revealed last year that the government legally — but secretly — forces phone companies to turn over billions of records on Americans' calls and stores them.¶ Obama said the NSA will continue to vacuum up billions of U.S. phone call logs, but the government will set up a new, outside entity to store the data.¶ "We have to make some important decisions about how to protect ourselves and sustain our leadership in the world while upholding the civil liberties and privacy protections our ideals and our Constitution require," he said in a speech at Justice Department headquarters.¶ Among his proposals:¶ - Require the government to get approval from a judge before it searches the data, except in emergencies.¶ - Continue NSA monitoring of foreign terror suspects' email accounts, but with protections for the privacy of data on innocent Americans caught in the dragnet.¶ - Establish a panel of public advocates, who would argue before the secret Foreign Intelligence Surveillance Court to protect civil liberties in high-profile cases.¶ Obama asked Congress to approve the establishment of the advocate panel. He would pursue the remainder of his plans by executive order, he said, but welcomed Congress to make his proposals law.¶ Responding to one of Snowden's most embarrassing revelations — that the NSA has eavesdropped on the personal cell phones belonging to close allies like German Chancellor Angela Merkel — Obama said that friendly leaders' phones will not be tracked except when doing so is critical to national security.

Executive orders increase presidential power

Risen 4 [Clay, Managing editor of *Democracy: A Journal of Ideas*, M.A. from the University of Chicago "The Power of the Pen: The Not-So-Secret Weapon of Congress-wary Presidents" The American Prospect, July 16, http://www.prospect.org/cs/articles?article=the_power_of_the_pen]

In the modern era, **executive orders have gone from being a tool largely reserved for internal** White House **operations** -deciding how to format agency budgets or creating outlines for diplomatic protocol -- to **a powerful weapon in defining, and expanding, executive power**. In turn, **presidents have** increasingly **used that power to** construct and **promote social policies on** some of the country's most **controversial issues, from civil rights to labor relations to reproductive health**.

Prez Powers key to check global hotspots

South China Morning Post 2K (South China Morning Post 12/11/00 ProQuest [Newspaper] "Position of Weakness)

A weak president with an unclear mandate is bad news for the rest of the world. For better or worse, the person who rules the United States influences events far beyond the shores of his own country. Both the global economy and international politics will feel the effect of political instability in the US. The first impact will be on American financial markets, which will have a ripple effect on markets and growth across the world. A weakened US presidency will also be felt in global hotspots across the world. The Middle

East, the conflict between India and Pakistan, peace on the Korean peninsula, and even the way relations between China and Taiwan play out, will be influenced by the authority the next US president brings to his job.¶ There are those who would welcome a weakening of US global influence. Many Palestinians, for example, feel they would benefit from a less interventionist American policy in the Middle East. Even within the Western alliance, there are those who would probably see opportunities in a weakened US presidency. France, for example, might feel that a less assertive US might force the European Union to be more outward looking.¶ But the dangers of having a weak, insecure US presidency outweigh any benefits that it might bring. US global economic and military power cannot be wished away. A president with a shaky mandate will still command great power and influence, only he will be constrained by his domestic weakness and less certain about how to use his authority. This brings with it the risks of miscalculation and the use of US power in a way that heightens conflict. There are very few conflicts in the world today which can be solved without US influence. The rest of the world needs the United States to use its power deftly and decisively. Unfortunately, as the election saga continues, it seems increasingly unlikely that the next US president will be in a position to do so.

Security

Both pieces of Schindler evidence here conclude that NSA and programs like PRISM are the opposite of security politics, saying that "PRISM … *breaks* with *earlier* modes of governance that classified individuals as deviant/non-deviant according to their membership in a priori population groups, and *it focuses directly on individuals*" – that turns case

Islamophobia

Secret unwarranted surveillance of mosques proves plan will be circumvented by state and local agencies

Goldman et. al, 2013

(Adam is a analyst for the Associated Press. "NYPD designates mosques as terrorism organizations." http://bigstory.ap.org/article/nypd-designates-mosques-terrorism-organizations. Date Accessed- 07/13/15. Anshul Nanda.)

They're terrorists. They all must be fanatics," said Abdul Akbar Mohammed, the imam for the past eight years at the Masjid Imam Ali K. Muslim in Newark. "That's not right."¶ NEW YORK (AP) — The New York Police Department has secretly labeled entire mosques as terrorist organizations, a designation that allows police to use informants to record sermons and spy on imams, often without specific evidence of criminal wrongdoing.¶ Designating an entire mosque as a terrorism enterprise means that anyone who attends prayer services there is a potential subject of an investigation and fair game for surveillance.¶ Since the 9/11 attacks, the NYPD has opened at least a dozen "terrorism enterprise investigations" into mosques, according to interviews and confidential police documents. The TEI, as it is known, is a police tool intended to help investigate terrorist cells and the like.¶ Many TEIs stretch for years, allowing surveillance to continue even though the NYPD has never criminally charged a mosque or Islamic organization with operating as a terrorism enterprise.¶ The documents show in detail how, in its hunt for terrorists, the NYPD investigated countless innocent New York Muslims and put information about them in secret police files. As a tactic, opening an enterprise investigation on a mosque is so potentially invasive that while the NYPD conducted at least a dozen, the FBI never did one, according to interviews with federal law enforcement officials.¶ The strategy has allowed the NYPD to send undercover officers into mosques and attempt to plant informants on the boards of mosques and at least one prominent Arab-American group in Brooklyn, whose executive director has worked with city officials, including Bill de Blasio, a front-runner for mayor.¶ De Blasio said Wednesday on Twitter that he was "deeply troubled NYPD has labelled entire mosques & Muslim orgs terror groups with seemingly no leads. Security AND liberty make us strong."¶ The revelations about the NYPD's massive spying operations are in documents recently obtained by The

Associated Press and part of a new book, "Enemies Within: Inside the NYPD's Secret Spying Unit and bin Laden's Final Plot Against America." The book by AP reporters Matt Apuzzo and Adam Goldman is based on hundreds of previously unpublished police files and interviews with current and former NYPD, CIA and FBI officials.¶ The disclosures come as the NYPD is fighting off lawsuits accusing it of engaging in racial profiling while combating crime. Earlier this month, a judge ruled that the department's use of the stop-and-frisk tactic was unconstitutional.¶ The American Civil Liberties Union and two other groups have sued, saying the Muslim spying programs are unconstitutional and make Muslims afraid to practice their faith without police scrutiny.¶ Both Mayor Mike Bloomberg and Police Commissioner Raymond Kelly have denied those accusations. Speaking Wednesday on MSNBC's Morning Joe, Kelly reminded people that his intelligence-gathering programs began in the wake of 9/11.¶ "We follow leads wherever they take us," Kelly said. "We're not intimidated as to wherever that lead takes us. And we're doing that to protect the people of New York City."¶ ___¶ The NYPD did not limit its operations to collecting information on those who attended the mosques or led prayers. The department sought also to put people on the boards of New York's Islamic institutions to fill intelligence gaps.¶ One confidential NYPD document shows police wanted to put informants in leadership positions at mosques and other organizations, including the Arab American Association of New York in Brooklyn, a secular social-service organization.¶ Linda Sarsour, the executive director, said her group helps new immigrants adjust to life in the U.S. It was not clear whether the department was successful in its plans.¶ The document, which appears to have been created around 2009, was prepared for Kelly and distributed to the NYPD's debriefing unit, which helped identify possible informants.¶ Around that time, Kelly was handing out medals to the Arab American Association's soccer team, Brooklyn United, smiling and congratulating its players for winning the NYPD's soccer league.¶ Sarsour, a Muslim who has met with Kelly many times, said she felt betrayed.¶ "It creates mistrust in our organizations," said Sarsour, who was born and raised in Brooklyn. "It makes one wonder and question who is sitting on the boards of the institutions where we work and pray."¶ ___¶ Before the NYPD could target mosques as terrorist groups, it had to persuade a federal judge to rewrite rules governing how police can monitor speech protected by the First Amendment.¶ The rules stemmed from a 1971 lawsuit, dubbed the Handschu case after lead plaintiff Barbara Handschu, over how the NYPD spied on protesters and liberals during the Vietnam War era.¶ David Cohen, a former CIA executive who became NYPD's deputy commissioner for intelligence in 2002, said the old rules didn't apply to fighting against terrorism.¶ Cohen told the judge that mosques could be used "to shield the work of terrorists from law enforcement scrutiny by taking advantage of restrictions on the investigation of First Amendment activity."¶ NYPD lawyers proposed a new tactic, the TEI, that allowed officers to monitor political or religious speech whenever the "facts or circumstances reasonably indicate" that groups of two or more people were involved in plotting terrorism or other violent crime.¶ The judge rewrote the Handschu rules in 2003. In the first eight months under the new rules, the NYPD's Intelligence Division opened at least 15 secret terrorism enterprise investigations, documents show. At least 10 targeted mosques.¶ Doing so allowed police, in effect, to treat anyone who attends prayer services as a potential suspect.

Plan won't deter Islamophobia – Fear incentivizes reproduction in politics and the media

Andrea Elizabeth **Cluck**, MA from University of Georgia, 20**12**, "ISLAMOPHOBIA IN THE POST-9/11 UNITED STATES: CAUSES, MANIFESTATIONS, AND SOLUTIONS", https://getd.libs.uga.edu/pdfs/cluck_andrea_e_201208_ma.pdf

In addition to the historical and psychological factors already discussed, various elements within contemporary society also contribute to Islamophobia -- for example, some politicians and media pundits both play a role in perpetuating contemporary anti-Muslim sentiment. Although a detailed discussion of the ways in which politicians and the mass media perpetuate Islamophobia is beyond the scope of the present work, one reason why both groups uphold Islamophobic stereotypes should be discussed here: personal gain. Simply put, some individuals utilize Islamophobia as a currency for personal advancement, including gaining money or societal influence. They are able to do so because genuine Islamophobia does exist; there are Americans who fear or dislike Muslims because of ignorance or erroneous information. Some Americans may fear Muslims, for examples because they mistakenly believe the actions of violent extremists are representative of the aspirations of the majority of Muslims.203 There are other people, however, who do not necessarily believe the stereotypes about Muslims, but nevertheless deliberately perpetuate them, or at least capitalize on those already in existence, in order to achieve personal gain. Deliberately perpetuating negative stereotypes about Islam and Muslims can be done for a variety of reasons, of which we will discuss three: to gain political leverage during elections, to make money through perpetuating Islamophobia in popular media, and to situate the West in a position of power against Muslims. First, Mohamed Nimer notes that "in political seasons, fear of Islam and Muslims has proven to be a useful mobilizer across party lines. The rumor about President (then Senator) Obama's being secretly Muslim serves as a vivid illustration." It was used to dissuade Democrats and Republicans alike from voting for Obama; and Obama quickly moved to disprove the allegations. Nimer notes that rather than "using his

old Muslim ties as an added advantage for any future president who might be dealing heavily with the Muslim world, the senator mobilized supporters, including his church pastor, to provide witness that he is not a Muslim but a practicing Christian." 204 This indicates that "Muslim" is such a pejorative label in the United States today that no good could be salvaged from the situation and Obama had to distance himself from the signifier completely.205 Aside from politicians, media pundits can also utilize Islamophobia for personal gain. Exacerbating Islamophobia can be extremely lucrative; a good deal of money is to be made from books, television shows, films, and countless other creative ventures linking Islam to terrorism. There is truth to the saying "if it bleeds, it leads." A story about an interfaith potluck dinner at a local mosque is not very exciting and unlikely to make the nightly news. Alleged Muslim sleeper cells in the United States are far more newsworthy, however, regardless of the credibility of the claims. To give a concrete example of how polemics can generate cash, at least one of Robert Spencer's popular, controversial works on Islam was a New York Times Bestseller for several weeks.206 In addition to gains at a more personal level for politicians and pundits, Edward Said notes that a widespread policy of Islamophobia puts the West itself in a position of superiority, a position of power, in relation to the Islamic world. In Covering Islam, he discusses this power differential at length. He points out that an "anti-Islam campaign virtually eliminates the possibility of any sort of equal dialogue between Islam and the Arabs."207 Although Americans assume that there is a degree of objectivity in journalism, Said argues that this is often not the case with Islam, and that "all discourse on Islam has an interest in some authority or power;" he takes care in the book to identify the "various groups in society that have an interest in 'Islam' such as academia, the government, corporations, and the media.208 Hence, it should be taken into account that

Islamophobia does not just happen on an individual level among ill-informed individuals, but rather the institutionalized manipulation of Islamophobia for personal gain does exist, and happens in order to achieve political gain, to make money through the popular media, and to perpetuate Western superiority. In summary, historically the primary causal factors of American Islamophobia were Europe's initial contact with Islam, the Puritan worldview, later American religio-political beliefs, Americans' contact with the Muslim world, American art and literature, and finally, later American religious movements. Today, main factors driving Islamophobia include its manipulation for political gain, for financial gain via the mass media, and finally, for the perpetuation of Western superiority.

2NC

Neolib

The first link is democratization – the aff's insistence on "fixing" democracy and reinstituting democratic values only re-entrenches the status quo – previous attempts to expand or "improve" democracy created abusive governments – Even good intent devolves into expansions of the neoliberal state by encouraging political homogenization and cooperation with the Enlightened democracies of the West -

The second link is normalization – the aff's focus on this specific instance of state surveillance obscures and aids the progression of corporate surveillance – it's much easier to attack the existence of physical video cameras rather than deconstruct the cultural normalization of surveillance and its implications, most obvious in the realm of social media, wherein false notions of community lead individuals to willingly hand over their personal info and lives to corporations – the single refusal of state surveillance in the face of increasing corporate surveillance is simply a way to mask the deregulation of the market by global corporations

Terror DA

Terrorism causes Islamophobia – turns case

Mohamed **Nimer** is research director at the Council on American-Islamic Relations and editor of Islamophobia and Anti-Americanism: Causes and Remedies, "Islamophobia and Anti-Americanism: Causes and Remedies", 20**07**, Amana Publications

These demarcations may sound clear and simple, and yet both Islamophobia and anti-Americanism are on the rise. Anti-Muslim feelings in the United States have increased, especially after the terrorists attacks of September 11, 2001 (hereafter referred to as 9/11). Between one-fourth and one-third of Americans hold negative views of Islam and Muslims.1 Opinion leaders, especially on Internet blogs, talk radio, and cable television are increasingly using harsh language to refer to the Islamic faith. Franklin Graham, Jerry Falwell and Pat Robertson, religious leaders often courted by elected officials and politicians, have called Islam "a wicked religion", the Prophet Muhammad "a terrorist," and Muslims "worse than Nazis." A global survey of world public opinion about the United States in November 2005 revealed that uneasy feelings were mutual. In five major Muslim-majority countries, from 51 percent to 79 percent of the respondents expressed unfavorable view of the United States.2 There is a circular cause and effect relationship between Islamophobia and anti-Americanism. Consider the following sequence of events starting arbitrarily with 9/11: the strike by Al-Qaeda left thousands of people dead and injured and triggered the most remarkable anti-Muslim violence in American history and the most vocal wave of anti-Islam rhetoric in the West. The attack is then used to justify the invasion of two Muslim-majority countries: Afghanistan and Iraq, where hundreds of thousands of people have been killed or injured. And this unleashed a wave of terrorist attacks against vulnerable targets of U.S. allies around the world (the bombing of establishments frequented by nationals of U.S. allies in Bali, Indonesia, Casablanca, Morocco, Riyadh, Saudi Arabia, Istanbul, Turkey, Madrid, Spain, London, United Kingdom). We've also witnessed increased American pressures on Muslims here and abroad, including human rights abuses and the use of torture in

the name of national security. Revelations about such practices at Abu Garib and other U.S. holding facilities inflamed anti-American sentiments and may have contributed to the resurgence of al-Qaeda and Taliban in Iraq and Afghanistan. So the pattern is clear: Terrorist attacks against Americans are followed by anti-Muslim rhetoric and policy. This in turn reinforces anti-American sentiment and provokes a new round of terrorist attacks. For those who seek to promote reconciliation, it is pointless to ask which of the two phenomena began first. What is more important is to recognize the positive relationship between the two, namely, as Islamophobia increases, anti-Americanism is strengthened and vice versa.

Third Party Northwestern

Counterplans

Counterplans

Congress Repeal FISA CP

(FISA repeal CP k2 Solv) Courts fail to protect rights—in February, Supreme Court deemed surveillance abuse as "speculative" and dropped the case—only Congress solves

Kaminski 13 (Margot Kaminski is the executive director of the Information Society Project at Yale Law School, "Prism's legal basis: how we got here and what we can do to get back," The Atlantic, June 7, 2013, http://www.theatlantic.com/national/archive/2013/06/prisms-legal-basis-how-we-got-here-and-what-we-can-do-to-get-back/276667/)

The first instinct might be to look to federal courts to protect our constitutional rights. But in February of this year, the Supreme Court effectively closed that avenue of recourse at least with respect to PRISM in Clapper v. Amnesty International. The majority of the Court found that the group of lawyers, journalists, and human rights advocates who challenged the constitutionality of the law that authorizes PRISM could not show that they had been injured by it. The Court explained that the alleged surveillance was too speculative; the group could not get into court unless it showed that surveillance of its members was "certainly impending." One might think that a new lawsuit could show that surveillance is "certainly impending," because we now know that the PRISM program exists. But this is not clear. Any plaintiffs would probably still face the significant hurdle of showing that the government has spied on them in particular, or their foreign correspondents. And while the existence of a similarly pervasive spying program led the Ninth Circuit to find that a similar lawsuit could proceed, that case came down before the recent Supreme Court opinion. **The best solution**, then, **is Congress**. Congress must repeal the FISA Amendments Act, which it regrettably reauthorized in 2012. Otherwise the revelation that the government can and does spy on Americans through Internet companies will chill expression, chill free association, and threaten our society's growing reliance on cloud computing for everything from intimate communications to business transactions. And Congress should reevaluate the secrecy surrounding our entire foreign intelligence-gathering system, because if the past two days have shown anything, it is that lack of oversight leads to extraordinary abuses.

Privacy-Protected Surveillance CP

Privacy-Protected Surveillance allows us to protect privacy rights – while still solving for terrorism

Betts and Sezer 14 (Jennifer Betts, Sakir Sezer, writers for Queen's University Belfast, http://www.researchgate.net/profile/Jennifer_Betts/publication/263013766_Ethics_and_Privacy_in_National_Security_and_Critical_Infrastructure_Protection/links/02e7e539963e847cdb000000.pdf, Ethics and Privacy in National Security and Critical Infrastructure Protection, May 2014)

Privacy by Design [3] is well documented and was recognised in October 2010 as the global standard at the International Conference of Data Protection and Privacy Commissioners. Its developer has co-authored a paper outlining Privacy Protective Surveillance (PPS) [5], a privacy protective alternative to current counter-terrorist surveillance. Based on the Privacy by Design framework, it utilizes current technology tools combining cryptography with machine learning

techniques. PPS [5] has three main technological components. Firstly, 'intelligent virtual agents' search online and transactional databases for suspicious activities. If suspicious activity is detected, any associated personal information associated with it would be encrypted and flagged up for further investigation. Secondly, a system using "Secure Multi-Party Computation methods" would interrogate the encrypted data searching for links between activities and individuals. "Homomorphic encryption" is the suggested encryption method. This would be valuable in allowing data to be analysed while still encrypted, although it is an area requiring technical expertise to decide on its practicality for this purpose. Finally, "probabilistic graphical models", Cavoukian gives the example of Bayesian networks, would perform inferential analysis on the anonymised data to calculate the likelihood of a terrorist threat from the previous analysis of suspicious linked activities. It is only at this point that a warrant would be sought to decrypt any personally identifiable information. The reputation of internet companies such as Google and Facebook have been damaged by the release of the Snowden files. Public trust has been further eroded following media reports that they accepted sums of money from the NSA for their co-operation [24]. Cavoukian believes PPS could improve public perception if, ultimately, internet companies were able to use the methodology to carry out anti-terrorist surveillance on their users' data without having to hand it over to the government. PPS avoids the mining of vast sums of data looking for previously unknown patterns of behaviour. While this can be useful for marketing and profiling for targeted advertising, it produces too many false positives for mass surveillance. The specifically targeted nature of the PPS data analysis technique could therefore help to restore public trust. The proposed methodology attempts to address the ethical area of privacy and trust. Well designed and developed "probabilistic graphical models" could achieve targeted data analysis that would minimise the risk of false positive results and the data of innocent internet users being exposed. Analysis has only been conducted on encrypted data up to the point where there is sufficient suspicion for a warrant to be requested. At the stage where a warrant is issued and data unencrypted, further privacy safeguards could restrict access to the data. The model enables a minimisation of human contact with personally identifiable information that could be further developed. V. CONCLUSION The release of the Snowden files have moved ethical concerns in relation to privacy and trust to a new political level. The ethical concerns of society today shape the policies and legislation of tomorrow, although the events of 2013 have produced a political urgency not generally associated with the slow progress of policy and legislation normally the subject of prolonged consultation and debate. Privacy concerns related to mass data surveillance cannot be fully addressed by politicians and governments. Nor, we believe, should they be. Our paper presents an ethical challenge to researchers and the technology industry. We highlight how a privacy impact assessment tool can be used in critical infrastructure protection to measure the effectiveness of technical security solutions. We also identify the PPS solution with which it is possible to develop policies and technologies that can prevent mass data surveillance violating the privacy a majority of law-abiding citizens have a right to expect. The availability of these solutions challenges policy makers, researchers, engineers and industry to progress their implementation with the objective of promoting and protecting both national security and privacy. If there is not a willingness to do this, we have to ask ourselves why?

Court Legitimacy DA

OFF

Courts will 'narrow' rulings in digital surveillance as applying to pre-digital technology --- Riley sent a signal

Re 14 (Richard M. – Assistant Professor of Law at UCLA Law School, "Narrowing Precedent and the Digital Fourth Amendment," in Res Judicata, 11-24-14, https://richardresjudicata.wordpress.com/2014/11/24/narrowing-precedent-and-the-digital-fourth-amendment/)

My new paper, "Narrowing Precedent in the Supreme Court," is now posted online. (Thanks to LTB for publicizing it!) The basic idea is that the Supreme Court frequently narrows its precedents, including in "liberal" directions, and that doing so is often both legitimate and desirable. In this post, I'd like to make a prediction: in the near future, we are going to see **a lot of narrowing in the area of digital surveillance** and the Fourth Amendment. Here's the paper's abstract, broken into paragraphs: "Narrowing" occurs when a court declines to apply a precedent even though, in the court's own view, the precedent is best read to apply. In recent years, the Roberts Court has endured withering criticism for narrowing in areas such as affirmative action, abortion, the exclusionary rule, campaign finance, and standing. This practice— often called "stealth overruling"—is widely condemned as deceptive, as well as contrary to stare decisis. On reflection, however, narrowing is not stealthy, tantamount to overruling, or even uncommon. Instead, narrowing is a distinctive feature of Supreme Court practice that has been accepted and employed by virtually every Justice. Besides promoting traditional stare decisis values like correctness, fidelity, and candor, legitimate narrowing represents the decisional-law analogue to the canon of constitutional avoidance. As a rule, an en banc appellate court, including the Supreme Court, engages in legitimate narrowing when it adopts a reasonable reading of precedent without contradicting background legal principles. Under this rule, most if not all instances of narrowing during the Roberts Court are readily defensible—including frequently overlooked decisions by the Court's more liberal members. Moreover, prominent cases involving narrowing can be grouped into four categories: experimental narrowing, narrowing rules, narrowing to overrule, and aspirational narrowing. Far from being unusual or unwarranted, narrowing is a mainstay of Supreme Court practice— and a good thing, too. In the paper, one type of narrowing I discuss pertains to defeasible holdings–that is, holdings that can be read as containing implicit exceptions or limitations. This kind of narrowing is **likely to be relevant in future digital Fourth Amendment cases**. The reason is that pre-digital holdings are often written broadly, but **without digital technologies in mind**. Some might cite this circumstance as a reason to conclude that the best reading of the old cases is that **they just don't apply** to then-unforeseen digital technologies. For people who hold that view, pre-digital cases can simply be distinguished, without resorting to narrowing. In the recent Supreme Court case Riley v. California, the Court seemed to take that view, in that it declined to "extend" a pre-digital case to new digital technologies. However, many sophisticated lawyers have taken a broader view of pre-digital cases. Before Riley, for instance, many judges, commentators, and scholars believed that precedents like United States v. Robinson empowered police to search any object on the person of an arrestee. Period. For the many people holding that view–some of whom may have been on the Supreme Court–Riley narrowed Robinson by reasonably reading its expressly "categorical" holding as **implicitly limited to pre-digital technologies**. For instance, in rejecting the argument "that a search of all data stored on a cell phone is 'materially indistinguishable' from searches … of physical items," the Court didn't parse Robinson or any other precedent. Instead, the Court said: "That is like saying a ride on horseback is materially indistinguishable from a flight to the moon." Because smart phones were "nearly inconceivable just a few decades ago," when Robinson and related cases "were decided," the Court was **unconstrained by precedent**. Shortly after Riley, I suggested that the Supreme Court had **effectively signaled to lower courts** that other pre-digital precedents were **susceptible to similar treatment**. To be sure, "vertical" narrowing–that is, a lower court's narrowing of a higher court's precedent–is generally more objectionable than the Supreme Court's "horizontal" narrowing of its own precedent. That's partly because the Supreme Court can overrule its own cases, whereas lower courts can't just reject the contents of the US Reports. Yet Riley points toward a special context in which vertical narrowing makes sense. In cases involving **new**

technologies and the Fourth Amendment, trial courts and courts of appeals seem to have **special license** to draw on Riley's **treatment of digital technologies in reading Supreme Court precedents narrowly**. This kind of pro-defendant narrowing is already happening and is **bound to accelerate**. The most visible recent examples have involved the third-party doctrine. Cases like Smith v. Maryland have long been widely understood to mean that consumers have no reasonable expectation of privacy in their telephone records. Period. But Smith of course predates the modern digital world and so is susceptible to narrowing on that ground. In my view, narrowing provides the best way of understanding recent arguments, like Judge Leon's in Klayman v. Obama, that find Smith inapplicable in light of new technologies. As Judge Leon put it, modern cell phones and the **new surveillance technologies** that track them "are unlike anything that could have been conceived" when Smith was decided. Therefore, Smith's ostensibly broad holding is defeasible. We can expect even **more decisions in this vein** in the years ahead, including from the Supreme Court. On reflection, there's nothing odd about all this. It's how precedent often changes: visibly, without overruling, **and with ample legitimacy**.

The plan overrules Smith v. Maryland

Baker 14 (Stewart – former Assistant Secretary for Policy at the United States Department of Homeland Security, "The third grade and third-party doctrine," in the Washington Post, 1-22-14, https://www.washingtonpost.com/news/volokh-conspiracy/wp/2014/01/22/the-third-grade-and-third-party-doctrine/)

Randy Barnett argues that NSA's metadata program is bad because the government will use the information to target people for their political views and to embrace mission creep. His solution is to leave the metadata in the hands of the phone company. But really, what good would that do? Suppose that, as Randy fears, Congress wakes up one day and decides to use phone metadata to suppress dissent and gun ownership across America. The fact that the data is stored in four or five phone companies' databases rather than NSA's will forestall the Dark Night of Fascism for, oh, about 90 minutes. For the sake of that speedbump, we should give up our ability to identify cross-border terror plots? Randy's solution to that problem is to **overrule** a line of Supreme Court cases (**Smith v. Maryland**) holding that no one has a reasonable expectation of privacy in information they've disclosed to a third party. With Smith v. Maryland set aside, the government would need a search warrant to see the metadata.

*Overruling **uniquely decimates** Court legitimacy*

Kozel 10 (Randy J. – Associate Professor of Law at the University of Notre Dame, "ARTICLE: Stare Decisis as Judicial Doctrine," 67 Wash & Lee L. Rev. 411, 2010, LexisNexis)

A more widely debated example comes from Planned Parenthood of Southeastern Pennsylvania v. Casey, where the Court rejected the argument that Roe v. Wade's central holding should be overruled. n302 The majority was frank in its desire to protect the Court's "capacity to exercise the judicial power and to function as the Supreme Court of a Nation dedicated to the rule of law." n303 It explained that the Court's "power lies . . . in its legitimacy, a product of substance and perception that shows itself in the people's acceptance of the [*463] Judiciary as fit to determine what the Nation's law means and to declare what it demands." n304 That legitimacy, in turn, "depends on making legally principled decisions under circumstances in which their principled character is sufficiently plausible to be accepted by the Nation." n305 And while the country ordinarily tolerates the Court's occasional need to revisit precedents, where a decision "resolve[s] the sort of intensely divisive controversy reflected in Roe and those rare, comparable cases," that decision must receive "equally rare precedential force to counter the inevitable efforts to overturn it and to thwart its implementation." n306 Casey thus made clear that at least in "rare" situations of acute "national controversies," the Court will be **extraordinarily reluctant** to overrule its precedents based on concerns over perceived legitimacy. n307

Judicial credibility is critical to democracy, the environment, and gun control

Jawando, Vice President of Legal Progress at the Center for American Progress, 15

(Michele, Sean Wright is the Policy Analyst for Legal Progress at the Center, "Why Courts Matter," https://www.americanprogress.org/issues/civil-liberties/report/2015/04/13/110883/why-courts-matter-2/)

No matter the issue—whether it's marriage equality, voting rights, **health care**, or **immigration**—the U.S. federal courts play a **vital role** in the lives of all Americans. There are two types of courts: state and federal. The federal courts are those established to decide disagreements that concern the Constitution, congressional legislation, and certain state-based disputes. Although most Americans are familiar with the lifetime appointment of justices on the U.S. Supreme Court, many are surprised to learn that more than 900 judges have lifetime appointments to serve on lower federal courts, where they hear many more cases than their counterparts on the Supreme Court. Each year, the Supreme Court reviews around 100 of the most significant cases out of the nearly 30 million cases resolved by state and federal courts. These courts hear the majority of cases and, most of the time, they have the final say. That is why, along with the Supreme Court's justices, the judges who sit on the nation's federal district and circuit courts are so important. At any given time, there are vacancies on U.S. federal courts that need to be filled. If they are not filled, federal caseloads get backlogged, and as a result, Americans' access to justice is limited. As of March 9, 2015, there were 50 current vacancies on U.S. federal courts. These seats have been vacant for a total of 22,222 days, resulting in a backlog of 29,892 cases. The Administrative Office of the United States Courts has designated 23 of these pending vacancies as judicial emergencies, meaning that filling them is a critical task. As the Center for American Progress has noted, "in practical terms," these are the judicial districts "where judges are overworked and where justice is being significantly delayed for the American public." The Constitution dictates that the president appoints federal judges while the Senate advises and consents on these appointments. The result is a delicate balance between the desires of the White House, deference to home-state senators, and the power of the party that controls the Senate. Recently, politics has played a big role in the pace at which judicial nominees are confirmed. In an attempt to slow President Barack Obama's effect on the federal courts, Senate Republicans have obstructed the president's judicial nominees at unprecedented levels by attempting to prevent or delay a vote through filibustering a record number of nominees and making them await confirmation for long periods of time. The reason many Senate Republicans have played politics with President Obama's judicial nominees is because they know the **dramatic impact** the judiciary can have on policies, including marriage equality and reproductive choice. The fewer judges that President Obama appoints to fill federal judicial vacancies, the greater leverage the next president will have in deciding the make-up of these courts. Yet in the face of unprecedented obstruction, President Obama has made great strides to fill vacancies and to ensure that federal judges meaningfully reflect the dynamic diversity of the nation. A diverse federal bench improves the quality of justice and instills confidence that judges understand the **real-world** implications of their decisions. Americans have different backgrounds, as well as an assorted set of professional, educational, and life experiences. It is important that the federal courts reflect the diversity of the public they serve. As Supreme Court Justice Sonia Sotomayor once wrote, "The dynamism of any diverse community depends not only on the diversity itself but on promoting a sense of belonging among those who formerly would have been considered and felt themselves outsiders." Furthermore, scholars have found that judges often change their minds during the deliberative process. In one study, researchers concluded that having a woman on the panel affected "elements of both deliberation and bargaining—alternative perspectives, persuasive argument, and horse trading." Not only do the federal courts play a **vital role** in preserving democracy, but who sits on the courts has an effect too. This issue brief examines the ways in which our federal courts influence **important policy issues** and illustrates how judges' decisions are often aligned with the legal philosophy of the presidents who appoint them. This fact drives home one of the reasons why courts matter: The decisions of federal judges have repercussions on people's lives. Through its review of how the federal courts affect three specific policy issues—**gun violence**, **money in politics**, and **voting rights**—this issue brief shines a light on how important the federal courts are for the progressive community. Federal courts affect the issues that progressives care about Gun violence Gun violence has become all too familiar in America. However, research shows that reasonable gun control efforts decrease its occurrence. In particular, the Center for American Progress has determined that there is "a clear link between high levels of gun violence and weak state gun laws," and that "the 10 states with the weakest gun laws collectively have an aggregate level of gun violence that is more than twice as high—104 percent higher, in fact—than the 10 states with the strongest gun laws."In short, evidence shows that with more guns, there are more gun deaths. U.S. federal courts **play a significant role** in determining whether states can impose **reasonable gun regulations**. For 70 years, the Supreme Court never took a case that dealt with the Second Amendment and the right to bear arms. But in 2008, in District of Columbia v. Heller, five Supreme Court justices appointed by Republican presidents changed course, holding that the Second Amendment protects an individual's right to possess a firearm unconnected with militia service. Four justices appointed to the Court by Democratic presidents disagreed. Less than one day after the decision, gun rights activists began to flood courts with lawsuits that challenged any and all gun regulations. According to the Law Center to Prevent Gun Violence, since the Heller decision, federal and state courts have issued more than 700 decisions on Second Amendment challenges. In many of these cases, judges appointed by Republican presidents have struck down gun regulations, while judges appointed by Democratic presidents have interpreted the Supreme Court's decision **less broadly** and upheld them. For example, there is an ongoing debate over the states' right to impose regulations on applicants for concealed-carry permits. Prior to Heller, many states required a permit applicant to show "good cause" or a "justifiable need" to carry a gun in public. After reviewing these common-sense laws, panels of the U.S. Courts of Appeals for the 7th and 9th Circuit struck them down. In Peruta v. County of San Diego, two judges appointed by Republican presidents struck down California's requirement that concealed-carry permit applicants show "good cause" before carrying guns in public, with the majority

interpreting the Second Amendment in an expansive manner. This prompted Judge Sidney Thomas, who was appointed by a Democratic president, to author a vigorous dissent: This case involves California's "presumptively lawful" and longstanding restrictions on carrying concealed weapons in public and, more specifically, an even narrower question: the constitutionality of San Diego County's policy of allowing persons who show good cause to carry concealed firearms in public. When we examine the justification provided for the policy, coupled with Heller's direction, our conclusion must be that the County's policy is constitutional. Unfortunately, the majority never answers the question posed. Instead, in a sweeping decision that unnecessarily decides questions not presented, the majority not only strikes down San Diego County's concealed carry policy, but upends the entire California firearm regulatory scheme. The majority opinion conflicts with Heller, the reasoned decisions of other Circuits, and our own case law. Therefore, I must respectfully dissent. As Judge Thomas noted, other courts have upheld state laws that **promote public safety**. Judges on the Courts of Appeals for the 2nd, 3rd, and 4th Circuit have found that laws requiring permit applicants to show **"good cause"** do not interfere with the Second Amendment and instead promote balancing gun use with safety. In each of the decisions, judges appointed by Democratic presidents upheld longstanding permit regulations that are utilized by states across the country. The Heller decision emboldened gun rights groups. One particular organization, the Second Amendment Foundation, or SAF, has adopted a legal strategy of "swinging for the fences and often making very broad constitutional arguments."[xxiv] Alan Gottlieb, the SAF's founder, has said, "Our feeling is strike while the iron is hot … [t]hen weave [the case law] into a spider web that's strong enough so our opponents can't get through it." Money in politics America's representative democracy rests on the notion that elected officials are responsive to the people who elect them. Currently, however, political campaigns and elections are dominated by large amounts of money from individuals, corporations, and special interests that politicians rely on to run for office. During the 2014 election cycle, mega-donors dominated spending, with the top 100 campaign donors pouring in nearly enough money to match some 4.75 million small donors combined.[xxvi] The Center for Responsive Politics found that "just 666,773 individuals had donated more than $200 to campaigns, parties and political action committees in the 2014 election cycle." This means that only 0.2 percent of the population financed the midterm elections. This is concerning because, as a recent study detailed, "the preferences of economic elites … have far more independent impact upon policy change than the preferences of average citizens do." New research makes clear that members of Congress are more likely to meet with a constituent if they say they are a campaign donor. As Adam Lioz wrote in The American Prospect, "[T]he wealthy prefer policies that make them even richer … and government responds almost exclusively to their preferences. He who pays the piper calls the tune." Why has the United States seen such an expansion of special interest money in its electoral system? One does not have to look much further than **the federal courts**. In a series of high-profile decisions, the Supreme Court has turned campaign finance law upside down. In a 1976 case known as Buckley v. Valeo, the Supreme Court determined that spending money for political campaign purposes was a form of speech protected by the First Amendment. This money-is-speech rationale was used to strike down portions of the campaign finance reforms that followed the Watergate scandal. It has also been used to open the floodgates for more money in politics. In the now infamous Citizens United v. Federal Election Commission, five justices appointed by Republican presidents held that, although entities such as corporations could not contribute directly to individual political campaigns, they could contribute unlimited amounts of money to independent political action committees, or PACs. This decision caused an "explosion of political money," epitomized by the continued growth of super PACs—independent entities that can raise unlimited amounts of money from corporations, unions, and individuals but are prohibited from coordinating with a political candidate's campaign. This ruling prompted an impassioned dissent by Justice John Paul Stevens and three justices appointed by Democratic presidents. They lamented that, "While American democracy is imperfect, few outside the majority of this Court would have thought its flaws included a dearth of corporate money in politics." The Supreme Court continued to loosen restrictions on campaign funding in McCutcheon v. Federal Election Commission, in which the same five justices appointed by Republican presidents struck down the aggregate campaign contribution limits, which restricted how much money a donor could contribute to all candidates for federal office combined. The Court held that this limitation was a violation of the First Amendment. In McCutcheon, four justices appointed by Democratic presidents dissented and would have upheld the reasonable contribution limits that Congress imposed. The lower federal courts have been obligated to follow the decision, prompting one federal judge to exclaim, "Today's reality is that the voices of 'we the people' are too often drowned out by the few who have **great resources."** These two opinions bookend the campaign finance revolution that has taken place under Chief Justice John Roberts. All told, the Roberts Court has struck down seven campaign finance regulations. This revolution has had dire consequences. To campaign finance expert Richard Briffault, "[t]he rise of **super PACs** suggests that the real impact of Citizens United may be the re-validation of the **unlimited use** of private wealth generally in elections, not just spending by corporations and unions." The last presidential election is a **case in point**. During the 2012 election cycle, super PACs "spent more than $1 billion, including more than $300 million contributed by donors whose identities were never disclosed." These amounts triple the amounts spent by outside groups in either 2008 or 2010. And it seems that the amount of money corporations and shady super PACs spend on elections will only continue to increase. Unfortunately, Justice Stephen Breyer's concern in McCutcheon appears to be prophetic: "Where enough money calls the tune, the general public will not be heard." Voting rights In the years of Jim Crow and segregation, voters faced overt challenges to their right to vote, including grandfather clauses, poll taxes, literacy tests, and blatant intimidation and violence. In response to these oppressive and undemocratic practices, legal protections, such as the Voting Rights Act, or VRA, of 1965, were passed in order to help ensure that eligible voters could exercise their right to vote. The VRA has been called the nation's most powerful civil rights law. However, as a nation, we are still far from ensuring that all Americans have equal access to the polls. According to the Brennan Center for Justice, in 2013 alone, 33 states introduced at least 92 restrictive voting bills. On top of that, researchers found that higher voter turnout among minorities in a given state increased the likelihood that the state would propose restrictive voting laws. These restrictive measures have been found to have a disproportionate effect on people of color, those for whom English is a second language, young people, the indigent, and the elderly. U.S. federal courts play a large role in enforcing the laws that protect voters from discrimination and intimidation. In 2013, in Shelby County v. Holder, five Supreme Court justices appointed by Republican presidents gutted the VRA by ruling that the formula stipulated in Section 4(b) to determine which states were subject to Section 5 "preclearance" before the implementation of changes to state or local voting laws was unconstitutional. The ruling made it harder for the federal government, including the courts, to hold states accountable for discriminatory voting practices. The four justices appointed by Democratic presidents wanted to keep the VRA protections in place. Although Shelby County was a setback for voters, other sections of the VRA still exist and are being used to fight voting-related discrimination and to require states to provide appropriate assistance to large populations of eligible voters that speak foreign languages. Recently in Texas, a federal judge who was appointed by a Democratic president determined that the state's new voting law intentionally discriminated against communities of color, violated the VRA, and constituted an unconstitutional poll tax that could disenfranchise nearly 600,000 registered Texans. For this reason, America's federal courts will continue to determine how to apply these protections in order to help ensure that

all voters have an equal right to vote. Conclusion In 1929, legendary civil rights lawyer Charles Hamilton Houston said, "A lawyer's either a social engineer or … a parasite on society." He described a social engineer as "a highly skilled, perceptive, sensitive lawyer who [understands] the Constitution of the United States and [knows] how to explore its uses in the solving of problems of … local communities" and in "bettering conditions of the underprivileged citizens." In this light, Houston believed that lawyers should use their training and their prestige in the community to better society and to promote justice. When articulating the ideal temperament of a judge, President Obama evoked Houston's sentiments by listing "empathy" as a key trait. Collectively, this means that judges must understand the real-world implications of legal decisions. This is a critical ability because the federal courts have an impact on every issue that affects Americans' daily lives. U.S. federal courts ensure **equality**, **defend civil rights**, **protect the environment**, **affect the health of America's democracy,** and **keep the nation safe.** While Americans often feel that the federal courts are untouchable, it is important to know that they can play a large role in how these courts rule, as those responsible for filling the benches of U.S. federal courts are responsive to the democratic process and the input of American citizens. Presidents nominate judges who share their beliefs and values. And because they serve for life, federal judges have a huge impact on the issues that affect the lives of all Americans. Control of the Senate also matters, as senators are responsible for confirming or rejecting the president's nominees. Senators play a large role in identifying lawyers for the White House to nominate and can control the pace of the nomination process. The first step in the process toward confirming judges who understand the real-world implications of legal decisions is to continue working to appoint judges who meaningfully reflect America's diverse experiences. The United States needs its courts to be staffed with Houston's social engineers—those who faithfully adhere to the rule of law but who are equally faithful to their constitutional obligations to promote justice and fairness. Instead of siding with **ideological pursuits**, America's judges must uphold **the Constitution and the nation's laws.**

Strong gun control measures are key to Latin-American Relations, U.S.-Mexico Relations, and preventing Latin American instability

Sweig 13 – Julia E., Nelson and David Rockefeller Senior Fellow for Latin America Studies and Director for Latin America Studies @ the Council on Foreign Relations, "A Strategy to Reduce Gun Trafficking and Violence in the Americas" http://www.cfr.org/arms-industries-and-trade/strategy-reduce-gun-trafficking-violence-americas/p31155

The flow of high-powered weaponry from the **U**nited **S**tates to Latin America and the Caribbean **exacerbates soaring rates of gun-related violence in the region** and **undermines U.S. influence** in the Western Hemisphere. Though the Senate rejected measures to expand background checks on firearms sales, reinstate a federal assault-weapons ban, and make straw purchasing a federal crime, **the Obama administration can still take executive action** to reduce the **availability and trafficking of assault weapons and ammunition in the Americas.** The Problem With the launch of the Merida Initiative in 2007, the U.S. and Mexican governments agreed to a regional security framework guided by the principle of shared responsibility. Among its domestic obligations, the **U**nited **S**tates committed to intensify its efforts to combat the illegal trafficking of weapons and ammunition to Mexico and elsewhere in the Americas. Six years later, **little has changed**: the U.S. civilian firearms market continues to supply the region's transnational criminal networks with high-powered weaponry that is purchased with **limited oversight**, especially from unlicensed individuals at gun shows, flea markets, pawn shops, and on the Internet. Lax U.S. gun laws **enable straw purchasers**, including those under investigation in Operation Fast and Furious, to legally procure thousands of AK-47 and AR-15 variants every year and traffic them across the border to sell them illegally to criminal factions. U.S. government data highlights the problem. The Bureau of Alcohol, Tobacco, Firearms and Explosives' (ATF) Web-based firearm trace request and analysis system, eTrace, enables law enforcement officials to collaborate with ATF to track the path of recovered weapons from the manufacturer or importer though the distribution chain to the first retail purchase. Over 70 percent of the ninety-nine thousand weapons recovered by Mexican law enforcement since 2007 **were traced to U.S. manufacturers and importers.** Likewise, 2011 eTrace data for the Caribbean indicates that over 90 percent of the weapons recovered and traced in the Bahamas and over 80 percent of those in Jamaica came from the United States. The ATF has not released data for Central America, but the numbers are likely similar. The UN Office on Drugs and Crime reports that easy access to firearms is a **major factor influencing homicide trends in Latin America and the Caribbean**; the gun-related homicide rate in Latin America exceeded the global average in 2010 by **more than 30 percent**. The World Bank estimates that crime and violence cost Central America nearly 8 percent of its GDP when accounting for the costs of law enforcement, security, and health care. The U.S. government has empowered law enforcement in the region to recover and investigate the source of weapons used by

criminal factions. In December 2009, the ATF introduced the Spanish version of eTrace. Since 2012, the State Department has funded the Organization of American States' (OAS) program to provide firearm-marking equipment and training to law enforcement in twenty-five countries. Yet, these efforts notwithstanding, Mexican authorities intercepted **only 12.7 percent of the roughly 250,000 guns smuggled into Mexico between 2010 and 2012**, while the ATF intercepted **no more than 2 percent**. In effect, the **U**nited **S**tates undermines its own efforts at preventing arms trafficking with its unwillingness to strengthen oversight of the firearms industry and lukewarm support for multilateral agreements. The United States is one of three countries that have not ratified the Inter-American Convention Against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials (CIFTA). In addition to requiring parties to criminalize the illegal manufacture, import, or export of high-powered weapons, the treaty encourages information exchange and cooperation on initiatives including the marking and tracing of weapons and the identification of criminal transit routes. President Bill Clinton signed CIFTA in 1997 and submitted it for ratification to the Senate, where it has lingered for over a decade. Likewise, although the United States voted in favor of the United Nations' Arms Trade Treaty in April 2013, it has yet to sign or ratify the treaty. Given the political complexity of legislative action to reduce arms trafficking, Latin American governments have moved to disarm criminal networks by tightening their own gun codes: Mexico prohibits the sale of handguns with calibers greater than .38 and Colombia bans civilians from carrying firearms in Medellin and Bogota. Brazil, Mexico, and El Salvador have implemented gun buyback programs. At the 2012 Summit of the Americas, heads of state demanded a new approach to the failed war on drugs, including greater efforts to disarm criminal networks. U.S. allies have repeatedly urged the **U**nited **S**tates to reinstate the federal assault-weapons ban and take action against weapons trafficking. Their patience—and the **U**nited **S**tates' **credibility** as a responsible partner—**is waning**. U.S. action will strengthen those regional heads of state who want to work with the United States and who also regard lax U.S. gun laws as fueling violence and **anti-Americanism among their own publics**. Across the board, Latin American governments are turning toward the Community of Latin American and Caribbean States and the Union of South American Nations, which **pointedly exclude the United States,** to handle regional political and security dilemmas. Stronger action to regulate the southward flow of weapons represents an opportunity for the Obama administration to enhance U.S. relevance in the region, especially at the early stages of new regional institutions and security protocols. Recommendations In the absence of major legislative action, the Obama administration should pursue the following executive and diplomatic actions—consistent with the Second Amendment—to reduce the trafficking of firearms that contribute to crime and violence across the Americas: Expand nationwide the state-level multiple-sale reporting requirement for assault weapons. In 2011, the Obama administration adopted a federal rule that requires gun dealers in California, Texas, Arizona, and New Mexico to report sales of more than two semiautomatic rifles to the same person within a five-day period. Unintentionally, the rule shifted gun sales to states not covered by the requirement, prompting the need for improved oversight of all suspicious semiautomatic firearm sales. Incorporate strategies to reduce existing stocks of illegal firearms into U.S.-Brazil dialogue on defense and security. As home to the two largest firearms industries in the hemisphere, the United States and Brazil have a mutual interest in incorporating this topic into their ongoing bilateral policy dialogues. For example, sharing best practices regarding gun buyback programs in border regions on the U.S.-Mexican and Brazilian-Bolivian borders will build mutual confidence between the two largest Hemispheric powers. Exclude firearms and ammunition products from the Export Control Reform Initiative. As currently crafted, President Barack Obama's reform initiative may make it easier for U.S. manufacturers to export military-style weapons to allies. Liberalizing export restrictions on firearms poses a serious security risk to the Americas; potential reexport of firearms without U.S. oversight could jeopardize local law enforcement efforts to keep weapons from criminal groups and rogue security forces in the region. Apply the "sporting test" standards of the 1968 Gun Control Act. This provision prohibits the import of weapons not "suitable or readily adaptable for sporting purposes," including but not limited to military-style firearms. Throughout the 1990s, under Presidents George H.W. Bush and Bill Clinton, the ATF adhered to the sporting test guidelines, preventing thousands of assault weapons from entering the U.S. firearms market. Enforcement of the test lapsed under President George W. Bush and has not been reestablished under President Obama. Continue to support federal, state, and local initiatives to improve regulation of the U.S. civilian firearms market. As grassroots organizations prepare their long-term legislative strategies, the White House should back state and local legislation, based on reforms in Maryland and Connecticut, which bans the sale of assault rifles and high-capacity magazines, broadens existing background check requirements for firearm purchases, and modernizes gun-owner registries by requiring, among others, that buyers submit their fingerprints when applying for a gun license. While piecemeal regulation of the U.S. civilian firearms market does not represent a comprehensive solution, passage of state and local measures, including gun buyback programs, will reduce the number of weapons in circulation and available for smuggling and generate momentum for a broader federal approach over the long run. Conclusion Strengthening U.S. gun laws will not eliminate gun violence in Latin America, where weak judiciaries and police forces, the proliferation of gangs and black markets, and deep inequality exacerbate violent conflict. Nonetheless, lax U.S. gun regulations do **enable international trafficking**. While the effects of tighter regulation will not be felt overnight, such steps **will offset widespread regional views that the United States remains indifferent to its own role in exacerbating one of Latin America's most significant challenges.** Although

recent federal gun control measures have run aground on congressional opposition, the Obama administration retains considerable leeway in the foreign policy arena, where concerted action can help U.S. allies in Latin America make the case to their constituents and to other skeptical governments that the **U**nited **S**tates **can be a legitimate partner in combating transnational crime**. At a juncture in U.S.-Latin American relations that again features both **tension and opportunity,** these actions will demonstrate that the **U**nited **S**tates is prepared, if imperfectly, to **fulfill its shared responsibility for regional security and enhance American standing and positive influence in Latin America.**

Great power war

Krepinevich & Lindsey 13 Dr. Andrew F. Krepinevich, Jr. is the President of the Center for Strategic and Budgetary Assessments, which he joined following a 21- year career in the U.S. Army. He has served in the Department of Defense □s □□ce of □et Assessment, on the personal sta□ of three secretaries of defense, the □ational Defense Panel, the Defense Science Board Task Force on Joint Experimentation, and the Defense Policy Board. He is the author of 7 Deadly Scenarios: A Military Futurist Explores War in the 21st Century and The Army and Vietnam. A West Point graduate, he holds an M.P.A. and a Ph.D. from Harvard University—AND—Eric Lindsey is an analyst at the Center for Strategic and Budgetary Assessments (CSBA). His primary areas of interest concern U.S. and world military forces, both current and prospective, and the future strategic and operational challenges that the U.S. military may face. Since joining CSBA in 2009, Eric has contributed to a number of CSBA monographs. He most recently co-authored The Road Ahead, an analytical monograph exploring potential future challenges and their implications for U.S. Army and Marine Corps modernization. In conjunction with his research and writing, Eric has helped design and conduct dozens of strategic and operational-level wargames exploring a wide variety of future scenarios. He holds a B.A. in military history and public policy from Duke University and is pursuing an M.A. in strategic studies and international economics from the Johns Hopkins School of Advanced International Studies (SAIS). "Hemispheric Defense in the 21ST Century, 2013

As the previous chapter demonstrates, for the past two hundred years the principal cause of **concern** for U.S. defense policymakers and planners thinking about **Latin America** has been **the prospect that great powers** outside the Western Hemisphere **could exploit the** military **weakness and** internal **security challenges of the states** within it **to threaten U.S. security**. While there is reason for optimism about the future of Latin America,58 there is also cause for concern. The region faces enduring obstacles to economic59 and political development60 as well as signi□cant internal security challenges. As General John Kelly, the commander of U.S. Southern Command (SOUTHCOM)61 noted in his March 2013 posture statement before Congress, Latin America: □I□s a region of enormous promise and exciting opportunities, but it is also one of persistent challenges and complex threats. It is a region of relative peace, low likelihood of interstate con□icts, and overall economic growth, yet is also home to corrosive criminal violence, permissive environments for illicit activities, and episodic political and social protests.62 The instability and non-traditional security challenges that General Kelly cites provide potential opportunities for the United States' **major rivals to** (borrowing a term from Monroe's declaration) "**interpose**" themselves **into the region and**, by so doing, **threaten regional stability and U.S. security**. Two discernible trends suggest that current and prospective **Eurasian rivals** could seek to exploit regional conditions and dynamics in ways that could impose immense costs on the United States and **divert** its **attention from** more **distant theaters overseas**. The first trend is **a return to a heightened level of competition among the "great powers"** following two decades of U.S. dominance. The second trend concerns the growing cost of projecting power by traditional military means due to the proliferation of "anti-access/area-denial" (A2/AD) capabilities in general, and precision-guided munitions (PGMs) in particular. These trends suggest that, despite a possible decline in relative U.S. power, external forces will continue to □nd it beyond their means to threaten the hemisphere through traditional forms of power projection. Far more likely is a return of a competition similar to that which the United States engaged in with the Soviet Union during the Cold War. During that period both powers sought to avoid direct con□ict with the other, given the risks of escalation to nuclear con□ict. Instead each focused primarily on gaining an advantage over the other through the employment of client states and non-state groups as proxies. Proxies were employed for reasons other than avoiding a direct clash, such as gaining positional advantage (e.g., enabling the sponsor to establish bases in its country, as the Soviets did in Cuba). Proxies were also employed as a means of diverting a rival's attention from what was considered the key region of the competition and to impose disproportionate costs on a rival (e.g., Moscow's support of □orth Vietnam as a means of drawing o□ U.S. resources from Europe). This chapter outlines trends in the Western Hemisphere security environment that outside powers may seek to exploit to advance their objectives in ways that threaten regional stability and U.S. security. This is followed by a discussion of how these external powers might proceed to do so. Seeds of Instability Crime, Illicit Networks, and Under-Governed Areas Latin America has a long history of banditry, smuggling, and organized crime. As in the case of Pancho Villa and the 1916-1917 Punitive Expedition, these activities have occasionally risen to a level at which they in□uence U.S. national security calculations. Rarely, however, have these activities been as pervasive and destabilizing as they are today. Although a wide variety of illicit activity occurs in Latin America, criminal organizations conducting drug tra□cking are the dominant forces in the Latin American underworld today, accounting for roughly □□0 billion per year63 of an estimated □100 billion in annual illicit trade.6□ Since the Colombian cartels were dismantled in the 1990s, this lucrative trade has been dominated by powerful Mexican cartels whose operations extend across the length and breadth of Mexico, as well as up the supply chain into the cocaine-producing regions of the Andean Ridge and through their wholesale and retail drug distribution networks across the United States.65 The cartels, along with countless smaller criminal organizations, comprise what the head of SOUTHCOM has described as, □a□n interconnected system of arteries that traverse the entire Western Hemisphere, stretching across the Atlantic and Paci□c, through the Caribbean, and up and down □orth, South, and Central America . . . □a□ vast system of illicit pathways □that is used□ to move tons of drugs, thousands of people, and countless weapons into and out of the United States, Europe, and Africa with an e□ciency, payload, and gross pro□t any global transportation company would envy.66 That being said, the drug tra□cking underworld is by no means a monolithic entity or cooperative alliance. Rather, it is a fractious and brutally competitive business in which rival entities are constantly and literally □ghting to maximize their share of the drug trade and for control of the critical transshipment points, or plazas, through which it □ows. To attack their competitor's operations and protect their own operations from rivals and the Mexican government's crackdown that began in 2006, the cartels have built up larger, better armed, and more ruthless forces of hired gunmen known as sicarios. Using the billions of dollars generated by their illicit activities, they have acquired weapons and equipment formerly reserved for state armies or state-sponsored insurgent groups, including body armor, assault ri□es, machine guns, grenades, landmines, anti-tank rockets, mortars, car bombs, armored vehicles, helicopters, transport planes, and—perhaps most remarkably—long-range submersibles.67 The cartels' pro□ts have also enabled them to hire former police and military personnel, including members of several countries' elite special operations units68 and, in several cases, active and former members of the U.S. military.69 These personnel bring with them—and can provide to the cartels—a level of training and tactical pro□ciency that can be equal or superior to those of the government forces they face. As a result of this pro□ciency and the military-grade weapons possessed by the cartels, more than 2,500 Mexican police o□cers and 200 military personnel were killed in confrontations with organized crime forces between 2008 and 2012 along with tens of thousands of civilians.70 In the poorer states of Central America, state security forces operate at an even greater disadvantage.71 While their paramilitary forces enable the cartels to dominate entire cities and large remote areas through force and intimidation, they are not the only tool available. The cartels also leverage

their immense wealth to buy the silence or support of police and government o□cials who are often presented with a choice between plata o plomo—"silver or lead." According to the head of the Mexican Federal Police, around 2010 the cartels were spending an estimated □100 million each month on bribes to police.72 By buying o□ o□cials—and torturing or killing those who cannot be corrupted—the cartels have greatly undermined the e□ectiveness of national government forces in general and local police in particular. This, in turn, has undermined the con□dence of the population in their government's willingness and ability to protect them. Through these means and methods the cartels have gained a substantial degree of de facto control over many urban and rural areas across Mexico, including major cities and large swathes of territory along the U.S.-Mexico border. In many of these crime-ridden areas the loss of con□dence in the government and police has prompted the formation of vigilante militias, presenting an additional challenge to government control.73 Meanwhile, in the "northern triangle" of Central America (the area comprising Guatemala, Honduras, and El Salvador through which the cartels transship almost all cocaine bound for Mexico and the United States) the situation is even more dire. Approximately 90 percent of crimes in this area go unpunished, while in Guatemala roughly half the country's territory is e□ectively under drug tra□ckers' control.7□ Further south, similar pockets of lawlessness exist in coca-growing areas in Colombia, Venezuela, Ecuador, Peru, and Bolivia. In Colombia and along its borders with Venezuela, Ecuador, and Peru, much of the coca-growing territory remains under the control of the Revolutionary Armed Forces of Colombia, or FARC. A guerrilla organization founded in the 1960s as a Marxist-Leninist revolutionary movement dedicated to the overthrow of the Colombian government, the FARC embraced coca growing in the 1990s as a means of funding its operations and has subsequently evolved into a hybrid mix of left-wing insurgent group and pro□t-driven cartel.76 This hybrid nature has facilitated cooperation between the FARC and ideological sympathizers like the Bolivarian Alliance, Hezbollah, Al Qaeda in the Islamic Maghreb, and other extremist groups77 as well as with purely criminal organizations like the Mexican cartels. Although the FARC has been greatly weakened over the past decade and no longer poses the existential threat to the Colombian government that it once did, it remains □rmly in control of large tracts of coca-producing jungle, mostly straddling the borders between Colombia and FARC supporters Venezuela and Ecuador. In summary, organized crime elements have exploited under-governed areas to establish zones under their de facto control. In so doing they pose a signi□cant and growing threat to regional security in general and U.S. interests in particular. As SOUTHCOM commander General Kelly recently observed: □T□he proximity of the U.S. homeland to criminally governed spaces is a vulnerability with direct implications for U.S. national security. I am also troubled by the signi□cant criminal capabilities that are available □within them□ to anyone—for a price. Transnational criminal organizations have access to key facilitators who specialize in document forgery, trade-based money laundering, weapons procurement, and human smuggling, including the smuggling of special interest aliens. This criminal expertise and the ability to move people, products, and funds are skills that can be exploited by a variety of malign actors, including terrorists.78 Hezbollah and the Bolivarian Alliance Hezbollah in Latin America □on-state entities recognized by the U.S. as terrorist organizations also operate in the region, most notably Lebanon-based Hezbollah, an Iranian client group. Hezbollah maintains an active presence in the tri-border area (TBA) of South America— the nexus of Argentina, Brazil, and Paraguay—stretching back to the 1980s. The TBA has traditionally been under-governed and is known by some as "the United □ations of crime."79 Eight syndicate groups facilitate this activity in South America's so-called "Southern Cone," overseeing legitimate businesses along with a wide range of illegal activities to include money laundering, drug and arms traf- □cking, identity theft and false identi□cation documents, counterfeiting currency and intellectual property, and smuggling. □ot surprisingly they are linked to organized crime and to non-state insurgent and terrorist groups, such as the FARC.80 Estimates are that over □12 billion in illicit transactions are conducted per year, a sum exceeding Paraguay's entire GDP by a substantial amount.81 Hezbollah achieved notoriety in the region in 1992 when it bombed the Israeli embassy in Argentina. This was followed with the bombing of the AMIA Jewish community center in Buenos Aires two years later. Like many other terrorist organizations, as Hezbollah expanded it established relationships with drug cartels82 that it supports in a variety of ways. For example, the cartels have enlisted Hezbollah, known for its tunnel construction along the Israeli border, for help in improving their tunnels along the U.S.-Mexican border. In 2008, Hezbollah helped broker a deal in which one of Mexico's major drug cartels, Sinaloa, sent members to Iran for weapons and explosives training via Venezuela using Venezuelan travel documents. 83 As the locus of the drug trade and other illegal cartel activities moved north into Central America and Mexico, Hezbollah has sought to move with it with mixed success. In October 2011, Hezbollah was linked to the e□orts of an Iranian-American to conspire with Iranian agents to assassinate the Saudi ambassador to the United States. The plot involved members of the Los Zetas Mexican drug cartel.8□ The would-be assassin, Mansour Arbabsiar, had established contact with his cousin, a Quds Force85 handler, Gen. Gholam Shakuri. The plot is believed by some to be part of a wider campaign by the Quds Force and Hezbollah to embark on a campaign of violence extending beyond the Middle East to other Western targets, including those in the United States.86 In early September 2012, Mexican authorities arrested three men suspected of operating a Hezbollah cell in the Yucatan area and Central America, including a dual U.S.-Lebanese citizen linked to a U.S.-based Hezbollah money laundering operation. 87A few months later, in December 2012, Wassim el Abd Fadel, a suspected Hezbollah member with Paraguayan citizenship, was arrested in Paraguay. Fadel was charged with human and drug tra□cking and money laundering. Fadel reportedly deposited the proceeds of his criminal activities—ranging from □50-200,000 per transaction—into Turkish and Syrian bank accounts linked to Hezbollah. In summary, Hezbollah has become a □xture in Central and Latin America, expanding both its activities and in□uence over time. It has developed links with the increasingly powerful organized crime groups in the region, particularly the narco cartels, along with radical insurgent groups such as the FARC and states like Venezuela who are hostile to the United States and its regional partners. Hezbollah's principal objectives appear to be undermining U.S. in□uence in the region, imposing costs on the United States, and generating revenue to sustain its operations in Latin America and elsewhere in the world. These objectives are shared by Iran, Hezbollah's main state sponsor. The Bolivarian Alliance As noted above, geographic, economic, and cultural factors have traditionally helped to prevent the emergence in Latin America of any real military rival to the United States. Although there are no traditional military threats in the region, there are indigenous states whose actions, policies, and rhetoric challenge regional stability and U.S. security. Over the past decade, several states have come together to form the Bolivarian Alliance of the Americas (ALBA), an organization of left-leaning Latin American regimes whose overarching purpose is to promote radical populism and socialism, foster regional integration, and reduce what they perceive as Washington's "imperialist" influence in the region.89 Since its founding by Hugo Chavez of Venezuela and Fidel Castro of Cuba in December 200□, the Bolivarian Alliance has expanded to include Antigua and Barbuda, Bolivia, Dominica, Ecuador, □icaragua, and Saint Vincent and the Grenadines. Although the members of the Bolivarian Alliance are militarily weak and pose almost no traditional military threat to the United States or its allies in the region,90 they challenge American interests in the region in other ways. First, they espouse an anti-American narrative that finds substantial support in the region and consistently oppose U.S. efforts to foster cooperation and regional economic integration.91 Second, in their efforts to undermine the government of Colombia, which they consider to be a U.S. puppet, ALBA states provide support and sanctuaries within their borders to coca growers, drug traffickers, other criminal organizations, and the FARC.92 Links to Hezbollah have also been detected.93 Perhaps of greatest concern, they have aligned themselves closely with Iran, inviting it and Syria to participate as "observer states" in the alliance. Other worrisome ALBA activities involve lifting visa requirements for Iranian citizens and hosting large numbers of Iranian diplomats and commercial exchange members that some observers believe to be Iranian intelligence and paramilitary Quds Force operatives.9□ By hosting and cooperating with both foreign agents and violent non-state actors, the ALBA states have come to function as critical nodes in a network of groups hostile to the United States. A Coming Era of Proxy Wars in the Western Hemisphere? History shows that Washington has often emphasized an indirect approach to meeting challenges to its security in Latin America. Yet the United States has not shied away from more direct, traditional uses of force when interests and circumstances dictated, as demonstrated over the past half century by U.S. invasions of the Dominican Republic (1965), Grenada (1983), and Panama (1989) and the occupation of Haiti (199□).Yet several trends seem likely to raise the cost of such operations, perhaps to prohibitive levels. Foremost among these trends is the diffusion of precision-guided weaponry to state and non-state entities. 92 The Second Lebanon War as "Precursor" War A precursor of this trend can be seen in the Second Lebanon War between Israel and Hezbollah.95 During the con□ict, which lasted less than □ve weeks, irregular Hezbollah forces held their own against the highly regarded Israeli Defense Force (IDF), demonstrating what is now possible for non-state entities to accomplish given the proliferation of militarily-relevant advanced technologies. Hezbollah's militia engaged IDF armor columns with salvos of advanced, man-portable, antitank guided missiles and other e□ective anti-armor weapons (e.g. rocket-propelled grenades (RPGs) with anti-armor warheads) in great numbers. When the IDF employed its ground forces in southern Lebanon, its armored forces su□ered severe losses; out of the four hundred tanks involved in the □ghting in southern Lebanon, forty-eight were hit and forty damaged.96 Hezbollah's defensive line was also well equipped with latest-generation thermal and low-/ no-light enhanced illumination imaging systems, while frontline units were connected to each other and higher command elements via a proprietary, □ber-optic based communications network, making collection of communications tra□c by Israeli intelligence extremely di□cult. Perhaps most important, Hezbollah possessed thousands of short- and medium- range rockets, often skillfully hidden below ground or in bunkers that made detection from overhead surveillance platforms nearly impossible. During the brief con□ict Hezbollah's forces □red some four thousand unguided rockets of various types that hit Israel. Hezbollah's rocket inventory enabled its forces to attack targets throughout the northern half of Israel. Over nine hundred rockets hit near or on buildings, civilian infrastructure, and industrial plants. Some two thousand homes were destroyed, and over □fty Israelis died with several thousand more injured. The casualties would undoubtedly been greater if between 100,000 and 250,000 Israeli civilians had not □ed their homes. Haifa, Israel's major seaport had to be shut down, as did its oil re□nery.97 Hezbollah also employed several unmanned aerial vehicles for surveillance of Israel, as well as C-802 anti-ship cruise missiles used to attack and damage an Israeli corvette. 98 The G-RAMM Battlefield The brief war between Israel and Hezbollah suggests that future irregular forces may be well-equipped with enhanced communications, extended-range surveillance capabilities, and precision-guided rockets, artillery, mortars and missiles (G-RAMM) 99 able to hit targets with high accuracy at ranges measured from the tens of kilometers perhaps up to a hundred kilometers or more. In projecting power against enemies equipped in this manner and employing these kinds of tactics U.S. forces—as well as other conventional forces— will find themselves operating in a far more lethal battlefield than those in either of the Gulf wars or in stability operations in Afghanistan and Iraq. Moreover, currently constituted conventional forces typically depend on large fixed infrastructure (e.g., military bases, logistics depots, ports, airfields, railheads, bridges) to deploy themselves and sustain combat operations. These transportation and support hubs also serve as the nodes through which internal commerce and foreign trade moves within a country. This key, fixed infrastructure will almost certainly prove far more difficult to defend against irregular forces armed with G-RAMM weaponry. Indeed, had Hezbollah's "RAMM" inventory had only a small fraction of G-RAMM munitions, say 10-20 percent, it would have been able to in□ict far greater damage than it did historically to Israeli population centers, key government facilities, military installations, and essential commercial assets such as ports, air□elds, and industrial complexes. An irregular enemy force armed with G-RAMM capabilities in substantial numbers could seriously threaten Latin American governments as well as any U.S. (or external great power) forces and support elements attempting a traditional intervention operation. Implications for the U.S. and Other Major Powers The preceding narrative suggests that the combat potential of irregular forces is likely to increase dramatically in the coming years. As this occurs, the cost of operating conventional forces—especially ground forces—and defending key military support infrastructure is likely to rise substantially. Given these considerations the United States and other major powers external to the Western Hemisphere will have strong incentives to avoid the use of conventional forms of military power, particularly large ground forces, in favor of employing irregular proxy forces to advance their interests. Moreover, the high cost and questionable bene□t of the campaigns in Afghanistan and Iraq are likely to create strong domestic opposition in the United States to such operations for some time to come. This must be added to the United States' greatly diminished □scal standing that has led to large cuts in planned investments in defense. These factors suggest that Washington will be much less likely to engage in direct military action in Latin America in the coming years than historically has been the case. At the same time, rivals of the United States like China and Russia may be incentivized by these trends, as well as the United States' overwhelming military dominance in the Western Hemisphere, to avoid the direct use of force to expand their in□uence in Latin America. Instead, like some of the Bolivarian Alliance members, they appear likely to follow the path taken by the Soviet Union during the Cold War and Iran today: supporting non-state proxies to impose disproportionate costs on the United States and to distract Washington's resources and attention from other parts of the world. This is not to say that Beijing, Moscow, and Tehran would eschew future opportunities to **establish bases in Latin America**. As in the past, such bases can support efforts to accomplish several important objectives. They can, for example, further insulate a Latin American regime from the threat of direct U.S. military intervention, since **Washington would have to account for the possibility that the conflict would lead to a direct confrontation with a more capable and potentially nuclear-armed power**.100 Bases in the hemisphere can also enable external powers to conduct military assistance activities, such as training, more easily. Electronic surveillance of the United States and Latin American states could be accomplished more cheaply and e□ectively from forward positions. Finally, certain kinds of military capabilities, such as long-range **ballistic missiles and attack submarines**, could be pro□tably stationed in Latin America by powers external to that region, particularly if they intended to create the option of initiating con□ict at some future date. These reasons, among others, have made preventing an extra-hemispheric power from establishing bases in Latin America an enduring U.S. priority. Players in a Latin American Great Game Given current trends, **several powers external to the region may**, either now or over the coming decade, **have both the motive and the means to employ both state and non-state proxies** in Latin American to achieve their interests. Principal among them is Iran, which is already engaged in supporting

proxies against the United States and its partners in the Middle East and has long been developing proxies in Latin America. Additionally, there are reasons to think that China and Russia may be interested in cultivating and supporting Latin American proxies as well.

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History proves --- the court has gradually narrowed rulings on surveillance to preserve legitimacy but avoided ruling on the scope --- the AFF reverses that

Martin 11 (Gus – Professor of Criminal Justice Administration at California State University, Dominguez Hills, *The SAGE Encyclopedia of Terrorism, Second Edition*, p. 213-214)

The Foreign Intelligence Surveillance Act (FISA) was passed in 1978 to provide a statutory framework for foreign and domestic intelligence electronic surveillance. Although FISA has been established law for some time, new controversies surrounding the law and its implementation have arisen in the post-9/11 United States. Background Following the disclosure of domestic intelligence abuses by President Richard M. Nixon in the political scandal known as Watergate, the U.S. Senate Select Committee to Study Governmental Operations with Respect to Intelligence Activities was established; it became known as the Church Committee because of its chairman, Senator Frank Church (D—ID). The Church Committee concluded, among other things, that the body of law regarding electronic surveillance was "**somewhat uncertain**." For example, the Fourth Amendment to the U.S. Constitution that protects against warrantless search and seizure was addressed as it applies to electronic surveillance in a 1928 U.S. Supreme Court case, Olmstead v. United States. The Court ruled that Fourth Amendment protection only applied to tangible things and not intan-gibles such as a conversation. However, in its 1967 decision in Katz v. United States, the Supreme Court reversed this decision. Although the Katz decision held that a search warrant is required for electronic surveillance even to capture conversations without physical intrusion, the ruling recognized the president's constitutional authority to authorize warrantless surveillance and "did not extend [the requirement] to cases involving national security." Title III of the 1968 Omnibus Crime Control and Safe Streets Act regulates surveillance wiretaps in criminal investigations. The Church Committee expressed concern that Title III was not clear about a national security exception to warrant requirements for electronic surveillance. In United States v. United States District Court (1972), known as the Keith case, the Supreme Court **narrowed** its earlier position on warrantless electronic surveillance, writing that, to satisfy the Fourth Amendment, "prior judicial approval is required for the type of domestic security surveillance involved in this case." However, the Court expressed **no opinion** as to "the scope of the President's surveillance power with respect to activities of foreign powers, within or without this country." Subsequent rulings **further narrowed the scope** of warrantless surveillance and drew a brighter line between surveillance warrants in domestic and foreign security intelligence. Nevertheless, there was little statue law supporting the federal courts. Therefore, subsequent to the Senate Watergate Report and the Church Committee Reports (the Church Committee reported on a variety of matters), the U.S. Congress passed, and President Jimmy Carter signed, FISA.

UQ—AT: Gay Marriage

Robust political science research proves Supreme Court thumper is backwards --- creates consensus of support for gay marriage --- Bush v. Gore, previous gay rights rulings and empirical research

Ura 13 (Joseph D. – Pacific Standard reporter, "Supreme Court Decisions in Favor of Gay Marriage Would Not Go 'Too Far, Too Fast'," in Pacific Standard, 6-20-13, http://www.psmag.com/politics-and-law/supreme-court-tk-60537)

Though much of the public may sharply disagree with a decision of the Supreme Court, the decisions of the Court tend to **lead public opinion** over the long run.

In some respects, the moment seems ripe for the Court to make a bold move in favor of homosexuals' constitutional rights—as well as their material and symbolic well-being. **Polls conducted by nearly every major survey research organization in the country now show majority support for legally recognizing same-sex marriage**. Equally as important, survey data shows **rapid growth** in support for same-sex marriage in recent years. For example, a Gallup poll conducted last month found that 53 percent of Americans agreed that same-sex marriages "should be ... recognized by the law as valid, with the same rights as traditional marriages" (including 70 percent of 18- to 29-year-olds). Only 45 percent said that same-sex marriage "should not" be valid.

When Gallup first polled the public about gay marriage in 1996, only 27 percent of Americans favored legal same-sex unions. In less than two decades, support for same-sex marriage rights has effectively doubled, and strong support for marriage equality among younger Americans suggests that the trend toward support for same-sex marriage will continue. A decision in favor of marriage equality would therefore probably **begin with majority support that is likely to grow over the coming years**.

Still, some supporters of marriage equality worry that the trend in public support toward same-sex marriage may be undermined by a pair of strongly worded pro-equality decisions. In particular, they worry such decisions might produce a backlash against gay marriage that would reverse the trend in public opinion toward support for gay rights and provoke changes in public policy that work against marriage equality. This fear has found a public voice on the Supreme Court in Justice Ruth Bader Ginsberg, who has publicly claimed that other prominent decisions of the Court on social issues—most notably Roe v. Wade (1973)—"moved too far, too fast," creating political tides that worked against the Court's purposes. The New York Times' Adam Liptak reports some speculation that this line of thinking may lead justices who support marriage equality to avoid the issue in the present cases and wait until some later date to address the constitutional status of same-sex marriage rights.

However, practical political concerns about the prospects of a backlash in support of gay rights following Supreme Court decisions advancing marriage equality are **misplaced**. Indeed, **research in political science provides strong reasons to suspect that the Supreme Court may, in fact, lead public opinion over the long-run**. This general pattern is evident in the public's responses to the Supreme Court's landmark case addressing homosexuals' sexual rights, Lawrence v. Texas (2003). Together, both the general pattern of public responses to Supreme Court decisions and the dynamics of responses to the Court's prior gay rights cases argue that fears that the Court might undermine support for gay rights by robustly embracing marriage equality have the issue backwards. If a majority of the Supreme Court's justices lead on same-sex marriage, **Americans are likely to follow**.

JUSTICE GINSBERG'S UNEASE ABOUT the Court outpacing public opinion on social issues reflects a classic worry about American judicial power. Writing in Democracy in America, Alexis de Tocqueville noted the Court's dependence on the goodwill of its constituents:

[The] power [of the Supreme Court] is immense, but it is power springing from opinion. They are all-powerful, so long as the people consent to obey the law; they can do nothing when they scorn it. Now, of all powers, that of opinion is hardest to use, for it is impossible to say exactly where its limits come. Often it is as dangerous to lag behind as to outstrip it.

The federal judges ... must know how to understand the spirit of the age, to confront those obstacles that can be overcome, and to steer out of the current when the tide threatens to carry them away....

Though the Constitution provides the Supreme Court and its justices with substantial buffers against the whims of popular sentiment, the Court ultimately depends on public opinion to preserve its institutionalintegrity and to ensure compliance with its decisions.

Echoes of this sentiment are evident in Supreme Court decisions since the 19th century. In United States v. Lee (1882), Justice Miller wrote, "[the Supreme Court's] power and influence rest solely upon the public sense of ... confidence reposed in the soundness of [its] decisions and the purity of [its]

motives." Likewise, Justice Frankfurter emphasized, "The Court's authority—possessed of neither the purse nor the sword—ultimately rests on sustained public confidence in its moral sanction" (Baker v. Carr 1962). Justice O'Connor also shared the idea that "The Court's power lies ... in its legitimacy, a product of substance and perception that shows itself in the people's acceptance of the Judiciary as fit to determine what the Nation's law means" (Planned Parenthood v. Casey 1992).

Together, these statements suggest the logic of Justice Ginsberg's comments. When the Court "outstrips" public opinion by making decisions contrary to the "spirit of the age," it invites said opinion to turn against the Court and its decisions—and their policy implications. **But this view of the Supreme Court's relationship with public opinion is substantially wrong and almost precisely backwards both as a general matter and in regard to the Court's prior gay rights cases**.

AN **ARRAY OF RESEARCH in political science**—due substantially to James Gibson of Washington University, Gregory Caldeira of Ohio State University, and their collaborators—shows that the Supreme Court's legitimacy is not dependent on agreement on individual questions of policy between the Court and the public. Instead, judicial legitimacy rests on the public's perception that the Court uses fair procedures to make principled decisions—as compared to the strategic behavior of elected legislators. These perceptions are supported by a variety of powerful symbols representing the close association between the Supreme Court and the law and its impartiality, such as black robes, the image of blind justice, and the practice of calling the members "justices."

The public's response to the Supreme Court's decision in Bush v. Gore, which resolved the contested presidential election in 2000, is perhaps the classic example of the nature and influence of the Court's legitimacy. Despite the bitter partisan conflict that precipitated the case, the enormous political implications of the decision, the blatant partisan divisions on the Court, and the harsh tone of the dissenting justices, **the best evidence available indicates that the public's loyalty to the Supreme Court did not diminish as a result of the case**. In particular, neither Democrats nor African-Americans significantly turned against the Court after the decision.

Judicial legitimacy is not merely a curiosity. It has powerful effects on American politics; Americans' deep loyalty to the Supreme Court helps insulate it from efforts by those in the elected branches of government to curb or control judicial independence. Additionally—and more importantly here—the Supreme Court's robust legitimacy in the public mind has important consequences for how the Court's decisions interact with the public's policy attitudes.

When the Supreme Court speaks on an issue, the weight of its "moral sanction" rests on a particular side of the relevant policy debate. Its decision enters public debate and—as the political scientist Ralph Lerner theorized nearly half a century ago—allows the "modes of thought lying behind [its] legal language" to "transfer to the minds of the citizens." As a result, the Court unbalances public debate and, over the long run, pulls public opinion toward its policy positions.

Though much of the public may sharply disagree with a decision of the Supreme Court—producing an initial backlash against the policy implications of a particular ruling or set of rulings—the decisions of the Court tend to lead public opinion over the long run. In a recent analysis of more than 50 years of data on Americans' collective responses to Supreme Court decisions, I find that **public responses to important Supreme Court decisions were typically marked by a negative response in public opinion in the short-term that decays and is replaced by a long-run movement in public opinion toward the positions adopted by the Court**.

In other words, on average, there is a backlash in public opinion against important decisions of the Supreme Court. However, these negative responses are relatively short lived. Over the long run, backlash against the Court's decisions tends to be replaced by significant movement toward positions taken by the Supreme Court.

The public's reaction to Miranda v. Arizona (1966), the landmark Supreme Court decision which held that police must inform criminal suspects of their constitutional rights to remain silent and to have a lawyer present during any questioning, is indicative of this pattern. The public's initial reaction to Miranda was strongly negative. Shortly after the decision was handed down in 1966, a poll conducted by the Opinion Research Corporation asked Americans about their views regarding "the Supreme Court's decision in the Miranda case." A majority of Americans (56 percent) agreed that "police should again be allowed to be tougher with suspects than they can be now" while only 32 percent agreed that "the present restrictions on the police—since the Court's decision—are correct and fair." New York University law professor Barry Friedman writes, "Between 1965 and 1968, polls showed a jump from 48 percent to 63 percent of Americans who thought the courts were too lenient with criminal defendants."

And yet, in the years since Miranda was handed down, an overwhelming majority of Americans have come to embrace the decision. A survey conducted in 2000 by Princeton Survey Research Associates and Newsweek found that 85 percent of Americans agreed with the "recent decision upholding 'Miranda Rules' [Dickerson v. United States(2000)] requiring police to inform arrested suspects of their rights to remain silent and to have a lawyer present during any questioning." University of Texas law professor Justin Driver summarizes the clear implication: "There can be little doubt, then, that the Supreme Court in this instance expanded the public's conception of criminal defendants' rights."

SIMILAR PATTERNS ARE EVIDENT surrounding the Supreme Court's most important decision expanding gay rights—Lawrence v. Texas, which, in 2003, invalidated state laws which prohibited same-sex sexual activities. Since 1977, Gallup has occasionally asked Americans, "Do you think gay or lesbian relations between consenting adults should or should not be legal?" (In 2008, Gallup replaced the term "homosexuals" with "gay and lesbian.") It has posed this question at least annually since 2001. In addition

to these annual assessments of public support for legal homosexual relations, Gallup also included it in several surveys throughout the second half of 2003 and into 2004.

The sporadic implementation of this question makes it very difficult to get a true sense of the dynamics of public support for this element of gay rights prior to 2001. But the more regular use of this question in Gallup surveys since then provides a reasonably clear picture of the recent history of Americans' attitudes toward legal same-sex sex as well as a window into the public's response to Lawrence v. Texas. The graph below shows the percentage of Gallup poll respondents, from May 2001 through May 2013, saying that homosexual (or gay and lesbian) relations should be legal.

Americans' changing responses to Gallup's "homosexual relations" question show the backlash and legitimation pattern. Public support for legal homosexual relations had bounced through the mid-50s in 2001 and 2002, peaking at 60 percent immediately before Lawrence in May 2003. Within three weeks, Gallup found that support for legal same-sex sex had dropped 10 percent. A few months later, in January 2004, support bottomed out at 46 percent, before beginning a reasonably steady climb. By May 2007, support had effectively rebounded to its pre-Lawrence level. Since then, support for legal homosexual relations has generally grown, reaching an all-time high of 65 percent in May 2013.

Public opinion about the issue of legal homosexual relations is complicated. It is colored by the changing context of larger debates over gay rights, the cultural context of homosexually, generational replacement, demographic change, and a variety of political events. Attributing all variance in Gallup's assessment of Americans' changing attitudes on this issue to a single Supreme Court case is, at best, an oversimplification.

Nevertheless, the survey data help shed some light on the validity of fears that the Supreme Court may permanently damage the cause of gay rights by over-reaching in the pending marriage equality cases. At a minimum, the Gallup data show that the Court's decision to invalidate state sodomy laws in Lawrence did no lasting damage to the public's support for gay rights. Changes in public opinion after Lawrence may also indicate that the Supreme Court's action has helped support a long-run trend in public opinion toward greater support for gay rights.

LOOKING AHEAD TO DECISIONS in Windsor and Perry, Justice Ginsberg's fears of undermining social change by moving "too far, too fast" seem out of place. A pair of majority opinions strongly in favor of marriage equality may well prompt a temporary backlash in public opinion, but it is unlikely that such a backlash would be permanent. **It is also unlikely that any resulting backlash against the policy implications of the decisions would injure the legitimacy of the Court or enable a successful effort to reverse the Court's decisions via constitutional amendment. Both the Supreme Court and its decisions for marriage equality would successfully weather any storm stirred by the marriage cases.**

More importantly, though, pro-equality decisions would not merely survive. Instead, the evidence suggests that they would thrive in the long run. By offering its authoritative voice to validate the constitutional claims of homosexual couples seeking legal recognition of their unions, the Supreme Court may alter the terms of public debate and gradually lead public opinion toward greater acceptance of same-sex marriage.

No gay marriage thumper --- religious right doesn't care because it was a 5-4 decision --- we have a leading activist

Drucker 15 (David M. – Washington Examiner reporter, "Religious liberty activist: Supreme Court decision paves way for legalized polygamy," in the Washington Examiner, 6-30-15, http://www.washingtonexaminer.com/religious-liberty-activist-supreme-court-decision-paves-way-for-legalized-polygamy/article/2567290)

Her message to them: It's going to get a whole lot worse, possibly for years, before it gets better. Fowler LaBerge, married to husband Jim LaBerge since 2011, lives near Nashville.

Examiner: You said when we last talked that your side was **losing the debate**. Are you surprised that, less than a year later, same sex marriage is the law of the land?

Fowler LaBerge: What surprises me is maybe not even the Supreme Court's ruling but the level of social, political celebration, **as if it was an overwhelming majority of the court**. Seeing the White House used as a piece of propaganda as if this is now universally understood as our public policy, that is probably what surprises me the most, the willingness of huge sectors of the media and the population to be **fully coopted by one side of the conversation**.

Examiner: What did you think of the legal reasoning the majority used in reaching its decision?

Fowler LaBerge: The reasoning given now opens the possibility of those who are interested in polygamous or poly-amorous marriage. There is nothing in the decision that would now prevent the argument being made that polygamous or poly-amorous relationships ought not also be available to all citizens of the United States.

Examiner: How should Christians, and indeed, all Americans view this court decision, if they disagreed with it?

Fowler LaBerge: A lot of people point to this as similar to the Roe v. Wade decision and the answer to, how do I respond to it. If, as a Christian I am convicted that life deserves protection, that, even though Roe v. Wade is the law of the land, I continue to raise my conscientious objection to that at every opportunity and I continue to work within appropriate ways to at least limit it if not seek to have it overturned. That is the reasoned approach that I would expect most Christians who I engage with … that's the approach they will look for.

Examiner: Does this decision **undermine the Supreme Court's legitimacy?**

Fowler LaBerge: I do not agree that it undermines their legitimacy. **It's a 5-4 ruling**. I think people should read the dissents.

UQ—AT: ACA

Court is beyond criticism on ACA ruling --- issue of statutory interpretation

Blumstein 15 (James – University Professor of Constitutional Law and Health Law & Policy at Vanderbilt University Law School, "Some Reflections on King v. Burwell," Casetext, 7-6-15, https://casetext.com/posts/some-reflections-on-king-v-burwell)

The posture in King was altogether different. The issue was legislative interpretation, **not constitutional interpretation**: statutory interpretation is undoubtedly within the Court's job description, **and the Court's legitimacy is beyond criticism in that sphere**. Further, the Court was not in confrontation with the other branches. It was asked to referee a dispute that pitted the IRS, an executive branch agency, against Congress, which (if plaintiffs prevailed) would be empowered to determine whether a problem existed and if so how to resolve it.

No one heard about the ACA decision, it's an election issue, not a judicial one

Enten 15 (Harry – senior political writer and analyst for FiveThirtyEight, "Obamacare As A Political Issue Isn't Going Away," in 538, 6-25-15, http://fivethirtyeight.com/datalab/obamacare-as-a-political-issue-isnt-going-away/)

The Supreme Court "saved" Obamacare on Thursday, upholding tax subsidies for federal health care exchanges. And, indeed, it's difficult to see how the law could be overturned. But the political debate is likely to live on — half of Americans say there's room for further discussion of the Affordable Care Act (ACA), and the court's ruling is unlikely to change that. The Supreme Court has "saved" the ACA before. In 2012, the court ruled that the law's individual mandate to buy insurance was constitutional (as a tax). At the time, Americans were split on the ruling, with 46 percent in favor and 46 percent opposed, according to a Fox News poll. But a bump in the percentage of Americans in favor of the law did follow the court's decision. Still, that bump was temporary. It wasn't until the error-plagued HealthCare.gov rollout in fall 2013 that opposition to Obamacare hit its peak, at 55 percent, in the Pollster.com aggregate. Since that point, the law has settled back into its longtime pattern: Opposition is a little greater than support, though neither side has a clear majority. As Mollyann Brodie, Kaiser Family Foundation's executive director of public opinion and survey research, said on a conference call Thursday, **the public has not been paying much attention to this case**. That is, **there is little reason to believe Thursday's decision will be a game changer**. A plurality of Americans believe that the law should still be debated. In a Kaiser Family Foundation (KFF) poll taken earlier this month, 49 percent of Americans held this view, and 45 percent thought we should move on to debate other topics. In a May CNN survey, 53 percent said it was too soon to call Obamacare a success or failure. Most Americans are in wait-and-see mode. Now, of course, it's possible that this 2015 Supreme Court health care ruling will be different. It's the second landmark decision upholding the law, and so could be more likely than the 2012 ruling to convince Americans that the debate should end. But even if that does happen, we're still dealing with a Republican base that's firmly against it. Back in 2012, Mitt Romney kept hammering away at Obamacare. The most recent KFF survey had opposition at 69 percent among Republicans, and other polls have had it higher. After Thursday's Supreme Court decision, many Republican candidates for president came out forcefully against the ruling. That should keep the debate polarized and makes it unlikely that favorable views of the law will climb too quickly. Obamacare will be an issue in the 2016 campaign.

No ACA thumper --- people disagree but not with the Court

McArdle 15 (Megan – Bloomberg News reporter, "McArdle: ACA issue raises questions on legitimacy of public debate," The Salt Lake Tribune, 6-25-15, LexisNexis)

Yes, subsidies will remain available on federal health-care exchanges. So the Supreme Court ruled Thursday, in a 6-3 opinion written by Chief Justice John Roberts.

The justices might have come close to overturning the whole law in 2012, but pulled back because they feared the political fallout of destroying the Obama administration's signature legislative initiative, the Patient Protection and Affordable Care Act. Similar concerns would surely be at play here, even if the justices actually thought that the plaintiff was right on the merits.

The ruling itself is pretty simple, and I'll let the chief justice sum it up: "Petitioners' plain-meaning arguments are strong, but the Act's context and structure compel the conclusion that Section 36B allows tax credits for insurance purchased on any Exchange created under the Act. Those credits are necessary for the Federal Exchanges to function like their State Exchange counterparts, and to avoid the type of calamitous result that Congress plainly meant to avoid."

I'll point out a cultural and political implication of this ruling and the drama leading up to it. Some supporters of the law declared that they were going to take their ball and go home if the Supreme Court didn't agree with their interpretation of the statute. These people wasted their time: With a 6-3 ruling, the call was not so close that the posturing pushed it over. But these people did have one effect: They eroded something in civic life that we can't afford to lose. By pretending that the Supreme Court and the rule of law were at risk in this ruling, they strained the already frayed fabric of civil society.

Obviously, there are places and times when a nation's political institutions are so corrupt and compromised that a patriotic citizen is duty-bound to try to destroy them rather than let them continue. But that place is not the America of 2015, and the time is not "when I am afraid that the court will disagree with me about one clause of a program I think is really important." Your country needs a functioning Supreme Court, and the civic support that legitimizes it, more than it needs any government program, including the health-care act.

This is something that liberals will become well aware of Friday or Monday, when the court is expected to rule in favor of a broad constitutional right to marriage, including for same- sex couples. I'm a libertarian so, as you'd expect, I find that agreeable. On the other hand, as a matter of constitutional theory, I expect the ruling to be a weak outgrowth of the absurd "emanations and penumbras" seeping out of all the sexual liberty cases of the 1960s, for which I can find little actual basis in either the text or intent of the Constitution. In other words, I think it will probably be a bad ruling for a good cause, which is why conservatives who sincerely believe this to be a bad cause will have a right to be mad.

What they should not do is to go into the sort of shameful tantrum we've seen from liberals on the subject of King, where they declare that a ruling against them would be a naked abuse of partisan political power by which the court has thoroughly invalidated any claim it ever had to political legitimacy. The losing side will always be displeased, but let's keep some perspective: Bush v. Gore should not cost the court its standing. Neither should Citizens United. A case like King v. Burwell should certainly not.

We are **politically fragile** right now, yet neither side is going away. As we discovered in 1861, at the national scale, there's no such thing as a tidy no-fault divorce. That's why the more divided we get, the more vitally important it is to have common institutions that both sides agree to abide with, however much it may chafe at certain moments.

Yet instead of recognizing that, we are increasingly trying to destroy those institutions whenever it seems to offer temporary political advantage. However much you dislike the behavior of Congress, or the Supreme Court, or the president, you would like it even less if they **really did lose political legitimacy**. Because it wouldn't just be you who threw off the shackles of custom and civic restraint and disregarded rulings you disliked. Those villains on the other side would do the same.

I'm satisfied with the ruling the court got, and how the justices arrived at it. **The court is doing fine**. But the last six months have certainly cast **doubt** on the **political legitimacy** of our public debate.

No pushback on ACA --- no expectation of legitimacy loss

Feldman 15 (Noah – Professor of Constitutional and International Law at Harvard, "Court's war on FDR continues with Obama: Bloomberg View," in Bloomberg View, 4-20-15, http://www.oregonlive.com/opinion/index.ssf/2015/04/courts_war_on_fdr_continues_wi.html)

Why has Obama's experience been so different? The judiciary has lots of Bush appointees, but no more so than when Clinton faced a judiciary filled during the 12 years of the Reagan and George H.W. Bush presidencies.

The difference, I think, is that the conservative wing of the judiciary has been experimenting with activism -- and has found that the court's **legitimacy is unaffected** and that there is **no pushback** as there was under Roosevelt.

In retrospect, Bush v. Gore was the opening act. The court gave the election to George W. Bush, and **public respect for the institution didn't decline**.

The Affordable Care Act was Act 2. Scholars and court watchers were sure that the arguments against the individual insurance mandate were preposterous -- until lower courts began to adopt them and, ultimately, four justices voted to hold the mandate unconstitutional. Liberals criticized the court, but **that didn't meaningfully affect the institution's legitimacy**. It helped that liberals, too, want the court to be activist, for example by creating a constitutional right to gay marriage. That makes it harder for liberals to criticize activism per se, as opposed to conservative activism.

By the time environmental protection and Internet regulation came along, the paradigm had been set. The U.S. Court of Appeals for the D.C. Circuit has been watching the Supreme Court closely. It rejected Obama's proposed net neutrality regulation promulgated by the FCC in January 2014. Now the administration's signature clean coal regulation will be challenged in the same court.

The federal district judge in Texas who has single-handedly blocked Obama's executive orders on immigration was following a script.

Conservatives may argue that Obama's policy initiatives are more radical than those of presidents who came before. Don't believe it. The arguments used to block Obama's policies have generally started out seeming totally implausible -- only to be adopted by activist conservative judges. Unless the public responds by thinking less of the court, expect judicial activism from the right to continue, joining judicial activism from the left as a mainstay of American political life.

Link

Link – 2NC

Precedent is key to court legitimacy

Fowler & Jeon 8 (James H. – Professor of Political Science at UC San Diego, and Sangick – Ph.D. in political science from Stanford University, "The authority of Supreme Court precedent," in Social Networks, Volume 30, Issue 1, January 2008, http://www.sciencedirect.com/science/article/pii/S0378873307000378)

Legal historians suggest that justices in the 19th Century responded to the crisis of legitimacy by **strengthening the norm of stare decisis**, a legal norm inherited from English common law that encourages judges to follow precedent by letting the past decision stand (Friedman, 1985, pp. 127–133). In order to foster compliance and enhance the institutional reputation of the Court, stare decisis was implemented to place decision-making in the domain of neutral legal principles and the "accumulated experience of many judges responding to the arguments and evidence of many lawyers" (Landes and Posner, 1976, p. 250) rather than at the whim of the personal preferences of individuals. To this day, the justices of the Supreme Court are aware of the inherent weakness of the federal judiciary and place high value on **maintaining** their institutional and decisional **legitimacy** through the use of **precedent** (Ginsburg, 2004, Powell, 1990 and Stevens, 1983). Recognizing that legitimacy is essential to achieve their policy objectives, the members of the Court justify their substantive rulings through court opinions, which allow the justices to demonstrate how their decisions are consistent with existing legal rules and principles established in prior cases (see Hansford and Spriggs, 2006, pp. 24–30). Because it is the application of existing precedents that creates the perception of judicial decision-making to be procedurally neutral and fair (Tyler and Mitchell, 1994), these opinions are often considered to be the source of the Court's power (Epstein and Knight, 1998 and Segal and Spaeth, 2002).

The Court's perceived legitimacy depends upon the interpretive method it uses --- stare decisis

Healy 8 (Thomas – Professor of Law at Seton Hall Law School , "SYMPOSIUM: STARE DECISIS AND NONJUDICIAL ACTORS: STARE DECISIS AND THE CONSTITUTION: FOUR QUESTIONS AND ANSWERS," 83 Notre Dame L. Rev. 1173, 2008, LexisNexis)

The explanation, I think, lies in the concept of legitimacy. The federal courts have the power to decide cases within their jurisdiction and to interpret the laws that apply in those cases. n146 In order for this power to be effective, the courts must have the power not only to reach whatever conclusions they think are required by law, but also to justify those conclusions as legitimate. After all, the power to decide cases would not mean much if courts could not explain why those decisions were legitimate and entitled to respect. This is especially true in light of the courts' lack of power to enforce their decisions. Because they rely on the legislative branch for funding and on the executive branch for enforcement, courts can ensure the effectiveness of their decisions only by offering justifications that will legitimize [*1200] those decisions. n147 Hamilton made this clear when he said that the courts "have neither Force nor Will, but merely judgment." n148 So how does this lead to a conclusion that courts must have the power to choose the interpretive methodology by which they decide cases? The answer is that **methodology is the key to legitimacy**. In any field of rational inquiry where one wants to ensure the legitimacy of one's conclusions, control over methodology is essential. Consider the sciences. A researcher attempting to answer a question will devote considerable energy to determining the proper methodology. n149 And when she reports her results, she will often spend as much time explaining and defending that methodology as the actual results. Or consider historical research. If a historian deviates from accepted methodology, her conclusions are not likely to be accepted as legitimate by other historians. n150 The same principle applies to legal inquiry. A court that wants to ensure the legitimacy of its legal conclusions will pay particular attention to the interpretive methodology it uses to generate those conclusions. [*1201] This helps explain why Supreme Court Justices expend so much energy debating the proper method of constitutional interpretation. n151 They recognize that the perceived legitimacy of the Court's interpretations depends upon its choice of **methodology**. And because the effectiveness of the power to decide cases depends upon the perceived legitimacy of those decisions, courts must have the power to choose the interpretative methodology they think will maximize legitimacy. n152 It is therefore an understatement to say that "the power to decide how to decide" is "ancillary" to the judicial power. The former power is instead central to the latter power.

The plan saps the court's judicial integrity --- a vital part of legitimacy

Paulsen 8 (Michael S. – Distinguished University Chair and Professor at University of St. Thomas School of Law, "SYMPOSIUM: PRECEDENT & THE ROBERTS COURT: PERSPECTIVES ON THE DOCTRINE OF STARE DECISIS: DOES THE SUPREME COURT'S CURRENT DOCTRINE OF STARE DECISIS REQUIRE ADHERENCE TO THE SUPREME COURT'S CURRENT DOCTRINE OF STARE DECISIS?," 86 N.C.L. Rev. 1165, 2008, LexisNexis)

The final factor in Casey's stare decisis analysis is a wide-ranging one that occupies several pages and consumes a great deal of the Casey Court's rhetorical attention. It goes by various names, but might usefully, if imprecisely, be termed "judicial integrity." n114 It is reflected in that part of Casey's discussion that emphasizes how "frequent overruling would overtax the country's belief in the Court's good faith," how overruling "under fire" a "watershed" decision "would **subvert the Court's legitimacy**"; how the country would suffer a "loss of confidence in the judiciary" if those who were "tested by following" the Court's decision found that they had paid a price for nothing; and how the "promise of constancy, once given," binds the Court and breaching it "would be nothing less than a breach of faith." n115 I have criticized this grandiose, vain, self-absorbed cluster of notions in other writing n116 and continue to think that criticism warranted. But here I would like merely to describe this factor as accurately as possible, for purposes of promoting assessment (which I make in the next Part of this Article) of whether the doctrine of stare decisis the Court has fashioned satisfies the standards the Court has set for itself. Shorn of the Court's overwrought formulations, the "judicial integrity" factor asks an understandable question: whether, even if a precedent is thought erroneous, it would seem arbitrary, capricious, or fickle for the Court to be changing its mind too often or

too readily (especially if its decisions change along with personnel changes) or to be changing its interpretation in response to public, or political, or even scholarly criticism or pressure. Would this not, sometimes, look bad? Might it even be bad - unfair, in some sense, [*1199] for the Court to change its mind, especially as a result of political or personnel changes?

Legitimacy Key – 2NC

The court panders to legitimacy—integral to decisions

Wells 7 (Michael L. Wells; 2007; Marion and W. Colquitt Carter Chair in Tort and Insurance Law at Washington and Lee University school of Law; "'Sociological Legitimacy' in Supreme Court Opinions"; Washington and Lee Law Review; http://law2.wlu.edu/deptimages/Law%20Review/64-3Wells.pdf) jskullz

The Court's effort to secure public acceptance runs into problems because the United States is a heterogeneous society. Opinion leaders disagree among themselves about what the judiciary should do, and their disagreements are echoed in the public at large. Accordingly, the Court faces a tougher challenge than some other social actors. Hotels and restaurants can aim for a segment of the market, and the freshman can hone in on one or two fraternities. The politician will probably calculate that his chances of success are greater if he ignores part of the electorate in order to strengthen his appeal to the rest of it. If the Court is to maintain its status as the impartial voice of the Rule of Law, it cannot mimic the politician. It must undertake the harder task of convincing a broad cross section of the public that it acts legitimately in handing down decisions, even the ones that reach especially controversial results like those in Bush v. Gore, 134 Roe v. Wade, 135 and Brown v. Board of Education. 136 In pursuing this aim, the Court engages in appearance management, generating a gap between the reasons that do the work of deciding cases and the reasons that appear in its opinions. The array of plausible reasons that are typically available provides the Court with opportunities to increase the chances for winning broad acceptance for a decision, or at least to soften the opposition from those who find fault with the substantive outcome. Though the legal elites and other leaders that make up the bulk of the audience for opinions may disagree among themselves as much about what interpretive techniques are legitimate in constitutional cases as about the legitimacy of particular substantive decisions, there is a key difference between methodological and substantive quarrels. Unlike most disputes about substance, the disagreement over methodology is not between mutually exclusive sets of reasons, such that the Court must choose one to the detriment of the other. Most of the opinion leaders who influence public views of the Court agree that certain kinds of reasoning furnish legitimate grounds for constitutional rulings, though that consensus is coupled with controversy about other techniques.

That shapes court decisions and ideological trends—empirical data proves

Casillas, Enns and Wohlfarth 11 (Christopher J. Casillas; Peter K. Ens; Patrick c. Wohlfarth; Christopher J. Casillas is a Ph.D. Candidate in the Department of Government, Cornell University, Peter K. Enns is Assistant Professor in the Department of Government, Cornell University, Patrick C. Wohlfarth is Post-Doctoral Fellow in the Department of Political Science, Washington University in St. Louis; "How Public Opinion Constrains the U.S. Supreme Court"; American Journal of Political Science; http://onlinelibrary.wiley.com/doi/10.1111/j.1540-5907.2010.00485.x/abstract) jskullz

Klarman observes that Supreme Court justice, "rarely hold views that deviate far from dominant public opin- ion" (2004, 6). Our goal has been to explain why this pat- tern exists. To date, even those who argue that the Court responds to public opinion have acknowledged that the empirical relationship between public opinion and Court decisions may be spurious, as both may respond to the same social

forces (Flemming, Bohte, and Wood 1997; Link 1995; Mishler and Sheehan 1996). We argue, how- ever, that the public mood directly constrains the justices' behavior and the Court's policy out comes, even after con- trolling for the social forces that influence the public and the Supreme Court. Our findings make several contributions to the de- bate over public opinion and judicial policy. First, we attempt to overcome what has been the primary obstacle to effectively evaluating how public opinion might directly affect the U.S. Supreme Court. We develop an empirical strategy to control for the impact of the broader societal currents that shape the attitudes of both justices serving on the high court and the mass public. Next, we have offered a unique theoretical proposition specifying why the justices, in balancing the incentive to follow public opinion against their own preferences, should be consis- tently mindful of the public's mood in cases presumed to be nonsalient. For salient cases, by contrast, we find that the Court is much more likely to act as a counter majori- tarian force and decide along ideological lines. While this result is consistent with our theoretical expectations, the current analysis does not allow us to conclude whether the Court is ignoring public opinion on these high-profile cases or whether the news coverage that made these cases salient reflects the Court's deviation from public mood. We also offer initial suggestive evidence that confidence in the Court corresponds with how closely nonsalient decisions align with public opinion. In other words, the public's awareness of the Court's behavior and the jus- tices' incentives to consider the context of public opinion may be greater than previously thought. We believe these are important avenues for future investigation. The results also carry important implications for the role of the Supreme Court in American politics. In a re- cent letter to Congress, the Justice Department, and the White House, a group of prominent law professors, practitioners, and former judges urge considerable reforms to the selection of the high court's members, including regular biennial appointments of new justices to the Court. 36 36 Available from www.scotusblog.com/wp/wp-content/uploads/ 2009/02/judiciary-act-of-2009.doc. The stated motivation for this particular proposal follows the contention that, "appointments to the Court are made so infrequently as to diminish the likelihood that the Court's many important policy decisions will reflect the moral and political values of the contemporary citi- zens they govern." Proposals of this nature demonstrate the persistence of a belief that as the tenure of justices in- creases, so do the antidemocratic tendencies of the Court. We hope our results help refine this debate. It is important to note that the justices' collective political preferences ex hibit the greatest impact on case outcomes among both salient and nonsalient cases. Thus, we concur with Giles, Blackstone, and Vining (2008) that the degree of respon- siveness to public mood (in our view through strategic behavior and attitudinal change) may not provide the requisite accountability that many critics of the federal judicial selection system seek. Yet, not only do justices have reason to believe that ignoring the public may compromise public confidence in the Court, but also the Court's decisions—at least for nonsalient cases—consistently respond to changes in public opinion. The prevailing tides of public sentiment create an active, meaningful con straint on many of the tangible policies that emanate from the U.S. Supreme Court.

Spillover – 2NC

Spillover—legitimacy is shaped by public opinion—trust deficit in other areas affects overall perception.

Burke 13 (Kevin Burke; Aug. 23rd 2013; Trial judge and president of the American Judges Association, trial judge of the year by the Minnesota chapter of the American Board of Trial Advocates in 2005; Public Official of the Year by Governing magazine in 2004; the Distinguished Service Award from the National Center for State Courts in 2002; and the Director's Community Leadership Award from the Federal Bureau of Investigation in 1997; "How Low Public Trust Threatens the Legitimacy of Court Decisions"; Procedural Fairness; http://proceduralfairnessblog.org/2013/08/23/how-low-public-trust-threatens-the-legitimacy-of-court-decisions/) jskullz

Trust is an essential component of procedural fairness, which, in turn, has been shown to be a key source of legitimacy for decision-makers. All public institutions now face serious skepticism from the public about their trustworthiness. However, a trust deficit – and the resulting lack of legitimacy – are of particular threat to the judiciary. Legitimacy is essential if courts are to be respected and, indeed, if court orders are to be obeyed. Simply put, failure to maintain and enhance the legitimacy of court decisions imperils the judiciary as an institution and the vital role assigned to the judiciary in our Constitutional tradition. The threat is real. Today, 75% of the American public thinks judges' decisions are, to a moderate to significant extent, influenced by

their political or personal philosophy. Of course, judges have a range of philosophical views and exercise discretion, so some differences of opinion among judges are to be expected. But 75% of the American public also believes judges' decisions are, to a moderate to significant extent, influenced by their desire to be appointed to a higher court. Two recent articles explain the potentially grave implications. First, Politico recently published a contribution by law professors Charles Geyh and Stephen Gillers advocating for a bill to make the Supreme Court adopt a code of ethics. They argue: [I]t would be a mistake for the Court to view the [ethics] bill as a challenge to its power. It is rather an invitation. No rule is thrust on the justices. Under the … bill, the justices are asked to start with the code governing other federal judges, but are then free to make 'any amendments or modifications' they deem 'appropriate.' A response that says, in effect, 'We won't do it because you can't make us' will hurt the court and the rule of law. Second, Linda Greenhouse, a regular commentator on the New York Times Blog "Opinionator," recently wrote this post about the Foreign Intelligence Surveillance Court entitled Too Much Work?. Greenhouse writes: As Charlie Savage reported in The Times last month, Chief Justice John G. Roberts Jr. has used that authority to name Republican-appointed judges to 10 of the court's 11 seats. (While Republicans in Congress accuse President Obama of trying to "pack" the federal appeals court in Washington simply by filling its vacant seats, they have expressed no such concern over the fact that the chief justice has over-weighted the surveillance court with Republican judges to a considerably greater degree than either of the two other Republican-appointed chief justices who have served since the court's creation in 1978.) What do these two pieces mean for judges? Both articles highlight how the judiciary itself, if not careful, can contribute to the erosion of public trust in our decisions. To be sure, the erosion of the legitimacy of judicial decisions is not entirely the fault of the Supreme Court, nor of judges in general. The media, for example, often refers to which President appointed a judge as a shorthand way to explain a decision. But that is, in part, why Ms. Greenhouse's piece is important. The Chief Justice is recognized as a brilliant man. He and every other judge in the United States know the inevitable shorthand the media will use to describe judges and to explain their decisions. And so the Chief Justice, the members of the United States Supreme Court, indeed every judge in this country needs to be particularly sensitive to what we are doing that might either advance trust in courts or contribute to the erosion of the legitimacy of our courts. The bottom line is: Appearances make a difference. There will be decisions by judges at every level of court that test the public's trust in our wisdom. It is therefore imperative that judges act in a manner that **builds a reservoir of goodwill so that people will stand by courts when a decision is made with which they disagree**. There may have been an era when trust in the wisdom and impartiality of judicial decisions could be taken as a given. But if there was such an era, we no longer live in it. Trust and legitimacy today must be earned.

The link is massive—empirical data proves—single decisions spill over

Bartels and Johnston 13 (Brandon L. Bartels and Christopher D. Johnston; Bartels is Assistant Professor of Political Science, George Washington University, Johnston is Assistant Professor of Political Science, Duke University; "On the Ideological Foundations of Supreme Court Legitimacy in the American Public"; American Journal of Political Science; http://onlinelibrary.wiley.com/doi/10.1111/j.1540-5907.2012.00616.x/abstract) jskullz

Results from this survey experiment provide futher support for our hypothesized dynamic: ideological disagreement depresses Supreme Court legitimacy. This replication is important for two reasons. First, because of the experimental design, our inferences regarding the impact of

disagreement on legitimacy do not suffer from concerns with endogeneity. Respondents were randomly assigned to the ideological direction of the decision, thus removing reverse causation as an alternative explanation for the effects uncovered. Second, we examined the influence of a single decision, so the size of the effects found is quite impressive and reinforces the importance of Court policymaking for citizen judgments of legitimacy. Conclusion Our examination of the ideological foundations of Supreme Court legitimacy in the American public has produced the following important substantive conclusions and implications that contribute to the broader literature on institutional evaluation and legitimacy. The Supreme Court should not be assumed to be objectively conservative in its contemporary policymaking. Even when tracking the full range of its policy outputs, the contemporary Court can be characterized as moderate or slightly right-of-center. And when examining the contemporary Court's policymaking in salient decisions, the contemporary Court has actually rendered more liberal than conservative decisions. Thus, as we have emphasized, there are rational bases for citizens perceiving the contemporary Court as a conservative, moderate, and 23 To provide a robustness check on these results, we substituted a 7-point ideological self-identification scale for the policy preferences(support for monitoring) variable. The pattern of results was nearly identical, although the effect of the treatment for "extremely conservative" respondents was only marginally significant ($p < .10$),and the magnitude of the effects was slightly smaller, as would be expected given the greater abstraction inherent in the general ideology item relative to the specific policy preference item. IDEOLOGICAL FOUNDATIONS OF SUPREME COURT LEGITIMACY 197 even liberal policymaker. Moreover, as data from a national survey show, significant proportions of liberals, moderates, and conservatives perceive the contemporary Court as being liberal, moderate, or conservative; ideological disagreement with the Court comes from all points on the ideological spectrum. These findings underscore the need to assess individuals' subjective ideological disagreement with the Court's policymaking, which requires matching up one's own ideological preferences with his or her perceptions of the ideological tenor of the Court's policymaking.

Shapes the conduct of the court—because power is shaped by public perception

justices need to satisfy their constituents

Gibson and Nelson 14 (James L. and Michael J.; Gibson is a Sidney W. ¶ Souers Professor of Government¶ Department of Political Science¶ Professor of African and African American Studies¶ Director, Program on Citizenship and Democratic Values¶ Weidenbaum Center on the Economy, Government, and Public Policy, Nelson is an Assistant Professor Department of Political Science; "CHANGE IN INSTITUTIONAL SUPPORT FOR THE U.S. SUPREME COURT: ¶ IS THE COURT'S LEGITIMACY IMPERILED BY THE ¶ DECISIONS IT MAKES?"; mjnelson.org; http://mjnelson.org/papers/Disappointment.pdf) jskullz

The question of the stability of the Court's legitimacy is a matter of practical as well as theoretical import. A fragile Court is likely to act differently from a secure Court; or, more precisely, justices with heightened concerns about institutional legitimacy might even shape their votes in highly salient cases so as to protect their institution. 1 More generally, if an elemental function of the Supreme Court is to check majority opinion when it runs amok, then the so-called countermajoritarian dilemma is quite a dilemma indeed. Without a reservoir of goodwill, the Court is even more vulnerable than indicated by the many formal we aknesses of the institution. That support for the Supreme Court would be so volatile runs counter to the conventional wisdom on the sources of the Court's legitimacy. Court attitudes are typically thought of as 1 Crawford (2012) reports that Chief Justice Roberts acted strategically to protect the Court's legitimacy during the opinion - writing process for National Federation of Independent Business v. Sebelius , changing his vote from one to strike down th e Affordable Care Act to one preserving the legislation's constitutionality. T - 1 - obdurate because they are grounded in slow - moving attributes of citizens: more general support for democratic institutions and processes, levels of information and knowledge about the Court, and, to a much lesser degree, overall satisfaction with the institution's performance (Gibson and Caldeira 2 009). Moreover, according to the theory of "value - based regeneration" – the process by which performance dissatisfaction recedes and Court attitudes revert to their grounding in support for democratic institutions and processes (Mondak and Smithey 1997) – short - term detours do not last long. Court support is not invariant – the literature reports a number of instances in which institutional support for a court has changed (e.g., Gibson and Caldeira 2009, on change in support for the Supreme Court that resul t ed from the controversy over the Alito nomination). Still, a puzzle exists: How can the recent decline in satisfaction with the performance of the Supreme Court be reconciled with theoretical and empirical work suggesting that such support is resistant to short - term dissatisfaction with the rulings of the institution? The key to answering this question has to do with understanding the connection

between performance evaluations and institutional support. The conventional wisdom is that the relationship is "sticky," with diffuse support (a "reservoir of goodwill") only diminishing after a sustained series of performance disappointments (e.g., Baird 2001; Gibson and Caldeira 1992). However, it turns out that a set of scholars – the "specific-support revisionists" – has emerged who question whether diffuse support really is resistant to alteration by changes in specific support. Initiated largely by Bartels and Johnston (2013), and joined more recently by Christenson and Glick (2014) (and, to a lesser and somewhat different degree, Nicholson and Hansford 2014), this view posits a far stronger relationship between specific and diffuse support than heretofore thought. For example, Bartels and Johnston (2013, 196, emphasis in original) - 2 - conclude: ". . . we examined the influence of a single decision, so the size of the effects found is quite impressive and reinforces the importance of Court policymaking for citizen judgments of legitimacy." It is one thing to argue that accumulated grievances can undermine judicial legitimacy, or to suggest that blockbuster Supreme Court rulings, like Bush v. Gore, could have consequences for the Court's diffuse support. It is quite another to claim that each unpopular Court decision — particularly each run-of-the-mill decision — is potentially dangerous to the institution's health. If legitimacy cannot protect the institution when it makes unpopular decisions, then the Court must be understood as less independent of the majority because its legitimacy is so dependent upon satisfying the policy preferences of its constituents

Legitimacy effects court decision—justices are afraid of backlash and noncompliance

Gibson and Nelson 14 (James L. and Michael J.; Feb. 7th 2014 Gibson is a Sidney W. ¶ Souers Professor of Government¶ Department of Political Science¶ Professor of African and African American Studies¶ Director, Program on Citizenship and Democratic Values¶ Weidenbaum Center on the Economy, Government, and Public Policy, Nelson is an Assistant Professor Department of Political Science; "The Legitimacy of the U.S. ¶ Supreme Court¶:¶ Conventional Wisdoms, and Recent Challenges Thereto"; mjnelson.org; http://mjnelson.org/papers/AnnualReview.pdf) jskullz

The particular problem of the U.S. Supreme Court 3 is that it is heavily dependent upon legitimacy for its efficacy and survival. As all undergraduates learn, the federal courts have neither the power of the purse (carrots) nor the sword (sticks) and are therefore uncommonly dependent upon voluntary compliance from their constituents. 4 Moreover, and perhaps even more important, the U.S. Supreme Court is particularly vulnerable to backlashes against its decisions because it often rules against the preferences of the majority, 5 and because, as an institution, it is unusually dependent upon the actions of other actors and institutions. The Supreme Court has little meaningful inherent or constitutional jurisdiction; instead, it gets its power to decide issues from ordinary legislation. What Congress giveth, Congress can take th away. Even the fundamental structure of the institution – e.g., the number of justices on the Court – can change (and has throughout American history). Without legitimacy, the Supreme Court can be punished for the disagreeable decisions it makes, and/or those decisions can be ignored (for an important analysis of the Court/Congressional relations, see Clark 2011). The justices of Court are keenly aware of the importance of legitimacy to their institution, often discussing the concept in their rulings. For example, Justices O'Connor, Souter, and Kennedy, in their well-known opinion in Planned Parenthood v. Casey (1992) write: The Court's power lies, rather, in its legitimacy, a product of substance and perception that shows itself in the people's acceptance of the Judiciary as fit to determine what the Nation's law means, and to declare what it demands . . . The Court must take care to speak and act in ways that allow people to accept its decisions on the terms the

Court claims for them, as grounded truly in principle, not as compromises with social and political pressures having, as such, no bearing on the principled choices that the Court is obliged to make. Thus, the Court's legitimacy depends on making legally principled decisions under circumstances i n which their principled character is sufficiently plausible to be accepted by the Nation (865 - 866).

Impact

Turns Case – 2NC

Turns the case—Legitimacy key to enforcement—other branches ignore the plan.

Hamilton 12 (Eric Hamilton; Aug. 30th 2012; J.D. Candidate, Stanford Law School; "Politicizing the Supreme Court"; Stanford Law Review; http://www.stanfordlawreview.org/online/politicizing-supreme-court) jskullz

Congress and the President have belittled the Court. President Obama told the public at the 2010 State of the Union address that "the Supreme Court reversed a century of law" with its Citizens United decision and suggested that the Court opposed honest elections. The ensuing image was even more damaging. With 48 million Americans watching, the camera panned to a cadre of expressionless Supreme Court Justices sitting in the front row while lawmakers sitting next to them rose to their feet and applauded.[15] Presidents Obama and Bush and members of Congress have derided the Court for its "unelected" nature, with President Obama publicly wondering before the health care decision whether "an unelected group of people would somehow overturn a duly constituted and passed law."[16] Judges lack clear defenses. Judges would risk their credibility if they shouted back at the President, appeared on the Sunday morning talk shows, or held a press conference after a decision. Unlike speeches from members of Congress and the President, Supreme Court proceedings are difficult to follow without legal training. The media coverage of the Supreme Court can be incomplete or inaccurate. FOX News and CNN famously misunderstood Chief Justice Roberts' oral opinion and misreported that the individual mandate had been invalidated. The publicly available audio recordings of oral arguments contribute little to public understanding of the Court. Even before the decision, the Republican Party doctored audio clips of Solicitor General Don Verrilli coughing and pausing during oral argument to suggest in an ad suggesting that the health care law was indefensible.[17] Politicization of the Court is dangerous because it primes the public for a power grab by the political branches. If the Court loses authority to check political power and make unpopular decisions, it cannot enforce the Constitution with the same effectiveness. Without enforcement of the Constitution, Congress is free to invade constitutional rights and exceed its lawful powers. The Supreme Court came frighteningly close to losing some of its independence when the Court made politically significant decisions striking down parts of the New Deal, and President Franklin D. Roosevelt responded with the Court-packing plan. His arguments alleged misconduct by the Court. The Courts, however, have cast doubts on the ability of the elected Congress to protect us against catastrophe by meeting squarely our modern social and economic conditions. . . . The Court has been acting not as a judicial body, but as a policy-making body. . . . We have, therefore, reached the point as a nation where we must take action to save the Constitution from the Court and the Court from itself. We must find a way to take an appeal from the Supreme Court to the Constitution itself.[18] Roosevelt's words from seventy-five years ago could be repeated today by Court opponents. In his recent presidential primary campaign, Newt Gingrich promised to employ the tactics of early state constitutions by ignoring disagreeable Court decisions and ordering Justices to testify to congressional committees.[18] Proposals to invade the Court's independence ignore the Framers' fears for enforcement of the Constitution without the Supreme Court. Madison believed if the legislature and executive united behind a law and convinced the public that it was in their interest, the people could not properly judge its constitutionality, even if it was patently unconstitutional. The "passions" of the people on the particular issues would prevail over well-reasoned constitutional judgment.[20]

LA Impact

Latin American insecurity causes great power intervention – outweighs other existential threats

Ellis, Research Professor of Latin American Studies, 12-8-14

(Dr. R. Evan, PhD in Poli Sci, Prof @ the Strategic Studies Institute, U.S. Army War College, "Strategic Insights: The Strategic Relevance of Latin America for the United States," DOA: 1-29-15, http://www.strategicstudiesinstitute.army.mil/index.cfm/articles/The-Strategic-Relevance-of-Latin-America/2014/12/08, ava)

From October 12-14, 2014, the city of Arequipa, Peru, was host to this year's largest unnoticed meeting of senior government officials from across the Western Hemisphere: the 11th annual Defense Ministerial Summit of the Americas. The meeting brought together Ministers of Defense and their equivalents from 34 nations from the Western Hemisphere to discuss and coordinate positions on defense and security topics important to the region. Yet in the U.S. media, almost the only mention of the gathering was a reference that the U.S. Secretary of Defense would ask the assembled leaders for "specific contributions" to the struggle against the terrorist group the Islamic State of Iraq and the Levant (ISIL) in the Middle East.1 In the game of geopolitics, Latin America has long been, and continues to be, the "minor leagues." One can debate whether senior U.S. officials visit or talk about Latin America and the Caribbean frequently enough, or whether programs such as Plan Colombia, Plan Merida, the Central America Regional Security Initiative, and the Caribbean Basin Security Initiative are sufficient. Yet from Washington DC, Latin American and Caribbean challenges, such as drugs, organized crime, and border issues just do not seem to "stack up" to the immediate, **existential threats** confronting the United States elsewhere in the world: Ebola, the fight against ISIL, a resurgent China, and a newly assertive Russia. **Frighteningly**, in decisions about how the United States should focus its resources and attention in the pursuit of global security in the post-Cold War era, this logic is almost ubiquitous. It is also **shortsighted** and potentially creates grave risks for U.S. national security. This essay argues that both those who argue for greater U.S. attention to Latin America's problems and those who argue the need to focus resources elsewhere, have it wrong. While Latin America and the Caribbean face important challenges, such as transnational crime, governance, and development issues in the post-Cold War world, U.S. policymakers and analysts too seldom think in strategic terms about Latin America in the way that they do toward other parts of the world. Applying such a strategic lens to Latin America, the region's core strategic value to the United States derives not from individual problems in the region itself (although it is certainly in the U.S. interest to address such issues). Rather, the principal strategic imperative of Latin America for the United States historically has been, and continues to be, its geographic and economic connectedness to this country and, by extension, the potential for a powerful extra-hemispheric actor to use the region to harm the United States or impair its ability to act in other parts of the world in the event of a future conflict. The rise of China and its projection onto the global stage, coupled with Russia's increasingly bold reassertion of its imperial ambitions, increases the undesirable possibility of a serious **conflict** between the United States, and one or both of these actors. Yet, while strategists regularly ponder the political and military dimensions of how such conflicts could play out in Asia, **it is unthinkable** that a power with global political, economic, and military ties, such as Russia or China, would allow the United States to engage it in its own region without taking **the fight to the U.S. "backyard" as well.** In short, there is a worrisome disconnect between the possible conflicts that U.S. strategic planners for other theaters see on the horizon, and the focus of planners responsible for assessing **Latin America** and the Caribbean. The later tend to evaluate the risks to the United States in terms of the challenges coming from the region, but not those potentially coming through the region as a product of developments in other parts of the world. Things were not always so. During the Cold War, U.S. planners instinctively saw the Americas as an arena where the Soviet Union would seek to act as part of its global struggle with the West. Concerns over of a U.S. rival acting against the United States through proxy states in Latin America and the Caribbean was manifest in U.S. attempts to contain Cuba, and to prevent pro-Soviet regimes from coming to power in Nicaragua, El Salvador, Guatemala, and the Dominican Republic, among others. It is not politically correct in the "enlightened" and globalized post-Cold War world to contemplate peer competitors acting against the United States through sympathetic regimes or poorly governed spaces within the Western Hemisphere, and yet the incentives for such a rival to do so have not changed: 1. The presence of such a threat forces the United States to divert resources and attention from actions in other theaters. 2. U.S. trade and financial interdependence with the region allows an adversary to harm the United States economically or undermine the sustainability of U.S. efforts elsewhere without acting directly against the United States. 3. The geographic proximity to the United States gives an adversary the option to resupply forces or hold U.S. targets at risk from the region during a global conflict. While neither Russia nor China can be expected to openly threaten the United States in the near term, both are significantly **strengthening economic and military positions in the region**, and they are moving toward a posture in which a conflict with the United States is no longer unthinkable. While the United States works to peacefully cohabit the globe with these states, it is the duty of those responsible for U.S. national security to contemplate how such actors might move

against the United States in the Western Hemisphere in time of conflict, and how the United States should respond during such a conflict, and mitigate risk in the period prior to it. In 2008, when tensions escalated between Russia and the United States over the civil war in Georgia, Russia sent the United States a powerful message by sending two **nuclear-capable** Tu-160 bombers to Venezuela **to conduct flights in the Caribbean**, followed 3 months later by the arrival of a naval flotilla led by the Russian cruiser, Peter the Great. In 2014, as tensions with the United States and Europe heated up again over the crisis in the Ukraine, **Russia indicated its intention to establish facilities for the resupply of Russian naval vessels in Cuba, Venezuela, and/or Nicaragua**, as well as the reactivation of the Soviet-era listening facility in Lourdes, Cuba. Even if such actions are "bluffs," each should be a wake-up call to U.S. policymakers and planners about the threats posed to U.S. security through willing collaborators, or poorly governed spaces in the hemisphere. Neither is Russia the only extra-regional power building alliances and constructing positions close to the United States. For example, in the past decade, the People's Republic of China (PRC) has significantly expanded its commercial presence in the region by providing gifts and investing in projects in the Caribbean at a level that is way out of proportion to the value of the region to China as a market or a source of commodities. Some of these projects include: the expansion of Hutchison Whampoa's container shipping facility at Freeport, Bahamas, less than 100 miles from the U.S. coastline; the planned construction of an additional shipping facility at Goat Island, Jamaica; the expansion of port facilities in Santiago, Cuba; and, $10 billion for hotel and gambling resorts on the tiny island of Nassau, Bahamas, to name just a few. Beyond economic interactions, the PRC also quietly built its military relationships in the region through significantly expanded arms sales, as well as regular visits by Chinese military leaders, education and training activities, and a growing military presence in the region. Indeed, this presence has evolved from multilateral humanitarian activities such as, participation in the United Nations Stabilization Mission in Haiti multilateral peacekeeping mission from 2004-12, to the conduct of combat exercises with the Chilean, Argentine, and Brazilian navies in 2013. China's increasing willingness to engage with Latin America in an increasingly bold fashion has also been manifested in the diplomatic initiatives of Chinese leader Xi Jinping. His first trip to the region in June 2013, after he assumed the Presidency, focused on 11 bilateral summit meetings in three states, all north of the Panama Canal, while his second trip concentrated exclusively on states which have troubled relations with or actively oppose the United States. Although the PRC has not pursued defense alliances or base access agreements in the Western Hemisphere, the combination of its commercial presence and political and military relationships give it the ability to conduct military operations from the hemisphere relatively rapidly should hostilities with the United States cause it to do so. Chinese companies such as Hutchison Whampoa, China Shipping, and COSCO, for example, have detailed knowledge of Latin America's port facilities and their support capabilities from years of operating there. In evacuating personnel from both Somalia and Libya, Chinese commercial airlines and shipping companies have shown that they will not hesitate to collaborate with the Chinese People's Liberation Army if needed to support China's national interest. Even short of military actions, in time of war, potential adversaries such as Russia and China could use their economic leverage or intelligence on the region's leaders to persuade governments to deny cooperation to the United States with respect to passage through their territorial waters, aircraft overflight rights, or use of their facilities to support U.S. military operations. Beyond Russia and China, the aggressive public diplomacy of Iran's previous President, Mahmoud Ahmadinejad, serves as a reminder that the region's proximity to the United States is also an attraction for mid-level powers. For example, Iranian actions include the use of Venezuela to introduce agents into the region, the establishment of factories in Venezuela and financial institutions in that country, as well as in Ecuador for evading sanctions, and the recruitment of youth for religious indoctrination from countries from Nicaragua to Colombia. For those who doubt that the states of Latin America would "dare" to provide assistance to an extra-regional power against the United States, I offer five responses: 1. States such as Cuba and Venezuela, and perhaps others, have already done so, apparently based on the belief that there is no price to pay for their actions; 2. Some regimes may calculate that they can avoid provoking a response by representing their actions as "neutrality" in the face of a U.S. conflict with geopolitical rivals; 3. There is little in the recent track record of the United States in Latin America to suggest that it reliably supports its allies, or imposes significant costs on those who work against it; 4. Parts of the hemisphere, such as the southern cone, are thousands of miles distant, and a world away from Washington; and, 5. Short of a nuclear war in which all sides would lose, it is not unthinkable that the United States could fail to prevail in a standoff with a future Chinese-Russian coalition, ushering in a new "truly multipolar" era, making a bet against the United States more rational than many in Washington like to imagine. While the idea that adversaries could act against the United States from Latin America is not new, the senior decisionmakers and planners who assess conflict scenarios in other parts of the world may not have the detailed inputs from Latin American experts to understand how adversary actions in this hemisphere could impact the effective and sustained U.S. prosecution of a military campaign abroad. Reciprocally, while Latin American analysts presumably focus on threats like drugs, organized crime, and minor terrorist incidents, it is not clear that they regularly examine how actions by near-peer competitors in other theaters could affect their own area of responsibility. In the short term, the greatest need regarding U.S. security in the Western Hemisphere is not more money, but different thinking. It is difficult to identify a senior U.S. policymaker or prominent analyst who analyzes Latin America and the Caribbean with the strategic analysis that luminaries such as Henry Kissinger, Zbigniew Brzezinski, and Brent Scowcroft apply to Asia, the Middle East, or Europe. Indeed, it is difficult to identify a major recent essay done by Kissinger, Brzezinski, or Scowcroft themselves focused on Latin America and the Caribbean. From a U.S. Department of Defense (DoD) perspective, it is imperative that Latin American and Caribbean experts be included in the "strategic thinking" that is done about Russia, China, Iran, and other extra-hemispheric actors and the associated national security challenges that extra-hemispheric actors pose in other theaters. Such inclusion would help those responsible for those theaters to understand in a specific and realistic fashion how the economic, political, and military positions of a contemplated adversary in the Western Hemisphere could impact the U.S. ability to mount a timely and sustained response to that adversary in the non-Western Hemisphere location from which the crisis emanates. Reciprocally, knowledgeable senior personnel integrated into U.S. planning in other theaters should be embedded in the planning and decisionmaking processes for those responsible for the "Western Hemisphere," i.e., U.S. Southern Command (USSOUTHCOM) and U.S. Northern Command (USNORTHCOM), so that the threat matrix that they plan for is not limited solely to the threats of drugs, gangs, and organized crime "on the horizon" in Latin America and the Caribbean, but those which could flow out of a significant conflict with a global competitor in Europe, Asia, or the Middle East. One important place to incorporate such "cross-fertilization" between regions is the wargaming done by the DoD and other U.S. Government organizations. Such exercises by U.S. Southern Command and U.S. Northern Command should include scenarios involving major conflicts in other theaters, with determined adversaries such Russia, China, or even Iran, seeking to act in the Western Hemisphere to distract, delay, or undermine the U.S. effort against them, or otherwise harm the United States in its own "neighborhood." Additionally, wargames for commands such as U.S. Central Command (USCENTCOM), U.S. Pacific Command (USPACOM), or U.S. European Command (USEUCOM) should include realistic play in the Western hemisphere that could impact the arrival or sustainability of U.S. and coalition forces available in their own theater, and even the level of cooperation of coalition partners coming from the Western Hemisphere. Ideally, such USCENTCOM, USPACOM, and USEUCOM exercises should also integrate U.S. Western Hemisphere allies with a stake in the outcome including Canada, and where possible, Mexico, Colombia, and Chile, among others. Doing so would have the added benefit of strengthening U.S. relations with its security partners in the Western Hemisphere by bringing them into U.S. global planning processes as stakeholders, and not as mere resource providers or supplicants. Beyond wargaming, an important component of the strategic-level response to the challenge presented by extra-regional actors in the hemisphere should be additional analysis about who are the extra-hemispheric "strategic partners" of the United States in Latin America and the Caribbean, as well as what is the "strategic terrain" of the region. This includes identifying key countries, groups, and economic sectors under varying scenarios, and on a recurring basis, as well as physical terrain. As an example, as aid to Colombia decreases, with that nation surrounded by Bolivarian Alliance for the Peoples of Our America regimes opposed to U.S. interests in the region, we may wish to consider how the "loss" of that country as a close political partner, one willing to cooperate with the United States across a range of security and law enforcement issues, would impact U.S. influence in South America. Similarly, as the Mexican government of Enrique Peña Nieto seeks improved relations with the PRC, we may wish to examine how a

Mexico that is less resistant to the economic and political advances of the PRC would impact the U.S. position in Central America and the Caribbean. Looking to the Caribbean in a similar fashion, the United States may wish to consider what would happen if it lost the strong cooperation of the Dominican Republic (or even became politically estranged from its own Puerto Rico) in a Caribbean basin increasingly inundated by extra-regional actors, including the Russian positions in Nicaragua and Cuba, the Chinese commercial ports in Freeport and Goat Island, the Chinese built satellites and telecommunications infrastructures, and the significant Chinese military relationships with virtually all of the nations which recognize it in the Caribbean basin, including Venezuela, Suriname, Guyana, Cuba, Jamaica, and Trinidad and Tobago. Finally, U.S. strategic thinkers should consider how the United States can work more effectively with other extra-regional partners as part of its strategic response in the Western Hemisphere. These include, but are not limited to, states such as Japan and India, whose political systems, economic practices, and global objectives may be more aligned with those of the United States, and who are less inclined to use their positions within Latin America against the United States in a time of conflict. In the current era of global commerce and interdependence, it would be difficult, and probably counterproductive, for the United States to attempt to prevent states of the region from developing economic, political, and military relationships with extra-hemispheric actors. It can however, intelligently use its commercial leverage and "soft power" to support the strengthening of positions in the region by those extra-regional actors most friendly to the United States and most aligned with Western international norms on issues of trade, international finance, and protection of intellectual property. Such thoughts are not a roadmap, but merely, to provoke a greater discourse. The problem in Washington, DC, is arguably not the absence of bright people and deep thinkers, but rather, in focusing on the very real problems of the region itself, too few of them consider the strategic dimension of Latin America and the Caribbean in the new era of emerging geopolitical rivals and global interdependence in the security and commercial domains. The purpose of this essay is not to argue for a significant redirection of material resources toward Latin America, or to impose a new "Cold War" mentality on the region. Rather, it is to offer constructive recommendations for what responsible U.S. leaders and planners should consider, even as the United States continues to work toward productive and harmonious relationships with global actors such as Russia and China, and even as it continues to work with the region on the issues of democracy, development, security, and governance that are shared interest for all who share the Western Hemisphere. To view the matter through a military analogy, Latin America is the unoccupied high-ground overseeing the U.S. position. A responsible commander would recognize that the occupation of that high ground by an adversary poses an unacceptable threat to his force, and thus would dedicate resources to block the adversary from doing so. By this analogy, it would be a grave error for the United States to conclude that, in the absence of serious threats to the United States from Latin America, it is okay to merely watch as potential future adversaries such as Russia and China expand their positions in the region. While such neglect, in the short term, may "free up resources" to continue other engagements abroad, over the long term, the willing cessation of its own neighborhood by the U.S. is the single factor most likely to force the United States **into a chaotic retreat from its external engagements**. **Latin America is strategically fundamental to the security and prosperity of the United States.** This was a concept integral to the launching of the process of defense ministerial summits with the 1995 Williamsburg summit. It is better that we rediscover that lesson today, rather than learn it at great cost in the future.

Gun Control – Terror

Gun control prevents conventional terror attacks in the U.S.

Harris-Hogan 13 – Shandon, staffwriter, "Gun control could help the fight against homegrown terrorism" http://theconversation.com/gun-control-could-help-the-fight-against-homegrown-terrorism-11611

But we should not fool ourselves. Introducing measures such as closing the "gun-show loophole", requiring background checks, tracking the movement and sale of weapons and banning assault weapons and high capacity magazines will not eradicate the potential for mass casualty attacks. Rather, these actions **are designed to prevent the frequency and extent of such incidents.** Following the 1996 massacre in Port Arthur, Tasmania, which killed 35 people, strict gun control measures were brought in across Australia. As a result, more than 650,000 automatic and semi-automatic rifles were handed in and destroyed. Research published in the American Law and Economics Review noted the benefits. It found that firearm homicides dropped 59% in Australia between 1995 and 2006. In 2011, Harvard University researchers revealed that in the 18 years prior to 1996 there were 13 mass casualty attacks involving guns in Australia (mass casualty attacks being defined as those with four or more fatalities). Since the introduction of gun control laws there have been none. Historical and cultural differences between Australians and Americans in their attitudes towards gun ownership mean that the scale of the issue in the United States is far greater than that faced by Australia. There are as many as 300 million guns throughout the United States and organisations such as the National Rifle Association wield enormous power and influence. There is also an ingrained scepticism throughout American society towards any move perceived as the federal government restricting the rights of the individual. These factors help explain to outside observers why reinstating the bans on the sale of assault weapons has not managed to gain widespread support, even after a series of tragic mass shootings. The gun control debate is not just important in the context of school shootings but is also relevant to all forms of **mass casualty attacks**, including those that are religiously or ideologically inspired. In June 2011, al Qaeda's media production arm released a video urging sympathisers to attack targets in the United States with firearms. It noted that "**America is absolutely awash with easily obtainable firearms**" and that the faithful should take advantage of the country's gun stores and gun shows. Inspire magazine has also **repeatedly urged such undertakings**. Since 9/11, there have been around 50 foiled attempts to carry out a mass casualty attack on American soil in the name of jihadist ideology. An additional four attempts have been successful and resulted in fatalities - at Fort

Hood, Little Rock, the Seattle Jewish Federation and Los Angeles Airport. Each successful attack has involved firearms. In August last year, six people were killed when a gunman with ties to the white supremacy movement opened fire at a Sikh temple in Wisconsin. The 69 Norwegians killed by Anders Breivik in July 2011 remind us of the potential damage assault weapons and high capacity magazines can cause in a civilian environment (eight were also killed in an associated bombing). There has also been a significant increase in attempted jihadist plots in Western countries over the past five years. However, many of the perpetrators often have little or no training or expertise and these plots have tended to be less sophisticated than previous efforts more directly connected to international terrorist organisations. Importantly, **there is a strong relationship between recent plots and a desire to use conventional weaponry** (rather than explosives which require the acquisition of a number of materials and are difficult to assemble). In the same way that restricting the sale of certain chemicals may have gone some way to preventing a bombing inspired by jihadist ideology in America post 9/11, **restricting access to assault rifles and high capacity magazines may also help prevent a large scale attack.** The introduction of restrictions on the sale of firearms in Australia has helped prevent such a mass casualty attack. In 2005 and 2009, cells were intercepted in Victoria which planned to conduct mass casualty attacks in the name of jihadist ideology. **Both unsuccessfully attempted to procure guns from the black market.** The 2005 cell used money raised through criminal activity in an attempt to purchase firearms for the group. Three men were also convicted of planning a suicide mission on Holsworthy Army Barracks in 2009 using guns that carried "up to 60 bullets". These men were recorded commenting that with this type of weaponry, "20 minutes would be enough" to inflict mass casualties. Fortunately, both groups had difficulty acquiring such weapons and authorities were able to intercept both cells before an attack could take place. These examples highlight the fact that for those wanting to inflict mass casualties, **automatic weapons with high magazine capacities are the best weapon choice**. Though the extent of the preparation and skill of a shooter is important, it is the equipment used that may ultimately determine the extent of the damage, particularly if a shooter lacks expertise. Protecting citizens from mass casualty attacks must be the first security priority of any nation. Whether an attacker is motivated by distorted religious teaching, mental illness or revenge, governments must find ways to restrict the extent of the damage such individuals can potentially cause. By introducing significant gun control measures President Obama has an opportunity to leave a legacy of helping to secure the safety of the American people.

That triggers nuclear retaliation and miscalculation

Conley, ACC chief of Systems Analysis Branch, 2003 (Harry, "Not with Impunity Assessing US Policy for Retaliating to a Chemical or Biological Attack", 3-5, http://www.airpower.maxwell.af.mil/airchronicles/apj/apj03/spr03/conley.html, ldg)

The number of American casualties suffered due to a WMD attack may well be the most important variable in determining the nature of the US reprisal. A key question here is how many Americans would have to be killed to prompt a massive response by the United States. The bombing of marines in Lebanon, the Oklahoma City bombing, and the downing of Pan Am Flight 103 each resulted in a casualty count of roughly the same magnitude (150–300 deaths). Although these events caused anger and a desire for retaliation among the American public, they prompted no serious call for massive or nuclear retaliation. The body count from a single biological attack could easily be one or two orders of magnitude higher than the casualties caused by these events. **Using the rule of proportionality as a guide, one could justifiably debate whether the United States should use massive force in responding to an event that resulted in only a few thousand deaths**. However, what if the casualty count was around 300,000? Such an unthinkable result from a single CBW incident is not beyond the realm of possibility: "According to the U.S. Congress Office of Technology Assessment, 100 kg of anthrax spores delivered by an efficient aerosol generator on a large urban target would be between two and six times as lethal as a one megaton thermo-nuclear bomb."46 **Would the deaths of 300,000 Americans be enough to trigger a nuclear response? In this case, proportionality does not rule out the use of nuclear weapons. Besides simply the total number of casualties, the types of casualties- predominantly military versus civilian- will also affect the nature and scope of the US reprisal action**. Military combat entails known risks, and the emotions resulting from a significant number of military casualties are not likely to be as forceful as they would be if the attack were against civilians. World War II provides perhaps the best examples for the kind of event or circumstance that would have to take place to trigger a nuclear response. **A** CBW **event that produced a shock and death toll roughly**

equivalent to those arising from the attack on Pearl Harbor might be sufficient to prompt a nuclear retaliation. President Harry Truman's decision to drop atomic bombs on Hiroshima and Nagasaki- based upon a calculation that up to one million casualties might be incurred in an invasion of the Japanese homeland47- is an example of the kind of thought process that would have to occur prior to a nuclear response to a CBW event. Victor Utgoff suggests that "if **nuclear retaliation is seen at the time to offer the best prospects for suppressing further CB attacks and speeding the defeat of the aggressor, and if the original attacks had caused severe damage that had outraged American or allied publics, nuclear retaliation would be more than just a possibility, whatever promises had been made."48**

Stability – 2NC

Strong gun control is critical to prevent instability in Latin America

Sweig 13 – Julia E., Nelson and David Rockefeller Senior Fellow for Latin America Studies and Director for Latin America Studies @ the Council on Foreign Relations, "Arms, the United States, and the Americas" http://www.cfr.org/arms-control-disarmament-and-nonproliferation/arms-united-states-americas/p31179

Not long after a teenage boy massacred 27 children and teachers in Connecticut last year, a Brazilian student asked me if I thought the United States has "a culture of violence." A truism: Americans do like their guns. And some really do live by a frontier maxim of individualism, often tied to zealous passion for the Constitution's second amendment. But the reason we have an under-regulated market in high-powered weaponry and ammunition is more about politics than a mythological culture: **the arms industry simply has too much power.** Latin Americans, especially Mexicans and Central Americans, experience the **spillover effects of our lax gun laws**. In 2010, for example, the gun-related homicide rate in the region **exceeded the global average by 30 percent**. The World Bank estimates that crime and violence cost Central America nearly **8 percent of its GDP**. Brazil, with its own arms industry too, has the highest number of yearly gun homicides in the world, followed by Colombia, Mexico and Venezuela. The highest rates of gun homicide in the world are also in Latin America, led by Honduras. **And it's not just the guns and ammo that are flowing north to south. Its politics too**. In 2005 the National Rifle Administration (NRA) helped defeat a referendum in Brazil that would have banned the sale of guns and ammunition to private citizens. After the massacres in Texas, Arizona, Colorado and Connecticut during their administration, Barack Obama and Joe Biden and a range of gun control advocacy groups, have begun to challenge the tactics of the NRA. Some states, such as California, Connecticut and Maryland, have passed strict gun laws, despite the impasse in the U.S. congress. The American civilian firearms industry continues to supply the region's transnational criminal networks with weaponry. Earlier this year the U.S. Senate rejected measures to expand background checks, reinstate the federal assault weapons ban, and make straw purchasing a federal crime. It will take a while for the domestic politics around guns to change. But in foreign policy, Washington has some options to make its rhetoric about "**shared responsibility**" more of a reality with executive actions to **reduce trafficking in assault weapons and ammunition in the Americas**. You can read about it here at cfr.org in "A Strategy to Reduce Gun Violence in the Americas," published this week.

Relations – 2NC

More evidence – it's killing U.S. influence and credibility vis-à-vis Latin America

Williams 7/31/**13** – Carol J., senior international affairs writer for the Los Angeles Times. A foreign correspondent for 25 years, she has won four Overseas Press Club awards, two Sigma Delta Chi citations and was a 1993 finalist for the Pulitzer Prize in international reporting, "U.S. gun laws blamed for worsening Latin American violence" http://articles.latimes.com/2013/jul/31/world/la-fg-wn-us-gun-laws-violence-latin-america-20130731

Lax U.S. gun regulations are enabling the international trafficking of high-powered weapons and **fueling the spread of gun violence in Latin America and the Caribbean**, the Council on Foreign Relations argues in a report urging President Obama to take action on initiatives that have foundered in Congress. **More than 70%** of the 99,000 weapons recovered by Mexican law enforcement since 2007 were traced to U.S. manufacturers and importers, the council report said, citing data from the eTrace program of the Bureau of Alcohol, Tobacco, Firearms and Explosives. The figure for guns of U.S. origin recovered in the Caribbean is **over 90%,** the study noted. "The flow of high-powered weaponry from the **U**nited **S**tates to Latin America and the Caribbean **exacerbates soaring rates of gun-related violence** in the region and **undermines U.S. influence in the Western Hemisphere**," states the council's policy memo, written by Latin America studies director Julia Sweig. The ATF statistics, as well as those of the United Nations Office on Drugs and Crime, suggest the escalating flow of assault weapons from the **U**nited **S**tates is connected with a **30% higher rate of per capita gun-related homicides in Latin America than the global average**. In Mexico, the U.N. homicide report for 2011 charts a **more than tripling of firearms slayings in less than a decade**.

Environment Impact – 1NC

Weakening the court prevents sustainable development

Stein, New South Wales Court of Appeal former judge, 2005

(Paul Stein, "Why judges are essential to the rule of law and environmental protection", IUCN Environmental Policy and Law Paper No. 60, online, ldg)

The Johannesburg Principles state: "We emphasize that the **fragile state** of the global environment requires the judiciary, as the **guardian of the Rule of Law**, to boldly and fearlessly implement and enforce applicable international and national laws, which in the field of environment and sustainable development will assist in **alleviating poverty** and **sustaining an enduring civilization**, and ensuring that the present generation will enjoy and improve the quality of life of all peoples, while also ensuring that the **inherent rights** and interests of succeeding generations are not compromised." There can be no argument that environmental law, and sustainable development law in particular, are vibrant and dynamic areas, both internationally and domestically. Judge Weeramantry (of the ICJ) has reminded us that we judges, as **custodians of the law**, have a major obligation to contribute to its development. Much of sustainable development law is presently making the journey from soft law into hard law. This is happening internationally but also it is occurring in many national legislatures and courts. Fundamental environmental laws relating to **water, air**, our **soils and energy** are critical to narrowing the widening gap between the rich and poor of the world. Development may be seen as the bridge to narrow that gap but it is one that is riddled with dangers and contradictions. We cannot bridge the gap with materials stolen from future generations. Truly sustainable development can only take place in harmony with the environment. Importantly we must not allow sustainable

development to be duchessed and bastardized. A role for judges? It is in striking the balance between development and the environment that the courts have a role. Of course, this role imposes on judges a significant trust. The balancing of the rights and needs of citizens, present and future, with development, is a delicate one. It is a balance often between powerful interests (private and public) and the voiceless poor. In a way **judges are the meat in the sandwich** but, difficult as it is, we must not shirk our duty. Pg. 53-54

Extinction

Barry, Wisconsin land resources PhD, 2013

(Glen, "ECOLOGY SCIENCE: Terrestrial Ecosystem Loss and Biosphere Collapse", 2-4, http://forests.org/blog/2013/02/ecology-science-terrestrial-ec.asp, ldg)

Blunt, Biocentric Discussion on Avoiding Global Ecosystem Collapse and Achieving Global Ecological Sustainability Science needs to do a better job of considering worst-case scenarios regarding continental- and **global-scale ecological collapse**. The loss of biodiversity, ecosystems, and landscape connectivity reviewed here shows clearly that ecological collapse is occurring at spatially extensive scales. The collapse of the biosphere and complex life, or eventually even all life, is a possibility that needs to be better understood and mitigated against. A tentative case has been presented here that terrestrial **ecosystem loss is at or near a planetary boundary**. It is suggested that a 66% of Earth's land mass must be maintained in terrestrial ecosystems, to maintain critical connectivity necessary for ecosystem services across scales to continue, including the biosphere. Yet various indicators show that around 50% of Earth's terrestrial ecosystems have been lost and their services usurped by humans. Humanity may have already destroyed more terrestrial ecosystems than the biosphere can bear. There exists a major need for further research into how much land must be maintained in a natural and agroecological state to meet landscape and bioregional **sustainable development** goals while maintaining an operable biosphere. It is proposed that a critical element in determining the threshold where terrestrial ecosystem loss becomes problematic is where landscape connectivity of intact terrestrial ecosystems erodes to the point where habitat patches exist only in a human context. Based upon an understanding of how landscapes percolate across scale, it is recommended that 66% of Earth's surface be maintained as ecosystems; 44% as natural intact ecosystems (2/3 of 2/3) and 22% as agroecological buffer zones. Thus nearly half of Earth must remain as large, connected, intact, and naturally evolving ecosystems, including old-growth forests, to provide the context and top-down ecological regulation of both human agroecological, and reduced impact and appropriately scaled industrial activities. Given the stakes, it is proper for political ecologists and other Earth scientists to willingly speak bluntly if we are to have any chance of averting global ecosystem collapse. A case has been presented that Earth is already well beyond carrying capacity in terms of amount of natural ecosystem habitat that can be lost before the continued existence of healthy regional ecosystems and the global biosphere itself may not be possible. Cautious and justifiably conservative science must still be able to rise to the occasion of global ecological emergencies that may threaten our very survival as a species and planet. Those knowledgeable about planetary boundaries—and abrupt climate change and terrestrial ecosystem loss in particular—must be more bold and insistent in conveying the range and possible severity of threats of global ecosystem collapse, while proposing sufficient solutions. It is not possible to do controlled experiments on the Earth system; all we have is observation based upon science and trained intuition to diagnose the state of Earth's biosphere and suggest sufficient ecological science–based remedies. If Gaia is alive, she can die. Given the strength of life-reducing trends across biological systems and scales, there is a need for a rigorous research agenda to understand at what point the biosphere may perish and Earth die, and to learn what configuration of ecosystems and other boundary conditions may prevent her from doing so. We see death of cells, organisms, plant communities, wildlife populations, and whole ecosystems all the time in nature—extreme cases being desertification and ocean dead zones. There is no reason to dismiss out of hand that the **Earth System could die if critical thresholds are crossed**. We need as Earth scientists to better understand how this may occur and bring knowledge to bear to avoid global ecosystem and biosphere collapse or more extreme outcomes such as biological homogenization and the loss of most or even all life. To what extent can a homogenized Earth of dandelions, rats, and extremophiles be said to be alive, can it ever recover, and how long can it last? The risks of global ecosystem collapse and the need for strong response to achieve global ecological sustainability have been **understated for decades**. If indeed there is some possibility that our shared biosphere could be collapsing, there needs to be further investigation of what sorts of sociopolitical responses are valid in such a situation. Dry, unemotional scientific inquiry into such matters is necessary—yet more proactive and evocative political ecological language may be justified as well. We must remember we are speaking of the potential for a **period of great dying** in species, ecosystems, humans, and perhaps all being. It is not clear whether this global ecological emergency is avoidable or recoverable. It may not be. But we must follow and seek truth wherever it leads us. Planetary boundaries have been quite anthropocentric, focusing upon human safety and giving relatively little attention to other species and the biosphere's needs other than serving humans. Planetary boundaries need to be set that, while including human needs, go beyond them to meet the needs of ecosystems and all their constituent species and their aggregation into a living biosphere. Planetary boundary thinking needs to be more biocentric. I concur with Williams (2000) that what is

needed is an Earth System–based conservation ethic—based upon an "Earth narrative" of natural and human history—which seeks as its objective the "complete preservation of the Earth's biotic inheritance." Humans are in no position to be indicating which species and ecosystems can be lost without harm to their own intrinsic right to exist, as well as the needs of the biosphere. For us to survive as a species, logic and reason must prevail (Williams 2000). Those who deny limits to growth are unaware of biological realities (Vitousek 1986). There are strong indications humanity may undergo societal collapse and pull down the biosphere with it. The longer dramatic reductions in fossil fuel emissions and a halt to old-growth logging are put off, the worse the risk of abrupt and irreversible climate change becomes, and the less likely we are to survive and thrive as a species. Human survival—entirely dependent upon the natural world—depends critically upon both keeping carbon emissions below 350 ppm and maintaining at least 66% of the landscape as natural ecological core areas and agroecological transitions and buffers. Much of the world has already fallen below this proportion, and in sum the biosphere's terrestrial ecosystem loss almost certainly has been surpassed, yet it must be the goal for habitat transition in remaining relatively wild lands undergoing development such as the Amazon, and for habitat restoration and protection in severely fragmented natural habitat areas such as the Western Ghats. The human family faces an unprecedented global ecological emergency as reckless growth destroys the ecosystems and the biosphere on which all life depends. Where is the sense of urgency, and what are proper scientific responses if in fact Earth is dying? Not speaking of worst-case scenarios—the collapse of the biosphere and loss of a living Earth, and mass ecosystem collapse and death in places like Kerala—is **intellectually dishonest**. We must consider the real possibility that we are pulling the biosphere down with us, setting back or **eliminating complex life**. The 66% / 44% / 22% threshold of terrestrial ecosystems in total, natural core areas, and agroecological buffers gets at the critical need to maintain large and expansive ecosystems across at least 50% of the land so as to keep nature connected and fully functional. We need an approach to planetary boundaries that is more sensitive to deep ecology to ensure that habitable conditions for all life and natural evolutionary change continue. A terrestrial ecosystem boundary which protects primary forests and seeks to recover old-growth forests elsewhere is critical in this regard. In old forests and all their life lie both the history of Earth's life, and the hope for its future. The end of their industrial destruction is a global ecological imperative. Much-needed dialogue is beginning to focus on how humanity may face systematic social and ecological collapse and what sort of community resilience is possible. There have been ecologically mediated periods of societal collapse from human damage to ecosystems in the past (Kuecker and Hall 2011). What makes it different this time is that the human species may have the scale and prowess to pull down the biosphere with them. It is fitting at this juncture for political ecologists to concern themselves with both legal regulatory measures, as well as revolutionary processes of social change, which may bring about the social norms necessary to maintain the biosphere. Rockström and colleagues (2009b) refer to the need for "novel and adaptive governance" without using the word revolution. Scientists need to take greater latitude in proposing solutions that lie outside the current political paradigms and sovereign powers. Even the Blue Planet Laureates' remarkable analysis (Brundtland et al. 2012), which notes the potential for climate change, ecosystem loss, and inequitable development patterns neither directly states nor investigates in depth the potential for global ecosystem collapse, or discusses revolutionary responses. UNEP (2012) notes abrupt and irreversible ecological change, which they say may impact life-support systems, but are not more explicit regarding the profound human and ecological implications of biosphere collapse, or the full range of sociopolitical responses to such predictions. More scientific investigations are needed regarding alternative governing structures optimal for pursuit and achievement of bioregional, continental, and global sustainability if we are maintain a fully operable biosphere forever. An economic system based upon endless growth that views ecosystems necessary for planetary habitability primarily as resources to be consumed cannot exist for long. Planetary boundaries offer a profoundly difficult challenge for global governance, particularly as increased scientific salience does not appear to be sufficient to trigger international action to sustain ecosystems (Galaz et al. 2012). If indeed the safe operating space for humanity is closing, or the biosphere even collapsing and dying, might not discussion of revolutionary social change be acceptable? Particularly, if there is a lack of consensus by atomized actors, who are unable to legislate the required social change within the current socioeconomic system. By not even speaking of revolutionary action, we dismiss any means outside the dominant growth-based oligarchies. In the author's opinion, it is shockingly irresponsible for Earth System scientists to speak of geoengineering a climate without being willing to academically investigate revolutionary social and economic change as well. It is desirable that the current political and economic systems should reform themselves to be ecologically sustainable, establishing laws and institutions for doing so. Yet there is nothing sacrosanct about current political economy arrangements, particularly if they are collapsing the biosphere. Earth requires all enlightened and knowledgeable voices to consider the full range of possible responses now more than ever. One possible solution to the critical issues of terrestrial ecosystem loss and abrupt climate change is a massive and global, natural ecosystem protection and restoration program—funded by a carbon tax—to further establish protected large and connected core ecological sustainability areas, buffers, and agro-ecological transition zones throughout all of Earth's bioregions. Fossil fuel emission reductions must also be a priority. It is critical that humanity both stop burning fossil fuels and destroying natural ecosystems, as fast as possible, to avoid surpassing nearly all the planetary boundaries. In summation, we are witnessing the collective dismantling of the biosphere and its constituent ecosystems which can be described as ecocidal. The loss of a species is tragic, of an ecosystem widely impactful, yet **with the loss of the biosphere all life may be gone**. Global ecosystems when connected for life's material flows provide the all-encompassing context within which life is possible. The miracle of life is that life begets life, and the tragedy is that across scales when enough life is lost beyond thresholds, living systems die.

Environment Impact – 2NC

Court's public trust doctrine is key to sustainable development. Now is the key time. We are dangerously close to planetary boundaries

Sagarin et al., Arizona Institute of the Environment research scientist, 2012

(Raphael, “The Public Trust Doctrine: Where Ecology Meets Natural Resources Management”, Annual Review of Environment and Resources, ScienceDirect, ldg)

We are failing to preserve ecosystems and their services on which humanity relies. **Forests, freshwater sources, oceans**, and the **atmosphere** itself are all at degraded states and may be **hovering dangerously close to “planetary boundaries**” (1), where they will no longer provide the services of food production, nutrient cycling, and climate regulation as they do currently. These resources are common-pool resources, meaning resources from which it is hard (i.e., costly) to exclude users but simultaneously are subject to degradation from overuse (2). It has proven difficult to devise ways of governing our sustainable use of common-pool resources. A particular legal doctrine called the public trust doctrine (PTD), which appears in several countries but initially evolved in the United States, is appealing to environmental law and policy scholars on both philosophical and practical grounds. In its most basic interpretation, it states that certain natural resources cannot be subject to private ownership and must be held in trust for the people of a State (or US state) by the government. Governments must manage trust resources for the exclusive benefit of their citizens, both current and future, and if they fail to do so, citizens can **seek remedy in the courts**. Philosophically, the PTD is appealing because it provides a framework for structuring the relationship among citizens, both current and future, the governments they elect, and natural resources and the services they provide. Additionally, by protecting the rights of both current and future citizens to functioning ecosystems, the PTD is tied to the important notion in **international environmental governance** of intergenerational equity. Practically, the PTD is appealing because it scales well from backyard creeks to international waters, and from resources with clear monetary value (e.g., fish) to those with more diffuse values (e.g., intact ecosystems). It is widely incorporated in US states’ law and has increasingly been used in other countries by their legislatures to prescribe a more accountable way forward for environmental governance and by their courts to prevent harm to trust resources or demand their restoration. Achieving laws and policies that prevent overuse of natural resources is an imperative in the enduring global effort to achieve **sustainable development** (3). With the current **global negotiations** about sustainable development, climate change, and high seas governance, not to mention ongoing environmental conflicts at every level, now is an **opportune time** to clarify the PTD and its potential opportunities and pitfalls as a tool for more effective and sustainable natural resources management. Depending on one’s perspective, the PTD could be a powerful tool for recognizing ecological advances in law and policy or a dangerously unwieldy cudgel that threatens democracy and property rights. Those who advocate in academic discussions, court cases, legislative debates, or as delegates to international environmental conferences for an expanded PTD need to understand the many facets of the PTD concept. The vast majority of recent PTD discussion has occurred in law review journals, which have both benefits and drawbacks. Law review articles are built on extensive knowledge of legal precedent, but because they are essentially framed as arguments, they tend to rely on judicial opinions and other articles that support the commentator’s viewpoint and relegate opposing views to an unelaborated “but see . . .” citation in the footnotes. Pg. 474-475

US judicial decisions protecting the environment will create a global norm.

Long, Florida Coastal law professor, 2008

(Andrew, “International Consensus and U.S. Climate Change Litigation”, 33 Wm. & Mary Envtl. L. & Pol'y Rev. 177, lexis, ldg)

1. Enhancing U.S. International Leadership In a time of unfavorable global opinion toward the United States, **explicit judicial involvement** with international norms will move the United States closer to the international community by acknowledging the relevance of international environmental norms for our legal system. As in other contexts, explicit judicial internalization of climate change norms would "build[ ] U.S. 'soft power,' [enhance] its **moral authority**, and strengthen[ ] U.S. capacity for **global leadership**"2 °3 on

climate change, and other global issues. More specifically, domestic judicial consideration of the global climate regime would reaffirm that although the United States has rejected Kyoto, we take the obligation to respect the global commons seriously by recognizing that obligation as a facet of the domestic legal system. U.S. courts' overall failure to interact with the international climate regime, as in other issue areas, has "serious consequences for their roles in **international norm creation**."2" As judicial understandings of climate change law converge, the **early and consistent** contributors to the transnational judicial dialogue will likely play the strongest role in **shaping the emerging international normative consensus**.2"' As Justice L'Heureux- Dube of the Canadian Supreme Court noted in an article describing the decline of the U.S. Supreme Court's global influence, "[decisions which look only inward ... have less relevance to those outside that jurisdiction." °6 Thus, if U.S. courts hope to participate in shaping the normative position on climate change adopted by judiciaries throughout the world, explicit recognition of the relationship between domestic and international law is vital. With climate change in particular, norm development through domestic application should be an important aspect of global learning. The problem requires a global solution beyond the scope of any prior multilateral environmental agreements. This provides a situation in which U.S. judicial reasoning in applying aspects of climate regime thinking to concrete problems will **fall into fertile international policy soil**. Accordingly, the recognition of international norms in domestic climate change litigation may play a strengthening role in the perception of U.S. leadership, encourage U.S. development and **exportation** of effective domestic climate strategies, and **promote international agreements** that will enhance consistency with such approaches. In short, explicit judicial discussion of international climate change norms as harmonious with U.S. law can enhance U.S. ability to regain a global leadership position on the issue and, thereby, more significantly **shape the future of the international climate regime.** 2. Promoting the Effectiveness of the International Response Along with promoting U.S. interests and standing in the international community, climate change litigation has a direct role to play in developing the international regime if courts directly engage that regime." 7 Just as the United States as an actor may benefit from acknowledging and applying international norms, the regime in which the actions occur will benefit through application and acceptance. Indeed, a case such as Massachusetts v. EPA that directly engages only domestic law can nonetheless be understood to impact international lawmaking by considering its actors."' More important, however, will be cases in which the domestic judiciary gives life to international agreements through direct engagement-a "role [that] is particularly important as a check on the delegitimization of international legal rules that are not enforced."" 9 Assuming, as we must in the arena of climate change, that international law can only effect significant changes in behavior through penetration of the domestic sphere, domestic litigation that employs international law not only provides an instance in which the international appears effective but, more importantly, molds it into a shape that will enable further use in domestic cases or suggest necessary changes internationally. By engaging the international, domestic cases can also provide articulation for the norms that have emerged. The precise meaning of the UNFCCC obligation that nations take measures must be hammered out on the ground. In the United States, if Congress has not acted, it is appropriate for the courts to begin this process by measuring particular actions against the standard. 3. Encouraging Consistency in Domestic Law and Policy In the absence of national climate change law and policy, explicit discussion of international sources and norms in litigation will provide a well-developed baseline for a uniform judicial approach in the domestic realm. This could occur both within and beyond the United States. Within the United States, bringing international environmental law into the mix of judicial reasoning would provide common grounding that unifies the decisions and begins to construct a more systematic preference for development of an effective legal response to international threats. Specifically, if an international climate change norm is found relevant to interpretation of a domestic statute, reference will be appropriate to that norm when future questions of interpretation of the domestic statute arise.210 Thus, to the extent that climate change cases rely upon consensus concerning the scientific evidence of climate change, future cases should use that consensus as a measuring stick for claims of scientific uncertainty.2n The same can occur with norm development. For example, had the Court in Massachusetts tied its jurisdictional or substantive holding to an identifiable norm, the opinion would have greater clarity and value as a precedent in other contexts within the United States. Outside the United States, this approach would provide value to other, more transnationally oriented domestic courts.212 This would serve a **norm entrepreneurship function** and likely increase agreement among domestic courts on how to approach climate change issues raised under statutes designed for other purposes. 4. Enabling a Check at the Domestic-International Interface Finally, climate change litigation has something to offer for the growth of administrative law at the interface of domestic and international law. At least two points are noteworthy. First, U.S. courts can serve a unique function of providing legal accountability for U.S. failure to honor its UNFCCC commitments.213 Although this might be achieved implicitly, arguably the approach of Massachusetts, doing so explicitly would provide a check of a different magnitude. An explicit check here would serve the purposes identified above, as well as offering the practical benefit of **increasing compliance**. The dualist tradition, and perhaps concerns of domestic political backlash, weigh against grounding a decision solely in the UNFCC. However, looking to it as a major point in a narrative defining the development of a partly **domestic obligation to take national action for the redress of climate change would serve the** same beneficial **purpose.** This approach has the advantage of building a significant bridge over the dualist divide between domestic and international law without ripping the Court's analysis from traditional, dualist moorings. Pg. 212-216

Business Confidence DA

1NC- Business

The U.S econ is a glass house now

Taipei times 15 (Taipei times, "Fragile US economy limits Fed moves," http://www.taipeitimes.com/News/biz/archives/2015/06/19/2003621022, June, 19, 2015)
For US Federal Reserve officials, the US economy is a glass house where aggressive moves could break something. While the median forecast of policymakers still calls for two interest-rate increases by the end of the year, more officials say just one would be enough. Still more advocate a go-slow approach to further tightening next year. Projections from the US Federal Open Market Committee published on Wednesday showed that five officials foresee one increase in the federal funds rate this year, up from just a single policymaker who said so in March. While policymakers said the economy has picked up after a first-quarter slump, Fed Chair Janet Yellen said she still wants to see more "decisive" evidence of a lasting turnaround. "There is concern about the fragility of the expansion," former Fed Division of Monetary Affairs economist and Johns Hopkins University professor Jonathan Wright said. "Growth in the first half of the year seems to have been very weak." Growth slumped at a 0.7 percent annual rate in the first quarter amid severe weather, port disruptions and a stronger US dollar that sapped exports. Consumers still have a high propensity to save much of their incomes rather than spend. Manufacturing has slowed, and global risks, including the possibility Greece is set to default on its debt have increased. Fed officials "just don't have confidence yet," JPMorgan Chase & Co chief US economist Michael Feroli said. "Global factors definitely hit forcefully in the first quarter and it doesn't look like the global economy is picking up steam." At her press conference following the Federal Open Market Committee meeting, Yellen cited signs of "cyclical weakness" in the labor market, and noted wage growth remains "subdued." "Although progress clearly has been achieved, room for further improvement remains," Yellen said. "Economic conditions are currently anticipated to evolve in a manner that will warrant only gradual increases in the target federal funds rate." In the first five months of this year, non-farm payrolls have expanded by just over a million workers. Residential construction has also shown signs of life as housing starts in April and last month registered the best back-to-back readings since 2007. Still, Fed policymakers reiterated in their statement that, before raising interest rates, they must be "reasonably confident" that inflation is set to move back to their 2 percent target over the medium term. Inflation minus food and energy decelerated to 1.2 percent for the year ending April. That compares with a rate of 1.4 percent for the year ended April last year. Yellen stressed that the date of the first interest-rate increase is less important than the trajectory of subsequent ones. On that score, officials reduced their median estimate for the federal funds rate at the end of next year to 1.625 percent from 1.875 percent in their March forecast, and to 2.875 percent for the end of 2017, down from 3.125 percent in March. The shallower interest-rate outlook shows that this tightening cycle is set to be very unlike previous ones and might not be a cycle at all. In previous periods, Fed officials were intent on getting ahead of inflationary pressure that usually emerges in recoveries. By contrast, inflation has been below the Fed's 2 percent goal for three years, and there are few signs of a resurgence. Consequently, Fed officials are talking about data dependence, or an interest-rate cycle that would be responsive to what current indicators are saying about the near-term outlook.

The plan increases crime by removing the third party doctrine

Kerr 9 (Orin Kerr, Professor at George Washington University Law School, "The Case for the Third Party Doctrine", http://www.lexisnexis.com.turing.library.northwestern.edu/hottopics/lnacademic/,February 2009)
Introduction Human beings are social animals. We like to share. We like to gossip. We ask for help from others, and we give help in return. Sometimes we share by speaking in person. Sometimes we write a letter or send a message by computer. In all of these cases, the human impulse to share creates an important opportunity for criminal investigators. When wrongdoers share with others, they often expose evidence of their crimes. A corrupt [*563] businessman might disclose records to his accountant. A mob boss might tell his brother about an assault. A drug dealer might reveal his plans to a confidential informant. In all of these cases, someone other than the criminal or the police - some third party - comes to possess evidence of crime. Investigators often want to collect evidence from these third parties, as they are more likely to cooperate and less likely to tip

off the suspect that an investigation is afoot. The "third-party doctrine" is the Fourth Amendment rule that governs collection of evidence from third parties in criminal investigations. [n1] The rule is simple: By disclosing to a third party, the subject gives up all of his Fourth Amendment rights in the information revealed. According to the Supreme Court: The Fourth Amendment does not prohibit the obtaining of information revealed to a third party and conveyed by him to Government authorities, even if the information is revealed on the assumption that it will be used only for a limited purpose and the confidence placed in the third party will not be betrayed.

Small business close due to fear of crime

Skogan 86 (Wesley Skogan, researches crime prevention, faculty member of northwestern university, "Fear of Crime and Neighborhood Change," file:///C:/Users/navorale/Desktop/Fear.of.Crime.and.Neighborhood.Change.1986%20(1).pdf, 1986)

One barometer of trends in urban neighborhoods is commercial activity. Because they are located on major streets and intersections, small retail shops are one of the most visible features of a community, so their appearance and character may help determine those trends as well (McPherson et al. 1983). Research by Aldrich and Reiss (1976) and McPherson (1978) indicates that disorder and crime hurt small retail establishments by affecting their profitability and not by direct victimization, so business factors are critical. When an area enters the cycle of decline, there will be fewer prosperous shoppers, outsiders will not come into the area to shop, and fewer customers of any kind will be out after dark. Existing stores may close because the market they once served no longer exists. Others may change their hours, prices, and served no longer exists. Others may change their hours, prices, and types of goods in order to stay open. Convenience stores stocking fewer goods at somewhat higher prices grow in number.

Small business is key to the economy

Strauss 11(Steve Strauss, USA today small business columnist, " Why only small business can save America," http://usatoday30.usatoday.com/money/smallbusiness/columnist/strauss/2011-08-08-small-business-can-save-america_n.htm, August, 7, 2011)

The bad news is all around us and never seems to end. If it's not Tea Party Republicans who somehow, shockingly seemed willing to allow the country to go into default before they would accept even the most basic of revenue increases, it's a president who seems unable to match his legislative ability to his previous soaring rhetoric, sharp mind and historic promise. And that's for starters. Unemployment remains far too high, hovering near 9%. The deficit is all too real and getting bigger. China is emerging as a global power, and taking the lead in creating green energy solutions - the clear, big playing field of this new century. Here at home, Gen X and Gen Y'ers seem resigned to living in a country that was not as great as the one they were born into, and my generation - Baby Boomers - are only too happy to collect our benefits. What are we to do? Entrepreneurship is the answer. Small business to the rescue. Foster startup fever. In America, small business has always been The Answer. More than 99% of businesses with payrolls in this country are small businesses, according to the Small Business Administration, and those small businesses historically employ more than half of all workers and create 80% of new jobs. Small business is, and always has been, the engine that moves the country forward. So if the stagnant political class really wants to get this country moving again, and help reassert our rightful place as the most innovative, entrepreneurial, industrious place on the globe, they need to start enacting policies and programs that do one thing - help small businesses and entrepreneurs. What we need is a comprehensive 21st Century Entrepreneurship Act. Want to lower the unemployment rate? Cultivate small business startups and you will. Want more tax revenue? Foster entrepreneurial growth and you will get it. Want to see America create the Next Big Thing? Help small business and just watch where it leads us. The last great boom, during the Clinton administration, created more than 20 million jobs, and many of those came from startups that grew. In 1992, hardly anyone had ever heard of the Internet and no one knew what an Amazon.com was. Today that company, started out of Jeff Bezos' garage, employs about 30,000 people. In 1992, Starbucks was a regional business with about 100 stores. Today it is a public company worth more than $27 billion, and it has more than 6,500 stores. Was there ever a better friend to small business, someone who believed in the power of free enterprise, more than Ronald Reagan? As he said in a May, 1988 speech to students at Moscow University: "The explorers of the modern era are the entrepreneurs, men with vision, with the courage to take risks and faith enough to brave the unknown. These entrepreneurs and their small enterprises are responsible for almost all the economic growth in the United States." The great economic growth during the Reagan administration was similarly fueled by a commitment to, and fostering of, entrepreneurship. So what does "promoting small business and entrepreneurship" mean? What does it look like? I am privileged to be a member of the board of the World Entrepreneurship Forum. This global think tank has spent a lot of time considering what governments can and should do to promote entrepreneurship. They include: "Reform Regulations: To promote a truly entrepreneurship-centered business climate, reform tax and regulatory environments so as to make it easier, faster, and less costly for entrepreneurs to set up enterprises. "Create

Entrepreneur-Friendly Institutions: Introduce entrepreneurship-friendly support institutions that provide technological knowledge, market information, business know-how, certification services, access to capital, and other essential business support. "Understand Entrepreneurship: Make it known that entrepreneurs are positive agents of social change, wealth creation, transparency, sustainability, and innovation." A comprehensive 21st Century Entrepreneurship Act would include tax reform, and regulatory ease. It would include, as SBA administrator Karen Mills recently wrote, immigration reform so we can again attract the best and brightest entrepreneurs and engineers to our country. It would increase access to capital. It would help more startups start up. It would foster business incubators and programs like Business Matchmaking. And it would require something that those in Washington have forgotten about, something that cannot be legislated, but cannot be ignored: It would require pulling together for the common good and the promise that is America. I, like many Americans, am disappointed in both the president and Congress. But I still hold out hope, because I know what is possible, what we can do together. So to our leader, I say: Mr. President, tear down these walls!

Econ decline causes nuclear war

Hutchinson 14 (Martin, Business and Economics Editor at United Press International, MBA from Harvard Business School, former international merchant banker, 1-3-14, "The chilling echoes of 1914, a century on" Wall Street Journal) http://online.wsj.com/articles/william-galston-secular-stagnation-may-be-for-real-1409095263,

The years before 1914 saw the formation of trade blocs separated by high tariff barriers. Back then, the world was dominated by several roughly equivalent powers, albeit with different strengths and weaknesses. Today, the world is similarly multi-polar. The United States is in a position of clear leadership, but China is coming up fast. Europe is weaker than it was, but is still a force to be reckoned with. Japan, Russia, Brazil, India are also too powerful to ignore. A hundred years ago, big international infrastructure projects such as the Berlin-Baghdad Railway, and before it the Suez Canal, were built to protect favored trading. Today's equivalent may be the bilateral mining partnerships forged between, for instance, China and mineral-rich African states. Today, the World Trade Organization offers some defence against tariffs. But protectionism could be become entrenched if prolonged economic stagnation leads countries to pursue their own narrow interests. Germany, Austria, Russia and France lost between 20 and 35 percent of national output between 1913 and 1918, according to Angus Maddison's data used in Stephen Broadberry's "The Economics of World War One: A Comparative Analysis". British GDP declined in 1914 and 1915, but grew 15 percent over the four years, as did the U.S. economy. The 37 million military and civilian casualties may tell a more accurate story but if history were to repeat itself, the global conflict could be both more universal and more destructive. Nuclear weapons proliferate. Warped diplomatic anger could lead to the deployment of chemical and biological devices. Electromagnetic pulses could wipe out our fragile electronic networks. Like the assassination of Archduke Ferdinand that sparked World War One, the catalyst for cataclysm might be something quite surprising. A global run on bank and other investment assets or an outbreak of hyperinflation, maybe? These threats get more serious the more policymakers pump up equity, bond, property and banking bubbles. If global wealth evaporates, or is proven to be an illusion, today's largely cordial global entente could be smashed with precipitous speed.

2nc: Fear of crime bad

Fear of crime economically destroys communities

Skogan 86 (Wesley Skogan, researches crime prevention, faculty member of northwestern university, "Fear of Crime and Neighborhood Change," file:///C:/Users/navorale/Desktop/Fear.of.Crime.and.Neighborhood.Change.1986%20(1).pdf, 1986)

Recent research on fear of crime and neighborhood change suggest that neighborhoods change only slowly unless "triggering" events shift them from a position of relative stability into one of demographic and economic flux. Those precipitating events include disinvestment, demolition, and demagoguery plus regional and national economic forces. Once areas begin to decline, "feedback" processes can take command of neighborhood conditions. Problems such as crime, physical deterioration, and social disorder emerge. Resulting increases in fear of crime in turn undermine the capacity of the community to deal with its problems. Fear stimulates withdrawal from the community, weakens informal social control mechanism, contributes to the declining mobilization capacity of neighborhood, speeds changes in local business conditions, and stimulates further delinquency and disorder. These problems feed on themselves spiraling neighborhoods deeper into decline. There is evidence that some areas can break out of this downward spiral, and the examples illustrate the place of crime among the factors that determine a neighborhood's eventual

fate. However, there is little evidence that those hard-won victories are common, and in the aggregate the effect of fear on the fabric of American society has been very consequential.

AT: Small businesses not a target/not key

Small businesses are targets of crime.

Bressler 9 (Martin Bressler, professor, consultant, and author, currently works at Southeastern Oklahoma State University, "The Impact of Crime on business: A model for Prevention, Detection and Remedy," http://www.aabri.com/manuscripts/09202.pdf, July 2009)

Despite fewer employees and smaller revenues, small businesses may be more susceptible to business crime. As most businesses are small businesses, nearly half of the U.S. workforce is employed in small businesses. The Association for Certified Fraud Examiners indicates 39% of reported instances of fraud occur in companies with 99 or fewer employees (Bank Technology News). The U.S. Small Business Administration reports 13% of small businesses become crime victims, yet less than half (48%) instituted any preventive measures (Small Business Research Summary). This could be a major reason why crime is a major factor in up to 30% of small business failures (U.S. Chamber of Commerce). In addition, small business ventures with less than $5 million in annual revenues may be up to thirty-five times more likely to become a crime victim than their larger counterparts (U.S. Chamber of Commerce). Unfortunately, small business owners prosecute less than 30% of fraud cases (Larimer, 2006). Many crimes committed against small business go unreported to police for a variety of reasons. In some cases, crimes committed by employees or local persons known to the business owner go unreported as the business owner might not want to press charges for fear of negative publicity or loss of confidence in the business. In other instances, such as vandalism, small business owners might assume that police would be unable to apprehend and charge the vandals.

Crime DA

Crime DA

1nc Crime DA

The plan increases crime by removing the third party doctrine

Kerr 9 (Orin Kerr, Professor at George Washington University Law School, "The Case for the Third Party Doctrine", http://www.lexisnexis.com.turing.library.northwestern.edu/hottopics/lnacademic/,February 2009)
Introduction Human beings are social animals. We like to share. We like to gossip. We ask for help from others, and we give help in return. Sometimes we share by speaking in person. Sometimes we write a letter or send a message by computer. In all of these cases, the human impulse to share creates an important opportunity for criminal investigators. When wrongdoers share with others, they often expose evidence of their crimes. A corrupt [*563] businessman might disclose records to his accountant. A mob boss might tell his brother about an assault. A drug dealer might reveal his plans to a confidential informant. In all of these cases, someone other than the criminal or the police - some third party - comes to possess evidence of crime. Investigators often want to collect evidence from these third parties, as they are more likely to cooperate and less likely to tip off the suspect that an investigation is afoot. The "third-party doctrine" is the Fourth Amendment rule that governs collection of evidence from third parties in criminal investigations. [n1] The rule is simple: By disclosing to a third party, the subject gives up all of his Fourth Amendment rights in the information revealed. According to the Supreme Court: The Fourth Amendment does not prohibit the obtaining of information revealed to a third party and conveyed by him to Government authorities, even if the information is revealed on the assumption that it will be used only for a limited purpose and the confidence placed in the third party will not be betrayed.

Crime causes poverty

Facey 12 (Davie Facey, writer for the Jamaican Gleaner, "Crime is the biggest threat," http://jamaica-gleaner.com/gleaner/20120915/letters/letters4.html, September 15, 2012)

Economic activities influence all spheres of life and human development, and factors which are disincentives to investment and the growth of businesses naturally retard economic development and contribute to the rise in poverty. Crime is the biggest threat to national development. Poverty, it is often said, leads to crime. But the overwhelming majority of poor people are not criminals. It is more the case that crime is causing poverty. The high crime rate, and not migration, has caused our biggest brain drain, because we are killing many of our most creative and productive citizens. There are numerous livelihoods and lives which have been destroyed by criminals. Businesses, creativity and productivity, we are told, will lead to prosperity. But people become very reluctant or even refuse to start businesses, because any suggestion of prosperity makes people a target. This kills the entrepreneurial spirit of many of our brightest, most creative and productive citizens. Employment factors influenced many to migrate. But many entrepreneurs also migrated after suffering heavy losses by criminals, including loss of life, and many bright, young graduates will also migrate because of the crime problem. Crime has also reduced foreign investments and affected tourism, our biggest foreign-exchange earner. All these have summarily meant fewer employment opportunities and a vicious cycle of underdevelopment from the community to the national level. The primary role of government is to ensure the protection of lives and property of its citizenry. One possible means to reduce crime is to place the security forces on constant high alert, similarly to a general election period. Increase patrols in public places and the number of random and spot checks. The security forces' presence would be felt at all times to serve as a deterrent. Many have argued that random checks are an interference to people going about their daily routines. But isn't it better to be

inconvenienced by the police than be attacked or killed by criminals? There is no denying our high crime rate; but many are in denial of its devastating impact, deaths, destruction and widespread poverty.

Poverty kills millions of people a year

Pogge 5(Thomas Pogge, professor of philosophy and international affairs at Yale university, "World Poverty and Human Rights [Full text]," http://www.carnegiecouncil.org/publications/journal/19_1/symposium/5109.html, March 30, 2005)

Despite a high and growing global average income, billions of human beings are still condemned to lifelong severe poverty, with all its attendant evils of low life expectancy, social exclusion, ill health, illiteracy, dependency, and effective enslavement. The annual death toll from poverty-related causes is around 18 million, or one-third of all human deaths, which adds up to approximately 270 million deaths since the end of the Cold War.[1] This problem is hardly unsolvable, in spite of its magnitude. Though constituting 44 percent of the world's population, the 2,735 million people the World Bank counts as living below its more generous $2 per day international poverty line consume only 1.3 percent of the global product, and would need just 1 percent more to escape poverty so defined.[2] The high-income countries, with 955 million citizens, by contrast, have about 81 percent of the global product.[3] With our average per capita income nearly 180 times greater than that of the poor (at market exchange rates), we could eradicate severe poverty worldwide if we chose to try—in fact, we could have eradicated it decades ago. Citizens of the rich countries are, however, conditioned to downplay the severity and persistence of world poverty and to think of it as an occasion for minor charitable assistance. Thanks in part to the rationalizations dispensed by our economists, most of us believe that severe poverty and its persistence are due exclusively to local causes. Few realize that severe poverty is an ongoing harm we inflict upon the global poor. If more of us understood the true magnitude of the problem of poverty and our causal involvement in it, we might do what is necessary to eradicate it. That world poverty is an ongoing harm we inflict seems completely incredible to most citizens of the affluent countries. We call it tragic that the basic human rights of so many remain unfulfilled, and are willing to admit that we should do more to help. But it is unthinkable to us that we are actively responsible for this catastrophe. If we were, then we, civilized and sophisticated denizens of the developed countries, would be guilty of the largest crime against humanity ever committed, the death toll of which exceeds, every week, that of the recent tsunami and, every three years, that of World War II, the concentration camps and gulags included. What could be more preposterous? But think about the unthinkable for a moment. Are there steps the affluent countries could take to reduce severe poverty abroad? It seems very likely that there are, given the enormous inequalities in income and wealth already mentioned. The common assumption, however, is that reducing severe poverty abroad at the expense of our own affluence would be generous on our part, not something we owe, and that our failure to do this is thus at most a lack of generosity that does not make us morally responsible for the continued deprivation of the poor. I deny this popular assumption. I deny that the 955 million citizens of the affluent countries are morally entitled to their 81 percent of the global product in the face of three times as many people mired in severe poverty. Is this denial really so preposterous that one need not consider the arguments in its support? Does not the radical inequality between our wealth and their dire need at least put the burden on us to show why we should be morally entitled to so much while they have so little? In World Poverty and Human Rights,[4] I dispute the popular assumption by showing that the usual ways of justifying our great advantage fail. My argument poses three mutually independent challenges.

2nc poverty causes terror impact

Poverty causes terrorism

Ather 14 (Usamah Ather, Associate at NBP & attended U of Karachi, Sep 16 2014"Poverty breeds Terrorism" http://blogs.arynews.tv/poverty-breeds-terrorism/)

Globally, the debate on terrorism has gained much attention since the beginning of this century. For the last many years terrorism along with its origin, causes, effects, consequences and implications is amongst the hot topics of debate in the discipline of social sciences, many valuable studies in developed and developing nations have been conducted to establish the relationship of terrorism with its root causes and remedies. The terrorist attacks have been patent with the different names as terrorism, extremism, religious fundamentalism, clash of civilizations etc. Internationally the burning issue of terrorism has many folds; it has embraced many countries to rethink their security strategies. From money laundering to cyber-crimes

everything has now been critically examined to find linkages with terrorism. Nations have invested a substantial amount of their budgets for internal and external security. The study of terrorism is multidisciplinary covering a number of grounds including political science, sociology, criminology, Psychology, economics and many others. Researchers in their respective capacities have tried to elaborate the phenomenon, yet it has generally highlighted more queries than provided retorts**.** The studies reveal that most of the authors have linked terrorism with its causes by focusing on psychology of individuals or groups. A meaningful work of Jerrold(2002) is a distinction that outlines psychological thinking of individuals involved in terrorism by focusing on extent of conditions and characteristics that can force individual/group to take a risk to indulge in terrorism. Edward Newman (2006) has described the root causes of terrorism he stated that root causes can be further broken down into permissive structural factors and direct underlying grievances Structural factors create an enabling environment that, alone, is of no explanatory value but when in conjunction with other factors, may have explanatory value. Underlying grievances are more than merely structural: they represent tangible political issues. As far as substantial and worthwhile works are concerned Andrew Silke points outs "a review of recent research work found that only about 20 percent of published articles on terrorism are providing substantially new knowledge on the subject" (2003: xvii).Many scholars have argued the lack of concrete research and a viable theory of terrorism (see Deflem, 2004; Bergesen and Lizardo, 2004). The studies done on the topic of poverty as a main cause to induce terrorism reveals scatter results while there are some studies which exhibit a strong relation and vice versa. However, all theories are united on one point that some type of conflict is at the base of every terrorist movement. Some theories just confine themselves to explaining what generates this conflict, while others explain how this conflict may turn into acts of terrorism. Hence, there is a strong need for developing a theory of terrorism after synthesizing the scattered facts and theories, which could offer "explanation of its causation, the dynamics of its escalation and de-escalation" (Turk, 2004: 285). As defined by Webster's dictionary, terrorism is "the systematic use of terror especially as a means of coercion." We have seen in the past the many nations have been attacked by terrorist, endangering valuable lives of humans and other assets. According to the Global terrorism Index 2012 the countries ranked on highest numbers have majority of features in common. For instance all the first four countries possess high poverty, illiteracy, unemployment combined with poor health and education condition. Republics that belongs to lower or lower-middle income cluster have experienced the worst terrorist activities in the past decade with a tenfold increase occurring since 2002. This is shown in the list above by the point that amongst the 10 nations that have the highest scores in Global terrorism Index, 07 are classified in the category of lower-middle and two are classified in low income category. In recent years, Afghanistan and Somalia (both belong to low income category) have experienced growth in terrorist attacks that is multiple of 04 times since 2002. According to Global Peace index report of 2013 Injuries and fatalities in lower middle income countries took a sharp rise in 2005 mirroring the drastic increase observed in Iraq during this period. This increase began in January 2005 as Iraq held its first democratic election after the Second Gulf War. Upper middle and high income countries have seen a steady decrease in fatalities from 2002. Altogether South Asian region is amongst the least peaceful region as compared to all over the world. Afghanistan, Pakistan and India have experienced relatively higher terrorism from the recent years. It must be noted that the terrorism in all three countries have different origins and shapes. Saroj Kumar Rath (2012) states that however, the task of uncovering terrorism's root causes is complicated because certain types of causes, such as poverty or modernization, produce all kinds of social outcomes, of which terrorism is just one (Bjorgo, 2005: 2). British PM Tony Blair emphasised that 'Terrorism's teeth are planted in the fertile soil of wrongs un-righted, of disputes left to fester for years or even decades, of failed states, of poverty and deprivation (Blair. 2001). Secretary of State Colin Powell said that 'the root cause of terrorism does come from situations where there is poverty, where there is ignorance, where people see no hope in their lives (Powell. 2002).' A US Senate Resolution declared that "The education of children around the world addresses several of the root causes of international terrorism. The distribution of food in schools increases the attendance of children who might otherwise be susceptible to recruitment by groups that offer them food in return for their attendance at extremist schools or participation in terrorist training camps" (Congressional Record, 2004: 11533). Consequentially, the US National Strategy for Combating Terrorism cites winning the 'War on Poverty' as a means to diminish support for terrorist organizations and recruitment (Khan& Afshan, 2008: 65-86). Kim Dae-Jung, the 2000 Nobel Peace Prize recipient and President of South Korea said that, "At the bottom of terrorism is poverty. That is the main cause. Then there are other religious, national, and ideological differences" (Jai, 2001). Particularly in the scenario of South Asia and Countries like Iraq and Somalia it is evident that the elements that provide the breeding space for terrorism are in abundance. The political structure is labeled with poor governance and corruption; the state does not fulfills its responsibility in providing food, shelter, clothing, education and health to the common. Most importantly the countries in which youth makes up a significant proportion of the total population like Pakistan the dramatic rise of youth unemployment is critical and is likely to establish the fundamental engine of political violence and terrorism. Caruso and Schneider (2011) find a positive and significant association between youth unemployment and terrorism in Europe for the period 1994-2007. In particular, they find a significant association between youth unemployment and incidence of terrorism. Caruso and Gavrilova (2012) find a positive association between the growth rate of youth unemployment and the brutality and incidence of violence in Palestine. How these developing countries can invest on youth to make them economically viable; when the cost that has been incurred to strengthen the internal and external security is so much that it does not allow the government regimes to allocate substantial amount for the development programs for youth. According to Transparency International report India is spending 4% on its education sector of its total GDP, where as Nepal 3.4%, Srilanka 2.1%, Bangladesh 2.4% and Pakistan 2.2%. As far as military expenditure and defense budgets are concerned they are far above the education and health spending. The need of the

day is that for a better and prosperous world, all the developing countries should invest generously on their human resource to make them economically viable. The education and health sectors should be given handsome proportions to make this world more peaceful

Terrorism causes extinction---hard-line responses are key

Nathan **Myhrvold '13**, Phd in theoretical and mathematical physics from Princeton, and founded Intellectual Ventures after retiring as chief strategist and chief technology officer of Microsoft Corporation , July 2013, "Stratgic Terrorism: A Call to Action," The Lawfare Research Paper Series No.2, http://www.lawfareblog.com/wp-content/uploads/2013/07/Strategic-Terrorism-Myhrvold-7-3-2013.pdf

Several powerful trends have aligned to profoundly change the way that the world works. Technology ¶ now allows stateless groups to organize, recruit, and fund ¶ themselves in an unprecedented fashion. That, coupled ¶ with the extreme difficulty of finding and punishing a stateless group, means that stateless groups are positioned to be ¶ lead players on the world stage. They may act on their own, ¶ or they may act as proxies for nation-states that wish to ¶ duck responsibility. Either way, stateless groups are forces ¶ to be reckoned with.¶ At the same time, a different set of technology trends ¶ means that small numbers of people can obtain incredibly ¶ lethal power. Now, for the first time in human history, a ¶ small group can be as lethal as the largest superpower. Such ¶ a group could execute an attack that could kill millions of ¶ people. It is technically feasible for such a group to kill billions of people, to end modern civilization—perhaps even ¶ to drive the human race to extinction. Our defense establishment was shaped over decades to ¶ address what was, for a long time, the only strategic threat ¶ our nation faced: Soviet or Chinese missiles. More recently, ¶ it has started retooling to address tactical terror attacks like ¶ those launched on the morning of 9/11, but the reform ¶ process is incomplete and inconsistent. A real defense will ¶ require rebuilding our **military and intelligence capabilities** from the ground up. Yet, so far, strategic terrorism has ¶ received relatively little attention in defense agencies, and ¶ the efforts that have been launched to combat this existential threat seem fragmented.¶ History suggests what will happen. The only thing that shakes America out of complacency is a direct threat from a determined adversary that confronts us with our shortcomings by **repeatedly attacking** us or hectoring **us for decades**.

2NC Poverty Impact – O/W NW

Ongoing global poverty outweighs nuclear war- only our ev is comparative

Spina 2k

(Stephanie Urso, Ph.D. candidate in social/personality psychology at the Graduate School of the City University of New York, Smoke and Mirrors: The Hidden Context of Violence in Schools and Society, p. 201)

> This sad fact is not limited to the United States. Globally, 18 million deaths a year are caused by structural violence, compared to 100,000 deaths per year from armed conflict. That is, approximately every five years, as many people die because of relative poverty as would be killed in a nuclear war that caused 232 million deaths, and every single year, two to three times as many people die from poverty throughout the world as were killed by the Nazi genocide of the Jews over a six-year period. This is, in effect, **the equivalent of an ongoing, unending, in fact accelerating, thermonuclear war or genocide, perpetuated on the weak and**

the poor every year of every decade, throughout the world.

Poverty kills millions.

Gilligan 2000 (James Gilligan, Department of Psychiatry Harvard Medical School, VIOLENCE: REFLECTIONS ON OUR DEADLIEST EPIDEMIC, 2000, p 195-196.)

The 14 to 18 million deaths a year cause by structural violence compare with about 100,000 deaths per year from armed conflict. Comparing this frequency of deaths from structural violence to the frequency of those caused by major military and political violence, such as World War II (an estimated 49 million military and civilian deaths, including those caused by genocide--or about eight million per year, 1935-1945), the Indonesian massacre of 1965-1966 (perhaps 575,000 deaths), the Vietnam war (possibly two million, 1954-1973), and even a hypothetical nuclear exchange between the U.S. and the U.S.S.R (232 million), it was clear that even war cannot begin to compare with structural violence, which continues year after year. In other word, every fifteen years, on the average, as many people die because of relative poverty as would be killed in a nuclear war that caused 232 million deaths; and every single year, two to three times as many people die from poverty throughout the world as were killed by the Nazi genocide of the Jews over a six-year period. This is, in effect, the equivalent of an ongoing, unending, in fact accelerating, thermonuclear war, or genocide, perpetrated on the weak and poor every year of every decade, throughout the world.

AT: Doesn't catch criminals

The third party doctrine helps catch criminals

Kerr 9 (Orin Kerr, Professor at George Washington University Law School, "The Case for the Third Party Doctrine", http://www.lexisnexis.com.turing.library.northwestern.edu/hottopics/lnacademic/,February 2009)

II. Substitution Effects and the Functional Role of the Third-Party Doctrine The widespread criticism of the third-party doctrine overlooks two important benefits of the rule. This Part explains the first major benefit of the third-party doctrine: It ensures technological neutrality in Fourth Amendment rules. The use of third parties has a substitution effect. It enables wrongdoers to take public aspects of their crimes and replace them with private transactions. Without a third-party doctrine, suspects can act opportunistically to effectively hide their criminal enterprises from observation. The result upsets the basic balance of Fourth Amendment law, undercutting the deterrent and retributive force of criminal law. The third-party doctrine blocks such efforts, resulting in a rough equivalence in the overall amount of privacy for criminals acting alone and the amount of privacy for those using third parties. To develop this argument, I will start with the basic balance of the Fourth Amendment. I will explain how third parties threaten this balance and how the third-party doctrine retains it. I will then cover a few examples [*574] and conclude by showing how the doctrine is an essential aspect of the technological neutrality of Fourth Amendment rules.

AT: No Impact- crime high now

U.S crime is low now

Simpson 14 (Ian Simpson, journalist for Reuters, "Violent crime drops, reaches 1970's level," http://www.chicagotribune.com/news/nationworld/chi-violent-crime-1970s-level-20141110-story.html, November 11, 2014)

U.S. violent crimes including murders fell 4.4 percent in 2013 to their lowest number since the 1970s, continuing a decades-long downturn, the FBI said on Monday. The law enforcement agency's annual Crime in the United States report showed the country had an estimated 1.16 million violent crimes last year, the lowest number since 1.09 million were recorded in 1978. All types of violent crimes were lower, with murder and non-negligent manslaughter off 4.4 percent to 14,196, the lowest figure since 1968. Rape was down 6.3 percent and robbery fell 2.8 percent, the Federal Bureau of Investigation data showed. James Alan Fox, a criminologist at Northeastern University in Boston, said there was a variety of factors behind the decline in violent crime in recent decades, including the United States having the highest rate of imprisonment in the world. He said an aging population and improved police tactics also played a role, along with the increased use of security cameras and the pervasive use of phones to take videos. "It's hard for criminals to do anything without being caught on video," Fox said. The violent crime rate last year was 367.9 for each 100,000 in population, down 5.1 percent from 2012. The rate has fallen every year since at least 1994, the earliest year for readily accessible FBI data, and the 2013 figure was about half the 1994 rate. Property crimes fell 4.1 percent to an estimated 8.63 million last year, the 11th straight yearly decline. Losses from property crimes excluding arson were calculated at $16.6 billion, the FBI said. In an analysis, the non-profit Pew Charitable Trusts said the drop in crime coincided with a decline in the prison population, with the number of U.S. prisoners down 6 percent in 2013 from its peak in 2008. Thirty-two of the 50 states have seen a drop in crime rates as the rate of imprisonment fell, Pew said. California notched the largest drop in imprisonment rate over the five-year period, at 15 percent, and crime was down 11 percent. The state has been under court order to reduce prison overcrowding, and voters last week approved an initiative that reduced sentences for some crimes.

Terror DA

Terror DA

1NC

Repealing the Third Party doctrine would make it functionally impossible to collect information on terrorists

Baker 14 (Stewart Baker, Writer at the Volokh Conspiracy, contributor at the Washington Post, "The third grade and third-party doctrine", January 22nd, 2014, Washington Post, https://www.washingtonpost.com/news/volokh-conspiracy/wp/2014/01/22/the-third-grade-and-third-party-doctrine/, JAS)

Randy's solution to that problem is to overrule a line of Supreme Court cases (Smith v. Maryland) holding that no one has a reasonable expectation of privacy in information they've disclosed to a third party. With Smith v. Maryland set aside, the government would need a search warrant to see the metadata. Overruling Supreme Court precedent is a law professor's prerogative, but the rest of us don't have to go along. And in fact the Smith v. Maryland doctrine makes sense, especially compared to Randy's solution. We all learned no later than the third grade that secrets shared with another are not really secrets. They can be revealed at times and in ways we never expected. It hurts, but it's a fact of life. Randy's solution is a fiction; he wants the courts to deny the facts of life and pretend that we still control information we willingly gave away. And considering how many slippery slopes Randy has to invoke to make metadata collection scary, he hasn't given much thought to the slipperiness of the doctrine he wants to create. Data gets cheaper to collect and to share all the time. Exactly which kinds of data would he leave under our fictional control after we have given it up, and for how long? After the fictionalizing and overruling is done, though, all Randy achieves is to require a warrant before the government can get phone metadata. That rule would break the NSA program, for sure, and it would recreate the gap that existed on September 10. It would also take away an investigative tool that has been used by law enforcement more than a million times a year, and for nearly a century, without as yet producing a totalitarian American state. And what benefits do we get for incurring that high cost? After all, courts too are government agencies staffed by human beings; the ex parte process of obtaining warrants is hardly a certain guarantee against the Dark Night of Fascism. It's just a bigger speedbump – and probably a less effective protection than we now have. The NSA metadata program, unlike a warrant, is reviewed by members of both parties, both houses of Congress, and the judiciary. It includes audits and oversight that search warrants never get.

– Domestic surveillance is actually key to preventing cyberattacks on critical infrastructure

Betts and Sezer 14 (Jennifer Betts, Sakir Sezer, writers for Queen's University Belfast, http://www.researchgate.net/profile/Jennifer_Betts/publication/263013766_Ethics_and_Privacy_in_National_Security_and_Critical_Infrastructure_Protection/links/02e7e539963e847cdb000000.pdf, Ethics and Privacy in National Security and Critical Infrastructure Protection, May 2014)

The legislation is clear that national security measures have precedence over data protection. Dependency on critical infrastructures in modern societies makes them a target for cyber warfare, organised crime and terrorism. Critical infrastructures include power and water supplies, traffic management systems, financial services and communication networks. Attacks on any of these

can damage economies, cause natural disasters and lead to loss of life. Therefore their protection is vital to national security and public safety. Despite this, critical infrastructure providers are bound by data protection regulation in Europe as their administration networks store personally identifiable and financial information. Data protection for their service users and employees has a central role in designing security systems for critical infrastructure network protection. A growing awareness of the vulnerability of industrial control systems means that their protection has become a global priority. An analysis of critical information infrastructure systems revealed how different priorities in critical infrastructure protection dictate different approaches. When economic outcomes are the priority the main actors come from the private sector, with business continuity being the key consideration. In law and order, the main actors come from the law enforcement establishment to address issues ranging from technology enabled crime to crimes against individual computer users. Notably, where the issue is one of 'national security', the perception is that the whole of society and its core values are in danger due to their dependence on communication technology. In this case the main actors are from the security establishment with action taken at technical, legislative, organisational or international levels [10

A cyber-attack would trigger military retaliation and escalate to nuclear war

Robert **Tilford 12**, Graduate US Army Airborne School, Ft. Benning, Georgia, "Cyber attackers could shut down the electric grid for the entire east coast" 2012, http://www.examiner.com/article/cyber-attackers-could-easily-shut-down-the-electric-grid-for-the-entire-east-coa ***we don't agree with the ableist language

To make matters worse **a cyber attack** that can take out a civilian power grid, for example could also **~~cripple~~ (destroy) the U.S. military**.¶ The senator notes that is that the same power grids that supply cities and towns, stores and gas stations, cell towers and heart monitors also power "**every military base** in our country."¶ "Although bases would be prepared to weather a short power outage with backup diesel generators, within hours, not days, fuel supplies would run out", he said.¶ Which means **military c**ommand **and c**ontrol centers could **go dark**.¶ Radar systems that detect air threats to our country would shut Down completely.¶ "Communication between commanders and their troops would also go silent. And many weapons systems would be left without either fuel or electric power", said Senator Grassley.¶ "So **in a few short hours** or days, the mightiest military in the world would be left scrambling to maintain base functions", he said.¶ We contacted the Pentagon and officials confirmed the threat of a cyber attack is something **very real**.¶ Top national security officials—including the Chairman of the Joint Chiefs, the Director of the National Security Agency, the Secretary of Defense, and the CIA Director— have said, "preventing a cyber attack and improving the nation's electric grids is among the most urgent priorities of our country" (source: Congressional Record).¶ So how serious is the Pentagon taking all this?¶ Enough to start, or end a war over it, for sure.¶ A cyber attack today against the US could very well be **seen as an "Act of War"** and could be met with a "full scale" US military response.¶ That could include the use of **"nuclear weapons",** if authorized by the President.

NSA Surveillance Link

(terror DA) NSA surveillance is key to prevent terror—there's no other way and people who say otherwise don't understand

***Alexander, referred to in this card, is the NSA director

Levy 14 (Steven, journalist who has written several books on computers, technology, cryptography, the Internet, cybersecurity, and privacy, "How the US almost Killed the Internet," Wired.com, 01.07.14, http://www.wired.com/2014/01/how-the-us-almost-killed-the-internet/

"These programs, especially the FAA 702 [Prism], are the biggest producers of intelligence on terrorism [and] counterintelligence efforts," Alexander says. "And so we have to ensure that we don't hurt these programs as we go forward." He is especially eager to explain the "215" program that involves the mass collection of phone call metadata. "That program, by itself, is the hornet's nest," Alexander says. "It is the hornet's nest that [enables] the NSA to see threats from Pakistan and Afghanistan and around the world, share those insights with the FBI—who can look inside the United States, based on their authorities—and find out, is there something bad going to happen here?" Alexander cites the case of **Najibullah Zazi, the radical Islamist who planned to bomb the New York City subways in 2009,** implying that information collected under the program led to his capture. "My concern is that, without knowing the facts, people will say, 'Let's put that hornet's nest away.' We sure would like to get rid of that hornet's nest. We would like to give it to somebody else, anybody else. But we recognize that if we do that, our nation now is at greater risk for a terrorist attack. So we're going to do the right thing; we're going to hold on to it, let people look at the options. If there is a better option, put it on the table." 1 Oddly, at heart, the NSA's complaints sound remarkably similar to those of the tech companies: People don't understand us. "No one knows how the NSA works," Ledgett says. "It's always been a black box, Enemy of the State movies, stuff like that. People don't understand the NSA's checks and balances."

Domestic surveillance key to preventing critical infrastructure destruction –

Betts and Sezer 14 (Jennifer Betts, Sakir Sezer, writers for Queen's University Belfast, http://www.researchgate.net/profile/Jennifer_Betts/publication/263013766_Ethics_and_Privacy_in_National_Security_and_Critical_Infrastructure_Protection/links/02e7e539963e847cdb000000.pdf, Ethics and Privacy in National Security and Critical Infrastructure Protection, May 2014)

Achieving a balance between individual privacy and national security is increasingly controversial and technically challenging; "…the multiplication of databases and growth of new technologies raise new challenges to the protection of European's fundamental rights to personal data and privacy" [12]. We would also argue that, prior to Snowden, the impact of data surveillance techniques were viewed as something affecting a minority of the population, and costs to privacy were regarded as reasonable when weighed against implications for public safety. Given the secrecy surrounding surveillance, it is not surprising that public opinion was neither particularly informed nor evident. Referring to how society's beliefs are shaped in relation to critical infrastructure protection in particular, Burgess [13] conceptualises critical infrastructures and their protection in terms of 'social values'. In doing so, he shifts the emphasis from the actual critical infrastructure to the effect its destruction has on the psyche of citizens, both in the areas affected and globally. His main argument is that a terrorist attack on a critical infrastructure has less to do with the disruption and even loss of life this may cause, but rather the loss of confidence of people in their critical infrastructures. The reality of future attack makes it easy to engender fear and uncertainty and the value for the terrorist is in the fear they create rather than the material value of the critical infrastructure [13]. Further explanations for the acceptance of surveillance techniques cite perceptions of risk that overestimate the risk of terrorism, while underestimating harms that might come from a reduction in privacy [14]. It is also argued that the way in which threats are presented to the public informs what security reactions are seen as acceptable [15]. For example, an internet virus corrupting thousands of computer systems, if

viewed as a criminal attack prompts users to take measures to protect their individual online security. However, if the same attack is construed as an attack on the information network system of the nation it will be viewed as grounds for greater government surveillance. Different rationale leads to different technical design and, crucially, different levels of tolerance in a reduction of privacy protection. Motivated by how values influence the design and regulation of technologies, Nissenbaum argues for ethics and political values to be added to considerations and constraints in the design and regulation of systems [15].

Cyber Criminals DA

1NC

The third party doctrine is critical to defend against cyber criminals

Kerr 09 ** We don't endorse gendered language

(Orin Kerr, professor of law at the George Washington University Law School, "THE CASE FOR THE THIRD-PARTY DOCTRINE", 2009, Michigan Law Review, http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1138128, JAS)

Third parties pose a major threat to the Fourth Amendment's basic division between unregulated and regulated steps. The reason is that third parties act as remote agents that permit wrongdoers to commit crimes entirely in private. Those committing crimes naturally try to hide them from the police; no criminal wants to get caught. If a wrongdoer can use third parties as remote agents, he can reduce his exposure to public surveillance. Instead of going out into the world and subjecting himself to exposure, a wrongdoer can bring third-party agents inside and share plans or delegate tasks to them. He can use the third-party services to commit his crimes without exposing himself to spaces open to government surveillance. Put another way, the use of third parties often has a substitution effect. 85 Without the third party, the wrongdoer would have needed to go out into public spaces where the Fourth Amendment does not regulate surveillance. But use of a third party substitutes a hidden transaction for the previously open event. What would have been public now becomes hidden. The wrongdoer no longer needs to leave his home, as the third-party agents enable him to commit the crime remotely. The crime now comes to the criminal rather than the criminal going to the crime.86 Consider how a person might use third parties to commit crimes from the protection of his own home. A mob boss might summon his underlings to his house to give them orders. A stalker might call his victim on his home phone rather than lying in wait outside her door. A computer hacker might hack into computers thousands of miles away without leaving his bedroom. In all of these cases, individuals use third parties to carry on their crimes without exposing themselves to spaces unprotected by the Fourth Amendment. The third-party agents—the employee, the telephone, and the Internet—do the work remotely on the principal's behalf. Now we can see the importance of the third-party doctrine. Without the doctrine, criminals could use third-party agents to fully enshroud their criminal enterprises in Fourth Amendment protection. A criminal could plot and execute his entire crime from home knowing that the police could not send in undercover agents, record the fact of his phone calls, or watch any aspect of his Internet usage without first obtaining a warrant. He could use third parties to create a bubble of Fourth Amendment protection around the entirety of his criminal activity. The result would be a notable shift in the balance between privacy and security. If any observation of any part of the target's conduct violates his reasonable expectation of privacy, then the police would need a warrant to observe any aspect of his behavior. That is, they would need probable cause to believe that the evidence to be collected constitute evidence of the crime. But if the entire crime were protected by a reasonable expectation of privacy, they couldn't observe any aspect of the crime to develop that probable cause. The effect would be a Catch-22: The **police would need probable cause to observe evidence of the crime, but they would need to observe evidence of the crime first to get to probable cause**. In many cases, this would eliminate the use of third-party evidence in investigations altogether. By the time the police would have probable cause to believe that someone's thirdparty records are evidence of crime, they usually would already have probable cause to arrest and charge him with the crime.87 The third-party doctrine responds with a rule that ensures roughly the same degree of privacy protection regardless of whether a criminal commits crimes on his own or uses third parties. The part of the crime that previously was open to observation—the transaction itself—remains open to observation. The part of the crime that previously was hidden—what the suspect did without third parties in his home—remains hidden. The result leaves the Fourth Amendment rule neutral as to the means of committing the crime: Using a third party does not change the overall level of Fourth Amendment protection over the crime. If a person commits a crime on his own, the open part of the crime may be

observed by the police without a warrant. If he harnesses a third party, the third party's involvement is treated as open, resulting in roughly the same amount of open conduct as the self-executed crime.

Cyber-crime leads to narco submarines, drone attacks on US buildings, and biologically engineered diseases, affecting millions.

Goodman 12

(Marc Goodman, Global Security Futurist, "How technology makes us vulnerable", July 29th, 2012, http://www.cnn.com/2012/07/29/opinion/goodman-ted-crime/, JAS)

Technology has made our world increasingly open, and for the most part that has huge benefits for society. Nevertheless, all of this openness may have unintended consequences. Take, for example, the 2008 terrorist assault on Mumbai, India. The perpetrators were armed with AK-47s, explosives and hand grenades. But heavy artillery is nothing new in terrorist operations. The lethal innovation was the way that the terrorists used modern information communications technologies, including smartphones, satellite imagery and night-vision goggles to locate additional victims and slaughter them. A vision of crimes in the future A vision of crimes in the future 19:25 PLAY VIDEO Moreover, the terrorists created their own operations center across the border in Pakistan, where they monitored global news broadcasts, online reporting and social media in real time, leveraging the public's photos, videos and social network updates to kill more people. TED.com: All your devices can be hacked The terrorists in the Mumbai incident even used search engines during their attack to identify individual hostages and to determine, based upon their backgrounds, who should live or and who should die. These innovations gave terrorists unprecedented situational awareness and tactical advantage over the police and the government. Newer forms of technology are also subject to criminal misuse. Robots are becoming more commonplace, and international organized crime groups and terrorists have lost no time in deploying these technologies as part of their field operations. For example, drug traffickers in Latin America are using robotic submarines to deliver thousands of tons of cocaine annually to the United States. Last year, the FBI arrested a man in Boston who planned to use remote-controlled robotic aircraft packed with explosives to attack both the U.S. Pentagon and Capitol building. In the future, as robots become more widely deployed, so too could their criminal use and exploitation. TED.com: How cyberattacks threaten real-world peace Advances in the life sciences means it is now possible to design DNA on a computer screen and send the DNA code to a "bio printer" for assembly. Our ability to reprogram DNA itself will undoubtedly lead to great advances in medicine, but the danger is that these same techniques can be used to modify viruses, like H5N1 influenza, to **become more and more lethal, potentially affecting millions around the globe**. To hackers, DNA is just another operating system waiting to be hacked. We are at the dawn of an exponentially advancing technological arms race between people who are using technology for good and those who are using it for ill. Though such battles have gone on since the beginning of time, what has changed is the pace of innovation. New technologies and capabilities are emerging so quickly, it becomes increasingly likely they will outpace the capabilities of public safety officials to respond. The **threat is serious, and the time to prepare for it is now**. I can assure you that the terrorists and criminals are.

Bio-printers can create toxins and diseases that can kill billions

Beattie 14

(Andrew Snyder-Beattie, Academic Project Manager at University of Oxford, "The next pandemic could be downloaded from the internet", February3rd, 2014, The Conversation,

http://theconversation.com/the-next-pandemic-could-be-downloaded-from-the-internet-22653, JAS)

Last October, scientists in California sequenced the DNA for the "type H" botulinum toxin. One gram of this toxin would be sufficient to kill half a billion people, making it the deadliest substance yet discovered – with no antidote. The DNA sequence was not placed on public databases, marking the first time genetic code has been withheld from the public over security concerns. As biological discoveries accelerate, we may need to censor even more genetic data. The line between digital data and our physical world is not as clear cut as it once was, with the advent of 3D printing technologies and DNA synthesisers. Many people are familiar with the first printed gun, cited heavily by the media as a dangerous development. But many would probably be surprised to learn that analogous technology is used to print pathogens. For example, the polio virus was successfully recreated in 2002, and the 1918 flu virus was resurrected by a DNA synthesiser in 2005. Pandora's box 2.0 The machines that make this resurrection possible serve many legitimate research purposes. Instead of painstakingly manipulating DNA in a local lab, scientists can get made-to-order sequences from a variety of DNA synthesis companies from around the world. Alternatively, if they have some extra cash and desk space, they could get one of the machines right here on Ebay. Access to such a machine gives scientists a critical edge in many areas of genomics research. But the increasing accessibility to this technology raises concerns about the "dual-use" nature of it as an unprecedented weapon. President Obama was worried enough to commission a report on the safety of synthetic biology, while volunteers have created software to detect malicious DNA sequences before an unsuspecting company prints them out. Is ignorance bliss? These are important first steps to more security, but they don't take us far enough. Part of the reason is due to something we call an "information hazard." For the first time in human history, knowledge that is discovered has a reasonable chance of never being forgotten. And while this would normally be a great thing, it also creates a ratchet effect with dangerous information – once a bit of malicious code is online, the whole world can dissect and modify it. We saw this with the infamous Stuxnet virus which appeared in 2010 – an elegantly created computer virus designed to hack Iranian nuclear labs and manipulate centrifuges to the point of breaking them. While this may have been a strategic boon for Israel and the United States, we now must contend with the availability of Stuxnet's source code, which was later posted to Github. The genius mechanisms the virus used to bypass security systems are now available to the world for delivery of alternative cyber payloads. If a similar dynamic emerged with biological code rather than computer code, the results could be catastrophic. About a century ago, 50m people died due to a particularly lethal strain of flu, the genome of which is available online. And it is estimated that if the same virus were to be released today, the initial death toll could top 80m. Any knowledge or technology that has the capability for such destruction ought to be handled with the same caution we give to nuclear secrets, even if it means slowing the advances in medical biotechnology.

2NC O/V

The disadvantage outweights and turns the case: Sophisticated cyber criminals are beginning to utilize technology to launch massive biological and conventional attacks. These attacks O/W:

Timeframe: Sophisticated cyber criminals are beginning to use these attacks now, the only way to stop them is to maintain the third party doctrine, and continue being able to catch them

Magnitude: Bio-printed viruses have the potential to become a global pandemic, killing billions. None of their impact D applies because this disease would be created by humans.

2NC Impact: Narco-Subs

Those submarines will deliver WMD's, used by terrorists, to the United States

Watkins 11

(Lance J., MA @ Naval Postgraduate School, SELF-PROPELLED SEMI-SUBMERSIBLES: THE NEXT GREAT THREAT TO REGIONAL SECURITY AND STABILITY, NAVAL POSTGRADUATE SCHOOL MONTEREY, CALIFORNIA, June 2011, http://www.dtic.mil/dtic/tr/fulltext/u2/a547788.pdf)

This demonstrates that DTOs are advancing in overseas trafficking, setting up labs with possible construction of SPSSs; WMDs will soon follow. It is also common knowledge that once a relatively wealthy country such as South Africa becomes a major transit route, it is not long before it becomes a major drug consuming country‖ 143 An opportunity will always remain for DTOs to conspire with terrorists and use SPSSs for WMDs. It can be chemical or nuclear in nature, causing an international disaster in the Western Hemisphere. The USG and GOC have to take into account the worst-case scenario when dealing with such innovative technology of DTOs. For example, President Barrack Obama believes The **greatest threat to U.S. and global security is no longer a nuclear exchange between nations, but nuclear terrorism by violent extremists and nuclear proliferation to an increasing number of states**.144 This same idea applies to DTOs that may be coercing with terrorists, planning a WMD destruction attack using nuclear or biological weapons via SPSS. According to James Carafano of the Heritage Foundation, The threat is pretty much global, Sri Lanka saw a lot of this and we have seen some from Hamas as well, so we know groups are borrowing tactics from one another.145 It is not a far-fetched situation. DTOs are motivated by profits, and if these extremists were to offer a huge amount of money for the technology and development of SPSSs, a coastal or harbor attack can easily be carried out within a few years in the U.S. The creativity and expansion of these vessels will ignite drug cartels to improve the technology of another transiting tool for cocaine—underground tunnels. In 2007, congress passed legislation providing a 20-year maximum sentence for the developing or financing of subterranean passages between the U.S. and another country.146 The threat of tunnels being used to transports human cargo and drugs concerned congress, because ―these passages were directly on U.S. soil and could be used by terrorists‘ organizations to smuggle in dangerous weapons.‖ 147 The proceeding in passing laws against SPSSs, were based on the same philosophy and guidelines. Drug smugglers operating and transiting SPSSs would be given a ―maximum 15-20 years sentence, since, theoretically, it can carry more dangerous cargo and present a threat to the security of the United States.‖ 148

Terrorism causes extinction

Nathan **Myhrvold '13**, Phd in theoretical and mathematical physics from Princeton, and founded Intellectual Ventures after retiring as chief strategist and chief technology officer of Microsoft Corporation , July 2013, "Stratgic Terrorism: A Call to Action," The Lawfare Research Paper Series No.2, http://www.lawfareblog.com/wp-content/uploads/2013/07/Strategic-Terrorism-Myhrvold-7-3-2013.pdf

Several powerful trends have aligned to profoundly change the way that the world works. Technology ¶ now allows stateless groups to organize, recruit, and fund ¶ themselves in an unprecedented fashion. That, coupled ¶ with the extreme difficulty of finding and punishing a stateless group, means that stateless groups are positioned to be ¶ lead players on the world stage. They may act on their own, ¶ or they may act as proxies for nation-states that wish to ¶ duck responsibility. Either way, stateless groups are forces ¶ to be reckoned with.¶ At the same time, a different set of technology trends ¶ means that small numbers of people can obtain incredibly ¶ lethal power. Now, for the first time in human history, a ¶ small group can be as lethal as the largest superpower. Such ¶ a group could execute an attack that could kill millions of ¶ people. It is technically feasible for such a group to kill billions of people, to end modern civilization—perhaps even ¶ to drive the human race to extinction. Our defense establishment was shaped over decades to ¶ address what was, for a long time, the only strategic threat ¶ our nation faced: Soviet or Chinese missiles. More recently, ¶ it has started retooling to address tactical terror attacks like ¶ those launched on the morning of 9/11, but the reform ¶ process is incomplete and inconsistent. A real defense will ¶ require rebuilding our **military and intelligence capabilities** from the ground up. Yet, so

far, strategic terrorism has ¶ received relatively little attention in defense agencies, and ¶ the efforts that have been launched to combat this existential threat seem fragmented.¶ History suggests what will happen. The only thing that shakes America out of complacency is a direct threat from a determined adversary that confronts us with our shortcomings by **repeatedly attacking** us or hectoring **us for decades**.

2NC Ext: Key to Cyber Crime

The third party doctrine is critical to being able to having a reasonable standard for investigating internet crimes

Kerr no date

(Orin Kerr, professor of law at the George Washington University Law School, "The Case for the Third Party Doctrine", after 2010, American Bar Association, http://www.americanbar.org/groups/public_services/law_national_security/patriot_debates2/the_book_online/ch4/ch4_ess2.html, JAS)

My argument rests on the need to maintain the technological neutrality of Fourth Amendment protections. The use of third parties is akin to new technology, and that technology threatens to alter the balance of power struck by the Fourth Amendment. The third-party doctrine offers a way to maintain the balance of police power: It ensures that the same basic level of constitutional protection applies regardless of technology. Or so I will argue, drawing from two recent articles of mine: The Case for the Third-Party Doctrine, 107 Mich. L. Rev. 561 (2009), and Applying the Fourth Amendment to the Internet: A General Approach, 62 Stan. L. Rev. 1005 (2010). My argument begins with a thought experiment. Let's start by imagining a world without third parties. If you want to send a package to a friend, you need to leave your home and carry it to your friend's house. If you want to go to the doctor's office, you need to visit it in person. In a world without third parties, you would need to venture out into the world on a regular basis to accomplish anything. Next, ask yourself how the Fourth Amendment would apply to police investigations in this world with no third parties. The rules would be simple. The police would need a warrant to enter your home, but they would be permitted to watch you in public. They could watch you leave your home, travel to the home of your friend, and disappear inside when you delivered your package. They could watch you leave your home, go to the doctor's office, and disappear inside. All these steps would occur in public, where the Fourth Amendment offers no protection from the watchful eye of the police. Now let's introduce third parties. Third parties allow individuals to do remotely what they would otherwise have to do in person. Instead of traveling to your friend to deliver the package, you can send the package through the postal mail. The postal network substitutes for your trip to your friend; instead of bringing your package to your friend, the mailman will do it. And instead of visiting the doctor in person, you could call the doctor on the phone. To borrow from the old advertising campaign for the Yellow Pages, you can "let your fingers do the walking." In each case, the third-party service means you no longer have to leave your home. The critical point from the standpoint of Fourth Amendment law is that use of third parties introduces a substitution effect. In a world with no third parties, individuals often have to travel in public. The police can see when individuals leave their homes, where they travel, and when they arrive. Using third parties allows individuals to substitute a private transaction for that public transaction. Facts that used to be known from public surveillance are no longer so visible. By allowing individuals to use remote services, the use of third parties has brought outdoor activity indoors. The question for Fourth Amendment law is how to respond to this technological shift. In my view, the goal should be to apply the Fourth Amendment in a technologically neutral way. In a world with no third parties, the Fourth Amendment strikes a balance of police power: It gives the government the power to investigate crimes in some ways, but also limits the government's investigations in important ways. I think that's a sensible balance, as it tries to balance our shared interests in deterring crime and punishing wrongdoing (which can only occur if the police successfully gather evidence to prove cases) with our commitments to privacy and avoiding government abuses of power. If I'm right that

this balance is proper, then it follows we should maintain it. We should try to apply the Fourth Amendment so that it offers the same basic protections and strikes the same balance in a world of third parties than it did in a hypothetical world without them. The third-party doctrine achieves that, in my view. The doctrine ensures that the Fourth Amendment applies to conduct that harnesses third parties in the same way it applies to events that occur without third-party help. It does so by matching the Fourth Amendment protection in the use of the third party with the Fourth Amendment protection that existed before. Smith v. Maryland is a good example. In Smith, a robbery victim was receiving harassing phone calls. The police suspected Smith, and they asked the phone company to install a pen register on his home phone line. Whenever a call was placed from Smith's home phone, the phone company would record the numbers dialed and keep a record for the police. The record showed that the calls did indeed originate from Smith's home, and the police used that evidence to get a warrant to search the home and prove Smith's guilt. The question in the case was whether the numbers dialed were protected by the Fourth Amendment. Before we get to the Court's reasoning in Smith, let's imagine what constitutional protection would apply if Smith could not use third parties but wanted to harass the victim anyway. Smith would have been forced to harass the victim in person: He would have left his house, walked to his car, and driven to her home. If the police suspected that Smith was the harasser, they could have watched him the entire way: All of Smith's conduct would have been exposed to public view without Fourth Amendment protection. The Court in Smith ruled that Smith had no reasonable expectation of privacy in his numbers dialed. That rule maintained the level of Fourth Amendment protection regardless of whether Smith used a third party to harass his victim. By holding that the use of the pen register did not constitute a search, the Court ensured that the police would have the same information either way. The time of the call, the originating number of the call, and the destination of the call are the informational equivalents of what the police would have learned by watching Smith in public if he had not used a third party. In other words, Smith could not change the balance of Fourth Amendment protection by using a third party; the Fourth Amendment offered the same level of protection either way. Importantly, my defense of the third-party doctrine implies an important limit: The doctrine should apply when the third party is a recipient of information, but it should not apply when the third party is merely a conduit for information intended for someone else. Put another way, the third-party doctrine should apply to the collection of non-content information in a network but not the contents of communications. The reason is that when the third party is merely a conduit for information, the information that is sent through the third party is not information that would have been revealed if no third parties had been used. In a world with no third parties, the message would remain private: If I bring you a sealed package in person, the government can't open up the package without a warrant. That same rule should and does apply if the delivered communication takes the form of a sealed letter in the postal mail, the contents of a phone call, or the contents of an e-mail. Greg Nojeim makes several rejoinders to my approach. First, he argues that use of third parties is unavoidable in our modern world. That may be right, but the same was true about going out in public in the world without third parties. It would be unpersuasive to argue that the Fourth Amendment must protect what occurs in the public square because venturing out into the public square is unavoidable in our modern life. In my view, it is equally unpersuasive to claim that the Fourth Amendment must protect third-party substitutes because modern life requires their use.

2NC Ext: Bio-printed Terror

Cyber Criminals can bio-print disease, causing mass pandemics and bioterror

Goodman and Hessel 13

(Marc Goodman and Andrew Hessel, chair for policy, law and ethics at the Singularity University and distinguished researcher at Autodesk Inc in the Bio/Nano Programmable Matter group, "The bio-crime prophecy: DNA hacking the biggest opportunity since cyber attacks", May 28th, 2013, Wired.com, http://www.wired.co.uk/magazine/archive/2013/06/feature-bio-crime/the-bio-crime-prophecy, JAS)

A living cell is analogous to a computer, albeit a very sophisticated one, made of carbon rather than silicon. At its heart is an operating system. It's written in DNA nucleotides -- chemical bits denoted in the less familiar As, Ts, Cs and Gs of DNA code -- but, fundamentally, not so different from the zeroes and ones of electronic software. Seen this way, cells are self-assembling, non-toxic, self-repairing, low-energy, infinitely scalable and adaptive computing devices. Moreover, even though life has evolved over billions of

years and digital computers have been engineered for just a few decades, their fundamental architectures aren't all that different. Cells are hardware and DNA is software. The result? Biology, like other forms of computing, can be hacked. And it is being hacked, every day. Marc Goodman Marc GoodmanArt Streiber Mapped on to computing's timeline, biological hacking is still in its early stages: roughly, we're in 1979. DNA hackers are still innocent, even playful. But this innocence is unlikely to last long: computing advances at the pace of Moore's law, in which processing power doubles or its price halves every two years, whereas genomics is charging ahead at least five times faster. The first human genome, which was completed in 2000, cost about £2 billion; now sequencing costs less than £2,500. And this is just the beginning -- a human genome could, in theory, cost less than a pound by the end of the decade. No other technology has fallen in price so quickly. Over the last 20 years, tens of billions of pounds have flooded into molecular biology and genetics industries. This has led to new technologies for reading DNA. Every day, new genomes are uploaded into health-science databases, and the pace is rapidly increasing. All this data has produced an army of bioinformatics scientists, whose job is to organise all this code and figure out what it does. But reading DNA is only the beginning: science has evolved to the point where human beings can write DNA code as well. As a result, thousands of scientists, known as genetic engineers, are programming living things directly. Genetic engineering used to be very hard and very expensive. Not any more. In fact, advanced genetic engineering can now be done with a just a few weeks of training, a laptop and a credit card. This means that we're on the cusp of a revolution in biotechnology: faster, cheaper and more powerful biotechnologies. On the positive side, this opens the door to scientific breakthroughs in biological understanding, diagnostics and new treatments. As we learn to code in biology, radical new possibilities arise, including abundant biofuels, better medicines and life extension. It also means that we could be approaching a new era of biological hacking, biological attack and even biological warfare. And the best place to look for how these scenarios -- some of them terrifying -- will play out is our experience of cyberspace. Bad bio There have been only a handful of non-government-sponsored biological attacks. The best known example was the mailing of anthrax spores to media outlets and two US senators in September 2001. Five people died. A deranged biotechnologist could create the stuff of nightmares Security agencies consider bioterrorism a growing risk for two reasons: the first is that advances -- such as DNA synthesis and biological design software -- allow the creation of biological agents in ways that were historically impossible. For instance, the Japanese terrorist organisation Aum Shinrikyo, the group behind the sarin gas attack on the Tokyo subway in 1995, had a full-scale bioweapons programme. Despite investing more than $10 million (£6.6 million) in the programme, the group abandoned it due to its complexity. Today such an attack is comparatively easy to carry out. Governments store any harmful agents ("select agents") they may have stockpiled in secure sites, but the DNA code of many of them exists in public databases. Synthetic biology, which allows the building of synthetic organisms, sidesteps these safeguards and potentially allows the design of novel bioweapons. The other reason is statistical: biological engineering could become as common as software engineering, bringing millions of new developers into the field. Lunatics must be expected. A deranged biotechnologist could create the stuff of nightmares: even a small attack could produce economic fallout disproportionate to any actual illness or death caused. And there's little need to even have a genuine agent in the first place; all that's required is some white powder. A few pennies' worth of baking soda and a stamp can result in disruptive evacuations and hundreds of wasted hours of investigator and police time, costing millions. This is a great return for the terrorist pound. Targeting publicly traded companies could provide terrorists the opportunity to profit from short selling. Officials lack tools to analyse biological agents quickly and, indeed, often know little about microbes. Moreover, a 2008 US government report warned that civilian labs with dangerous pathogens could easily be compromised.

2NC Epistemological Defense: Disease Reps

We need apocalyptic discourse about disease to prevent actual pandemics

Davis 14

(Noah Davis, Contributor at the pacific standard, “When Will a Deadly Pandemic Put an End to Worrying About Deadly Pandemics?”, March 27th, 2014, Pacific Standard, http://www.psmag.com/health-and-behavior/will-deadly-pandemic-put-end-worrying-deadly-pandemics-77519, JAS)

I wonder if part of the reason Rees has been wrong is because of the overblown rhetoric regarding the so far non-existent bug that will kill all of humanity. It's an excellent premise for a show or a movie (or hey, a column), and these stories make for great (read: clickable) headlines in newspapers. "Witness: The Age of Pandemics" (WSJ); "A Deadly Disease Could Travel at Jet Speed Around the World. How Do We Stop It in Time?" (the Guardian); "Terror or Error: Is Humanity on the Eve of Destruction?" (the Guardian again, also my favorite of the bunch); "Anticipating the Next Pandemic" (The New York Times). Would you click on those? I mean, probably. Right? (I did.) If you did and stayed long enough to read the pieces, you would find something interesting. Despite the headlines, most offer smart takes on an important topic. The New York Times piece, specifically, is a rational, well-argued take on the threats—both real and imagined—and a person's possible responses to them. "The concrete measures are limited by time, place and circumstance," writes David Quammen, author of Spillover: Animal Infections and the Next Human Pandemic. "The broader response is more basic: learn, absorb, understand. Don't start trying to apply your knowledge until you have some." We can't do much to prevent some sort of super bug emerging from the depths of the jungles. We can, however, take simple steps to help minimize the spread of disease. Over the past decade, we've seen a concentrated effort on the part of governments and health organizations around the world to put in place plans to do so on a massive scale, but also an increase in the efforts to educate the general population. We still aren't there, not close, but a ridiculously clickable headline in the Guardian could be beneficial. Hype, in small doses, might not be the most dangerous thing in the world. On the disease front, there is plenty to worry about aside from a super bug virus. Tuberculosis is back. Polio is out there. Antibiotic-resistant bacteria has been found in 46 states. If you really want to be horrified, read this piece on how "bacteria are generous with their genes, sharing them even with members of other bacterial species" and then this on the future where antibiotics no longer work. That's scary. Scary might be good. The underdogs were the story of this NCAA tournament. Humanity is still the favorite versus the super bug. The key for the near future is making sure it's more a 1-16 match-up than a 5-12.

Solvency

Solvency

Other protections of privacy solve

Kerr 09 (Orin Kerr, professor of law at the George Washington University Law School, "THE CASE FOR THE THIRD-PARTY DOCTRINE", February 2009, Michigan Law Review, http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1138128, JAS)

The second major criticism of the third-party doctrine is that it gives the police too much power.140 The doctrine permits government officials to send in spies, use informants, get bank records, record numbers dialed, and obtain billing records of entirely innocent people without any cause or courtorder requirement. According to critics, giving the government this much power is inconsistent with a free and open society; the risk of misuse and harassment is too great.141 The problem with this argument is that it assumes the Fourth Amendment is the only game in town. In truth, a wide range of tools exists for addressing police harassment of third-party information outside the Fourth Amendment. These tools substitute for Fourth Amendment protection, prohibiting or limiting access to third-party evidence in specific settings that may be subject to abuse. In the case of secret agents, the legal system uses entrapment law, the Massiah doctrine, the First Amendment, and internal regulations to limit the government's use of secret agents. To be clear, there is considerable room for debate on the sufficiency of these substitutes for Fourth Amendment protection. The warrant requirement is strong medicine, and some of the nonconstitutional substitutes are modest by comparison. Most are designed to deter bad faith investigations rather than to keep the government from accessing information altogether, and observers may disagree on which doctrines succeed or fail. But this should not obscure the deeper point: Fourth Amendment protection is only one tool among several for addressing police harassment. The absence of Fourth Amendment protection does not mean police practices go unregulated. Rather, it means a shift from regulation through a probable cause warrant requirement to regulation through privileges, entrapment doctrine, the Sixth Amendment, the First Amendment, statutes, and other forms of third-party protection. In short, critics suffer from constitutional myopia. While they focus on the failure of the Fourth Amendment to stop government harassment and limit the power of the state, they tend to overlook the substitutes that already address the same concerns through other means. Properly conceived, the choice is not between Fourth Amendment protection and none, but rather between regulation by a diverse set of doctrines or that diverse set of doctrines plus the added protection of the Fourth Amendment. As a result, critics overstate the degree of government power that the third-party doctrine authorizes. We can begin by considering how the law outside the Fourth Amendment tries to regulate secret agents. Although the Fourth Amendment does not regulate the use of secret agents,142 four other bodies of law help fill in the gap: entrapment law; the Massiah doctrine; the First Amendment; and internal agency regulations. All four bodies of law deter abuses of secret agents. They prohibit the use of secret agents in some cases and ensure that they are used only in relatively limited ways in others.

The affirmative does absolutely nothing: forcing the government to get a warrant will stop "the dark night of fascism" for two hours

Baker 14 (Stewart Baker, Writer at the Volokh Conspiracy, contributor at the Washington Post, "The third grade and third-party doctrine", January 22nd, 2014, Washington Post, https://www.washingtonpost.com/news/volokh-conspiracy/wp/2014/01/22/the-third-grade-and-third-party-doctrine/, JAS)

Randy Barnett argues that NSA's metadata program is bad because the government will use the information to target people for their political views and to embrace mission creep. His solution is to leave the metadata in the hands of the phone company. But really, what good would that do? Suppose that, as Randy fears, Congress wakes up one day and decides to use phone metadata to suppress dissent and gun ownership across America. The fact that the data is stored in four or five phone companies' databases rather than NSA's will forestall the Dark Night of Fascism for, oh, about 90 minutes. For the sake of that speedbump, we should give up our ability to identify cross-border terror plots? Randy's solution to that problem is to overrule a line of Supreme Court cases (Smith v. Maryland) holding that no one has a reasonable expectation of privacy in information they've disclosed to a third party. With Smith v. Maryland set aside, the government would need a search warrant to see the metadata. Overruling Supreme Court precedent is a law professor's prerogative, but the rest of us don't have to go along. And in fact the Smith v. Maryland doctrine makes sense, especially compared to Randy's solution. We all learned no later than the third grade that secrets shared with another are not really secrets. They can be revealed at times and in ways we never expected. It hurts, but it's a fact of life.

Advantages

Innovation Adv.

Privacy rights in squo

Squo solves—NSA surveillance is restricted and is legal in the squo—it's been reauthorized in Congress and courts

Levy 14 (Steven, journalist who has written several books on computers, technology, cryptography, the Internet, cybersecurity, and privacy, "How the US almost Killed the Internet," Wired.com, 01.07.14, http://www.wired.com/2014/01/how-the-us-almost-killed-the-internet/

That's one of the key points these officials want to make: While the NSA might collect a lot of data, rules and oversight limit the extent to which privacy is compromised. In an earlier speech, Alexander said, "You need the haystack to find the needle." Simply gathering the haystack is benign, the officials claim, because ample protections exist to constrain any searches of that information. He refers to the comprehensive collection of voice call metadata as "one of the most highly regulated programs in the entire federal government." He describes in detail the multiple times it has been reauthorized in Congress and the courts, the limited number of people who have access to it, and the oversight employed to make sure that they use it as directed. (In December, two federal judges weighed in on the constitutionality of the government's collection of phone metadata. US District Court judge Richard Leon ruled that the program likely violates the Fourth Amendment but stayed his order pending appeal. In a separate case 11 days later, however, Judge William H. Pauley III declared the dragnet lawful, writing that "the question of whether that program should be conducted is for the other two … branches of government to decide.")

Squo solves—NSA doesn't abuse its surveillance—its workers are dedicated to laws and end tracking as soon as there's no more reason

Levy 14 (Steven, journalist who has written several books on computers, technology, cryptography, the Internet, cybersecurity, and privacy, "How the US almost Killed the Internet," Wired.com, 01.07.14, http://www.wired.com/2014/01/how-the-us-almost-killed-the-internet/

The officials paint a picture, though, of a system that fundamentally works. They describe a rigorous training process. They tell me that respect for boundaries is drilled into the psyche of NSA employees from the day they are hired. (As for one embarrassing incident, in which employees tracked their romantic partners, the officials emphasize its rarity—and point out that the abuses were caught by the NSA's own system of frequent polygraph tests.) Ledgett provides an example of what happens when someone's information is mistakenly analyzed. The agency, he says, had tracked a high-value target in South Asia for over a decade before learn-ing that he had once applied for a green card—making him, under NSA rules, a "US person." "As soon we discovered that," Ledgett says, "we dropped collection on him under our Executive Order 12333 authority and canceled 14 years of reports."

Alt causes to innovat

Alt causes to innovation—higher education entrenches the idea that students should look for jobs, not take creative risks

Doss 15 Henry Doss, former banker turned venture capitalist, "Our Universities are not Teaching Innovation," Forbes, 2/25/15, http://www.forbes.com/sites/henrydoss/2015/02/25/our-universities-are-not-teaching-innovation/

Our system of higher education is out of whack with the future, and with innovation; and it is at direct odds with what we say we believe. Not only are our universities not teaching innovation or delivering an innovation experience, they seem to be doing their best to destroy innovative thinking in young people. This is not intentional, but it may be all the more insidious for being unplanned, unnoticed and unseen. Business leaders, politicians and economists all say more or less the same thing: The future depends on innovation and without it we are doomed as a country and a society to second-class status. So innovation, and those who can lead and cause innovation, are at a premium. You would think we would respond to this in our system of higher education; but, in fact, we are doing the exact opposite. Innovation requires flexibility; it demands experience and knowledge that is both broad and deep. Both. Innovators must be comfortable with pivoting, adapting and changing, often and without hesitation. Innovators must be willing and eager to learn anew, all the time, and to learn quickly. But what kind of learning experience do we present to university and college students? From the day they set foot on a campus, most students are greeted with a homogenized, pre-packaged, profoundly compartmentalized, deeply siloed, interest-entrenched world. The experience of the modern university system is the antithesis of innovative leadership traits. Students are being taught to produce rather than create, to follow rather than lead, and to fear failure greater than death itself. It is as if we said we want to create an entire class of risk-averse followers, ready and able to follow commands. It is as if we decided to teach everything in ways that are the exact opposite of how innovation works. Innovation requires independent thinking and a strong ability to work outside of the comfort of structure and predictability and security. But from the moment students enter into the higher education world, they are greeted with an insistent, unyielding message: "Prepare for a job!" This message is loud, and inescapable. Nothing takes precedence over "job!" and in very short order every student learns that they are in college for one reason and one reason only: To get a job. Students are encouraged to study only those things that will lead to a job; to avoid spending too much time on "unnecessary" studies that won't help with getting a job; to be sure to pick an "employable major," lest they be left behind for a job. They are pointed to internships, to career counseling and to every possible experience that will create a focus on getting a job, all well-intentioned efforts, perhaps; but all strongly reinforcing the jobs message. The system holds their hand, points them to the future, funnels their time, energy and work into a job-related program of study . . . and then we are all somehow surprised when this highly structured process of preparing someone for a job leads to graduates who expect structure and a job, rather than risk, disruption and opportunity. We do all of this, even though we know that virtually any job we are encouraging students to prepare for will likely disappear in a few more years; that the job they are likely to have in ten years doesn't even exist today. We do this even though we know that the vast majority of students will have several careers and that many of those will by necessity be self-created. We do this even when we know that the "skills" (the most over-rated, over-promoted and non-innovative word in the English language) of innovators are the exact opposite of what is being taught in service to getting a job. We hang the boogeyman of "job!" over their heads; we turn them away from things that are fun, exciting, challenging, and off-the-beaten path; and we drill a misguided pragmatism into their heads every minute of every day they're in school. Then we are surprised when, after years of indoctrination about focusing on jobs, students graduate looking for jobs, rather than doing things that will create jobs There's more. As part of our job focus and purported pragmatism, we dismiss as frivolous the Humanities and the arts, and anything else that is not explicity career- or vocation-focused. This is not always overt. There is the occasional discussion around students being well-rounded, and talk about filling out an education with a bit of literature or philosophy or history. But this is usually insincere tokenism, and we can verify this insincerity with a single glance at budget allocations. Follow the money in higher education and you'll find the real priority. It's jobs, not innovation.

Free Speech Adv.

AT: surv = no speech

Surveillance has not decreased freedom of speech—in fact, it triggered public protest and forcing Congress to reform surveillance

Bowman 14, Bridget Bowman, journalist covering Capitol Hill, "Internet protest to 'fight back' against surveillance," PBS, Feb 10, 2014, http://www.pbs.org/newshour/rundown/internet-protest-fight-back-surveillance/

Activist groups, companies, and websites will encourage internet users to take a stand against government surveillance on Tuesday in a protest called "The Day We Fight Back." On Feb. 11, 5,700-plus websites plan to post a banner on their pages encouraging users to use their social media accounts to protest surveillance by the National Security Administration and to phone or email their representatives in Congress about reforming internet surveillance. The protest is organized by the some of the same groups that orchestrated the movement against the Stop Online Piracy Act (SOPA) and the Protect Intellectual Property Act (PIPA) in 2012. In response, "Congress, overwhelmed by the popular opposition, quickly backpedaled, leaving the legislation to die," 'The New York Times' wrote in July, 2012. Demand Progress executive director David Segal said they are not expecting a response similar to the magnitude of the SOPA and PIPA backlashes. However, he told PBS NewsHour they expect "something quite sizeable." The statement announcing the event speculated that "potentially millions of Internet users" would participate in the protest. The websites will urge internet users to contact their lawmakers and voice their support for the USA FREEDOM Act and encourage Congress to reject the FISA Improvements Act. The USA FREEDOM Act would implement a number of surveillance reforms, including the creation of the Office of the Special Advocate to participate in the Foreign Intelligence Surveillance Court, or the FISA Court. The bill is currently in committee in both chambers of Congress. Segal said the "goal is to start driving that forward" and that he is confident the legislation has enough votes to move out of the House Judiciary Committee and to pass the House floor. Rep. James Sensenbrenner, R.-Wisc, one of the bill's co-sponsors, also said it has broad support in the House. "If brought to the floor, I believe it will pass," he said in a statement to the NewsHour. He also said he would "support any responsible efforts that give it momentum."

Surveillance doesn't kill free speech—in fact, it's increased it—people are using the internet to voice their displeasure at Congress

Tsoumbakos 15, Rachel Tsoumbakos, author, "Nearly 15,000 Sites Block Congress As A Protest Against The NSA Surveillance Laws," Inquisitir, May 31, 2015, http://www.inquisitr.com/2132440/nearly-15000-sites-block-congress-as-a-protest-against-the-nsa-surveillance-laws/

So far, nearly 15,000 websites have blocked Congress IPs from accessing them in an effort to voice their displeasure against the current NSA surveillance laws. As the sites block Congress, others are posting their photos with the hashtag #IFeelNaked to back up the protest. On Friday, the protest began as sites began to block Congress. The Fight for the Future group has provided code so sites can block Congress ahead of the possible re-authorization of NSA surveillance laws under the current Patriot Act, which allows the NSA and FBI to collect data in an effort to curb terror attacks. While this is a very noble cause, citizens are concerned at just how much information is being collected, who can view this information, and, subsequently, what it could potentially be used for. Sites have put a block against congress IP addresses from accessing their sites, which then redirects these Congress addresses to the Blackout Congress website, a site that explains exactly why the blackout is

occurring as well as posting images with the hashtag #IFeelNaked — some of these images being explicit in nature. "You have conducted mass surveillance of everyone illegally and are now on record for trying to enact those programs into law. You have presented Americans with the false dichotomy of reauthorizing the PATRIOT Act or passing the USA Freedom Act. The real answer is to end all authorities used to conduct mass surveillance. Until you do, thousands of web sites have blocked your access, and more are joining every day."

Alt causes to protest

Too many alt causes determines whether protests succeed or not—stability of regime, martyrs, and gov't goals—that means free speech alone doesn't solve

Chesterton 13, Matthew Lawrence Chesteron, writer and editor, "Why are protests so ineffective for achieving political change?," Quora, Dec 11, 2013, http://www.quora.com/Why-are-protests-so-ineffective-for-achieving-political-change

Some back-of-an-envelope thoughts on the third part of the question – Under what conditions do protests succeed at achieving political change? When a regime/system is teetering on the edge and just needs a push to send it over. The Hungarians of 1956 and the Czechs of 1968 were protesting against a system that feared them no more than a man fears a fly on his nose. The Czechs of 1989, on the other hand, were protesting against a system that had, in effect, abolished itself. When a protest movement throws up martyrs. Choose your massacre – "Peterloo" (1819), Amritsar (1919), 16th Street Baptist Church (1963), Bloody Sunday (1972), etc. One of the reasons this is effective is that every dead protestor leaves behind a mother and mothers of dead protestors will invariably spend the rest of their lives finding out what happened to their kids and why. In my adopted country, Argentina, the Mothers of the Plaza de Mayo spent 30 years protesting the "disappearance" (extra-judicial murder) of their sons and daughters at the hands of the military dictatorship which ran the country in the late 1970s. Plenty of people supported them, of course, but the attention of these supporters tended to waver. A grieving mother's attention doesn't waver. ("Living martyrs" work too, so long as they're banged up in prison, preferably somewhere crappy, preferably on an island. See: Captain Dreyfus on Devil's Island [1], Nelson Mandela on Robben Island.) when those in power are smart enough to realise that they can shore up their own position by acceding to the protestors' demands. This only works when the protest movement has a clearly defined and limited goal; the socialist agitation for the eight-hour day of the early 1900s is a good example. As is the male suffrage movement in Britain of the late 19th century which the ruling, but not blindly reactionary, Conservative party astutely turned to its advantage through the Tory Democracy movement. Anarchists whose stated ambition is to tear down the system not only fail, but need to fail. If protesting is what makes you happy, and what gives your life meaning, what could be worse than success?

Squo solves

Freedom of speech strong in the US—supreme Court repeated affirmed that unpopular speech enjoys 1st amendment protection—even blasphemy

Beattie-Moss 15, Melissa Beattie-Moss, Manager of Research Communications at Penn State, "Probing Question: Are there limits to freedom of speech?," Pennstate, January 27, 2015, http://news.psu.edu/story/341896/2015/01/27/research/probing-question-are-there-limits-freedom-speech,

"The U.S. Supreme Court has recognized very few exceptions to the First Amendment," says Robert Richards, founding director of the Pennsylvania Center for the First Amendment at Penn State, which was established in 1992 to promote awareness and understanding of the principles of free expression to the scholarly community, the media and the general

public. "The categories of speech that fall outside of its protection are obscenity, child pornography, defamation, incitement to violence and true threats of violence," he explains. "Even in those categories, there are tests that have to be met in order for the speech to be illegal. Beyond that, we are free to speak." In the United States, several states have had laws against blasphemy even though such laws violate the U.S. Constitution. Charlie Hebdo is considered by many to be an inflammatory and offensive publication, particularly for its graphic cartoons lampooning religious figures such as the Prophet Muhammad. Does that change how we should view the publication's free speech rights as seen through the lens of American laws and values? "Many people are mistaken in their belief that offensive speech or hate speech is not protected," says Richards. "The Supreme Court has repeatedly affirmed the notion that unpopular speech enjoys full First Amendment protection. As the late Justice William Brennan put it, in a case involving flag burning, 'If there is a bedrock principle underlying the First Amendment, it is that government may not prohibit the expression of an idea simply because society finds the idea itself offensive or disagreeable.'" Some would argue that much of the content in Charlie Hebdo is blasphemous. Yet the very notion of blasphemy -- defined as insulting God or any religious or holy person or thing -- varies greatly around the world. In some countries, blasphemy is not only illegal but is punishable by death. In the United States, several states have had laws against blasphemy even though such laws violate the U.S. Constitution. Pennsylvania enacted a blasphemy law in 1977, which was struck down by the U.S. District Court in 2007. The last conviction for blasphemy in the U.S. took place in Arkansas in 1928.

Solv deficit

Protests fail—don't influence public opinion enough, and there's not enough force to sway politicians—counter-examples of successful protests are special cases that have other factors

MGK 10, "Why protests don't work, part two," Mightygodking, Jul 27, 2010, mightygodking.com/2010/07/27/why-protests-dont-work-part-two/

The problem is that your standard protest model is, nowadays, bad at doing both of these things. Even in those situations where protests don't dissolve into a cacophony of various messages of dissent only tenuously connected to one another, the standard protest model suffers from a problematic catch-22: in order to significantly impact the news cycle, a protest must be really big, but the larger a protest becomes, the more likely it is to be ineffective due to lessened public support due to the inconvenience of the protest and the perception that it's a one-off stunt. And even when a protest significantly impacts the news cycle, it's still a one-off event in a modern culture which has trouble remembering what happened in the news three months ago. "Aha," you say, "but what about the Tea Party? What about European labour protests?" And these are interesting discussions. The Tea Party isn't really a good counterexample. Although they have had a number of protests and have had some impact on public debate in the United States, they also aren't following the traditional protest model, which is "have a really big protest and then that's it for a while in terms of public visibility." Granted, liberal protesters might argue that they don't get any public visibility outside of protests due to media complacency, and they have a point there. But that right there is why the Tea Party has had more impact on the media: they're essentially sponsored by a cable news network, which has allowed them to outlive the news cycle and become a constant presence.1 Since most protests will not get that advantage, pointing to the Tea Party as a measure of protest success is erroneous. On top of that, for all the visibility the Tea Party has enjoyed, they haven't really had that much success at shifting public opinion; there has been no groundswell of support for their pet issues and the movement has remained mostly confined to conservative Republicans despite halfhearted attempts to reach out to libertarians. Really, the Tea Party is more reflective of the current state of the Republican party base than anything else. As for European labour protests, sure, they work – but they work because when European labour movements go out and protest, that's not a protest fringe

doing it; that's a hefty chunk of the country. People talk about how the G20 protest was big, but it was a drop in the bucket compared to, say, the antiwar protests conducted five or six years ago – and those in turn are equivalent to a smaller European labour protest, except that the American antiwar protests were mostly one-day or very occasionally two-day affairs, whereas European labour protests can go for weeks if need be (and have). European labour protests aren't analagous to the modern North American protest movement expressly because they aren't interested in shifting public opinion[2], but rather in representing a large portion of the public. This makes the "swaying public opinion" part of the protest model null; all these protests are designed to do is sway elite decisions. So, if traditional protest is no longer good for swaying both the public and the elites, what can do it? This is where I come up empty; none of the existing options seem to work. In the US, phone-in campaigns to Congressional offices have had some success at pushing representatives on important votes, but quite apart from the fact that phone campaigns don't sway public opinion at all? Even if we accept that the phone system is a solid answer – and I don't think it's nearly as effective as some claim – simple numbers seem to make it essentially non-duplicable outside of the United States. There are about 700,000 Americans for every representative in Congress. Most other nations have a much lower citizens-to-representative ratio, generally ranging from 100000:1 (the United Kingdom) to 150000:1 (Australia). If you want to flood their phonebanks, phone campaigns need a participation rate essentially six times as high as happens in the United States. This seems unlikely. Facebook/Twitter/other internet petitions and polls are flawed from a different end. Phone calls and letter-writing are the traditional weapons of choice for people attempting to make their voices heard to their representatives, but both of these methods require a person to really, really care about an issue.[3] This is why politicians have traditionally multiple-counted people doing these things: the assumption is that since one person was angry enough about the issue to contact their representative, therefore there are X more people who feel the same way and will be less inclined to vote for the representative (at a minimum). But internet petitions have almost no disincentives attached to them: there's a degree of anonymity involved[4] and there's next to no effort required, which means that representatives/politicians not only don't multiple-count the people involved, they sometimes even discount them (in the "this person will never change their vote based on issue X" sense). Even when they don't discount, the numbers taken at face value are almost never big enough to influence decisionmakers. Fair Copyright For Canada's 87,543 members means an average of 284 members per riding, which isn't enough to swing anything other than the absolute swingiest of swing ridings.

Protests fail because there's less public space to hold a protest—proven by Bush administration protests that it has a large impact

Effectivism 10, "why are U.S. protest marches less effective than they used to be?," feb 2010, http://www.effectivism.net/2010/02/why-are-u-s-protest-marches-less-effective-than-they-used-to-be/

One interesting fact that I dug up while researching this post regards the size of the "public forum". McPhail, McCarthy, & Andrew (2004) observe that the number of places where protests can freely be staged has shrunken significantly since the 1960's. Many sidewalks and parks have changed from public to private property. Additionally, there is far less freedom concerning where a protest can take place than there was then. "During the peak of the cycle of protests in the late 1960s most protest events did not take place in the public forum, but in areas controlled by governmental authorities. During recent protests against the 2000 Presidential election results gatherings occurred almost exclusively in public forums." It's not clear from this conference paper how much the effectiveness of protests is altered by the increasingly restricted access to spaces in which to hold protests. But I suspect that, as well as making the organization of protests more difficult, it reduces the potential size and media coverage of many protests. It sure seemed like the latter was a problem for anti-Bush protesters during the former administration; they were cordoned off into areas that were not easily seen.

Competitiveness Adv

Competition loss inevitable

US internet companies losing European markets inevitable—people are accusing the companies themselves for working with the NSA

***card out of cntxt, only talking about the EARLY stages of NSA release

Levy 14 (Steven, journalist who has written several books on computers, technology, cryptography, the Internet, cybersecurity, and privacy, "How the US almost Killed the Internet," Wired.com, 01.07.14, http://www.wired.com/2014/01/how-the-us-almost-killed-the-internet/

The hard-earned trust that the tech giants had spent years building was in danger of evaporating—and they seemed powerless to do anything about it. Legally gagged, they weren't free to provide the full context of their cooperation or resistance. Even the most emphatic denial—a blog post by Google CEO Larry Page and chief legal officer David Drummond headlined, "What the …"—did not quell suspicions. How could it, when an NSA slide indicated that anyone's personal information was just one click away? When Drummond took questions on the Guardian website later in the month, his interlocutors were hostile: "Isn't this whole show not just a face-saving exercise … after you have been found to be in cahoots with the NSA?" "How can we tell if Google is lying to us?" "We lost a decade-long trust in you, Google." "I will cease using Google mail." The others under siege took note. "Every time we spoke it seemed to make matters worse," an executive at one company says. "We just were not believed." "The fact is, the government can't put the genie back in the bottle," says Face-book's global communications head, Michael Buckley. "We can put out any statement or statistics, but in the wake of what feels like weekly disclosures of other government activity, the question is, will anyone believe us?"

No !

US-China war unlikely—economic inter-dependency checks

Rudd 15 (Kevin Rudd, Senior Fellow, Belfer Center for Science and International Affairs, "U.S.-China 21 The Future of U.S.-China Relations Under Xi Jinping," Harvard Kennedy School, April 2015, http://asiasociety.org/files/USChina21_English.pdf

Xi Jinping is a nationalist. And China, both the U.S. and China's neighbors have concluded, is displaying newfound assertiveness in pursuing its hard security interests in the region. But there is, nonetheless, a very low risk of any form of direct conflict involving the armed forces of China and the U.S. over the next decade. It is not in the national interests of either country for any such conflict to occur; and it would be disastrous for both, not to mention for the rest of the world. Despite the deep difficulties in the relationship, no Cold War standoff between them yet exists, only a strategic chill. In fact, there is a high level of economic inter-dependency in the relationship, which some international relations scholars think puts a fundamental brake on the possibility of any open hostilities. Although it should be noted the U.S. is no longer as important to the Chinese economy as it once was.

No US-Sino armed conflict—against China's own benefits, so that means deterrence will prevail

Rudd 15 (Kevin Rudd, Senior Fellow, Belfer Center for Science and International Affairs, "U.S.-China 21 The Future of U.S.-China Relations Under Xi Jinping," Harvard Kennedy School, April 2015, http://asiasociety.org/files/USChina21_English.pdf

Of course, Xi Jinping has no interest in triggering armed conflict with the U.S., a nightmare scenario that would fundamentally undermine China's economic rise. Furthermore, there are few, if any, credible military scenarios in the immediate period ahead in which China could militarily prevail in a direct conflict with the U.S. This explains Xi's determination to oversee the professionalization and modernization of the People's Liberation Army (PLA) into a credible, war-fighting and war-winning machine. Xi Jinping is an intelligent consumer of strategic literature and would have concluded that risking any premature military engagement with the U.S. would be foolish. Traditional Chinese strategic thinking is unequivocal in its advice not to engage an enemy unless you are in a position of overwhelming strength. Under Xi, the ultimate purpose of China's military expansion and modernization is not to inflict defeat on the U.S., but to deter the U.S. Navy from intervening in China's immediate periphery by creating sufficient doubt in the minds of American strategists as to their ability to prevail.

No Chinese econ growth

China's economy is slowing down due to credit binge—that means it won't ever out-compete the US

The economist 15, "Why China's economy is slowing," March 11, 2015, http://www.economist.com/blogs/economist-explains/2015/03/economist-explains-8

More recent trends also explain China's sharper-than-expected slowdown. The single most important development has been its credit binge. Total debt (including government, household and corporate) has climbed to about 250% of GDP, up 100 percentage points since 2008. This debt allowed China to power its economy through the global financial crisis but also saddled it with a heavy repayment burden. Most worrying, much of the credit flowed to property developers. China's inventory of unsold homes sits at a record high. The real-estate sector, which previously accounted for some 15% of economic growth, could face outright contraction. New property starts fell by nearly a fifth in the first two months of 2015, compared with the same period a year earlier. From this vantage point, the abruptness of China's current slowdown looks more cyclical than structural. A period of overheated economic growth tends to be followed by a correction. Not all cycles are created equal, however. Working off a credit overhang can take years. Given that China's financial system is mostly closed, it has little risk of an acute crisis, but the other side of the coin is that it might need even longer to clean up its bad debts. Read more: China's government preaches the need to tolerate slower growth Whereas previous leaders propped up growth whenever it slowed, Xi Jinping, China's president since 2013, has instead spread the gospel of the "new normal", by which he means less emphasis on growth and faster structural reform. The central bank has been hesitant to ease monetary policy. Changes to fiscal rules have made it harder for local governments to spend money. With consumer-price inflation running at a five-year low of 1.1% and producer prices deep in deflation, there is a case to be made that China's economy, restrained by the government, is performing below its potential. The good news is that neither the cyclical nor the policy explanations for China's slowdown are permanent. As the cycle turns and policy changes, the outlook should improve. But the structural shifts in the Chinese economy are a different story. They will cap any rebounds. Double-digit growth is most certainly a relic of China's past.

Squo solves

Squo solves—NSA surveillance is restricted and is legal in the squo—it's been reauthorized in Congress and courts

Levy 14 (Steven, journalist who has written several books on computers, technology, cryptography, the Internet, cybersecurity, and privacy, "How the US almost Killed the Internet," Wired.com, 01.07.14, http://www.wired.com/2014/01/how-the-us-almost-killed-the-internet/

That's one of the key points these officials want to make: While the NSA might collect a lot of data, rules and oversight limit the extent to which privacy is compromised. In an earlier speech, Alexander said, "You need the haystack to find the needle." Simply gathering the haystack is benign, the officials claim, because ample protections exist to constrain any searches of that information. He refers to the comprehensive collection of voice call metadata as "one of the most highly regulated programs in the entire federal government." He describes in detail the multiple times it has been reauthorized in Congress and the courts, the limited number of people who have access to it, and the oversight employed to make sure that they use it as directed. (In December, two federal judges weighed in on the constitutionality of the government's collection of phone metadata. US District Court judge Richard Leon ruled that the program likely violates the Fourth Amendment but stayed his order pending appeal. In a separate case 11 days later, however, Judge William H. Pauley III declared the dragnet lawful, writing that "the question of whether that program should be conducted is for the other two … branches of government to decide.")

Squo solves—NSA doesn't abuse its surveillance—its workers are dedicated to laws and end tracking as soon as there's no more reason

Levy 14 (Steven, journalist who has written several books on computers, technology, cryptography, the Internet, cybersecurity, and privacy, "How the US almost Killed the Internet," Wired.com, 01.07.14, http://www.wired.com/2014/01/how-the-us-almost-killed-the-internet/

The officials paint a picture, though, of a system that fundamentally works. They describe a rigorous training process. They tell me that respect for boundaries is drilled into the psyche of NSA employees from the day they are hired. (As for one embarrassing incident, in which employees tracked their romantic partners, the officials emphasize its rarity—and point out that the abuses were caught by the NSA's own system of frequent polygraph tests.) Ledgett provides an example of what happens when someone's information is mistakenly analyzed. The agency, he says, had tracked a high-value target in South Asia for over a decade before learn-ing that he had once applied for a green card—making him, under NSA rules, a "US person." "As soon we discovered that," Ledgett says, "we dropped collection on him under our Executive Order 12333 authority and canceled 14 years of reports."

Heg turn

Turn—unipolarity is the most conflict prone system—stats prove

Montiero 12 [Nuno P. Monteiro is Assistant Professor of Political Science at Yale University, "Unrest Assured: Why Unipolarity is Not Peaceful", International Security, Vol. 36, No. 3 (Winter 2011/12), pp. 9–40]

Unipolarity is the most conflict prone of all the systems, according to at least two important criteria: the percentage of years that great powers spend at war and the incidence of war involving great powers. In multipolarity, 18 percent of great power years were spent at war. In bipolarity, the ratio

is 16 percent. In unipolarity, however, a remarkable 59 percent of great power years until now were spent at war. This is by far the highest percentage in all three systems. Furthermore, during periods of multipolarity and bipolarity, the probability that war involving a great power would break out in any given year was, respectively, 4.2 percent and 3.4 percent. Under unipolarity, it is 18.2 percent—or more than four times higher. 47 These figures provide no evidence that unipolarity is peaceful. 48 In sum, the argument that unipolarity makes for peace is heavily weighted toward interactions among the most powerful states in the system. This should come as no surprise given that Wohlforth makes a structural argument: peace flows from the unipolar structure of international politics, not from any particular characteristic of the unipole. 49 Structural analyses of the international system are usually centered on interactions between great powers. 50 As Waltz writes, "The theory, like the story, of international politics is written in terms of the great powers of an era." 51 In the sections that follow, however, I show that in the case of unipolarity, an investigation of its peacefulness must consider potential causes of conflict beyond interactions between the most important states in the system.

Rights Adv

Privacy should not be a legal right

Any crime can also be seen as an invasion of privacy which blurs lines – pre-existing laws ensure specific instances of invasions of privacy better

Thomson, Philosophy Department @ MIT, 84

Judith Jarvis "Philosophical Dimensions of Privacy: An Anthology" Cambridge University

What should be said, for example, of the following?

(a) The neighbors make a terrible racket every night. Or they cook foul-smelling stews. Do they violate my right to privacy? Some think yes, I think not. But even if they do violate my right to privacy, perhaps all would be well for the simplifying hypothesis since their doing this is presumably a violation of another right of mine, roughly, the right to be free of annoyance in my house.
(b) The city, after a city-wide referendum favoring it, installs loud- speakers to play music in all the buses and subways. Do they violate my right to privacy? Some think yes, I think not. But again perhaps all is well: it is if those of us in the minority have a right to be free of what we (though not the majority) regard as an annoyance in public places.
(c) You are famous, and photographers follow you around, every- where you go, taking pictures of you. Crowds collect and stare at you. Do they violate your right to privacy? Some think yes, I think not: it seems to me that if you do go out in public, you waive your right to not be photographed and looked at. But of course you, like the rest of us, have a right to be free of (what anyone would grant was) annoyance in public places; so in particular, you have a right that the photographers and crowds not press in too closely.
(d) A stranger stops you on the street and asks, "How much do you weigh?" Or an acquaintance, who has heard of the tragedy, says, "How terrible you must have felt when your child was run over by that delivery truck!"3 Or a cab driver turns around and announces, "My wife is having an affair with my psychoanalyst." Some think that your right to privacy is violated here; I think not. There is an element of coercion in such cases: the speaker is trying to force you into a re- lationship you do not want, the threat being your own embarrassment at having been impolite if you refuse. But I find it hard to see how we can be thought to have a right against such attempts. Of course the attempt may be an annoyance. Or a sustained series of such at- tempts may become

an annoyance. (Consider, for example, an ac- quaintance who takes to stopping at your office every morning to ask if you slept well.) If so, I suppose a right is violated, namely, the right against annoyances.
(e) Some acquaintances of yours indulge in some very personal gossip about you.' Let us imagine that all of the information they share was arrived at without violation of any right of yours, and that none of the participants violates a confidence in telling what he tells. Do they violate a right of yours in sharing the information? If they do, there is trouble for the simplifying hypothesis, for it seems to me there is no right not identical with, or included in, the right to privacy cluster which they could be thought to violate. On the other hand, it seems to me they don't violate any right of yours. It seems to me we simply do not have rights against others that they shall not gossip about us.
(f) A state legislature makes it illegal to use contraceptives. Do they violate the right to privacy of the citizens of that state? No doubt certain techniques for enforcing the statute (e.g., peering into bed- room windows) would be obvious violations of the right to privacy; but is there a violation of the right to privacy in the mere enacting of the statute-in addition to the violations which may be involved in enforcing it? I think not. But it doesn't matter for the simplifying hypothesis if it is: making a kind of conduct illegal is infringing on a liberty, and we all of us have a right that our liberties not be infringed in the absence of compelling need to do so.

ICCPR CP Protocol

The US should sign a new ICCPR protocol – sets an international standard

Paust 15 (Jordan J. "Can You Hear Me Now?: Private Communication, National Security, and the Human Rights Disconnect," Chicago Journal of International Law: Vol. 15: No. 2, Article 7 Pages 648-651 http://chicagounbound.uchicago.edu/cjil/vol15/iss2/7)

Despite widespread awareness of the NSA program and increasing awareness of other states' programs for extraterritorial data collection and mining, there seem to remain generally shared expectations that privacy with respect to internet and international telecommunications should still exist in some form. In light of this, I recommend creation of a Protocol to the ICCPR to reflect the more nuanced and restrictive form of limitation found in the European Convention: "necessary in a democratic society in the interests of national security."122 If so, the present "arbitrary" or unreasonable standard would shift to one that will require any interference with privacy and private communication to be reasonably necessary under the circumstances. 123 This will not guarantee freedom from interference: no human rights standard presently does. Although a reasonably necessary standard might still allow use of a program for the widespread and systematic extraterritorial monitoring, data collection, and data mining that President Obama has stated is necessary,'24 it would better accommodate interests in privacy, personal security, and national security than would a less stringent standard tied to the word "arbitrary."

One significant limitation regarding extraterritorial surveillance under programs like the NSA's would remain: the need for a claimant to be within the actual power or effective control of the United States. I doubt that the United States and other countries engaged in extraterritorial surveillancel25 will agree to change the actual power or effective control test that is applicable under the ICCPR, and I do not recommend that such a change appear in a new Protocol.

This Article has demonstrated that at least four questions can arise under human rights law with respect to extraterritorial surveillance, collection of data, and data mining by a state: (1) is the claimant within the actual power or effective control of the state using such measures; (2) does the claimant have a protectable interest in privacy or private communication; (3) does use of the measures interfere with a protectable privacy interest of the claimant; and (4) is the interference permissible under the "arbitrary" and "unlawful" substantive legal standards and limitations, or in view of other types of limitation that are set forth in an applicable human rights instrument? With respect to extraterritorial surveillance and data collection, most claimants will not be within the actual power or effective control of the state using extraterritorial measures and, therefore, under the ICCPR and most human rights instruments, their human rights to privacy and private communication will not obtain.126 However, if the rights to privacy and private communication or a particular aspect thereof are part of customary human rights law, the customary rights will be protected universally under the UN Charter without an exclusion of persons who are not within the jurisdiction, actual power, or effective control of a state,127 and the inquiry will shift to the remaining three questions.

The requirement that an interference not be "arbitrary" actually grants wide latitude to monitoring states, because systematic surveillance and data collection is not prima facie irrational, unreasonable, and arbitrary. One must make choices with respect to various features of factual context, rights, and policies at stake when deciding whether a particular interference is arbitrary or unreasonable, and the permissibility of particular forms of surveillance under international law can inform any such policy-serving choice. A nuanced and considered choice would avoid focusing merely on the rights of privacy claimants and instead involve adequate attention to the rights of others, including human rights to dignity and personal security as well as the concomitant duties of states to seek to achieve personal security for all who are within their jurisdiction. If the international community prefers to achieve greater protection for privacy interests under global human rights law, a Protocol to the International Covenant on Civil and Political Rights could limit extraterritorial surveillance to those interventions "necessary in a democratic society."

Public acknowledgement

ACLU 13 "United States' Compliance with the International Covenant on Civil and Political Rights " American Civil Liberties Union Shadow Report to the Fourth Periodic Report of the United States 109th Session of the Human Rights Committee, Geneva 14 October-1 November 2013

Over the last two months, it has become clear that the National Security Agency (NSA) is engaged in far-reaching, intrusive, and unlawful surveillance of telephone calls and electronic communications both within and outside the United States. Through media reports as well as U.S. government declassifications, we have recently learned about two such forms of NSA surveillance.1 Through one, the NSA is collecting the "telephone metadata" of every single phone call into, out of, and within the United States. Through another, which includes programs called "PRISM" and "UPSTREAM," the NSA is engaged in the large-scale collection, storage, and monitoring of the content of electronic communications all around the world. These mass surveillance programs violate the U.S. Constitution and are the product of defects both in the laws

that authorize them and in the current oversight system. Both of the programs also raise serious concerns about whether they violate the U.S. government's obligations under international human rights law to protect the right to privacy and the right to free expression.2 ¶¶ The Foreign Intelligence Surveillance Act (FISA) affords the government sweeping power to monitor the communications of innocent people, and the law's imposition of excessive secrecy over the existence, operation, and oversight of the programs it authorizes has made legislative oversight difficult and public oversight impossible. Intelligence officials have repeatedly misled the public, the U.S. Congress, and domestic courts about the nature and scope of the government's surveillance activities. Moreover, structural features of the Foreign Intelligence Surveillance Court (FISC) have changed dramatically since the court was first established more than thirty years ago, and it is clear from recent disclosures that those changes prevent that court from serving as an effective guardian of individual rights and overseer of executive power. Finally, challenges to the U.S. government's surveillance practices in regular U.S. courts have been thwarted by procedural doctrines that foreclose meaningful and substantive judicial review of U.S. government surveillance programs, enabling the executive branch to act, improperly and inadequately, as its own "check." ¶¶ The U.S. government's extensive collection of electronic-communications content under the PRISM and UPSTREAM programs is profoundly disturbing, and it raises serious concerns that the Committee should require the U.S. to address during its upcoming review. The U.S. government has acknowledged that, through PRISM, it may, and does, acquire the contents of the entire digital lives of many people across the globe. In particular, the United States regularly demands emails, audio and video chats, photographs, and other internet traffic from nine major service providers—Microsoft, Yahoo!, Google, Facebook, PalTalk, AOL, Skype, YouTube, and Apple—located within the United States. The companies are not even allowed to publicly discuss that they received these orders, let alone notify affected individuals whose data has been seized by the U.S. government. Additionally, the media has reported that, under UPSTREAM, the government scans the content of nearly all emails and other text-based communications that enter or leave the United States for particular keywords "about" its foreign-intelligence targets. ¶¶ The PRISM and UPSTREAM programs are authorized by section 702 of the FISA. That statute authorizes the "targeting" of non-U.S. persons reasonably believed to be located outside the United States for foreign-intelligence purposes. ¶¶ Even though the law requires judicial approval before the government can engage in this kind of surveillance, in practice, there is little judicial involvement in the program. By making an application to the FISC, the U.S. government may obtain a mass-acquisition order that authorizes, for an entire year, whatever surveillance the government may choose to engage in, within broadly drawn parameters.3 Additionally, the government's definition of "foreign intelligence" sweeps so broadly that it potentially encompasses almost any foreign person at all—not just individuals who are foreign agents, engaged in criminal activity, or connected even remotely with terrorist activities. Finally, the U.S. government's targeting procedures allow the NSA to sweep up the communications of not only any foreigner who is a target, but any foreigner who may be communicating about the target as well. ¶¶ The effect of this expansive scheme is to bring virtually every international communication within the reach of the NSA's surveillance. What's more, the government retains most of the information it collects under section 702 indefinitely, and it may disseminate and analyze collected information with only limited restrictions. Moreover, it may do so without subjecting itself to the scrutinizing glare of the courts. II. Relevant Question in the Human Rights Committee's List of Issues 22) Please provide information on steps taken to ensure judicial oversight over National Security Agency surveillance of phone, email and fax communications both within and outside the State party.

Please also specify what circumstances, as mentioned in section 206 of the USA Patriot Act, justify "roving" wiretaps. III. U.S. Government Response The U.S. government's responses to the Committee state that amendments to the FISA have "enhance[d] judicial and Congressional oversight" by giving the FISC a "continuing and active role in overseeing certain NSA collection activities."4 But those answers belie the weakness of the current surveillance-oversight scheme. Until Congress enacted section 702 as part of the FISA Amendments Act (FAA), in 2008, the FISA generally prohibited the government from conducting electronic surveillance without first obtaining an individualized and particularized order from the FISC.5 In order to obtain a court order, the government was required to show that there was probable cause to believe that its surveillance target was an agent of a foreign power, such as a foreign government or terrorist group. It was also generally required to identify the facilities to be monitored. Section 702, in contrast, has as its defining feature the lack of ongoing judicial oversight. The FISC does not review individualized surveillance applications. Nor does it have the right to ask the government why it is initiating any particular surveillance program. Instead, the FISC's role is limited to reviewing the government's targeting and minimization procedures. And even with respect to those procedures, the FISC's role is to review the procedures at the outset of any new surveillance program; it does not have the authority to supervise the implementation of those procedures over time. Section 702 allows the U.S. government to conduct electronic surveillance without indicating to the FISC whom it intends to target or which facilities, telephone lines, email addresses, places, premises, or property at which its surveillance will be directed. Further, the law does not require the government to make any showing to the court—or even make an internal executive determination—that the target is a foreign agent or engaged in terrorism.6 The target could be a human rights activist, a media organization, a geographic region, or even an entire country. And because section 702 does not require the government to identify the specific targets and facilities to be surveilled, it permits the acquisition of these communications en masse. A single acquisition order may be used to justify the surveillance of communications implicating thousands or even millions of people, for a year at a time. The U.S. government must clearly explain to the Committee how the wide-ranging, judicially unsupervised surveillance it is conducting across the globe on millions of people comports with its duties to protect the rights to privacy and freedom of expression. Because the Committee's questions to the U.S. government came before the momentous recent disclosures and acknowledgments, the Committee did not have the opportunity to direct its questions about surveillance and privacy to the issues and concerns that are now most pressing. The U.S. government's responses to the Committee are insufficient and incomplete, given the new public record. The Committee should embrace the U.S. government's upcoming review as an occasion to demand an accounting to the world community that has long been missing in its alarming surveillance practices, which implicate not just Americans, but the entire world. ¶ IV. Recommended Questions 1. Does the U.S. government believe that its collection of international communications for foreign intelligence purposes comport with its obligations under Article 17 (right to privacy) and 19 of the ICCPR? In this context, "collection" means the interception, copying, filtering or processing of communication content or metadata. 2. Although this communications surveillance may be prescribed by U.S. law, please explain the justifications for the restrictions on the rights to privacy and free expression imposed by these laws and how they are both (1) necessary to achieve legitimate government objectives; and (2) proportionate to those aims, as required by the ICCPR? 3. Does the government consider that the rights encompassed by Articles 17 and 19 extend to foreign nationals residing outside the United States? If not, why not? If the government considers rights to extend extraterritorially, what measures does the government employ to ensure that its

surveillance of such persons does not violate U.S. obligations under these articles, and in particular that they are prescribed and governed by law, and both necessary and proportionate to legitimate government objectives? 4. In conducting communications surveillance, what restrictions—if any—does the government impose on (a) information that can be collected on foreign nationals; and (b) what can be done with such information once collected? 5. Please explain the type and amount of international and foreign communications the U.S. government is collecting. Does the government target specific individuals, organizations, countries, or regions for such collection? Does the government consider that international instruments constrain in any way its authority to collect foreigners' communications metadata or content in bulk? V. Suggested Recommendations 1. The U.S. government should release all FISA Court or FISA Court of Review opinions and orders interpreting the meaning, scope, and constitutionality of its surveillance laws, as well establish a presumption that future rulings of this kind will be publicly available. 2. The U.S. government should refrain from broad invocations of jurisdictional, secrecy, and immunity doctrines that prevent judicial review of the merits of government surveillance programs in domestic courts. 3. **The U.S. government should make public its interpretation of its international treaty and other international legal obligations concerning state surveillance of foreign nationals outside the United States, including by clarifying how its current surveillance activities comport with the ICCPR's "proportionality" requirement.** 4. The U.S. government should explain the steps it has taken to supervise its surveillancegathering agencies' collection of international communications to ensure that those agencies comply with the government's international legal obligations. ¶

US did not fully adapt to the ICCPR so they edited it to get away with things

OHCHR 05 (UN Office of the High Commissioner for Human Rights (OHCHR), Fact Sheet No. 15 (Rev.1), Civil and Political Rights: The Human Rights Committee, May 2005, No. 15 (Rev.1), available at: http://www.refworld.org/docid/4794773c0.html [accessed 3 July 2015])

The United States has adopted a categorical position against the extraterritorial application of the ICCPR, arguing that the Covenant's text precludes any kind of extraterritorial application, i.e. that an individual who is not located in a territory over which the state has sovereign title can never have rights under the treaty vis-à-vis that state. But the US views on the extraterritorial application of the ICCPR have in fact not been as clear, long-standing or principled as is sometimes said. It is true that during the drafting of the Covenant it was the United States who proposed to modify the original language of what was to become Article 2(1) – 'within its jurisdiction,' the formula that was taken up by the drafters of the ECHR – so that it became 'within its territory and subject to its jurisdiction.' Much was later made of this drafting change by the George W. Bush administration in the context of the 'war on terror', as well as by Michael Dennis writing in the AJIL.72 Yet not only are the travaux much more ambiguous than the US government has claimed, but it is simply factually wrong to insist on a supposed half-century in the continuity of the US position or indeed in any kind of awareness of the extraterritorial application issue. Indeed, the story of the ICCPR's drafting and adoption is riddled with interruptions and delays. The principal drafting of the text was mostly done from 1947 to 1954; the United States actively took part. But the ideological divisions brought about by the Cold War made it impossible for states to agree to what was then a single human rights Covenant. After much wrangling a political decision was made to split the Covenant into two, followed by further

deliberations and the adoption of the texts and the opening for signature of the ICCPR and the ICESCR in 1966. The two Covenants entered into force ten years later, in 1976. The United States did not even sign the two Covenants until 5 October 1977, under the Carter administration.74 It ultimately ratified the ICCPR only in 1992, under the George H.W. Bush administration, and never ratified the ICESCR.75 ¶ Rather than having a constant and consistent position against the extraterritorial application of the ICCPR, it is fair to say that during most of this extended period neither the United States nor other states expressed any kind of clear view, let alone agreement, on the Covenant's territorial scope. A deeper look at the travaux in the main drafting stages in particular shows the lack of any conceptual coherence among the drafters. Territorial scope was but one of many issues they were considering, and while some states were concerned about the application of the Covenant to specific problems (notably that the Covenant should not require them to protect their nationals abroad against third states, or legislate for the people of occupied Germany), the preparatory work is remarkably unhelpful when it comes to any first principles regarding the interpretation of Article 2(1).76 The travaux certainly do not express a clear sentiment by the drafters that the Covenant should never apply extraterritorially. This was indeed the ICJ's conclusion upon looking at the travaux in the ¶ After the adoption of the text of the ICCPR came several decades of silence during which the issue of the ICCPR's extraterritorial application was simply not on the radar. When the first Bush administration re-initiated the ratification process in the US Senate, no mention was made of the question of the ICCPR's extraterritorial application. The Senate certainly made no declarations or understandings in that regard.79 Nor was the issue raised in the US initial report to the Human Rights Committee,80 even though the Committee's first cases deciding that the Covenant can apply extraterritorially predated both the report and the US ratification.81 ¶ The first time the US government clearly articulated the position that the ICCPR cannot apply extraterritorially tout court was when its initial report was discussed before the Committee in March 1995, and it did so in response to a question by a member of the Committee: Mr. Klein had asked whether the United States took the view that the Covenant did not apply to government actions outside the United States. The Covenant was not regarded as having extraterritorial application. In general, where the scope of application of a treaty was not specified, it was presumed to apply only within a party's territory. Article 2 of the Covenant expressly stated that each State party undertook to respect and ensure the rights recognized "to all individuals within its territory and subject to its jurisdiction". That dual requirement restricted the scope of the Covenant to persons under United States jurisdiction and within United States territory. During the negotiating history, the words "within its territory" had been debated and were added by vote, with the clear understanding that such wording would limit the obligations to within a Party's territory.82 ¶ Note how the US representative made three arguments against the extraterritorial application of the ICCPR: (1) the existence of a default presumption against extraterritorial application; ¶ (2) the ordinary meaning of 'within its territory' coupled with a conjunctive 'and'; (3) the 'clear understanding' to that effect from the preparatory work. Of these three arguments only (2) has real merit, and I will come to it in a moment. As I have already explained with regard to (3), there most certainly was no clear understanding among the drafters regarding the ¶ ICCPR's extraterritorial application – indeed there was very little understanding of any kind. As for (1), it at least is manifestly wrong. Presumptions against the extraterritorial applications of statutes are creatures of domestic law; in the law of treaties the default rule in Article 29 VCLT is that a treaty applies to the state's entire territory, rather than merely parts thereof, but that default rule has absolutely nothing to say on extraterritorial application. ¶ In short, the 1995 US statement before the Human Rights Committee was not the reiteration of some long-standing, consistently held position, but was made there and

then, within the contemporary political context, particularly the 1994-1995 intervention in Haiti. Indeed, it was precisely with regard to Haiti that Theodor Meron wrote an influential 1995 piece in the AJIL on the extraterritoriality of human rights treaties, one of the earliest academic treatments of the topic. The Clinton administration's position was inevitably informed by the possible practical difficulties the ICCPR would pose in its present and future foreign interventions, as was its similar position against the extraterritorial application of the Refugee Convention in the 1993 Sale case before the US Supreme Court,85 again with regard to the crisis in Haiti. ¶ Faced with the 'global war on terror,' the George W. Bush administration was happy to follow the Clinton administration's lead. Its consolidated second and third periodic report to the Human Rights Committee contained a somewhat more extended argument against the extraterritorial application of the Covenant. While dropping argument (1) above, the report again argued that the conjunctive language of Article 2(1) was clear and that the impossibility of the ICCPR's extraterritorial application was supported by the drafting history. ¶ This rigid position was rejected by the Human Rights Committee in its case law and in General Comment No. 31, as well as by the ICJ and most academic commentary. But the Bush administration did not budge. The Obama administration, on the other hand, seemed to be somewhat more flexible. In its fourth periodic report to the Committee, the United ¶ States did not reaffirm its previous position, but merely noted it and its rejection by the Committee and the ICJ: ¶ The United States in its prior appearances before the Committee has articulated the position that article 2(1) would apply only to individuals who were both within the territory of a State Party and within that State Party's jurisdiction. The United States is mindful that in General Comment 31 (2004) the Committee presented the view that "States Parties are required by article 2, paragraph 1, to respect and to ensure the Covenant rights to all persons who may be within their territory and to all persons subject to their jurisdiction. This means that a State party must respect and ensure the rights laid down in the Covenant to anyone within the power or effective control of that State Party, even if not situated within the territory of the State Party." The United States is also aware of the jurisprudence of the International Court of Justice ("ICJ"), which has found the ICCPR "applicable in respect of acts done by a State in the exercise of its jurisdiction outside its own territory," as well as positions taken by other States Parties. ¶¶ The administration thus left the door open to the possibility of changing the previous categorical position. Anxious to accelerate this process the Committee tried to press the administration further in its list of issues, but the administration remained coy in its response, merely referring the Committee back to the US fourth report. ¶ We now know that the administration's coyness was due to internal disputes as to whether abandoning the categorical position would be appropriate. A week before the US delegation was to present its fourth report to the Committee in March 2014, two internal memoranda written by Harold Koh, then the legal adviser to the State Department, were leaked to and published by the New York Times. The first memo is on the extraterritorial application of the ICCPR and is dated 19 October 2010, while the second is on the geographic scope of application of the Convention against Torture, and dated 21 January 2013. ¶ The first opinion, which is of most interest to us here, forcefully argues that the US categorical opposition to the extraterritorial application of the ICCPR is fundamentally flawed and should be abandoned. In particular, Koh agrees with the critics of the US position that the language of the ICCPR is not clear and is open to several possible interpretations, and that reading that language to categorically disallow extraterritorial application would be contrary to the treaty's object and purpose. Similarly, after conducting a thorough and extensive review of US governmental materials, Koh's opinion confirms that the United States adopted the categorical position only in 1995 in the hearings before the Committee, where it was 'first asserted in a conclusory fashion.' ¶ However, despite the

many strengths of his opinion, Koh was unable to persuade the other relevant stakeholders within the administration that the position should be changed, since there were concerns that doing so might require significant changes in existing US policies. Whoever leaked the two memos to the New York Times did so precisely in order to undermine the credibility of the US position as it was about to be reasserted in the hearings before the Committee. And when the position was in fact reasserted, this was understandably met with considerable scepticism on the part of the Committee members.100 In its concluding observations the Committee thus expressed regret that the US maintained its previous position and recommended that it should be reconsidered. ¶To conclude, as we have seen the supposed consistency of the US position on the ICCPR's extraterritorial application should not be overstated. Nor should we for that matter portray the US position, which is today definitely in the minority, as some kind of longstanding historical understanding of the Covenant which is today unjustifiably under threat from human rights and judicial activists, who are (yet again) trying to impose obligations on states without their consent. The US position was contested from the moment that it was actually articulated in 1995. What is true, as much as for the ECHR as for the ICCPR, is that until the 1990s very few people paid any serious thought to the possibility of the extraterritorial application of human rights. This is not, I submit, because the states parties shared an agreement that the treaties do not apply outside their territories, but largely because culturally the rights of others were to a significant extent beyond contemplation, especially during the Cold War, and the process of human rights acculturation took its time. But while the extraterritorial application of human rights treaties, especially during armed conflict, may have been literally unthinkable for most of the treaties' lifetime, that is no longer the case today.

International Law Adv.

Impact is Inevitable – Other US violations of international commitments

Newman 14 (2014, Alex, writing for The New American, "UN Torture Committee Slams U.S. Police and Military.", Dec 13 www.thenewamerican.com/usnews/constitution/item/19645-un-torture-committee-slams-u-s-police-and-military)

After a spectacle featuring senior Obama administration officials prostrating themselves before the United Nations "Committee Against Torture," the controversial UN body released a scathing report last week accusing U.S. authorities of widespread violations of what it calls "**international law.**" Among other concerns, the global panel cited everything from "police brutality" by state and local officials domestically to the actions of the U.S. military and intelligence agencies abroad. Other criticism directed at the United States focused on **immigration** policies, **deportations**, **prison conditions**, **Guantanamo Bay**, **the terror war**, and more. In response to the UN committee's findings, the panel called on federal officials to alter U.S. laws to comply with its demands — including abolishing the death penalty, reforming deportation procedures, and more. The report also called on the U.S. government to pass new federal laws defining torture in accordance with the UN Convention. In the same section, it lashed out at the U.S. government's "interpretation" of the global "torture" regime, saying that "under international law, reservations that are contrary to the object and purpose of a treaty are impermissible." In other words, the dictator-dominated UN, rather than the U.S. Constitution, purports to be the arbiter of what is or is not "permissible." advertisement The UN bureaucrats on the committee — one comes from Morocco, another from Communist China, and one more from Communist Nepal — also called on U.S. authorities to amend "laws and regulations" to be in compliance with the global agreement. In addition, the UN committee said it "encourages" the U.S. government to ratify other global agreements purporting to bind the American people and their elected officials to globalist demands rather than the U.S. Constitution. Finally, the document is packed with calls for the federal government to go beyond its constitutional limitations in commandeering state and local governments. All across the report, the UN also offered instructions to the Obama administration on everything from indefinite detention without charges or trial to releasing information on post-9/11 atrocities allegedly perpetrated by various agencies within the U.S. government. Among other demands, the UN experts called on the Obama administration to "cease the use of indefinite detention without charge or trial" — something that constitutes a serious crime against the U.S. Constitution, regardless of what the UN and its

oftentimes brutal member governments claim regarding their planetary torture regime. Moreover, the White House should release information on numerous instances of CIA "human rights violations, including torture, ill-treatment and enforced disappearance of persons suspected of involvement in terrorism-related crimes." In addition to the CIA, the U.S. military and its policies — ranging from the treatment of detainees to its policy manuals — came under severe criticism in the document. Of course, virtually all of the UN's complaints should be considered moot, because the U.S. Constitution, which established the federal government in the first place and granted it a few limited powers, already prohibits such schemes. Separately, in an open letter to Obama, a UN group of self-styled "human rights experts" with bombastic titles also called on the administration to release a U.S. Senate report on CIA "interrogation" practices. "As a nation that has publicly affirmed its belief that respect for truth advances respect for the rule of law, and as a nation that frequently calls for transparency and accountability in other countries, the United States must rise to meet the standards it has set both for itself and for others," the UN "experts" declared. According to the UN "human-rights" operatives, victims of torture and human-rights defenders around the world would be "emboldened" if the Obama administration — widely described as the most secrecy-obsessed, least transparent in U.S. history — would support transparency. "On the contrary, if you yield to the CIA's demands for continued secrecy on this issue, those resisting accountability will surely misuse this decision to bolster their own agenda in their countries," the open letter continued. As The New American has reported on multiple occasions, in addition to the draconian secrecy, the Obama administration has also improperly worked to protect George W. Bush administration officials from prosecution for the myriad alleged crimes they perpetrated under color of law. "The Committee expresses concern over the ongoing failure to fully investigate allegations of torture and ill-treatment of suspects held in U.S. custody abroad, evidenced by the limited number of criminal prosecutions and convictions," the UN torture committee said in its report about the United States, the first such "periodic review" since 2006. In light of the overseas torture (such as water boarding) carried out by U.S. officials, the UN called for "prompt, impartial and effective investigations" to "ensure that alleged perpetrators and accomplices are duly prosecuted, including persons in positions of command and those who provided legal cover to torture." If found guilty of the charges, the criminals in government should be punished with serious penalties "commensurate with the grave nature of their acts," the UN said. Victims of U.S. government torture should also be compensated and rehabilitated, the panel said. On law enforcement, which is a power generally reserved for state and local government by the U.S. Constitution, the UN also expressed a wide array of concerns. "The Committee is concerned about numerous reports of police brutality and excessive use of force by law enforcement officials, in particular against persons belonging to certain racial and ethnic groups, immigrants and LGBTI individuals, racial profiling by police and immigration offices and growing militarization of policing activities," the report said, citing Chicago's police department as particularly alarming.

Use of force norms have no effect on conflict---confounding variables doom their data's causality

Posner 3/5/14—Eric, Professor of Law at the University of Chicago Law School, "Have the Use of Force Rules Reduced the Frequency of War?" http://ericposner.com/have-the-use-of-force-rules-reduced-the-frequency-of-war/

As I explained earlier, I have never claimed that international law is inconsequential. For example, trade law seems to matter. But it is always an empirical question whether a specific rule affects state behavior or not, and in a meaningful rather than trivial way. Anecdotal evidence gets one only so far. To address this problem, scholars use statistical methods–basically, event study methodology, to test whether state behavior changes in the predicted fashion after the state ratifies a treaty. This approach has been productively used in the area of trade (yes) and human rights (generally, no). It helps in these areas that different states ratify the treaties at different times. Unfortunately, the use of force rules came into effect all at once for everyone in 1945, so there is not enough variation to do a real test. (Many countries joined the UN system later, but usually when they came into existence, or for other unusual reasons that cannot be controlled for.) Still, I thought it would be interesting to take a look at the incidence of interstate war, and I found the graph I reproduce above in Kristian Skrede Gleditsch & Steve Pickering, Wars Are Becoming Less Frequent (2013), which seems like a carefully written paper. The bars show the number of interstate wars (excluding civil wars) with at least 1,000 battle deaths in a given year. Note that the 2011 Libya war is excluded because the data set ends in 2010, and the 2008 Russo-Georgian war is excluded, presumably because of insufficient battle deaths. One can certainly detect a decline in the frequency of interstate wars (as shown by the various trendlines). But it would be

very hard to attribute any causal influence to the 1945 UN charter. If you trust the linear time trend, 1945 just falls in the middle of a long-term decline. If you take one of the nonlinear time trends, it falls before an increase in the number of wars. If one is looking for causes, the end of the cold war with the onset of U.S. hegemony seems like the most plausible–the infrequent warfare over the last 20 years pulls down all the time trends. However, all in all it is hard to find any causal pattern at all. If you want to, you can find reasons for giving causal effect to the 1945 law. You can say that it took a while for the a new norm to work itself through the system, or that the cold war or decolonization was an anomaly that interrupted what would otherwise have been a smooth pattern of causal influence. Maybe. But it seems to me that if one makes such claims, **one needs to acknowledge a low level of confidence.**

Ukraine is a huge alt cause and disproves their impact

Ku 3/2—Julian, Professor of Law and Faculty Director of International Programs. B.A., Yale University J.D., Yale Law School, "Russia Reminds the World (and International Lawyers) of the Limits of International Law" http://opiniojuris.org/2014/03/02/ukraine-russia-international-law-governing-use-force/

Which brings me to the Ukraine crisis. I agree with Erik Voeten that international law and institutions will be helpful in other ways. And I think Chris provides very helpful analysis of how international law can shape official state rhetoric. But the fact remains that the international law restraining the use of armed force has utterly and completely failed to constrain Russia's actions in Ukraine. This is more than simply adhering to the legislative veto. This is a **body blow** to a foundational piece of the international legal system.

In academic terms, the failure of the Charter is evidence for both realists (who think international law never matters), but also for rational choice theorists like Posner, as to how international law really works. Rational choice folks think that international law works best (in fact, works at all only) when states have a rational self-interest to cooperate around certain legal norms and institutions. But where states no longer have such a rational self interest, states will depart from those legal norms. Compliance with international law for the sake of complying with international law is naive and unrealistic.

The Russia-Ukraine crisis also impacts real-world policymaking. If international law, or at least **the Charter's rule on the use of force, is very weak or non-existent as a tool for restraining state action,** then policymakers should not rely on the Charter rule as meaningful protection against aggression.

A strong military or a network of alliances would probably have been a better idea. States must not overestimate the impact or force of this species of international law (as Ukraine's new government seemed to do) when making decisions. And states like the United States should be careful incorporating this rule into its domestic legal processes, or over-privileging its role in its own domestic public debate.

I may be biased as an American, but the U.S. has about the right balance on this. It does not ignore the Charter, but it does not treat the Charter as having too much independent significance except to the extent it affects the actions of other states (especially its allies). The key thing to focus on in this crisis are the interests of the different states (and leading groups within states).

State interests are driving actions here, and the Charter violation seems to be doing almost now work.

The fact that the Charter is plainly being violated **will not necessarily** mean that Charter proponents like France and Germany will get tough with Russia (in fact, both are going the other way by opposing sanctions or any NATO consultations). The fact that the Charter is plainly being violated **will not mean** China (another big Charter proponent) will do anything other than closely watch developments and urging "all sides to comply with international law" without naming any country.

International law can be, and often is, a very important tool for facilitating international and transnational cooperation. But it is **not doing much** to resolve to Ukraine crisis, and international lawyers need to admit that.

And, there is no correlation between treaties and multilateral coop – AND coop empirically fails

Goldsmith and Posner '6 Jack, is a Professor of law @ Harvard, and Eric is a Professor of law at University of Chicago, "The New International Law Scholarship," http://www.law.uchicago.edu/files/files/126.pdf

Ultimately, the role played by reputation is, as we noted in Limits, an empirical question.20 Raustiala, relying in part on credibility (i.e., reputation) arguments, maintains that states engage in "extensive" and deep multilateral cooperation.21 If Raustiala is right—if we see multilateral treaties and international organizations solving genuine multilateral prisoner's dilemmas among several dozen or more states—then it would be fair to conclude that reputational concerns of either the first or second sort outlined above would be doing more work than we suggest in Limits. But do we really see **extensive** and **deep** multilateral **coop**eration**?**

Raustiala notes that there have been over 50,000 treaties since 1945. **This** number **is much less impressive than it seems**. If each of 190 states entered just two treaties—say, an extradition treaty and a treaty of amity—with every other state, this would amount to about 36,000 treaties. All of these bilateral treaties might (at best) reflect genuine bilateral cooperation, but would say **nothing** about multilateral cooperation. And of course most nations have many more than two bilateral treaties. So the 50,000 figure is misleading, since the vast majority of the 50,000 treaties are merely bilateral treaties that do not purport to reflect multilateral cooperation. **More relevant is the multilateral treaty**, of which, according to the U.N., **there are** perhaps **500** or 600.22 In our book, we address only a half dozen or so of these treaties, and **provide evidence** that they do not reflect genuine **multilateral coop**eration. **Do the** remaining **treaties** actually **solve n-player collective action problems?** Or do they do other things, like provide coordination for pairwise cooperation (our conjecture), express symbolic commitments, or simply fail because they were too ambitious?

These are important questions, and we lack space and time to analyze and address the literatures cited by Raustiala. But we do have simple answers to Raustiala's questions: "Why [do] NATO, the WTO, the U.N., and the many other international organizations that populate New York, Geneva and elsewhere [exist]," and "why, if international law is so limited, do states keep creating and elaborating it?"23 Raustiala and we agree that nations entered into these treaties

because they perceived that they gained more than they lost from them. **But what they gained** from these three treaties in particular **was not**, we think, **the solution to a multilateral prisoner's dilemma**. Article 5 of the NATO treaty imposes an important obligation of mutual self-defense that **was never tested**.24 The rest of the treaty imposes empty obligations (such as settling disputes by peaceful means and strengthening free institutions) and performs the coordinating function of providing a forum and basic procedural rules whereby different constituencies can come together to solve particular problems at the retail level, often in small groups.25 This coordinating function is also the primary accomplishment of the U.N. Charter. The Charter does, to be sure, impose strict obligations about the use of force, but these obligations have been honored in the breach.26 As for the WTO, we argued in Limits that it is an example of an institution that is best understood as resolving bilateral disputes between states.27

These answers are necessarily compressed, and there is much more to say about what multilateral institutions accomplish. But even these observations do lead us to flip Raustiala's question above and ask, "Why, if international law is not so limited, **do states keep failing to create effective international law?"** There are pressing international problems—**war**, refugee crises, global **warming**, the **prolif**eration of nuclear weapons, international **terrorism**, the depletion of **fisheries**, intrastate conflict, lingering **protectionism**—**that states are unable to solve. A good theory would explain both why i**nternational **law** exists and why it **remains** highly **imperfect**. Limits tries to do this. Other theories—at least other theories in the legal academy—do not.

Biometrics Adv.

Anonymity is bad

Anonymity decreases security and leads to crime, social unrest, protests, cyberattacks, loss of morality, and even revolution

Davenport 2 (http://www.csl.mtu.edu/cs6461/www/Reading/Davenport02.pdf, Anonymity on the Internet: Why the Price May Be Too High, David Davenport, policy writer for many different websites, including Forbes)

Individuals living in a free society reap benefits in terms of sustenance, shelter, and protection. In return, they are expected to contribute to the community. Problems occur due to imbalances in this relationship. If individuals or groups acquire excessive wealth or power, or, conversely, do not receive just rewards, tension is inevitable. Small groups, such as villages or family units, where people know and depend more directly on each other, tend to be reasonably stable despite significant imbalances. However, in larger communities, such as cities or countries, such differences can quickly lead to crime, social unrest, protests, and even revolution. In circumstances where people can be largely anonymous, and the threat of punishment is thus minimal, they find it easier to justify to themselves actions against those they perceive as outsiders or enemies. Large social groupings necessitate some sort of decision-making mechanism (monarch and government, to name two) to guide them, and a system of controls (police and judiciary) to ensure fairness and compliance. In a democratic society, citizens "consent" to such bodies resolving any problems or conflicts that may arise, rather than taking action themselves. By punishing misconduct, society aims to deter repetition of such offenses and

send a clear warning to those who may be similarly tempted to violate the rights of others. The democratic system also incorporates controls (elections and laws) that ensure that governing bodies cannot abuse their position. Obviously, resolving any unfairness, whether involving individuals, groups, or the state, requires that those responsible for the problems can be held accountable. In a free and fair society, justice must exist, and be seen to exist. Experience suggests a society relying solely on the good will and conscience of its citizens would be unlikely to succeed in ensuring justice. Similarly, attempting to guarantee justice by adopting measures preventing the very possibility of wrongdoing is unfeasible since there is little hope of covering all and take precautions in an attempt to make misbehavior impossible, but we would surely be foolish not to retain the safety net of accountability. Accountability requires those responsible for any misconduct be identified and brought to justice. However, if people remain anonymous, by definition, they cannot be identified, making it impossible to hold them accountable. Proponents of anonymous communications on the Internet thus open the door to many forms of criminal and antisocial behavior, while leaving victims and society helpless. Internet-based crimes, such as hacking, virus writing, denial-of-service attacks, credit card fraud, harassment, and identity theft are increasing. Already, damage estimates are measured in billions of dollars per year, but the human cost, in terms of ruined reputations, loss of trust, and a general deterioration in morals, is immeasurable. While all this is dangerous enough, there is a much more ominous aspect to anonymity. Were anonymous communication to become the default, then it would be available, not just to the private citizen, but to the state and to those individuals comprising it. Highly sensitive material could be leaked, paybacks could be made to secure lucrative deals, pressure could be placed on officials, elections could be rigged, and arrangements could be made for political opponents to be attacked or even eliminated, all with impunity. Distrusting a government accountable to the people is one thing, facilitating a government completely unaccountable is quite another. Some may argue that governments already employ anonymity to cloak clandestine operations, so it would make no difference. However, where governments do currently use it, they do so illegally. Those involved know it is wrong and know the penalties if they are caught, thus deterring all but the most desperate or naive.

Alt Causes to Totalitarianism

Alt causes to totalitarianism

Lefever 12 (http://lefeverblog.dailymail.co.uk/2012/10/the-progression-from-welfare-state-to-totalitarian-state-is-inevitable.html, The progression from welfare state to totalitarian state is inevitable, October 9, 2012, Daily Mail, Dr. Robert Lefever, blogger and writer for Daily Mail)

Marxism is a shallow belief system but deep dangers go with it. The basic tenet, 'from each according to his ability; to each according to his need', is a blueprint for a totalitarian state, not a compassionate society. It imprisons givers and sanctifies takers. In this respect, David Cameron and Nick Clegg are closet Marxists. Ed Milliband is simply more open about acknowledging the roots of his political philosophy. Nick Clegg has been pilloried by his own party for reneging on a promise that he made but couldn't keep. Instead of heading a minority administration, David Cameron tries to detoxify the Conservative brand by making it progressively more socialist. He formed a coalition with people who make unnatural bedfellows. The Communist Manifesto attracts those who want to take. Either they want something for themselves, at someone else's

expense, or they want the credit for giving it to other people. They profess that they seek power not for themselves but for the benefit of others. But, in practice, they themselves revel in the exercise and trappings of state power. Politicians are elected on their promises to confiscate and donate. 'Pre-distribution' is just yet another euphemism for legalised theft. Votes are given on the estimate of whether an individual reckons that he or she is likely to gain or lose in a reapportioning process. Political tracts are fashioned in the guise of altruism but self-interest is the underlying principle. 'To each according to his need' is universal in its appeal. We can all point to our needs, relative to the privilege of some other people. Wants very quickly become needs and then entitlements. 'From each according to his ability' is equally popular when we are looking up the ladder to those whose talents we believe should be channelled towards our betterment. However, we may fail to note those below us who want - and even demand - that we should give to them. In this way, any achievement or possession becomes a liability. This is where the politics of envy, spite and malice has its roots. In a democracy, the politicians control the military and, to a large extent, the constitutional monarchy. The judiciary remain independent. In a dictatorship, leadership is taken by force and imposed. In a theocracy, religious leaders claim civic as well as spiritual power. That all looks clear cut. But it isn't. The body politic is fluid, not static. Once in power, politicians develop a conceit that in time makes the progression from welfare state to totalitarian state inevitable. The electorate colludes with this when it demands repeatedly that the government ought to do something over this or that or everything. Ultimately we get the government and the political system that we deserve. If we want a government to do something, it will. Then, when we wonder where our freedom went, we should recognise that we have only ourselves to blame for throwing it away. We should challenge the ideas and principles upon which politicians base their manifestos. If we unthinkingly surrender moral right to the likes of The Communist Manifesto, it is only a matter of time before the tanks roll into our streets or until we are expected to spy on each other. The only protection against this fearful scenario is that we should demand less government locally, nationally and supra-nationally. We need the protection of a minimum state to guarantee the upholding of contract law, the provision of a police force so that we do not have to take the law into our own hands, and defence forces to protect us from foreign invasion. Beyond that, for our own safety, we should care for ourselves and each other without recourse to government. Otherwise the Marxists and Fascists, the two feet of totalitarianism, will walk through an open door.

Precedent

Status Quo Solves – 1NC

No precedent – Riley court decision already is a precedent in surveillance cases

Oldham and Oldham 14 (Matt and Robert, Georgia Political Review, "THE POLICING PARADOX: THE RISING SECURITY STATE AND HOW THE ROBERTS COURT CAN COUNTER IT", http://georgiapoliticalreview.com/the-policing-paradox-the-rising-security-state-and-how-the-roberts-court-can-counter-it/)//BW

Up until the 2013 term, the Roberts court tended to empower the state by ruling on the side of the police when considering the limits of police activities. A 2006 ruling in Hudson v. Michigan allowed police to admit evidence even when "knock and announce" rules were violated. Earlier this year, Navarette v. California ensured that the police could utilize anonymous tips to make arrests even when there was no probable cause from their observations. This was not surprising as

four current justices, including Chief Justice John Roberts himself, are official members of the Federalist Society. The Federalist Society is part of a conservative legal movement that generally supports the extension of state power, especially when it comes to security concerns. But this did not come into play in the 2014 term. Given the Roberts Court's record, supporters of restrained state power were both pleased and surprised by the landmark ruling in Riley v. California. Roberts wrote the opinion for a 9-0 court decision that generally prohibited police from searching digital data on a cell phone without first obtaining a warrant. This case is particularly important because it concerns both individual rights from burdensome police procedures and the role of the state in the digital age. The Riley ruling protects individuals from invasive police procedures that have been upheld in other circumstances. The state is typically allowed to seize physical records that it uncovers in raids of suspected criminal homes without a warrant. However, because of the massive upswing in the use of smart phones and cloud storage, the Roberts Court has declared that data is different and will be subject to special rules. Because "millions of pages of texts, thousands of pictures, [and] hundreds of videos" can now be stored in a handheld device, there should be a greater expectation of privacy and the state will have to show in a warrant that there is a reasonable expectation that the data will provide further evidence. The ruling is also relevant to the future of NSA spying programs because it rejects the government claim that metadata should not be subject to search and seizure protections. The qualitative characteristics of the data stored in the digital age can be highly personal in nature (e.g. internet history and location tracking services) and the court ruled that this should be protected jealously. Two cases, Klayman v. Obama and ACLU v. Clapper, are both coming up through U.S. Circuit Courts and ask whether or not the NSA collection programs are constitutional. In light of the Riley precedent it is likely that the Supreme Court may also decide these cases in favor of personal liberties. It is possible that the court's unanimity in the case was not due to a wide agreement over rolling back the state's policing power. The case was decided in late April before opinions were to be issued and it may be that the justices simply did not have enough time to draw out more nuanced answers to the question of digital privacy. But the importance of the decision should not be overlooked. It had the dual distinction of protecting individual privacy from physical police seizures and ensuring digital security.

No New Cases – 1NC

No interest in privacy cases now – Roberts Court not intrigued

Pritchard, 11 (Adam C., University of Michigan Law School, "Securities Law in the Roberts Court: Agenda or Indifference?", University of Michigan Law School, University of Michigan Law School Scholarship Repository, http://repository.law.umich.edu/cgi/viewcontent.cgi?article=1504&context=articles)//BW

The Roberts Court's work in the field of securities law demonstrates what happens when a court of general jurisdiction is charged with making decisions in an area with which it is unfamiliar. Analysis of the Court's decisions yields few, if any, common threads tying them together as a body of work. Whatever direction the securities laws take in the Supreme Court, do not expect opinions to grapple more seriously with the interplay between securities law and the securities markets anytime soon. The randomness of the Roberts Court's securities jurisprudence results in part from the stream of cases that make their way on to the Court's docket. It is also a product,

however, of the absence of any individual Justice having an interest in the field. A comparison with Lewis Powell's tenure on the Court illustrates the point. Powell drew on his background as a corporate lawyer to push the Court in a particular direction during his time on the Court, reining in securities class actions and imposing a common law framework on the SEC's vendetta against insider trading. 272 The Roberts Court does not have a figure like Powell in the field of securities law. To be sure, the increased number of securities cases heard by the Roberts Court relative to the Rehnquist Court suggests that the Court recognizes the significance of the securities laws. But it agrees to hear securities cases because there is a circuit split, not because it is anxious to impose its mark on the field of securities law. The debates that engage the Justices in these cases do not come from the field of securities laws, but rather, are more general: statutory interpretation, the use of legislative history, the presumption against the extraterritorial application of legislation, etc. What does this lack of agenda mean for securities law? First, it means that the path of law is somewhat unpredictable. It is hard to know when a Justice will be so galvanized by a particular issue that he takes ownership of it, such as Justice Kennedy with aiding and abetting. Second, absent a galvanizing issue, there is likely to be a presumption in favor of the position taken by the government. This attitude of occasional deference means that the relationship between the SEC and the Solicitor General takes on critical importance. If the SEC can persuade the Solicitor General, its position is likely to prevail in the Roberts Court. With a Democrat currently in the White House, the SEC and the Solicitor General are likely to see eye-to-eye in the near term. If Republicans regain control of the White House, that could change. For now though, the government is likely to take positions that maximize the SEC's reach, as it did in Morrison (albeit unsuccessfully). No Justice is likely to push securities law in a more aggressive direction than the SEC. The retirement of Justice Stevens means that there is no one left on the Court with any pretensions of being an activist in the field, particularly in the area of the private right of action. Justice Ginsberg, writing for the Tellabs majority, made it clear that the Court intends to defer to Congress in this area: "It is the federal lawmaker's prerogative . . . to allow, disallow, or shape the contours of-including the pleading and proof requirements for-§ 10(b) private actions." 2 73 This language suggests we should not expect the Court to be anything more than a passive observer here; major changes, if any, will come from Congress. The Roberts Court's cautious attitude is a departure for the Supreme Court. The Court's treatment of the basic question regarding the existence of the implied private right of action in Stoneridge sends a clear signal that the Court's expansionist days are over in the field of securities law. Kennedy made it clear that the initial implication of a private cause of action had been a mistake; under current doctrine, private causes of action are based only on explicit instruction from Congress. 274 Having recognized the mistake, the Court was not going to compound the error: "Concerns with the judicial creation of a private cause of action caution against its expansion. The decision to extend the cause of action is for Congress, not for us. **Though it remains the law, the § 10(b) private right should not be extended beyond its present boundaries**." 275 Thus, Stoneridge stands for the proposition that the Rule lob-5 cause of action is now frozen, at least when it comes to the expansion of liability by the Court. 276 **Expansion of the cause of action will have to come from Congress, if it is to come at all**. This attitude of deference is a far cry from the heady days of the Warren Court, or even Justice Blackmon's expansionist push in Basic Inc. v. Levinson. Securities law in the Roberts Court is likely to be focused on maintaining the status quo.

Court precedent and previous congressional inaction prove – Third party doctrine is here to stay

Hall 1/8 [John Wesley Hall, criminal defense lawyer who has held all positions in the NACDL and author of several books on the Fourth Amendment; "E.D.N.C.: Third-party doctrine well entrenched and SCA shows Congress isn't changing it, yet"; The Fourth Ammendment, supported by Lexis; 01/08/2015; accessed 07/09/2015; <http://fourthamendment.com/?p=15359>.]

All things considered, the third party doctrine is well established in SCOTUS precedent, and the court declines to depart from it. In addition, the Stored Communications Act, remaining unchanged, is evidence that Congress intends it to remain that way. Cell site location information and a Facebook production order are sustained. In addition, the Google search warrant was overbroad but saved by the good faith exception. United States v. Shah, 2015 U.S. Dist. LEXIS 826 (E.D. N.C. January 6, 2015) [This is a lengthy and demoralizing opinion for those expecting any change in the third party doctrine, but it is correct. A USDJ is stuck with precedent and can't go out on a limb except to ask for change.]. As to overbreadth: The provision [of the warrant] describing the documents "seized" makes a general reference to "[a]ll information described above in Section I that constitutes fruits, evidence, and instrumentalities of Title 18, United States Code, Sections 1030 (Fraud and Related Activity in Connection with Computers)." (Google Warrant, 6). This statute, also known as the federal Computer Fraud and Abuse Act ("CFAA"), prohibits a wide array of activities, including the use of computers to transmit information restricted by the United States without authorization, intentionally accessing a computer without authorization or exceeding authorized access to obtain financial records, accessing nonpublic computers of the United States in a way which affects the government's use, accessing protected computers without authorization in order to commit fraud, threatening to cause damage or obtain information from a protected computer, conspiracy to commit these offenses, and other activities. See 18 U.S.C. § 1030(a). A violation of the CFAA would not necessarily generate such "distinctive evidence" as bank robbery or narcotics. Dickerson, 166 F.3d at 694. Nor would evidence necessarily be as distinctive as that of child pornography, a type of crime more commonly targeted by warrants for electronic information. E.g. United States v. Schesso, 730 F.3d 1040, 1044 (9th Cir.2013); United States v. Deppish, 994 F.Supp.2d 1211, 1214 (D. Kansas 2014). Rather, a warrant authorizing collection of evidence of a CFAA violation comes closer to warrants seeking to collect evidence regarding violations of broad federal statutes prohibiting fraud or conspiracy. In these cases, limitation by reference to the broad statute fails to impose any real limitation. See United States v. Maxwell, 920 F.2d 1028, 1033 (D.C.Cir.1990) ("Although a warrant's reference to a particular statute may in certain circumstances limit the scope of the warrant sufficiently to satisfy the particularity requirement … it will not do so where, as here, the warrant authorizes seizure of all records and where, as here, the reference is to a broad federal statute, such as the federal wire fraud statute."); Rickert v. Sweeney, 813 F.2d 907, 909 (8th Cir.1987) (general search limited only by broad tax evasion statute held overly broad, where probable cause existed only to search for evidence of tax evasion in connection with one particular project); United States v. Roche, 614 F.2d 6, 7–8 (1st Cir.1980) (warrant's limitation of search to "fruits and instrumentalities of the violation" of federal mail fraud statute was inadequate because "limitation by so broad a statute is no limitation at all."). The Google Warrant provides no other details to clarify the particular crime at issue. Section II(a) makes reference to "unauthorized network activity," yet gives no indication as to the meaning of this phrase, which would seem to be implicated in almost all of the activities prohibited by the CFAA. The warrant offers nothing about the time frame of the offense. See United States v. Hanna, 661 F.3d 271, 287 (6th Cir.2011) (noting, in upholding search warrant for electronic information, that the warrant was limited to "the time period that the evidence suggested the activity occurred.") Rather, it provides for the seizure of all evidence of violations of the CFAA "since account inception." (Google Warrant, 6). Although the test for particularity "is a pragmatic one," and must consider "the circumstances and type of items involved," Torch, 609 F.2d at 1090, the record does not indicate that circumstances of the investigation precluded a more particularized description of the crime. Special Agent Ahearn's supporting affidavit provides copious details as to the time and nature of the alleged offenses. Had the Google Warrant properly attached or incorporated this affidavit, it could have provided the necessary context for the search. Hurwitz, 459 F.3d at 471 ("[A]n affidavit may provide the necessary particularity for a warrant if it is either incorporated into or attached to the warrant.") (quoting United States v. Washington, 852 F.2d 803, 805 (4th Cir.1988)). Yet the Google Warrant makes no incorporation, and it does not appear from the record that the affidavit was attached. Without the Google Warrant somehow including the additional details provided by Special Agent Ahearn's affidavit, the affidavit itself cannot satisfy concerns for particularity or overbreadth. See Groh v. Ramirez, 540 U.S. 551, 557 (2004) ("The Fourth Amendment by its terms requires particularity in the warrant, not in the supporting documents."). "[T]here are grave dangers inherent in executing a warrant authorizing a search and seizure of a person's papers that are not necessarily present in executing a warrant or search for physical objects whose relevance is more easily ascertainable." Williams, 592 F.3d at 523–24 (quoting Andresen v. Maryland, 427 U.S. 463, 482 n. 11). "Because electronic devices could contain vast quantities of intermingled information, raising the risks inherent in over-seizing data … law enforcement and judicial officers must be especially cognizant of privacy risks when drafting and executing search warrants for electronic evidence." Schesso, 730 F.3d at 1042; see also In the Matter of the Search of Info. Associated with [redacted]@mac.com that is Stored at Premises Controlled by Apple, Inc., 13 F.Supp.3d 157, 166–67 (D.D.C.2014) ("D.D.C.

Mac.com Order "). Especially in light of the nature of the search and seizure here, the Google Warrant is not drafted with sufficient particularity. In the absence of additional details, the warrant fails to identify the "particular crime" for which officers were to seek evidence. Therefore, the warrant lacks the particularity required by the Fourth Amendment.

No Spillover – 1NC

No precedent – Court decisions are based off political motivations tied to congress

Gely and Spiller 92 (Rafael and Pablo T., Texas A&M University, University of Illinois at Urbana-Champaign, "The POLITICAL ECONOMY OF SUPREME COURT CONSTITUTIONAL DECISIONS: THE CASE OF ROOSEVELT'S COURT-PACKING PLAN", International Review of Law and Economics (1992), 12c45-67) http://ac.els-cdn.com/014481889290005C/1-s2.0-014481889290005C-main.pdf?_tid=a5412502-24dc-11e5-8cd4-00000aacb35e&acdnat=1436296758_584f2260221600a5ca6b09710457fd64)//BW

In Gely and Spiller (1990), on the other hand, the Supreme Court is modeled as a politically motivated actor. The Court is seen undertaking its decisions based not on the traditional rules of legal precedent, but rather on a self-interested political calculus, constrained only by the political interests and structures of the other institutions of government, namely Congress and the president. While this framework abstracts from many important institutional features of the Supreme Court, its predictions seem to conform to much of the conventional wisdom about the workings of the Supreme Court and about the relative power of the different political institutions. For example, Gely and Spiller show that, holding its composition constant, the Supreme Court usually follows the electorate in delivering statutory decisions, even though the Court is not subject to interest groups or direct political pressure. In this paper we find that our theory of constitutional decisions is consistent with much of the intuition concerning the degree of discretion the Supreme Court has when undertaking constitutional decisions. Our theory predicts, however, that the Supreme Court, independently of its own ideological composition, also follows the electorate in its constitutional decisions. The extent and speed by which the Court follows the electorate depends on how unified both houses of Congress and the state legislatures are concerning the issue at hand as well as on the ideological composition of the Court. After developing the theory, we analyze a major change in the Supreme Court interpretation of the Constitution, namely, the reversal in 1937 of its previous constitutional opposition to New Deal legislation. Until 1937 the Court used various interpretations of the commerce, the separation of powers, and the substantive due process clauses to base its decisions on the unconstitutionality of most New Deal regulatory measures. While most previous explanations offered for this change in the position of the Supreme Court point toward President Franklin D. Roosevelt's "court packing," they are unsatisfactory in that they do not take into account that the Court reversed itself before the court-packing plan was announced and that this reversal, as predicted by our model, was closely linked to the 1936 election results that provided for the first time a realistic threat of a constitutional amendment being enacted at the state level.

The courts prevent precedents by making decisions based on congress and the president – Our ev. Is future predictive, theirs is just a snapshot

Gely and Spiller 90 (Rafael and Pablo T., Texas A&M University, University of Illinois at Urbana-Champaign, "A Rational Choice Theory of Supreme Court Statutory Decisions with Applications to the State Farm and Grove City Cases", Journal of Law, Economics, & Organization, Vol. 6, No. 2 (Autumn, 1990), pp. 263-300, http://www.jstor.org/stable/pdf/764779.pdf)//BW

The nature and process of the main regulatory changes of the last decade represent a challenge for political economists. Not only were major deregulatory processes undertaken without the active support of the regulated industries, but the process itself by which deregulation and regulation developed through the 1970s and 1980s is puzzling. While Congress legislated regulatory and deregulatory changes in some areas (e.g., airlines, trucking, cable, oil), in many other areas regulation and deregulation were promoted and carried out by agencies and the courts, without much active legislative change (e.g., telecommunications, pollution control). The seeming inaction of Congress in the face of rapid regulatory changes, introduced by regulatory agencies and the courts, has been tile subject of much recent research (see, e.g., McCubbins, Noll, and Weingast, 1987, 1989; Weingast, 1981, 1984; Weingast and Moran; Ferejoln and Shipan; McCubbins and Schwartz). This research bias emphasized the agency relationship among the regulatory or administrative agencies, Congress, and the President. The role of the courts, however, has been mostly unexplored in this literature, except for the work of McCubbins, Noll, and Weingast (1987, 1989) and Marks. **The former develop a framework where the courts are seen as indirect agents of Congress, in charge of supporting the interests of the coalition that enacted the original legislation**. Marks, on the other hand, models the impact of judicial decisions on regulatory legislation. His main insight, which we borrow heavily from, is that the bicameral nature of Congress increases the set of Court decisions that are invulnerable to legislative action. In his framework, however, the Court is unconcerned with the impact of its decisions on the legislative process. Neither Marks nor McCubbins, Noll, and Weingast (1987, 1989) consider, and explore the implications of, the conditions for the justices to behave in the way the models stipulate. The role of the Supreme Court in the design of public policy has, on the other hand, attracted much academic attention. The emphasis, however, has been basically normative. Particular attention has been given to the normative properties of different institutional arrangements-for example, whether the Supreme Court should follow a restrained or activist policy.1 Whether any of those institutional arrangements would actually be carried out by self-interested agents, again, has not been analyzed. In this article we follow the recent developments of the modern theory of administrative agencies, by developing a rational choice theory of the Supreme Court. Our framework combines two of the main characteristics of this literature: namely, the rational choice modeling strategy with the notion that institutions matter in the design of public policy. We differ basically by modeling the Supreme Court as a self-interested, ideologically motivated institution, making its decisions subject not to the traditional legal rules of precedent, but to the constraints arising from the political interests of other institutions of government-namely, Congress and the President.

Court decisions are made based on politics, not precedents

Gely and Spiller 90 (Rafael and Pablo T., Texas A&M University, University of Illinois at Urbana-Champaign, "A Rational Choice Theory of Supreme Court Statutory Decisions with Applications to the State Farm and Grove City Cases", Journal of Law, Economics, & Organization, Vol. 6, No. 2 (Autumn, 1990), pp. 263-300, http://www.jstor.org/stable/pdf/764779.pdf)//BW

We apply this approach to the analysis of two recent Supreme Court statutory decisions, the State Farm and Grove City decisions. **We show that both Supreme Court decisions can be understood as the Court reacting strategically to changes in the relevant political constraints reflecting changes in both Congress and the Presidency, and not necessarily to legal precedent or to Congressional intent**. Also, even though these two decisions can be seen as favoring different political tendencies, they are both consistent with a self-interested but politically moderate Supreme Court. While our analysis of these two Supreme Court decisions does not constitute an empirical test of our theory, it shows its potential usefulness to explain and forecast Supreme Court decisions. While we argue in this article that the behavior of the Court can be understood as that of a self-interested, politically motivated actor, the justices' calculus differs from that of members of Congress. Unlike members of Congress, the Court does not necessarily have a relevant constituency whose interests it needs to consider in rendering its opinions.3 On the other hand, the Supreme Court decisions are not taken in a political vacuum. The ability of other political actors to take actions to reverse the Supreme Court decisions is what constrains the scope and power of the Court. While constitutional limits are important,4 we focus here on the constraints on the Court's interpretation of statutes that result from the institutional structure of government (e.g., Congressional jurisdictional rules, the committee system, bicameralism, the President's veto power).5 While simple, our framework has several implications that could, in principle, be subject to empirical testing.6 First, in our framework the Supreme Court "reads election results," as, even without changes in its composition, the Court is responsive to changes in the electorate.7 The impact of the electorate or of interest groups, however, is indirect, and it is effected through changes in the constraints faced by the Court, following changes in the composition of Congress and in the Executive. Second, our model provides an explanation for the conventional wisdom that to a large extent the most important domestic role of the President is to appoint justices to the Court. In our framework, in the absence of veto power, the Supreme Court eliminates most of the President's discretionary power. With veto power, however, the President's views carry substantially more weight in determining the equilibrium. Third, the Supreme Court, in our framework, may increase or decrease the extent of policy stability. By reducing the power of the President, the Court may increase policy stability. On the other hand, the Court may also promote policy changes, as changes in the composition of Congress open the possibility for the Supreme Court to modify the status quo.8'9 Tle Court, however, will follow a more "restrained" path in periods of Congressional stability. Thus, this model of the Supreme Court, which in principle resembles an activist Court, predicts that the Court will play different roles depending on the composition of (and changes in) Congress. The Supreme Court, however, whether "restrained" or "activist," will usually follow electoral changes. Yet an "activist" Court is nothing more than a Court siding with one of the houses of Congress, or

with the President. Finally, the model predicts that Congressional inaction will follow Supreme Court decisions, as these have already taken the composition of Congress into account.

The Supreme Court acts solely in their own self-interest – Presidents don't matter

Gely and Spiller 90 (Rafael and Pablo T., Texas A&M University, University of Illinois at Urbana-Champaign, "A Rational Choice Theory of Supreme Court Statutory Decisions with Applications to the State Farm and Grove City Cases", Journal of Law, Economics, & Organization, Vol. 6, No. 2 (Autumn, 1990), pp. 263-300, http://www.jstor.org/stable/pdf/764779.pdf)//BW

In both cases the Supreme Court follows the electoral results by adjusting to the changes in the composition of Congress and the Presidency. On the one hand, in State Farm, the supreme Court acted to reverse an administrative policy that was implemented following changes in both Congress and the Presidency, which, in the absence of the Supreme Court, would have implied a drastic shift in regulatory policy. In Grove City, however, the Supreme Court moved to make a new policy following a change in the composition of the Senate. Such a new policy would have not, in the absence of the Supreme Court move, come out of Congress, since it would have been blocked by the House of Representatives. In both cases the Supreme Court decisions were supported by one of the houses of Congress and, thus, they could not be reversed by the then current Congress. While one is a pro-conservative and the other is a pro-liberal decision, both are consistent with a Court pursuing its own self-interest, as long as its preferences are not at either extreme of the political spectrum. To summarize, we see in this article the dual role that the Supreme Court can play. On the one hand, it can be seen as supporting the status quo, and restraining both the President and Congress from undertaking drastic regulatory changes. On the other hand, the Supreme Court also plays an activist role, by introducing policies that change the status quo, even though Congress could not, by itself, legislate such policy changes. Thus, whether the Supreme Court is activist or restrained depends on the political circumstances. Following changes in Congress that create legislative stalemate, we would expect the Supreme Court to be activist. On the other hand, following a major change in the Presidency, we would expect the Supreme Court to follow a restrained path.

AT: China AO

AT: China AO

US-China war won't escalate

Dobbins, 2012 (James Dobbins, directs the International Security and Defense Policy Center at the RAND Corporation, previously served as American Ambassador to the European Community and Assistant Secretary of State, August/September 2012, "War with China," Survival, Vol. 54, No. 4, p. 7-24)

It is important to begin any such analysis by recognising that China is seeking neither territorial aggrandizement nor ideological sway over its neighbours. It shows no interest in matching US military expenditures, achieving a comparable global reach, orassuming defence commitments beyond its immediate periphery. Such intentions might change, but if so, the United States

would probably receive considerable warning, given the lead times needed to develop such capabilities. Despite cautious and pragmatic Chinese policies, the risk of conflict with the United States remains, and this risk will grow in consequence and perhaps in probability as China's strength increases. Among the sources of conflict most likely to occasion a China–US military clash over the next 30 years, listed in descending order of probability, are changes in the status of North Korea and Taiwan, Sino-American confrontation in cyberspace, and disputes arising from China's uneasy relationships with Japan and India. All these sources are on China's immediate periphery, where Chinese security interests and capabilities seem likely to remain focused. **It is important to stress that a China–US military conflict is not probable** in any of these cases, but that judgement is based on the view that the United States will retain the capacity to deter behaviour that could lead to such a clash throughout this period.

Recent Summit solved military relations

Rudd '13

[Kevin Rudd, former prime minister of Australia, "A subtle defrosting in China's chilly war with America" Financial Times, June 10, 2013,http://www.ft.com/cms/s/0/594776d2-d1ba-11e2-9336-00144feab7de.html#axzz2WXapvlZM]

High quality global journalism requires investment. Please share this article with others using the link below, do not cut & paste the article. See our Ts&Cs and Copyright Policy for more detail. ¶ In Beijing analysts still struggle to define the precise state of the China-US relationship. As one said to me recently: "Bu shi rezhan, bu shi lengzhan; er shi liangzhan." Or, in the Queen's English: "It's not a hot war, it's not a cold war; it's more like a chilly war."¶ The problem for leaders, diplomats and analysts is that the relationship defies simple definition. Variants range from "strategic engagement", "strategic co-operation" and "strategic competition" to "China as a responsible global stakeholder".¶ The problem with these ideas is that they mean very little to the Chinese. The phrase that hits home in both capitals these days is "strategic trust deficit" – a gap between China and the US which, if left unchecked, could destabilise the entire Asia-Pacific region.¶ Such a deficit is potentially disastrous for both parties. We see it in the world of cyber espionage and cyber warfare; in escalating tensions in the East and South China Seas, where hundreds of naval and air assets are deployed; in escalating tensions on the Korean peninsula; and in the UN Security Council stalemate over Syria.¶ That is why the working summit between presidents Barack Obama of the US and Xi Jinping of China at the weekend **was so important**. There had been no high-level political mechanism for the two sides to manage these and other apparently intractable challenges facing the regional and global order.¶ With this summit, with more to follow, we at last have the capacity to build such a mechanism. The fact is, unless the Chinese president himself (simultaneously chairman of the Central Military Commission and general secretary of the Communist party) engages personally in negotiations with his US counterpart, China's political system is geared to the defence of the status quo. In the US, the secretaries both of state and defence are able to make some strategic calls in negotiations. But their Chinese counterparts are not even among the 250 most senior officials in the party hierarchy. Only the president, in consultation with the other six members of the Politburo Standing Committee, can make the genuinely big calls.¶ Despite opposition in both capitals, both presidents decided to depart from the diplomatic conventions that have governed relations for the past 40 years and convened a working summit, free of the pomp normally associated with state visits. This is a success in its own right. More importantly, both camps are privately delighted by the tone, depth and content of this first engagement, with neither expecting a laundry list of deliverables. Nobody present saw this as the "cyber summit" described in the US media.¶ So, what are the outcomes? First, the agreement to establish a **regular military-to-military dialogue is critical**. It could contribute to rules of the road on cyber security; crisis management for the Korean peninsula; the management of incidents at sea and in the air as well as creating a mechanism to develop basic confidence and security-building measures for the region.¶ Second, the summit represented the first systematic engagement and calibration between the two nations on the future of North Korea, including their reported public commitment to prevent Pyongyang acquiring nuclear weapons. Third, there was agreement on climate change, perhaps reflecting the start of a commitment to make the global rules-based order more effective.¶ No one should expect Chinese policy to change quickly. Much could go wrong. But, without a programme of working bilateral summitry, there is little prospect of getting much of strategic importance right. After 20 years of drift in the relationship – following the elimination of the Soviet threat, which for the previous 20 years provided the underlying rationale for co-operation – this meeting could mark the start of a new period of detente. We were headed towards strategic competition – or worse. We may now have the capacity to build sufficient trust in the relationship, creating a framework to manage the growing complexity of bilateral, regional and global challenges the

nations face.¶ It could even lead to what Mr Xi himself described as "a new model of great power relations" for the future, one that does not mindlessly replicate the bloody history of the rise and fall of great powers in centuries past.

US/ China war wont happen- Nukes and Geography

Keck, Associate Editor of The Diplomat, 13

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

As I noted earlier in the week, the diplomatic summits between China and the U.S. over the past month has renewed conversation on whether Beijing and Washington, as rising and established power, can defy history by not going to war. Xinhua was the latest to weigh in on this question ahead of the Strategic and Economic Dialogue this week, in an article titled, "China, U.S. Can Avoid 'Thucydides Trap.'" Like many others, Xinhua's argument that a U.S.-China war can be avoided is based largely on their strong economic relationship. This logic is deeply flawed both historically and logically. Strong economic partners have gone to war in the past, most notably in WWI, when Britain and Germany fought on opposite sides despite being each other's largest trading partners. More generally, the notion of a "capitalist peace" is problematic at best. Close trading ties can raise the cost of war for each side, but any great power conflict is so costly already that the addition of a temporarily loss of trade with one's leading partner is a small consideration at best. And while trade can create powerful stakeholders in each society who oppose war, just as often trading ties can be an important source of friction. Indeed, the fact that Japan relied on the U.S. and British colonies for its oil supplies was actually the reason it opted for war against them. Even today, China's allegedly unfair trade policies have created resentment among large political constituencies in the United States. But while trade cannot be relied upon to keep the peace, a U.S.-China war is virtually unthinkable because of two other factors: nuclear weapons and geography. The fact that both the U.S. and China have nuclear weapons is the most obvious reasons why they won't clash, even if they remain fiercely competitive. This is because war is the continuation of politics by other means, and nuclear weapons make war extremely bad politics. Put differently, war is fought in pursuit of policy ends, which cannot be achieved through a total war between nuclear-armed states. This is not only because of nuclear weapons destructive power. As Thomas Schelling outlined brilliantly, nuclear weapons have not actually increased humans destructive capabilities. In fact, there is evidence to suggest that wars between nomads usually ended with the victors slaughtering all of the individuals on the losing side, because of the economics of holding slaves in nomadic "societies." What makes nuclear weapons different, then, is not just their destructive power but also the certainty and immediacy of it. While extremely ambitious or desperate leaders can delude themselves into believing they can prevail in a conventional conflict with a stronger adversary because of any number of factors—superior will, superior doctrine, the weather etc.— none of this matters in nuclear war. With nuclear weapons, countries don't have to prevail on the battlefield or defeat an opposing army to destroy an entire country, and since there are no adequate defenses for a large-scale nuclear attack, every leader can be absolute certain that most of their country can be destroyed in short-order in the event of a total conflict. Since no policy goal is worth this level of sacrifice, the only possible way for an all-out conflict to ensue is for a miscalculation of some sort to occur. Most of these can and should be dealt by Chinese and the U.S. leaders holding regularly senior level dialogues like the ones of

the past month, in which frank and direct talk about redlines are discussed. These can and should be supplemented with clear and open communication channels, which can be especially useful when unexpected crises arise, like an exchange of fire between low-level naval officers in the increasingly crowded waters in the region. While this possibility is real and frightening, it's hard to imagine a plausible scenario where it leads to a nuclear exchange between China and the United States. After all, at each stage of the crisis leaders know that if it is not properly contained, a nuclear war could ensue, and the complete destruction of a leader's country is a more frightening possibility than losing credibility among hawkish elements of society. In any case, measured means of retaliation would be available to the party wronged, and behind-the-scenes diplomacy could help facilitate the process of finding mutually acceptable retaliatory measures. Geography is the less appreciated factor that will mitigate the chances of a U.S.-China war, but it could be nearly as important as nuclear weapons. Indeed, geography has a history of allowing countries to avoid the Thucydides Trap, and works against a U.S.-China war in a couple of ways. First, both the United States and China are immensely large countries—according to the Central Intelligence Agency, the U.S. and China are the third and fourth largest countries in the world by area, at 9,826,675 and 9,596,961 square km respectively. They also have difficult topographical features and complex populations. As such, they are virtually unconquerable by another power. This is an important point and differentiates the current strategic environment from historical cases where power transitions led to war. For example, in Europe where many of the historical cases derive from, each state genuinely had to worry that the other side could increase their power capabilities to such a degree that they could credibly threaten the other side's national survival. Neither China nor the U.S. has to realistically entertain such fears, and this will lessen their insecurity and therefore the security dilemma they operate within. Besides being immensely large countries, China and the U.S. are also separated by the Pacific Ocean, which will also weaken their sense of insecurity and threat perception towards one another. In many of the violent power transitions of the past, starting with Sparta and Athens but also including the European ones, the rival states were located in close proximity to one another. By contrast, when great power conflict has been avoided, the states have often had considerable distance between them, as was the case for the U.S. and British power transition and the peaceful end to the Cold War. The reason is simple and similar to the one above: the difficulty of projecting power across large distances—particularly bodies of waters— reduces each side's concern that the other will threaten its national survival and most important strategic interests. True, the U.S. operates extensively in China's backyard, and maintains numerous alliances and partnerships with Beijing's neighbors. This undeniably heightens the risk of conflict. At the same time, the British were active throughout the Western Hemisphere, most notably in Canada, and the Americans maintained a robust alliance system in Western Europe throughout the Cold War. Even with the U.S. presence in Asia, then, the fact that the Chinese and American homelands are separated by the largest body of water in the world is enormously important in reducing their conflict potential, if history is any guide at least. Thus, while every effort should be made to avoid a U.S.-China war, it is nearly unthinkable one will occur.

Cyber security efforts are increasing- fiscal year increaing increase

Shalal and Selyukh 15'

Andrea Shalal and Alina Selyukh, 2-2-2015, "Obama seeks $14 billion to boost U.S. cybersecurity defenses," Reuters, http://www.reuters.com/article/2015/02/02/us-usa-budget-cybersecurity-idUSKBN0L61WQ20150202

President Barack Obama's budget proposal for the 2016 fiscal year seeks $14 billion (9 billion pounds) for cybersecurity efforts across the U.S. government to better protect federal and private networks from hacking threats. Federal cybersecurity funding has steadily increased in recent years, reflecting the intensity of threats U.S. companies and government agencies are facing from cyber intruders, both domestic and foreign.

CT effective right now- decapitation strikes

Shane **Harris 15'**, ASU Feature of War Fellow at New American Foundation, Nancy A. Youssef, "The U.S. Just Killed Al Qaeda's Most-Dangerous Man," 6/15/15, www.thedailybeast.com/articles/2015/06/15/jihadis-say-the-u-s-just-killed-al-qaeda-s-1-threat.html

The head of al Qaeda's branch in Yemen, which U.S. officials say poses the greatest terrorist threat to America, has been killed in a U.S. drone strike, according to Yemeni media reports and statements from the terrorist organization's members.¶ If Nasir al-Wuhayshi was killed—a claim that U.S. officials are so far not disputing—his death would be a significant blow to the already-fragile al Qaeda terrorist organization. And it would be the second major hit in a matter of days on a key al Qaeda leader, following a series of U.S. airstrikes over the weekend in Libya that killed another notorious jihadi, Mokhtar Belmokhtar.¶ Wuhayshi is arguably the bigger prize, having been promoted two years ago to run **all of al Qaeda's global terror attacks**. U.S. intelligence officials have said that his division, al Qaeda in the Arabian Peninsula, or AQAP, has been perfecting methods for sneaking explosives onto airplanes, hidden inside devices that don't alert security screening systems.¶ In other words, as far as the U.S. intelligence community is concerned, Wuhayshi is al Qaeda's No. 1 threat. If he is gone, it would be seen as a **major win for American counterterror operations**.¶ Reports emerged Monday on Twitter from purported AQAP members mourning Wuhayshi's death and praising his already named successor, Qassem al Rimi. The rapid appointment of a new leader speaks to how critical Wuhayshi's position was within the organization. But it also suggests that the group's overall structure remains strong because he was so quickly replaced.¶ "Decapitation strikes have yet to defeat an [al Qaeda] franchise. **It won't defeat AQAP**," Bruce Riedel, a former CIA officer and al Qaeda expert now at the Brookings Institution, told The Daily Beast. "**But it's a welcome development** if true."

U.S. china threats aren't high

Lindsay 15'

Jon Lindsay, 5-5-2015, "Exaggerating the Chinese Cyber Threat," Huffington Post The World post block, http://belfercenter.ksg.harvard.edu/publication/25321/exaggerating_the_chinese_cyber_threat.html

according to Professor Jon R. Lindsay's new policy brief, published by Harvard University's Belfer Center. Public record on U.S. and Chinese cyber capabilities remains scant, but Lindsay suggests that the U.S. is gaining an "increasing advantage," evidenced by a new DARPA program launched in 2012, and the use of the Stuxnet worm to damage computer systems at an Iranian nuclear enrichment facility in 2010. In America's private cyber industry, the name of the game

has shifted from defense to offense.∂ But China's interest in developing cyber capabilities is political, not military, Lindsay argues, prompting incursions into foreign digitized space to suppress dissent, in the case of GitHub, or to steal secrets from adversaries. Even so, "lax law enforcement, and poor cyber defenses leave the country vulnerable to both cybercriminals and foreign spies," Lindsay notes, suggesting that China struggles to use the information it comes away with for political gain. China's successful campaigns target NGOs and private sector companies, and "do nothing to defend China from the considerable intelligence and military advantages of the United States."∂

No threat to China Cyber Attacks

Detsch 15 (May 20, 2015, http://thediplomat.com/2015/05/are-we-exaggerating-chinas-cyber-threat/, Are We Exaggerating China's Cyber Threat?, The Diplomat, Jack Detsch, staff writer for the Diplomat)

On May 8, U.S. State Department spokesman Jeff Rathke complained that China had used an offensive cyber capability "to interfere with the ability of worldwide internet users to access content hosted outside of China." Experts feared China had hijacked traffic intended for domestic servers and re-routed to conduct a malicious attack on American sites. In March, the American coding repository, GitHub, reported intermittent outages amid a multiday cyber-attack, which redirected traffic from the popular Chinese search engine Baidu to pages linked to The New York Times Mandarin-language site and GreatFire.org — a tool utilized by Chinese netizens to steer around the Great Firewall. Both sites are banned in the mainland. Researchers say an offensive Chinese cyber attack system called the "Great Cannon," which captures traffic in China and fires it out at offending sites, perpetrated the attack. So how much should we worry about China's cyber capabilities? Not much, according to Professor Jon R. Lindsay's new policy brief, published by Harvard University's Belfer Center. Public record on U.S. and Chinese cyber capabilities remains scant, but Lindsay suggests that the U.S. is gaining an "increasing advantage," evidenced by a new DARPA program launched in 2012, and the use of the Stuxnet worm to damage computer systems at an Iranian nuclear enrichment facility in 2010. In America's private cyber industry, the name of the game has shifted from defense to offense. But China's interest in developing cyber capabilities is political, not military, Lindsay argues, prompting incursions into foreign digitized space to suppress dissent, in the case of GitHub, or to steal secrets from adversaries. Even so, "lax law enforcement, and poor cyber defenses leave the country vulnerable to both cybercriminals and foreign spies," Lindsay notes, suggesting that China struggles to use the information it comes away with for political gain. China's successful campaigns target NGOs and private sector companies, and "do nothing to defend China from the considerable intelligence and military advantages of the United States." That doesn't mean that the PLA isn't busy playing catch-up. In a recent issue of The Science of Military Strategy, put out by the military's chief research institution, analysts concede that the PLA indeed possesses network attack forces inside of intelligence and civilian wings of government, including the Ministry of State Security and the Ministry of Public Security. It suggests that the military will deal with critical infrastructure targets, like electrical grids and gas pipelines, while smaller, nimbler hacking units like Axiom, which has been suspected in intrusions against Fortune 500 companies and pro-democracy groups, will focus on industrial targets. But making that leap will be challenging, and would force China to walk back its global positions on cybersecurity. Beijing hopes to become a leader on that front and has been heavily promoting its concept of "internet sovereignty" as the basis for international standards of

behavior in cyber space. China wants to defend “internet sovereignty” at all costs. Any future cyber attack would probably be justified on those grounds. That’s also a self-limiting belief. While it has allowed home-grown giants like Weibo, Alibaba, and Baidu to flourish, China’s exclusion of American companies and know-how put it at a serious disadvantage in building robust cyber capabilities. China’s own approach to these issues could prevent Beijing from reaching its cyber potential.

Misc

Courts Bad/Legislation Good (for Congress CP)

Congress is better-flexibility and can account for new technologies more effectively

Kerr 4-Orin, professor of computer crime law at George Washington University Law School, JD Harvard ("THE FOURTH AMENDMENT AND NEW TECHNOLOGIES: CONSTITUTIONAL MYTHS AND THE CASE FOR CAUTION", Michigan Law Review, vol. 122 no. 801 http://papers.ssrn.com/sol3/papers.cfm?abstract_id=421560) HC

In this part, I will argue that such enthusiasm for judicial solutions overlooks significant institutional limitations of judicial rulemaking. Courts tend to be poorly suited to generate effective rules regulating criminal investigations involving new technologies. In contrast, legislatures possess a significant institutional advantage in this area over courts. While courts have successfully created rules that establish important privacy rights in many areas, it is difficult for judges to fashion lasting guidance when technologies are new and rapidly changing. The context of judicial decisionmaking often leaves the law surprisingly unclear. Courts lack the institutional capacity to easily grasp the privacy implications of new technologies they encounter. **Judges cannot** readily understand how the technologies may develop, cannot easily appreciate context, and often cannot **even recognize whether the facts of the case before them raise privacy implications that happen to be typical or atypical**. Judicially created rules also lack necessary flexibility; they cannot change quickly and cannot test various regulatory approaches. As a result, judicially created rules regulating government investigations tend to become quickly outdated or uncertain as technology changes. The context of legislative rule-creation offers significantly better prospects for the generation of balanced, nuanced, and effective investigative rules involving new technologies. In light of these institutional realities, courts should place a thumb on the scale in favor of judicial deference to legislative privacy protections.

Congress is ahead of the game-court precedents are outdated and ineffective

Kerr 4-Orin, professor of computer crime law at George Washington University Law School, JD Harvard ("THE FOURTH AMENDMENT AND NEW TECHNOLOGIES: CONSTITUTIONAL MYTHS AND THE CASE FOR CAUTION", Michigan Law Review, vol. 122 no. 801 http://papers.ssrn.com/sol3/papers.cfm?abstract_id=421560) HC

This delay carries important consequences for the clarity of judicial rulemaking. Years may pass before a court considers how the Fourth Amendment regulates use of a new technology; many more years may pass before the issue is resolved definitively. By the time the courts decide how a technology should be regulated, however, the factual record of the case may be outdated, reflecting older technology rather than more recent developments.417 Further, once the law appears to be settled, the rapid pace of technological change may make it difficult to know how future courts might resolve the same problem. Existing precedents may have little force: an appellate decision based on a factual record created a few years before may no longer apply just a few years later. As Stuart Benjamin has noted, "[r]apidly changing facts weaken the force of stare decisis by undermining the stability of precedents. Appellate opinions are only as robust as the facts on which they are based. When those facts evaporate, the opinion on which they rest is weakened as

well."418 Consider the lower court's findings about the Internet in the litigation that led to the Supreme Court's decision in Reno v. ACLU.419 The facts were accurate for 1996, but are not necessarily accurate today.420 Because constitutional rules may be based on changing technological facts, it may be difficult know whether a Fourth Amendment rule that is valid one day is valid the next. Legislative rules are different. Legislatures can act at any time, even when a technology is new. As a practical matter, legislatures often will wait for public concern to surface before regulating a new technology. But recent history suggests that legislatures usually act at a surprisingly early stage, and certainly long before the courts act. For example, while the courts have not yet decided how the Fourth Amendment protects stored e-mails, Congress enacted a comprehensive regime to protect the privacy of e-mails in 1986 in the form of the Electronic Communications Privacy Act.421 Congress regulated the privacy of e-mail before most Americans had even heard of e-mail. Similarly, Congress enacted laws to regulate the "Carnivore" Internet surveillance system in 2001 Congress has even acted before a technology was invented. For example, Congress recently passed a law blocking the Pentagon's proposed "Total Information Awareness" (TIA) program, which would have funded research into the development of computer data-mining technology.423 Unburdened by the procedural barriers that limit and delay judicial power, legislatures can enact comprehensive rules far ahead of current practice rather than decades behind it.

Judicial rule changing is uncertain and lengthy

Kerr 4-Orin, professor of computer crime law at George Washington University Law School, JD Harvard ("THE FOURTH AMENDMENT AND NEW TECHNOLOGIES: CONSTITUTIONAL MYTHS AND THE CASE FOR CAUTION", Michigan Law Review, vol. 122 no. 801 http://papers.ssrn.com/sol3/papers.cfm?abstract_id=421560) HC

It is far harder for the courts to adopt such flexible rules under the Fourth Amendment. Putting aside the merits of such an approach from the standpoint of normative constitutional theory, the task would create enormous practical headaches. To allow the governing rules to change as needed over time, courts would be forced either to expressly change the governing rules at regular intervals or else articulate the governing rule using a standard that keeps the result unclear to incorporate changed circumstances. Stare decisis norms make the first option unrealistic; it's hard to imagine the courts creating new rules every few years to keep the law up to date. But the latter option leads to intolerable uncertainty. The result is constitutional law's version of the Heisenberg uncertainty principle in quantum physics;442 you can know the law at one time or you can know its general direction, but you can't know both at the same time.

Mich LR-3rd Party should change with tech

Issues concerning the third party doctrine have to change with technology

Kerr 8-Orin, professor of computer crime law at George Washington University Law School, JD Harvard ("The Case for the Third Party Doctrine", Michigan Law Review, vol. 107 no. 561 http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1138128**) HC**

Use of a third party does not always have a substitution effect, but it enables the effect at the suspect's option. And any smart criminal will exercise the option. Those who have the most to hide have the most incentive to

take advantage of how third-party services can hide their activity. Even without Fourth Amendment rules, third-party services will tend to hide otherwise public transactions. A rational actor bent on criminal conduct will use as many third-party services as he can to avoid detection. Viewed from this perspective, the third-party doctrine is not some sort of mysterious hole in Fourth Amendment protection. To the contrary, it is a natural analog to the Supreme Court's decision in Katz v. United States.96 Katz effectively required technological neutrality: Although its precise reasoning is opaque, it is often understood as concluding that telephone calls are protected because of the function they serve rather than the accident of the technology they use.97 Indeed, this was the basic rationale of Justice Brandeis's dissent in Olmstead v. United States.98 Brandeis feared that technological change could narrow Fourth Amendment protection: "Ways may some day be developed by which the Government, without removing papers from secret drawers, can reproduce them in court, and by which it will be enabled to expose to a jury the most intimate occurrences of the home."99 Brandeis proposed that the Fourth Amendment should keep up as technology changed so that new technologies would not gut privacy. But if we embrace this understanding of the Fourth Amendment, then surely it must be a two-way street. Just as the new technologies can bring "intimate occurrences of the home" out in the open, so can technological change and the use of third parties take transactions that were out in the open and bring them inside. If we accept that the Fourth Amendment should stay technology neutral, then we should accept that rule both when new technological practices threaten to expand Fourth Amendment protection as when they threaten to constrict it. Just as the Fourth Amendment should protect that which technology exposes, so should the Fourth Amendment permit access to that which technology hides. From this perspective, the third-party doctrine is needed to ensure the technology neutrality of the Fourth Amendment. It ensures that we have the same rough degree of Fourth Amendment protection independently of whether wrongdoers use third party agents to facilitate their crimes.

Lower Courts

Lower courts can model-will follow analogous reasoning

Kerr 7-Orin, professor of computer crime law at George Washington University Law School, JD Harvard ("Four Models of Fourth Amendment Protection", Stanford Law Review, vol. 60 no. 503, http://papers.ssrn.com/sol3/papers.cfm?abstract_id=976296**) HC**

Using multiple models lets the Justices explain decisions using the models that best draw the line in that particular setting. Further, certainty among lower courts can result because lower courts naturally adopt the Supreme Court choice of model when reasoning by analogy. Common techniques of analogical reasoning lead lower courts to reflect the Supreme Court's choices of models in analogous cases, leading both to the adoption of similar rules across decentralized courts and localized guidance that helps accurately distinguish per se from contextually reasonable law enforcement practices.

Lower courts are just as effective-no reason why SCOTUS key because they'll just follow their doctrine

Kerr 7-Orin, professor of computer crime law at George Washington University Law School, JD Harvard ("Four Models of Fourth Amendment Protection", Stanford Law Review, vol. 60 no. 503, http://papers.ssrn.com/sol3/papers.cfm?abstract_id=976296**) HC**

The fact that the Supreme Court can pick whatever model works best in context is not by itself a particular strength of the multiple models approach. However, it does become a particular strength when paired with lower court applications of the reasonable expectation of privacy test. Recall that the Supreme Court decides very few application of the reasonable expectation of privacy test; for the most part, rules evolve in the lower courts. The use of multiple models in Supreme Court opinions provide a way that the law can develop consistent and accurately in the lower courts. When novel issues arise in the lower courts, lower courts will naturally reason by analogy to the Supreme Court's decided cases. Analogical reasoning will focus lower-court judges on the reasoning of the Supreme Court's analogous decisions, which will in turn push the lower courts to apply the same models that the Supreme Court chose in that context. The models will propagate to analogous sets of facts. When this process is repeated over time, the Fourth Amendment tapestry evolves into a system of regional dominance – regional in the sense of categories of cases, not geography – of different models of when an expectation of privacy is reasonable. Different models will apply in different contexts based on the models that the Supreme Court picked in analogous cases. **This leads to both increased accuracy and increased consistency in the evolution of the reasonable expectation of privacy test.** Lower court cases will often draw the same analogies and then pick the same models, leading to greater consistency and predictability in the lower courts. Importantly, this process can occur without conscious recognition of the models. When a Fourth Amendment challenge involves a new police practice unsettled by existing doctrine, litigants and courts will naturally turn to the facts -- and then to the reasoning -- of the most analogous Supreme Court decisions. If the Supreme Court applied the private facts model in the analogous case, the lower court will look to that opinion and mirror the reasoning of the private facts model. If the Supreme Court relied on a particular model, the lower court will do the same. Through the process of analogical reasoning, the Supreme Court's choice of model will guide lower court judges by providing different styles of reasoning that should apply in different types of cases. If the Supreme Court's chosen model accurately identifies police practices in need of regulation, lower court applications of the same model in similar cases should also draw the line accurately in the lower courts. Further, the Supreme Court's selection of model will ensure that lower courts all draw the same or similar lines. Although the selection of the model does not guarantee a result, it narrows the range of discretion and greatly increases the likelihood that different jurisdictions will reach the same outcome. The Supreme Court's certiorari practice completes the feedback loop. **If the lower courts all apply the models in the same way to new facts, then the Supreme Court is unlikely to intervene.** When lower courts disagree on which model applies or how it applies, leading to different rules, the Supreme Court will usually take the case. The Court will address the circuit split, and resolve how the four models apply to that case. The Supreme Court's certiorari practices naturally police lower court applications of the four models, and uncertainty as to a model or its application tends to trigger Supreme Court review.

AT Kerr's Wrong-Schwartz

Kerr's reading of the 2nd Circuit ruling agrees that Congress is best

Schwartz 15 (Yishai Schwartz, associate editor, ""Reasonable Search" or "Reasonable Expectation of Privacy:" A Brief Reply to Orin Kerr on the 2nd Circuit's Decision," Lawfare, May 10, 2015, http://www.lawfareblog.com/reasonable-search-or-reasonable-expectation-privacy-brief-reply-orin-kerr-2nd-circuits-decision

The 2nd Circuit frames the central 4th Amdendment question as whether appellants have "privacy rights in their records." On the one hand, Katz seems to guarantee expansive rights in any areas where there is an "actual (subjective) expectation of privacy…that society is prepared to recognize as 'reasonable'"---a standard that very well may apply to 215 data. But on the other hand, we have the standard emerging from Smith v Maryland, which declares any expectation of privacy in items disclosed to a third party to be "unreasonable" and "illegitimate." In other words, the question of whether the collection of 215 data constitutes a search turns (at least partially) on whether a person's expectation of privacy in that

data is deemed to be reasonable. And on the 2nd Circuit's account, **Congress has a strong voice in that determination.** On this reading **(Kerr pointed out to me) the 2nd Circuit echoes Justice Alito's concurrence in Riley v. California,** where he wrote of cellphones: [B]ecause of the role that these devices have come to play in contemporary life, searching their contents implicates very sensitive privacy interests that this Court is poorly positioned to understand and evaluate. Many forms of modern technology are making it easier and easier for both government and private entities to amass a wealth of information about the lives of ordinary Americans, and at the same time, many ordinary Americans are choosing to make public much information that was seldom revealed to outsiders just a few decades ago. In light of these developments, it would be very unfortunate if privacy protection in the 21st century were left primarily to the federal courts using the blunt instrument of the Fourth Amendment. Legislatures, elected by the people, are in a better position than we are to assess and respond to the changes that have already occurred and those that almost certainly will take place in the future. Determinations of what constitutes a "reasonable expectation of privacy" (and thus what constitutes a "search") are necessarily dependent on swiftly changing technology and social norms. According to Alito, **Congress, not the courts, is best suited to keeping up with those changes**, and its actions are probably be a better indicator of these norms than a judge's intuition. The 2nd Circuit's constitutional ruminations follow a similar logic, and they are therefore precisely directed toward the central question of the NSA challenges. A constitutional inquiry about whether 215 collection represents a search would, under Katz and Smith, need to assess whether a person maintains a reasonable expectation of privacy in that data. And to determine that, we would need to assess how "the availability of information to telephone companies, banks, internet service providers, and the like, and the ability of the government to collect and process volumes of such data" affects society's standard for a reasonable expectation of privacy. **And according to the 2nd Circuit, what Congress thinks and does represents a useful data point in making this assessment.** After all, explicit Congressional authorization of the 215 program both diminishes a person's expectation of privacy and reflects a societal non-expectation of privacy in the first place. When understood like this, the 2nd Circuit's constitutional ruminations aren't so odd after all.

ECPA CP

Neg

1NC

Text: The United States Congress should pass the Electronic Communications Privacy Amendments Act of 2015.

The CP solves and doesn't link to politics

Thomson 2/13 (Iain Thomson, an American philosopher and Professor of Philosophy at the University of New Mexico, undergraduate at the University of California, Berkeley, Ph.D. in philosophy at the University of California, San Diego, "Proposed US law could deal knockout blow to FBI in overseas cloud privacy ding-dongs", http://www.theregister.co.uk/2015/02/13/congress_gets_serious_data_protection_with_new_bills_to_overhaul_ecpa/, 2/13/15, 7/24/15, MEM)

The first piece of proposed legislation [PDF] is the Electronic Communications Privacy Amendments Act of 2015, submitted in the Senate by Senators Mike Lee (R-UT) and Patrick Leahy (D-VT) and in the House by Representatives Kevin Yoder (R-KS) and Jared Polis (D-CO). The bill would require cops and the Feds to show probable cause when seeking a search warrant to rifle through people's emails and other data. (California is mulling over a similar requirement.) Under today's rules, set back when Ronald Reagan was in the White House, deem that any email can be searched, with probable cause or not, provided at least 180 days have passed since the message was sent and received. "For too long now Americans' electronic communications have been subject to invasive and unwarranted searches based on laws written for the Apple 2, not the iPhone 6," said Rep. Jared Polis. "Today, a majority of the House of Representatives is standing up to say that the government has no more business reading your personal email than it does reading your physical mail. I look forward to working with my colleagues on both sides of the aisle to pass this bipartisan bill and make a reasonable expectation of privacy the law for all forms of communication." **The bill has strong support, with six Senate cosponsors and 228 members of the House of Representative – over half of the voting body**. If it passes, **President Obama would be unlikely to veto the legislation**, since the sponsors include some of his closest partners in Congress. "The bill we are introducing today protects Americans' digital privacy – in their emails, and all the other files and photographs they store in the cloud. It builds consumer trust, and it provides law enforcement agencies with the tools they need to ensure public safety," Sen. Leahy said. "**This is a bipartisan issue**, and now is the time to act swiftly to bring our privacy protections into the digital age."

2NC- CP = better precedent

Even with the passage of the USA Freedom Act, ECPA is key to reestablishing 4th amendment protection *(as well as bipartisan, coalitions, public, and business support)*

Calabrese 7/5 (Chris Calabrese, a graduate of Harvard University and holds a J.D. from the Georgetown University Law Center, vice president of policy at the Center for Democracy & Technology, served as legislative counsel at the American Civil Liberties Union's (ACLU) Washington Legislative Office, "Post USA Freedom Act: There's more to be done", http://www.ourmidland.com/opinion/editorials/post-usa-freedom-act-there-s-more-to-be-done/article_6676dd8c-7565-5ba4-8387-0158caae0784.html, 7/5/15, 7/24/15, MEM)

The Fourth Amendment protects us from "unreasonable searches and seizures" of our "persons, houses, papers and personal effects." The government can't inspect our mail or tap our phones our search our homes and offices without obtaining a warrant from a judge after showing probable cause to believe a crime is being committed. But unless ECPA is reformed to reflect modern realities, government agents will continue to assert the authority to search our communications and our private possessions without a warrant and without showing any evidence whatsoever that a crime has been committed. That's an

intolerable and completely unwarranted invasion of our privacy. It isn't what the law's authors intended, of course. But government agencies are taking advantage of ECPA's unintended consequences to evade constitutional checks on their powers. And as long as ECPA remains on the books as written, it no longer represents an unexpected assault on our liberty. It is an intentional one. Fortunately, members in both houses of Congress, led by Senators Mike Lee and Pat Leahy, and Representatives Kevin Yoder and Jared Polis, have introduced legislation to reform ECPA, and restore Fourth Amendment protections to our online communications. **The ECPA Amendments Act** and Email Privacy Act, respectively**, would restore the law's original purpose to protect privacy in the ways we communicate, transact businesses, learn and recreate today by protecting emails and other communications** stored with third party service providers for any amount of time. Their legislation has broad, bipartisan support. It is backed by hundreds of members in Congress, including more than 270 House members. Outside the halls of Congress, conservatives, moderates and liberals, small and large businesses, labor unions, civil libertarians and former prosecutors all advocate reforms to an obsolete law that threatens the liberty and prosperity of the American people. Congress has regularly had to pass reforms to legislation that technology has rendered obsolete and vulnerable to exploitation by the executive branch. We're calling on ECPA to be next. Since our founding as a nation, Americans have insisted that we be secure in our persons and secure in our liberties. We made progress toward that end with the passage of the USA Freedom Act. **The next step is the reform of ECPA,** and re-establishing that neither changes in technology nor laws that have outlived their purpose can be allowed to infringe on Americans' privacy protections.

2NC- CP solves the aff

The Third Party Doctrine presents an arbitrary bright line- CP solves this ambiguity

Henderson 11 (Stephen E. Henderson, Associate Professor, Widener University School of Law. J.D., Yale Law School, 1999; B.S., University of California at Davis, 1995, "The Timely Demise of the Fourth Amendment Third Party Doctrine", page 44, 2011, 7/24/15, MEM)

This is not to say, however, that the Third Party Doctrine is without its champions, or at least without its champion. Professor Orin Kerr has defended the Doctrine for its ex ante clarity and for maintaining technological neutrality.39 "I do not think any of the many critics of the Doctrine fail to recognize that it is a wonderfully bright-line rule. But then it is always easy to craft an arbitrary bright line: Police can stop a person with black hair without suspicion, but require a warrant to stop anyone else. Of course there would still be some quibbles—what to do if the person is bald, or has on a hat that completely covers the hair—but for the most part the rule would be as wonderfully clear as it would be unjust. An even clearer rule would be akin to the Third Party Doctrine: Police can stop every person without suspicion. If two rules are equally wise, prudence dictates that we select the rule that is more clear. But when it is a rule's very arbitrary nature that allows avoidance of all hard questions, which is the case with the Third Party Doctrine, that clarity does little to commend it. Nor would it be less clear to have the opposite default: Police cannot access any record information without probable cause. Such a rule would be devastating to the legitimate needs of law enforcement, but it would be plenty clear. So, the options are (1) having a clear rule that devastates privacy, (2) having a clear rule dial devastates law enforcement, or (3) working out a rule that respects both.

2NC- Court fail/Congress solves (Thompson indicts, their solvency ev.)

Thompson flows neg- Supreme Court is the incorrect agent for institutional change- Congress and legislatures are key

Thompson 14 (Richard M. Thompson II, Legislative Attorney, "The Fourth Amendment Third-Party Doctrine," Congressional Research Service, June 5, 2014, https://www.fas.org/sgp/crs/misc/R43586.pdf, MEM)

From an institutional perspective, one might argue that **the courts are not the proper branch of the federal government to resolve privacy disputes related to information handed over to third-parties.** Once the Supreme Court outlaws, or significantly limits, a certain police practice, it "constitutionalizes" it, and only the Court or a constitutional amendment could overturn this decision. Instead, some argue that when creating rules that pertain to new technologies, **Congress and legislatures** generally, might **be best fitted to find the appropriate**

balance between privacy and security, while providing the necessary flexibility to change this rule as technology.

Congress legislation is key to reforming third party doctrine- overcomes judiciary jurisdiction

Thompson 14 (Richard M. Thompson II, Legislative Attorney, "The Fourth Amendment Third-Party Doctrine," Congressional Research Service, June 5, 2014, https://www.fas.org/sgp/crs/misc/R43586.pdf, MEM)

More recently, **various Members of Congress have sought to temper the reach of the third-party doctrine** with respect to transactional data. Several days after the Edward Snowden leaks became public. Senator Paul filed the "Fourth Amendment Restoration Act of 2013" (S. 1121) in an effort to "stop the National Security Agency from spying on citizens of the United States[.]"This bill would require that "[t|he Fourth Amendment to the Constitution shall not be construed to allow any agency of the United States Government to search the phone records of Americans without a warrant based upon probable cause."1'1" While dictating to the judiciary what the Fourth Amendment should and should not protect may be beyond Congress's constitutional power, 190 **Congress clearly can play a role in setting substantive and procedural limitations on government surveillance authorities**. For instance. Senator Paul has introduced a similar bill, the "Fourth Amendment Preservation and Protection Act of2013" (S. 1037), which would prohibit federal, state, and local government officials from accessing information relating to an individual held by a third party in a "system of records." **Other congressional measures would alter the third-party doctrine in a more targeted way.** Several location monitoring bills would**, for instance, prohibit companies from sharing their customers' location information unless the government obtained a warrant or one of several limited exceptions applied**.'^2

Eliminating the third party doctrine is unlikely but Courts concede Congress can engage and enact policy to solve better

Thompson 14 (Richard M. Thompson II, Legislative Attorney, "The Fourth Amendment Third-Party Doctrine," Congressional Research Service, June 5, 2014, https://www.fas.org/sgp/crs/misc/R43586.pdf, MEM)

Another possibility is for Congress to act. Justice Alito observed in *Jones* that "in circumstances **involving dramatic technological change, the best solution to privacy concerns may be legislative**" as "a legislative body is well situated to gauge changing public attitudes, to draw detailed lines, and to balance privacy and public safety in a comprehensive way."1 This argument that **Congress is best suited to address the nuanced policy questions that privacy and security entails** has been expressed by commentators as well. Like the courts, it appears unlikely that Congress would be willing to completely eliminate the third-party doctrine. On the other hand. Congress may be more inclined to engage in a subject-by-subject approach, in which Congress **limits the third-party doctrine in certain areas.** Congress provided statutory protection for telephone toll records in the pen register/trap and trace statute; for Internet metadata in the Stored Communications Act; and for video customer records in the Video Privacy Protection Act. **It could enact similar protection for other subject areas where non-content information is shared with companies as a necessary part of doing business.**

Thompson supports 2015 Amendment Act to the ECPA and solves lower court flaws- prefer recent evidence

Thompson 6/10 (Richard M. Thompson II, Legislative Attorney, "Stored Communications Act: Reform of the Electronic Communications Privacy Act (ECPA) – R44036," Congressional Research Service, http://biblio.pennyhill.com/stored-communications-act-reform-of-the-electronic-communications-privacy-act-ecpa-r44036/, 6/10/15, MEM)

In recent years, ECPA has faced increased criticism from both the technology and privacy communities that it has outlived its usefulness in the digital era and does not provide adequate privacy safeguards for individuals' electronic communications. In light of these concerns, various reform bills have been introduced in the past several Congresses, with three **major reform bills pending** in the 114th Congress. **The Electronic Communications Privacy Act Amendments Act of 2015** (S. 356, H.R. 283) and the Email Privacy Act (H.R. 699), almost identical in text, would, among other things, place both ECS and RCS providers under the same legal requirement; eliminate the current 180-day rule found in the SCA and require a warrant for emails no matter how long they have been stored or whether they have been opened; and remove the reliance on the definition of "electronic storage," which has confused the lower courts. Additionally, the Online Communications and Geolocation Privacy Act (H.R. 656) would make similar changes to the SCA. Some federal agencies, most prominently the Securities and Exchange Commission (SEC), which currently rely on their subpoena authority to access electronic communications, have argued that these bills would stymie their ability to conduct investigations as they have no legal authority to obtain a warrant. In response to this concern, both the Email Privacy Act and the ECPA Amendments Act include a rule of construction providing that nothing in these bills should be read to preclude the SEC or any other federal agency from seeking these records directly from a party to the communication, rather than the target's service provider.

Courts cannot be trusted Congress has the incentive to create laws to fix Smith v. Maryland

Baker 14 (Stewart Baker, the first Assistant Secretary for Policy at the United States Department of Homeland Security, "Smith v. Maryland as a good first-order estimate of reasonable privacy expectations", https://www.washingtonpost.com/news/volokh-conspiracy/wp/2014/05/04/smith-v-maryland-as-a-good-first-order-estimate-of-reasonable-privacy-expectations/, 5/4/14, 7/24/15, MEM)

Or take the most famous collection of third party data, the one that got this debate rolling – NSA's collection of the metadata for all calls touching the United States. Even there, actual intrusions into privacy were strictly limited. The government held a lot of data, but it conducted searches on fewer than 500 identifiers a year. All three branches of government imposed limits on NSA's actual access to the data. And Congressional reforms of the program are already being debated, with some changes nearly certain. None of this suggests a failure of democracy that requires the Supreme Court to step in and impose its own Procrustean definition of "creepy" on the country. It turns out that Smith v. Maryland provides a good first-order estimate of Americans' evolving expectations of privacy. And where it's wrong about those expectations, **it provides a powerful incentive for Congress** and the Executive **to bring the law into accord with Americans' expectations**.

Congress has the legitimacy to make effective reform- Courts presumption destroys this reform

Bagley 14 (Nicholas Bagley, Assistant Professor of Law, University of Michigan Law School, Harvard Law Review, Volume 127, Number 5, page 1286, "THE PUZZLING PRESUMPTION OF REVIEWABILITY", March 2014, 7/26/15, MEM)

As for policy, **Congress has the constitutional authority**, democratic legitimacy, and institutional capacity to make fact-intensive and value-laden judgments of how best to weigh the desire to afford private relief against the disruption to the smooth administration of public programs that such relief may entail. **Courts do not**. When the courts invoke the presumption to contort statutes that appear to preclude review to nonetheless permit it, they dishonor Congress's choices and limit its ability to tailor administrative and regulatory schemes to their particular contexts. The courts should end this practice. Where the best construction of a statute indicates that Congress meant to preclude judicial review, the courts should no longer insist that their participation is indispensable.

2NC- AT: CP links to politics

CP is popular-bicameral and bipartisan legislation

Rottman and McAuliffe 5/1 (Gabe Rottman is legislative counsel and policy director for the ACLU in Washington, D.C. Katie McAuliffe is federal affairs manager and executive director of digital liberty at Americans for Tax Reform, The State-Journal Register, "Gabe Rottman and Katie McAuliffe: Update to online privacy laws long overdue", http://www.sj-r.com/article/20150501/OPINION/150509966/?Start=1, 5/1/15, 7/28/15, MEM)

A bipartisan group of senators introduced the ECPA Amendments Act of 2015 earlier this year, which would solidify Fourth Amendment protections on the web for all Americans and their communications. The bill no longer would afford government officials the power to snoop through citizens' personal correspondence and documents stored on the Internet without a warrant. Companion legislation in the U.S. House also seeks to strengthen constitutional privacy rights online. The Email Privacy Act already has garnered significant support in the House, including more than two-thirds of Republicans and some Democrats. This bill, along with the ECPA Amendments Act of 2015, would grant documents in the cloud the same protections given to those stored in a file cabinet or desk drawer. The ECPA was enacted to protect Americans and their personal emails. Though the law was unable to keep pace with technological innovation, its intent to safeguard Americans' privacy in the digital space was right. For that reason, Congress must update the law to meet the needs of an ever-changing technological age. Democratic U.S. Sen. Dick Durbin understands the importance of extending privacy rights online, and we appreciate his support in this effort. We urge Republican U.S. Sen. Mark Kirk to follow his lead and support these important reforms by cosponsoring the ECPA Amendments Act. Updating this antiquated law is within reach this Congress. With the support of advocates, small businesses, startups, major corporations and lawmakers in Congress, updating the ECPA is an action every American can support. In a time when most people keep their important information a few finger taps away, the last thing that should be of concern is whether the government is able to pry into our privacy online. **Congress must pass bipartisan ECPA reform legislation and finally provide Americans the privacy protections established by the Constitution** — online and offline.

CP has momentum now, bicameral bipartisan support, and Obama isn't the key actor- the bill is sends a strong signal to voter and other countries

Gross 3/11 (Grant Gross, Washington, D.C., correspondent for IDG News Service, "Tech groups renew push for cloud, email privacy protections", http://www.pcworld.com/article/2895592/tech-groups-renew-push-for-cloud-email-privacy-protections.html, 3/11/15, 7/28/15, MEM)

While bills introduced in Congress during the last five years failed to pass, **members of the ECPA reform coalition said they're optimistic about legislation passing soon. Momentum for changing ECPA has been building in Congress**, Chris Calabrese, senior director for policy at the Center for Democracy and Technology, said during a briefing for the media and for congressional staff. A Senate bill, the Electronic Communications Privacy Act Amendments Act, has 17 co-sponsors since it was introduced in early February, and a House of Representatives bill introduced at the same time, the Email Privacy Act, has 249 co-sponsors. With more than half of the House co-sponsoring the bill that "sounds like an easy path to me" McAuliffe said. ECPA reform bills in past sessions of Congress have run into some opposition from the U.S. Securities and Exchange Commission, which conducts investigations using subpoenas but has no warrant-seeking authority. The SEC's concerns are minor, given that the agency generally seeks documents direct from the subjects of its investigations, countered David Lieber, senior privacy policy counsel for Google. Other U.S. agencies, including the Department of Justice and FBI, have voiced support for the proposed changes to ECPA in recent years, and the proposed changes have broad support in the tech industry and across political lines, coalition members said. After a year and a half of revelations about surveillance programs at the U.S. National Security Agency, ECPA reform is a step Congress could take to show voters, and other countries, that it is concerned about electronic privacy, Lieber added.

CP has been approved by the Judiciary Committee and is gaining more support

McNary 3/25 (Josh McNary, a marketing technologist, an organizer for Startup Weekend Cedar Rapids/Iowa City and council member for Cedar Rapids' Vault Co-working & Collaboration Space, "Email privacy loophole has an easy fix", http://thegazette.com/subject/opinion/guest-columnists/email-privacy-loophole-has-an-easy-fix-20150325, 3/25/15, 7/28/15, MEM)

The government cannot tap our phones, read our mail or search our homes or offices without a warrant supported by probable cause to believe a crime is being committed. But government agents can access anything we store with service providers or in the

cloud for more than 180 days without a warrant. Senators Patrick Leahy (D-Vermont) and Mike Lee (R-Utah) have created bipartisan legislation to stop it. Their reforms constitute a long overdue correction to law that will ensure our privacy remains intact as technology continues to advance. The bill would require government agencies to go before a judge and obtain a search warrant before gaining access to private communications and records, just as they would were those records stored in an office file cabinet. **The Leahy-Lee bill has strong bipartisan support in Congress.** It was approved by the Senate Judiciary Committee early in the last Congress. It is supported by a broad coalition. Almost everyone familiar with the issue is confident we can restore Americans' right to privacy without compromising government's ability to enforce laws, regulations, and investigate criminal activity. The Senate should call up and vote on the Leahy-Lee legislation early in the new Congress. As chairman of the Senate Judiciary Committee, Iowa's Senator Chuck Grassley can be important to ensuring that Iowans are secure in our constitutional rights. By doing so, Iowa startup and existing businesses can innovate and grow without fearing government intrusions into their private lives or those of their customers.

Obama isn't the one pushing the bill- Leahy and Lee have rallied a critical majority of Reps and persuading Senators

Lee 2/4 (Mike Lee, US senator for Utah, "Speeches Protecting Email Privacy", http://www.lee.senate.gov/public/index.cfm/2015/2/protecting-email-privacy, 2/4/15, 7/24/15, MEM)

The Lee-Leahy ECPA Amendments Act of 2015 prohibits an electronic communications or remote computing service provider—like Gmail or Facebook or Twitter—from voluntarily disclosing the contents of customer emails or other communications. It eliminates the ambiguous and outdated "180 day rule" that some government agencies believe grants them warrantless access to the content of older emails. Instead, **all requests for the content of electronic communications would require a search warrant based on probable cause.** And law enforcement agencies would be required to notify, within 10 days, any persons whose email accounts are searched, subject to some logical exceptions. This legislation is also carefully crafted so that it does not impede the ability of law enforcement agencies to conduct investigations. Routing information, customer names, session time records, and other non-content information will still be available through subpoenas. The bill also contains a rule of construction allowing government access to internal corporate email when the communications are *to* or *from* an officer, agent, or employee of a company that is acting as the electronic communications service provider for its own internal email system. I am pleased to say that our bill enjoys broad support from the technology industry, privacy advocates, constitutional scholars, and policy groups on both ends of the ideological spectrum. The Leahy-Lee ECPA Amendments Act of 2015 is truly bipartisan in nature. The Senate bill has 6 additional cosponsors: Republican Senators Cornyn, Moran, and Gardner; and Democratic Senators Shaheen, Merkley, and Blumenthal. The House version of ECPA has 228 additional cosponsors – a critical majority. By working together, as a Democrat from Vermont and a Republican from Utah, we hope that all senators will join us to pass this meaningful and bipartisan legislation that benefits all Americans. **Congress should pass ECPA reform this year**, and President Obama should sign these important privacy reforms into law.

CP is popular- Dems and Reps from both houses are on board

Robinson 2/5 (Teri Robinson, Associated Editor, "Bicameral, bipartisan seeks to modernize electronic privacy law", http://www.scmagazine.com/amendments-to-1986-ecpa-would-require-warrants-court-order/article/396493/, 2/5/15, 7/28/15, MEM)

"In the nearly three decades since ECPA became law, technology has advanced rapidly and beyond the imagination of anyone living in 1986," Lee said. "The prevalence of email and the low cost of electronic data storage have made what were once robust protections insufficient to ensure that citizens' Fourth Amendment rights are adequately protected." David LeDuc, senior director of public policy at the Software & Information Industry Association (SIIA), noted in a blog post that current law "is failing to provide a legal framework for the 21st Century." The privacy protection standards differ for digital communications stored at a target's house versus in a provider's servers. "If government entities want to access your email and communications on your computer in your house, they need to get a warrant," he wrote, "but if they want to access the same information stored remotely "in the cloud," by a company like Google, Facebook or

others, the standard is much lower." **The amended act, "would level the playing field for cloud computing by establishing a warrant requirement" for law enforcement to obtain content from service providers** that hold "private electronic messages, photos and other personal records, like Gmail or Facebook," LeDuc said. If passed into law, the legislation would indeed protect the confidentiality of electronic communications described by section 2703(a) of the act and prohibit government from seeking or forcing disclosure of digital communication content without a warrant issued by "a court of competent jurisdiction directing the disclosure." In other words, law enforcement and government would have to "show the court there is probable cause to believe that the sought-after records may reveal evidence of wronging," wrote LeDuc. The amended bill also clarifies the terms under which a carrier is to disclose information regarding customer communications as well as specifies when law enforcement can delay notification of a search warrant beyond the 90-day or 180-day period (notification requirements vary depending on the law enforcement agency or government entity involved). The amended ECPA bill comes on the heels of a bipartisan effort in the House sponsored by Rep. Zoe Lofgren, D-Calif., Rep. Suzan DelBene, D-Wash., and Rep. Ted Poe, R-Texas, that resurrected **a bill that would require government agencies to obtain a search warrant — after showing probable cause — before intercepting electronic communications such as email and geolocation information or compelling disclosure of that data**.

CP is popular- bill successfully past the Senate Judiciary Committee and private companies support the bipartisan bill- failure to pass send a strong global signal

Jaycox 1/23 (Mark Jaycox, a Legislative Analyst, studied political history and technology at Reed College and University of Oxford, a Contributor to ArsTechnica, and a Legislative Research Assistant for LexisNexis, "Seventy Public Interest Organizations and Companies Urge Congress to Update Email Privacy Law", https://www.eff.org/deeplinks/2015/01/more-x-public-interest-organizations-and-companies-urge-congress-update-email, 1/23/15, 7/28/15, MEM)

EFF, along with more than sixty civil liberties organizations, public interest groups, and companies sent two letters to the House and Senate leadership today. One supported the upcoming bipartisan Email Privacy Act by Reps. Kevin Yoder and Jared Polis, and the other supported the upcoming Electronic Communications Privacy Act Amendments Act by Sens. Mike Lee and Patrick Leahy. The bills aim to update the Electronic Communications Privacy Act (ECPA), an archaic law that's been used by the government to obtain emails without getting a probable cause warrant. The bills are common sense bipartisan bills that help to codify current judicial decisions regarding the privacy of your personal online communications. The letters are part of a larger push from the Digital Due Process Coalition to pass the two bills. Last year, the Email Privacy Act in the House has over 270 cosponsors, while the Senate bill successfully made it past the Senate Judiciary Committee. Both bills will codify the precedent set by the Sixth Circuit, which ruled in *US v. Warshak* that users have a reasonable expectation of privacy in their email. The bills ensure the government must obtain a warrant in all contexts before it looks at your private online messages. The coalition letters urge congressional leaders to quickly move on both bills. The letters also encourage passing the bills since... [S]uccessful passage of ECPA reform sends a powerful message–Congress can act swiftly on crucial, widely supported, bipartisan legislation. **Failure to enact reform sends an equally powerful message**–that privacy protections are lacking in law enforcement access to user information and that constitutional values are imperiled in a digital world. Signers include the American Civil Liberties Union, Microsoft, Google, Apple, the Business Software Alliance, Dropbox, Freedomworks, the Electronic Frontier Foundation, and others.

2NC- Plan links to politics

Judicial review and presumption destroys agency and agenda of Congress

Bagley 14 (Nicholas Bagley, Assistant Professor of Law, University of Michigan Law School, Harvard Law Review, Volume 127, Number 5, page 1287, "THE PUZZLING PRESUMPTION OF REVIEWABILITY", March 2014, 7/26/15, MEM)

As for policy considerations, judicial review might improve the fairness, quality, and legality of agency decision-making. But it also introduces delay, diverts agency resources, upsets agency priorities, and **shifts authority within agencies toward lawyers and away from policymakers**. Congress has the constitutional authority, democratic legitimacy, and institutional capacity to understand and to trade off these competing values. **Courts do not**. **Nor is there reason to think that the presumption allows courts to better capture Congress's intent**. The presumption is sometimes thought to provide a stable backdrop against which to legislate: Congress knows that it must state its intent to preclude review in clear terms and drafts accordingly. The available evidence, however, lends no support for the assumption that Congress is aware of the presumption or keeps it in mind when writing statutes. In fact, the evidence suggests the contrary.

Court presumption fucks with Congress's ability to pass legislation- Disabled veterans prove

Bagley 14 (Nicholas Bagley, Assistant Professor of Law, University of Michigan Law School, Harvard Law Review, Volume 127, Number 5, page 1288, "THE PUZZLING PRESUMPTION OF REVIEWABILITY", March 2014, 7/26/15, MEM)

The absence of support for the presumption of reviewability is not just an academic concern. As Justice Frankfurter put it seventy years ago, "engrafting upon remedies which Congress saw fit to particularize . . . impliedly denies to Congress the constitutional right of choice in the selection of remedies."11 Dishonoring Congress's choices limits its ability to tailor its administrative and regulatory schemes to their particular contexts. For one example, consider the Department of Veterans Affairs (VA), which is charged with dispensing disability benefits to wounded veterans.12 Congress had for many years barred veterans who were denied disability benefits from seeking judicial review. The absence of review was thought to be an essential feature of an efficient, easy-to-navigate, and nonadversarial process for resolving disability claims. Although the system appeared to work well, the federal courts repeatedly invoked the presumption of reviewability to avoid the statutory bar — even after Congress tightened the language to confirm its desire to foreclose judicial review. Finally, in 1988, a frustrated Congress relented to the courts' insistence and subjected disability claims to court review. Twenty-five years later, the process for reviewing disability claims is in shambles. Because of the demands of judicial review, disability decisions have swelled in length and intricacy. Far from simple and nonadversarial, the process has become "complex, legalistic, and protracted."13 That has in turn frustrated the VA's efforts to quickly process new claims — an especially troubling development given the surge in disability claims arising from the wars in Iraq and Afghanistan. A backlog of about 600,000 unresolved disability claims has provoked widespread public condemnation.14 The presumption's continuing vitality is especially startling when **viewed alongside the Supreme Court's marked tendency across an array of doctrinal contexts** to narrow the range of disputes that it is willing to hear.'5 Among other things, **the Court has resisted the implication of private rights of action**,16 ratcheted up civil pleading standards," limited habeas suits,'8 restricted standing,'9 and curbed class actions.20 Yet the presumption of reviewability is alive and well, as the Supreme Court vividly demonstrated in the recent case involving EPA.

2NC- AT: Perm do the CP

1. Severs out of the agent of the plan (judiciary branch)

2. Severs out of "presume"

Oxford Dictionaries 7/5 (Oxford Dictionary, dictionary, definition of presume, 7/5/15, 7/25/15, MEM)
Presume: Unjustifiably regard (something) as entitling one to privileges

Should means an obligation or duty

Oxford Dictionaries 7/5 (Oxford Dictionary, dictionary, definition of presume, 7/5/15, 7/25/15, MEM)
Should—1. Used to indicate obligation, duty, or correctness, *I think we should trust our people more.*

3. Severance is a voter

a. Moving Target: Aff becomes a moving target for the Neg, as they can always sever parts of their plan that linked to our DAs

b. Destroys distribution of resources: there are no arguments that the Neg can read that the Aff cannot sever out of which makes it impossible to debate as Neg

c. Kills clash: destroying the dialectic of proof and rejoinder---that's key to other-oriented persuasion, because only through clash can we garner the critical thinking skills necessary for persuasion

d. Advocacy skills: The Aff is constantly changing its plan which means it is going against the inherent properties of debate- the aff has to stick with one plan and go with it. Severance erodes the stability of their advocacy. The impact is advocacy skills and their ability to defend controversial ideas.

e. functionality competition : the perm cannot function. Functionality is bad because it allows for unpredictable limits. Being allowed to change anything in the plan and how it gets implemented gives the neg way too much ground and it allows for an uneducational and unfair debate which, limits clash and ruins policy debate.

f. Textual competition: is good because it allows for the best policy to be implemented. Changing the wording of the plan for the best policy creates a more educational debate which allows for more clash and a more fair debate.

4. Congress is the key to effective change over the third party doctrine- courts can't resolve privacy disputes related to third-parties

Thompson 14 (Richard M. Thompson II, Legislative Attorney, "The Fourth Amendment Third-Party Doctrine," Congressional Research Service, June 5, 2014, https://www.fas.org/sgp/crs/misc/R43586.pdf)
From an institutional perspective, one might argue that **the courts are not the proper branch of the federal government to resolve privacy disputes related to information handed over to third-parties.** Once the Supreme Court outlaws, or significantly limits, a certain police practice, it "constitutionalizes" it, and only the Court or a constitutional amendment could overturn this decision. Instead, some argue that when creating rules that pertain to new technologies, **Congress and legislatures** generally, might **be best fitted to find the appropriate balance between privacy and security, while providing the necessary flexibility to change this rule as technology**.

2NC- AT: Perm do both

This perm is incoherent in what a world would look like with the CP and Plan

1. Only Congress legislation can produce effective reform the 3rd party doctrine by protecting privacy in communications, transact businesses, and data collection- Calabrese evidence

2. Judicial presumption would distort agency and flexibility of Congress to pass legislation and promote false faith in judicial power

Bagley 14 (Nicholas Bagley, Assistant Professor of Law, University of Michigan Law School, Harvard Law Review, Volume 127, Number 5, page 1330, "THE PUZZLING PRESUMPTION OF REVIEWABILITY", March 2014, 7/26/15, MEM)
When courts invoke the presumption of reviewability to twist a statute that would otherwise have been read to preclude review, the additional review will distort the system of remedies that Congress meant to establish. Unwarranted review may introduce delay, divert agency resources, and limit agency flexibility.254 It may increase the relative influence of lawyers in agency decisionmaking.251* It may encourage agencies to rely more heavily on guidance documents, which are relatively difficult to challenge in court.260 And it may foster a faith in what Merrill has called "a major trope of modern administrative law: Judicial review cures all."261

Aff

Court = key

Supreme Court is key to dismantle the third party doctrine

Lamparello 3/3 (Adam Lamparello, Assistant Professor of Law, Indiana Tech Law School, "ONLINE DATA BREACHES, STANDING, AND THE THIRD-PARTY DOCTRINE", Page 123-124, 3/3/15, 7/24/15, MEM)
Recently, however, the Court has called into question the continuing viability of the third-party doctrine. In United States v. Jones,23 the Court held that the government's use of a GPS tracking device to monitor a suspect's whereabouts on public roads for twenty eight days constituted a search under the Fourth Amendment.24 Although the Court was divided over whether the search was an unlawful trespass or an infringement of privacy, five Justices suggested that the length of the surveillance violated a societal expectation of privacy, notwithstanding the fact that the suspect's vehicle was traveling on public roads and readily observable.25 Furthermore, in her concurrence, **Justice Sotomayor directly questioned the validity of the third-party doctrine, including "the premise that an individual has no reasonable expectation of privacy in information voluntarily disclosed to third parties**."26 Likewise, in Riley v. California?1 the Court held that, in the absence of exigent circumstances, law enforcement may not search the contents of a suspect's cell phone without a warrant and probable cause."8 The Court relied on the fact that, unlike finite objects such as plastic containers or crumpled cigarette packs, cell phones store volumes of private information, such as photographs, financial documents, and emails.29 In both cases, the Court could have applied the third-party doctrine and held that citizens have no expectation of privacy in their public movements or outgoing calls. By doing the opposite and focusing on a societal—rather than subjective expectation of privacy, **the Court suggested that the third-party doctrine may be on its last legs**.

Judicial presumption is key to setting protecting property and liberty interests

Bagley 14 (Nicholas Bagley, Assistant Professor of Law, University of Michigan Law School, Harvard Law Review, Volume 127, Number 5, page 1317, "THE PUZZLING PRESUMPTION OF REVIEWABILITY", March 2014, 7/26/15, MEM)
Second, the presumption of reviewability comes into play even where no protected property or liberty interests are at stake. A recent decision from the D.C. Circuit, Council for Urological Interests v.

Sebelius.1*4 is illustrative. A group of urologists had challenged a Medicare regulation that limited the circumstances under which hospitals could secure payment for radiological services.185 Because urologists routinely contract to receive a portion of hospitals' Medicare payments, the urologists feared that they would lose money. But the urologists could not raise their complaint about hospital reimbursement through administrative avenues that were open only to hospitals. Although the Medicare statute clearly provides that administrative exhaustion is a jurisdictional prerequisite to securing judicial review, 186 the D.C. Circuit invoked the presumption of reviewability and blessed the urologists' effort to go straight to court.187

Supreme Court key to build adaptable legal framework

Price 15 (Michael, Serves as counsel for the Brennan Center's Liberty and National Security Program, previously the National Security Coordinator for the National Association of Criminal Defense Lawyers, former student research director for NYU's Center on Law and Security, an intern with the Department of Justice Civil Rights Division, a symposium editor for the Journal of International Law and Politics, and a student advocate in NYU's International Human Rights Clinic, J.D. from NYU School of Law and a B.A. from Columbia University in Political Science and Middle East & Asian Languages and Cultures, "Rethinking Privacy: Fourth Amendment 'Papers' and the Third-Party Doctrine", 8 Journal of National Security Law and Policy, http://jnslp.com/wp-content/uploads/2015/06/Rethinking-Privacy.pdf, 2015, 7/25/15, MEM)

Given this context, **it is imperative that the Supreme Court establish new rules for government access to third-party records**.164 Property law and the antiquated trespass doctrine are not promising springboards. The "reasonable expectations" framework is likewise prone to error whenever new technology is involved. Although both approaches continue to provide some measure of protection against traditional methods of search and seizure, they have also struggled to respond to the realities of the digital age. Instead, the Court might want to consider a new paradigm for the information age, another OlmsteadKatz moment.165 This is call not a to abandon the property-oriented and reasonable expectation tests. It makes sense to talk about home searches in terms of property rights, for example. At the same time, situations that do not involve physical trespass into the home may remain subject to the Katz analysis.166 When it comes to data privacy, however, the Court may want to consider a third way that will co-exist with and complement existing approaches.167

The Supreme Court is the best branch to protect individual rights

Friedman 12 (Leon Friedman, Law Professor, Hofstra Law School, "The Supreme Court vs. Congress", http://www.huffingtonpost.com/leon-friedman/the-supreme-court-vs-cong_b_1561123.html, 10/4/12, 7/25/15, MEM)

The power of the Supreme Court to protect individual rights from Congressional encroachment seems unquestioned. That surely is its prime function, to ensure that the other branches of government do not violate the Bill of Rights protecting the people. A second category of cases involves the Court's function as arbitrator among the branches of government. One of the key protections of freedom in the Constitution is the structural separation of powers among the three branches. Congress must pass laws, the president must execute them, and the courts must interpret those laws. If one branch encroaches on the authority of others, there is a danger that such encroachment will upset the balance of power between them and increase the possibility of one branch dominating the others. Thus the Court acts as the umpire, not calling balls and strikes, as Chief Justice Roberts stated during his nomination hearings, but insuring that each branch stays on its own turf, as Sen. Sam Ervin once said in an argument before the Court. Thus last year, the Court invalidated a provision of the Sarbanes-Oxley law that restricted the president's power to remove members of an investigatory board created under that law. The third area involves the most questionable use of Supreme Court power. The Court assumes the power to say to Congress, not that it violated anyone's rights or that it passed a law that crossed the line that separated one branch of government from another, but simply that Congress lacked the power to act. States have the power to pass any law they choose (subject to both state and federal constitutional restraints). But when Congress passes a law, it must rely on specific grants of power contained in Article I, Section 8 of the Constitution.

CP links to Politics

CP links to politics

Doherty 2/13 (Brian Doherty, senior editor at Reason magazine, "Congress Trudges Ahead on Perhaps Honoring the Fourth Amendment", http://reason.com/blog/2015/02/13/congress-trudges-ahead-on-perhaps-honori, 2/13/15, 7/25/15, MEM)

Federal lawmen whine that law enforcement might be *hard* with scrupulous attention to the Fourth Amendment: In hearings on Capitol Hill and in letters to members of Congress, government officials have warned that the bill would hamper civil and criminal investigations, especially for certain agencies such as the Securities and Exchange Commission, which does not have warrant authority, only subpoena authority. Mary Jo White, chairwoman of the SEC, gave an example of an investigation in which authorities were able to obtain a critical piece of evidence by subpoenaing the personal emails of an employee even though he lived in Canada, where the emails would otherwise have been unattainable under Canadian law.... The White House did not respond to a request for comment on the legislation. That the executive branch doesn't understand the implications and language of the Fourth Amendment well enough to short circuit this long, long debate is disgraceful. **Back in 2013, the Obama administration at least rhetorically indicated they'd be open to some email privacy sanity, but have been reluctant to act unforced by Congress apparently. A long record of Reason keeping an unhappy eye on ECPA and email privacy issues.**

Aff doesn't link to politics

Congress favors judicial review presumption- better quality of agency decision-making

Bagley 14 (Nicholas Bagley, Assistant Professor of Law, University of Michigan Law School, Harvard Law Review, Volume 127, Number 5, page 1319, "THE PUZZLING PRESUMPTION OF REVIEWABILITY", March 2014, 7/26/15, MEM)

The point could also be framed in functional, nonconstitutional terms. By increasing the likelihood of judicial review, the presumption may enhance agency accountability, improve the quality of agency decision-making, and legitimize governmental action. Because judicial review is such a good thing — something any reasonable Congress would usually want — it's appropriate to construe federal statutes to permit such review.197 As such, the presumption would reflect a convention in our legal and political culture favoring judicial review of administrative action.198 In Professor Louis Jaffe's words, u[t]he availability of judicial review is the necessary condition, psychologically if not logically, of a system of administrative power which purports to be legitimate, or legally valid."199

SCOTUS shields the link

Owens et al 2013 (Assistant Professor in the Department of Political Science, University of Wisconsin, Madison, "How the Supreme Court Alters Opinion Language to Evade Congressional Review." Journal of Law and Courts 1.1 (2013): 35-59. http://www.uky.edu/~jpwede2/JLC.pdf)

Taking our cue from these studies, we suggest that justices use opinion language as an instrument to protect their decisions from hostile legislative actors. Justices are policyseeking actors who want their opinions to reflect their personal policy preferences. They therefore must predict and anticipate how the political branches will react to their rulings, and attempt to protect those rulings from legislative rebuke. Obfuscation in Court opinions can depress the probability of legislative rebuke by deterring Congress from pursuing (costly) review and, thereby, **shield the Court's decisions**. Obfuscating the Court's opinions by making them less readable may expose some of Congress's weakness, such as members' scarcity of time and resources and their collective action problems. Congress has finite resources and time. Members, therefore, must make tradeoffs in the legislative process—tradeoffs that generally lead them to pursue simple measures that produce immediate electoral payoffs. Members of Congress are elected with broad political platforms and general policy goals. But once they arrive in Washington, they find themselves seeking answers to complex questions. Even the simplest problems require information and resources that members may not have. Hall and Deardorff (2006), for example, show that interest groups are necessary for Congress to operate. They provide policy information to otherwise information-starved members, helping to fill the void for a Congress that has neither the policy information to do its job effectively nor the time to collect such information. Likewise, Cox and McCubbins (1993) explain how members must use parties to overcome

their collective constraints. And, while interest groups and party leaders can help members overcome some constraints, they do not always lead them to obtain their goals. Put plainly, Congress has scarce time and resources to accomplish what all 535 members desire. The significant costs imposed on members to pass legislation **often lead them to avoid difficult issues**. For example, action in the Senate is often stymied by opportunity costs. Reflecting on these costs, Senate Majority Leader Harry Reid (D-NM) once stated: "there isn't enough time in the world – the Senate world, at least – to move cloture on every one of these [filibustered issues]" (Wilson and Murray 2010). Similarly, scholars emphasizing the role of party organization in the House have argued that scarce time for floor debate and the need to overcome collective action problems is a persistent problem (Cox and McCubbins 2005). Combined with the ubiquitous need to generate benefits for constituents and to claim legislative successes, there is a premium on the time and resources of House members. Furthermore, across both chambers, the shrinking numbers of committee staffers makes it harder for Congress to gain substantive knowledge over matters that require expertise, thus further degrading Congress's ability and desire to understand effectively and legislate on complex issues. As Lee (2010) explains, "over the last two decades there has been a decline of committee staffing levels. . . A significant share of the new leadership office staff has been dedicated to 'war room,' political, and 'message' activities rather than to substantive policy expertise" (228). This reduction in staff, coupled with other changes, has made Congress "less serious and substantive as a policymaking institution" (228).4 The combination of scarce resources and time, the need to obtain immediate benefits, and collective action problems leaves members little choice but to focus predominately on the simplest legislative issues. Obfuscated Court opinions can generate heightened review costs and thereby deter congressional responses. To understand complex and obscure Court decisions, Congress must expend additional—and scarce—resources. A member who wishes to alter the Court's policies or otherwise punish the Court must examine the central logic and tenets of the Court's opinions and may even need to examine how the opinion compares to others written in the past by the Court. In some cases, the Court's opinion may be clear. In those cases, members may easily internalize the degree to which they favor the political content of the majority opinion. Yet, the Court also has the ability to obfuscate opinions by making them less readable. In those instances, the heightened legislative costs required to address the opinion may increase. By writing a less readable opinion, justices might craft a desired judicial policy while simultaneously deterring a legislative response by making it more difficult for Congress to address it. To be clear, we are not arguing that Congress can never override obfuscated Supreme Court decisions. There are certainly examples in which Congress reversed such Court decisions (Eskridge 1991). Rather, we argue that opinion obfuscation affects the costs necessary for Congress to take up the issue and undo the Court's decisions. By writing such opinions, the Court may dull the edges of their decisions, making the public presentation of the outcome less transparent and, therefore, more difficult for members to understand, frame, and attack. And, while Congress can rely on outside groups to learn about the Court's decisions, those groups must first obtain access to members, no easy task in itself. They also must overcome similar information constraints and then convince a majority of members in each chamber. Simply put, even when interest groups participate, hurdles still arise.

Lobbying groups favor judicial review presumption and Congress uses court rulings

Hall 14 (Kermit L. Hall, Dean of the College of Humanities and Executive Dean of the Colleges of the Arts and Sciences, Professor of History and Law at The Ohio State University, he was the Editor-in-Chief of The Oxford Companion to the
Supreme Court of the United States, an expert in American constitutional and legal history, page 443-444, "Judicial Review and Judicial Power in the Supreme Court: The Supreme Court in American Society", 7/22/14, 7/27/15, MEM)
To reject this view of group choice for a "strong" Chevron, it is not necessary to reject altogether the view that groups are intended to be the beneficiaries of statutes that create agencies. Groups may be successful in getting a law passed **but yet want the court to play an active role in deciding ambiguous cases.** Even where the original deal gives the group a benefit, there is no guarantee that the agency will interpret the ambiguous cases in its favor. State banks were quite successful in getting Congress to enact a statute limiting the branching opportunities of national banks. But the responsibility for interpreting the branching statutes was review not to enforce the original deal, or simply to get the benefits of a regulatory enactment, but to resist all implementation efforts by the agency.136 Indeed, it is difficult to detect group legislative efforts to cut back generally on judicial review. Perhaps where the group is totally controlling the regulatory scheme that might be an option.137 Yet **Congress has rarely reversed a Supreme Court ruling that generally expands the scope or**

availability of judicial review of agency action on questions of law.[138] **Group lobbying in Congress suggests some support for aggressive judicial review.**[139]

Perm do both

Perm do both solves- Judicial presumption increases Congress's accuracy of decisions- Its Congress's job to strike the balance between the unequal values

Bagley 14 (Nicholas Bagley, Assistant Professor of Law, University of Michigan Law School, Harvard Law Review, Volume 127, Number 5, page 1330, "THE PUZZLING PRESUMPTION OF REVIEWABILITY", March 2014, 7/26/15, MEM)

To be sure, application of the presumption may sometimes yield benefits: among other things, it could foster adherence to law, improve agency deliberation, and increase the accuracy of agency decisions. But when courts sidestep constraints on their reviewing authority, they upset the balance that Congress has struck between a host of incommensurate values. **It is Congress's role, not the courts', to strike that balance.** Whatever the countervailing benefits might be, Congress judged that the costs outweighed them. The courts have no constitutional authority to revise that judgment and no epistemic basis for thinking they can make a better one.264

Congress can decide, whether opening the courts to those aggrieved by agency action strikes the appropriate balance between competing concerns of fairness--no reason the courts would disrupt Congress's power

AT: Court Advantage

NSA=Constitutional

NSA surveillance is constitutional and is kept with the Smith precedent.

Kalanges '14 [Summer 2014, Shaina Kalanges, a second-year law student at the Northern Illinois University College of Law and an Assistant Editor of the Northern Illinois University Law Review, "Modern Private Data Collection and National Security Agency Surveillance: A Comprehensive Package of Solutions Addressing Domestic Surveillance Concerns," http://www.lexisnexis.com.turing.library.northwestern.edu/lnacui2api/auth/checkbrowser.do?ipcounter=1&cookieState=0&rand=0.5574371441145679&bhjs=1&bhqs=1 DA July 25, 15]

On the other hand, Judge Pauley from the Southern District of New York delivered an opposite ruling in *ACLU v. Clapper*, nearly ten days after Judge Leon ruled in*Klayman*. [n64] Judge Pauley reasoned that the NSA could not achieve its objective of combating future terrorist attacks if it could not conduct a sweeping collection of every telephone record. [n65] Like Judge Leon, Judge Pauley described the querying system the NSA uses on surveillance targets. [n66] However, unlike Judge Leon, Judge Pauley discerned a greater purpose behind the queries and held that the system was constitutional and kept with the *Smith* precedent. [n67] Judge Pauley applied *Smith* to find that the communication records were already handed over to private companies by citizens who could not expect that the information could still be considered private to the individual.[n68] Judge Pauley took his analysis a step further and bolstered a need to keep FISC matters secret by citing historical deference to the executive when it comes to matters of national security. [n69] Judge Pauley dismissed the ACLU's claim and held that the program was meant to remain classified and unchallenged and that telephony metadata collection is constitutional. [n70]

Deference Good

Courts had been out of counterterrorism measures for too long--- can no longer interfere.

McCormack '14 [Winter 2014, Wayne McCormack, E.W. Thode Professor of Law, University of Utah, "U.S. Judicial Independence: Victim in the "War on Terror," http://www.lexisnexis.com.turing.library.northwestern.edu/lnacui2api/results/docview/docview.do?docLinkInd=true&risb=21_T22404265111&format=GNBFI&sort=RELEVANCE&startDocNo=1&resultsUrlKey=29_T22404265115&cisb=22_T22404265114&treeMax=true&treeWidth=0&csi=11961&docNo=6 DA July 29, 15]

Numerous American commentators have pointed out that courts tend to defer to the Executive during times of perceived emergencies, and most of the commentators carry at least the hope, if not the promise, that civil liberties will be restored when the crisis has passed. [n50] Specifically, long before 9/11, Justice [*315] William Brennan had acknowledged that the "Ship of State" may right itself as the crisis eases, but asserted that the ship would tend to founder again in the next crisis. [n51] Looking at the picture from the perspective of courts other than the United States, Professor Shimon Shetreet subscribes explicitly to the "ship of state righting itself" view: International Jurisprudence has shown in the beginning of this century, after the 9/11 attacks, complete acceptance of executive and legislative emergency measures against terror. However, in later years courts showed a very strict approach toward executive and legislative counterterrorism measures. The general pattern in most jurisdictions has been to broaden the scope of judicial review of executive decisions in matters of national security. [n52] Professor Shetreet rightly points to Canadian and U.K. court decisions striking down extrajudicial detention measures. [n53] Chief [*316] Justice Barak authored opinions for the Israeli High Court in cases involving torture [n54] and targeted killings. [n55] On the general issue of judicial **deference** in the face of terror threats, Barak commented: The security oriented character of administrative discretion restricted judicial review in the past. Judges are not members of the security establishment and they should refrain from interfering in security considerations. Over the years it has been held that security considerations are not unique insofar as judicial review is concerned. Judges are not administrators, yet the principle of separation of powers requires that they review the lawfulness of administrative decisions. In this regard, security considerations do not enjoy a different status. [n56] Optimism is welcome. And predictions of judicial recovery may well come to pass. But unfortunately, in the past decade, the U.S. Ship of State has been severely damaged and will require extensive repairs before it will set sail confidently again. As Justice Brennan said, the ship will founder again, but the question of the moment is whether it can even be righted in the short term.

Alt cause—Inevitable Discovery

Alt Cause--Inevitable discovery doctrine

Canter 9 (Elizabeth Canter; March 2009; J.D. 2008, University of Virginia School of Law; NOTE: A FOURTH AMENDMENT METAMORPHOSIS: HOW FOURTH AMENDMENT REMEDIES AND REGULATIONS FACILITATED THE EXPANSION OF THE THRESHOLD INQUIRY; Virginia Law Review; Lexis) jskullz

Some lower courts have held that an alternate line of an investigation, such as the parallel investigation that was proceeding in Williams, is a prerequisite to the applicability of the inevitable discovery doctrine. n109 In other jurisdictions, however, courts have held that "the inevitable discovery exception may be invoked in the absence of an ongoing, independent investigation." n110 In those circuits [*178] that have declined to require an alternate line of investigation, the inevitable discovery exception has the potential to overtake the rule itself. It can be used to justify an exception to the exclusionary rule wherever there is a conceivable manner in which law enforcement officers could lawfully observe the information.¶Moreover, some courts have liberally interpreted the Court's requirement that only "lawful" alternative means of discovering evidence provide a basis from which the prosecution can invoke the inevitable discovery exception. n111 The First Circuit has gone the furthest in this direction. n112 In United States v. Scott, a search of the defendant's vehicle lacked probable cause, and was thus held unconstitutional. n113 On the basis of the inevitable discovery doctrine, however, the First Circuit declined to exclude fruits discovered during the unconstitutional search. The court held that the police would have had probable cause to search had they been aware of statements that the defendant's confederate made simultaneously to fellow police officers. The confederate's statements were not admissible against the confederate himself since the police had failed to give the confederate required Miranda warnings, but the First Circuit held that the statements provided a sufficient basis to establish that the police would have inevitably discovered the contraband in the defendant's vehicle. The First Circuit reasoned that the defendant lacked standing to contest the constitutionality of his confederate's statements, n114 interpreting the requirement of inevitable discovery by legal means to exclude only those discoveries "unlawful as to a defendant." n115 The court held that "inevitable discovery may rely on an illegal action that did not violate the relevant defendant's personal rights." n116 While there is no consensus on the First Circuit's approach, this extension of the inevitable discovery doctrine has the potential to further erode the general applicability [*179] of the exclusionary rule and create avenues for police exploitation that substantially reduce Fourth Amendment barriers to prosecution.

SQuo solves

Status quo solves jurisprudence—strong protections now

Pesciotta 12 (Daniel T. Pesciotta; Fall 2012; J.D. Candidate, Case Western Reserve University School of Law; Note: I'm Not Dead Yet: Katz, Jones, and the Fourth Amendment in the 21st Century; Case Western Reserve Law Review; lexis) jskullz

The Fourth Amendment's goal of protecting citizen privacy "against unreasonable searches and seizures" n2 has been the major driving force behind much of the Supreme Court's Fourth Amendment jurisprudence. n3 As such, ever since the Court's seminal ruling in Katz v. United States, the Court has held that warrantless searches that encroach upon a citizen's reasonable expectation of privacy are unconstitutional. n4 Holding otherwise would "erode the privacy guaranteed by the Fourth Amendment." n5 [*189] ¶But despite the Court's long-established practice of protecting citizens' reasonable expectations of privacy, many commentators have expressed concern as to whether the reasonable expectation of privacy test developed in Katz will continue to adequately protect citizens' Fourth Amendment rights in this age of ever-advancing technology. One commentator argues that the reasonable expectation of privacy test "has proven more a revolution on paper than in practice and . . . as a result, courts . . . have rejected broad claims to privacy in developing technologies with surprising consistency." n6 Another argues that

"Katz was a ruling without substance" and that it has done "little to protect Fourth Amendment liberties." n7 Still other commentators argue that, in light of the privacy concerns raised by modern technology, the reasonable expectation of privacy test should be abandoned altogether. n8 Based on the tone of such commentary and the undeniably rapid advance of modern technologies, one might conclude that the death knell has already sounded for the reasonable expectation of privacy test. But contrary to such analysis, the state of the Court's Fourth Amendment jurisprudence is not as dire as some commentators make it out to be.¶This Note seeks to defend the reasonable expectation of privacy test and demonstrate that it more than adequately protects citizens' [*190] Fourth Amendment rights, even in the face of rapidly advancing modern technology. Despite heavy academic criticism of the reasonable expectation of privacy test, both Supreme Court and lower federal court cases provide little reason to worry that the test is ill suited for protecting citizens' Fourth Amendment rights. Indeed, just this past term the Court held that an unwarranted search using GPS tracking technology violated the Fourth Amendment. n9 Though Justice Scalia's majority opinion reached this conclusion by relying on fundamental concepts of trespass, n10 the concurrences of Justices Sotomayor n11 and Alito n12 strongly suggest that five justices are prepared to recognize that extensive, unwarranted GPS surveillance of a citizen violates reasonable expectations of privacy. n13 Most importantly, all nine justices ruled in favor of protecting the defendant's Fourth Amendment rights from an advanced technology. This holding, combined with the language of many of the Court's earlier Fourth Amendment decisions, demonstrates that the reasonable expectation of privacy test is more than capable of protecting citizens' Fourth Amendment rights from such technologies.¶Since the development of the reasonable expectation of privacy test in 1967, the Court has taken surprisingly few opportunities to rule on Fourth Amendment cases dealing with advanced technology. Before Jones in 2012 and Kyllo v. United States n14 in 2001, which dealt with infrared imaging, the most advanced technology the Court had dealt with in the Fourth Amendment context was aerial photography from airplanes in 1986 n15 and from helicopters in 1989. n16 This absence of Supreme Court precedent dealing with truly modern technology indicates that calls for Katz's demise are, at the very least, premature. It is no secret that the Court often takes its time before ruling on [*191] important issues, giving the issues time to percolate in the lower courts, and the Court seems to be adopting this approach here. n17¶Further, in the only two Fourth Amendment and technology cases the Court has heard during this century, Kyllo and Jones, the Court ruled in favor of the defendant and thus actually served to protect citizens' privacy--not erode it. This is more evidence of the Court's steadfast adherence to the importance of protecting the privacy of citizens and indicates that the Court will continue to apply the reasonable expectation of privacy test in a manner that protects citizens' Fourth Amendment interests from modern technology.

Links

Legitimacy Link

Legitimacy link/ link turn--deference

Dow Et al 8 (David R. Dow, Cassandra Jeu, and Anthony C. Coveny; Spring 2008Dow is a University Distinguished Professor, University of Houston Law Center, Jeu is a Deputy Director, Texas Innocence Network and Adjunct Professor, University of Houston Law Center, Coveny is an Assistant Professor of Political Science, Prairie View A&M University; ARTICLE:

JUDICIAL ACTIVISM ON THE REHNQUIST COURT: AN EMPIRICAL ASSESSMENT; St. John's Journal of Legal Commentary; lexis) jskullz

[*38] Because the phrase "judicial activism" means nothing, it cannot be coherently described, and because it cannot be coherently described, it cannot be measured empirically. Consequently, this Article does not attempt to measure it. Nor, for that matter, have other recent articles that have addressed judicial behavior truly attempted to measure judicial activism, even as they employ this phrase. n9 Therefore, what is actually studied in this and other scholarly articles is judicial deference, not judicial activism. n10 Deference refers to the tendency of judges to defer to the political branches (i.e., the legislative and the executive). Here, deference is measured simply by counting how often courts strike down acts of the legislature. A judge that upholds the action of a political branch against a constitutional challenge brought by an individual (or group of individuals) is being deferential; a judge who strikes down the action of the political branch is being non-deferential.¶ Of course, even though the term "judicial activism" is generally devoid of meaning, there is an obvious connection between what is referred to as judicial deference and what people ostensibly mean when they use the phrases "judicial activist" or "judicial activism." The connection has to do with judicial legitimacy. When a critic says that a judge is an activist or that a decision exhibits judicial activism, what the critic ordinarily means is that the judicial action is illegitimate - that the judge did something he or she ought not to have done. n11 In the context of constitutional adjudication, where a court is declaring an act of the executive or the legislature (federal, state, or other) unconstitutional, "illegitimate" ordinarily means that the court has wrongly thwarted [*39] the will of the majority n12 - that the court has substituted its will or judgment for the action of the legislature, the immediate representatives of the people. To take perhaps the most famous example in constitutional history, when critics argue that the decisions in Roe v. Wade n13 and its progeny exemplify judicial activism, the essence of the criticism is that the Roe line of cases illegitimately defies the political majority's efforts to place some restrictions on the right to choose an abortion. Legitimacy is therefore closely related to the so-called counter-majoritarian difficulty. n14 "Judicial activists" render decisions that are illegitimate because they wrongfully thwart the will of the majority by imposing their own beliefs on the populace. n15 Once the connection between the phrase "judicial activism" (or "activist") and decisions that thwart the will of the majority is acknowledged, the concept can then be measured empirically. Even though "judicial activism" does not describe a discrete methodology, the capacity exists to tally up the instances where judges overturn acts of the political majority, and the results of that calculation produce a body of data. n16

Circumvention Link

Plan gets circumvented—national security regime, bureaucracy, and value/incentive structure.

Dalal 14 (Anjali S. Dalal; 2014; J.D., Yale Law School; ARTICLE: SHADOW ADMINISTRATIVE CONSTITUTIONALISM AND THE CREATION OF SURVEILLANCE CULTURE; Michigan State Law Review; lexis) jskullz

Why is it that the evolution of the Attorney General Guidelines systematically promoted norms that prioritized national security over civil liberties and expanded the FBI's authority? In this Part, I argue that this phenomenon is the result of the agency's natural impulse towards mission creep. This instinct is a function of two separate conditions both operating in the

national security arena: a powerful and loosely defined mandate--preserving our national security--and the medieval structure of bureaucracy. These factors encouraged the creation of policies that rejiggered the balance between civil rights and national security needs in favor of national security.¶ A. Powerful, Loosely Defined Mandate¶ The mission of national security is at once so powerful and so vague that mission creep towards complete surveillance is only [*100] natural. After all, it is a Hobbesian reminder of the primary purpose of the state. The state exists to keep us safe from each other and from outsiders. If the citizenry cannot rest assured that their possessions, livelihoods, and lives are stable and secure, then the state has failed in its most fundamental duty. At the highest level, this mandate contains no limiting principles, and the determination of when our national security is threatened is solely in the hands of the executive charged with delivering on the mandate. Thus, while we may negotiate peacetime limitations on the authorities of law enforcement and intelligence gathering, when the security of the nation is called into question, those limitations are easily shrugged off and the mission expanded.¶ As existential threats to our national security increasingly become a way of life, the FBI is instinctively responding by expanding its mission and pursuing its mission more comprehensively. As Professor Peter Swire explains:¶ [A] more general reason why surveillance powers expand over time [is that] intelligence agencies get part of a picture but are unable to understand the entire picture and thus seek and receive additional powers, with the hopes that the additional surveillance capabilities will be more effective at meeting the goal of preventing harm before it occurs. n183¶ Thus it is in part the noble pursuit of a powerful but amorphous mandate that motivates mission creep.¶ The powerful and loosely defined mission also encourages mission creep in an attempt to avoid the public inquiry and blame game that often occur in the wake of an attack. Consider the response to the Boston Marathon bombing in 2013. The FBI was widely blamed for not keeping better tabs on one of the accused bombers, Tamerlan Tsarnaev, a legal, permanent resident of the United States. In early 2011, the FBI received a tip from the Russian government that Tsarnaev was growing increasingly radicalized in his practice of Islam. n184 In response, the FBI "checked U.S. government databases and other information to look for such things as derogatory telephone communications, possible use of online sites associated with the promotion of radical activity, associations with other persons of [*101] interest, travel history and plans, and education history," in addition to interviewing Tsarnaev's family members. n185 The investigation produced little actionable evidence. The FBI shared the information with Russian authorities and asked for additional information on Tsarnaev that might justify further investigation, but did not receive any information. n186¶ Despite the fact that the FBI followed protocol, the public and the press fixated on the fact that the FBI was aware of Tsarnaev's radicalization and yet did not prevent the attack in Boston. n187 The public's fear that the attacks represented a failure of the FBI was not allayed by the President's assurances that the FBI managed the situation with the utmost competence, both pre- and post-attack. n188 In a moment of fear, the public demanded 100% prevention, ignoring the fact that perfect prevention is difficult in a society that also protects civil liberties. n189¶ This post-attack blame game forces the Justice Department and the FBI to make a difficult decision: Do they aggressively and potentially unconstitutionally expand their vague mandate to include the prevention of all instances of terrorism-related violence, or do they maintain a conservative interpretation of their authority and risk exposing the agency to intense public scrutiny and potentially having the agency brass raked over the coals, regardless of whether or not the FBI or any other element of DOJ was at fault? A reasonable agency head would choose to expand the mandate. After all, as I discuss more fully in Parts IV and V, given the secrecy in which national security policy is made and the sparse oversight to which it is subject, the minimal chance of any exposure of inappropriate or illegal practices is outweighed by the benefits of expanding the mandate.¶ [*102] Given the powerful and loosely defined national security mandate, it is only natural that the FBI's mission creeps from investigating crimes to preventing crime. This expansive interpretation of the mandate encourages aggressive surveillance norms. In this way, the FBI's instinctive promotion of surveillance norms is inevitable.¶ B. Medieval Structure of Bureaucracy¶ The proclivity toward mission creep is compounded by a general bureaucratic inclination towards mission creep. Bureaucracies tend to operate as fiefdoms--collecting and holding onto as much power as possible, limiting external oversight of their work, and allowing it only ex post. n190 Some scholars, including Daryl Levinson, have questioned this theory, arguing that the "bureaucrats' commitment to a particular mission, or to a particular vision of how that mission ought to be accomplished, might cause them to resist any expansion of agency activity outside of these boundaries." n191 Levinson further argues that agency heads are "high-level political appointees who will be much less invested in the agency's mission and much more interested in pleasing their political overseers"--individuals who likely have no reason to prioritize the expansion of bureaucracy. n192 Such arguments underestimate the natural instincts of individuals to believe that what they are doing is good and useful and therefore that doing more

of it is likely better. Furthermore, such arguments assume that agency officials are so politically tied to their "overseers" that they will abandon any desire to create a separate professional legacy of their own.¶ Together, the nature of bureaucracy and the powerful and loosely defined national security mandate provide one rationale for the evolution of the norms embedded within the Attorney General Guidelines. The next Part of this Article attempts to unpack the conditions that support the entrenchment of those norms into our culture.

Tohono DDI

Notes

The sample 1NC in here is a good option – Co-Op CP with Cartel DA, and terror DA – CP solves the entirety of the aff

If you don't run the Co-Op CP, you probably should take out the solvency text and just contextualize it as an alt cause argument on case.

Don't run both the Co-Op CP and the disparate treatment turn on case.

The Terror DA, Coloniality K, and Politics all have files of their own (generics)– you'll probably want those if you're running them. The stuff here is just specific.

Be careful with the Cartel DA and the Co-Op CP – might want to take out 2 and change the Cartel DA to a net benefit if you run both of them (2 on the Cartel DA says that coordination between local and federal forces is occurring now)

Leo Saenger (Certified Deleuze Hack) / Roberto Fernandez (WHIP)

Their 1AC

Plan

The United States federal government should substantially curtail its domestic surveillance by ceasing Border Patrol activities on the Tohono O'odham Nation.

Contention 1 is the Occupation

The Tohono O'odham Nation lies on the border between the United States and Mexico. The nation has become the frontline in America's battle for border surveillance.

Todd **Miller**, 11-1-20**12**, *Todd Miller has researched and written about U.S.-Mexican border issues for more than 10 years. He has worked on both sides of the border for BorderLinks in Tucson, Arizona, and Witness for Peace in Oaxaca, Mexico. He now writes on border and immigration issues for* NACL, "Ground Zero: The Tohono O'odham Nation," https://nacla.org/blog/2012/11/2/ground-zero-tohono-oodham-nation TB

According to Margo Cowan, former general council to the Tohono O'odham Nation, there was no Border Patrol presence on the Nation until 1993. Now, the Department of Homeland Security green-striped SUVs, trucks, cars, and vans are everywhere, at every turn. There are also ATVs, horse patrols, and Predator drones and Blackhawks and other "air assets" flying overhead. There are surveillance towers and scope trucks and a|||n||| Forward Operating Base, which—as with U.S. military operations in Iraq and Afghanistan—are small, make-shift bases to facilitate "tactical operations" in remote regions. A Joint Task Force Substation that they have on the reservation is supposedly a collaboration between Customs and Border Protection (CBP—Border Patrol's parent agency) and the Tohono O'odham Nation Police Department, but looks more like a mini-Border Patrol station packed with a fleet of CBP vehicles and mobile surveillance trucks. Behind the substation is a chain-linked caged-in area where people are held before agents hand them off to the non-labeled, white Wackenhut bus, as everyone calls them (though Wackenhut has now changed its name to G4S), which will transport the captured migrants to Tucson for further processing and maybe prison time. Mike Wilson, a Tohono O'odham man who puts out water in stations on the reservation in**defiance** of the Nation's legislative council, says that the Border Patrol on the Nation has become an "occupying army."[i] An Amnesty International report entitled I***n Hostile Terrain***, not only underscores the constant violations to undocumented people traveling through this area, particularly death, but also how the border surveillance apparatus has impacted the O'odham people whose aboriginal land extends well into Mexico and has been bisected by an international boundary they never wanted. Amnesty International documents a constant pattern of harrassment against the O'odham, including a pattern of physical and verbal abuse, who now have more federal officers on their "sovereign" nation than any other time in their long, painful history of colonization and forced-assimilation. The presence of Border Patrol on the Nation is buzzing, entrenched, and now apparently expanding. Now besides the flow of agents from Casa Grande and Tucson stations, the Border Patrol has undertaken a massive expansion of the Ajo station, a 52,900 square-foot state-of-the-art **facility**. This greatly contrasts with the many aging buildings in the economically-depressed area which previously relied on now barely-functioning mines, another economic model that marginalized and exploited the Tohono O'odham, who were the lowest rung of a racially-segregated wage hierarchy (whites were at the top). You

can almost see the tailings of the former copper mine in Ajo (closed in 1985) from the Border Patrol station in Why, an uneasy symbol of one economy replacing another.

Under the guise of border surveillance, the USFG has invaded the nation, assaulted the people, ransacked their homes, and spied on innocents. *The USFG's militarized surveillance confines the Tohono to violence and subjugation.*

Miller 14 (*Todd Miller has researched and written about U.S.-Mexican border issues for more than 10 years. He has worked on both sides of the border for BorderLinks in Tucson, Arizona, and Witness for Peace in Oaxaca, Mexico. He now writes on border and immigration issues for* NACL, Todd Miller, 4-22-2014, "Tomgram: Todd Miller, The Creation of a Border Security State," Tomdispatch, http://www.tomdispatch.com/blog/175834/tomgram%3A_todd_miller,_the_creation_of_a_border_security_state/) GW

Before 9/11, there was little federal presence on the Tohono O'odham reservation. Since then, the expansion of the Border Patrol into Native American territory has been relentless. Now, Homeland Security stations, filled with hundreds of agents (many hired in a 2007-2009 hiring binge), circle the reservation. But unlike bouncers at a club, they check people going out, not heading in. On every paved road leaving the reservation, their checkpoints form a second border. There, armed agents -- ever more of whom are veterans of America's distant wars -- interrogate anyone who leaves. In addition, there are two "forward operating bases" on the reservation, which are meant to play the role -- facilitating tactical operations in remote regions -- that similar camps did in Afghanistan and Iraq. Now, thanks to the Elbit Systems contract, a new kind of border will continue to be added to this layering. Imagine part of the futuristic Phoenix exhibition hall leaving Border Expo with the goal of incorporating itself into the lands of a people who were living here before there was a "New World," no less a United States or a Border Patrol. Though this is increasingly the reality from Brownsville, Texas, to San Diego, California, on Tohono O'odham land a post-9/11 war posture shades uncomfortably into the leftovers from a nineteenth century Indian war. Think of it as the place where the homeland security state meets its older compatriot, Manifest Destiny. On the gate at the entrance to her house, Tohono O'odham member Ofelia Rivas has put up a sign stating that the Border Patrol can't enter without a warrant. It may be a fine sentiment, reflecting a right embodied in the U.S. Constitution, but in the eyes of the "law," it's ancient history. Only a mile from the international boundary, her house is well within the 25-mile zone in which the Border Patrol can enter anyone's property without a warrant. These powers make the CBP a super-force in comparison to the local law enforcement outfits it collaborates with. Although CBP can enter property warrantlessly, it still needs a warrant to enter somebody's dwelling. In the small community where Rivas lives, known as Ali Jegk, the agents have overstepped even its extra-constitutional bounds with "home invasions" (as people call them). Throughout the Tohono O'odham Nation, people complain about Homeland Security vehicles driving at high speeds and tailgating on the roads. They complain about blinding spotlights, vehicle pull-overs, and unexpected interrogations. The Border Patrol has pulled O'odham tribal members out of cars, pepper-sprayed them, and beaten them with batons. As local resident Joseph Flores told a Tucson television station, "It feels like we're being watched all the time." Another man commented, "I feel like I have no civil rights." On the reservation, people speak not only about this new world of intense surveillance, but also about its raw impact on the Tohono O'odham people: violence and subjugation. Although the tribal legislative council has collaborated extensively with Border Patrol operations, Priscilla Lewis seemed to sum up the sentiments of many O'odham at an open hearing in 2011: "Too much harassment, following the wrong people, always stopping us, including and especially those who look like Mexicans when driving or walking in the desert... They have too much domination over us." At her house, Ofelia Rivas tells me a story. One day, she was driving with Tohono O'odham elders towards the U.S.-Mexican border when a low-flying Blackhawk helicopter seemingly picked them up and began following them. Hanging out of the open helicopter doors were CBP gunmen, she said. When they crossed the border into Mexico, the helicopter tracked them through a forest of beautiful saguaro cacti while they headed for a ceremonial site, 25 miles south of the border. They were, of course, crossing what was a non-border to the O'odham, doing something they had done for thousands of years. Hearing, even feeling the vibration of the propellers, one of the elders said, "I guess we are going to die." They laughed, Rivas added,

as there was nothing else to do. They laughed real hard. Then, a mile or so into Mexico, the helicopter turned back. Americans may increasingly wonder whether NSA agents are scouring their meta-data, reading their personal emails, and the like. In the borderlands no imagination is necessary. The surveillance apparatus is in your face. The high-powered cameras are pointed at you; the drones are above you; you're stopped regularly at checkpoints and interrogated. Too bad if you're late for school, a meeting, or an appointment. And even worse, if your skin complexion, or the way you're dressed, or anything about you sets off alarm bells, or there's something that doesn't smell quite right to the CBP's dogs -- and such dogs are a commonplace in the region -- being a little late will be the least of your problems. As Rivas told me, a typical exchange on the reservation might involve an agent at a checkpoint asking an O'odham woman whether, as she claimed, she was really going to the grocery store -- and then demanding that she show him her grocery list. People on the reservation now often refer to what is happening as an armed "occupation." Mike Wilson, an O'odham member who has tried to put gallon jugs of water along routes Mexican migrants might take through the reservation, speaks of the Border Patrol as an "occupying army." It's hardly surprising. Never before in the Nation's history under Spain, Mexico, or the United States have so many armed agents been present on their land.

We'll isolate X impact scenarios:

One is pseudo-speciation

Border Patrol agents separate the Tohono from their human identity in order to commit atrocities against them.

Miller 14 (*Todd Miller has researched and written about U.S.-Mexican border issues for more than 10 years. He has worked on both sides of the border for BorderLinks in Tucson, Arizona, and Witness for Peace in Oaxaca, Mexico. He now writes on border and immigration issues for* NACL, Todd Miller, 4-22-2014, "Tomgram: Todd Miller, The Creation of a Border Security State," Tomdispatch, http://www.tomdispatch.com/blog/175834/tomgram%3A_todd_miller,_the_creation_of_a_border_security_state/)TB

Between the unbridled enthusiasm of the vendors with their techno-optimistic "solutions" and the reality of border life in the Tohono O'odham Nation -- or for that matter just about anywhere along the 2,000-mile divide -- the chasm couldn't be wider. On the reservation back in 2012, Longoria called in the GPS coordinates of the unknown dead woman, as so many agents have done in the past and will undoubtedly do in the years to come. Headquarters in Tucson contacted the Tohono O'odham tribal police. The agents waited in the baking heat by the motionless body. When the tribal police pulled up, they took her picture, as they have done with other corpses so many times before. They rolled her over and took another picture. Her body was, by now, deep purple on one side. The tribal police explained to Longoria that it was because the blood settles there. They brought out a plastic body bag. "Pseudo-speciation," Longoria told me. That, he said, is how they deal with it. He talked about an interview he'd heard with a Vietnam vet on National Public Radio, who said that to deal with the dead in war, "you have to take a person and change his genus. Give him a whole different category. You couldn't stand looking at these bodies, so you detach yourself. You give them a different name that detracts from their humanness." The tribal police worked with stoic faces. They lifted the body of this woman, whose past life, whose story, whose loved ones were now on another planet, onto a cart attached to an all-terrain vehicle and headed off down a bumpy dirt road with the body bouncing up and down.

This causes domination, slavery, and every form of evil.

Katz 97 ***(Katheryn D. Katz, prof. of law - Albany Law School, 1997, Albany Law Journal, |||edited for g-lang|||)***

It is undeniable that throughout human history dominant and oppressive groups have committed unspeakable wrongs against those viewed as inferior. Once a person (or a people) has been characterized as sub-human, there appears to have been no limit to the cruelty that was or will be visited upon|||them||| him. ***For example,*** *in almost all wars, hatred towards the enemy was inspired to justify the killing and wounding by separating the enemy from the human race, by casting them as unworthy of human status. This same rationalization has supported: genocide, chattel slavery, racial segregation, economic exploitation, caste and class systems, coerced sterilization of social misfits and undesirables, unprincipled medical experimentation, the subjugation of women, and the social Darwinists' theory justifying indifference to the poverty and misery of others.*

Two is physical violence

For over 10 years, Border Patrol agents have regularly committed acts of physical violence against Tohono people with impunity.

Publisher of Censored News, news reporter of Native American news for 32 years, lived on Navajoland for 18 years.

SAN MIGUEL, TOHONO O'ODHAM NATION — Mike Wilson, Tohono O'odham, said the US Border Patrol shot two Tohono O'odham at the border, one in the face. The Border Patrol claims O'odham side-swiped its vehicle in San Miguel, "The Gate," on Tohono O'odham land at the US Mexico border. However, Wilson points out in the video below that the Tohono O'odham government, Tohono O'odham police, and US Border Patrol can not be trusted. Wilson said that neither the Tohono O'odham government nor police have taken steps to ensure the safety of O'odham when faced with the US Border Patrol. He said these human rights violations by the US Border Patrol inflicted on O'odham have been going on for more than 10 years and the Tohono O'odham Nation has done nothing to halt this. Further, Wilson expresses his concern over the Tohono O'odham Nation government's efforts to disable the new district of Hia-Ced on the western portion of the Tohono O'odham Nation near Ajo, Arizona. He said even though the Tohono O'odham Nation initially approved of the new district, it is now doing everything in its power to ensure that the new district fails. Wilson has put out water for years for migrants, over the objections of the Tohono O'odham government, and his life-saving water containers were vandalized. Wilson's water stations have been in the area of the Tohono O'odham Nation with one of the highest rates of death. Wilson has also aided humanitarian groups searching for the bodies of missing migrants on the Tohono O'odham Nation. Meanwhile, the Tohono O'odham Nation has been able to control and silence much of the mainstream media. The Tohono O'odham police have threatened and stalked O'odham human rights activists to silence them. Now, the US Homeland Security has given the US southern border contract to an Israeli company, Elbit Systems, which is also responsible for Apartheid security surrounding Palestine. Elbit Systems now has the contract to construct US spy towers on Tohono O'odham land. The Tohono O'odham Legislative Council approved the construction of the 15th spy tower on sovereign O'odham land, according to the May 7, 2013 resolution, despite O'odham protests over the militarization of their lands.

Contention 2 is the Border

The unfettered right to move freely across the US-Mexico border is a critical Tohono cultural practice.

Singleton 9(Sara, January 2009, PHD in political science, and associate professor at Western Washington U, Not our borders: Indigenous people and the struggle to maintain shared lives and cultures in post-9/11 North America, Border Policy Research Institute, http://www.wwu.edu/bpri/files/2009_Jan_WP_No_4.pdf, Accessed 7/13/15) CH

In 1848, the Treaty of Guadalupe Hidalgo established the boundary line between the U.S. and Mexico at the Gila River, which meant that the territories of the people known as the Tohono O'odham became part of Mexico. Five years later, the Gadsden Purchase established the southern boundary of the United States at its present location, and in so doing, bisected the territory of the Tohono O'odham. Today, the reservation is comprised of 2.8 million acres (about the size of Connecticut), abutting 75 miles of the Mexican border, and reaches across the border into northern Sonora, Mexico. The Tohono O'odham Nation has about 27,000 members, more than a thousand of whom live across the border in Mexico. About half of the 3 Between Texas and California, there are eight tribes with communities on both sides of the border: Kumeyaay, Cocopah, Tohono O'odham, Yaqui, Gila River Pima, Yavapai, Ysleta del Sur (Tira) and Kickapoo. Not our borders: Indigenous people and the struggle to maintain shared lives and cultures in post- 9/11 North America remaining tribal members live on the reservation. For the Tohono O'odham, the Yaqui and other native people of the region, the freedom to travel the many paths criss-crossing the border has always been essential—to gather medicinal plants, to collect a type of clay used at childbirth, or to practice the annual round of ceremonies that sustain the traditional religion and culture. While at the time of treaties the Tohono O'odham were not granted dual citizenship nor given explicit permission to move freely across the border, cross-border travel for work, for socializing and for participation in religious ceremonies was an established and accepted practice for more than a century. In the mid-1980s that began to change, and by the mid-1990s, it began to change dramatically. Today, parts of the formerly quiet, isolated reservation have been transformed into an area bristling with weapons, new roads, spotlights and military surveillance vehicles. Beginning in the 1990s, a series of strategic decisions were made by federal agencies to clamp down on illegal entry at popular border crossing points— beginning in San Diego, California, with "Operation Gatekeeper" (1994), later spreading eastward with "Operation Safeguard" (1995) in central Arizona, and then "Operation Rio Grande" in the southernmost tip of Texas in 1998. Various reasons have been suggested for these successive waves of intense border security—to displace drug and human-trafficking from densely populated areas to less visible locations and to change behavior of would be crossers by re-channeling activity to areas with highly inhospitable conditions. The resulting "funnel effect" relocated vast amounts of illegal border-crossing activity to the Tohono O'odham nation where summer temperatures have been known to reach 130 degrees, water is scarce and the terrain difficult. The costs to the Tohono O'odham have been significant.

Two internal links to the impact:

First, the CBP Restricting border access is directly hurting culture.

Austin 91(Megan, Fall 1991, A CULTURE DIVIDED BY THE UNITED STATES-MEXICO BORDER: THE TOHONO O'ODHAM CLAIM FOR BORDER CROSSING RIGHTS, Arizona Journal of International and Comparative Law [Vol. 8, No. 2], Accessed 7/14/15) CH

Although much of the O'odham traditional lands have been taken away, the Tohono O'odham people still have firm spiritual and familial roots in these lands. The border constructs an artificial barrier to the freedom of the Tohono O'odham people to traverse their lands, impairing their ability to collect foods and materials

needed to sustain their culture and to visit family members and traditional sacred sites. Specifically, immigration laws prevent many O'odham people from entering the United States from Mexico. Pursuant to these laws, United States immigrations officers can exclude immigrants and non-immigrants for not possessing certain types of documentation such as passports and border identification cards. Immigrations officers can deport "aliens" who do not carry those forms of identification. 18 Using these laws, the United States can detain and deport the Tohono O'odham people who are simply travelling through their own lands, practicing migratory traditions essential to their religion, economy and culture. Customs regulations have a similar effect. United States Customs officials may prevent the Tohono O'odham people from bringing from one part of their land to another raw materials and goods essential for their spirituality, economy and traditional culture. 2

Second, The way the border patrol confirms identity at the border projects western customs and beliefs onto the Tohono people, ignoring their culture.

Vanderpool, 3 (Tim Vanderpool, Special Contributer to the Christian Science Monitor, writer for Tuscon Weekly,4-30-2003, "A tribe's tale of three identities," Christian Science Monitor, http://www.csmonitor.com/2003/0430/p02s02-usgn.html)

Born in Mexico, Antone is among 8,400 tribal members who grew up in remote, rustic villages along this international frontier without birth certificates or other documents. After serving with the US Marines and attending college, she returned to the reservation north of the border. Now she works as a counselor here in Sells, a dusty desert town that's home to the tribal government. But she still doesn't have US citizenship. Antone lives in a world that includes three nationalities: Mexican, American, and Tohono O'odham. "It gets confusing" she says. "But as O'odham, we're all one people, and we have one land." Now, freshmen Rep. Raul Grijalva (D) of Arizona wants to turn that concept into law. In a controversial move, he has introduced legislation that would grant US citizenship to all enrolled members of the tribe - including those living in Mexico. Supporters see the measure as a way to correct an "oversight" that was made more than 150 years ago. But critics see it as giving the O'odham a special privilege - and setting a dangerous precedent for immigration laws. The dilemma dates back to 1854, when the O'odham's ancestral homeland was halved by the Gadsden Purchase. Today, some 1,000 tribal members remain scattered among small villages in northern Mexico, while in the United States their reservation spans 4,500 square miles, including 60 miles of the US-Mexico border. No ID, no birth certificates Henry Ramon, vice chairman of the 25,000-member Tohono O'odham Nation, hopes Representative Grijalva's bill will correct a lingering injustice. "With our way of life here on the reservation, we don't always have documents," says Mr. Ramon. "We were born in our homes, and don't have [birth certificates]." Recent illegal immigration and security crackdowns on the border have increased the need for such documents: Not long ago, a group of O'odham traveling north from their Mexican homes for medical help on the reservation - services accorded them as registered tribal members - were summarily stopped at the border and detained for hours. Federal officials turned some back. Many reservation residents in the United States also lack the papers needed to travel back and forth, or even to prove they were born in this country. "My people have lived here since time immemorial," says Ramon. "But many O'odham right here on the reservation are considered illegal [Undocumented] aliens" because they lack documents. Records of birth and death, he says, "were just passed down by word-of-mouth, from generation to generation."

Self-determination of cultural values is key to maintain cultural integrity.

Wiessner, Law Professor at St Thomas University, 2007 (Siegfried, "Indigenous Sovereignty: A Reassessment in Light of the UN Declaration on the Rights of Indigenous Peoples", Vanderbilt Journal of Transnational Law, Volume 41, http://www.vanderbilt.edu/jotl/manage/wp-content/uploads/Wiessner_final_7.pdf, accessed July 13, 2015, TB)

As law, in essence, ought to serve human beings, any effort to design a better law should be conceived as a response to human needs and aspirations. These vary from culture to culture, and they change over time. As Michael Reisman has explained, humans have a distinct need to create and ascribe meaning and value to immutable experiences of human existence: the trauma of birth, the discovery of the self as separate from others, the formation of gender or sexual identity, procreation, the death of loved ones, one's own death, indeed, the mystery of it all. Each culture . . . records these experiences in ways that provide meaning, guidance and codes of rectitude that serve as compasses for the individual as he or she navigates the vicissitudes oflife.**185** Thus, from the need to make sense of one's individual and cultural experiences arise inner worlds, or each person's inner reality. The international human rights system, as Reisman sees it, is concerned with protecting, for those who wish to maintain them, the integrity of the unique visions of these inner worlds, from appraisal and policing in terms of the cultural values of others. This must be, for these inner world cosmovisions, or introcosms, are the central, vital part of the individuality of each of us. This is, to borrow Holmes' wonderful phrase, "where we live." Respect for the other requires, above all, respect for the other's inner world.**186** The cultures of indigenous peoples have been under attack and are seriously endangered. One final step is the death of their language. As George Steiner wrote in 1975: Today entire families of language survive only in the halting remembrances of aged, individual informants . . . or in the limbo of tape recordings. Almost at every moment in time, notably in the sphere of

American Indian speech, some ancient and rich expression of articulate being is lapsing into irretrievable silence.**187**

Reisman concluded that political and economic self-determination in this context are important, "but it is the integrity of the inner worlds of peoples—their rectitude systems or their sense of spirituality—that is their distinctive humanity. Without an opportunity to determine, sustain, and develop that integrity, their humanity—and ours— is denied."**188** Similarly, the late Vine Deloria, Jr., revered leader of the U.S. indigenous revival, stated that indigenous sovereignty "consist[s] more of a continued cultural integrity than of political powers and to the degree that a nation loses its sense of cultural identity, to that degree it suffers a loss of sovereignty."**189** "Sovereignty," explains another great Native American leader, Kirke Kickingbird, "cannot be separated from people or their culture."**190** In this vein, Taiaiake Alfred appeals for a process of "de-thinking" sovereignty. He states: Sovereignty . . . is a social creation. It is not an objective or natural phenomenon, but the result of choices made by men and women, indicative of a mindset located in, rather than a natural force creative of, a social and political order. The reification of sovereignty in politics today is the result of a triumph of a particular set of ideas over others—no more natural to the world than any other man-made object.

The Border Patrols denying the Tohono of their culture leads to social death and genocide.

Short 10(Damien, PHD and director of human rights at London University, November 2010, THE INTERNATIONAL JOURNAL OF HUMAN RIGHTS, Cultural genocide and indigenous peoples: a sociological approach, accessed 7/14/15) CH

For those indigenous peoples fighting to retain or regain their lands they are fighting for their life as distinct peoples since, for them, their spirituality and cultural vitality is based in and on and with their lands. If we take this point seriously when this relationship is forcibly interrupted and breaks down we can only conclude that genocide is occurring. Indeed, when indigenous peoples, who have a physical, cultural and

spiritual connection to their land, are forcibly dispossessed and estranged from their lands they invariably experience 'social death' and thus genocide. Furthermore, when indigenous lands are used by extractive industries the inherent corporate preference for externalising environmental costs can lead to physical, as well as cultural destruction. The tar sands project is a prime example of this.

The degradation of even a single culture outweighs all impacts.

Short 10(Damien, PHD and director of human rights at London University, November 2010, THE INTERNATIONAL JOURNAL OF HUMAN RIGHTS, Cultural genocide and indigenous peoples: a sociological approach, accessed 7/14/15) CH

The second element of Lemkin's prior formulation, vandalism — the destruction of culture — was now a technique of group destruction.42 Lemkin's central ontological assertion here was that culture integrates human societies and consequently is a necessary pre-condition for the realisation of individual material needs. For Lemkin, culture is as vital to group life as individual physical well-being: So-called derived needs, are just as necessary to their existence as the basic physiological needs....These needs find expression in social institutions or, to use an anthropological term, the culture ethos. If the culture of a group is violently undermined, the group itself disintegrates and its members must either become absorbed in other cultures which is a wasteful and painful process or succumb to personal disorganization and, perhaps, physical destruction....(Thus) the destruction of cultural symbols is genocide...(It) 'menaces the existence of the social group which exists by virtue of its common culture'.43 'This quotation gives us clues to Lemkin's conception of genocide. He was more concerned with the loss of culture than the loss of life,'44 as culture is the social fabric of a genus. Indeed, in Lemkin's formulation, culture is the unit of collective memory, whereby the legacies of the dead can be kept alive and each cultural group has its own unique distinctive genius deserving of protection.45 National culture for Lemkin is an essential element of world culture and nations have a life of their own comparable to the life of an individual. On this point Lemkin wrote: The world represents only so much culture and intellectual vigour as are created by its component national groups. The destruction of a nation, therefore, results in the loss of its future contributions to the world. Moreover, such a destruction offends our feelings of morality and justice in much the same way as does the criminal killing of a human being: the crime in the one case as in the other is murder, though on a vastly greater scale.

Contention 3 is Solvency

Easing border crossing restrictions by eliminating Border Patrol surveillance solves culture.

Austin 91(Megan, Fall 1991, A CULTURE DIVIDED BY THE UNITED STATES-MEXICO BORDER: THE TOHONO O'ODHAM CLAIM FOR BORDER CROSSING RIGHTS, Arizona Journal of International and Comparative Law [Vol. 8, No. 2], Accessed 7/14/15) CH

The Tohono O'odham Tribe suffers fundamental human rights violations under current policies governing the international border between the United States and Mexico. The survival of this indigenous culture depends upon its ability to pass through traditional lands freely, to collect raw materials for traditional foods and crafts and to visit religious sites and family members. Current policies and laws of the United States deny the Tohono O'odham these rights. Border crossing legislation will help to eliminate these abuses. However, in order to be effective, the legislation must allow the Tohono O'odham people to participate in decisions regarding regulation of the border. The goal of the Tohono O'odham Tribe is to protect its culture and assure its continued existence. Approaching the Tohono O'odham claim for border crossing rights as a claim for basic human rights places indigenous

groups within the scope of international principles. The new movements of intemational law focus on the unique claims of indigenous groups, which amount not to secession, but to a level of autonomy which permits the survival of their cultures. Guided by these fundamental international principles, the United States and neighboring nations must recognize the right of the Tohono O'odham to keep their culture alive.

Without absolute side constraints against violating human dignity such as the affirmative, utilitarianism becomes a justification for slavery, torture, and murder.

Clifford, 11 (**Professor of Philosophy @ Mississippi State University,** Michael, Spring, "MORAL LITERACY", Volume 11, Issue 2, https://webprod1.uvu.edu/ethics/seac/Clifford_Moral_Literacy.pdf, Accessed 7-6-13, TB)

As for fairness of application, here the waters are muddy. On the one hand, utilitarianism prides itself on fairness, since everyone's happiness (i.e. pleasure/pain) must be taken into account when determining what will produce the gr eatest happiness. Fairness is part of the very justification of utilitarianism in that it assumes, correctly I think, that everyone wants to be happy; thus it is incumbent upon any ethics to promote this, as far as is possible. In fact, it was this "democratic" aspect of utilitarianism which prompted James Mill to champion it as a model for political and social reform. On the other hand, one of the most enduring criticisms of utilitarianism , especially the sort advocated by Bentham, is that it may require us to trample upon individual rights if it will increase the pleasure of the majority. An example I like to use in my courses to illustrate this is black slavery in Mississippi. There was a time when Mississippi had more millionaires per capita than any other state in the union. Of course, it achieved th at distinction through the institution of slavery, the evidence of which can still be seen in Rhode Island, where the estates of former cotton barons line the shores of Newport. Now Mississippi is among the poorest state in the nation. Suppose some savvy economic consultant suggested that we could bring prosperity back to the South by reinstating the institution of slavery. The population of African-Americans being only about th irty percent, the majority would certainly have their happiness increased. Of course, we would immediately object that such happiness would be achieved by the most atrocious violation of individual rights. What can the utilitarian say to this? Even Ja mes Mill's son, John Stuart, was very concerned about this troublesome possibility. He advocated a form of utilitarianism in which we are obligated to promote the "higher pleasures" of justice and equality. However, Mill would not allow an appeal to individual rights, because he did not believe that such rights exist. His defense of individual freedoms in On Liberty is not based on the idea that human beings have rights, but because of the good consequences for society that comes from such a recognition. "I regard utility as the ultimate appeal on all ethical questions," says Mill. 14 If this is the case, then a utilitarian, even one as enlightened as Mill, must entertain the possibility that the greatest happiness could only be bought at the expense of individual freedoms. 15 Whether or not you believe in individual rights, whether or not you are convinced by arguments one way or another about the metaphysical grounds of rights, we can all appreciate the idea that any ethics should recognize the fundamental dignity of human|||s||| beings. This is precisely what worries critics of utilitarianism, that it may require us to violate that dignity, for some at least, if doin g so will promote the greatest happiness. But to violate human dignity is to ignore or to misunderstand the very point of ethics. For the deontologist, such as Kant, we have a duty not to violate human dignity, even if it causes us pain, even if the consequences fail to maximize the overall happiness. The inviolate character of human dignity is expressed most practically by the idea that we have certain basic rights (whatever the source of rights are, whether natural or by convention). John Locke defined rights as "prima facie entitlements," which means that anyone who would restrict my rights bears the burden of proving that there are good reasons for doing so. For example, the right to private property is sometimes trumped by the principle of eminent domain, provided that I too sta nd to gain by seizure of my land. My right to free speech is limited by the harm it might cause by, say, shouting "fire!" in a crowded theatre. There are times when we feel

justified in limiting or abrogating certain positive rights for the common good, but even here no social outcome justifies torture, slavery, murder, or any action which violates my fundamental human dignity. Deontological ethics assumes there to be a line that cannot be crossed, regardless of the consequences. Thus, Kant's type of ethics would seem to fair best with respect to the fairness of application criterion beca use it requires, as intrinsic to the Categorical Imperative itself, that we treat all persons, at all times, as ends and not merely as means to an end. This is not due to any good benefits that may stem from doing so; in fact, respecting the dignity of others may actually diminish overall pleasure. But we have a duty to do so, regardless, because reason demands it. It demands it because to do otherwise is irrational given the requirements of the Categorical Imperative, which are (arguably) three:

Off-Case

T – Domestic

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A. Domestic surveillance is surveillance of US persons

Small 8 MATTHEW L. SMALL. United States Air Force Academy 2008 Center for the Study of the Presidency and Congress, Presidential Fellows Program paper "His Eyes are Watching You: Domestic Surveillance, Civil Liberties and Executive Power during Times of National Crisis" http://cspc.nonprofitsoapbox.com/storage/documents/Fellows2008/Small.pdf

Before one can make any sort of assessment of domestic surveillance policies, it is first necessary to narrow the scope of the term "domestic surveillance." Domestic surveillance is a subset of intelligence gathering. Intelligence, as it is to be understood in this context, is "information that meets the stated or understood needs of policy makers and has been collected, processed and narrowed to meet those needs" (Lowenthal 2006, 2). In essence, domestic surveillance is a means to an end; the end being intelligence. The intelligence community best understands domestic surveillance as the acquisition of nonpublic information concerning United States persons (Executive Order 12333 (3.4) (i)). With this definition domestic surveillance remains an overly broad concept. This paper's analysis, in terms of President Bush's policies, focuses on electronic surveillance; specifically, wiretapping phone lines and obtaining caller information from phone companies. Section f of the USA Patriot Act of 2001 defines electronic surveillance as:

B. Border Patrol surveillance occurs on non-US Persons

(CBP 15, CBP, US Border Patrol Official Website, "Border Patrol Overview," USCBP, acc. 7/24/15 http://www.cbp.gov/border-security/along-us-borders/overview)

While the Border Patrol has changed dramatically since its inception in 1924, its primary mission remains unchanged: to detect and prevent the illegal entry of aliens into the United States. Together with other law enforcement officers, the Border Patrol helps maintain borders that work - facilitating the flow of legal immigration and goods while preventing the illegal trafficking of people and contraband.

Undocumented persons are not US persons

(Jackson et al 9 Brian A. Jackson, Darcy Noricks, and Benjamin W. Goldsmith, RAND Corporation The Challenge of Domestic Intelligence in a Free Society RAND 2009 BRIAN A. JACKSON, EDITOR
http://www.rand.org/content/dam/rand/pubs/monographs/2009/RAND_MG804.pdf

3 Federal law and executive order define a U.S. person as "a citizen of the United States, an alien lawfully admitted for permanent residence, an unincorporated association with a substantial number of members who are citizens of the U.S. or are aliens lawfully admitted for

permanent residence, or a corporation that is incorporated in the U.S." (NSA, undated). Although this definition would therefore allow information to be gathered on U.S. persons located abroad, our objective was to examine the creation of a domestic intelligence organization that would focus on—and whose activities would center around—individuals and organizations located inside the United States . Though such an agency might receive information about U.S. persons that was collected abroad by other intelligence agencies, it would not collect that information itself.

C. The Aff interpretation is bad for debate – limits are necessary for negative preparation and clash, and their interpretation makes the topic too big. Immigration is a huge area, big enough to be a topic itself, and all the issues are completely different.

D. T is a voter – the opportunity to prepare promotes better debating

Co-Op CP

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Text: The United States Federal Government should cross-deputize the Tohono O'odham Tribal Police Department with Arizona State Police Forces, increase cooperation with United States Border Patrol, border crossing rights to all members of the Tohono O'odham tribe, give exclusive jurisdiction of border crossings to the cross-deputized tribal law officers, increase funding for tribal law enforcement and increased crossing zones.

The Counterplan solves the entirety of the affirmative and net-benefit plus solves disputes, violence, drug and human trafficking, culture, and terrorism

Cummings and Revel 14 (Janet, Emory University, Department of Health Policy and Management, and Asa, Executive Assistant, National Native American Law Enforcement Association, The American Indian Quarterly, Volume 38, Number 3, Summer 2014, Project Muse)//rf

The onerous history of relations between tribal, federal, and state governments and the coinciding development and enforcement of laws surrounding tribal entities have yielded the current complex and highly antagonistic environment that exists today. Until greater attention is given to these issues and shifts in governmental policies occur, the negative circumstances faced by the Tohono O'odham and Saint Regis Mohawk Nations, as well as several other American Indian tribes in the United States, will continue to escalate.¶ Currently, limitations on tribal sovereignty serve as one of the most substantial barriers in tribal law enforcement's ability to carry out its duties to protect tribal members and resources. An examination of the results of increased tribal sovereignty in the past forty years provides reason to believe that further increases in sovereignty would improve the [End Page 311]

current conditions faced by these communities. Since the mid-1970s, shifts in federal policy toward increased tribal self-determination have progressively manifested as improvements in tribal judicial, economic, and social systems. These improvements may be attributed to the allocation of responsibilities to tribal providers who are more knowledgeable about tribal needs and more accountable to tribal communities than their federal counterparts. Grant programs like STOP VAIW, which encourages tribally developed strategies to reduce crimes against Indian women, have also shown substantial success, including increasing arrest rates and empowering tribal officials and women.100 Additionally, because the federal government still possesses plenary power over Indian nations, there is significant incentive for tribal nations to support activity that is fair to all Native and non-Native people.101 One specific example of how an increase in tribal sovereignty could address these challenges includes the expansion of tribal law enforcement jurisdictional authority through the continued use of policies such as cross-deputization agreements. Expanding the authority of tribal law enforcement will work to reduce and possibly prevent non-Indian criminal activity on reservations. This type of system is also typically less expensive than other options, such as security contracts in which tribal governments contract with public or private entities to provide additional security on tribal land. In cross-deputization agreements, all participants may undergo training that provides a comprehensive overview of federal, state, and tribal laws. Additionally, these agreements enable tribal, state, and county officials to utilize emergency equipment, such as firearms and vehicles, on and off reservation land.102¶ Furthermore, because the responsibility of protecting our nation's borders falls on the shoulders of the US government and should not fall exclusively on two small Indian nations, it is also important for the federal government to maintain a presence along the border. According to the federal Indian trust responsibility, the United States "has charged itself with moral obligations of the highest responsibility and trust" toward Indian tribes (Seminole Nation v. United States, 1942). This doctrine is also a "legally enforceable fiduciary obligation on the part of the United States to protect tribal treaty rights, lands, assets, and resources, as well as a duty to carry out the mandates of federal law with respect to American Indian and Alaska Native tribes and villages."103¶ Given the federal government's responsibility to protect our nation's [End Page 312] borders and tribal lands and resources, it is crucial that the federal government should maintain a presence along the international borders within tribal land. This presence, however, should be limited to a specified radius where the most violent crimes tend to occur.104 This would serve as a mechanism to reduce the current animosity between the tribal communities and federal agents, enhance the safety of tribal members on the Tohono O'odham and Saint Regis Mohawk reservations, and reduce the impact of trafficking on vital resources.¶ Given that it is extremely important for tribal, local, state, and federal governments to work together to improve the situation along the border, communication and cooperation are vital to the successful achievement of goals. By increasing formal collaborations with tribal members concerning issues related to the border, solutions can be developed that benefit all stakeholders. In this particular situation, increased utilization of tribal knowledge and experience will enhance the effectiveness of law enforcement efforts. Not only do tribal members know the land better than anyone, they also know the individuals involved and methods utilized in carrying out this intricate system of trafficking. Maintaining an environment of respect is crucial for the positive advancement of these interactions and may be achieved by implementing a compulsory training on cultural sensitivity issues for federal and state law enforcement agencies.¶ At the macrolevel, congressional involvement is also fundamental to inducing change. Legislative initiatives may involve increasing funding for education and employment opportunities on reservations, increasing sentences for drug traffickers who utilize Indian land (although this may disproportionately affect Native people), and reallocating enforcement resources to treat the demand for drugs as a public health problem.105 It is also important to develop a fair and easily accessible method for tribal members in the United States, Mexico, and Canada to gain access to identification that is consistently accepted by all border enforcement agencies. One method of achieving this would be to provide US citizenship to all Tohono O'odham and Saint Regis Mohawk members regardless of what country they reside in and provide them with a realistic means for obtaining US passports or identification cards. Furthermore, it is crucial that policymakers eliminate the inequities in resource allocation between tribal, local, and state governments to

increase the effectiveness of the enforcement of borders. [End Page 313]¶ The crisis of drug and human trafficking within the Saint Regis Mohawk and Tohono O'odham Nations is not a matter to be taken lightly. Not only is it a threat to the security and culture of two unique populations, but it also poses a threat to the United States' homeland security. Each year tons of drugs and weapons are transported through these locations and distributed throughout the United States. These sites also represent an easily accessible entry point for terrorist groups. Allowing for the changes referenced above, tribal groups like the Tohono O'odham and Saint Regis Mohawk Nations can begin to build innovative and effective systems that incorporate their traditional beliefs and may even serve as a model for the rest of the nation. Achieving a balance between federal presence on the reservation, increased tribal authority over their land and activities, and equitable distribution of resources is fundamental to resolving unrest along the border.

Pseudo-Speciation

Cooperation solves national security and resolves disputes

(Di Iorio '07, "Mending Fences: The Fractured Relationship between Native American Tribes and the Federal Government and Its Negative Impact on Border Security", Syracuse Law Review, Vol. 57, Issue 2 (2007), pp. 407-428, Di Iorio, William R.) //LS

All members of a society confronted by a terrorist threat have an equal interest in preserving their security. With this common motivation, it is logical to expect that every member of society has some role in ensuring the desired security. A common goal suggests common means, or more specifically, a coordinated effort. The nature of the terrorist threat mandates a proactive response to minimize access to the nation by those seeking to carry out acts of terrorism. Meeting this goal necessitates taking a close look at the past and current relationship between the federal government and Native American tribes. Logically, the best solution is one in which hostilities between these partners is eliminated, not compounded, as both parties share in the hopes of internal security. To that effect, the federal government must recognize the important role that Native American tribes have in protecting international borders, and take appropriate steps to make Native American tribes a full and equal partner in combating this common threat.

Coming together to meet this mutual homeland security goal may, in the end, bring Native Americans and the federal government closer together, mending more longstanding disputes. Native Americans may come to enjoy the type of sovereignty they possessed prior to European discovery, the limiting statements of Chief Justice Marshall, and later actions by the federal government.

Alt cause to pseudo-speciation is lack of Tohono O'odham authority and cross-deputizing with local law enforcement solves

Cummings and Revel 14 (Janet, Emory University, Department of Health Policy and Management, and Asa, Executive Assistant, National Native American Law Enforcement Association, The American Indian Quarterly, Volume 38, Number 3, Summer 2014, Project Muse)//rf

The Tohono O'odham and Saint Regis Mohawk Nations (as well as many other federally recognized tribes) find themselves in a uniquely complex political milieu that is perhaps found nowhere else in the world. Consequently, this environment contributes to each tribal nation's inability to effectively enforce its own laws and regulations.¶ The origins of the current political system stem from the fact that tribal nations preexisted the United States and are therefore inherently sovereign entities.

Tribal sovereignty is defined as self-rule and ensures that any decision made with regard to tribal citizens and property cannot be made without their participation and consent. Today this sovereignty has been greatly eroded through the signing of treaties, acts of Congress, executive orders, and court decisions limiting tribal communities' ability to express their identity and values when defining issues of legality.47 Sovereignty does, however, still exist in a limited capacity and shapes the decisions and actions not only of tribal nations but also of their local, state, and federal counterparts.48¶ The relationship between the federal government and tribal nations [End Page 298] can be broadly described as a "mixture of legal duties, moral obligations, understandings and expectancies that have arisen from the entire course of dealing between the [two nations]." At a very narrow level, the relationship can be defined as that of a trustee (the United States) and a beneficiary. The US Constitution does not explicitly delineate a relationship between the tribal nations and the federal government, but it does grant powers to the US government that have been used to sanction its role as a trustee. Of these powers, the most critical have been identified as the congressional ability to regulate commerce (US Const. art. I, § 8, cl. 3) and the presidential power to make treaties (art. II, § 2, cl. 2) with Indian tribes.49¶ Tribal nations also maintain relationships with the states in which they reside. Because the Constitution allocated plenary powers of Indian affairs to the US legislative branch, states have no authority over tribal governments unless expressly authorized by Congress. As a result, a government-to-government relationship has arisen between states and the tribal nations within their boundaries. Because of this system, tribal governments may draft their own constitutions and possess the authority to regulate activities occurring on their land; tribal governments may enact stricter or more lenient laws than those of the surrounding state(s) in which they reside. Tribes, however, often collaborate with states on issues that mutually impact both entities; one example of this collaboration includes law enforcement.50¶ When examining jurisdictional challenges from the perspective of law enforcement, this political system becomes even more complex. Tribal nations across the United States utilize multiple systems for enforcing law on their land. Some tribal governments rely solely on the BIA to manage law enforcement activities on the reservation through the Office of Justice Services. Following the passage of Public Law 83–280, the federal government ceded law enforcement authority for many tribal nations to certain states (18 usc § 1162). Other tribal nations, like the Tohono O'odham and Saint Regis Mohawk, utilize their sovereignty status to develop and employ their own law enforcement systems. Through Public Law 93-638, or the Self-Determination and Education Assistance Act of 1975, these tribal governments obtain funds from and contract with the BIA to develop their own law enforcement programs.¶ Within the context of the criminal justice system, tribal governments have jurisdiction over Indian-on-Indian and Indian-on-nonmember-Indian-minor [End Page 299] crimes within the limits of the reservation.51 Additionally, the Major Crimes Act, passed in 1885, gives concurrent jurisdiction to the federal government for certain major felonies committed by Indians on tribal land, such as murder, rape, assault, and burglary.52 The tribal government's ability to sentence its members is also limited. Any tribal member jailed for more than a year has the right to invoke a habeas corpus remedy in federal courts.¶ Tribal governments have even less criminal authority over non-Indians.53 Non-Indians on reservation lands suspected of criminal activity may be detained but not arrested. These individuals must be turned over to local or state authorities within a specified time frame. If these authorities do not arrive within the allotted time, tribal officials are forced to release suspects or face a possible suit for false imprisonment. The authority of tribal officers over non-Indians on reservation land has been equated to that of a citizen's arrest power.¶ When tribal authorities leave reservation boundaries, their authority is also limited. They are forced to comply with all traffic regulations and restrictions on vehicle markings. Consequently, tribal officers cannot pursue non-Indians off reservation lands. Also, because many reservations (including the Tohono O'odham Nation) have noncontiguous parcels of land, officers are often forced to utilize nonreservation roads to access other parts of the reservation. In emergency situations, a tribal officer's lack of authority outside of reservation lands may inhibit that officer's ability to respond in a timely manner. In some cases, however, tribal police have been able to develop relationships with surrounding law enforcement officials, enabling them to circumvent these challenges while simultaneously expanding their jurisdictional authority. The Hoopa Valley Tribe of California, for example, entered into a cross-deputization agreement with the Humboldt County Sheriff's Department; this agreement allows tribal officers to enforce state law and local law enforcement officials to enforce tribal law under certain conditions.54¶ The restrictions placed on tribal law enforcement authority hinder the ability of tribal officials on both the Tohono O'odham and Saint Regis Mohawk reservations to effectively reduce drug trafficking and protect international boundaries. In 2010, a police officer of the Saint Regis Mohawk Tribe working in conjunction with the Akwesasne Mohawk Police Service (the tribe's Canadian counterpart) observed an individual [End Page 300] enter and exit an unmarked, unguarded border crossing on the reservation into Canada. After reentering the United States, the individual was followed and eventually stopped by tribal police officers in an area not considered a part of the Saint Regis Mohawk territory. After conducting what was then thought to be a legal search, officers uncovered over one hundred pounds of marijuana in the trunk of the defendant's car. In a district court hearing, however, the officers who stopped the vehicle were found to be outside of their jurisdictional authority. This was due to multiple factors, including the fact that the stop occurred outside of the reservation boundaries. As a result, the case was eventually dismissed due to a suppression of evidence.55¶ As is evident, the complexities of jurisdictional circumstances make tribal law officers' efforts to reduce drug trafficking extremely inhibited. Unfortunately, incidents like the one described above occur frequently. An overall lack of communication and trust, compounded by competition for resources between local, state, and tribal agencies, amplifies the

problem. Until resolutions are developed and positive interactions between these distinct agencies increase, drug traffickers will continue to identify and take advantage of weaknesses in the system.

Solves – Migrant Deaths

Border Patrol can solve – already implementing a laundry list of life-saving measures

(Gurrete '07, GUERETTE, Rob. T. (2007), IMMIGRATION POLICY, BORDER SECURITY, AND MIGRANT DEATHS: AN IMPACT EVALUATION OF LIFE-SAVING EFFORTS UNDER THE BORDER SAFETY INITIATIVE. Criminology & Public Policy, 6: 245–266. doi: 10.1111/j.1745-9133.2007.00433.) //LS

Under this initiative, the Border Patrol has implemented several safety measures along the 2,013 miles of U.S.–Mexico border as part of the ongo- ing BSI strategy. These measures are as follows:¶ • Implementation of public message campaigns and posting signs identifying the dangers of remote terrain crossings.¶ • Search and rescue operations performed by selected and highly trained agents that comprise the BORSTAR teams.¶ • Training of line agents in initial life-saving and rescue techniques.¶ • Creation of a data tracking system that records all rescues and deaths along the U.S. side of the southwest border. The data are¶ intended to inform ongoing life-saving measures.¶ In addition to ongoing operations implemented under BSI, the Border Patrol conducted a repatriation effort in September 2003 in an attempt to reduce migrant deaths. Facing record numbers of deaths that year in the West Desert of Arizona (located in the Border Patrol's Tucson sector), the Lateral Repatriation Program (LRP) returned migrants apprehended in this area to other less hazardous places along the border. Originally the plan was to return the migrants to the interior of Mexico, but the Mexican government did not agree so migrants were returned to the southern por- tion of the Texas–Mexican border. It was believed that if migrants were returned directly across the Arizona border, as is standard practice, the migrants would simply reattempt entry, thereby once again risking their lives during the hottest summer months.4 The LRP lasted 23 days and processed over 6,200 migrants at a cost of $1,352,080.

US Border Patrol can solve migrant deaths – it's try or die

(Gurrete '07, GUERETTE, Rob. T. (2007), IMMIGRATION POLICY, BORDER SECURITY, AND MIGRANT DEATHS: AN IMPACT EVALUATION OF LIFE-SAVING EFFORTS UNDER THE BORDER SAFETY INITIATIVE. Criminology & Public Policy, 6: 245–266. doi: 10.1111/j.1745-9133.2007.00433.) //LS

This finding raises another point. In the past, the Border Patrol has been oppositional to those groups providing humanitarian assistance to migrants in distress. Some have even been prosecuted for federal immigra- tion crimes.17 Yet, it would better serve the Border Patrol to form alli- ances with such groups and work in concert with them rather than criminalizing their actions. Doing so would provide the benefit of acting as 17. In July 2005, two volunteers for No More Deaths were arrested by the U.S. Border Patrol and prosecuted for medically evacuating 3 illegal migrants in critical con- dition from the Arizona desert where temperatures were 105 degrees. The volunteers were said to follow established protocols of the organization by consulting medical pro- fessionals who advised them to evacuate the critically ill men to a

medical facility and a force multiplier for the government's life-saving campaign and would assist in fostering better community acceptance of the Border Patrol, at least among those sympathetic to the illegal migrant. Despite the above constraints, this study does provide evidence that some of the life-saving efforts undertaken by the U.S. Border Patrol have been worthwhile. Continued refinement of life-saving practice may not eliminate all deaths, but it is better than no action at all and the obligation to improve life-saving practice falls with government (Guerette, 2006). Many have claimed that the only way to reduce migrant deaths along the border is through abandonment of current immigration policy and border enforcement. However, until the threat of international terrorism recedes, it is unlikely that any relaxing of border security will take place. Nor is it clear that revamping anti-immigration efforts that began in the 1990s will solve the death problem, considering that deaths frequently occurred prior to this period (Eschbach et al., 1999). Little doubt exists that federal policy makers need to address the multitude of issues that surround illegal immi- gration, but the strong polarity of opinions on these matters is sure to result in incremental changes at best. In the mean time, migrants will con- tinue to die. Given this, continued refinement and application of proactive life-saving measures may be the only immediate hope.¶

AT: USBP Bad

Problem is not USFG Border Patrol – rather a lack of authority and staffing from reservation law enforcement that causes them to have to rely on federal authority

(Mizzi '14, Shannon Mizzi, Friday, SEP 26, 2014, "A Forgotten Front in the Drug & Border Fights: Tribal Reservations by Shannon Mizzi," The Wilson Quarterly, http://wilsonquarterly.com/stories/forgotten-front-in-drug-border-fights-tribal-reservations/, language edited) //LS

If the problem is so widely acknowledged within the community, why is it slow to improve? Revels and Cummings outline a number of reasons, revealing that part of the answer lies in the complicated history between American ~~Indian~~ Native tribes and the U.S. federal government. Like most tribes in the U.S., the Tohono O'odham technically have complete sovereignty over their reservation. As part of this sovereignty, the reservation has its own law enforcement system which is not tied to state-level government and can determine its own punishments for minor crimes. Yet, reservation law enforcement officers are severely restricted compared to their to state and county brethren: They are not allowed to arrest non-~~Indians~~ Natives, they lose all enforcement powers when not on reservation property, and those who are detained must be quickly handed over to U.S. authorities. This makes things particularly difficult for Tohono O'odham officials, since the reservation is made up of several unattached land areas. It also leaves them reliant on federal and state authorities, who have far more access to the funding and technology necessary for capturing and deterring trafficking. Even within the reservation, there is only so much ground tribal law enforcement agencies can cover with limited resources. **Staffing** of officers on reservations **is only 20 to 25 percent of the levels attained in comparable US high-crime-rate areas**.

Customs and Border Protection is cooperating with the Tohono O'odham, both parties are interested in maintaining a secure border and protecting the culture of the tribe

CBP Access 13 (A newsletter issued by the Office of Congressional Affairs for members of Congress and Staff, 10/20/13, CBP Access, http://www.cbp.gov/sites/default/files/documents/CBPAccessV2.21_122013.pdf) //rf

Several tribal council members of the ¶ ¶ Tohono O'odham Nation met recently ¶ with U.S. Customs and Border ¶ Protection (CBP) Acting Commissioner ¶ Thomas S. Winkowski and officials ¶ from the Department of Homeland ¶ Security, Federal Emergency ¶ Management Agency and Immigration ¶ and Customs Enforcement on ¶ November 14, 2013, at CBP's ¶ ¶ Washington, DC, headquarters. The ¶ ¶ leaders discussed issues of mutual ¶ ¶ concern, such as maintenance of ¶ ¶ roads near the Southwest border and emergency management programs. ¶ "We have a very close working relationship with you folks today," said Tohono ¶ ¶ O'odham Chairman Ned Norris Jr. "We extend our leadership to work with you ¶ ¶ to make sure the border is as secure as we can." ¶ U.S. Border Patrol agents patrol areas on and near the tribal lands daily. They ¶ are often instrumental in saving lives during inclement weather when flooding ¶ is a recurrent issue. ¶ "The Border Patrol is extremely helpful when we can't access our village to ¶ make sure our members are safe," Norris said. ¶ To address local concerns and provide an open forum to their members, the ¶ ¶ tribal council announced that they will hold the first town hall meeting for the ¶ ¶ tribe to discuss issues with local border patrol representatives. Acting ¶ ¶ Commissioner Winkowski was pleased with the town hall opportunity and said ¶ that CBP will work to keep a dialog open with the tribe to address issues of ¶ mutual concern. ¶ Through a multi-layered outreach effort, CBP and the Tohono O'odham ¶ interact in southwest Arizona to ensure border security while respecting the ¶ culture and vision of the tribe. These efforts have resulted in an enhanced ¶ ¶ ability to conduct CBP operations in and around the Tohono O'odham Nation. ¶ ¶ ¶ For additional information, please contact the Office of Congressional Affairs.

Extend – Tohono Police Fail Now

Tohono police lack funding - diversion of existing funds causes a complete shift away from the safety of Tohono O'odham people

Cummings and Revel 14 (Janet, Emory University, Department of Health Policy and Management, and Asa, Executive Assistant, National Native American Law Enforcement Association, The American Indian Quarterly, Volume 38, Number 3, Summer 2014, Project Muse)//rf

Another major challenge impeding the Tohono O'odham and Saint Regis Mohawk Tribal Police Departments from ably ensuring the safety of their members is the general lack of funding, personnel, access to technology, and a variety of other resources. As a result, tribal officials in both nations are increasingly overwhelmed by border enforcement responsibilities.¶ The BIA , the US Department of Justice, private and public grant programs, and tribes themselves primarily contribute resources to the operation of tribal police departments. On the Saint Regis Mohawk reservation, roughly 75 percent of the tribal police department's 3.4-million-dollar budget in 2010 came directly from private tribal enterprises such as casinos. Of the other 25 percent, approximately $800,000 came from the BIA , while contracts and grants with various other federal agencies made up the remaining few thousand dollars.56¶ Despite increasing cost associated with drug trafficking and border enforcement, a reduction in funding sources from outside the tribe [End Page 301] has historically occurred. The US Department of Justice's spending on Native American criminal justice programs declined approximately 15 percent between 2003 and 2004. Office of Justice Programs for police department spending on reservations is also estimated to be only 80 percent of spending in comparable rural areas.57 Additionally, in April 2012,

the US House and Senate Appropriations Committees approved fiscal year 2013 bills that governed funding levels for assistance grants for state, local, and tribal law enforcement. Although the actions are still in the early stages of the appropriations process, the approved amounts represent substantial reductions in grants used to fund activities by tribal law enforcement agencies.58¶ Tribal police department resources are also increasingly being diverted away from the protection of tribal members and toward ensuring the security of our nation's borders. The Tohono O'odham Tribal Police Department estimates that an average of $3 million is spent annually on immigrant and drug-smuggling incidents. This figure represents more than half of the department's annual budget.59 Although the exact figure was unknown, Police Chief Thomas of the Saint Regis Mohawk Tribe estimates that a significant portion of their funds are also allocated toward border enforcement.60¶ Staffing of officers on reservations is only at about 75–80 percent of the levels in comparable US rural areas and 20–25 percent of the levels attained in comparable US high-crime-rate areas.61 The Tohono O'odham Tribal Police Department currently maintains ninety officers who are responsible for nearly forty-five hundred square miles of land and approximately twenty-eight thousand members.62 On the Tohono O'odham reservation, it can take an officer up to two hours to respond to a call for assistance.63 Any incidents along the border related to drug and human trafficking also divert officer time and resources and prevent "the police department from completing its mission to provide community policing for the Tohono O'odham communities."64 The Saint Regis Mohawk Tribal Police Department currently employs twenty-six law enforcement officials who are responsible for ensuring the safety of approximately twenty-three square miles of land and over nine thousand tribal members.65 Saint Regis Mohawk law enforcement officers also dedicate a significant portion of their time to border security issues. According to Andrew Thomas, the current police chief, three of the five [End Page 302] investigators currently on staff work full time on cases solely related to the trafficking of illegal narcotics.66¶ Irrespective of funding constraints, recruitment of additional law enforcement officials is extremely difficult. Ideally, tribal police officers would be members of the tribe that they serve. These individuals are desired most because they are familiar with and understand the cultures and customs of the people with whom they work daily. However, it can be difficult to find interested candidates who meet the educational criteria and skill level necessary to qualify for these positions. Additionally, many tribal members have a criminal record that can prevent them from becoming officers. Recruitment and retention of personnel outside of the tribe also proves to be a challenge. Both of the reservations (especially the Tohono O'odham) are located in remote regions of the country. Moreover, an overwhelming sense of poverty and a general lack of quality housing deter qualified candidates from seeking employment in these areas.¶ Because so much of tribal law enforcement funds is diverted toward securing the nation's borders, this places enormous constraints on other aspects of the budget. Often, tribal police departments lack the same equipment and technology used by their state and federal counterparts, such as background check databases. Additionally, training of law enforcement officers is frequently overlooked when funds are progressively allocated to border security. Furthermore, areas like education, health care, and the building of other necessary infrastructure that supports violence and injury prevention efforts for tribal members are also increasingly neglected as more and more tribal funds are distributed to law enforcement activities.

Cartel DA

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1. Drug trafficking from Mexico to the US through the Tohono O'odham nation is high now – native population involved and the aff can't solve

Cummings and Revel 14 (Janet, Emory University, Department of Health Policy and Management, and Asa, Executive Assistant, National Native American Law Enforcement

Association, The American Indian Quarterly, Volume 38, Number 3, Summer 2014, Project Muse)//rf

The distribution and use of illegal narcotics has historically been a prevailing concern among the US general public, with local laws related to the issue enacted as early as the 1840s. It was not until the initiation of the "War on Drugs" by President Richard Nixon in 1971, however, that this topic became a central theme in political arenas. Since this era, numerous laws have been enacted in an attempt to combat this problem. In spite of the implementation of more stringent laws and regulations geared toward reducing the pervasiveness of drugs since the 1970s, the distribution and use of illegal narcotics continues to be widespread throughout the United States and, in some cases, has shown significant increases.¶ This escalation is particularly evident on reservations such as those of the Tohono O'odham and Saint Regis Mohawk Nations. According to a report released by the US Department of Justice, both Mexican and Asian drug-trafficking organizations (dtos) frequently exploit reservations along the US-Mexico and US-Canada borders as arrival and/or transit zones for illegal drugs destined for markets throughout the United States.1 Drugs are brought in via a variety of means, and Native American criminal groups are often recruited to retrieve and transport the goods on the US side of the reservations.¶ In 2010, the Tohono O'odham Nation was designated as a part of the Arizona High Intensity Drug Trafficking Area (hidta) by the US Department of Justice. This region encompasses the western and southern [End Page 289] counties of Cochise, La Paz, Maricopa, Mohave, Pima, Pinal, Santa Cruz, and Yuma, including the entire US-Mexico border in Arizona. The area is considered to be a major arrival zone for large quantities of marijuana, methamphetamine, cocaine, and heroin entering the United States from Mexico. In 2009, 42 percent of all marijuana seizures occurring along the US-Mexico border took place in this region, with the Tohono O'odham reservation serving as the primary entry point.2 Another report estimated that 5–10 percent of all marijuana produced in Mexico is transported through this reservation, which accounts for less than 4 percent of the entire US-Mexico border.3¶ Increased border enforcement efforts along many parts of the US-Mexico border that began in the 1990s and intensified after the September 11 terrorist attacks have forced drug and human smugglers to use more remote areas like the Tohono O'odham reservation.4 Five informal border crossings have existed for decades along the Tohono O'odham Nation's seventy-five-mile international border. Officially, only tribal members are permitted to pass through these entry points, and the biggest obstacle to crossing these locations used to be steel cattle guards and barbed-wire fencing. Due to a lack of enforcement and extensive desert terrain along these areas, however, smugglers began using these points to gain easy access into the United States via stolen vehicles. As a result, tribal officers were forced to close some of the entry points.5 Additionally, the border has been enhanced with metal post and Normandy-style barriers (surface mountings constructed with high-strength tubular and structural steel components) in an attempt to stop trucks carrying illegal drugs headed for urban areas.6 Other means of transporting drugs across the border include backpackers, couriers on horseback, and airplanes.7¶ Because of the reservation's proximity to the border, wholesale quantities of drugs are often seized throughout the land of the Tohono O'odham Nation, and these quantities have increased dramatically in the past decade. During fiscal year 2001, the Tohono O'odham Police Department seized 45,000 pounds of illegal narcotics; this number increased to 65,000 pounds in 2002.8 This pattern of escalation has shown no signs of deterioration. In 2008, a total of 201,000 pounds of marijuana alone were seized on the reservation by law enforcement; in 2009, this amount increased further to 319,000 pounds of marijuana.9¶ Even more alarming than the increase in the quantity of drugs seized [End Page 290] is the increase in tribal member involvement with the smuggling process. According to a statement made by Sgt. David Cray, a nineteen-year veteran of the Tohono O'odham Police Department's antidrug unit, the percentage of drug smugglers arrested on the reservation who are tribal members has substantially increased in the last two decades. In the first half of 2009, twenty-nine of the forty-five arrests related to drug smuggling made by tribal officers were of tribal members.10 One of the primary reasons tribal members are recruited to assist with trafficking is because law enforcement officials must have a reasonable suspicion to stop tribal members, whereas nontribal persons driving on the reservation's restricted areas are not held to this standard.¶ The Saint Regis Mohawk Nation of New York is experiencing a similar predicament. According to reports, Asian dtos exploit the reservation and its tribal members by smuggling marijuana, mdma, and cocaine across the Canadian border daily. The National Drug Threat Assessment 2010 estimates that as much as 20 percent of all high-potency marijuana grown in Canada each year is smuggled through the reservation. Each week, multiple tons of illegal narcotics pass through the reservation, an area that accounts for less than 1 percent of the US-Canada border.11 According to Saint Regis Mohawk Tribal Police Chief Andrew Thomas, incidents related to border security occur daily, and a high percentage of these violations relate to illegal narcotics.12¶ Unless significant strides are made in the realm of policy, it is unlikely that the circumstances on the Tohono O'odham or Saint Regis Mohawk reservations will improve. Until

these changes occur, drug trafficking will continue to place a significant financial and public health burden on tribal entities and threaten the security of the United States.

2. Only expansion of current federal presence can solve - removing Border Patrol destroys the only hope the Tohono have to combat drug trafficking

(Mizzi '14, Shannon Mizzi, Friday, SEP 26, 2014, "A Forgotten Front in the Drug & Border Fights: Tribal Reservations by Shannon Mizzi," The Wilson Quarterly, http://wilsonquarterly.com/stories/forgotten-front-in-drug-border-fights-tribal-reservations/, language edited) //LS

Yet there are reasons to hope. Tribal revenues are up, which may allow for increased investment in education (which could help to combat poverty and reduce the attractiveness of drug trafficking). State, local, and federal officials are aiming to improve coordination with reservation law enforcement, **the Border Patrol has introduced cultural sensitivity training for its officers**, and new counter-trafficking measures grant O'odham officers access to advanced technological tools. Revels and Cummings are optimistic about this upward trajectory, advocating further expansion of the legal capabilities of Tohono O'odham law enforcement, and a continued strong, but perhaps more respectful **federal presence to reduce cross-border trafficking and protect vulnerable O'odham.**

3. Border Patrol loss increases crime – making a bad situation even worse

(Di Iorio '07, "Mending Fences: The Fractured Relationship between Native American Tribes and the Federal Government and Its Negative Impact on Border Security", Syracuse Law Review, Vol. 57, Issue 2 (2007), pp. 407-428, Di Iorio, William R.) //LS

The federal government can grant border tribes complete sovereignty, treating them like foreign states as argued in Cherokee Nation. Such a change would give the border tribes sole authority to patrol international borders. United States Border Patrol would then shift its operations to controlling the borders between the Native American lands and the United States. The federal and state governments would then have mutual responsibility for patrolling and prosecuting illegal activity crossing into the United States from the Native American lands without having to expend resources in monitoring the soft spots along Native American international borders. Decades of federal assistance have created a strong reliance on the federal government in tribal affairs. Because of federal oversight, Native American tribes have never been completely self-sufficient. Abruptly cutting off this federal assistance would likely leave the tribal lands in greater security disarray than at present. Native American tribes currently lack the ability to combat crime in their territory. Therefore, without federal assistance, their crime problems could significantly worsen. Native American violent crime rates far exceed those of any other group.10 7

4. Devastates the Tohono people and turns their culture claims – drug abuse, sexual violence, killings by rival drug cartels from smugglers and affiliates

(Mizzi '14, Shannon Mizzi, Friday, SEP 26, 2014, "A Forgotten Front in the Drug & Border Fights: Tribal Reservations by Shannon Mizzi," The Wilson Quarterly, http://wilsonquarterly.com/stories/forgotten-front-in-drug-border-fights-tribal-reservations/, language edited) //LS

The increase in drug trafficking has spilled over into almost every other aspect of reservation life. Where other racioethnic groups have seen a decrease in violent crime over the past several decades, American Indian communities have suffered from rising incidences of violence over the past 30 years. According to Revels and Cummings, "tribal law enforcement officials across the [United States] consistently report that most violent, personal, and property crimes on reservations relate to drug trafficking, drug abuse, and gang activity," which "often lead to other indirect consequences such as **accidental death, injuries, suicide, domestic violence, and sexual abuse."** The increasingly militarized nature of border reservations like that of the Tohono O'odham has fundamentally changed life in those communities: They are no longer peaceful or safe places to live, and not a single resident is unaffected by the realities and spillover effects of the drug trade. Homes are regularly broken into by smugglers and their affiliates. Residents are routinely searched by law enforcement, their movements restricted on their own land. Those who assist independent drug smugglers who are not attached to major cartels are at risk of being attacked by members of dominant drug cartels who want to eliminate competition and retain their near monopoly on the business. "The psychological burden this type of environment places upon individuals," write Revels and Cummings, "coupled with the constant sense of fear, is immeasurable."

Extend – Tonoho Death

Involvement in drug trafficking activities results in violent outbreaks in the Tohono O'odham nation – plan causes net-harm

Cummings and Revel 14 (Janet, Emory University, Department of Health Policy and Management, and Asa, Executive Assistant, National Native American Law Enforcement Association, The American Indian Quarterly, Volume 38, Number 3, Summer 2014, Project Muse)//rf

Injury can be defined as damage or harm to the body resulting in impairment or destruction of health and may be unintentional or intentional (violence) in nature.13 In the United States, the leading cause of death among persons age one to forty-four is injury.14 Despite evidence depicting injury and violence as predictable and largely preventable, the topic is often neglected as a public health concern in the United States and across the globe.15 [End Page 291]¶ Not surprisingly, American Indians are also heavily impacted by this issue. Reservations throughout the United States are plagued by a "public safety crisis," experiencing staggering rates of homicide, juvenile crime, gang activity, child abuse, and substance abuse.16 Compared to other racial/ethnic groups, American Indians experience higher rates of violent crime.17 For example, between 1992 and 2002, American Indians experienced approximately 100 violent crimes for every 1,000 persons age twelve and over, compared to 41 per 1,000 persons among whites and 50 per 1,000 persons among blacks.¶ Although the trend for the overall US population has shown a general decrease in violent crime rates between 1981 (758.2 per 100,000) and 2010 (403.6 per 100,000), some tribes have seen increases.18 Between 1997 and 2000, the number of charges filed against American Indians for violent crimes increased by 27 percent. It is also noteworthy that in 2000, 75 percent of the investigations by the US Attorney's Office involved violent crimes in Indian Country.19 Furthermore, these figures are most likely underestimated. The Executive Committee on

Indian Country Law Enforcement Improvements acknowledged concerns that "available statistics [related to violent crime] understate the magnitude of the problem in many areas of Indian Country."20¶ In Arizona, the rates of violence and injury for American Indians surpass those of other racial/ethnic groups. According to the Arizona Injury Prevention Plan, American Indians maintained the highest mortality rates as a result of injuries in 2004 and the highest age-adjusted suicide rate (17 per 100,000). American Indians also experience the second highest age-adjusted homicide rate relative to other racial/ethnic groups.21 The rate of deaths attributable to a violently sustained injury is also higher for American Indians (33.08 per 100,000) than for all other races (9.65 per 100,000 among Asian/Pacific Islanders to 24.16 per 100,000 for whites) in Arizona (table 1). In fact, of the top five leading causes of death for American Indians in Arizona, three are contributable to various forms of homicide (table 2).22 Lastly, research has shown that American Indian/Alaska Native women are 34 percent more likely to report being raped than any other ethnic and racial group.23 [End Page 292]¶ Deaths per 100,000 resulting from an injury sustained due to violence in Arizona (1999–2007) Source: Statistics in this table were collected from the Center for Disease Control's "Web-Based Injury Statistics Query and Reporting System (wisqars)."¶ Click for larger view¶ Table 1. ¶ Deaths per 100,000 resulting from an injury sustained due to violence in Arizona (1999–2007)¶ Source: Statistics in this table were collected from the Center for Disease Control's "Web-Based Injury Statistics Query and Reporting System (wisqars)."¶ Top five violent causes of death for all ages by race in Arizona (1999–2007) Source: Statistics in this table were collected from the Center for Disease Control's "Web-Based Injury Statistics Query and Reporting System (wisqars)."¶ Click for larger view¶ Table 2. ¶ Top five violent causes of death for all ages by race in Arizona (1999–2007)¶ Source: Statistics in this table were collected from the Center for Disease Control's "Web-Based Injury Statistics Query and Reporting System (wisqars)."¶ Although statistics are not available, it is highly likely that the Tohono O'odham Nation's proximity to the Mexican border and its involvement in drug trafficking contribute to the high rates of violent deaths and injuries sustained by Native Americans in Arizona. According to the Indian Country Drug Threat Assessment, tribal law enforcement officials across the nation consistently report that most violent, personal (i.e., threats and intimidations), and property crimes on reservations relate to drug trafficking, drug abuse, and gang activity. Moreover, these risky behaviors often lead to other indirect consequences such as accidental deaths, injuries, suicide, domestic violence and sexual abuse. Tribal law enforcement officials have also seen a rise in the use of weapons by gang members and drug traffickers for personal protection and the commission [End Page 293] of crimes. A wide variety of weapons has been seized from drug traffickers, gang members, and tribal members involved in criminal activity on reservations, including handguns, ak-47s , rifles, sawed-off shotguns, impact weapons (bats, beer bottles, handmade clubs, pipes, and razors), and knives.24¶ Also in Arizona, criminal groups called "border bandits" utilize violence to carry out armed assaults on drug smugglers. An increase in this type of activity has been found on the Tohono O'odham reservation. These "rip-off crews" often dress in dark clothing and police-style raid gear to appear to others as law enforcement agents.25 These criminal groups have existed for decades and also frequently target vulnerable men, women, and children crossing the border illegally. In recent years, however, the groups have become more violent because Mexican drug-trafficking organizations use these bajadores to patrol their routes and ensure that competitors do not utilize their corridors.26¶ Along the entire Arizona-Mexico border, violence directed at law enforcement has also been on the rise. Border personnel have experienced vehicular and physical assaults and gunfire. This increase is attributed to heightened counterdrug operations and is an attempt to deter or divert agents from seizing illicit drugs.27 The violence directed at law enforcement also includes incursions by Mexican military personnel in support of drug smugglers.

Narcotics trade is a major source of revenue for terrorists

Thomas **Sanderson**, Center for Strategic and International Studies, **2004**, SAIS Review, vol XXIV, No. 1, Winter-Spring, http://muse.jhu.edu/journals/sais_review/v024/24.1sanderson.pdf p. 52 //rf

The narcotics industry remains the most common and lucrative source of revenue to terrorists groups, leading many to legitimize this criminal activity by emphasizing the financial needs of the organization and the role of narcotics in undermining Western society. As has been well documented, Hezbollah operatives and their supporters are deeply engaged in the businesses of illegal methamphetamine production and distribution. The Drug Enforcement Administration has made a number of arrests through its Operation Mountain Express, which uncovered Hezbollah-operated methamphetamine labs in the rural western United States. The dramatic spike in opium cultivation in Afghanistan over the past two years provides yet more evidence of the terrorism-narcotics nexus.¶ The United Nations' International Drug Control

Programme (UNDCP) and International Narcotics Control Board (INCB) said that after zero opium production in the last year of Taliban rule in 2001, Afghanistan met about 76 per cent of the global demand of heroin and opium by harvesting poppy on 225,000 acres that yielded a record produce of 3,500 metric tons of opium. In 2003, the harvest is expected to yield 5,000 tons of opium.4 Narcotics remains the most common and most lucrative form of organized crime used by terrorists groups such as the Kosovo Liberation Army (KLA), the Islamic Movement of Uzbekistan (IMU), al Qaeda, and Hezbollah.

Drug trafficking is usually connected with narco-terrorist associations

Shuchi **Wadhwa &** Michael **Sheets**, Political Science Professors, Marquette University, **2004,** Divergent Paths to Justice: A Study of the US War on Terrorism and Drug Policies, http://www.marquette.edu/polisci/ITJWeb/JusticeConfPapers/Wadhwa%20Sheets.pdf, p. 7 //rf

Any region, in which illegal drugs are cultivated, transported, distributed, or consumed, is susceptible to narco-terrorism. Throughout the world, insurgent groups, revolutionary groups, and ideological or spiritual groups, who use violence to promote their political mission may use drug proceeds to fund acts of terror in furtherance of their ideology. Leadership, cultural, political, and economic change may affect the ideology or mission of a group. Internal divisions and splinter groups may result, each seeking to pursue their goals via different avenues, be they legitimate political activity, perpetuation of violence, or criminal activity, such as drug trafficking.

Extend – Uniqueness

The Plan causes weak border patrol and an open avenue into the US that spills into US Cities, causing an internal war

(Turbiville '10, Firefights, raids, and assassinations: tactical forms of cartel violence and their underpinnings, Graham H. Turbiville, Jr., Courage Services, Inc., McLean, VA, USA, Department of Defense Consultant, and Associate Fellow, Joint Special Operations University, MacDill Air Force Base, FL, USA, Publisher: Routledge, http://www.tandfonline.com/loi/fswi20, Small Wars & Insurgencies, Published online: 12 Mar 2010) //LS

The firefights, raids, and assassinations that characterize so much of Mexican drug trafficking violence are actions that require a measure of organization, planning, and equipping to be successful. Wartime and contingency force experience is replete with examples of regular military units around the world which have failed to complete tactical actions that Mexican drug paramilitaries sometimes execute with notable effectiveness. Drug paramilitaries clearly owe much of their real and perceived lethality to cadres recruited from among Mexico's special operations forces, regular military, police, and other security personnel. The changes that began in drug paramilitaries at the turn of the twenty-first century accord with the arrival of the first major military recruiting of exceptionally well-trained uniformed soldiers and officers. In the years since, drug paramilitaries have often evidenced the tactical competence, weapons skills, communications, transportation, and surveillance capability, and intelligence gathering and counter-intelligence capability that smaller regular armies may not themselves possess. While acting on behalf of a major world evil, they have evidenced a rough, robust confidence and willingness to engage in daring operations that too often have confounded security forces intended to stop or punish them. As notable as paramilitary capabilities may appear, much of that effectiveness is owed to the 'force multiplier' of endemic corruption. Ubiquitous bribery and coercion of major and minor officials in security and other institutions by drug trafficking organizations opens police road blocks; unlocks prison doors; renders police and security forces blind, deaf, and speechless; reveals military and police plans for pending actions; and purchases not-guilty judgments or dismissals in the Mexican judicial system. It buys lists of informants and facilitates the dissemination of disinformation. Applied brutality and reward also gains a measure of silence and cooperation from citizens. Drug paramilitary employment of informants and the use of squads of street-level observers generate continued information of value. Collectively, this constitutes a penetration of Mexican society that presents a daunting challenge. While the infrastructure and practice of paramilitary violence is established in Mexico in seemingly unprecedented ways, the concern north of the border is its potential transportability. Many law enforcement personnel have compared 1980s' Miami – with its running drug firefights, revenge raids, and bloody assassinations by Colombian cocaine traffickers – to Mexican drug violence. There are enough precursors north of the Rio Grande now to make the potential for something analogous more than empty speculation. Incidents of cross-border

violence; a Mexican narco-trafficking presence in nearly 200 US cities raising local crime rates; limited but increasing corruption among US border law enforcement; and the successful recruitment of US residents to commit capital murder, suggest **cross-border criminality could expand** apace without stronger countermeasures. **In that environment, outbreaks of narco-violence** analogous to 1980s' Miami – **or** the **more widespread firefights, raids and assassinations** of Mexican cities – **seem more than possible.**

Increase of border security on other areas and a decrease in resources on the Tohono border has forced a huge amount of drug trade into the Tohono O'odham Nation

(Mizzi '14, Shannon Mizzi, Friday, SEP 26, 2014, "A Forgotten Front in the Drug & Border Fights: Tribal Reservations by Shannon Mizzi," The Wilson Quarterly, http://wilsonquarterly.com/stories/forgotten-front-in-drug-border-fights-tribal-reservations/, language edited) //LS

Areas where American ~~Indian~~ Native reservations meet the Mexican and Canadian borders have seen some of the country's highest increases in both drug trafficking and abuse. In a recent article in American Indian Quarterly, Asa Revels and Janet Cummings explore how this situation developed and what it means for members of the the Tohono O'odham Nation, whose Arizona-based reservation abuts the Mexican border for some 75 miles. The Tohono O'odham reservation consists largely of mountains and desert — inhospitable terrain that is difficult to patrol, **much to the delight of drug smugglers**. Though the reservation's size accounts for less than four percent of the total length of U.S.-Mexico border, **between five and 10 percent of all marijuana produced in Mexico is transported through Tohono** O'odham territory, according to Revels & Cummings. The U.S. government has designated the reservation as a "High Intensity Drug Trafficking Area," with the amount of narcotics seized on the territory drastically increasing over the last 15 years. In 2008, roughly 201,000 pounds of marijuana was seized on the res; in 2009, marijuana seizures rose to 319,000 pounds. Why the sudden increase? Perhaps counterintuitively, Cummings and Revels argue that one factor is the increased border security along the U.S.-Mexico border. Prior to the 9/11 attacks, there were several transborder entry points open only to Tohono O'odham people, an accommodation made in recognition of the native Arizonan population's strong familial and social ties with O'odham living just across the border; **after 9/11, these checkpoints saw their security resources retired to high-traffic areas**, and smugglers saw the reservation crossings as opportunities for easier entry into the United States. Though security has since been enhanced at those reservation checkpoints that remain, O'odham who know the land are courted by drug smugglers to help them make it across the border.

Desperate Tohono have no choice but to resort to drug trafficking

(Mizzi '14, Shannon Mizzi, Friday, SEP 26, 2014, "A Forgotten Front in the Drug & Border Fights: Tribal Reservations by Shannon Mizzi," The Wilson Quarterly, http://wilsonquarterly.com/stories/forgotten-front-in-drug-border-fights-tribal-reservations/, language edited) //LS

High levels of extreme poverty on the reservation — four times higher than the rest of Arizona — drive desperate residents to participate in drug trafficking to make money or spiral into substance abuse to numb the pain. "Smuggling can garner a destitute O'odham a quick $3,000 to $5,000 for hustling drugs just one time," write Revels and Cummings, "and is often the best job opportunity available." It's a paradox. The tribe's resources are limited. They spend money to reduce drug trafficking, but don't have enough to make a substantial improvement. With funds going to direct action along the border, little is left for the creation and improvement of social programs that may

help the average resident. Some residents see drug smuggling as a quick way to help pay the bills, and so participate in the trade even as the tribe spends money to combat it.

Status Quo Solves the Aff – Cultural Sensitivity Training

Extend the cultural sensitivity training from the 1NC - solves border patrol abuses and allows groups to find work together to achieve DHS goals

(Brown '14, Cecelia Wright Brown; Kevin A Peters; Kofi Adofo Nyarko, "Cases on Research and Knowledge Discovery : Homeland Security Centers of Excellence (eBook, 2014), Hershey, PA : Information Science Reference, [2014], http://www.worldcat.org/title/cases-on-research-and-knowledge-discovery-homeland-security-centers-of-excellence/oclc/880631356) //LS

Build Consensus: Achieving effective cooperative relationships requires con-sideration of the different concerns and interests amongst the stakeholders in order to reach a broad consensus about what is in the best interest of the group. Before consensus can be achieved, trust must be achieved so that each stake-holder is comfortable with expressing their beliefs and viewpoints. Building trust is a process and it must be approached with patience and perseverance. They have to develop trust for each other and trust that their government coun-terparts are apt to handle complex, overarching policy issues as well. There needs to be more communication that is focused on sharing information about the differing governing styles of each party as well as their decision making processes and available resources; all of which could vary from tribe to tribe, and state to state as well. **Cultural sensitivity training is going to be a neces-sary investment for the representatives from the two government structures**. As was discussed in the qualitative data, it is clear that a great majority of the conflict is stemming from a lack of familiarity with the cultural differences between the groups. Once they have been able to share, the group can work to find common ground amongst their perspectives so that agreements can be made where consensus exists, compromises can be discussed, and unrelenting disagreements between members can be further explored as a group. In this particular context, all parties must agree that the area of homeland security and emergency management is an area of shared concern and must seek joint ventures to help in the achievement of a unified system of homeland security. The interactions between these governments should be guided by efforts to achieve the mission of the Department of Homeland Security. A method of ensuring that this focus remains at the forefront of the Tribal-U.S. partnerships is to seek out joint funding opportunities such as the Urban Areas Security Initiative (UASI) or Operation Stonegarden (OPSG). This process will in-crease opportunities for collaboration, help to protect the nation in a unified and inclusive manner, and strengthen intergovernmental partnerships within the area of homeland security and emergency management.

Terror DA

1NC

1. Terror risk is high- maintaining current surveillance is key

Inserra, 6-8-2015

David Inserra is a Research Associate for Homeland Security and Cyber Security in the Douglas and Sarah Allison Center for Foreign and National Security Policy of the Kathryn and Shelby Cullom Davis Institute for National Security and Foreign Policy, at The Heritage Foundation, 6-8-2015, "69th Islamist Terrorist Plot: Ongoing Spike in Terrorism Should Force Congress to Finally Confront the Terrorist Threat," Heritage Foundation, http://www.heritage.org/research/reports/2015/06/69th-islamist-terrorist-plot-ongoing-spike-in-terrorism-should-force-congress-to-finally-confront-the-terrorist-threat

On June 2 in Boston, Usaamah Abdullah Rahim drew a knife and attacked police officers and FBI agents, who then shot and killed him. Rahim was being watched by Boston's Joint Terrorism Task Force as he had been plotting to behead police officers as part of violent jihad. A conspirator, David Wright or Dawud Sharif Abdul Khaliq, was arrested shortly thereafter for helping Rahim to plan this attack. This plot marks the 69th publicly known Islamist terrorist plot or attack against the U.S. homeland since 9/11, and is part of a recent spike in terrorist activity. The U.S. must redouble its efforts to stop terrorists before they strike, through the use of properly applied intelligence tools. The Plot According to the criminal complaint filed against Wright, Rahim had originally planned to behead an individual outside the state of Massachusetts,[1] which, according to news reports citing anonymous government officials, was Pamela Geller, the organizer of the "draw Mohammed" cartoon contest in Garland, Texas.[2] To this end, Rahim had purchased multiple knives, each over 1 foot long, from Amazon.com. The FBI was listening in on the calls between Rahim and Wright and recorded multiple conversations regarding how these weapons would be used to behead someone. Rahim then changed his plan early on the morning of June 2. He planned to go "on vacation right here in Massachusetts…. I'm just going to, ah, go after them, those boys in blue. Cause, ah, it's the easiest target."[3] Rahim and Wright had used the phrase "going on vacation" repeatedly in their conversations as a euphemism for violent jihad. During this conversation, Rahim told Wright that he planned to attack a police officer on June 2 or June 3. Wright then offered advice on preparing a will and destroying any incriminating evidence. Based on this threat, Boston police officers and FBI agents approached Rahim to question him, which prompted him to pull out one of his knives. After being told to drop his weapon, Rahim responded with "you drop yours" and moved toward the officers, who then shot and killed him. While Rahim's brother, Ibrahim, initially claimed that Rahim was shot in the back, video surveillance was shown to community leaders and civil rights groups, who have confirmed that Rahim was not shot in the back.[4] Terrorism Not Going Away This 69th Islamist plot is also the seventh in this calendar year. Details on how exactly Rahim was radicalized are still forthcoming, but according to anonymous officials, online propaganda from ISIS and other radical Islamist groups are the source.[5] That would make this attack the 58th homegrown terrorist plot and continue the recent trend of ISIS playing an important role in radicalizing individuals in the United States. It is also the sixth plot or attack targeting law enforcement in the U.S., with a recent uptick in plots aimed at police. While the debate over the PATRIOT Act and the USA FREEDOM Act is taking a break, the terrorists are not. The result of the debate has been the reduction of U.S. intelligence and counterterrorism capabilities, meaning that the U.S. has to do even more with less when it comes to connecting the dots on terrorist plots.[6] Other legitimate intelligence tools and capabilities must be leaned on now even more. Protecting the Homeland To keep the U.S. safe, Congress must take a hard look at the U.S. counterterrorism enterprise and determine other measures that are needed to improve it. Congress should: Emphasize community outreach. Federal grant funds should be used to create robust community-outreach capabilities in higher-risk urban areas. These funds must not be used for political pork, or so broadly that they no longer target those communities at greatest risk. Such capabilities are key to building trust within these communities, and if the United States is to thwart lone-wolf terrorist attacks, it must place effective community outreach operations at the tip of the spear. Prioritize local cyber capabilities. Building cyber-investigation capabilities in the higher-risk urban areas must

become a primary focus of Department of Homeland Security grants. With so much terrorism-related activity occurring on the Internet, local law enforcement must have the constitutional ability to monitor and track violent extremist activity on the Web when reasonable suspicion exists to do so. Push the FBI toward being more effectively driven by intelligence. While the FBI has made high-level changes to its mission and organizational structure, the bureau is still working on integrating intelligence and law enforcement activities. Full integration will require overcoming inter-agency cultural barriers and providing FBI intelligence personnel with resources, opportunities, and the stature they need to become a more effective and integral part of the FBI. Maintain essential counterterrorism tools. Support for important investigative tools is essential to maintaining the security of the U.S. and combating terrorist threats. Legitimate government surveillance programs are also a vital component of U.S. national security and should be allowed to continue. The need for effective counterterrorism operations does not relieve the government of its obligation to follow the law and respect individual privacy and liberty. In the American system, the government must do both equally well. Clear-Eyed Vigilance The recent spike in terrorist plots and attacks should finally awaken policymakers—all Americans, for that matter—to the seriousness of the terrorist threat. Neither fearmongering nor willful blindness serves the United States. Congress must recognize and acknowledge the nature and the scope of the Islamist terrorist threat, and take the appropriate action to confront it.

2. Plan forces border patrol to monitor the entire perimeter of the Tohono O'Odham border, killing already scarce funding and creating an open highway into the US for terrorists

(Di Iorio '07, "Mending Fences: The Fractured Relationship between Native American Tribes and the Federal Government and Its Negative Impact on Border Security", Syracuse Law Review, Vol. 57, Issue 2 (2007), pp. 407-428, Di Iorio, William R.) //LS

Additionally, such a plan would result in increasing the territory under the jurisdiction of the Border Patrol. For example, instead of just worrying about the Tohono O'odham border with Mexico, the Border Patrol would have to monitor the entire perimeter of the tribe's border in Arizona. This increased area would require additional personnel and funds, both of which are scarce.¶ As a final point, such a strategy would create the same disparate treatment noted previously. Border tribes would receive true sovereignty, while landlocked tribes, which do not present the same homeland security problems, would likely maintain the status quo. It is highly unlikely that the federal government would be willing to carve up small sovereign states in its midsection and elsewhere. Undoubtedly, this would lead to considerable litigation and further complicate an already difficult relationship between Native Americans and the federal government. More dangerously, Native Americans may be pushed too far in this relationship and respond with open hostility. ¶ As a goal for society, granting Native Americans greater control over their territories and destinies is an admirable and noble goal. As a means to combat current deficiencies in homeland security, this plan fails. It would likely result in a further stretching of scarce resources and ultimately create more gaps in security.

3. Terrorists will use bioweapons- guarantees extinction

Cooper 13

(Joshua, 1/23/13, University of South Carolina, "Bioterrorism and the Fermi Paradox," http://people.math.sc.edu/cooper/fermi.pdf, 7/15/15, SM)

We may conclude that, when a civilization reaches its space-faring age, it will more or less at the same moment (1) contain many individuals who seek to cause large-scale destruction, and (2) acquire the capacity to tinker

with its own genetic chemistry. This is a perfect recipe for bioterrorism, and, given the many very natural pathways for its development and the overwhelming∂ evidence that precisely this course has been taken by humanity, it is hard to∂ see how bioterrorism does not provide a neat, if profoundly unsettling, solution∂ to Fermi's paradox. One might object that, if omnicidal **individuals** are∂ successful in releasing **highly virulent** and **deadly genetic malware** into the∂ wild, they are still unlikely to succeed in killing everyone. However, even if∂ every such mass death event results only in a high (i.e., not total) kill rate and∂ there is a large gap between each such event (so that individuals can build up∂ the requisite scientific infrastructure again**), extinction would be inevitable**∂ regardless. Some of the engineered bioweapons will be more successful than∂ others; the inter-apocalyptic eras will vary in length; and post-apocalyptic∂ environments may be so **war-torn, disease-stricken, and impoverished of genetic variation that they may culminate in true extinction events even if the initial cataclysm 'only' results in 90% death rates**, since they may cause the∂ effective population size to dip below the so-called "minimum viable population."∂ This author ran a Monte Carlo simulation using as (admittedly very∂ crude and poorly informed, though arguably conservative) estimates the following∂ Earth-like parameters: bioterrorism event mean death rate 50% and∂ standard deviation 25% (beta distribution), initial population 1010, minimum∂ viable population 4000, individual omnicidal act probability 10−7 per annum,∂ and population growth rate 2% per annum. One thousand trials yielded an∂ average post-space-age time until extinction of less than 8000 years. This is∂ essentially instantaneous on a cosmological scale, and varying the parameters∂ by quite a bit does nothing to make the survival period comparable with the∂ age of the universe.

More Links

Federal supervision key to avoid corruption – difficult shift causes decrease in homeland security and increased terrorist entry points, enables a terrorist attack

(Di Iorio '07, "Mending Fences: The Fractured Relationship between Native American Tribes and the Federal Government and Its Negative Impact on Border Security", Syracuse Law Review, Vol. 57, Issue 2 (2007), pp. 407-428, Di Iorio, William R.) //LS

Additionally, corruption is rampant within tribal governments, a situation that would only worsen without federal supervision. 108 This would require the expenditure of additional resources designated to the transition of Native American lands from domestic dependent nations to true sovereigns. As resources such as these are always scarce, such a plan would likely divert funds from other areas, perhaps from other homeland security operations.

As a result of the present internal deficiencies in Native American lands, the border areas would likely become a more attractive point of entry for terrorists, who would recognize that the Native American police forces do not have the capacity to properly secure their borders. This presents additional problems because of the extent of United States infrastructure contained in border tribal areas. While tribal sovereignty could be granted, power plants cannot be easily moved into other areas of the United States, nor can these plants be immediately shut down, as significant portions of the nation rely upon them for electricity. Thus, if a terrorist could infiltrate a Native American border, which would likely become an easier task, that terrorist could potentially inflict significant damage on United States infrastructure without ever stepping foot on United States soil. It is unlikely that the federal government would be prepared to completely turn over security for this infrastructure to Native American police forces. Native Americans would be in the same situation they are now: called sovereign, but without complete control of their territory.

Any gap in security on the border allows international terror groups to come into the United States

Wilson 15 [Reid Wilson, 2/26/15, covers national politics for the Washington Post, "Texas officials warn of immigrants with terrorist ties crossing southern border," Washington Post, http://www.washingtonpost.com/blogs/govbeat/wp/2015/02/26/texas-officials-warn-of-immigrants-with-terrorist-ties-crossing-southern-border/ jf]

A top Texas law enforcement agency says **border security organizations have apprehended several members of known Islamist terrorist organizations crossing the southern border** in recent years, and while a surge of officers to the border has slowed the flow of drugs and undocumented immigrants, it's costing the state tens of millions of dollars. In a report to Texas elected officials, the state Department of Public Safety says bo**rder security agencies have arrested several Somali immigrants crossing the southern border who are known members of al-Shabab**, the terrorist group that launched a deadly attack on the Westgate shopping mall in Nairobi, Kenya, and Al-Itihaad al-Islamiya, another Somalia-based group once funded by Osama bin Laden. **Another undocumented immigrant arrested crossing the border was on multiple U.S. terrorism watch lists**, the report says. According to the report, **one member of al-Shabab, apprehended in** June **2014**, told authorities he **had been trained for an April 2014 suicide attack in Mogadishu.** He said he escaped and reported the planned attack to African Union troops, who were able to stop the attack. The FBI believed another undocumented immigrant was an al-Shabab member who helped smuggle several potentially dangerous terrorists into the U.S. Authorities also apprehended immigrants who said they were members of terrorist organizations in Sri Lanka and Bangladesh. The Department of Public Safety said the report, first published by the Houston Chronicle, was not meant for public distribution. "[T]hat report was inappropriately obtained and [the Chronicle was] not authorized to possess or post the law enforcement sensitive document," department press secretary Tom Vinger said in an e-mail. U.S. Customs and Border Protection did not respond to requests for comment. **The department said it had come into contact in recent years with "special interest aliens," who come from countries with known ties to terrorists or where terrorist groups thrive.** Those arrested include Afghans, Iranians, Iraqis, Syrians, Libyans and Pakistanis. In all, immigrants from 35 countries in Asia and the Middle East have been arrested over the past few years in the Rio Grande Valley. The department says there is no known intelligence that specifically links undocumented immigrants to terrorism plots, but the authors warn it's almost certain that foreign terrorist organizations know of the porous border between the U.S. and Mexico. **"It is important to note that an unsecure border is a vulnerability that can be exploited by criminals of all kinds," Vinger said. "And it would be naive to rule out the possibility that any criminal organizations around the world, including terrorists, would not look for opportunities to take advantage of security gaps along our country's international border."**

Coloniality K ("Notion of culture" argument is not done yet, do not read)

1NC

The concept of "valuing culture" is inherently Eurocentric—they privilege certain performances of others according to Western artistic standards

Ramos 11, (Juan, Ph. D. Student in Philosophy at UMass Amherst, LATIN AMERICAN DECOLONIAL AESTHETICS: ANTIPOETRY, NUEVA¶CANCIÓN, AND THIRD CINEMA

AS COUNTERCULTURE (1960-1975), Dissertation submitted to the Graduate School of the¶ University of Massachusetts Amherst, 2011)//rf

The very idea of the 'cultured person' would seem to privilege specific types of¶ information, cultural production, and knowledge (as processes of cultivation) that can be derived from select cultural artifacts (the means of cultivation). In this way, **the¶ cultured person participates in an ongoing process of selective evaluation of what¶ constitutes worthy** components of culture. Put differently, only some cultural artifacts¶ can lead to the road of cultivation. This is to say that some artworks will derive the¶ most amount of information, which, in turn, leads to the cultivation of the mind.¶ Simply put, **the goal of the cultured individual is to accrue the most culture through¶ means of education**, whether formal or informal, whether at school or by going to a¶ museum or the opera. In these specific locations, **the highest forms of culture are¶ traditionally studied or housed and thus the cultured individual seeks to attain that¶ which has been identified as valuable or indispensable to become cultured** or to¶ achieve a developed state of mind. As such, for Williams all three spheres (i.e. developed state of mind, the¶ processes of development and the means of such processes) are linked to one another¶ and point toward a relational interest in the investigation of all aspects of cultural¶ production and how it shapes, informs, and determines a specific group's way of life¶ or quotidian cultural practices. Put differently, **Williams' interest in culture is to arrive¶ at a complete or holistic way of looking at culture from a sociological standpoint and¶ how competing meanings of culture** (anthropological/sociological vs. humanistic)¶ **converge and are dependent upon each other.¶ Part of the problem with** Williams' **conceptualization of culture in terms of¶ cultivation** and development is that it retains and echoes the same logic and wording¶ that stratified the world into three tiers, which coincided with perceived economic¶ development and its concomitant relationship to democratic values under Cold War politics.1 **Nonetheless,** in Williams it **is possible to observe traces of not only Marxist¶ understanding of culture, but also of dependency theory and its the distinction among¶ developed and underdeveloped parts of the world with rhetorical geopolitical¶ coordinates** (e.g. center vs. periphery) still prevalent today in postcolonial studies and¶ other theoretical approaches. Despite these objections to Williams' approach, when applied to specific¶ examples of cultural production, his concepts render particularly pressing¶ observations**. If one were to apply his categories of analysis to musical genres, one is¶ able to discern precisely how the means, process, and development of the mind come¶ to have different** implications according to the type of cultural artifact with which one¶ is

dealing. **If we turn our attention to** Giacomo Puccini's **La bohème, given opera's¶ status as a high form of culture and even though the opera deals with popular topics**,¶ this particular opera continues to be deemed as one of the renowned, admired, and¶ most widely staged operatic productions. In terms of Williams' categories, **La bohème¶ would be associated with the means of cultural development. The process of¶ development would be associated with the amount of aesthetic pleasure**, information,¶ and knowledge the viewers can derive from the opera. **Since it is assumed that an¶ artifact of high culture would contain plenty of aesthetic qualities, as well as useful¶ information**, upon being exposed to this opera, **one would add more culture to one's¶ development or cultivation of the mind**. If we compare this example to a different¶ musical genre, for instance, vallenato, the conclusions would be different. **Vallenato,¶ as a means of cultural development, does not have the stature or recognition as opera.** Thus, the implication is that it has little aesthetic value or useful information to offer to listeners. Moreover, **since it lacks aesthetic value and because it is not a recognized¶ means of cultural development, vallenato would not lead to the development or¶ cultivation of the mind**. If further proof were needed today that such distinctions have¶ not lost their currency, among academic departments of music, classical music¶ continues to be most sought after genre, whereas a genre like vallenato is relegated to¶ ethnomusicology.

Coloniality naturalizes a non-ethic of death and generalizes the condition of damnation—ongoing genocide, enslavement, rape, ecological destruction and unending war is produced by and reproduces colonial epistemologies.

Maldonado-Torres 2008 [Nelson. "Against War : Views from the Underside of Modernity"¶ Durham, NC, USA: Duke University Press, 2008. p 215-217¶ http://site.ebrary.com/lib/utexas/Doc?id=10217191&ppg=52]

Dussel, Quijano, and Wynter lead us to the understanding that what happened in the Americas was a transformation and naturalization of the non-ethics of war— which represented a sort of exception to the ethics that regulate normal conduct in Christian countries— into a more stable and long-standing reality of damnation, and that this epistemic and material shift occurred in the colony. Damnation, life in hell, is colonialism: a reality characterized by the naturalization of war by means of the naturalization of slavery, now justified in relation to the very constitution of people and no longer solely or principally to their faith or belief. That human beings become slaves when they are vanquished in a war translates in the Americas into the suspicion that the conquered people, and then non-European peoples in general, are constitutively inferior and that therefore they should assume a position of slavery and serfdom. Later on,

this idea would be solidified with respect to the slavery of African peoples, achieving stability up to the present with the tragic reality of different forms of racism. Through this process, what looked like a "state of exception" in the colonies became the rule in the modern world. However, deviating from Giorgio Agamben's diagnosis, one must say that the colony— long before the concentration camp and the Nazi politics of extermination— served as the testing ground for the limits and possibilities of modernity, thereby revealing its darkest secrets.61 It is race, the coloniality of power, and its concomitant Eurocentrism (and¶ not only national socialisms or expressed forms of fascism) that allow the "state of exception" to continue to define ordinary relations in this, our so-called postmodern world. Race emerges within a permanent state of exception where forms of behavior that are legitimate in war become a natural part of the ordinary way of life. In that world, an otherwise extraordinary affair becomes the norm and living in it requires extraordinary effort.62 **In the racial/ colonial world, the "hell" of war becomes a condition that defines the reality of racialized selves**, which Fanon referred to as the damnés de la terre (condemned of the earth). The damné (condemned) is a subject who exists in a permanent "hell," and as such, this figure serves as the main referent or liminal other that guarantees the continued affirmation of modernity as a paradigm of war. The hell of the condemned is not defined by the alienation of colonized productive forces, but rather signals the dispensability of racialized subjects, that is, the idea that the world would be fundamentally better without them. The racialized subject is ultimately a dispensable source of value, and exploitation is conceived in this context as due torture, and not solely as the extraction of surplus value. Moreover, it is this very same conception that gives rise to the particular erotic dynamics that characterize the relation between the master and its slaves or racialized workers. The condemned, in short, inhabit a context in which the confrontation with death and murder is ordinary. Their "hell" is not simply "other people," as Sartre would have put it— at least at one point— but rather racist perceptions that are responsible for the suspension of ethical behavior toward peoples at the bottom of the color line. **Through racial conceptions that became central to the modern self, modernity and coloniality produced a permanent state of war that racialized and colonized subjects cannot evade or escape**. The modern function of race and the coloniality of power, I am suggesting here, can be understood as a radicalization and naturalization of the non-ethics of war in colonialism.63 This non-ethics included the practices of eliminating and enslaving certain subjects— for example, indigenous and black— as part of the enterprise of colonization. From here one could as well refer to them as the death ethics of war. War, however, is not only about killing or enslaving; it also includes a particular treatment of sexuality and femininity: rape. Coloniality is an order of things that places people of color within the murderous and rapist view of a vigilant ego, and the primary targets of this rape are women. But men of color are also seen through these lenses and feminized, to become fundamentally penetrable subjects for the ego conquiro. Racialization functions through gender and sex, and the ego conquiro is thereby constitutively a phallic ego as well.64 Dussel, who presents this thesis of the phallic character of the ego cogito, also makes links, albeit indirectly, with the reality of war. And thus, in the beginning of modernity, before Descartes discovered . . . a terrifying anthropological dualism in Europe, the Spanish conquistadors arrived in America. The phallic conception of the European-medieval world is now added to the forms of submission of the vanquished Indians. "Males," Bartolomé de las Casas writes, are reduced through "the hardest, most horrible, and harshest serfdom"; but this only occurs with those who have remained alive, because many of them have died; however, "in war typically they only leave alive young men (mozos) and women."65 The indigenous people who survive the massacre or are left alive have to contend with a world that considers them to be dispensable. And since their bodies have been conceived of as inherently inferior or violent, they must be constantly subdued or civilized, which requires renewed acts of conquest and colonization. The survivors continue to live in a world defined by war, and this situation is peculiar in the case of women. As T. Denean Sharpley-Whiting and Renée T. White put it in the preface to their anthology Spoils of War: Women of Color, Cultures, and Revolutions: A sexist and/or racist patriarchal culture and order posts and attempts to maintain, through violent acts of force if necessary, the subjugation and inferiority of women of color. As Joy James notes, "its explicit, general premise constructs a conceptual framework of male [and/or white] as normative in order to enforce a political [racial, economic, cultural, sexual] and intellectual mandate of male [and/or white] as superior." The warfront has always been a "feminized" and "colored" space for women of color. Their experiences and perceptions of war, conflict, resistance,

and struggle emerge from their specific racial-ethnic and gendered locations. "Inter arma silent leges: in time of war the law is silent," Walzer notes. Thus, this volume operates from the premise that war has been and is presently in our midst.66 The links between war, conquest, and the exploitation of women's bodies are hardly accidental. In his study of war and gender, Joshua Goldstein argues that conquest usually proceeds through an extension of the rape and exploitation of women in wartime.67 He argues that to understand conquest, one needs to examine: 1) male sexuality as a cause of aggression; 2) the feminization of enemies as symbolic domination; and 3) dependence on the exploitation of women's labor— including reproduction.68 My argument is, first, that these three elements came together in a powerful way in the idea of race that began to emerge in the conquest and colonization of the Americas. My second point is that through the idea of race, these elements exceed the activity of conquest and come to define what from that point on passes as the idea of a "normal" world. As a result, the phenomenology of a racial context resembles, if it is not fundamentally identical to, the phenomenology of war and conquest. Racism posits its targets as racialized and sexualized subjects that, once vanquished, are said to be inherently servile and whose bodies come to form part of an economy of sexual abuse, exploitation, and control. The coloniality of power cannot be fully understood without reference to the transformation and naturalization of war and conquest in modern times. Hellish existence in the colonial world carries with it both the racial and the gendered aspects of the naturalization of the non-ethics of war. "Killability" and "rapeability" are inscribed into the images of colonial bodies and deeply mark their ordinary existence. Lacking real authority, colonized men are permanently feminized and simultaneously represent a constant threat for whom any amount of authority, any visible trace of the phallus is multiplied in a symbolic hysteria that knows no limits.69 Mythical depiction of the black man's penis is a case in point: the black man is depicted as an aggressive sexual beast who desires to rape women, particularly white women. The black woman, in turn, is seen as always already sexually available to the rapist gaze of the white, and as fundamentally promiscuous. In short, the black woman is seen as a highly erotic being whose primary function is fulfilling sexual desire and reproduction. To be sure, any amount of "penis" in either one represents a threat, but in his most familiar and typical forms the black man represents the act of rape—"raping"—while the black woman is seen as the most legitimate victim of rape—"being raped." In an antiblack world black women appear as subjects who deserve to be raped and to suffer the consequences— in terms of a lack of protection from the legal system, sexual abuse, and lack of financial assistance to sustain themselves and their families— just as black men deserve to be penalized for raping, even without having committed the act. Both "raping" and "being raped" are attached to blackness as if they form part of the essence of black folk, who are seen as a dispensable population. Black bodies are seen as excessively violent and erotic, as well as being the legitimate recipients of excessive violence, erotic and otherwise.70 "Killability" and "rapeability" are part of their essence, understood in a phenomenological way. The "essence" of blackness in a colonial anti-black world is part of a larger context of meaning in which the death ethics of war gradually becomes a constitutive part of an allegedly normal world. In its modern racial and colonial connotations and uses, blackness is the invention and the projection of a social body oriented by the death ethics of war.71 This murderous and raping social body projects the features that define it onto sub-Others in order to be able to legitimate the same behavior that is allegedly descriptive of them. The same ideas that inspire perverted acts in war— particularly slavery, murder, and rape— are legitimized in modernity through the idea of race and gradually come to be seen as more or less normal thanks to the alleged obviousness and non-problematic character of black slavery and anti-black racism. To be sure, those who suffer the consequences of such a system are primarily blacks and indigenous peoples, but it also deeply affects all of those who appear as colored or close to darkness. In short, this system of symbolic representations, the material conditions that in part produce and continue to legitimate it, and the existential dynamics that occur therein (which are also at the same time derivative and constitutive of such a context) are part of a process that naturalizes the non-ethics or death ethics of war. Sub-ontological difference is the result of such naturalization and is legitimized through the idea of race. In such a world, ontology collapses into a Manicheanism, as Fanon suggested.72

The alternative is the definitive rejection of epistemic privilege and total decolonization. The starting point for the decolonial option is the repudiation of death ethics in the name of life. Dewesternization alone or continuing faith in the project of modernity fails to undermine the overrepresentation of man.

Mignolo 09 (Walter, Professor of literature-Duke University, Ph.D. from the Ecole des Hautes Etudes, academic director of Duke in the Andes, an interdisciplinary program in Latin American and Andean Studies in Quito, Ecuador at Pontificia Universidad Católica del Ecuador and the Universidad Politécnica Salesiana, "Epistemic Disobedience,¶ Independent Thought and¶ De-Colonial Freedom" ,Theory, Culture & Society 2009)

ONCE UPON a¶ time scholars assumed that the knowing subject in¶ the disciplines is transparent, disincorporated from the known and¶ untouched by the geo-political configuration of the world in which¶ people are racially ranked and regions are racially configured. From a¶ **detached and neutral point of observation** (that Colombian philosopher¶ Santiago Castro-Gómez (2007) describes as the **hubris of the zero point**), the¶ **knowing subject maps the world and its problems, classifies people and¶ projects into what is good for them**. Today that assumption is no longer¶ tenable, although there are still many believers. At stake is indeed the¶ question of racism and epistemology (Chukwudi Eze, 1997; Mignolo, forthcoming).¶ And once upon a time scholars assumed that if you 'come' from¶ Latin America you have to 'talk about' Latin America; that in such a case¶ you have to be a token of your culture. Such expectation will not arise if the¶ author 'comes' from Germany, France, England or the US. In such cases it¶ is not assumed that you have to be talking about your culture but can¶ function as a theoretically minded person. As we know: the first world has¶ knowledge, the third world has culture; Native Americans have wisdom,¶ Anglo Americans have science. The need for **political and epistemic delinking**¶ here comes to the fore, as well as decolonializing and de-colonial¶ knowledges, necessary steps for imagining and building democratic, just,¶ and non-imperial/colonial societies.¶ Geo-politics of knowledge goes hand in hand with geo-politics of¶ knowing. Who and when, why and where is knowledge generated (rather¶ than produced, like cars or cell phones)? Asking these questions means to¶ shift the attention from the enunciated to the enunciation. And by so doing,¶ turning Descartes's dictum inside out: rather than assuming that thinking¶ comes before being, one assumes instead that it is a racially marked body¶ in a geo-historical marked space that feels the urge or get the call to speak,¶ to articulate, in whatever semiotic system, the urge that makes of living¶ organisms 'human' beings.¶ By setting the scenario in terms of geo- and body-politics I am starting¶ and departing from already familiar notions of 'situated knowledges'. Sure,¶ all knowledges are situated and every knowledge is constructed. But that is¶ just the beginning. The question is: who, when, why is constructing¶ knowledges (Mignolo, 1999, 2005 [1995])? Why eurocentered epistemology¶ carefully hidden (in the social sciences, in the humanities, in the natural¶ sciences and professional schools, in think tanks of the financial sector and¶ the G8 or G20), its own geo-historical and bio-graphical locations Occidentales), that created the conditions for Orientalism; distinguished the¶ South of Europe from its center (Hegel) and, on that long history, remapped¶ the world as first, second and third during the Cold War. **Places of nonthought**¶ (of myth, non-western religions, folklore, underdevelopment involving¶ regions and people) **today have been waking up from the long process¶ of westernization.** The anthropos inhabiting non-European places discovered¶ that s/he had been invented, as anthropos, by a locus of enunciations¶ self-defined as humanitas.¶ Now, there are currently two kinds or directions advanced by the former¶ anthropos who are no longer claiming recognition by or inclusion in, the¶ humanitas, but engaging in epistemic

disobedience and de-linking from the¶ magic of the Western idea of modernity, ideals of humanity and promises of¶ economic growth and financial prosperity (Wall Street dixit). One direction¶ unfolds within the globalization of a type of economy that in both liberal¶ and Marxist vocabulary is defined as 'capitalism.' One of the strongest advocates¶ of this is the Singaporean scholar, intellectual and politician Kishore¶ Mahbubani, to which I will return later. One of his earlier book titles carries¶ the unmistakable and irreverent message: Can Asians Think?: Understanding¶ the Divide between East and West (2001). Following Mahbubani's own¶ terminology, this direction could be identified as de-westernization. Dewesternization¶ means, within a capitalist economy, that the rules of the game¶ and the shots are no longer called by Western players and institutions. The¶ seventh Doha round is a signal example of de-westernizing options.¶ The second direction is being advanced by what I describe as the decolonial¶ option. The de-colonial option is the singular connector of a¶ diversity of de-colonials. The de-colonial path has one thing in common: the¶ colonial wound, the fact that regions and people around the world have been¶ classified as underdeveloped economically and mentally. Racism not only¶ affects people but also regions or, better yet, the conjunction of natural¶ resources needed by humanitas in places inhabited by anthropos. Decolonial¶ options have one aspect in common with de-westernizing arguments:¶ the **definitive rejection of 'being told' from the epistemic privileges¶ of the zero point what 'we' are, what our ranking is in relation to the ideal¶ of humanitas and what we have to do to be recognized as such.** However,¶ de-colonial and de-westernizing options diverge in one crucial and in -¶ disputable point: while the latter do not question the '**civilization of death'**¶ hidden under the rhetoric of modernization and prosperity, of the improvement¶ of modern institutions (e.g. liberal democracy and an economy¶ propelled by the principle of growth and prosperity), **de-colonial options¶ start from the principle that the regeneration of life shall prevail over¶ primacy of the production and reproduction of goods at the cost of life** (life¶ in general and of humanitas and anthropos alike!). I illustrate this direction,¶ below, commenting on Partha Chatterjee's re-orienting 'eurocentered¶ modernity' toward the future in which 'our modernity' (in India, in Central¶ Asia and the Caucasus, in South America, briefly, in all regions of the world¶ upon which eurocentered modernity was either imposed or 'adopted' by local¶ Mignolo – Epistemic Disobedience, Independent Thought and . . . 3¶ actors assimilating to local histories inventing and enacting global designs)¶ becomes the statement of interconnected dispersal in which de-colonial¶ futures are being played out.¶ Last but not least, my argument doesn't claim originality ('originality'¶ is one of the basic expectations of modern control of subjectivity) but aims¶ to make a contribution to growing processes of de-coloniality around the¶ world. My humble claim is that **geo- and body-politics of knowledge has¶ been hidden from the self-serving interests of Western epistemology and that¶ a task of de-colonial thinking is the unveiling of epistemic silences of¶ Western epistemology and affirming the epistemic rights of the racially¶ devalued, and de-colonial options to allow the silences to build arguments**¶ to confront those who take 'originality' as the ultimate criterion for the final¶ judgment.

And we must decolonize debate practice itself—Education based on Western epistemologies continue forms ofcolonial schooling designed to reproduce coloniality-from the "moral project" of educating and civilizing the Indians to teaching of social Darwinism in the Congo. Decolonizing education requires not only an analysis of the knowledge, power, Eurocentrism, colonial history, and political economy inherent in educational activities like debate but also foregrounding the possibility of epistemic resistance.

Shahjahan 2011 [Riyad Ahmed, Assistant Professor of Higher, Adult, and Lifelong Education (HALE) at Michigan State University. Ph.D. at the OISE/University of Toronto in Higher Education. "Decolonizing the evidence-based education and policy movement:¶ revealing the colonial vestiges in educational policy, research, and¶ neoliberal reform" Online publication date: 22 March 201, Journal of Education Policy, 26: 2,¶ 181 — 206 http://dx.doi.org/10.1080/02680939.2010.508176]

Revisiting histories of colonial educational policy in schooling helps us contextualize¶ and demonstrate how evidence-based education, tied to high-stakes testing and¶ neoliberalism, reproduces past colonial ideologies with respect to developing colonized¶ labor. Throughout European colonialism, schooling was not only used to colonize¶ the minds to force cultural assimilation or acceptance of colonial rule, but also to¶ produce a reservoir of subservient labor that would harvest and mine commodities for¶ the imperial economy. For instance, in North America, colonial schooling 'introduced¶ the concept of forced labor as part of Indian education, transforming the ostensibly¶ "moral project" of civilizing Indians into a for-profit enterprise' (Grande 2004, 13). In¶ boarding schools, part of the most important feature of the colonialist curriculum 'was¶ the inculcation of the industrial or "Protestant" work ethic' (13). In the Belgian¶ Congo, Darwin's scientific racism was the dominant discourse among Belgian colonizers,¶ and it influenced their colonial educational policy. For the Belgian government¶ and leaders of industry, the Congolese was to learn in school a work ethos that clearly¶ catered to the economic endeavor, and to mold the Congolese playfulness and laziness¶ into a life of 'progress,' order and discipline (Seghers 2004, 465). In Hawaii, colonial¶ schools 'became less a means of religious conversion and more a site for socializing¶ Hawaiian and immigrant children for work on the plantation' (Kaomea 2000, 322). In¶ Africa in general, Urch notes: The demand for skilled native labor by the white settlers and commercial leaders caused¶ the colonial administrators to reevaluate the educational program of the missions.¶ Education solely for proselytization was not considered sufficient to enable the colonies'¶ economy to expand. Government officials saw the need for an educational process that¶ would help to break down tribal solidarity and force the African into a money economy.¶ (1971, 252)¶ In short, **colonial schooling played a significant role in disciplining the minds and¶ bodies of the colonized for imperial profit**.¶ Interestingly, when it came to 'pillars of the curriculum,' what was common¶ among many colonial environments, 'were religion and the legendary "3Rs"¶ [Reading, (W)riting and "Rithmetic"]' (Sjöström 2001, 79). These pillars of the¶ curriculum very much parallel, with a slight change, the curriculum that is tested via¶ PISA and TIMSS which concentrates on reading, math, and science. In the contemporary¶ context, science has replaced the pillar of religion in the curriculum. Also, in the¶ present context, the neoliberal economy has replaced the old imperial economy, **but¶ the objective for schooling still stays the same, which is to produce a labor force for¶ the global economy.** As Lipman points out, these accountability reforms 'certify that¶ students that graduate from' schooling 'will have [the] basic literacies and disciplined¶ dispositions' needed for a global workforce (2003, 340). International organizations¶ such as the OECD and the World Bank, have replaced the old adage 'protestant work¶ ethic' of colonial schooling, with the knowledge and skills to function in the knowledge¶ economy, such as literacy to manipulate information, problem solving, math, and¶ science (Spring 2009). In other words, like colonial schooling, education via neoliberal¶ reform is working towards reproducing a labor force and objectification of the¶ colonized. Ceasire's argument of 'thingification' fits very well with the colonizing of¶ bodies in neoliberal educational reform. Teachers, students, and education in general¶ are all objectified and reduced to commodities to serve the global economy. To this¶ end, Lipman states: Students are reduced to test scores, future slots in the labor market, prison numbers, and¶ possible cannon fodder in military conquests. Teachers are reduced to technicians and¶ supervisors in the education assembly line – 'objects' rather than 'subjects' of history.¶ **This system is fundamentally about the negation of human agency**, despite the good¶ intentions of individuals at all levels. (2004, 179)¶ Global colonialism continues with the evidence-based education movement, as education¶ is increasingly reduced into standardized packages that can be sold in the global¶ marketplace, while at the same time promoting a system of education that is focused¶ on training a skilled workforce that will operate in the global labor market (Lipman¶ 2004; Berry 2008; Spring 2009; Rizvi and Lingard 2010). To this end, Fanon states:¶ I came into the world imbued with the will to find a meaning in things, my spirit filled¶ with the desire to attain to the source of the world, and then I found that I was an object¶ in the midst of other objects. (1967, 109).¶ The desires and agencies of many teachers, students, and educational leaders are being¶ stripped away, while at the same time they are turned into 'an object in the midst of¶ other objects' through the neoliberal logic of evidence-based education. In summary,¶ **the neoliberal agenda, currently dominant in education systems around the world, reproduces¶ colonial educational policies**. Within the evidence-based education movement, the epistemic and material are not separate but are intertwined

in colonial discourse¶ and history. As this section demonstrates, evidence-based education not only colonizes¶ education epistemologically, but also perpetuates materialist power relations and¶ disciplines bodies of the colonized to serve the global economy.¶ Concluding remarks and implications¶ [U]nless educational reform happens concurrently with analysis of the forces of colonialism,¶ it can only serve as a insufficient Band-aid over the incessant wound of imperialism.¶ (Grande 2004, 19)¶ Grande eloquently summarizes the intention behind this article, which is to offer a¶ conceptual map linking events of the colonial past with a present movement tha¶ continues to perpetuate colonial discourses and practices within educational policy.¶ My hope is that the analysis presented in this paper provides an alteration in terms on¶ what is unsaid or left out in educational policy and bolsters a critical analysis of power¶ in educational policy. I argue in this paper that the evidence-based education movement¶ is very much tied to multiple colonial discourses, which can be traced back to a¶ colonial history that has simply been ignored in the literature. In other words, this article¶ challenges us to move beyond the confines of Eurocentrism and historical amnesia¶ to critically examine evidence-based education and to contextualize this movement¶ within colonial discourses and histories. It is my hope that this article demonstrates the usefulness of the anticolonial lens¶ in examining educational policy. This framework foregrounds the intersections¶ between knowledge, power, Eurocentrism, colonial history, and political economy, in¶ educational policy.

The epistemic, cultural, and material perspectives in anticolonial¶ thought are applicable to policy analysis. This is evident in the way that 'educational¶ research,' 'evidence,' 'curriculum,' and 'learning outcomes' are being defined and¶ re-imagined in evidence-based education, as these are ultimately shaped by material¶ relations of power that are colonizing. For instance, common to any colonial¶ discourse is the rationale for purifying administration in the name of efficiency, and a¶ binaristic civilizing narrative is used in this regard. By naming and representing¶ education as a field in chaos, evidence-based education proponents, with good intentions,¶ are justifying actions and measures to make education systems more evidencebased¶ and in turn standardize and rationalize complex educational processes. As this¶ paper demonstrates, many proponents of evidence-based education profess an¶ educational policy with the intention of improving learning for all students (which¶ may be their full intent), **but their discourse continues to perpetuate colonized power¶ relationships**. In other words, they are unknowingly striving to control and 'tame'¶ education through evidence-based education. An anticolonial lens also reminds us how social hierarchies and knowledge¶ systems were used to justify colonial interventions with the objective of reshaping¶ society in order to exploit the labor and material resources of the colonized, and allow¶ for certain power relations to be legitimized. **In the evidence-based education movement,¶ we see the mobilization of colonial discourse with regard to the way 'evidence'¶ and 'learning' is being constructed and used to purify the production of knowledge to¶ meet neoliberal ends of education**. Furthermore, the anticolonial lens reveals the¶ commodification, objectification, and dehumanization of bodies and knowledge¶ systems in colonial processes. This article demonstrates how this 'thingification' occurs in evidence-based education for teachers, students, and educational leaders. An¶ anticolonial lens cannot separate the political economy from the epistemic issues. To¶ this end, this paper demonstrates how **evidence-based education is part of a neoliberal¶ agenda which is also tied to global colonialism and the production of colonized labor**.¶ In short, an anticolonial lens helps to bring forward the social–historical–political¶ processes that stem from colonial relations of power and informs contemporary¶ knowledge production, validation, and dissemination in educational policy. An anticolonial lens also stresses that colonial discourses and material relations of¶ power are not absolute, and that the colonized also have discursive and material¶ agency. To this end, one of the limitations of my analysis is that it overlooks the¶ agency among the colonized, and has presented evidence-based education as a monolithic¶ discourse with homogenizing effects, rather than a partial discourse that is¶ contested and lived differently from its intentions. Historically, and in present¶ contexts, imperialism and colonialism were never monolithic or unidirectional, and¶ the boundaries between colonizers and colonized were not clearly demarcated (see¶ Cooper and Stoler 1997; Young 2001; Bush 2006). Similarly, evidence-based education¶ is not an absolute, unidirectional discourse. From an anticolonial lens, we need to¶ look for those sites of resistance and discrepancies to highlight the limitations/¶ inequities of evidence-based education and **bring those struggles to the foreground**. To¶ this end, I will now discuss some examples of the 'tensions' and resistances to¶ evidence-based education. For instance, in Canada, the British Columbia Teacher's¶ Federation has led a campaign to resist the Foundations Skills Assessment instituted¶ by the provincial government (http://www.bctf.ca/fsa.aspx). In Ontario, African-¶ Canadian parents are frustrated with the Toronto public schooling system failing to¶ respond to the needs of Black youth and are demanding Africentric schools from the¶ Toronto District School Board (Adjei and Agyepong 2009). In the USA, Fine et al.¶ (2007) describe, how schools, communities, parents, and grandparents are

engaged in¶ active resistance to such accountability measures and schooling. Chicago residents of¶ Little Village have launched an organizing campaign for a local high school dedicated¶ to culture, community, and activism, which culminated in a 19-day hunger strike by¶ Latino high school students, educators, community organizers, residents, and even¶ grandmothers. Similarly, in a California community, largely populated by migrant¶ families, the school district, joined by nine other districts and civil rights organizations,¶ sued the state over the improper use of English-language assessments to test¶ English Language Learners and the sanctions they face under NCLB (Fine et al.¶ 2007). Teachers also have the agency to interpret, disseminate, and act on the information¶ based on such accountability policies (Lipman 2002; Ball 2003; Sloan 2007). Some¶ teachers have left the profession as an act of resistance because these accountability¶ trends no longer reflect their critical educational philosophy (McNeil 2000; Lipman¶ 2002; Ball 2003). Other teachers enact resistance by subverting the official test-based¶ curriculum. For instance, as one Chicago school teacher put it:¶ I think that we are having a rough time, that sometimes we may lean a little bit more¶ towards CPS policies and other times we lean a little bit more to 'screw CPS' and focus¶ on critical thinking skills. (Lipman 2002, 392)¶ Some still display ambivalence towards teaching for the test for the purpose of¶ surveillance: I have mixed feelings about it … I think it's how we interpret the results. If we use it to¶ say our school is better than yours, then I don't want to do it. If we use it so that we can¶ help the teachers program better for the kids, then that is more useful as a tool. (Canadian¶ Grade 3 teacher, cited in Childs and Fung 2009, 9)¶ In short, teachers, students, parents, families, and community activists have demonstrated¶ the agency to negotiate and contest these colonial discourses in every day¶ practice. Accountability reforms, tied with evidence-based education, depending on¶ context, have also had multiple effects on schools and curricula, and also have critics¶ from within. Scholars have noted how the colonizing effects of accountability reform¶ on schooling and resistance to these reforms depend on the context and the questions¶ of race, class, language, and localized policies (Lipman 2002, 2003; Earl and Fullan¶ 2003; Maxcy 2006). For instance, in her study on the impact of accountability reform¶ for four Chicago schools, Lipman notes how these 'schools' responses to accountability¶ are closely linked to past and present race and class advantages, the relative political¶ power of their communities, and new forms of racialization' (2003, 338).¶ Moreover, in a significant minority of cases, high-stakes testing has led to curricular¶ content expansion, the integration of knowledge, and more student-centered, cooperative¶ pedagogies, such as in secondary social studies and language arts (Au 2007).¶ Hence, the nature of high-stakes-test-induced curricular control is highly dependent¶ on the structures of the tests themselves (Au 2007). In summary, high-stakes testing¶ does not produce a monolithic effect, but has heterogeneous results depending on¶ questions of social difference and context. Furthermore, proponents of evidence-based¶ education 'are not monolithic and that at least some of them are open to dialog on the¶ issues on which we disagree' (Maxwell 2004, 39). In short, an acknowledgment of the¶ colonial historical legacy of the evidence-based education movement may help us¶ move beyond a discourse of sameness in colonial discourse, and start thinking about¶ the possibilities, interruptions, contestations, and resistances to the colonizing effects¶ of evidence-based education. Recently, there has been growing ethnographic studies¶ that examine such sites of resistance and contradictions at the ground level. These¶ spaces are where future studies and dialog could focus their attention. **In terms of policy and educational practice, an anticolonial lens motivates us to ask¶ a different set of questions and re-imagine educational research, practice, and policy.**¶ For instance, what is being left out in the discussion of evidence-based education¶ movement is the glaring systemic inequities that are privileging some bodies¶ (students, teachers, and administrators) and knowledge systems (language, curricula,¶ and culture) over others (see McNeil 2000; Lipman 2004; Valuenzela 2005; Maxcy¶ 2006), that are tied to the global economy (Stewart-Harawira 2005). Rather than blaming¶ students, teachers, and administrators for progress in public tests, and working¶ from a deficit model, we need to shift our attention towards deploying significant¶ material and intellectual resources to serve diverse needs and minoritized bodies¶ (Lipman 2002, 2003), and challenge global economic systems. Furthermore, instead¶ of looking for the pitfalls of educational practice, we could ask and explore the following¶ questions (see Asa Hilliard cited in Lemons-Smith 2008; Hood and Hopson 2008):¶ How does academic excellence flourish in schools attended mostly by minoritized¶ students? How do teachers who reject the status quo and define excellence as responding¶ to community needs, find ways to promote excellence for all students regardless¶ of their circumstances? 'Student achievement at what cost' [Michael Dantley, personal communication]? What ideological paradigms underlie teacher education?¶ What is the role of teacher preparation programs in perpetuating and promoting these¶ values of equity and social justice?¶ Finally, in terms of educational policy, we may ask: whose cultural assumptions¶ and histories inform such accountability systems, 'evidence,' 'data,' and

'learning¶ outcomes?' 'Whose notions of evidence matter most? And to whom does evidence¶ matter most?' (Hood and Hopson 2008, 418). According to Stanfield (1999) and¶ Gillborn (2005), **educational policy and research continue to impose the standards and¶ products of White supremacy on the racially minoritized**. As Stanfield states:¶ Implicit White supremacy norms and values contribute … to Eurocentric concepts and¶ measurement epistemologies, techniques, and interpretations … Concretely, in the¶ United States and elsewhere in the West, … it has been considered normative to consider¶ Eurocentric notions and experiences as the baseline, as the yardstick to compare and¶ contrast the notions and experiences of people of color. This is … most apparent in¶ designing, implementing, and interpreting standardized tests and survey instruments.¶ (1999, 421)¶ I would argue that we need to 'reappropriate' evidence-based education to include a¶ broader array of evidence, experiences, and cultural knowledges (Luke 2003, 98; see¶ also Stanfield 1999; Valuenzela, Prieto, and Hamilton 2007). Finally, borrowing the¶ words of Asa Hilliard III, we need to ask, 'do we have the will to educate all children'¶ (cited in Lemons-Smith 2008, 908), to respond to the needs, survival, self-determination,¶ and sovereignty of their respective communities and the planet? (see also Dei 2000;¶ Grande 2004). In an era of transnational capital, where '[g]lobalized discourses and agendasetting¶ and policy pressures now emerge from beyond the nation'(Rizvi and Lingard¶ 2010, 14–15), we need to have transnational dialogs (Mohanty 2003) on the impact of¶ evidence-based education and neoliberal reform across borders and social institutions.¶ This is because such transnational alliances and solidarity are needed to contest global¶ forces informed by transnational corporations as well as international organizations¶ such as the World Bank and OECD. What is noteworthy and rarely discussed, are the¶ similarities and differences in the discourses and effects of evidence-based education¶ movement across the three nation-states analyzed in this paper. Future research could¶ speculate and study how these ideas of evidence-based education circulate and move¶ across borders (see Rizvi and Lingard 2010).¶ Finally, as someone who has had the privilege to teach research methodology to¶ graduate students (including teachers, teacher educators, principals, and superintendents),¶ I am alarmed by how many of my students grumble about standardized testing,¶ and some even focus their research on such topics. What is also disconcerting is how¶ many of my students have a hard time imagining research and evidence that go¶ beyond numbers because of the 'numbers game' they must play in their daily working¶ lives. These trends are not a reflection of my students' inabilities to see beyond¶ numbers, but a testament to the hegemony of the structural environment that reminds¶ them of what constitutes valid knowledge every day. Also of great concern is the¶ speed at which educational leaders, students, and teachers are being rushed through¶ standardized processes that leave little time for reflection, authenticity, and healing.¶ Many of my students have shared these accounts in my classroom, with me in person,¶ and in their reflection papers. For instance, one student who is currently a high school¶ teacher commented in a recent email: 'The standards and objectives themselves work to eliminate any third space or anticolonial space. We read, write, process for the sole¶ purpose of testing and not for liberation.'¶ In this regard, I propose that we need to 'slow down' in educational practice and¶ policy. To this end, I am reminded of the words of Malidoma Some, an African Shaman¶ healer, who stated 'while that the indigenous world looks, the industrial world over¶ looks' (emphasis added). Educators, teachers, students, and policy-makers need time,¶ not to be given more information for decision-making or learning, but more importantly¶ to assess what we are overlooking in educating future generations. For instance, we¶ need more time to come together, dialog, heal, build reciprocity, understand difference,¶ and re-imagine educational policy and practice for the benefit of future generations. It¶ is only by slowing down that we will realize that our students, educational researchers,¶ teachers, and administrators are not 'uncultivated soil,' in the words of La Casas, but¶ rather seeds with the power within to germinate on their own if they are provided the¶ freedom, resources, and time. Slowing down is what I believe decolonizing education¶ means in this era of neoliberal policies and transnational capital!

Impact – Turns Culture

Eurocentric conceptions of modernity justify continued economic oppression and epistemological disqualification for indigenous peoples: the banners of science and reason allow the destruction of culture and abdication of responsibility for the West

Orozco-Mendoza 8 (Elva, doctoral student currently concentrating in political theory at UMass, Borderlands Theory: Producing Border Epistemologies with Gloria¶ Anzaldúa, Thesis submitted to the Faculty of¶ Virginia Polytechnic Institute, 4/24/2008)

One of the goals of modernity8 was to change the obscurantism of the world into reason.¶ During this period, the **European civilization expanded** all over the world **due to the fact that they**¶ **managed to carry on the social production of frontiers**; a concept that according to Walter D.¶ Mignolo and Madina V. Tlostanova was described as "[a] line indicating the last point in the¶ relentless march of civilization. On the one side of the frontiers was civilization; on the other;¶ nothing, just barbarism or emptiness" (Mignolo and Tlostanova, 2006: 205).9 **According to this**¶ classification, **civilization was meant to be a synonym of Western Europe while barbarism was to**¶ **be understood as the remainder**, i.e. Africa, Asia, and America. From this context, then, frontiers¶ became the spaces of influence that Europeans accommodated to exercise control over its¶ periphery on the basis of racist values that led to the establishment of opposing categories such¶ as us and them, or, we and others. **With this** classification, **Europe "attempted to appoint itself the**¶ **center of the world and tried to divide up the earth to organize the world's exploitation and to export the 'border form' to the periphery**" (Balibar, 2004: 7). Thus, exporting the border form to¶ the periphery not only implied organizing the world in units called nation-states, but it also¶ meant developing a cultural or spiritual nationalism that required citizens to associate "the¶ **democratic universality of human rights with particular national belonging… leading inevitably**¶ **to systems of exclusion**: the **divide between …populations considered native and those**¶ **considered foreign, heterogeneous, who are racially or culturally stigmatized**" (Balibar, 2004: 8).¶ This **mechanism was crucial to sustain colonization since colonized people were**, obviously,¶ **not considered citizens of the imperial government; thereby they should not have access to rights since they were not considered citizens in the first place.** Castro-Gomez gives us a similar¶ argument that is worth transcribing at length:¶ **Citizenship was not only restricted to men who were married, literate, heterosexual, and proprietors,**¶ **but also, and especially, to men who were white**. In turn, the individuals that fell outside the space of¶ citizenship were not only the homosexuals, prisoners, mental patients and political dissidents¶ Foucault had in mind, but also blacks Indians, mestizos, gypsies, Jews, and now, in terms of¶ globalization, "ethnic minorities," immigrants and Auslandern (foreigners) (Castro-Gomez and¶ Johnson, 2000: 513).¶ To be sure, **Europeans not only denied colonized people a citizen status but they also classified**¶ **native people as inhuman, devilish, or even animals**, as inscribed in the philosophies predicated¶ by Kant (1764), Hegel (1822), **and others who considered that underdevelopment was a**¶ **characteristic proper of non-Europeans** (Natter, 2008). Thus, since colonized people could not be¶ treated as "equals," it was quite acceptable to use their labor and land to benefit the colonizers, a¶ belief that has been extended to the present-day, as Mignolo and Tlostanova explain: [T]**he rhetoric of modernity** (and globalization) of salvation continues to be implemented on the¶ assumption of the inferiority or devilish intentions of the other and, therefore, **continues to justify**¶ **oppression and exploitation as well as the eradication of the difference** (Mignolo and Tlostanova,¶ 2006: 206).¶ **Change**, in the European view, **consisted of turning "savages" into "gentlemen" and of bringing**¶ **them into civilization**. However, **until the moment when that change actually happened**¶ **Europeans did not need to take into account the voice, contributions, and knowledge of the**¶ **colonized.** In that way, **the epistemologies of indigenous** peoples **were shadowed in**¶ **obscurantism, and reason was considered a characteristic exclusively associated with whiteness**,¶ where epistemologies of colored people were denied as such. Accounts of this have been¶ recorded by researchers such as Dwight Conquergood who explains, "[s]ince the enlightenment¶ project of modernity, the first way of knowing has been preeminent. **Marching under the banner**¶ **of science and reason, it has disqualified and repressed other ways of knowing** that are rooted in embodied experience, orality and local contingencies" (Conquergood, 2002: 146). On similar¶ lines, we find Mignolo and Tlostanova (2006), who complain that the epistemologies of the¶ colonized were erased from world history, since they held no value in the eyes of Europeans.¶ **Thus, the following step in colonization consisted of imposing assimilation into European settler**¶ **cultures**; **that is how the Nahuatl and Maya languages were changed into Spanish, the Congolese,**¶ **Kituba, or Lingala into French, or the Dahomeyan into English.** This was also the reason why¶ millions of people were forced to abandon their religion in order to be converted into¶ Christianity. In sum, the culture,

traditions, and religion of colonized people were used against¶ them to justify oppression. For instance, **the art and writing of the Maya civilization was¶ destroyed under the justification that Maya texts were considered pagan.** Similarly, **the religious¶ rites and human sacrifices of the Aztec culture were used as a justification for the destruction and¶ subjugation of the Aztec people**.¶ Although these events are highly problematic in themselves, there exist additional¶ implications that are more disturbing; namely, the fact that the world inherited from modernity¶ an international system that associates certain identities with specific geographical places, thereby implying the problematic assumption that "to say we have an identity is just to say that¶ we have a location in social space, a hermeneutic horizon that is both grounded in a location and¶ an opening or site from which we attempt to know the world" (Saldívar, 2007: 344). Saldívar¶ criticizes this argument, since accepting it will be constitutive of geographical determinism,10¶ which attempts to establish a direct association between the degree of development in a nation,¶ culture, or individual and his geographical location in the globe. **So, for instance, it is believed¶ that the reason why there is poverty in Colombia, Venezuela, or the Caribbean is because these¶ countries are located in the south; a region where nature produces food easier than in the north,¶ thus making people in the south lazier and more reluctant to work**, create, and innovate. Of¶ course, **this** version **does not take any account of colonial history when attempting to explain the¶ reasons why certain nations are economically more developed** than others. In conclusion,¶ **modernity implies that "certain areas of the planet were [are] designated as the location of the¶ barbarians** and of the primitives" (Mignolo and Tlostanova, 2006: 205).

Eurocentric framing ignores the non-Western history and privileges Western knowledge production

Sabaratnam 13 (Meera, Department of Politics and International Studies, University of Cambridge, "Avatars of Eurocentrism in the critique of the liberal peace" http://sdi.sagepub.com/content/44/3/259.full)

Although Eurocentrism has multiple incarnations, overall it can be described as the sensibility that Europe is historically, economically, culturally and politically distinctive in ways that significantly determine the overall character of world politics. As a starting point, we might regard it as a conceptual and philosophical framework that informs the construction of knowledge about the social world – a foundational epistemology of Western distinctiveness. In this sensibility, 'Europe' is a cultural-geographic sphere (Bhambra, 2010: 5), which can be understood as the genealogical foundation of 'the West'. In his piece 'Eurocentrism and Its Avatars', Immanuel Wallerstein (1997) argues that many critical literatures in world history nonetheless reproduce tropes of Eurocentrism in their analyses. In this article I argue similarly, focusing on the critiques of the liberal peace in IR and IPE3. Here I suggest these avatars can be grouped under three broad headings: culturalist, historical and epistemic. Some of Eurocentrism's culturalist avatars, as identified by Wallerstein (1997), are now relatively well recognized by scholars across various disciplines. The most famous is probably Orientalism, which is a framing of the East through negative and/or feminized stereotypes of its culture, political character, social norms and economic agency. This framing casts it as a space of tradition and opportunity to be governed and explored, or alternatively feared, by the rational and enlightened West (Said, [1973] 2003). This is closely allied to the avatar of civilizational thinking that assigns to the West as a whole a package of secular-rational, Judeo-Christian, liberal democratic tolerant social values, in contrast to other civilizations such as the 'Indic' (Wallerstein, 1997: 97–98). However, this culturalist avatar seems to have taken new forms since the apparent decline of public Orientalism. As Balibar (1991) has suggested, there are important functional continuities between old and new frameworks based on 'civilization', 'race' and 'cultural difference' in reproducing an idea of Western distinctiveness. Although now rarely supremacist, this culturalist form of Eurocentrism is generative: it posits the core ontological difference between the West and its others as deriving from their distinctive cultures or civilizations, with major political issues emerging from the question of cultural difference and how to manage this. Eurocentrism is also manifested through historical avatars. The first of these is the assumption that Europe is the principal subject of world history, as discussed by the Subaltern Studies research group, and especially Chakrabarty (2000). This is the tendency of historians (Hobsbawm is offered as the exemplar) to see the emergence of capitalism and industrialization in the West as the real driver of history, and non-Western societies as either 'outside history' or as lagging behind Western historical development. A closely related historical avatar includes the notion of historical progress (Wallerstein, 1997: 96), as elaborated in

much post-Hegelian theory, which understands human history not just as linear but as self-consciously improving the human condition through the trying out of different political ideas. Again, these particular forms are understood as somewhat outmoded in scholarship, although they seem to reappear in new guises. More recent critiques, for example, point to the attribution to the West of historical 'hyper-agency' in terms of world-historical development (Hobson, 2004, 2007, 2012), even if few scholars maintain a strictly Hegelian story of historical progress. For Bhambra (2010), the emphasis is on the assumption of 'endogeneity' in the story of the rise of Europe – the idea that European development was self-generating, driven by war, competition, the Enlightenment and technological advances, and then diffused out to the rest of the world via imperial expansion. This thus reinstates Europe as the implicit subject of world history and historical sociology, and occludes the contemporaneous and necessary involvement of the wider world in this rise (see also Barkawi and Laffey, 2006). Both old and new historical versions of Eurocentrism understand different parts of the world as more and less 'developed', or more and less 'modern', indicating a strong connection between geographic-cultural space and temporal/scalar positioning (see also Hindess, 2007; Hutchings, 2008b). Finally, we can identify Eurocentrism's epistemic avatar, which is the purported atemporal universalism of modern social scientific knowledge (Wallerstein, 1997: 100). In this tendency, social scientific modes of knowledge that emerged in Europe from the 19th century onwards are represented as supremely privileged in their understanding of social phenomena above other modes of knowing, as demonstrated through their powers of abstraction, reasoning and objectivity. This also establishes a hierarchy of knowers with the authority to speak about the world, which tracks their positions in relation to the Western academy.

Colonialism establishes the framework for Eurocentrism—obscures historical identity to justify capitalistic relations of domination

Quijano 2K (Aníbal, professor of the Department of Sociology at Binghamton University, New York, "Coloniality of Power, Eurocentrism, and Latin America")

As the center of global capitalism, Europe not only had control of the world market, but it was also able to impose its colonial dominance over all the regions and populations of the planet, incorporating them into its world-system and its specific model of power. For such regions and populations, this model of power involved a process of historical reidentification; from Europe such regions and populations were attributed new geocultural identities. In that way, after America and Europe were established, Africa, Asia, and eventually Oceania followed suit. In the production of these new identities, the coloniality of the new model of power was, without a doubt, one of the most active determinations. But the forms and levels of political and cultural development, and more specifically intellectual development, played a role of utmost importance in each case. Without these factors, the category "Orient" would not have been elaborated as the only one with sufficient dignity to be the other to the "Occident," although by definition inferior, without some equivalent to "Indians" or "blacks" being coined.10 But this omission itself puts in the open the fact that those other factors also acted within the racist model of universal social classification of the world population. The incorporation of such diverse and heterogeneous cultural histories into a single world dominated by Europe signified a cultural and intellectual intersubjective configuration equivalent to the articulation of all forms of labor control around capital, a configuration that established world capitalism. In effect, all of the experiences, histories, resources, and cultural products ended up in one global cultural order revolving around European or Western hegemony. Europe's hegemony over the new model of global power concentrated all forms of the control of subjectivity, culture, and especially knowledge and the production of knowledge under its hegemony. During that process, the colonizers exercised diverse operations that brought about the configuration of a new universe of intersubjective relations of domination between Europe and the Europeans and the rest of the regions and peoples of the world, to whom new geocultural identities were being attributed in that process. In the first place, they expropriated the cultural discoveries of the colonized peoples most apt for the development of capitalism to the profit of the European center. Second, they repressed as much as possible the colonized forms of knowledge production, the models of the production of meaning, their symbolic universe, the model of expression and of objectification and subjectivity. As is well known, repression in this field was most violent, profound, and long lasting among the Indians of Ibero-America, who were condemned to be an illiterate peasant subculture stripped of their objectified intellectual legacy. Something equivalent happened in Africa. Doubtless, the repression was much less intense in Asia, where an important part of the history of the intellectual written

legacy has been preserved. And it was precisely such epistemic suppression that gave origin to the category "Orient." Third, indifferent ways in each case, they forced the colonized to learn the dominant culture in any way that would be useful to the reproduction of domination, whether in the field of technology and material activity or subjectivity, especially Judeo-Christian religiosity. All of those turbulent processes involved a long period of the colonization of cognitive perspectives, modes of producing and giving meaning, the results of material existence, the imaginary, the universe of intersubjective relations with the world: in short, the culture.11 The success of Western Europe in becoming the center of the modern world-system, according to Wallerstein's suitable formulation, developed within the Europeans a trait common to all colonial dominators and imperialists, ethnocentrism. But in the case of Western Europe, that trait had a peculiar formulation and justification: the racial classification of the world population after the colonization of America. **The association of colonial ethnocentrism and universal racial classification helps to explain why Europeans came to feel** not only superior to all the other peoples of the world, but, in particular, **naturally superior**. This historical instance is expressed through a mental operation of fundamental importance for the entire model of global power, but above all with respect to the intersubjective relations that were hegemonic, and especially for its perspective on knowledge: the Europeans generated a new temporal perspective of history and relocated the colonized population, along with their respective histories and cultures, in the past of a historical trajectory whose culmination was Europe (Mignolo 1995; Blaut 1993; Lander 1997). Notably, however, they were not in the same line of continuity as the Europeans, but in another, naturally different category. The colonized peoples were inferior races and in that manner were the past vis-à-vis the Europeans. That perspective imagined modernity and rationality as exclusively European product s and experiences. From this point of view, intersubjective and cultural relations between Western Europe and the rest of the world were codified in a strong play of new categories: East-West, primitive- civilized, magic/mythic-scientific, irrational-rational, traditional-modern —Europe and not Europe. Even so, the only category with the honor of being recognized as the other of Europe and the West was "Orient"—not the Indians of America and not the blacks of Africa, who were simply "primitive." For underneath that codification of relations between Europeans and non-Europeans, race is, without doubt, the basic category.12 This binary, dualist perspective on knowledge, particular to Eurocentrism, was imposed as globally hegemonic in the same course as the expansion of European colonial dominance over the world.

Impact – Violence

Colonialism promotes structural inequality and oppression towards natives—the ballot is key to endorse participatory politics

Ibarra-Colado 7 (Eduardo, Professor of Management Studies at the Department of Economic Production, Metropolitan Autonomous University, "Organization Studies and Epistemic Coloniality in Latin America: Thinking Otherness from the Margins")

The Economic and Wage Commission reported brutality to native laborers by white managers in the form of severe floggings in South Africa.59There have been discriminatory practices against natives in many instances. For example, natives cannot bear or secure arms in South Africa without¶ a special license, whereas the whites could do so, according to the Defense Act of 1912. In West Africa, inhabitants of the British, French and Portuguese colonies are not allowed to bear arms or to be found with any in their possession. It is a felonious crime over there, but the white man could possess as many pistols or rifles as his pocket will allow. Hertzog followed his policy of Repressionism by passing the historic Color Bar Legislation and the Pass Laws, which make it obligatory for natives to carry identification cards.60 In the French colonies, a special body of rules applicable to natives alone, exist, and it is called the indigenat. In Korea, Japanese colonists employed drastic flogging against Koreans and made the penal code especially severe toward these natives.6' In Nigeria, the British adopted a policy of segregation by not allowing natives to live within a specified radius in the Ikoyi and Apapa reservations where the white officials lived.62In South Africa, the native finds that after receiving an industrial education, his skill is worthless for he is prohibited by law from skilled labor and agriculture.63¶ These problems are yet to be solved. Force will not settle these issues. Sympathetic attitude alone will not alleviate these deplorable conditions. There is only one solution, and it is not a palliative at that, and that is the, realistic interpretation and the practice of the policy of trusteeship. Unless the natives are allowed to participate in the government of their

own lands, on a sound basis of democracy, that is the application of the doctrine of natural, civil, political, social and economic rights and equalities, in the administration of their country, **by a system which will** not only **educate them to use the ballot**, but also make it possible for them to participate in the higher political offices which are now restricted to foreigners, the future forecasts an inter-racial war, which might be worse than Armaggedon."

Alt Solvency – Aesthetics

Decolonial aesthetics utilizes art and ecpression to dismantle modernity, epistemic coloniality, and state multiculturalism

Maldonado-Torres et al 11 (Nelson, Professor Comparative Literature at Rutgers, "THE ARGUMENT (AS MANIFESTO FOR DECOLONIAL AESTHETICS", https://globalstudies.trinity.duke.edu/the-argument-as-manifesto-for-decolonial-aesthetics)OG

Decolonial aesthetics, in particular, and decoloniality in general have joined the liberation of sensing and sensibilities trapped by modernity and its darker side: coloniality. Decoloniality endorses interculturality, (which has been conceptualized by organized communities) and **delinks from multiculturalism** (which has been conceptualized and implemented by the State). Muticulturalism promotes identity politics, while interculturality promotes transnational identities-in-politics. Multiculturalism is managed by the State and some affiliated NGO's, whereas interculturality is enacted by the communities in the process of delinking from the imaginary of the State and of multiculturalism. Interculturality promotes the re-creation of identities that were either denied or acknowledged first but in the end were silenced by the discourse of modernity, postmodernity and now altermodernity. Interculturality is the celebration by border dwellers of being together in and beyond the border. Decolonial transmodern aesthetics is intercultural, inter-epistemic, inter-political, inter-aesthetical and inter-spiritual but always from perspectives of the global south and the former-Eastern Europe.¶ Massive migration from the former Eastern Europe and the global south to former-Western Europe (today European Union) and to the United States have transformed the subjects of coloniality into active agents of decolonial delinking. "We are here because you were there" is the reversal of the rhetoric of modernity; transnational identities-in-politics are a consequence of this reversal, it challenges the self-proclaimed imperial right to name and create (constructed and artificial) identities by means either of silencing or trivialization.¶ The embodied daily life experience in decolonial processes within the matrix of modernity defeats the solitude and the search for order that permeates the fears of postmodern and altermodern industrial societies. Decoloniality and decolonial aesthetics are instrumental in confronting a world overflowed with commodities and 'information' that invade the living space of 'consumers' and confine their creative and imaginative potential.¶ Within different genealogies of re-existence 'artists' have been questioning the role and the name that have been assigned to them. They are aware of the confinement that Euro-centered concepts of arts and aesthetics have imposed on them. They have engaged in transnational identities-in-politics, revamping identities that have been discredited in modern systems of classification and their invention of racial, sexual, national, linguistic, religious and economic hierarchies. They have removed the veil from the hidden histories of colonialism and have rearticulated these narratives in some spaces of modernity such as the white cube and its affiliated branches. They are dwelling in the borders, sensing in the borders, doing in the borders, they have been the propellers of decolonial transmodern thinking and aesthetics. Decolonial transmodernities and aesthetics have been delinking from all talks and beliefs of universalism, new or old, and in doing so have been promoting a pluriversalism that rejects all claims to a truth without quotation marks. In this regard, decolonial transmodernity has endorsed identities-in-politics and challenged identity politics and the self-proclaimed universality of altermodernity.¶ Creative practitioners, activist and thinkers continue to nourish the global flow of decoloniality towards a transmodern and pluriversal world. They confront and traverse the divide of the colonial and imperial difference invented and controlled by modernity, dismantling it, and working towards "living in harmony and in plenitude" in a variety of languages and decolonial histories. The worlds emerging with decolonial and transmodern political societies have art and aesthetics as a fundamental source.

Alt Solvency – Borders

We must engage in a process of delinking ourselves from Eurocentric epistemology through a combination of critical border thinking and challenging the epistemology of the West through denaturalizing the concepts and fields of knowledge grounded in and surrounding the epistemology of coloniality

Panotto 11 , Nicolas Panotto, theologian and currently serves as Group Managing Director for Multidisciplinary Studies on Religion and Public Advocac, "Walter Mignolo: Epistemic disobedience. Rhetoric of modernity, logic of coloniality and decolonial grammar (Buenos Aires 2010), July 27, 2011 [http://postcolonialnetworks.com/2011/07/27/walter-mignolo-epistemic-disobedience-rhetoric-of-modernity-logic-of-coloniality-and-decolonial-grammar/]

This book summarizes the main aspects of the "Research Project on Modernity/ Coloniality" and the central theorical proposals of the famous Argentine decolonization theorist, Walter Mignolo. The main thrust of this work is explained thus: "if knowledge is an instrument of imperial colonization, one of the urgent tasks ahead is the decolonization of knowledge."¶ First, the book attempts to broaden the definition of colonialism. This concept refers to a complex matrix in which various spheres intertwine (economy, authority, nature, gender and sexuality, subjectivity and knowledge) and is based on three main foundations: knowledge (epistemology), understanding or comprehention (hermeneutics) and the ability to feel (aesthesis). On the other hand, there also exists a relationship between colonialism and modern rationality, where the latter is undestood as a construction of a Totality that overrides any difference or possibility of constructing other totalities. Although there is a critique of these notions from postmodern writers (postcolonialism being the wellspring in this field of study), it is circumscribed to European history and the history of European ideas. Thus, this critique is incapable of reaching deep into the colonial paradigm and imagination. This is why a decolonial project is ultimately necessary in order to make possible a programmatic analysis of delinking categories (Aníbal Quijano) of colonial knowledge.¶ The book also takes some of the contributions from the philosopher Erique Dussel as a proposal of decolonization of knowledge, as exemplified by the differentiation he makes between emancipation (as liberal framework that serves to the pretensions of the bourgeoisie) and liberation (as a broader category that seeks ways of leaving the european emancipatory project). But decolonization, for Mignolo, goes further than liberation: it involves both the colonizers and the colonized (using the ideas of Franz Fanon), by including emancipation/liberation on a same level within its framework. But because emancipation is a modern project linked to European liberal bourgeoisie, it is better to think in terms of liberation/decolonization, which includes in itself the rational concept of emancipation.¶ Mignolo proposes a delinking strategy, which involves denaturalizing the concepts and fields of knowledge within coloniality. This does not mean "ignoring or denying what cannot be denied", but rather using imperial strategies for decolonial purposes. Delinking also implies disbelieving that imperial reasoning can itself create a liberating reason (i.e. proposals of decolonization from a marxist enterprise, which do not involve a radical delinking but rather a radical emancipation; the reason being marxism offers a different "content" but not a different "logic"). Postmodern thought attempts to be a liberating discourse, but still maintains a European framework that is far from creating a delinked colonial logic. In this sense, Mignolo argues that while modernity is not strictly a European phenomenon, its

rhetoric -as Dussel argues- is formed by European philosophers, academics and politicians. Hence, modernity involves colonization of time and space, defining a border in realtion to a self-determining Other and it's own European identity.¶ The project of decolonization proposes a displacement of the theo- and ego- hegemonic logic of empire into a geo-political and a body-logic of knowledge. This project arises from a de-clasification and de-identification of imperially denied subjects, as a de-colonial policy and epistemology that affects both the political and economic control of neoliberalism and capitalism, each frameworks of the imperialist project. The decolonization process begins when these same agents or subjects, who inhabit the denied languages and identities of the Empire, become aware of the effects of coloniality on being, body and knowledge. This process does not imply a call to an external element/actor/project but a movement towards an exteriority which make visible the difference in the space of experience and the horizon of expectations registered in the colonial space. Is this a proposal of cultural relativism? No. What Mignolo suggests is a questioning of the posture taken from divisive borders. In other words, the borders that both unite and separate modernity/coloniality.¶ Henceis the main proposal of the book: border thinking. This epistemology evokes the pluri-versity and di-versity of the dynamics between the spaces of experience and horizons of expectations found within the larger arena of coloniality/modernity. Border thinking implies that decolonization will not come from the conflicts over the imperial difference but from the spaces of experience and horizons of expectations generated by the colonial difference. Decolonial critical thinking connects the pluri-versity of experiences enclosed within the colonial framework with the delinking uni-versal project that is in constant tension within imperial horizons. It builds a proposal that goes beyond the implementation of a model constructed within modern categories (right, center, left) and onto reflecting on the subversive spaces inscribed among the actions of colonized agents through the fissures and cracks of the imperial system.¶ The concept of decolonization offered in Mignolo's work is a major contribution towards creating a theoretical framework outside the standards of modern Western philosophy. What must also be recognized, however, is that this theoretical proposal and its development is still influenced by those same theories and epistemologies that it intends to criticize. It could be said that the book itself is a decolonization proposal in how it subversively re-orients traditional theoretical frameworks into a deep questioning of themselves.

Serial Policy Failure

The ethic of coloniality makes serial policy failure and error replication inevitable –it biases research and skews claims of development

Ibarra-Colado 7 (Eduardo, Professor of Management Studies at the Department of Economic Production, Metropolitan Autonomous University, "Organization Studies and Epistemic Coloniality in Latin America: Thinking Otherness from the Margins")

Since the abolition of slavery, this principle of colonial humanitarianism has been making an advance, but the imperial powers must now realize that Europeans (and American imperialists for that matter) are not the racial superiors of any other race, and unless this bugaboo of race superiority is renounced, there can be no sincere progress or inter-racial and international peace and good will.28 Dr. George Dorsey of the University of Chicago, recently criticized this idea of race superiority and inferiority, when in his famous treatise he said that too many abstract formulae about humanity and too little common sense for solving concrete social problems make human association and fellowship increasingly tense; "But," he states, "the 'racial purity' and 'racial inferiority' behind such books as McDougall's Is America Safe for Democracy? Chamberlain's Foundations of Nineteenth Century Civilization; Grant's The Passing of the Great Race; Wiggam's The New Decalogue of Science; Gould's America a Family Matter; and East's Mankind at the Crossroads, are pure bunk and simple. If the United States wish to restrict immigration to 'Nordics' or to this or that political group why not say so and be done with it? To bolster up racial prejudice or a Nordic or a Puritan complex by false and misleading inferences drawn from

'intelligence tests' or from pseudo-biology and ethnology is to throw away science and fall back on the mentality of primitive savagery. Evolution produced a human brain, our only remarkable inheritance. Nothing else counts. Body is simply brain's servant. Treat the body right, of course; no brain can function well without good service. But why worry more about the looks, color, and clothes of the servant than the service it performs? "2 Weyl holds that the social goal of democracy is advancement of the people through a democratization of advantages and opportunities of life.30 Even Edmund Burke, the fore-sighted statesman of England, warned the British regarding its policy under the complex of race superiority in the colonies thus: "Let the colonies always keep the idea of their civil rights associated with your government; they will cling and grapple to you; and no force under heaven will be of power to tear them from their allegiance. But let it be once understood, that your government may be one thing, and your privileges another; that these two things may exist without any mutual relation; the cement is gone; the cohesion is loosened, and everything hastens to decay and dissolution ...." Deny them this participation of freedom, and you break that sole bond which originally made, and must still preserve the unity of the Empire."" Thus the dual mandate principle entails more than trusteeship, it entails social progress and social progress entails a liberality of attitude and equal opportunities so that these adolescents will reap the benefit of a realistic and not a fictitious mandates principle. This is a challenge to international morality and particularly the League of Nations.

Regard the affirmative's claims of growth and development with skepticism—the act of benign foreign intervention has been empirically denied

Ibarra-Colado 7 (Eduardo, Professor of Management Studies at the Department of Economic Production, Metropolitan Autonomous University, "Organization Studies and Epistemic Coloniality in Latin America: Thinking Otherness from the Margins")

There is an important question which students of colonial diplomacy have always evaded. The nature of the question is rather problematic. It is narrowed down to the fact that when once a principle is put into practice it becomes almost suicidal to follow a course that would be for the greatest good of the greatest number, without regard to selfish interests. If tutelage of these adolescents implies education till they are fledged and mature to take over the reins of government, then by all principles of justice and equity, there should be no unnecessary argument as to the right of a ward to claim his hard-earned fruits of victory. However, Lord Bryce views this question with avid pessimism when he concluded that the diffusion of education among backward races, such as the Filipinos or the African tribes will not necessarily qualify them for self-government.32 According to Foerster in Mes Combates, cited by Oldham, "It is just in hours of crisis, that strength of character, the sense of honor and the sincerity of our belief in moral forces have the opportunity of proving themselves."33 And when colonial powers are faced with such problems as independence, or a radical change in political status, force is resorted to, as the supreme ideal. This use of force, says Lord Bryce, makes a colonial power to reel like a drunkard; his authority intoxicates him insomuch that "the dazzling splendor of his aim blinds him in the wrongfulness of the means I whereby he flagrantly desecrates the sacred trust of civilization.34 In the preface to a publication on Africa, Lord Olivier charged that European governments of African dependencies were inherently "full of cruelty" because the white man will always draw a color line which causes resentment and ultimate inter-racial conflict.35¶ Sir G. C. Lewis in his book, suggests that every dominant power should not attempt by coercive means to repress political determinism the dependencies, but rather should grant them independence as soon as self-determination has been made.36The fallacy of this argument is the fact that "self-determination" has been loosely interpreted as to mean a vague ideal, so far as native races are concerned. The struggle for independence successively waged by Ireland, Egypt, India, the Philippine Islands, China, Korea, and Haiti, demonstrates that once a colony docilely accepts foreign domination, that becomes its eternal heritage, until it is able to muster arms and employ force to overthrow the dominating power. **This is the only verdict of history**.37In 1792, Premier William Pitt visualized the day when native Africans would become fledged to rule themselves.38But the noble lord fails to realize that responsibility of trusteeship is not fully discharged in securing justice to the natives; if the natives will eventually become a dominant factor in the administration of their own native-land, and if their colonial rulers are really honest

and sincere, their material and moral advancement must be fostered by positive measures, constructive educational policies, promotion of health, and political tutelage, by actual appointment to the higher divisions of the various bureaus of the civil service of these colonies. So far, the little government of Gold Coast in West Africa has taken the initiative to establish a million dollar college for the training of natives and also the appointment of qualified Africans to the higher positions of the Gold Coast Civil Service. Nigeria, Gambia and other British colonies still believe that unless you restrict the education of the native, the white man will have to face another "Black Peril" in Africa.39According to John H. Harris, "trusteeship means that the government is to be in the interests of the governed; it means that when the ward has attained to manhood the trusteeship will be surrendered; it means that it is the prime duty of the trustee so to foster the growth of the ward that upon reaching the state of manhood the capacity to manage his own affairs will not be denied or questioned."40 Lord Durham followed the great orator Charles Fox, by adding that "the only method of retaining distant colonies with advantage was to enable them to govern themselves.4'41 Buell, realizing the almost unsolvable difficulties of colonial administration has said that the habit of one¶ nation colonizing another nation that is weaker eventually forms a curse to the mother country.42

AT: Perm

Perm fails – non-Western knowledge will be appropriated to strengthen colonial hegemony

Breidlid 13 (Anders, Professor, Master programme in Multicultural and International Education, Oslo University College, "Education, Indigenous Knowledge, and Development in the Global South", p. 52-53)OG

In a sense, Freire's (1970) theorizing of the dialogic nature of knowledge¶ production is important here, but it requires that both parties in the dialogue acknowledge that there is wisdom and important knowledges to be¶ gathered from the other dialogue partner. There is a need to acknowledge the significance of contextual, localized, and spiritual knowledges, in educational institutions, in the world of aid, and in societies in the South at large simply because the current epistemic hegemony is not able, as has¶ been repeatedly noted, to address these issues in a sustainable way alone. It is with this perspective that White suggests the importance of an alterna-¶ tive Western knowledge system derived from the teachings of St. Francis,¶ which I propose to call the Francisization of Western knowledge produc-¶ tion.7 There is a sense that the negotiation of a third space in relation to¶ CHAT, which encompasses different knowledge systems may be facilitated¶ with the inclusion of, or the **appropriation** of, aspects of this alternative¶ Western knowledge into the **hegemonic** one. There are, however, difficul-¶ ties with such an appropriation /inclusion due to the hegemonic power/¶ knowledge syndrome and also because of a heavy historical legacy.

No perm: any residual modernity mitigates any solvency – a complete break is necessary (also post-mod. doesn't solve)

Dussel 2 (Enrique D, professor in the Departament of Philosophy in the Metropolitan Autonomous University (UAM), Campus Iztapalapa in Mexico City, doctorate in philosophy in the Complutense University of Madrid and a doctorate in history from the Sorbonne of Paris. He also has a license in theology from Paris and Münster. He has been awarded doctorates honoris causa from the University of Fribourg in Switzerland and the Higher University of San Andrés in Bolivia; "World-System and "Trans"-Modernity" Nepantla: Views from South, Volume 3, Issue 2, 2002, pp. 221-244)

Without contradicting this perspective, although implying a completely¶ different intellectual commitment, the concept of "post"-modernity¶ (the A moment I will show in figure 2) indicates that there is a process that¶ emerges "from within" modernity and reveals a state of crisis within globalization.¶ "Trans"-modernity, in contrast, demands a whole new interpretation¶ of

modernity in order to include moments that were never incorporated¶ into the European version. Subsuming the best of globalized European and¶ North American modernity, **"trans"-modernity affirms "from without"** the¶ essential components of modernity's own excluded cultures in order to develop¶ **a new civilization** for the twenty-first century. Accepting this massive¶ exteriority to European modernity allows one to comprehend that there¶ are cultural moments situated "outside" of modernity. **To achieve this, an¶ interpretation that supposes a "second" and very subtle Eurocentrism must¶ be overcome**.6 One can then shift to a non-Eurocentric interpretation of¶

Shapiro 1997 (Shapiro, Professor of Political Science at Hawaii, "Violent Cartographies," p. 149-150.)//rf

the history of the world-system, a system only hegemonized by Europe¶ for the last two hundred years (not five hundred). The emergence of other¶ cultures, until now depreciated and unvalued, from beyond the horizon of¶ European modernity is thus not a miracle arising from nothingness, but¶ rather a return by these cultures to their status as actors in the history of¶ the world-system. Although Western culture is globalizing—on a certain¶ technical, economic, political, and military level—this does not efface other¶ moments of enormous creativity on these same levels, moments that affirm¶ from their "exteriority" other cultures that are alive, resistant, and growing.

Borders K (Do not read yet, missing "good" link)

1NC

Focus on borders and separations between nations are a part of a desire for a unified national identity. This desire cannot be fulfilled because every social body is a realization of multiple ideals and perspectives. A focus on territories masks the violence that created the state. An inability for the US to become a unified identity is translated to labeling others threats and dangers that challenge the non-existent unified identity (a link to the sovereign idea of treaties and border focus)

The complicity of social sciences, psychology, and psychiatry in the idea that there is a normal and cohesive American character type served ultimately to help depoliticize issues of racism, sexism, class, repression, and other forms of antagonism with a discourse on deviance and irrationality. The repression of difference at the level of institutional politics was therefore reinforced with a conceptual repression. ¶ Nevertheless, the forces of fragmentation persist, and those that are particularly threatening to representational practices of selfhood and nationhood as coherent and undivided are, among other things, "peripheral sexualities" (hence the recent furor over gays in the military, a conflict at the level of models of individuality) and various social antagonisms (hence the recent struggle over entitlements). Adding a dimension to Herman Melville's insights about the masks of history, Slavoj Zizek has argued, with a Lacanian frame, that the drive for coherent identity at either individual or collective levels is necessarily always blocked. As this drive to overcome incompleteness is played out at the collective level, the imposed story of coherence is a mask that covers a void. The fact of social antagonism is displaced by a myth of undividedness. And rather than facing the disjuncture between fact and

aspiration, the dissatisfaction is turned outward, becoming an "enjoyment" in the form of a disparaging model of enemy-others, dangerous character types, and outlaw nations. ¶ As Zizek notes,

Shapiro 1997 (Shapiro, Professor of Political Science at Hawaii, "Violent Cartographies," p. 7)//rf

it is not an external enemy that prevents one from achieving an identity with oneself; that coherence is always already impossible. But the nonacceptance of that impossibility produces fantasy in the form of "an imaginary scenario the function of which is to provide support filling out the subject's constitutive void." When this kind of fantasy is elaborated at the level of the social, it serves as a counterpart to antagonism. It is an imagination of a unified and coherent society that supposedly came into being by leaving a disordered condition of struggle behind. ¶ This mythologizing of origin, which constructs the society as a naturally bounded and consensual community, is a political story that those seeking legitimacy for a national order seek to perpetuate. But the disorder continues to haunt the order. The mythic disorder of the state of nature, supposedly supplanted by the consensual association as society comes into being, continues to haunt the polity. It is displaced outside the frontiers and attributed to the Other. ¶ In short, the anarchic state of nature is attributed to relations between states. This displacement amounts to an active amnesia, a forgetting of the violence that both founds and maintains the domestic order; it amounts to a denial of the disorder within the order. This tendency to deny domestic disorder in general and to overcome more specifically the disorder and antagonisms in post-Vietnam War America – stresses between

Shapiro 1997 (Shapiro, Professor of Political Science at Hawaii, "Violent Cartographies," p. 6-7.) //rf

generations, between military and civilian order, between the telling of imperialist tales and the telling of post-colonial ones – has been reflected in the media of post- Gulf War America. The triumphalists after the Gulf War have been attempting to write out of the U.S. history the post-Vietnam agonism in which tensions within the order were acknowledged. They seek to banish a politics of interpretation and self-appraisal that was part of both the official and popular culture during the post-Vietnam period. This was especially evident in the orchestration of Norman Schwarzkopf's career as a media personality.

The collectivization of people under the territory of the nation-state justifies the ability to create solidified identities that result in antagonism and violence toward Others

In this investigation I also turn to geography, but not to provide an explanation of state-level decision making. As I noted, I want less to understand war, in the traditional empirical/explanatory sense, than to effect a political and ethical resistance to the enmities upon which it feeds. To do this I emphasize an approach to maps that provides distance from the geopolitical frames of strategic thinkers and security analysts. Geography is inextricably linked to the architecture of enmity But rather than an exogenous "explanatory variable' it is a primary part of the ontology of a collective. Along with various ethnographic imaginaries—the ethnoscapes that are a part of geographic imaginations—it constitutes a fantasy structure implicated in how territorially elaborated collectivities locate themselves in the world and thus how they practice the meanings of self and Other that provide the conditions of possibility for regarding others as threats or antagonists. Grammatically, then, it is appropriate for me to recognize cartographic violence instead of speak ing of the geographic causes of violence.

The division of peoples based upon nation-states justifies violence and genocide

The attitude of the English commanders to the results of the destruc tion of the Pequots went beyond complacency; they saw their actions as morally vindicated. In addition to invoking the code of military professionalism to justify their genocidal approach to their hostilities with the

Pequots, they found legitimation in their reading of Scripture. For example, allowing that the scene of the burning and killing at the fort produced a "most doleful cry;" Captain Underhill, in response to queries about slaughtering women and children, responded: "We had sufficient light

Shapiro 1997 (Shapiro, Professor of Political Science at Hawaii, "Violent Cartographies," p. 173-180.)//rf

from the word of God for our proceedings?" And this view only strengthened during the colonial period. The prominent Puritan preacher Increase Mather, writing an account of the war forty years later, emphasized the power of prayer, which, he argued, delivered his people from "the rage of the heathen." Mather ascribed the burning of the fort to the action of "the Lord": "The Lord burnt them up in the fire of his wrath, & dunged the ground with their flesh, it was the Lord's doing, and it is marvelous to our eyes?' ¶ [continued] ¶ The Pequot War has virtually no place in the Euro-American telling of the history of warfare or in the story of gradual proprietary control over the North American continent. To give it a place of importance, it is necessary to analyze the forces at work that allowed the Pequots and their practices to be so devalued as to become targets of an attempt at total extermination. Moreover, such an analysis serves as a prelude to what I shall be calling an ethnographically oriented approach to warfare, one that is aimed both at disclosing the interpretations through which war ring groups impose meaning and value on each other and at providing a critique of approaches to warfare favored by many contemporary historians and political scientists. The dominant, strategically oriented treatment of war, historical or contemporary, provides a rationale for violence rather than for respectful encounters. More specifically, a geographic imaginary, a nation-state-oriented geopolitical map, which provides the ground plan for what are known as "security studies," tends to frame conduct and events within a state-oriented cartography and thereby reproduces the structures of nonrecognition operating in the seventeenth century, when Pequots turned out to be easy prey for merchants, militias, and moral consciences.

The alt is reject the collective identity the aff constructs by focusing on geopolitical boundries and embrace our vulnerability to alterity. This cultivates an ethical relationship to otherness.

To claim membership in a particular tribe, ethnicity, or nation—that is, to belong to a "people"—one must claim location in a particular genealogical and spatial story. Such stories precede any particular action aimed at a future result and provoke much of the contestation over claims to territory and entitlement to collective recognition. To the extent that they are part of the reigning structure of intelligibility, identity stories tend to escape contentiousness within ongoing political and ethical discourses. To produce an ethics responsive to contestations over identity claims and their related spatial stories, it is necessary to intervene in the dominant practices of intelligibility. Michel Foucault was calling for such intervention when he noted that the purpose of critical analysis is to question, not deepen, existing structures of intelligibility. Intelligibility results from aggressive, institutionalized practices that, in producing a given intelligible world, exclude alternative worlds. "We must," Foucault said, "make the intelligible appear against a background of emptiness, and deny its necessity. We must think that what exists is far from filling all possible spaces?' ¶ Like Foucault, Derrida claimed that a recognition of practices of exclusion is a necessary condition for evoking an ethical sensibility. His in sights into the instability and contentiousness of the context of an utterance, in his critique of Austin, provides access to what is effectively the protoethics of ethical discourse, the various contextual commitments that determine the normative implications of statements. To heed this observation, it is necessary to analyze two particular kinds of contextual commitments that have been silent and often unreflective predicates of ethical discourses. And it is important to do so in situations in which contending parties have something at stake—that is, by focusing on the ethics of encounter. Accordingly, in what follows, my approach to "the ethical" locates ethics in a respect for an-Other's identity performances with special attention to both the temporal or narrative dimension ¶ and the spatial dimension of those performances. Moreover, to produce a critical political approach to the ethics of the present, it is necessary to oppose the dominant stories of modernity and the institutionalized, geopolitical versions of space, which support existing forms of global proprietary control,

for both participate unreflectively in a violence of representation. The ethical sensibility offered in the thought of Emmanuel Levinas provides an important contribution to the ethics-as-nonviolent encounter thematized in my analysis. Levinas regarded war, the ultimate form of violence, as the suspension of morality; "it renders morality de risory," he said. Moreover, Levinas's thought fits fh general ¶ anti Clausewitzian/antirationalist approach to war th in prior chapters, for Levinas regarded a strategically oriented politics—"the art of foreseeing war and of winning it by every means' which is "enjoined as the very essence of reason"—as "opposed to morality." In order to oppose war and promote peace, Levinas enacted a linguistic war on the governing assumptions of Western philosophy. He argued that philosophy from Plato through Heidegger constructed persons and peoples within totalizing conceptions of humanity. The ethical regard, he insisted, is one that resists encompassing the Other as part of the same, that resists recognizing the Other solely within the already spoken codes of a universalizing vision of humankind. However problematic Levinas's notion of infinite respect for an alterity that always evades complete comprehension may be (an issue I discuss later), it nevertheless makes possible a concern with the violence of representation, with discursive control over narratives of space and identity, which is central - to my analysis. Edward Said emphasized the ethicopolitical significance of systems of discursive control, locating the violence of imperialism in the control over stories: "The power to narrate, or to block other narratives from forming and emerging, is very important to culture and imperialism, and constitutes one of the main connections between them." Indeed, contemporary neoimperialism resides in part in the ¶ dominance of a spatial story that inhibits the recognition of alternatives. A geopolitical imaginary, the map of nation-states, dominates ethical discourse at a global level. Despite an increasing instability in the geo political map of states, the more general discourses of "international affairs" and "international relations" continue to dominate both ethical and ¶ political problematics. Accordingly, analyses of global violence are most often constructed within a statecentric, geostrategic cartography, which organizes the interpretation of enmities on the basis of an individual and collective national subject and on cross-boundary antagonisms. And ethical theories aimed at a normative inhibition of these antagonisms continue to presume this same geopolitical cartography.'° To resist this discursive/representational monopoly, we must challenge the geopolitical map. Although the interpretation of maps is usually subsumed within a ¶ scientific imagination, it is nevertheless the case that "the cartographer's categories's J. B. Harley has put it, "art the basis of the morality of the 11 " here emerges most icantly from the boundary and naming practices that construct the map. The nominations and territorialities that maps endorse constitute, among other things, a "topographical amnesia." Effacements of older maps in contemporary namings and configurations amount to a non- recognition of older, often violently displaced practices of identity and space. Among the consequences of this neglected dimension of cartography, which include a morality-delegating spatial unconscious and a historical amnesia with respect to alternatives, has been a radical circumspection of the kinds of persons and groups recognized as worthy subjects of moral¶ solicitude. State citizenship has tended to remain the primary basis for the identities recognized in discourses such as the "ethics of international affairs." The dominance and persistence of this discursive genre, an "ethics" predicated on absolute state sovereignty, is evident in a recent analysis that has attempted to be both critical of the ethical limitations of the sovereignty system and aware that "conflict has increasingly moved away from interstate territorial disputes." Despite these acknowledged sensitivities, the analysis proceeds within a discourse that reinstalls the dominance of geopolitical thinking, for it remains within its cartography and conceptual legacy Arguing for a humanitarianism that avoids interstate partisanship, the writers go on to reproduce the geopolitical discourse on war, which ¶ grants recognition only to state subjects. Even as they criticize the language of "intervention" as a reaffirmation of a sovereignty discourse, they refer to the "Persian Gulf War" on the one hand and "insurgencies" on the other. As I noted in chapter i, Bernard Nietschmann has shown that the map of global warfare changes dramatically when one departs from the language of sovereignty. Challenging the state-oriented language of war and unmapping the ¶ geostrategic cartography of "international relations;' Nietschmann refers to the "Third World War," which is "hidden from view because the fighting is against peoples and countries that are often not even on the map"—a war in which "only one side of the fighting has a name." Focusing on struggles involving indigenous peoples, Nietschmann proceeds to map 120 armed struggles as part of the "war' In his mapping, only 4 of the struggles involved confrontations between states, while 7 involve states against nations. ¶ In order to think beyond the confines of the states orientation, it is therefore necessary to turn to ethical orientations that challenge the spatial predicates of traditional moral thinking and thereby grant recognition outside of modernity's dominant political identities. -This must necessarily also take us outside the primary approach that contemporary philosophy has lent to (Anglo-American) ethical theory. As applied at any level of human interaction, the familiar neo-Kantian ethical injunction is to seek transcendent values. Applied to the inter state or sovereignty model of global space more specifically, this approach seeks to achieve a set of universal moral imperatives based on shared values and regulative norms. This dominant tradition has not yielded guidance for

specific global encounters because it fails to acknowledge the historical depth of the identity claims involved in confrontations or collisions of difference— difference that includes incommensurate practices of space and conflicting narratives of identity. The tradition depends instead on two highly abstract assumptions. The first is that morality springs from what humanity ¶ holds in common, which is thought to yield the possibility of a shared intuition of what is good. The second is that the values to be apprehended are instantiated in the world and are capable of being grasped by human consciousness, wherever it exists. As Hegel pointed out in one of his earliest remarks on Kantian moral reasoning, Kant's system involves "a conversion of the absoluteness of pure identity. . . into the absoluteness of content." Because, for Kant, the form of a concept is what determines its rightness, there remains in his perspective no way to treat "conflicts among specific matters."17 A brief account of an encounter between alternative spatial imaginar ies helps to situate the alternative ethical frame to be elaborated later. It is provided by the reflections of the writer Carlos Fuentes after an un anticipated encounter with a Mexican peasant. Lost driving with friends in the state of Morelos, Mexico, Fuentes stopped in a village and asked an old peasant the name of the village. "Well, that depends;' an approach that assails such totalizations with the aim of providing an ethics of encounter. Levinas and the Ethics of the Face to Face Fuentes's experience and the conclusions he draws from are elaborately prescripted in the ethical writings of Levinas, for whom the ¶ face-to-face encounter and the experience of the Other as a historical trace are crucial dimensions of an ethical responsibility. To confront Levinas is to be faced with an ethical tradition quite different from those traditionally applied to issues of global encounter. In Levinas's ethical thinking and writing, morality is not an experience of value, as it is for both the Kantian tradition and Alasdair Maclntyre's post-Kantian concern with an anthropology of ethics, but a recognition of and vulnerability to alterity. This conception of vulnerability to alterity is not a moral psychology, as is the case with, for example, Adam Smith's notion of interpersonal sympathy. It is a fundamentally ethical condition attached to human subjectivity; it is an acceptance of the Other's absolute exteriority, a recognition that "the other is in no way another myself, participating with me in a common existence." According to Levinas, we are responsible to alterity as absolute alterity, as a difference that cannot be subsumed into the same, into a totalizing conceptual system that comprehends self and Other. For relations with Others to be ethical they must therefore be nontotalizing. Rejecting ontologies that homogenize humanity, so that self-recognition is sufficient to constitute the significance of Others, Levinas locates the ethical regard as a recognition of Others as enigmatically and irreducibly other, as prior to any ontological aim of locating oneself at home in the world: "The relations with the other... [not arise within a totality nor does it establish a totality, integrating me and the other. Ontologies of integration are egoistically aimed at domesticating alterity to a frame of understanding that allows for the violent appropriation of the space of the Other: ¶ My being in the world or my 'place in the sun,' my being at home, have not also been the usurpation of spaces belonging to the other man whom I have already oppressed or starved, or driven out into a third-world; are they not acts of repulsing, excluding, exiling, stripping, killing? 23 To be regarded ethically, the Other must remain a stranger "who disturbs the being at home with oneself." The ethical for Levinas is, in sum, "a non-violent relationship to the as infinitely other." we recall the problematic presented in chapter 5, it should be evident within a Levinasian ethical perspective, one would, for example, accept Ward Just's perpetually enigmatic Vietnam rather than endorse Norman Schwarzkopf's domesticated version.

Politics DA – Iran Deal

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1. Obama can hold off a veto now – but his political capital is key

Walsh and Barrett 7/16 (Deirdre, Senior Congressional Producer for CNN, Ted, senior congressional producer for CNN Politics, "WH dispatches Joe Biden to lock down Iran deal on Capitol Hill," CNN, 7/16/2015, http://www.cnn.com/2015/07/15/politics/iran-deal-white-house-democrats-congress/)//duncan

Two days after the Iran deal was unveiled, **the** Obama **administration's sales job is in full swing.¶** Vice President Joe Biden traveled to Capitol Hill on Wednesday to convince House Democrats to support the deal, while a small group of senators were invited to the White House to get their questions answered directly from officials who sat across from the Iranians at the negotiating table. Biden meets with Senate Democrats of the Foreign Relations

Committee on Thursday.¶ House lawmakers said Biden was candid about the strengths and weaknesses of the compromise deal. One described his behind closed doors pitch.¶ "I'm going to put aside my notes and talk to you from my heart because I've been in this business for 45 years," Biden said in his opening comments, according to Rep. Bill Pascrell, D-New Jersey, who attended the session.¶ "I'm not going to BS you. I'm going to tell you exactly what I think," the vice president reportedly said.¶ Obama got a boost from the leader of his party in the chamber when Minority Leader Nancy Pelosi formally announced Thursday that she was backing the deal.¶ SInce Republicans in the House and Senate are firmly against the Iran nuclear deal -- announced by President Barack Obama on Tuesday -- **the administration is cranking up its campaign to sway concerned Democrats to back the agreement.¶** Under legislation that allows Congress to review the agreement, the White House needs to secure enough votes from members of his own party to sustain the President's promised veto on an resolution of disapproval -- 145 in the House and 34 in the Senate.¶ After the session with Biden, several House Democrats stressed that while the process is just beginning, right now **the administration likely has the votes to sustain the President's veto on a resolution to block the deal.¶** "I'm confident they will like it when they understand it all," the vice president told reporters on his way into the session, beginning what will be a two month campaign culminating in a vote, expected in September.¶ Democrats, both for and against the deal, praised Biden's presentation.¶ "Joe Biden was as good as I've seen him," Rep. John Larson, D-Connecticut, told CNN. "I thought he did an excellent job."¶ Texas Democratic Rep. Henry Cuellar said Biden is a "master of detail" and helped clarify some concerns he had about the verification provisions in the deal, but he still planned to carefully study it and said he was undecided.¶ Pascrell also cited the verification issue as a potential sticking point but said he is leaning 'yes' on the agreement.¶ "On our side of the aisle **there is concern and skepticism shared by a number of members but an openness to be persuaded** if the facts take them that way," Rep. Gerry Connolly of Virginia said. "I think (Biden) made some real progress on behalf of the administration today."¶ But Democratic Rep. Steve Israel of New York, a former member of Democratic leadership, told reporters he wasn't sold yet.¶ "For me, I still have some very significant questions with respect to lifting of the embargo on conventional arms. And missiles. The (International Atomic Energy Agency) verification process for me is not any time anywhere, I think there are some very significant delays built into that," Israel said.¶ Larson noted that both Biden's presentation, along with Hillary Clinton's a day earlier, who he said spoke favorably about the deal, helped lay the groundwork for most Democrats to back the White House.¶ At the same time on Wednesday that the President held a news conference trying to persuade the public he had brokered an strong and effective deal with Iran, Sen. Joe Manchin, a Democrat from West Virginia, and a handful of other senators, were in a separate part of the White House meeting with some of the President's top negotiators, who had just returned from Vienna.¶ "I was very satisfied with an awful lot of the answers we received," Manchin told CNN.¶ **The intimate meeting for senators was another example of the White House's effort to shore up support in the Senate where leaders believe as many as 15 Democrats could oppose the deal.** If they did, it could provide Senate Republicans the votes needed to override a veto of the disapproval resolution and scuttle the deal.¶ But Manchin, a centrist who has close relations with senators on both sides of the aisle, said at this point he has not detected major blowback from Senate Democrats to the deal.¶ "At caucus yesterday I didn't get a reading there is hard, hard opposition. I did not," he said.¶ In fact, Manchin said he thought Republicans actually might struggle getting the 60 votes they will need to pass the disapproval resolution, much less the dozen or so votes that might be needed to sustain a veto.¶ One key senator whose position will be closely monitored by the White House and his colleagues from both parties on the Hill, is Sen. Chuck Schumer of New York, the third-ranking Democrats who is poised to become the Democratic leader in the next Congress. Schumer has many Jewish voters in his state who are wary of the impact of the Iran agreement on the security of Israel. Schumer said he is skeptical of the deal and won't decide whether to support it before doing his homework.¶ "I will sit down, I will read the agreement thoroughly and then I'm gonna speak with officials -- administration officials, people all over on all different sides," he said when asked about his decision-making process. "Look, this is a decision that shouldn't be made lightly and I am gonna just study this agreement and talk to people before I do anything else."¶ Sen. John McCain, R-Arizona, a leading critic of the agreement with Iran, said "**the pressure will be enormous from the administration," as it tries to keep Democrats from defecting**. As chairman of the Armed Services Committee, McCain said he intends to hold hearings to demonstrate what he calls the "fatal flaws" in the deal.¶ House **conservatives** speaking at a forum sponsored by the Heritage Foundation, a conservative think tank, one after another ripped the Iran deal. But they **conceded that ultimately they may not be able to block it.¶** "The game is rigged in favor of getting this done" Ohio Rep. Jim Jordan said.

2. Schumer is border security hawk – the plan pisses him off

On The Issues 14 (On The Issues, "Charles Schumer on Immigration", www.ontheissues.org/International/Charles_Schumer_Immigration.htm, 12/14/2014, sr)

What changes to our current immigration policy do you support? A: I support further securing our borders; prohibiting hiring of undocumented immigrants by requiring job applicants to present a secure Social Security card; creating jobs by attracting the world's best and brightest to America, and keeping them here; requiring undocumented immigrants to register with the government, pay taxes, and earn legal [status or face deportation.] Establishes specified benchmarks which must be met before the guest worker and legalization programs may be initiated: operational control of the border with Mexico; Border Patrol increases; border barriers, including vehicle barriers, fencing, radar, and aerial vehicles; detention capacity for illegal aliens apprehended crossing the US-Mexico border; workplace enforcement, including an electronic employment verification system; and Z-visa alien processing. Within 18 months, achieves operational control over U.S. land and maritime borders, including: systematic border surveillance through more effective use of personnel and technology; and physical infrastructure enhancements to prevent unlawful border entry Defines "operational control" as the prevention of all unlawful U.S. entries, including entries by terrorists, other unlawful aliens, narcotics, and other contraband.

3. Schumer would create a dem majority to override the deal

Associated Press, **7/16**/2015, "Schumer squeezed on Iran Nuclear deal," http://nypost.com/2015/07/16/schumer-squeezed-on-obamas-iran-nuclear-deal/)//

Indeed, with the leaders of Israel and their supporters in the US strongly opposed to the accord, observers on and off Capitol Hill say that the only chance congressional opponents have is if they get Schumer in their corner. Sometime in the fall, Congress will vote on whether to approve or disapprove the Iran deal. If enough hawkish Democrats join Republicans and the disapprove side prevails, Obama would veto the legislation. At that point, the focus would turn to whether Congress could override Obama's veto, which takes a two-thirds vote in both the House and Senate. Chances of that are slim, but with Schumer on their side, opponents might stand a chance. "There is no way a veto would be overridden without Sen. Schumer," said Aaron Keyak, a consultant to several Jewish groups and a former Democratic congressional aide. "Finding 67 votes to override a presidential veto is a very high threshold and there is no way to get to that number without Sen. Schumer." That helps explain the intense pressures on Schumer and a handful of other key senators in a debate that pro-Israel groups have made clear will be their top focus, bar none, in the months to come. With the deal just a few days old, Schumer is already being targeted in advertising, news releases and social media from both sides. The Emergency Committee for Israel announced an ad campaign on New York City cable television encouraging New Yorkers to "Call Sen. Schumer and tell him he must stand firm" on his insistence that the deal allow nuclear inspections anytime and anywhere, which opponents contend it does not. Another group, Secure America Now, has been urging supporters over Twitter to call Schumer and tell him to oppose the deal. On the opposite side, the progressive group Credo issued a statement warning that "Democrats who sabotage the Iran deal will face consequences," and listed Schumer, who likely will win re-election next year, as a top target. Adding to the pressure, the Democrats' likely presidential nominee, Hillary Rodham Clinton, has cautiously embraced the deal. At the middle of the storm, the famously media-friendly Schumer has gone uncharacteristically quiet. Questioned at an unrelated news conference this week, he repeated his initial written statement nearly word for word. "I will sit down, I will read the agreement thoroughly, and then I'm going to speak with officials, administration officials, people all over, on all different sides," Schumer said. "This is a decision that shouldn't be made lightly, and I am going to just study this agreement and talk to people before I do anything else." Congressional allies say Schumer seems genuinely torn. "He's obviously got pressures and I assume he's going to do the right thing," said Rep. Jerrold Nadler (D-NY), who is undecided and facing similar pressures. "There are very severe upsides and very severe downsides." Obama argues the deal closes off Iran's pathway to a nuclear bomb for the next decade, and has challenged opponents to come up with an alternative. The liberal Jewish group J Street is backing the deal, and the group's vice president of government affairs, Dylan Williams, said Schumer risks angering progressive voters if he breaks with the White House. "This deal is and will continue to be supported by an overwhelming majority of Sen.

Schumer's Democratic base and if there is a political consideration here, that would be the overriding one," Williams said. But the powerful pro-Israel lobby American Israel Public Affairs Committee is vehemently opposed to the deal, which Israeli Prime Minister Benjamin Netanyahu is denouncing all over American media as undermining the security of Israel and the region. Steven J. Rosen, a former longtime senior official with the group, said that backing the deal could hurt Schumer with the pro-Israel community — and with donors in New York. "I think he wants to be seen as one of Israel's most important friends in the United States. A bad vote here could have lasting damage on his standing in that regard," Rosen said. "The White House has put him in a very, very tough position here."

4. Failure will spur prolif and war with Iran – the plan tanks Obama's ability to hold off Congress

Beauchamp 14 (Zack – B.A.s in Philosophy and Political Science from Brown University and an M.Sc in International Relations from the London School of Economics, former editor of TP Ideas and a reporter for ThinkProgress.org. He previously contributed to Andrew Sullivan's The Dish at Newsweek/Daily Beast, and has also written for Foreign Policy and Tablet magazines, now writes for Vox , "How the new GOP majority could destroy Obama's nuclear deal with Iran," http://www.vox.com/2014/11/6/7164283/iran-nuclear-deal-congress,)

There is one foreign policy issue on which the GOP's takeover of the Senate could have huge ramifications, and beyond just the US: Republicans are likely to try to torpedo President Obama's ongoing efforts to reach a nuclear deal with Iran. And they just might pull it off. November 24 is the latest deadline for a final agreement between the United States and Iran over the latter's nuclear program. That'll likely be extended, but it's a reminder that the negotiations could soon come to a head. Throughout his presidency, **Obama has prioritized these negotiations**; he likely doesn't want to leave office without having made a deal. But if Congress doesn't like the deal, or just wants to see Obama lose, it has the power to torpedo it by imposing new sanctions on Iran. Previously, Senate Majority Leader Harry Reid used procedural powers to stop this from happening and save the nuclear talks. But Senate Majority Leader Mitch McConnell may not be so kind, and he may have the votes to destroy an Iran deal. If he tries, we could see one of **the most important legislative fights of Obama's presidency.** Why Congress can bully Obama on Iran sanctions At their most basic level, the international negotiations over Iran's nuclear program (they include several other nations, but the US is the biggest player) are a tit-for-tat deal. If Iran agrees to place a series of verifiable limits on its nuclear development, then the United States and the world will relax their painful economic and diplomatic sanctions on Tehran. "The regime of economic sanctions against Iran is arguably the most complex the United States and the international community have ever imposed on a rogue state," the Congressional Research Service's Dianne Rennack writes. To underscore the point, Rennack's four-page report is accompanied by a list of every US sanction on Iran that goes on for 23 full pages. The US's sanctions are a joint Congressional-executive production. Congress puts strict limits on Iran's ability to export oil and do business with American companies, but it gives the president the power to waive sanctions if he thinks it's in the American national interest. "In the collection of laws that are the statutory basis for the U.S. economic sanctions regime on Iran," Rennack writes, "the President retains, in varying degrees, the authority to tighten and relax restrictions." The key point here is that Congress gave Obama that power — which means they can take it back. "You could see a bill in place that makes it harder for the administration to suspend sanctions," Ken Sofer, the Associate Director for National Security and International Policy at the Center for American Progress (where I worked for a little under two years, though not with Sofer directly), says. "You could also see a bill that says the president can't agree to a deal unless it includes the following things or [a bill] forcing a congressional vote on any deal." Imposing new sanctions on Iran wouldn't just stifle Obama's ability to remove existing sanctions, it would undermine Obama's authority to negotiate with Iran at all, sending the message to Tehran that Obama is not worth dealing with because he can't control his own foreign policy. So **if Obama wants to make a deal with Iran, he needs Congress to play ball**. But it's not clear that Mitch McConnell's Senate wants to. Congress could easily use its authority to kill an Iran deal To understand why the new Senate is such a big deal for congressional action on sanctions, we have to jump back a year. In November 2013, the Obama administration struck an interim deal with Iran called the Joint Plan of Action (JPOA). As part of the JPOA, the US agreed to limited, temporary sanctions relief in exchange for Iran limiting nuclear program components like uranium production. Congressional Republicans, by and large, hate the JPOA deal. Arguing that the deal didn't place sufficiently serious limits on Iran's nuclear growth, the House passed new sanctions on Iran in December. (There is also a line of argument, though often less explicit, that the Iranian government cannot be trusted with any deal at all, and that US policy should

focus on coercing Iran into submission or unseating the Iranian government entirely.) Senate Republicans, joined by more hawkish Democrats, had the votes to pass a similar bill. But in February, Senate Majority leader Harry Reid killed new Iran sanctions, using the Majority Leader's power to block consideration of the sanctions legislation to prevent a vote. McConnell blasted Reid's move. "There is no excuse for muzzling the Congress on an issue of this importance to our own national security," he said. So now that McConnell holds the majority leader's gavel, it will remove that procedural roadblock that stood between Obama and new Iran sanctions. To be clear, it's far from guaranteed that Obama will be able to reach a deal with Iran at all; negotiations could fall apart long before they reach the point of congressional involvement. But if he does reach a deal, and Congress doesn't like the terms, then they'll be able to kill it by passing new sanctions legislation, or preventing Obama from temporarily waiving the ones on the books. And make no mistake — imposing new sanctions or limiting Obama's authority to waive the current ones would kill any deal. If Iran can't expect Obama to follow through on his promises to relax sanctions, it **has zero incentive to limit its nuclear program**. "If Congress adopts sanctions," Iranian Foreign Minister Javad Zarif told Time last December, "the entire deal is dead." Moreover, it could fracture the international movement to sanction Iran. The **U**nited **S**tates is far from Iran's biggest trading partner, so it depends on international cooperation in order to ensure the sanctions bite. If it looks like the US won't abide by the terms of a deal, **the broad-based international sanctions regime could collapse**. Europe, particularly, might decide that going along with the sanctions is no longer worthwhile. "Our ability to coerce Iran is largely based on whether or not the international community thinks that we are the ones that are being constructive and [Iranians] are the ones that being obstructive," Sofer says. "If they don't believe that, then the international sanctions regime falls apart." This could be one of the biggest fights of Obama's last term It's true that Obama could veto any Congressional efforts to blow up an Iran deal with sanctions. But a two-thirds vote could override any veto — and, according to Sofer, an override is entirely within the realm of possibility. "There are plenty of Democrats that will probably side with Republicans if they try to push a harder line on Iran," Sofer says. For a variety of reasons, including deep skepticism of Iran's intentions and strong Democratic support for Israel, whose government opposes the negotiations, Congressional Democrats are not as open to making a deal with Iran as Obama is. Many will likely defect to the GOP side out of principle. The real fight, Sofer says, will be among the Democrats — those who are willing to take the administration's side in theory, but don't necessarily think a deal with Iran is legislative priority number one, and maybe don't want to open themselves up to the political risk. These Democrats "can make it harder: you can filibuster, if you're Obama you can veto — you can make it impossible for a full bill to be passed out of Congress on Iran," Sofer says. **But it'd be a really tough battle, one that would consume a lot of energy and lobbying effort that Democrats might prefer to spend pushing on other issues.** "I'm not really sure they're going to be willing to take on a fight about an Iran sanctions bill," Sofer concludes. "I'm not really sure that the Democrats who support [a deal] are really fully behind it enough that they'll be willing to give up leverage on, you know, unemployment insurance or immigration status — these bigger issues for most Democrats." So if the new Republican Senate prioritizes destroying an Iran deal, **Obama will have to fight very hard to keep it** — without necessarily being able to count on his own party for support. And the stakes are enormous: **if Iran's nuclear program isn't stopped peacefully, then the most likely outcomes are either Iran going nuclear, or war with Iran**. The administration believes a deal with Iran is their only way to avoid this horrible choice. That's why it's been **one of the administration's top priorities** since day one. It's also why this could become one of the biggest legislative fights of Obama's last two years.

5. Nuke war

Stevens 13 (Philip Stevens, associate editor and chief political commentator for the Financial Times, Nov 14 2013, "The four big truths that are shaping the Iran talks," http://www.ft.com/cms/s/0/af170df6-4d1c-11e3-bf32-00144feabdc0.html)

The who-said-what game about last weekend's talks in Geneva has become a distraction. The six-power negotiations with Tehran to curb Iran's nuclear programme may yet succeed or fail. But wrangling between the US and France on the terms of an acceptable deal should not

allow the trees to obscure the forest. The organising facts shaping the negotiations have not changed.¶ The first of these is that Tehran's acquisition of a bomb would be more than dangerous for the Middle East and for wider international security. It would most likely set off a **nuclear arms race** that would see **Saudi Arabia, Turkey and Egypt** signing up to the **nuclear club**. The nuclear **n**on-**p**roliferation **t**reaty would be shattered. A future regional conflict could **draw Israel into launching a pre-emptive nuclear strike.** This is not a region obviously susceptible to **cold war disciplines of deterrence**.¶ The second **ineluctable reality** is that Iran has mastered the nuclear cycle. How far it is from building a bomb remains a subject of debate. Different intelligence agencies give different answers. These depend in part on what the spooks actually know and in part on what their political masters want others to hear. The progress of an Iranian warhead programme is one of the known unknowns that have often wreaked havoc in this part of the world.¶ Israel points to an imminent threat. European agencies are more relaxed, suggesting Tehran is still two years or so away from a weapon. Western diplomats broadly agree that Ayatollah Ali Khamenei has not taken a definitive decision to step over the line. What Iran has been seeking is what diplomats call a breakout capability – the capacity to dash to a bomb before the international community could effectively mobilise against it.¶ The third fact – and this one is hard for many to swallow – is that neither a negotiated settlement nor the air strikes long favoured by Benjamin Netanyahu, Israel's prime minister, can offer the rest of the world a watertight insurance policy.¶ It should be possible to construct a deal that acts as a plausible restraint – and extends the timeframe for any breakout – but no amount of restrictions or intrusive monitoring can offer a certain guarantee against Tehran's future intentions.¶ By the same token, bombing Iran's nuclear sites could certainly delay the programme, perhaps for a couple of years. But, assuming that even the hawkish Mr Netanyahu is not proposing permanent war against Iran, **air strikes would not end it.**¶ You cannot bomb knowledge and technical expertise. To try would be to empower those in Tehran who say the regime will be safe only when, like North Korea, it has a weapon. So when Barack Obama says the US will never allow Iran to get the bomb he is indulging in, albeit understandable, wishful thinking.¶ The **best the** international **community can hope** for is that, in return for a relaxation of sanctions, Iran will make a judgment that it is better off sticking with a threshold capability. To put this another way, if Tehran does step back from the nuclear brink it will be because of **its own calculation of the balance of advantage**.¶ The fourth element in this dynamic is that Iran now has a leadership that, faced with the severe and growing pain inflicted by sanctions, is **prepared to talk**. There is nothing to say that Hassan Rouhani, the president, is any less hard-headed than previous Iranian leaders, but he does seem ready to weigh the options.

Politics DA – Elections

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1. Clinton is likely to win 2016, but its close – recent poll proves – surveillance will be a key factor

Glenza 6/23 [Jessica Glenza, Breaking News Reporter at Guardian News & Media, "Hillary Clinton on course to win presidential election, poll says", http://www.theguardian.com/us-news/2015/jun/23/hillary-clinton-presidential-election-poll, June 23rd, 2015//Rahul]

Hillary Clinton is on course to win the Democratic primary and would go on to trounce her Republican opponents, according to a new poll. The NBC News/Wall Street Journal poll found that the former secretary of state was the first choice for nominee of 75% of her party, with Vermont socialist Bernie Sanders far behind on 15%. Analysis Clinton v Bush: America is getting the dynastic matchup it said it didn't want Despite rivals' protestations, Hillary Clinton and Jeb Bush enjoy the support of their own party's voters. But the other party's dynasty candidate? Not a chance Martin O'Malley, the former Maryland governor, was on 2%, while Lincoln Chafee, the former governor of Rhode Island, polled less than 1%. Former Virginia senator Jim Webb, who has not yet formally declared he is running, was on 4%. According to the poll, 92% of likely Democratic voters said they could see themselves supporting Clinton. The poll asked 1,000 likely voters about their opinions on potential presidential candidates, both Republican and Democrat. It showed Clinton polling at 48% to 40% against her closest Republican contender, former Florida governor Jeb Bush, the brother of former president George W Bush and son of former president George HW Bush. Against the Florida senator Marco Rubio, Clinton polled 50% against 40%. And against Wisconsin governor Scott Walker she polled 51% to 37%. Among Republican primary voters, the poll showed Bush ahead with 22% of the vote. Walker was next with 17% and Rubio third

with 14%. Retired neurosurgeon Ben Carson had 11%, while former Arkansas governor Mike Huckabee (9%), libertarian senator Rand Paul (7%), former Texas governor Rick Perry (5%), New Jersey governor Chris Christie (4%) and Texas senator Ted Cruz (4%) were all in single figures. The poll is likely to encourage the Clinton camp, whose campaign got off to a rough start when questions arose about Clinton's use of personal email as secretary of state, this spring. But it is possible that early polls may not reflect the true strength of Clinton's challengers. On Tuesday, Clinton urged businesses to stop selling images with the Conferdate flag on them, in the wake of the attack on a black church in Charleston Republican pollster Bill McInturff told the Wall Street Journal that Clinton had "the strongest and most advantageous" standing among Democrats he had seen in 35 years of campaign polling. "She starts with advantages among very important groups," he said. McInturff conducted the poll with Democrat Fred Yang. Clinton's high rankings could be buoyed by increasingly positive support numbers for her 2008 rival Barack Obama, whose approval rating is up by 8 percentage points to 48% since September 2014, when it hit an all-time low of 40% according to the same polls. Among Republican candidates, Bush and Rubio remain neck and neck, with 75% and 74% of respondents saying they could see themselves supporting the candidates in a Republican primary. Bush pulls away slightly in favorability rankings, pulling 5% ahead of Walker with 22%, and 8% ahead of Rubio. Most see Clinton as a moderate candidate (58%) who is trustworthy because of her "experience and background" (59%). Respondents were fairly split over which party the next president should be from, with Republicans scoring 36% and Democrats 39%. Ongoing concerns going into the election could set the mood for the campaign. A "decline in traditional moral values" was rated as the most alarming trend in America of all respondents (25%), seconded by possible terrorist attacks on the US (18%), while corporate and wealthy individuals' influence over elections was rated as the most disconcerting facet of the upcoming campaign (33%).

2. Dems are working on the evangelical vote now - loosening border control isolates their base and forfeits the election to the GOP

Jack **Jenkins, 6-16**-2015, "The Explosive Growth Of Evangelical Belief In Latinos Has Big Political Implications," ThinkProgress, http://thinkprogress.org/election/2015/06/16/3668780/hispanic-evangelicals-battle-political-soul-americas-curious-new-swing-vote/)//GV

Much has been written over the past year or so about the ecstatic faith and explosive growth of this new brand of Latino faithful, who unsettle traditional understandings of American Hispanics as a predominantly Catholic demographic. But as the United States gears up for the 2016 presidential election, **Hispanic evangelicals appear to be making that classic American shift from curious cultural newcomer to powerful political force.** If attendees at the conference in Houston were to be believed, Hispanic evangelicals are eager to vote, and in substantial numbers. Yet unlike Hispanic Catholics, who overwhelmingly reflect the Democratic party platform on several key issues, **Latino evangelicals share political sensibilities with both parties.** This has made their voting habits increasingly uncertain, **meaning the group could become that much-prized unicorn of American politics: the swing vote.** The 2016 election may be the "coming out" year for the Latino evangelicals, but as candidates and parties — and particularly the GOP — begin jockeying for this unusual electorate, one question is lingering in the minds of political strategists on both sides of the aisle: **Who will win the "evangélicos vote"?** Hispanic evangelicals share more than worship styles with their white theological brethren. Following in the tradition of Billy Graham and Rick Warren, evangélicos are primarily represented outside their community by a small group of dynamic pastors, most of whom enjoy robust followings and the political power that comes with it. Election buzzwords such as "left" and "right" are always poor descriptors for theological camps, but a casual observer could potentially label the movement's more progressive leaders as Rev. Gabriel Salguero, a pastor and president of the National Latino Evangelical Coalition (NaLEC), and Rev. Luis Cortés Jr., the head of Esperanza, a faith-based Hispanic evangelical network of more than 13,000 congregations. Both men enjoy theological and political clout among Democrats, and the most tangible example of their influence — like many faith leaders — lies in where they pray: Salguero delivered an invocation at the Democratic National Convention in 2012, and Cortés offered the opening prayer at President Obama's inauguration luncheon in 2013. Rev. Gabriel Salguero addresses the Democratic National Convention in 2012.Rev. Gabriel Salguero addresses the Democratic National Convention in 2012.CREDIT: AP Meanwhile, the largest — and arguably most conservative — group of Latino evangelicals is the NHCLC, led by Rev. Samuel Rodriguez. An energetic and media-savvy pastor born in Puerto Rico, Rodriguez is often associated with the Republican party: The NHCLC conference, for instance, included speeches from two GOP presidential hopefuls — former Arkansas Gov. Mike Huckabee and Gov. Jeb Bush of Florida — which makes sense when one realizes

that Rodriguez delivered the benediction at the 2012 Republican National Convention, where he was introduced by none other than RNC chairman Reince Priebus. His organization has grown steadily over the past few years, now boasting over 40,000 affiliated congregations in the U.S., an eye-catching number that has spurred Rodriguez to begin throwing his political weight around among conservatives. In January, he published an op-ed boldly entitled "Hispanic Evangelicals could determine GOP nominee" aimed at attracting the attention of Republican presidential hopefuls. "Based on the performance on display in Iowa last weekend by several of the Republican presidential hopefuls, none of them seem to be paying attention to what could deliver the keys to the front door of the White House: Latino voters," Rodriguez wrote, pointing to immigration and education as crucial issues for his member congregations. "The Hispanic faith community will be listening closely to where candidates stand on reforms that align with the word of God and respect the dignity of all his people." Despite Rodriguez's eagerness to influence the GOP primary, however, it would be a mistake to pigeonhole him as singularly dedicated to either party: He has served on White House committees under President Barack Obama. His fellow faith leaders have similarly mixed political histories. Cortés has identified as a Republican in the past, and his organization's annual National Hispanic Prayer Breakfast regularly features speakers from both parties — including President George W. Bush, who keynoted the event on six occasions. Salguero, meanwhile, can eagerly recount instances when presidential contenders from both parties have courted his favor. "I have met with Chris Christie, Jeb Bush … former Secretary Clinton's people," Salguero told ThinkProgress. "We are the quintessential swing voter in many ways." **But even as Hispanic evangelicals begin to flex their political muscles, assessing their true electoral power is tricky**, in part because exact estimates of their budding population are hard to come by. The U.S. census does not include questions about religion, so the best guess for their population size comes from a 2014 Pew study that listed them as roughly 16 percent of the nation's 35.4 million Latino adults. That amounts to an estimated 5 to 6 million voting-aged worshippers, and the real number could be even higher: Rodriguez has claimed that there are 16 million Hispanic evangelicals in the U.S., and the NHCLC says that evangélicos make up about 20 percent of Latinos overall. Rev. Samuel Rodriguez speaks during a press conference at the NHCLC in AprilRev. Samuel Rodriguez speaks during a press conference at the NHCLC in AprilCREDIT: JACK JENKINS/THINKPROGRESS That's a sizable body politic by any measure. And it's one that only continues to grow, as more and more Latinos abandon Catholic cathedrals in droves for rock-music-filled worship halls — or, in some cases, immigrate to the United States from existing evangelical communities in Central and South America. Assuming high voter turnout and a healthy registration rate (two things that are admittedly difficult to quantify at this early stage), **there could be roughly enough evangélicos to tip the scales by as much as a percentage point in a national election, if they voted as a bloc.** One percent may not sound like much, but that portion of the electorate can have a big effect. Barack Obama, George W. Bush, Jimmy Carter, and Ronald Reagan all won (or lost) the popular vote in presidential elections by two points or less. And more importantly for election strategists, according to Salguero, is the fact that evangélicos are clustered in states critical to the 2016 Electoral College tally. "We are big in key swing states: Colorado, Florida, North Carolina, Ohio, Cleveland, Cincinnati…North Carolina — we have a radio station there," Salguero said. "We're also big in Texas, Arizona — we're big in the 'purple' states." Unlike their Catholic compatriots, Hispanic evangelicals tend to skew to the right on several issues that line up squarely with the Republican base, according to data provided to ThinkProgress from the Public Religion Research Institute (PRRI). Evangélicos roughly mirror Hispanic Catholics in terms of age and education, but PRRI's polling showed Latino evangelicals far more likely than the general Latino population to "oppose" or "strongly oppose" legalizing same-sex marriage (66 percent vs. 36 percent) and to say that abortion should be illegal in all instances (42 percent vs. 27 percent). The Pew Research survey found almost identical results. Most significantly for Republicans, polls show that a solid slice of evangélicos are also uncharacteristically conservative on the most important question in American politics: Party identification. The PRRI survey reported that 21 percent of Hispanic evangelicals say they're Republicans, a full 10 percent more than the total Hispanic population. (For context, most evangélicos — 41 percent — identify as independents, while 28 affiliate with the Democratic Party.) Pew found an even bolder conservative streak: A full 30 percent of Hispanic evangelical Protestant respondents said they "identify or lean Republican," compared to 20 percent of Latino Catholics. These numbers have not gone unnoticed by the Republican Party. At the NHCLC conference, where there was only one Democratic congressman — Rep. Luis Gutierrez of Illinois — and not a single Democratic candidate for president, it was clear the GOP has stepped up its outreach to the Hispanic evangelicals who appear to be primed to support them. Most mentions of the Obama were negative, with speakers repeatedly arraigning him for failing to do enough to protect "religious liberty." But Republican political strategists are aware that there's one roadblock standing in the way. After then-GOP presidential candidate Mitt Romney only won 27 percent of the Hispanic vote during his failed attempt to win the 2012 election — whereas George W. Bush accrued a solid 44 percent of the same group in 2004 — the RNC conducted an internal review of their party to determine a new strategy. When the group published the results in 2013, **researchers concluded that, when it comes to Hispanics, the answer is clear: Republicans need to steer clear of concepts such as "self-deportation" and rethink their stance on immigration reform.** "If Hispanic Americans perceive that a GOP nominee or candidate does not want them in the United States (i.e. self-deportation), they will not pay attention to our next

sentence," the report read. "It does not matter what we say about education, jobs or the economy; if Hispanics think we do not want them here, they will close their ears to our policies. … among the steps Republicans take in the Hispanic community and beyond, we must embrace and champion comprehensive immigration reform. If we do not, our Party's appeal will continue to shrink to its core constituencies only." Indeed, Hispanics overall consistently rank immigration as a top concern during elections, a tendency that is also generally true of Latino evangelicals: According to PRRI's data, 64 percent of evangélicos support an immigration reform policy that would provide undocumented people a pathway to citizenship provided they meet certain requirements, compared to 66 percent of Latinos overall. Salguero and Cortés have both made passionate pleas to lawmakers about the importance of immigration reform, and even as Rodriguez actively courted the favor of GOP candidates in Houston, he was unequivocal on the issue of immigration. He announced midway through the gathering a plan to ask all presidential hopefuls — Democrats and Republicans — to sign a pledge endorsing comprehensive immigration reform, invoking biblical language to drive his point home. Republicans must cross the Jordan of immigration reform to step into the Promised Land of the Hispanic faith electorate. "Republicans must cross the Jordan of immigration reform to step into the Promised Land of the Hispanic faith electorate," Rodriguez said in response to a question from ThinkProgress at a press conference. He tapped the table with his hand for emphasis as he spoke, adding, "There's a period there, not a comma. They must." Beatriz Mesquias, the president of Convención Bautista Hispana de Texas, or the Hispanic Baptist Convention, who attended the conference, echoed this view. "I live on the border, in Harlingen, Texas, and I want to see more protection, but I also wish there were more immigrants who could become residents of the United States," Mesquias said in Spanish. "I want a President who supports immigration reform, not because he or she is a Republican or Democrat, but because it's the right thing for the nation." Clearly, the RNC's advice hasn't reversed every Republican's resistance to immigration reform — but for Latino evangelicals, just one candidate might be enough. At the gathering in Houston, Huckabee and Bush both offered rival addresses to the assembly, competing for the (very bright) spotlight among an eager clientele. Huckabee, like many Republican candidates, mostly ignored issues impacting undocumented people. But Bush, who is Catholic but whose wife is Hispanic, impressed by delivering a speech that appeared to be directly inspired by Rodriguez's op-ed. Speaking partly in Spanish, he pushed for a better education system and outlined something that sounded suspiciously like a version of immigration reform. Jeb Bush addresses the crowd in Houston.Jeb Bush addresses the crowd in Houston.CREDIT: JACK JENKINS/THINKPROGRESS "We have to fix a broken immigration system, and do it in short order," he said, outlining a pathway to "earned legal status." "This country does not so well when people lurk in the shadows. This country does spectacularly well when everybody can pursue their God-given abilities," he added. Bush repeated and arguably expanded this idea while announcing his official campaign for the presidency on June 15. When a group of demonstrators interrupted his speech with a protest encouraging full citizenship for undocumented people instead of legal status, Bush departed from his prepared remarks, distancing himself from the president's executive actions on the issue while simultaneously endorsing a version of immigration reform. "The next president of the United States will pass meaningful immigration reform so that [problem] will be solved, not by executive order," he said. Rodriguez, for his part, returned the favor for Bush. In the lead-up to the conference, he all but endorsed a Bush candidacy in an interview with Bloomberg. "I see hope in the candidacy of Governor Jeb Bush," Rodriguez said. "I think Governor Bush gets it. He's not pro-amnesty, but he knows we have to find a solution to the immigration issue in America. I have a great respect, an admiration toward Governor Bush for his exemplary leadership in Florida." I see hope in the candidacy of Governor Jeb Bush. However — despite all of Bush's policy-talk, linguistic prowess, and degree in Latin-American studies — it was Huckabee, the former Baptist minister and dyed-in-the-wool evangelical conservative, who stole the show in Houston. Huckabee's warm reception was initially confusing, given that the onetime governor has a long history of opposing immigration reform. True to form, when ThinkProgress asked Huckabee in Houston whether he would sign NHCLC's immigration pledge, he refused to answer, saying he hadn't read it. What happened next, however, offered a telling glimpse into the uncomfortable position occupied by right-leaning Hispanic evangelical leaders, who appear caught between a need to advocate for their community's issues and a desire to win favor with the conservative elite. Rodriguez, sitting just inches from Huckabee when the question was asked, did not push for clarification regarding Huckabee's immigration stance or pressure him to sign the pledge. Instead, the otherwise spirited pastor — who spoke so passionately about immigration reform earlier that morning — simply stared at the table as Huckabee spoke. When the governor finished, Rodriguez abruptly exited the press conference, only returning several minutes later to help close the meeting. Rodriguez prays over former Gov. Mike Huckabee at the NHCLC conference.Rodriguez prays over former Gov. Mike Huckabee at the NHCLC conference.CREDIT: JACK JENKINS/THINKPROGRESS Even if the winner of the GOP primary doesn't shift on immigration reform, the party could cleave off a few Hispanic evangelical votes through old-fashioned faith outreach. Immigration was clearly a charged topic at the NHCLC gathering, but attendees were equally energized by Bush's frank discussion of his own spiritual journey. When ThinkProgress asked Lisa, a young Hispanic evangelical who attended the conference, what she was looking for in a presidential candidate, she responded with an answer that was virtually indistinguishable from a rank-and-file white evangelical. "Number one, their faith," said Lisa, her two friends nodding in agreement beside her. "That they stand for the family, the husband and the wife … and that they continue to just hold the truth that the United States was founded on from the very beginning, and not to change or sway because other people's beliefs are different." This is typical of Hispanic evangelicals. A May 2014 Pew survey showed a strong majority of evangelical Latinos (62 percent) believed firmly that the church should speak out on social issues, compared to 47 percent of Hispanics overall. This certainly seemed true for Daisy Gonzalez, another young Hispanic evangelical at the conference from Del Rio, Texas, who gave Bush high marks for discussing education in his speech, but maintained that faith was paramount. "I don't really look at the elephant or the donkey [when picking a candidate]," Gonzalez said, referencing the mascots of America's two dominant political parties. "At first, I look at their foundation — their biblical foundation and their family foundation. The fact that [Bush] comes from a Christian family … is very important." If that quip about political symbols sounds smooth enough to be a catch-phrase, that's because it is. It's an oft-quoted line from Rodriguez, whose 2013 book The Lamb's Agenda claims to posit a faith-led "third way" that bucks the rigid

dichotomy of American politics. I don't really look at the elephant or the donkey [when picking a candidate]. In practice, however, Rodriguez's understanding of the "lamb's agenda" tracks closely with America's political right-wing. One of the book's forwards is written by Jim Daly, head of the conservative think tank Focus on the Family, and the chapter entitled "Not the Donkey, Not the Elephant, but the Lamb!" focuses largely on the moral shortcomings of the Democratic party: Rodriguez bemoans the progressive embrace of marriage equality and abortion rights, and while he celebrates Obama's willingness to discuss his faith, he chastises the president for changing his position on same-sex marriage. "Unless the Donkey reconciles with the Lamb, the Donkey may finish this century in the pony show of the politically obscure," Rodriguez writes. By contrast, his vision for the future of the Republican party was practically glowing: "The Elephant will make significant advances if it intentionally goes forward with the justice mission of Lincoln and the moral optimism of Ronald Reagan." The Hispanic evangelical embrace of the GOP may well become a reality, but not without a lot of help. Salguero, the de-facto representative of the demographic's left-wing, hinted that this ideological creep rightward has been bolstered by robust outreach efforts from conservatives. "I know there is a lot of money going into recruiting Hispanic evangelicals into a certain ideological camp. We should resist that," he said. "One camp is ahead of the other in terms of outreach … I'm concerned that [we will be coopted] instead of developing the voting bloc for the 21st century, a fiercely independent voice that holds candidates accountable." **Still, there is hope for Democrats. Hispanic evangelicals interviewed by ThinkProgress pushed back on the idea that either party has successfully "won" their vote. Salguero insisted Republicans still have to cross the "rubicon" of immigration** — as well as education and criminal justice — noting, "it would be a political miscalculation to assume that Latino evangelicals don't remember voting records — after you leave the room, we visit your website." He drew connections between Hispanic evangelicals and African Americans, pointing out that evangélicos organizations were among the first to come out against death penalty, adding, "We marched with African American communities on criminal justice reform, community policing." And Salguero also noted that, although political leaders on the Left have a lot of ground to make up if they expect to hold onto evangélicos votes in the event of a pro-immigration Republican candidate, they can start with a renewed effort to engage with religion. He emphasized that progressives need to take seriously the conservative concerns of religious liberty, a sentiment shared by Rodriguez and Cortés.

3. Hillary is key to comprehensive immigration reform

Nowicki 7/19 – Dan, The Arizona Republic's national political reporter. ("Clinton stands apart from GOP on immigration," 7/19/15, http://www.usatoday.com/story/news/politics/elections/2016/2015/06/19/clinton-stands-apart-from-gop-on-immigration/28968585/)

As the 2016 Republican presidential field toughens its tone on border security and enforcement, Democratic front-runner Hillary Clinton has drawn a sharp distinction on immigration by embracing comprehensive reforms such as a pathway to citizenship for undocumented workers already in the United States.¶ Speaking Thursday before the National Association of Latino Elected and Appointed Officials, Clinton, a former secretary of State, reiterated promises she made during a May 5 roundtable in North Las Vegas.¶ That she would fight for comprehensive immigration reform that includes "a real path to citizenship" for the more than 11 million undocumented immigrants who have settled in the United States.¶ That she would oppose any move to deport the young immigrants known as "Dreamers" or to undo President Obama's executive actions that are shielding millions of immigrants from enforcement action.¶ And that if Congress continues to balk at acting on immigration reform, "as president I will do everything possible under the law to go even further than what President Obama has attempted to achieve," she said.¶ "There are so many people with deep ties and contributions to our communities, like many parents of dreamers, who deserve a chance to stay, and I will fight for them, too," Clinton said to applause from a standing-room-only crowd inside the Aria Resort & Casino. "But I don't have to wait to become president to take a stand, right here and right now, against divisive rhetoric that demonizes immigrants and their families. It's wrong and no one should stand for it."¶ The contrast between Clinton and the Republican White House prospects grew sharper this week with the entry into the race of celebrity real-estate developer Donald Trump, who announced his candidacy with a speech bashing Mexican immigrants as "rapists" and vowing to build a border wall at Mexico's expense.¶ "They're bringing drugs. They're bringing crime. They're rapists. And some, I assume, are good people," Trump said of immigrants from Mexico.¶ While Trump is viewed by many political handicappers as a novelty candidate, others said his anti-immigrant rant could tarnish the Republican brand with Latino voters, a fast-growing demographic that is increasingly influential in key swing states such as Nevada, Colorado, Florida, New Mexico and Virginia.¶ Despite warnings from national GOP leaders after the loss of 2012 nominee Mitt Romney to Obama, in which Romney was shellacked among Latino voters, most of the Republican

presidential contenders continue to stake out hard-line positions on immigration and border security.

4. Comprehensive reform is key to prevent food insecurity

Gaskill '10 (Ron Gaskill is director of congressional relations for the American Farm Bureau Federation. Worker shortage urges immigration reform efforts April 9, 2010 Season Right for Meaningful Immigration Reform By Ron Gaskill)

Even in these times of higher-than-usual unemployment, most farmers and ranchers still struggle to find all the workers they need for a successful season. Serious concerns that not enough domestic workers will choose to work in agriculture has become a harsh reality *across the countryside*. About 15 million people in the United States choose non-farm jobs at wages that are actually lower than what they could earn by working alongside farmers and ranchers. The on-farm jobs and opportunities are there, but many workers choose not to take advantage of them. The issue is rapidly moving from one centered on a lack of resources, to one with food insecurity at its heart. Farmers and ranchers are the ones being squeezed; caught between a domestic labor force that doesn't want agricultural work, government policy that fails to recognize the seriousness of the problem and an administration that consistently makes it harder to hire workers. U.S. consumers will continue to eat fresh fruits and vegetables regardless of how the labor scenario ultimately plays out. But, whether or not those fruits and vegetables are grown in the U.S. or imported from other countries where labor is more plentiful greatly concerns Farm Bureau. It's past time for our nation's policymakers to translate grassroots concern into meaningful action. As much as we believe in a farmer's right to farm, Farm Bureau fully respects the right of U.S. workers to choose other lines of work. But, on the flip side, as employers, we must be able to legally employ those who do want to work, even if they're from other countries. Comprehensive immigration reform is needed, so that America's farmers and ranchers can continue to produce an abundant supply of safe, healthy food, as well as renewable fuels and fiber for our nation.

5. Food insecurity causes extinction

Brown 9 – is a US environmental analyst, founder of the Worldwatch Institute, and founder and president of the Earth Policy Institute, a nonprofit research organization based in Washington, (Lester R, "Can Food Shortages Bring Down Civilization?" Scientific American, May - http://www.scientificamerican.com/article/civilization-food-shortages/)//GV

The biggest threat to global stability is the potential for food crises in poor countries to cause government collapse. Those crises are brought on by ever worsening environmental degradation One of the toughest things for people to do is to anticipate sudden change. Typically we project the future by extrapolating from trends in the past. Much of the time this approach works well. But sometimes it fails spectacularly, and people are simply blindsided by events such as today's economic crisis. For most of us, the idea that civilization itself could disintegrate probably seems preposterous. Who would not find it hard to think seriously about such a complete departure from what we expect of ordinary life? What evidence could make us heed a warning so dire--and how would we go about responding to it? We are so inured to a long list of highly unlikely catastrophes that we are virtually programmed to dismiss them all with a wave of the hand: Sure, our civilization might devolve into chaos--and Earth might collide with an asteroid, too! For many years I have studied global agricultural, population, environmental and economic trends and their interactions. The combined effects of those trends and the political tensions they generate point to the breakdown of governments and societies. Yet I, too, have resisted the idea that food shortages could bring down not only individual governments but also our global civilization. I can no longer ignore that risk. Our continuing failure to deal with the environmental declines that are undermining the world food economy--most important, falling water tables, eroding soils and rising temperatures--forces me to conclude that such a collapse is possible. The Problem of Failed States Even a cursory look at the vital signs of our current world order lends unwelcome support to my conclusion. And those of us in the environmental field are well

into our third decade of charting trends of environmental decline without seeing any significant effort to reverse a single one. In six of the past nine years world grain production has fallen short of consumption, forcing a steady drawdown in stocks. When the 2008 harvest began, world carryover stocks of grain (the amount in the bin when the new harvest begins) were at 62 days of consumption, a near record low. In response, world grain prices in the spring and summer of last year climbed to the highest level ever. As demand for food rises faster than supplies are growing, the resulting food-price inflation puts **severe stress** on the governments of countries already **teetering on the edge of chaos**. Unable to buy grain or grow their own, hungry people take to the streets. Indeed, even before the steep climb in grain prices in 2008, the number of failing states was expanding [see sidebar at left]. Many of their problem's stem from a failure to slow the growth of their populations. But if the food situation continues to deteriorate, entire nations will break down at an ever increasing rate. We have entered a new era in geopolitics. In the 20th century the main threat to international security was superpower conflict; today it is failing states. It is not the concentration of power but its absence that puts us at risk. States fail when national governments can no longer provide personal security, food security and basic social services such as education and health care. They often lose control of part or all of their territory. When governments lose their monopoly on power, law and order begin to disintegrate. After a point, countries can become so dangerous that food relief workers are no longer safe and their programs are halted; in Somalia and Afghanistan, deteriorating conditions have already put such programs in jeopardy. Failing states are of international concern because they are a source of terrorists, drugs, weapons and refugees, threatening political stability everywhere. Somalia, number one on the 2008 list of failing states, has become a base for piracy. Iraq, number five, is a hotbed for terrorist training. Afghanistan, number seven, is the world's leading supplier of heroin. Following the massive genocide of 1994 in Rwanda, refugees from that troubled state, thousands of armed soldiers among them, helped to destabilize neighboring Democratic Republic of the Congo (number six). Our global civilization depends on a functioning network of politically healthy nation-states to control the spread of infectious disease, to manage the international monetary system, to control international terrorism and to reach scores of other common goals. If the system for controlling infectious diseases--such as polio, SARS or avian flu--breaks down, humanity will be in trouble. Once states fail, no one assumes responsibility for their debt to outside lenders. If enough states disintegrate, their fall will threaten the stability of global civilization itself.

Case

Culture

Baudrillard: Do not read unless you will go for it

1. Culture Crash Turn: Culture is like the economic system. The aff causes overproduction of culture through infinite preservation and goes beyond people's ability to consume it, leading a complete crash in all cultural signs and a destruction of the very things they try to protect.

(Baudrillard '96 Jean, March 16, "The Global and the Universal") //LS

Culture is a form of glory - it implies notion of sovereignty. Identity is a poor value: there is always something vain and useless about demanding identity. It is an aftereffect of the colonisation of mental space and the failure of its decolonisation. Culture is a symbolic pact. Once it solidifies as a heritage, as power, as appropriation, as identity, once it be-comes signature, that is, a material image of this power, it is all over. Finished. We could repeat what Hannah Arendt said of power: "What saps and ends up killing political com-munities", she said, "is the loss of power and ultimate powerlessness. But power (and culture) cannot be stockpiled and kept for emergencies, like instruments of violence: it exists only as act. Power which does not become action disappears and history demonstrates with a host of examples that the greatest material riches cannot not make up for such a loss." That is what culture is, in its highly singular and original form. Let us now look at what it has become at the global level. Culture (understood as cultural production and consumption) is a mirror of material production. And material production, since the 1929 Crash, has been in a state of overproduction, or in a state of threatening overproduction. Already in 1929, growth was giving way to excessive or "over-growth". And ever since, this "overgrowth" (and not growth) has kept our societies in a state of increasingly acute economic crisis - interrupted, on by wars and the economic recovery that destruction carries within it, all of this being only cure for excess growth. We can say then that the fundamental catastrophe remains the excessive growth that globalisation continues to intensify. The other antidote to exponential growth, besides wars, is the Stock Market Crash (but the latter would appear to be less and less effective, since it is now only virtual and involves only speculative capital. The same diagnosis could be made of culture, and the other Crash threatening us is that of cultural overproduction. The powers that be would have us believe that in the cultural market place, unlike in the commodity marketplace, demand still exceeds supply and will continue to do so for a good while yet. The people supposedly have an insatiable hunger for cultural goods. And so we get a guaranteed boom in all cultural "values or securities". In fact, this is not at all the case. In the cultural economy of the average citizen (if such a thing exists), there is a noticeable surplus of supply over demand. It is like/just the same as at the supermarket. The illimited promotion of cultural products already far exceeds human capacity to absorb them. The average person no longer even has the time to consume his own cultural products, let alone those of others. The public does its best: people run round from one exhibition to another, from one film festival to another but their capacity or cultural labour is stretched to the limit. What results from this is an original form of cultural alienation, not due to lack or deprivation, but to surplus and saturation. In this new context, the degree of cultural alienation, that is of being held hostage by culture (by its ads., its media, its institutions) comes close to the degree of voluntary submission in politics. The public supposedly wants even more of this culture; one can never have too much

of it. Well that is a colossal illusion and error of perspective. The same is said about information too: one can never have too much of it. Always more information. Always more transparency. And we can see the effects that are as murderous as they are contradictory. But in the case of culture, the situation is even more serious. For, either culture is a singular language, the idiom of a particular group or society and in that case it has its own finality, and is not at all infinitely expandable (its promotion and its proliferation on the contrary signify its death); it is like natural languages, both open to an infinite internal complexity and strictly limited in their structure and constitutive elements - if this were not so, they would not be languages. Well, either culture is a singularity of this kind, or else it is what it has become: a market with all the effects of artificial shortage, spiraling values and speculation. And, as soon as one tends to confuse these exponential market factors with irresistible cultural progress, what looms on the horizon is the same reversal as occurred in the 1929 crisis in material production: overproduction, priority of supply over demand, the end of `natural' assumptions about an economy that had become speculative, virtual and completely cut off from real wealth and real economic requirements. This is exactly what lies in wait for culture and a cultural market turned speculative. And there could very easily be like Black Thursday on Wall Street in 1929, a Black Sunday of culture. The expansion of cultural production far surpasses the expansion of material production, and the result is cultural bottlenecks that are even more monstrous than blockages in the economy or our constantly paralysed traffic systems. For, in the open field of communication, anyone can produce gestures, texts, colours, signs and meanings, spontaneously and indefinitely in a kind of uninterrupted interchange. Anyone can stage his or her own performance, unfortunately in total indifference to the other, or with only a token superficial consent and in a certain sense this is unavoidable for how can these countless productions be adequately provided for? And if, to a certain extent, we have managed to ward off economic crisis by opening cultural markets (particularly in France, where it is actually obvious that culture is a political instrument) who will save us from cultural over-production when this market, in its turn, is saturated? Perhaps we will have to undertake a massive destruction of cultural values to save the stock market value of the sign, the stock market value of the cultural artifact, just as they once burned coffee in the furnaces of steam engine locomotives so as to save the world price of coffee. Already most non-material goods are meeting the same fate as material goods: forced production, forced advertising, accelerated recycling, built-in obsolescence. Art becomes ephemeral, not so as to express the ephemeral nature of life, but to adapt to the transience of the market. Rather than decadent, art is now degradable in line with the biodegradability of the physical world. **Such is the fate of our cultural signs,** be the disinvested or of transvestite nature, they are part of the pure and simple discount of degradable products.

Solvency

Disparate Treatment **Do not run with Co-Op CP**

Turn: Giving more sovereignty to border tribes creates disparate treatment – leads to litigation and hostility

(Di Iorio '07, "Mending Fences: The Fractured Relationship between Native American Tribes and the Federal Government and Its Negative Impact on Border Security", Syracuse Law Review, Vol. 57, Issue 2 (2007), pp. 407-428, Di Iorio, William R.) //LS

As a final point, such a strategy would create the same disparate treatment noted previously. Border tribes would receive true sovereignty, while landlocked tribes, which do not present the same homeland security problems, would likely maintain the status quo. It is highly unlikely that the federal government would be willing to carve up small sovereign states in its midsection and elsewhere. Undoubtedly, this would lead to considerable litigation and further complicate an already difficult relationship between Native Americans and the federal government. More dangerously, Native Americans may be pushed too far in this relationship and respond with open hostility.

Circumvention

Plan gets circumvented – Guadalupe proves the USFG just does whatever it wants when it comes to border-crossing rights when convenient

(Di Iorio '07, "Mending Fences: The Fractured Relationship between Native American Tribes and the Federal Government and Its Negative Impact on Border Security", Syracuse Law Review, Vol. 57, Issue 2 (2007), pp. 407-428, Di Iorio, William R.) //LS

The Treaty of Guadalupe Hidalgo, signed between the United States¶ and Mexico at the conclusion of the Mexican-American War, brought several border tribes under the protection of the federal government.47¶ While this treaty made no mention of border crossing akin to the Jay Treaty, the Native American tribes routinely enjoyed free passage between¶ the United States and Mexico for a significant period of time.48 This freedom continued, largely unchanged, until the 1980s, when the problem of illegal Mexican immigration forced the United States government to restrict all passage between the United States and Mexico border.4 9¶ While federal actions after this treaty did not renege on promises guaranteed to Native Americans, the actions reiterate the underlying nature of the federal government-Native American relationship portrayed by the Marshall trilogy and the discussed treaties. Whatever rights may exist for Native Americans cannot be considered fundamental in any way. They exist at the pleasure of the federal government, to be granted or withheld at¶ the convenience of the government.¶ The United Nations Draft Declaration, though not yet adopted by the United Nations or its members, reflects generally recognized international norms with respect to the treatment of indigenous populations, such as Native Americans. 50 In short, it would recognize the importance of Native Americans' right to occupy and use traditional lands while requiring¶ 51¶ The International Labor Organization Convention reflects the sovereign hopes of Native American tribes by recognizing the "aspirations of indigenous peoples to exercise control over their own institutions, ways of life and economic development and to maintain and develop their identities, languages and religions, within the framework of States in which they live." 52 The Convention requires that its signers take affirmative steps¶ to assist Native American tribes in preserving their culture and protecting in case law and treaties. The historical record shows that the relationship between the federal government and Native Americans is dictated not by words, but by actions. In that vein, Native Americans should take little consolation from the statements and efforts of the international

community, as it is unlikely that the federal government will be swayed more by the words of the international community than it has been by its own words. The historical record reflects the tenuous nature of the relationship between the federal government and Native Americans. Often depicted as less than human, Native Americans have never enjoyed equal status. Moreover, the federal government has routinely failed to abide by its agreements with Native Americans.

Arizona, where the Tohono live, won't follow new border laws

Elizabeth **Erwin 4/11** ("Arizona lawmakers want to ignore President Obama's executive orders", Mar 11, 2015 6:27 PM, http://www.abc15.com/news/state/arizona-lawmakers-want-to-ignore-president-obamas-executive-orders, Accessed 7/16/15,)

President Barack Obama has signed some big executive orders lately. **They've impacted** guns and immigration, two **issues Arizonans clearly care about.** But the approach some lawmakers are taking to keep us from enforcing those rules has some questioning if the plan is even legal! "**The legislature wants to prevent enforcement of executive orders and prevent enforcement of federal agency policy directives**," said attorney David Abner with Knapp & Roberts Law Firm. **House Bill 2368 says unless those orders have been voted on by Congress and signed into law, Arizona wouldn't have to follow them. "It's political grandstanding. There's nothing of substance to this. It's silly**," Abner said. "Well, unfortunately, it's a waste of time, somewhat ridiculous. In fact very ridiculous," said House Minority Leader Bruce Wheeler. Wheeler voted against the bill. He said the priorities of what gets floor time doesn't match up with what Arizonans really need. "**We ought to be addressing education and jobs. Instead we're addressing these extremist bills**," Wheeler said. **Abner said even if this bill is signed into law there's no way it would stand up in court**. "If our state officials ignore federal law they run the risk of prosecution by federal authorities," Abner said. ABC15 reached out to the bill's sponsors today for comment. We have not heard back yet.

Immigration Turn

1. Border Patrol is stopping immigration but plan pullout reverses current trends - crossings in this area cause negative environmental impacts, break-ins, means Tohono O'odham can't do cultural activities

(Filzen '13, Andrea Filzen, 2-22-2013, "Clash on the Border of the Tohomo O'odham Nation," Pulitzer Center, http://pulitzercenter.org/reporting/clash-border-tohomo-o%E2%80%99odham-nation-migration-Mexico-Arizona-Native-Americans) //LS

Some migrants are poor parents who want to financially support their families by working in the United States. They are not aggressive and they are not drug dealers. Some well- intentioned migrants, out of desperation, steal food, water, and trucks, leave their trash on the land, and use medical resources when passing through the O'odham nation. Employees like Gary Olson, manager of waste maintenance for the O'odham government, reduce the negative effects of migration by cleaning up litter. "Some of my employees have had their homes broken into. Migrants raid their fridges because they're starving after a long journey. Trashing homes and leaving dirty clothes behind negatively impacts the environment," Olson expresses. Yet according

to Olson, the amount of litter on the reservation decreased due to reduction in border-crossing and help from larger environmental safety bodies such as the Environmental Protection Agency (EPA). "**Immigration has significantly decreased because Border Patrol has buckled down**. It's a cat and mouse game, and now there are more cats then mice. Another factor is just the little job opportunities in the States now. With unemployment gone up there is less of an appeal to come to the United States," Olson explains. Views vary. Zepeda believes that migration is on the rise. "A lot of times the migrants will want, especially in the summer time, water or food. In the past it wasn't a problem but let's say in the last ten to fifteen years it has gotten pretty dangerous, where there are more people crossing and they want more than water and food—for example your truck or things on your lawn—and to that extent, Tohono O'odham people are not open to helping because they don't know who they're helping and that might cause further problems. Because of the influx of more movement across the O'odham nation Border Patrol is very visible out there so there's that conflict as well for jurisdiction and so on."

2. Plan funnels illegal immigration into the most dangerous areas of the desert – increases violence, drug trade, migrant deaths

(Filzen '13, Andrea Filzen, 2-22-2013, "Clash on the Border of the Tohomo O'odham Nation," Pulitzer Center, http://pulitzercenter.org/reporting/clash-border-tohomo-o%E2%80%99odham-nation-migration-Mexico-Arizona-Native-Americans) //LS

"A woman was driving her truck –and a lot of roads that come off of the main highway towards the reservation, like dirt roads, was one that she was on –and she had to stop because she saw a large tree laid across the road, which was unusual… so she couldn't cross. So she stopped and these people came out of the desert and they were all illegal immigrants and they didn't hijack her but they took her truck… and that was one way of making sure she stopped by putting the tree there. So that made it in the local tribal paper and people are warned of things that are unusual to come across. Trees in the road."

Ofelia Zepeda, professor of linguistics at the University of Arizona, refers to an incident in which migrants crossing into the United States from the border of Mexico disturb the lives of a Native American group, the Tohono O'odham, who reside on the border. **Currently migrants who attempt to cross the United States border from Mexico and avoid Border Patrol are channeled into a strip of the Tohono O'odham Nation's hazardous desert land**. Stricter national security increasingly causes migrants to cross through the reservation, which attracts various actors onto the nation's land, consequentially altering O'odham way of life as well as O'odham attitudes towards undocumented migrants. Eddie Brown, a professor of Arizona State University and a member of the Tohono O'odham tribe, discusses some of the issues that Tohono O'odham tribal members face because they live on the border of Mexico and Arizona. "You have O'odham living in villages close to the border and many times their houses are robbed, their cars stolen, their homes broken into. So many times you have O'odham that are afraid sometimes to go into town to buy food, to leave their houses alone never knowing what is going to happen. And then of course you have the drug trade and this is where it gets even more complicated: Illegals coming across have dollars that pay people so you have O'odham that do not have jobs and are looking for some way to earn a living; that becomes a very easy way as well."

Extensions

Culture Crash Overview 1

Extend Baudrillard 96. Here's the argument.

1. The collection of world cultures is like a giant economy, and it operates on the same principles. People can only deal with so much culture; limited amounts of it can be consumed. Culture is already being overproduced, and everyone is already being overwhelmed with cultural artifacts and practices.

2. Their effort to preserve a particular culture aids in this market saturation of culture. Like any other market, when something is in too great of supply, its value drops, so the more culture there is, the less people value it, and it stops having any real-life application – in practical terms, people stop having time to deal with all the different practices of culture out there, so they stop caring about any of them, which turns their impacts.

3. Also, this overproduction will result in a complete crash of all culture, like the Great Depression of the 30s. This means the destruction of everything they try to protect, because it lacks any value and people abandon culture entirely, so not only the culture they protect is lost but all other ones too, as cultures become another minimum value commodity to be used and cast away.

Culture Crash Overview 2

They drop some key analysis on this argument, so extend the Baudrillard 96 evidence and these points from the overview:

1. Culture is like an economic product, and it's already overproduced. They protect culture, so there's more of it and the value of it drops, so all the good stuff they claim to save by protecting culture is no longer there, because culture is no longer valued by people.

2. This leads to the destruction of all culture, a worldwide rejection of all cultural products as useless. That's bigger than anything they can claim to solve for, and is a terminal impact that outweighs anything they can claim.

3. It's crucial to allow some culture to be destroyed in order to save the whole – only by letting the supply drop so the value of it can increase will culture retain any meaning. Allow their impacts to happen to avoid the crash of culture.

Sample 1NC

T – Domestic

A. Domestic surveillance is surveillance of US persons

Small 8 MATTHEW L. SMALL. United States Air Force Academy 2008 Center for the Study of the Presidency and Congress, Presidential Fellows Program paper "His Eyes are Watching You: Domestic Surveillance, Civil Liberties and Executive Power during Times of National Crisis" http://cspc.nonprofitsoapbox.com/storage/documents/Fellows2008/Small.pdf

Before one can make any sort of assessment of domestic surveillance policies, it is first necessary to narrow the scope of the term "domestic surveillance." Domestic surveillance is a subset of intelligence gathering. Intelligence, as it is to be understood in this context, is "information that meets the stated or understood needs of policy makers and has been collected, processed and narrowed to meet those needs" (Lowenthal 2006, 2). In essence, domestic surveillance is a means to an end; the end being intelligence. The intelligence community best understands domestic surveillance as the acquisition of nonpublic information concerning United States persons (Executive Order 12333 (3.4) (i)). With this definition domestic surveillance remains an overly broad concept. This paper's analysis, in terms of President Bush's policies, focuses on electronic surveillance; specifically, wiretapping phone lines and obtaining caller information from phone companies. Section f of the USA Patriot Act of 2001 defines electronic surveillance as:

B. Border Patrol surveillance occurs on non-US Persons

(CBP 15, CBP, US Border Patrol Official Website, "Border Patrol Overview," USCBP, acc. 7/24/15 http://www.cbp.gov/border-security/along-us-borders/overview)

While the Border Patrol has changed dramatically since its inception in 1924, its primary mission remains unchanged: to detect and prevent the illegal entry of aliens into the United States. Together with other law enforcement officers, the Border Patrol helps maintain borders that work - facilitating the flow of legal immigration and goods while preventing the illegal trafficking of people and contraband.

Undocumented persons are not US persons

(Jackson et al 9 Brian A. Jackson, Darcy Noricks, and Benjamin W. Goldsmith, RAND Corporation The Challenge of Domestic Intelligence in a Free Society RAND 2009 BRIAN A. JACKSON, EDITOR
http://www.rand.org/content/dam/rand/pubs/monographs/2009/RAND_MG804.pdf

3 Federal law and executive order define a U.S. person as "a citizen of the United States, an alien lawfully admitted for permanent residence, an unincorporated association with a substantial number of members who are citizens of the U.S. or are aliens lawfully admitted for permanent residence, or a corporation that is incorporated in the U.S." (NSA, undated). Although this definition would therefore allow information to be gathered on U.S. persons located abroad, our objective was to examine the creation of a domestic intelligence organization that would focus on—and whose activities would center around—individuals and organizations located

inside the United States . Though such an agency might receive information about U.S. persons that was collected abroad by other intelligence agencies, it would not collect that information itself.

C. The Aff interpretation is bad for debate – limits are necessary for negative preparation and clash, and their interpretation makes the topic too big. Immigration is a huge area, big enough to be a topic itself, and all the issues are completely different.

D. T is a voter – the opportunity to prepare promotes better debating

Co-Op CP

Text: The United States Federal Government should do the following: 1. Cross-deputize the Tohono O'odham Tribal Police Department with Arizona State Police Forces, 2. Mandate cultural sensitivity training, 3. Substantially increase shared responsibilities with United States Border Patrol, 4. It should grant citizenship and border crossing rights to all members of the Tohono O'odham tribe, 5. Give exclusive jurisdiction of border crossings to the cross-deputized tribal law officers, 6. Increase funding for tribal law enforcement and 7. Substantially increase border-crossing zones.

The Counterplan solves the entirety of the affirmative and net-benefit plus solves disputes, violence, drug and human trafficking, culture, and terrorism

Cummings and Revel 14 (Janet, Emory University, Department of Health Policy and Management, and Asa, Executive Assistant, National Native American Law Enforcement Association, The American Indian Quarterly, Volume 38, Number 3, Summer 2014, Project Muse)//rf

The onerous history of relations between tribal, federal, and state governments and the coinciding development and enforcement of laws surrounding tribal entities have yielded the current complex and highly antagonistic environment that exists today. Until greater attention is given to these issues and shifts in governmental policies occur, the negative circumstances faced by the Tohono O'odham and Saint Regis Mohawk Nations, as well as several other American Indian tribes in the United States, will continue to escalate.¶ Currently, limitations on tribal sovereignty serve as one of the most substantial barriers in tribal law enforcement's ability to carry out its duties to protect tribal members and resources. An examination of the results of increased tribal sovereignty in the past forty years provides reason to believe that further increases in sovereignty would improve the [End Page 311] current conditions faced by these communities. Since the mid-1970s, shifts in federal policy toward increased tribal self-determination have progressively manifested as improvements in tribal judicial, economic, and social systems. These improvements may be attributed to the allocation of responsibilities to tribal providers who are more knowledgeable about tribal needs and more accountable to tribal communities than their federal counterparts. Grant programs like STOP VAIW, which encourages tribally developed strategies to reduce crimes

against Indian women, have also shown substantial success, including increasing arrest rates and empowering tribal officials and women.100 Additionally, because the federal government still possesses plenary power over Indian nations, there is significant incentive for tribal nations to support activity that is fair to all Native and non-Native people.101 One specific example of how an increase in tribal sovereignty could address these challenges includes the expansion of tribal law enforcement jurisdictional authority through the continued use of policies such as cross-deputization agreements. Expanding the authority of tribal law enforcement will work to reduce and possibly prevent non-Indian criminal activity on reservations. This type of system is also typically less expensive than other options, such as security contracts in which tribal governments contract with public or private entities to provide additional security on tribal land. In cross-deputization agreements, all participants may undergo training that provides a comprehensive overview of federal, state, and tribal laws. Additionally, these agreements enable tribal, state, and county officials to utilize emergency equipment, such as firearms and vehicles, on and off reservation land.102¶ Furthermore, because the responsibility of protecting our nation's borders falls on the shoulders of the US government and should not fall exclusively on two small Indian nations, it is also important for the federal government to maintain a presence along the border. According to the federal Indian trust responsibility, the United States "has charged itself with moral obligations of the highest responsibility and trust" toward Indian tribes (Seminole Nation v. United States, 1942). This doctrine is also a "legally enforceable fiduciary obligation on the part of the United States to protect tribal treaty rights, lands, assets, and resources, as well as a duty to carry out the mandates of federal law with respect to American Indian and Alaska Native tribes and villages."103¶ Given the federal government's responsibility to protect our nation's [End Page 312] borders and tribal lands and resources, it is crucial that the federal government should maintain a presence along the international borders within tribal land. This presence, however, should be limited to a specified radius where the most violent crimes tend to occur.104 This would serve as a mechanism to reduce the current animosity between the tribal communities and federal agents, enhance the safety of tribal members on the Tohono O'odham and Saint Regis Mohawk reservations, and reduce the impact of trafficking on vital resources.¶ Given that it is extremely important for tribal, local, state, and federal governments to work together to improve the situation along the border, communication and cooperation are vital to the successful achievement of goals. By increasing formal collaborations with tribal members concerning issues related to the border, solutions can be developed that benefit all stakeholders. In this particular situation, increased utilization of tribal knowledge and experience will enhance the effectiveness of law enforcement efforts. Not only do tribal members know the land better than anyone, they also know the individuals involved and methods utilized in carrying out this intricate system of trafficking. Maintaining an environment of respect is crucial for the positive advancement of these interactions and may be achieved by implementing a compulsory training on cultural sensitivity issues for federal and state law enforcement agencies.¶ At the macrolevel, congressional involvement is also fundamental to inducing change. Legislative initiatives may involve increasing funding for education and employment opportunities on reservations, increasing sentences for drug traffickers who utilize Indian land (although this may disproportionately affect Native people), and reallocating enforcement resources to treat the demand for drugs as a public health problem.105 It is also important to develop a fair and easily accessible method for tribal members in the United States, Mexico, and Canada to gain access to identification that is consistently accepted by all border enforcement agencies. One method of achieving this would be to provide US citizenship to all Tohono O'odham and Saint Regis Mohawk members regardless of what country they reside in and provide them with a realistic means for obtaining US passports or identification cards. Furthermore, it is crucial that policymakers eliminate the inequities in resource allocation between tribal, local, and state governments to increase the effectiveness of the enforcement of borders. [End Page 313]¶ The crisis of drug and human trafficking within the Saint Regis Mohawk and Tohono O'odham Nations is not a matter to be taken lightly. Not only is it a threat to the security and culture of two unique populations, but it also poses a threat to the United States' homeland security. Each year tons of drugs and weapons are transported through these locations and distributed throughout the United States. These sites also represent an easily accessible entry point for terrorist groups.

Allowing for the changes referenced above, tribal groups like the Tohono O'odham and Saint Regis Mohawk Nations can begin to build innovative and effective systems that incorporate their traditional beliefs and may even serve as a model for the rest of the nation. Achieving a balance between federal presence on the reservation, increased tribal authority over their land and activities, and equitable distribution of resources is fundamental to resolving unrest along the border.

Cooperation solves national security and resolves disputes

(Di Iorio '07, "Mending Fences: The Fractured Relationship between Native American Tribes and the Federal Government and Its Negative Impact on Border Security", Syracuse Law Review, Vol. 57, Issue 2 (2007), pp. 407-428, Di Iorio, William R.) //LS

All members of a society confronted by a terrorist threat have an equal interest in preserving their security. With this common motivation, it is logical to expect that every member of society has some role in ensuring the desired security. A common goal suggests common means, or more specifically, a coordinated effort. The nature of the terrorist threat mandates a proactive response to minimize access to the nation by those seeking to carry out acts of terrorism. Meeting this goal necessitates taking a close look at the past and current relationship between the federal government and Native American tribes. Logically, the best solution is one in which hostilities between these partners is eliminated, not compounded, as both parties share in the hopes of internal security. To that effect, the federal government must recognize the important role that Native American tribes have in protecting international borders, and take appropriate steps to make Native American tribes a full and equal partner in combating this common threat.

Coming together to meet this mutual homeland security goal may, in the end, bring Native Americans and the federal government closer together, mending more longstanding disputes. Native Americans may come to enjoy the type of sovereignty they possessed prior to European discovery, the limiting statements of Chief Justice Marshall, and later actions by the federal government.

Cartel DA

1NC

1. Drug trafficking from Mexico to the US through the Tohono O'odham nation is high now – native population involved and the aff can't solve

Cummings and Revel 14 (Janet, Emory University, Department of Health Policy and Management, and Asa, Executive Assistant, National Native American Law Enforcement Association, The American Indian Quarterly, Volume 38, Number 3, Summer 2014, Project Muse)//rf

The distribution and use of illegal narcotics has historically been a prevailing concern among the US general public, with local laws related to the issue enacted as early as the 1840s. It was not until the initiation of the "War on Drugs" by President Richard Nixon in 1971, however, that this topic became a central theme in political arenas. Since this era, numerous laws have been enacted in an attempt to combat this problem. In spite of the implementation of more stringent laws and regulations geared toward reducing the pervasiveness of drugs since the 1970s, the distribution and use of illegal

narcotics continues to be widespread throughout the United States and, in some cases, has shown significant increases.¶ This escalation is particularly evident on reservations such as those of the Tohono O'odham and Saint Regis Mohawk Nations. According to a report released by the US Department of Justice, both Mexican and Asian drug-trafficking organizations (dtos) frequently exploit reservations along the US-Mexico and US-Canada borders as arrival and/or transit zones for illegal drugs destined for markets throughout the United States.1 Drugs are brought in via a variety of means, and Native American criminal groups are often recruited to retrieve and transport the goods on the US side of the reservations.¶ In 2010, the Tohono O'odham Nation was designated as a part of the Arizona High Intensity Drug Trafficking Area (hidta) by the US Department of Justice. This region encompasses the western and southern [End Page 289] counties of Cochise, La Paz, Maricopa, Mohave, Pima, Pinal, Santa Cruz, and Yuma, including the entire US-Mexico border in Arizona. The area is considered to be a major arrival zone for large quantities of marijuana, methamphetamine, cocaine, and heroin entering the United States from Mexico. In 2009, 42 percent of all marijuana seizures occurring along the US-Mexico border took place in this region, with the Tohono O'odham reservation serving as the primary entry point.2 Another report estimated that 5–10 percent of all marijuana produced in Mexico is transported through this reservation, which accounts for less than 4 percent of the entire US-Mexico border.3¶ Increased border enforcement efforts along many parts of the US-Mexico border that began in the 1990s and intensified after the September 11 terrorist attacks have forced drug and human smugglers to use more remote areas like the Tohono O'odham reservation.4 Five informal border crossings have existed for decades along the Tohono O'odham Nation's seventy-five-mile international border. Officially, only tribal members are permitted to pass through these entry points, and the biggest obstacle to crossing these locations used to be steel cattle guards and barbed-wire fencing. Due to a lack of enforcement and extensive desert terrain along these areas, however, smugglers began using these points to gain easy access into the United States via stolen vehicles. As a result, tribal officers were forced to close some of the entry points.5 Additionally, the border has been enhanced with metal post and Normandy-style barriers (surface mountings constructed with high-strength tubular and structural steel components) in an attempt to stop trucks carrying illegal drugs headed for urban areas.6 Other means of transporting drugs across the border include backpackers, couriers on horseback, and airplanes.7¶ Because of the reservation's proximity to the border, wholesale quantities of drugs are often seized throughout the land of the Tohono O'odham Nation, and these quantities have increased dramatically in the past decade. During fiscal year 2001, the Tohono O'odham Police Department seized 45,000 pounds of illegal narcotics; this number increased to 65,000 pounds in 2002.8 This pattern of escalation has shown no signs of deterioration. In 2008, a total of 201,000 pounds of marijuana alone were seized on the reservation by law enforcement; in 2009, this amount increased further to 319,000 pounds of marijuana.9¶ Even more alarming than the increase in the quantity of drugs seized [End Page 290] is the increase in tribal member involvement with the smuggling process. According to a statement made by Sgt. David Cray, a nineteen-year veteran of the Tohono O'odham Police Department's antidrug unit, the percentage of drug smugglers arrested on the reservation who are tribal members has substantially increased in the last two decades. In the first half of 2009, twenty-nine of the forty-five arrests related to drug smuggling made by tribal officers were of tribal members.10 One of the primary reasons tribal members are recruited to assist with trafficking is because law enforcement officials must have a reasonable suspicion to stop tribal members, whereas nontribal persons driving on the reservation's restricted areas are not held to this standard.¶ The Saint Regis Mohawk Nation of New York is experiencing a similar predicament. According to reports, Asian dtos exploit the reservation and its tribal members by smuggling marijuana, mdma, and cocaine across the Canadian border daily. The National Drug Threat Assessment 2010 estimates that as much as 20 percent of all high-potency marijuana grown in Canada each year is smuggled through the reservation. Each week, multiple tons of illegal narcotics pass through the reservation, an area that accounts for less than 1 percent of the US-Canada border.11 According to Saint Regis Mohawk Tribal Police Chief Andrew Thomas, incidents related to border security occur daily, and a high percentage of these violations relate to illegal narcotics.12¶ Unless significant strides are made in the realm of policy, it is unlikely that the circumstances on the Tohono O'odham or Saint Regis Mohawk reservations will improve. Until these changes occur, drug trafficking will continue to place a significant financial and public health burden on tribal entities and threaten the security of the United States.

2. Only expansion of current federal presence can solve - removing Border Patrol destroys the only hope the Tohono have to combat drug trafficking

(Mizzi '14, Shannon Mizzi, Friday, SEP 26, 2014, "A Forgotten Front in the Drug & Border Fights: Tribal Reservations by Shannon Mizzi," The Wilson Quarterly,

http://wilsonquarterly.com/stories/forgotten-front-in-drug-border-fights-tribal-reservations/, language edited) //LS

Yet there are reasons to hope. Tribal revenues are up, which may allow for increased investment in education (which could help to combat poverty and reduce the attractiveness of drug trafficking). State, local, and federal officials are aiming to improve coordination with reservation law enforcement, **the Border Patrol has introduced cultural sensitivity training for its officers**, and new counter-trafficking measures grant O'odham officers access to advanced technological tools. Revels and Cummings are optimistic about this upward trajectory, advocating further expansion of the legal capabilities of Tohono O'odham law enforcement, and a continued strong, but perhaps more respectful **federal presence to reduce cross-border trafficking and protect vulnerable O'odham.**

3. Border Patrol loss increases crime – making a bad situation even worse

(Di Iorio '07, "Mending Fences: The Fractured Relationship between Native American Tribes and the Federal Government and Its Negative Impact on Border Security", Syracuse Law Review, Vol. 57, Issue 2 (2007), pp. 407-428, Di Iorio, William R.) //LS

The federal government can grant border tribes complete sovereignty, treating them like foreign states as argued in Cherokee Nation. Such a change would give the border tribes sole authority to patrol international borders. United States Border Patrol would then shift its operations to controlling the borders between the Native American lands and the United States. The federal and state governments would then have mutual responsibility for patrolling and prosecuting illegal activity crossing into the United States from the Native American lands without having to expend resources in monitoring the soft spots along Native American international borders. Decades of federal assistance have created a strong reliance on the federal government in tribal affairs. Because of federal oversight, Native American tribes have never been completely self-sufficient. Abruptly cutting off this federal assistance would likely leave the tribal lands in greater security disarray than at present. Native American tribes currently lack the ability to combat crime in their territory. Therefore, without federal assistance, their crime problems could significantly worsen. Native American violent crime rates far exceed those of any other group.10 7

4. Devastates the Tohono people and turns their culture claims – drug abuse, sexual violence, killings by rival drug cartels from smugglers and affiliates

(Mizzi '14, Shannon Mizzi, Friday, SEP 26, 2014, "A Forgotten Front in the Drug & Border Fights: Tribal Reservations by Shannon Mizzi," The Wilson Quarterly, http://wilsonquarterly.com/stories/forgotten-front-in-drug-border-fights-tribal-reservations/, language edited) //LS

The increase in drug trafficking has spilled over into almost every other aspect of reservation life. Where other racioethnic groups have seen a decrease in violent crime over the past several decades, American Indian communities have suffered from rising incidences of violence over the past 30 years. According to Revels and Cummings, "tribal law enforcement officials across the [United States] consistently report that most violent, personal, and property crimes on reservations relate to drug trafficking, drug abuse, and gang activity," which "often lead to other indirect consequences such as **accidental death, injuries, suicide, domestic violence, and sexual abuse."** The increasingly militarized nature of border reservations like that of the Tohono

O'odham has fundamentally changed life in those communities: They are no longer peaceful or safe places to live, and not a single resident is unaffected by the realities and spillover effects of the drug trade. Homes are regularly broken into by smugglers and their affiliates. Residents are routinely searched by law enforcement, their movements restricted on their own land. Those who assist independent drug smugglers who are not attached to major cartels are at risk of being attacked by members of dominant drug cartels who want to eliminate competition and retain their near monopoly on the business. "The psychological burden this type of environment places upon individuals," write Revels and Cummings, "coupled with the constant sense of fear, is immeasurable."'

Terror DA

1. Terror risk is high- maintaining current surveillance is key

Inserra, 6-8-2015

David Inserra is a Research Associate for Homeland Security and Cyber Security in the Douglas and Sarah Allison Center for Foreign and National Security Policy of the Kathryn and Shelby Cullom Davis Institute for National Security and Foreign Policy, at The Heritage Foundation, 6-8-2015, "69th Islamist Terrorist Plot: Ongoing Spike in Terrorism Should Force Congress to Finally Confront the Terrorist Threat," Heritage Foundation, http://www.heritage.org/research/reports/2015/06/69th-islamist-terrorist-plot-ongoing-spike-in-terrorism-should-force-congress-to-finally-confront-the-terrorist-threat

On June 2 in Boston, Usaamah Abdullah Rahim drew a knife and attacked police officers and FBI agents, who then shot and killed him. Rahim was being watched by Boston's Joint Terrorism Task Force as he had been plotting to behead police officers as part of violent jihad. A conspirator, David Wright or Dawud Sharif Abdul Khaliq, was arrested shortly thereafter for helping Rahim to plan this attack. This plot marks the 69th publicly known Islamist terrorist plot or attack against the U.S. homeland since 9/11, and is part of a recent spike in terrorist activity. The U.S. must redouble its efforts to stop terrorists before they strike, through the use of properly applied intelligence tools. The Plot According to the criminal complaint filed against Wright, Rahim had originally planned to behead an individual outside the state of Massachusetts,[1] which, according to news reports citing anonymous government officials, was Pamela Geller, the organizer of the "draw Mohammed" cartoon contest in Garland, Texas.[2] To this end, Rahim had purchased multiple knives, each over 1 foot long, from Amazon.com. The FBI was listening in on the calls between Rahim and Wright and recorded multiple conversations regarding how these weapons would be used to behead someone. Rahim then changed his plan early on the morning of June 2. He planned to go "on vacation right here in Massachusetts…. I'm just going to, ah, go after them, those boys in blue. Cause, ah, it's the easiest target."[3] Rahim and Wright had used the phrase "going on vacation" repeatedly in their conversations as a euphemism for violent jihad. During this conversation, Rahim told Wright that he planned to attack a police officer on June 2 or June 3. Wright then offered advice on preparing a will and destroying any incriminating evidence. Based on this threat, Boston police officers and FBI agents approached Rahim to question him, which prompted him to pull out one of his knives. After being told to drop his weapon, Rahim responded with "you drop yours" and moved toward the officers, who then shot and killed him. While Rahim's brother, Ibrahim, initially claimed that Rahim was shot in the back, video surveillance was shown to community leaders and civil rights groups, who have confirmed that Rahim was not shot in the back.[4] Terrorism Not Going Away This 69th Islamist plot is also the seventh in this calendar year. Details on how exactly Rahim was radicalized are still forthcoming, but according to anonymous officials, online propaganda from ISIS and other radical Islamist groups are the source.[5] That would make this attack the 58th homegrown terrorist plot and continue the recent trend of ISIS playing an important role in radicalizing individuals in the United States. It is also the sixth plot or attack targeting law

enforcement in the U.S., with a recent uptick in plots aimed at police. While the debate over the PATRIOT Act and the USA FREEDOM Act is taking a break, the terrorists are not. The result of the debate has been the reduction of U.S. intelligence and counterterrorism capabilities, meaning that the U.S. has to do even more with less when it comes to connecting the dots on terrorist plots.[6] Other legitimate intelligence tools and capabilities must be leaned on now even more. Protecting the Homeland To keep the U.S. safe, Congress must take a hard look at the U.S. counterterrorism enterprise and determine other measures that are needed to improve it. Congress should: Emphasize community outreach. Federal grant funds should be used to create robust community-outreach capabilities in higher-risk urban areas. These funds must not be used for political pork, or so broadly that they no longer target those communities at greatest risk. Such capabilities are key to building trust within these communities, and if the United States is to thwart lone-wolf terrorist attacks, it must place effective community outreach operations at the tip of the spear. Prioritize local cyber capabilities. Building cyber-investigation capabilities in the higher-risk urban areas must become a primary focus of Department of Homeland Security grants. With so much terrorism-related activity occurring on the Internet, local law enforcement must have the constitutional ability to monitor and track violent extremist activity on the Web when reasonable suspicion exists to do so. Push the FBI toward being more effectively driven by intelligence. While the FBI has made high-level changes to its mission and organizational structure, the bureau is still working on integrating intelligence and law enforcement activities. Full integration will require overcoming inter-agency cultural barriers and providing FBI intelligence personnel with resources, opportunities, and the stature they need to become a more effective and integral part of the FBI. Maintain essential counterterrorism tools. Support for important investigative tools is essential to maintaining the security of the U.S. and combating terrorist threats. Legitimate government surveillance programs are also a vital component of U.S. national security and should be allowed to continue. The need for effective counterterrorism operations does not relieve the government of its obligation to follow the law and respect individual privacy and liberty. In the American system, the government must do both equally well. Clear-Eyed Vigilance The recent spike in terrorist plots and attacks should finally awaken policymakers—all Americans, for that matter—to the seriousness of the terrorist threat. Neither fearmongering nor willful blindness serves the United States. Congress must recognize and acknowledge the nature and the scope of the Islamist terrorist threat, and take the appropriate action to confront it.

2. Plan forces border patrol to monitor the entire perimeter of the Tohono O'Odham border, killing already scarce funding and creating an open highway into the US for terrorists

(Di Iorio '07, "Mending Fences: The Fractured Relationship between Native American Tribes and the Federal Government and Its Negative Impact on Border Security", Syracuse Law Review, Vol. 57, Issue 2 (2007), pp. 407-428, Di Iorio, William R.) //LS

Additionally, such a plan would result in increasing the territory under the jurisdiction of the Border Patrol. For example, instead of just worrying about the Tohono O'odham border with Mexico, the Border Patrol would have to monitor the entire perimeter of the tribe's border in Arizona. This increased area would require additional personnel and funds, both of which are scarce.¶ As a final point, such a strategy would create the same disparate treatment noted previously. Border tribes would receive true sovereignty, while landlocked tribes, which do not present the same homeland security problems, would likely maintain the status quo. It is highly unlikely that the federal government would be willing to carve up small sovereign states in its midsection and elsewhere. Undoubtedly, this would lead to considerable litigation and further complicate an already difficult relationship between Native Americans and the federal government. More dangerously, Native Americans may be pushed too far in this relationship and respond with open hostility. ¶ As a goal for society, granting Native Americans greater control over their territories and destinies is an admirable and noble goal. As a means to combat current deficiencies in homeland security, this plan fails. It would likely result in a further stretching of scarce resources and ultimately create more gaps in security.

3. Terrorists will use bioweapons- guarantees extinction

Cooper 13

(Joshua, 1/23/13, University of South Carolina, "Bioterrorism and the Fermi Paradox," http://people.math.sc.edu/cooper/fermi.pdf, 7/15/15, SM)

We may conclude that, when a civilization reaches its space-faring age, it will more or less at the same moment (1) contain many individuals who seek to cause large-scale destruction, and (2) acquire the capacity to tinker with its own genetic chemistry. This is a perfect recipe for bioterrorism, and, given the many very natural pathways for its development and the overwhelming evidence that precisely this course has been taken by humanity, it is hard to see how bioterrorism does not provide a neat, if profoundly unsettling, solution to Fermi's paradox. One might object that, if omnicidal **individuals** are successful in releasing **highly virulent** and **deadly genetic malware** into the wild, they are still unlikely to succeed in killing everyone. However, even if every such mass death event results only in a high (i.e., not total) kill rate and there is a large gap between each such event (so that individuals can build up the requisite scientific infrastructure again**), extinction would be inevitable** regardless. Some of the engineered bioweapons will be more successful than others; the inter-apocalyptic eras will vary in length; and post-apocalyptic environments may be so **war-torn, disease-stricken, and impoverished of genetic variation that they may culminate in true extinction events even if the initial cataclysm 'only' results in 90% death rates**, since they may cause the effective population size to dip below the so-called "minimum viable population." This author ran a Monte Carlo simulation using as (admittedly very crude and poorly informed, though arguably conservative) estimates the following Earth-like parameters: bioterrorism event mean death rate 50% and standard deviation 25% (beta distribution), initial population 1010, minimum viable population 4000, individual omnicidal act probability 10^{-7} per annum, and population growth rate 2% per annum. One thousand trials yielded an average post-space-age time until extinction of less than 8000 years. This is essentially instantaneous on a cosmological scale, and varying the parameters by quite a bit does nothing to make the survival period comparable with the age of the universe.

Case

Culture

1. Border Patrol is stopping immigration but plan pullout reverses current trends - crossings in this area cause negative environmental impacts, break-ins, means Tohono O'odham can't do cultural activities

(Filzen '13, Andrea Filzen, 2-22-2013, "Clash on the Border of the Tohomo O'odham Nation," Pulitzer Center, http://pulitzercenter.org/reporting/clash-border-tohomo-o%E2%80%99odham-nation-migration-Mexico-Arizona-Native-Americans) //LS

Some migrants are poor parents who want to financially support their families by working in the United States. They are not aggressive and they are not drug dealers. Some well- intentioned migrants, out of desperation, steal food, water, and trucks, leave their trash on the land, and use medical resources when passing through the O'odham nation. Employees like Gary Olson, manager of waste maintenance for the O'odham government, reduce the negative effects of migration by cleaning up litter. "Some of my employees have had their homes broken into. Migrants raid their fridges because they're starving after a long journey. Trashing homes and leaving dirty clothes behind negatively impacts the environment," Olson expresses. Yet according to Olson, the amount of litter on the reservation decreased due to reduction in border-crossing and

help from larger environmental safety bodies such as the Environmental Protection Agency (EPA). "**Immigration has significantly decreased because Border Patrol has buckled down**. It's a cat and mouse game, and now there are more cats then mice. Another factor is just the little job opportunities in the States now. With unemployment gone up there is less of an appeal to come to the United States," Olson explains. Views vary. Zepeda believes that migration is on the rise. "A lot of times the migrants will want, especially in the summer time, water or food. In the past it wasn't a problem but let's say in the last ten to fifteen years it has gotten pretty dangerous, where there are more people crossing and they want more than water and food—for example your truck or things on your lawn—and to that extent, Tohono O'odham people are not open to helping because they don't know who they're helping and that might cause further problems. Because of the influx of more movement across the O'odham nation Border Patrol is very visible out there so there's that conflict as well for jurisdiction and so on."

2. Plan funnels illegal immigration into the most dangerous areas of the desert – increases violence, drug trade, migrant deaths

(Filzen '13, Andrea Filzen, 2-22-2013, "Clash on the Border of the Tohomo O'odham Nation," Pulitzer Center, http://pulitzercenter.org/reporting/clash-border-tohomo-o%E2%80%99odham-nation-migration-Mexico-Arizona-Native-Americans) //LS

"A woman was driving her truck –and a lot of roads that come off of the main highway towards the reservation, like dirt roads, was one that she was on –and she had to stop because she saw a large tree laid across the road, which was unusual… so she couldn't cross. So she stopped and these people came out of the desert and they were all illegal immigrants and they didn't hijack her but they took her truck… and that was one way of making sure she stopped by putting the tree there. So that made it in the local tribal paper and people are warned of things that are unusual to come across. Trees in the road."

Ofelia Zepeda, professor of linguistics at the University of Arizona, refers to an incident in which migrants crossing into the United States from the border of Mexico disturb the lives of a Native American group, the Tohono O'odham, who reside on the border. **Currently migrants who attempt to cross the United States border from Mexico and avoid Border Patrol are channeled into a strip of the Tohono O'odham Nation's hazardous desert land**. Stricter national security increasingly causes migrants to cross through the reservation, which attracts various actors onto the nation's land, consequentially altering O'odham way of life as well as O'odham attitudes towards undocumented migrants. Eddie Brown, a professor of Arizona State University and a member of the Tohono O'odham tribe, discusses some of the issues that Tohono O'odham tribal members face because they live on the border of Mexico and Arizona. "You have O'odham living in villages close to the border and many times their houses are robbed, their cars stolen, their homes broken into. So many times you have O'odham that are afraid sometimes to go into town to buy food, to leave their houses alone never knowing what is going to happen. And then of course you have the drug trade and this is where it gets even more complicated: Illegals coming across have dollars that pay people so you have O'odham that do not have jobs and are looking for some way to earn a living; that becomes a very easy way as well."

Solvency

Plan gets circumvented – Guadalupe proves the USFG just does whatever it wants when it comes to border-crossing rights when convenient

(Di Iorio '07, "Mending Fences: The Fractured Relationship between Native American Tribes and the Federal Government and Its Negative Impact on Border Security", Syracuse Law Review, Vol. 57, Issue 2 (2007), pp. 407-428, Di Iorio, William R.) //LS

The Treaty of Guadalupe Hidalgo, signed between the United States¶ and Mexico at the conclusion of the Mexican-American War, brought several border tribes under the protection of the federal government.47¶ While this treaty made no mention of border crossing akin to the Jay Treaty, the Native American tribes routinely enjoyed free passage between¶ the United States and Mexico for a significant period of time.48 This freedom continued, largely unchanged, until the 1980s, when the problem of illegal Mexican immigration forced the United States government to restrict all passage between the United States and Mexico border.4 9¶ While federal actions after this treaty did not renege on promises guaranteed to Native Americans, the actions reiterate the underlying nature of the federal government-Native American relationship portrayed by the Marshall trilogy and the discussed treaties. Whatever rights may exist for Native Americans cannot be considered fundamental in any way. They exist at the pleasure of the federal government, to be granted or withheld at¶ the convenience of the government.¶ The United Nations Draft Declaration, though not yet adopted by the United Nations or its members, reflects generally recognized international norms with respect to the treatment of indigenous populations, such as Native Americans. 50 In short, it would recognize the importance of Native Americans' right to occupy and use traditional lands while requiring¶ 51¶ The International Labor Organization Convention reflects the sovereign hopes of Native American tribes by recognizing the "aspirations of indigenous peoples to exercise control over their own institutions, ways of life and economic development and to maintain and develop their identities, languages and religions, within the framework of States in which they live." 52 The Convention requires that its signers take affirmative steps¶ to assist Native American tribes in preserving their culture and protecting in case law and treaties. The historical record shows that the relationship between the federal government and Native Americans is dictated not by words, but by actions. In that vein, Native Americans should take little consolation from the statements and efforts of the international community, as it is unlikely that the federal government will be swayed more by the words of the international community than it has been by its own words. The historical record reflects the tenuous nature of the relationship between the federal government and Native Americans. Often depicted as less than human, Native Americans have never enjoyed equal status. Moreover, the federal government has routinely failed to abide by its agreements with Native Americans.

Arizona, where the Tohono live, won't follow new border laws

Elizabeth **Erwin 4/11** ("Arizona lawmakers want to ignore President Obama's executive orders", Mar 11, 2015 6:27 PM, http://www.abc15.com/news/state/arizona-lawmakers-want-to-ignore-president-obamas-executive-orders, Accessed 7/16/15,)

President Barack Obama has signed some big executive orders lately. **They've impacted** guns and immigration, two **issues Arizonans clearly care about.** But the approach some lawmakers are taking to keep us from enforcing those rules has some questioning if the plan is even legal! "**The legislature wants to prevent enforcement of executive orders and prevent enforcement of federal agency policy directives**," said attorney David Abner with Knapp & Roberts Law Firm. **House Bill 2368 says unless those orders have been voted on by Congress and signed into law, Arizona wouldn't have to follow them. "It's political grandstanding. There's nothing of substance to this. It's silly**," Abner said. "Well, unfortunately, it's a waste of time, somewhat ridiculous. In fact very ridiculous," said House Minority Leader Bruce Wheeler. Wheeler voted against the bill. He said the priorities of what gets floor time doesn't match up with what Arizonans really need. "**We ought to be addressing education and jobs. Instead we're addressing these extremist bills**," Wheeler said. **Abner said even if this bill is signed into law there's no way it would stand up in court**. "If our state officials ignore federal law they run the risk of prosecution by federal authorities," Abner said. ABC15 reached out to the bill's sponsors today for comment. We have not heard back yet.

1NC

T-Surveillance

Interpretation:

Surveillance is systematic collection of information

Kalhan 14 Anil Kalhan, Associate Professor of Law, Drexel University. Maryland Law Review 2014 74 Md. L. Rev. 1 Article: IMMIGRATION SURVEILLANCE lexis
A. The Functions and Practices of Immigration Surveillance
As conceptualized by John **Gilliom and** Torin **Monahan, surveillance involves "the systematic monitoring, gathering, and analysis of information in order to make decisions, minimize risk, sort populations, and exercise power."** n112 In this Section, I identify and analyze a series of specific surveillance practices and technologies that have become increasingly important components of immigration enforcement strategies. The processes and technologies that comprise the information infrastructure of immigration enforcement enable new approaches to four distinct sets of surveillance activities: identification, screening and authorization, mobility tracking and control, and information sharing.

Violation:

While the aff does curtail a lot of surveillance that falls under our interpretation, they also affect non-surveillance related border operations

Miller 14 (*Todd Miller has researched and written about U.S.-Mexican border issues for more than 10 years. He has worked on both sides of the border for BorderLinks in Tucson, Arizona, and Witness for Peace in Oaxaca, Mexico. He now writes on border and immigration issues for* NACL, Todd Miller, 4-22-2014, "Tomgram: Todd Miller, The Creation of a Border Security State," Tomdispatch, http://www.tomdispatch.com/blog/175834/tomgram%3A_todd_miller,_the_creation_of_a_border_security_state/) GW

Before 9/11, there was little federal presence on the Tohono O'odham reservation. Since then, the expansion of the Border Patrol into Native American territory has been relentless. Now**, Homeland Security stations, filled with hundreds of agents** (many hired in a 2007-2009 hiring binge**), circle the reservation**. But unlike bouncers at a club, **they check people going out, not heading in**. On every paved road leaving the reservation, **their checkpoints form a second border**. There, **armed agents** -- ever more of whom are veterans of America's distant wars **-- interrogate anyone who leaves. In addition, there are two "forward operating bases" on the reservation, which are meant to play the role -- facilitating tactical operations in remote regions** -- that similar camps did in Afghanistan and Iraq. Now, thanks to the Elbit Systems contract, a new kind of border will continue to be added to this layering. Imagine part of the futuristic Phoenix exhibition hall leaving Border Expo with the goal of incorporating itself into the lands of a people who were living here before there was a "New World," no less a United States or a Border Patrol. Though **this is** increasingly the reality from Brownsville, Texas, to San Diego, California, on Tohono O'odham land a post-9/11 war posture shades uncomfortably into the leftovers from a nineteenth century Indian war. Think of it as the place **where** the **homeland security** state **meets** its older compatriot, **Manifest Destiny**. On the gate at the entrance to her house**, Tohono O'odham member Ofelia Rivas has put up a sign stating that the Border Patrol can't enter**

without a warrant. It may be a fine sentiment, reflecting a right embodied in the U.S. Constitution, but in the eyes of the "law," it's ancient history. Only a mile from the international boundary, her house is well within the 25-mile zone in which the Border Patrol can enter anyone's property without a warrant. These powers make the CBP a super-force in comparison to the local law enforcement outfits it collaborates with. Although **CBP can enter property warrantlessly**, it still needs a warrant to enter somebody's dwelling. In the small community where Rivas lives, known as Ali Jegk, the agents have overstepped even its extra-constitutional bounds with "home invasions" (as people call them). Throughout the Tohono O'odham Nation, people complain about Homeland Security vehicles driving at high speeds and tailgating on the roads. They complain about blinding spotlights, vehicle pull-overs, and unexpected interrogations. **The Border Patrol has pulled O'odham tribal members out of cars, pepper-sprayed them, and beaten them with batons**. As local resident Joseph Flores told a Tucson television station, "It feels like we're being watched all the time." **Another man commented, "I feel like I have no civil rights**." On the reservation, **people speak not only about this new world of intense surveillance, but also about its raw impact on the Tohono O'odham people: violence and subjugation.** Although the tribal legislative council has collaborated extensively with Border Patrol operations, Priscilla Lewis seemed to sum up the sentiments of many O'odham at an open hearing in 2011: "**Too much harassment, following the wrong people, always stopping us, including and especially those who look like Mexicans when driving or walking in the desert... They have too much domination over us**." At her house, Ofelia Rivas tells me a story. One day, she was driving with Tohono O'odham elders towards the U.S.-Mexican border when a low-flying Blackhawk helicopter seemingly picked them up and began following them. Hanging out of the open helicopter doors were CBP gunmen, she said. When they crossed the border into Mexico, the helicopter tracked them through a forest of beautiful saguaro cacti while they headed for a ceremonial site, 25 miles south of the border. They were, of course, crossing what was a non-border to the O'odham, doing something they had done for thousands of years. Hearing, even feeling the vibration of the propellers, one of the elders said, "I guess we are going to die." They laughed, Rivas added, as there was nothing else to do. They laughed real hard. Then, a mile or so into Mexico, the helicopter turned back. **Americans may increasingly wonder whether NSA agents are scouring their meta-data, reading their personal emails, and the like. In the borderlands no imagination is necessary. The surveillance apparatus is in your face. The high-powered cameras are pointed at you; the drones are above you; you're stopped regularly at checkpoints and interrogated.** Too bad if you're late for school, a meeting, or an appointment. And even worse, if your skin complexion, or the way you're dressed, or anything about you sets off alarm bells, or there's something that doesn't smell quite right to the CBP's dogs -- and such dogs are a commonplace in the region -- being a little late will be the least of your problems. As Rivas told me, a typical exchange on the reservation might involve an agent at a checkpoint asking an O'odham woman whether, as she claimed, she was really going to the grocery store -- and then demanding that she show him her grocery list**. People on the reservation now often refer to what is happening as an armed "occupation."** Mike Wilson, an O'odham member who has tried to put gallon jugs of water along routes Mexican migrants might take through the reservation, speaks of the Border Patrol as an "occupying army." It's hardly surprising. Never before in the Nation's history under Spain, Mexico, or the United States have so many armed agents been present on their land.

The aff is extra-topical which is a voter for limits.

It allows affirmative teams to gain advantage ground off of planks of plans that do not fall under the resolution and that the neg could never have prepared for.

They are literally gaining advantages off of the removal of checkpoints.

This justifies affs like (insert ideas here).

Cartel DA

Organized crime along the border is in decline

Cawley 13 (Marguerite Cawley, journalist on organized crime, "Violent Crime on the US Southwest Border Decreased from 2004-2011: Study", 2/27/2013, Insight Crime, http://www.insightcrime.org/news-briefs/violent-crime-on-the-us-southwest-border-decreased-from-2004-2011-study, DJE)

A US government study points to an overall decrease in US border crime between 2004 to 2011, further indicating that fears of a "spillover" effect from Mexico's war against organized crime may be unfounded. **The report**, released by the United States Government Accountability Office (GAO) earlier this month, **found that the average rate for both violent and property crimes had dropped in the US Southwest border states. Arizona saw the most significant decline, of 33 percent over the seven-year time period.** Other decreases were seen in Texas (30 percent), California (26 percent), and New Mexico (eight percent from 2005 onward). Significantly, violent crime was found to be lower in border counties than in non-border counties for all the years examined in three out of the four states -- California, New Mexico and Texas -- with Arizona the only exception. The GAO also reported that **assaults against Border Patrol agents decreased** between 2008 to 2012, to levels 25 percent lower than in 2006. Officials from 31 of the 37 state and local law enforcement agencies interviewed by the GAO stated that they had not observed violent crime from Mexico regularly spilling over into the US, **although many said they were still concerned about safety levels in the region. Local law enforcement officials told the GAO that increased law enforcement personnel and new infrastructure may have contributed to the declining crime rates. Recent US federal efforts -- including technical assistance to Mexico under the 2008 Merida Initiative and $600 million put towards border security in 2010 -- have also aimed to curb violence in the region.** InSight Crime Analysis **Concerns have long existed about the extent to which Mexico's conflict may affect security dynamics in the US border states. Several incidents, involving Mexican nationals carrying out violent attacks in relation to the drug trade on US soil, have only served to feed such fears.** However, available data has generally failed to support these concerns. Figures from the Federal Bureau of Investigations (FBI), for example, show that violent crime in Arizona declined from 532 incidents per 100,000 inhabitants in 2000, to 408 in 2010. An analysis by Austin-based newspaper the Statesman found that, despite the release of a government-sponsored report warning of escalating violence in Texas, the combined number of murders in the state's 14 border counties fell by 33 percent between 2006 and 2010. The GAO's most recent study further supports the interpretation that claims of rampant "spillover violence" in the US border region have been mostly exaggerated.

Eliminating border patrol in the Tohono O'odham nation will collapse the best prevention methods against cartel crime.

Pitts 13 (Byron Pitts, ABC News Anchor & Chief National Correspondent, "In Efforts to Secure US-Mexico Border, Ariz. Native Americans Feel Caught in the Middle", 7/27/2013, ABC News, http://abcnews.go.com/US/efforts-secure-us-mexico-border-ariz-native-americans/story?id=19496394, DJE)

In Southwest Arizona, where the U.S. and Mexico borders meet, **the U.S. Border Patrol has made huge strides in capturing border crossers and seizing drugs from Mexican cartels**, but there is one stretch of land along the border that has made life a daily hell for a tribe of Native

Americans. **The Tohono O'odham Nation**, a Native American reservation about the size of Connecticut, is located in the Sonoran Desert, about 60 miles south of Tucson, Ariz., right on the U.S. border with Mexico. Here, there is no barbed-wire high fence, but open desert, with only a vehicle barrier meant to stop cars but not people. It **is an area where the U.S. government has the fewest resources and the widest open space to patrol, making it a hot spot for Mexican drug cartels and human smuggling operations.** "Nightline" spent 48 hours with U.S. Border Patrol agents and the Tohono O'odham reservation police force to get a firsthand look at the battle on the border. **"The Tohono O'odham Nation is one of our most problematic areas," Arizona Commander Jeffrey Self of the U.S. Border Patrol told "Nightline". "The narcotics smugglers have moved up into the mountainous area. There is not a lot of access." While border-crossing apprehensions in Arizona are down 43 percent from two years ago, it is a different, more complicated story on the Tohono O'odham Nation. Drug seizures on the reservation are steadily climbing -- nearly 500,000 pounds of marijuana was seized last year, a number that has nearly doubled since 2010. Recently, Tohono O'odham police seized $1 million worth of marijuana in just one week.** But **the Tohono O'odham tribal members are caught in the middle of a war between the Mexican drug cartels coming through their community and the U.S. Border Patrol officers who tribal members say have become more aggressive to stop them.**

If cartels gain ground they will launch bioterror attacks

Lentzos '14, Senior Research Fellow in the Department of Social Science, Health and Medicine at King's College London (1/27/14, Filippa Lentzos, BioSocieties, "The risk of bioweapons use: Considering the evidence base")

I can see a situation in **which a group of individuals will set up a cell and do these things in a state that doesn't have effective laws in place**, probably no laws in place at all. And **they could quite easily build up a small laboratory complex in a safe haven state**: **develop a device**, even test it in a sort of rudimentary way within the safe haven state, and then from that, build up a device which they could take and use somewhere else. And I don't think that has happened yet with any group trying to develop biological weapons, but **it's certainly happened with illicit drug type production, where there's been a bunch of individuals who are making illicit drug**s, and as the laws tighten up in one particular country, they'll relocate to a second country. And as things tighten there, they'll go to a third country. So **that's happened** certainly in the Asia Pacific, **with illicit drug cartels**, and I can see a scenario where that could happen with bioweapons too. And that really the motivation behind my interests in helping smaller countries develop legislation, develop government structures, including law enforcement, to make it more difficult for these rogues to do these things within these states.And **just because the Aum Shinrikyo attempts weren't successful, it doesn't mean to say that it's okay, that it's more difficult than everybody thought, it won't happen. I think there may well be a certain level of complacency starting to develop**, and that **we may well be caught out later on**. It mightn't be very sophisticated, but it could be a very disruptive event. Former bioweapons inspector and microbiologist: I agree, **even if biological weapons haven't been used that doesn't mean they won't be**. Maybe it's still easier to cause terror through other means. But we could not have anticipated 9/11; we could not foresee that airplanes would be used for that sort of attack. So we can't foresee all scenarios, we don't know what is next, so I wouldn't exclude anything. And the

biothreat is more relevant than a nuclear threat; I mean, you can't easily acquire a nuclear or even dirty bomb. But **you can easily acquire biological agents**. You don't even have to break into a lab, **you can get it in nature, you can get if off a sick person.** And, you don't even necessarily have to weaponize it. I mean how many casualties do you need to cause terror? You don't need mass casualties, it's not war. We're talking about infectious disease agents being spread deliberately, and that doesn't necessarily require weaponization.

Bioterrorism is an existential threat that risks mass deaths and social disorder

Saunders-Hastings 14 (Patrick Saunders-Hastings, doctoral student in the Population Health program at the University of Ottawa, "Securitization Theory and Biological Weapons", 1/8/2014, http://www.e-ir.info/2014/01/08/securitization-theory-and-biological-weapons/, DJE)

A government's decision to securitize an issue is a strategy to make extreme responses seem justified, and it **centers on the perceived existential risk a threat poses to the population**. Beginning with a brief history of biological weapons use, this section will aim to defend the framing of biological weapons use as an existential threat by examining their ability to cause mortality or to generate negative social and economic fallout. A brief discussion of the potential catastrophic consequences of a smallpox attack will illustrate the argument. **The use of biological weapons dates back centuries**. Examples include the Tatars catapulting plague-infected corpses over city walls at the siege of Kaffa in the 14th century, the deliberate triggering of a smallpox epidemic among Native Americans via contaminated blankets in the 18th century during the French and Indian War, and the contamination of salad bars with salmonella at a restaurant in Oregon in the 20th century2. However, **with the development of the germ theory during the 19th and into the 20th century, there was an increase in scientific knowledge about biological weapons. States became increasingly interested in such weapons, with Japan establishing a bioweapons program between 1932-1945, the United States in 1942, and the Soviet Union in 197313.** In 1972, in response to increasing concern about the threat of biological weapons, **the United Nations** proposed the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction, more commonly known as the **Biological Weapons Convention** (or BWC)14. The treaty came into effect in 1975, and banned the development, acquisition, and stockpiling of biological weapons1. However, it **failed to halt the research and development of biological weapons, which have continued into the 21st century. Those who argue that government response to the biological weapons threat has been overstated point to very low mortality in previous attacks**11. The anthrax attacks of 2001 in the United States, for example, resulted in only 5 deaths15. This argument could be used to urge governments to instead invest resources in areas that consistently cause higher mortality, such as infectious diseases like AIDS or even the seasonal flu. **However, in carrying out a threat assessment, it is also important to look at the potential for mortality. Here it has been suggested future attacks may not be on the same relatively small scale as those in the past**15. It is difficult to produce reliable estimates of fatalities that might result from an attack; there is huge variation in estimates and, often, little statistical evidence to support the predictions11. That said, **it is agreed that, in theory, even small amounts of a dangerous biological agent could cause significant mortality if prepared**

and disseminated effectively16. For instance, the WHO estimates that 50kg of B. anthracis distributed upwind of a population of 500 000 would leave 95 000 people dead and 125 000 more incapacitated17. Other sources suggest that **100kg of B. anthracis, disseminated via a crop-sprayer, could kill as many as three million people**, and comparable values have been projected for other agents2,18. Another concern is that **a contagious biological agent will result in person-to-person transmission, creating a self-sustaining effect not present in any other weapons class**10. While mass casualties are possible, it is also important to note that, even in situations with few casualties, **biological weapons attacks may have profound social and economic ramifications**3. **Such attacks could lead to widespread social panic and disorder, resulting in self-destructive behaviour and creating what is called a "societal autoimmune effect" involving increases in crime and looting19**. While there is little evidence to predict this would occur based on previous disaster situations (such as the terrorist attacks on the World Trade Center in 1993 and 2001, where the public reaction is described as effective and adaptive, rather than panicked and disruptive), it must remain a consideration20. The effects of a largescale attack involving biological weapons are unknown, and epidemics of highly fatal diseases may cause serious social disruption20. The economic consequences of biological weapons attacks are severe and suggest that investing in defense makes good economic sense. While there were only five deaths in the 2001 anthrax attacks, those attacks resulted in tens of billions of dollars in government spending21. Also, the financial sector may be negatively impacted if investor confidence plummets3. Similarly, an attack on the agricultural sector, which accounts for 15% of the United States GDP, could have severe economic ramifications3. If the biological agent being used is contagious, there could also be implications for trade and travel restrictions3. The SARS epidemic of 2003 showed the economic consequences of a highly infectious disease, essentially "crippling" some of the most dynamic cities in the world4. The Center for Biosecurity has estimated the economic cost of a biological weapons attack in the U.S. could exceed one trillion USD15. In short, **there are social and economic consequences that, considered in conjunction with the potential for catastrophically high mortality, justify the framing of biological weapons as a significant existential threat to the United States.** This is illustrated by considering the specific case of smallpox.

Politics DA

Border enforcement is supported universally. The plan would pit Obama against everyone.

Johnson 2007(Dean and Mabie-Apallas, Professor of Public Interest Law and Chicana/o Studies, "Opening the Floodgates", New York University Publication, https://books.google.com/books?id=8RAVCgAAQBAJ&pg=PA138&lpg=PA138&dq=Conservatives+generally+find+themselves+deeply+split+on+the+issue+of%C2%B6+immigration.&source=bl&ots=6_SquyxoTH&sig=yc7hMpGOUw3WGv6KYH8Mi8vYuBg&hl=en&sa=X&ved=0CB8Q6AEwAGoVChMI6_zW8vH7xgIVi1KSCh0lPwFp#v=onepage&q=Conservatives%20generally%20find%20themselves%20deeply%20split%20on%20the%20issue%20of%C2%B6%20immigration.&f=false)

Conservatives generally find themselves deeply split on the issue of¶ immigration. Some staunch members of the Republican Party, including¶ President George W. Bush, generally favor liberal admission policies, or¶ at least more liberal policies than the ones currently in place. Economic¶

conservatives see gains from immigration and inexpensive labor. In stark¶ contrast, another wing of the Republican Party is deeply concerned with¶ the alleged cultural impacts of immigration. This faction aggressively¶ plays on populist fear about cultural changes blamed on immigrants and¶ demands restrictionist policies and tougher border enforcement. Today,¶ this arm of the Republican Party, represented most prominently by Congressman¶ Tom Tancredo and the conservative icon Pat Buchanan, often¶ exercises great influence over the direction of immigration law and policy¶ by tapping into broad-based fears of economically and otherwise insecure¶ U.S. citizens. Poor, working, and middle-income people worry¶ about the changes wrought by immigration and are not likely to sympathize¶ with the desire of big business for cheap labor.¶ On the other hand, Democrats also find themselves divided on immigration.¶ Economically, they are concerned with immigration's downward¶ pressure on the wage scale and its impact on a long-time base of¶ Democratic support, labor unions. Although change has come in recent¶ years, organized labor, often supportive of the basic Democratic agenda,¶ has historically supported restrictionist immigration laws and policies.¶ Many liberals, however, desire the humane treatment of immigrants and¶ often push for pro-immigration and pro-immigrant laws and policies.¶ There, however, is some common ground. Many Democrats and Republicans¶ often agree that increased border enforcement is necessary.¶ Like tough-on-crime stances, this has proved time and time again to be a¶ politically popular position. This is even true for those sympathetic to¶ 138 | *The Economic Benefits of Liberal Migration of Labor Across Borders*¶ the plight of immigrants. In addition, influenced by public fears of being¶ overrun by floods of immigrants, politicians of both parties often support¶ limits on legal immigration and heavy border enforcement.

Marxism K

The aff's analysis renders invisible the set of historical capitalist relations that informed genocide against the Native body and made oppression possible

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This rich passage raises many points for discussion in terms of how Ortiz constructs class consciousness and how this text and his writing as a whole relate to and redefine the contours and politics of the proletarian [End Page 180] literary genre. Ortiz here is asserting the privileged historical, economic, and social position, as well as the privileged perspective of the Native American in the historical development and contemporary society of U.S. capitalism. Just as Lukacs in History and Class Consciousness argues that "the superiority of the proletariat must lie exclusively in its ability to see society from the center, as a coherent whole" (69), Ortiz effectively suggests that Native Americans occupy a "more central" position in society from which to comprehend it as a coherent whole. However, while Lukacs argues that "the self-understanding of the proletariat is [. . .] simultaneously the objective understanding of the nature of society" and that "when the proletariat furthers its own class-aims it simultaneously achieves the conscious realization of the--objective--aims of society, aims which would inevitably remain abstract possibilities and objective frontiers but for this conscious intervention" (149), **Ortiz represents Native Americans' self-understanding as yielding a more accurate and insightful vision of the trajectory of social history because they are most immediately threatened and affected by the historical development of capitalism**. First in line for genocide, they are first to understand through experience the operations and aims of our current course of historical development. Thus they occupy the most advantageous position from which both to achieve a full consciousness of U.S. capitalism and to intervene consciously in redirecting historical development. Consequently, Ortiz means to bring the exigency of survival to the forefront of political and class consciousness, **suggesting that while Native Americans are most**

urgently conscious of the task of survival, it needs to be a larger working-class issue; it needs to be the premise of the class struggle itself to prioritize survival by making lands "productive to serve humanity." However, **Ortiz** warns that such a goal "will take real decisions and actions and concrete understanding by the poor and workers of this nation" (360).¶ The above passage also **highlights the importance of understanding Native Americans as a dynamic part of the U.S. proletariat and of U.S. labor history**. In the text as a whole, Ortiz worries about the "preservation" of Native American culture in museums and state parks that tend to hypostatize Native Americans as relics of history rather than as historical and contemporary participants in U.S. society and economy. The worry is that Native Americans will be isolated in "natural wilderness or [End Page 181] cultural parks" (360) and thus relegated to the margins instead of recognized as the center of social change and class consciousness that Ortiz believes they need to be. **The other sectors of the working class need to understand the genocide and exploitation of Native Americans if they are going to understand comprehensively the operations of U.S. capitalism**, the path of their genuine self-interest within that system, and the fate that awaits them if they do no act to redirect the course of history by learning from and following the lead of Native Americans. It is here that Ortiz makes his most passionate plea, one worth quoting at length:¶ They will have to see that the present exploitation of coal at Black Mesa Mine in Arizona does not serve the Hopi and Navajo whose homeland it is. They will have to understand that the political and economic forces which have caused Hopi and Navajo people to be in conflict with each other and within their own nations are the same forces which steal the human fabric of their own communities and lives. They will have to be willing to identify capitalism for what it is, that it is destructive and uncompassionate and deceptive. They will have to be willing to do so or they will never understand why the Four Corners power plants in northwestern New Mexico continue to spew poisons into the air, destroying plant, animal, and human life in the area. They will have to be willing to face and challenge the corporations at their armed bank buildings, their stock brokers, and their drilling, mining, milling, refining and processing operations. If they don't do that, they will not understand what Aacqu and her sister Pueblos in the Southwest are fighting for when they seek time and time again to bring attention to their struggle for land, water, and human rights. The American poor and workers and white middle class, who are probably the most ignorant of all U.S. citizens, must understand how they, like Indian people, are forced to serve a national interest, controlled by capitalist vested interests in collusion with U.S. policy makers, which does not serve them. Only when this understanding is attained and decisions are reached and actions taken to overcome economic and political oppression imposed on us all will there be no longer a national sacrifice area in the Southwest. Only then will there [End Page 182] be no more unnecessary sacrifices of our people and land. (360-61)¶ In this catalog of what the American poor and working class need to see, understand, and do--much of which entails facing and comprehending the particular exploitation and colonized status of Native Americans--Ortiz is suggesting that Native American class consciousness and political self-interests are not only identical to those of the non-Native American working class and poor but that, even more so, they are definitive of class consciousness and working-class political interests. If they do not understand the Native American situation, they will not understand "the same forces which steal the human fabric of their own American communities and lives." This same recognition is equally crucial in the literary critical sphere when we attempt to map the coordinates of a genre of proletarian literature as such a genre becomes the cultural representation and mouthpiece of the U.S. working class and its interests. **To marginalize Native American literature or categorize it wholly apart from and exclusive of proletarian literature re-enacts the same gesture of making invisible the Native American working class, of isolating it from the scene of wage labor.¶** Moreover, **what is also rendered invisible by obscuring the historical experience of Native Americans, their working-class experience, and their narrative of survival and class struggle, is the historical memory of an unalienated relationship with the land.** We have already seen Ortiz represent precolonial moments in which the Aacqu's lives were described as ones of material well being and spiritual integrity. While his narrative of colonization represents their growing dependence on wage labor and their general dependence under capitalism because of the diminution of their access to natural resources caused in part by their dispossession and in part by industrial capitalism's destruction of those resources, Ortiz also highlights that what remains through oral history is a memory of an actual culture or way of life characterized not by alienation but by integrity with nature, oneself, and others. Ortiz writes,¶ I don't know when it was that the grass was as high as a man's waist. I never knew that. All my life, the grass had been sparse and brittle. All my life, the winters have been cold and windy [End Page 183] and the summers hot and mostly rainless. But the people talk about those good years when they could cope with life on their own terms. The winters were always cold and the summers hot, but they could cope with them because there was a system of life which spelled out exactly how to deal with the realities they knew. The people had developed a system of knowledge which made it possible for them to work at solutions. And they had the capabilities of developing further knowledge to deal with new realities. There was probably not anything they could not deal properly and adequately with until the Mericano came. (349)¶ **The phenomenon Ortiz describes here is the general** deskilling of the human, of the **alienation that capitalism inflicts in its will to dominate.** Here Ortiz depicts again, it is worth reiterating, the way capitalism curtails rather than enhances productive efficiency as he represents how the colonizing process hobbled the people, made them dependent rather than self-sufficient, and robbed them of their creative abilities and skills.¶ But what is perhaps most striking about the narrative is that Ortiz represents an actual useable past that is not simply a utopian invention but rather a viable historical model. The importance of Ortiz's identification of this historical actuality is that it challenges those critics who see Marxism's ideal of a culture of disalienation, in which each person realizes her species being, as not only unattainable but also as never having been attained, as historically fantastic. Take, for example, Stephen Greenblatt's criticism of a passage from The Political Unconscious in which Fredric Jameson speaks to the process whereby capitalism diminishes the unalienated individual subject in its

production of the fragmented bourgeois individual. Greenblatt writes,¶ The whole passage has the resonance of an allegory of the fall of man: once we were whole, agile, integrated; we were individual subjects but not individuals, we had no psychology distinct from the shared life of the society; politic and poetry were one. Then capitalism arose and shattered this luminous, benign totality. The myth echoes throughout Jameson's book, though by the close it has been eschatologically reoriented so that the totality lies not in a past revealed to have always [End Page 184] already fallen but in the classless future. A philosophical claim that appeals to an absent empirical event. (3)¶ While Greenblatt no doubt has a point--it is certainly difficult to attribute alienation solely to the onset of capitalism, as though somehow feudal and slave economies featured whole and happy individual subjects--his own sense of the past is equally distorted, at least in light of Ortiz's narrative. Nonetheless, Greenblatt's criticism is one commonly hauled out to attempt to undermine the legitimacy of Marxist theories of human nature and liberation. Thus, Ortiz's identification of this historical moment of integration, as opposed to alienation, serves not only to challenge the cynical bourgeois critics of Marxism but, perhaps even more importantly, to give the Marxist tradition a model of possibility on which to build and imagine a postcapitalist culture. **To distance or isolate Native Americans from the U.S. working class** and their literature from the larger proletarian tradition **is to impoverish and, really, to disempower the U.S. working class** by cutting it off from this model of possibility that ought to inform class struggle.¶ Indeed, as Ortiz strenuously argues throughout the piece, **it is the condition of alienation** from ourselves, nature, and other people that most seriously **needs to be addressed, as alienation is the premise of exploitation and the destructive features of capitalism; Native Americans possess most vividly the collective memory of unalienated life**, as opposed to most elements of the U.S. working class whose memory is confined to a capitalist world and an experience of wage labor, which might explain why so much energy in labor struggles focuses on wages rather than focusing more concertedly on alienation and on the use of resources.¶ Native Americans are best positioned to assess the experience of alienation under capitalism, Ortiz suggests, because they have not just an imagination but also an historical knowledge of a different mode of production, culture, and way of life, as we see in the following passage in which Ortiz discusses the experiences of Laguna and Navajo miners working for the Kerr-McGee mines in New Mexico:¶ The Navajo men who went into the underground mines did not have much choice except to work there, just like the Laguna miners who find themselves as surface labor and semi-skilled [End Page 185] workers. The Kerr-McGee miners who had stayed for any length of time underground breathing the dust laden with radon gas would find themselves cancerous. The Laguna miners would find themselves questioning how much real value the mining operation had when their land was overturned into a gray pit miles and miles in breadth. They would ask if the wages they earned, causing wage income dependency, and the royalties received by the Kawaikah people were worth it when Mericano values beset their children and would threaten the heritage they had struggled to keep for so long. (356)¶ The Laguna miners are able to measure their value system and the social relationships it entails against that of capitalism and its destructive, even murderous, effects on the land and the people. Once again, Ortiz counterpoints two modes of conceptualizing value, embodied in one culture that prioritizes quality of life and in another quantitatively oriented culture committed to accumulating monetary wealth at the expense of life. The importance here, though, is that the Native American working class already possesses the value system for as well as the memory and imagination of a postcapitalist culture that the non-Native American U.S. working class needs to recognize as a valuable and crucial attribute of its tradition of resistance to capital and its aspirations of social transformation. Similarly, Ortiz also speaks of the memory of the Peublo Revolt of 1680 in which enslaved Africans, native Americans, and descendants of the Chicano people fought back against Spanish colonialism. This example of multiracial organizing and resistance is highlighted as a central element of the collective memory of empowerment and change. It is just such models of revolt that the U.S. working class needs as part of its historical and class consciousness, which it needs to be attached to and not dissociated from.¶ But yet when critics narrowly periodize and restrictively define the category of proletarian literature, it is just such dissociation and erasure that takes place. In developing a Marxist cultural tradition on the Left that is capable of directing and imagining full liberation, we must construct a proper proletarian literature genre which maps comprehensively the body of texts that are expressions of class struggle and which mediates the sociological and the cultural in a way that allows us to draw on the whole rich collective tradition of working class struggle [End Page 186] against racial patriarchal capitalism. **Understanding Native American literature as proletarian begins this process of political** and literary **reorganization**. Both Silko and Ortiz offer rethinkings of Marxism and class struggle that position Native Americans as pivotal actants and Native American culture and history as a rich reservoir of models for imagining change as well as postcapitalist culture and economy. Both culturally and politically, the Left needs to revivify its cultural imaginary and not dissociate by virtue of its exclusive cultural and political categories from political and cultural traditions that offer meaningful cross-fertilization. Indeed, just as Marx said the educators must be educated, so the Left must be educated by other left Marxist traditions it might not have even recognized as such. As Ward Churchill admonishes, when you think about Native American political concerns over such issues as land and water rights,¶ The great mass of non-Indians in North America really have much to gain, and almost nothing to lose, from the success of native people in struggles to reclaim the land which is rightfully ours. The tangible diminishment of U.S. material power which is integral to our victories in this sphere stands to pave the way for realization of most other agendas--from anti-imperialism to environmentalism, from African-American liberation to feminism, from gay rights to the ending of class privilege--pursued by progressives on this continent. Conversely, succeeding with any or even all these other agendas would still represent an inherently oppressive situation if their realization is contingent upon an ongoing occupation of Native North America without the consent of Indian people. Any North American revolution which failed to free indigenous territory from non-Indian domination would simply be a continuation of colonialism in another form. (88)¶ Indeed, just as Marx theorizes that **the working class is the lynchpin of liberation because in order to liberate itself it must do away with class altogether**, we can take Churchill here, as well as Silko and Ortiz, to be in some sense saying that for the non-Indian U.S. working class to liberate itself, Native Americans must be liberated. Put another way, the working class cannot liberate only part of itself, so it must identify and

understand [End Page 187] itself fully in order to liberate itself fully. Mapping this understanding via the space of a proletarian literary genre is a place to begin.

Pseudo-Speciation Adv

Utilitarianism is good for policy makers – leads to the most benefits over harms

Manuel **Velasquez**,, 8-1-**2014**, "Calculating Consequences: The Utilitarian Approach to Ethics," Markkula Center For Applied Ethic, http://www.scu.edu/ethics/practicing/decision/calculating.html

Calculating Consequences: The Utilitarian Approach to Ethics Developed by Manuel Velasquez, Claire Andre, Thomas Shanks, S.J., and Michael J. Meyer Imagine that the U.S. Central Intelligence Agency gets wind of a plot to set off a dirty bomb in a major American city. Agents capture a suspect who, they believe, has information about where the bomb is planted. Is it permissible for them to torture the suspect into revealing the bomb's whereabouts? Can the dignity of one individual be violated in order to save many others? Greatest Balance of Goods Over Harms If you answered yes, you were probably using a form of moral reasoning called "utilitarianism." Stripped down to its essentials, **utilitarianism is a moral principle that holds that the morally right course of action in any situation is the one that produces the greatest balance of benefits over harms for everyone affected.** So long as a course of action produces maximum benefits for everyone, utilitarianism does not care whether the benefits are produced by lies, manipulation, or coercion. Many of us use this type of moral reasoning frequently in our daily decisions. When asked to explain why we feel we have a moral duty to perform some action, we often point to the good that will come from the action or the harm it will prevent. **Business analysts, legislators, and scientists weigh daily the resulting benefits and harms of policies when deciding**, for example, whether to invest resources in a certain public project, whether to approve a new drug, or whether to ban a certain pesticide. Utilitarianism offers **a relatively straightforward method for deciding the morally right course of action for any particular situation** we may find ourselves in. To discover what we ought to do in any situation, we first identify the various courses of action that we could perform. Second, we determine all of the foreseeable benefits and harms that would result from each course of action for everyone affected by the action. And third, we choose the course of action that provides the greatest benefits after the costs have been taken into account. The principle of utilitarianism can be traced to the writings of Jeremy Bentham, who lived in England during the eighteenth and nineteenth centuries. Bentham, a legal reformer, sought an objective basis that would provide a publicly acceptable norm for determining what kinds of laws England should enact. He believed that the most promising way of reaching such an agreement was to choose that policy that would bring about the greatest net benefits to society once the harms had been taken into account. His motto, a familiar one now, was "the greatest good for the greatest number." Over the years, the principle of utilitarianism has been expanded and refined so that today there are many variations of the principle. For example, Bentham defined benefits and harms in terms of pleasure and pain. John Stuart Mill, a great 19th century utilitarian figure, spoke of benefits and harms not in terms of pleasure and pain alone but in terms of the quality or intensity of such pleasure and pain. Today utilitarians often describe benefits and harms in terms of the satisfaction of personal preferences or in purely economic terms of monetary benefits over monetary costs. Utilitarians also differ in their views about the kind of question we ought to ask ourselves when making an ethical decision. Some utilitarians maintain that in making an ethical decision, we must ask ourselves: "What effect will my doing this act in this situation have on the general balance of good over evil?" If lying would produce the best consequences in a particular situation, we ought to lie. Others, known as rule utilitarians, claim that we must choose that act that conforms to the general rule that would have the best consequences. In other words, we must ask ourselves: "What effect would everyone's doing this kind of action have on the general balance of good over evil?" So, for example, the rule "to always tell the truth" in general promotes the good of everyone and therefore should always be followed, even if in a certain situation lying would produce the best consequences. Despite such differences among utilitarians, however, most hold to the general principle that **morality must depend on balancing the beneficial and harmful consequences of our conduct.** - See more at: http://www.scu.edu/ethics/practicing/decision/calculating.html#sthash.7QghnbgB.dpuf

Basing an individual's identity off oppression destroys the ability of the individual to create change – turns their impacts of domination, slavery, and "every form of evil"

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

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

Turns dehumanization - their Miller 14 narrative paints a picture that all there is to Tohonos is their oppression

Delgado 93 [46 Vand. L. Rev. 672 (1993) On Telling Stories in School: A Reply to Farber and Sherry ; Delgado, Richard]

It is difficult to evaluate someone who at the same time is evaluating you – putting you under the glass, dissecting your culture, laws, profession, and norms of political fairness. **The outsider's task is formidable enough: first seeing, then addressing, defects in the culture in which all of us, including the outsider, are immersed**. But when one sets out, as Daniel Farber and Suzanna Sherry do in a recent article, to come to terms with outsider scholarship fairly and sympathetically, the task's difficulty increase by an order of magnitude. **Empowered groups long ago established a host of stories, narratives**, conventions, and understandings **that** today, through repetition, **seem natural and true. Among these are criteria of judgment-the terms and categories by which we decide which things are good, valid, worthy, and true.** Today, newcomers are telling their own versions, including counterstories, whose purpose is to **reveal the contingency, partiality, and self-serving quality of the stories** on which we have been relying to order our world.

Their evidence on pseudo-speciation only says tribal police participate in it

Miller 14 (*Todd Miller has researched and written about U.S.-Mexican border issues for more than 10 years. He has worked on both sides of the border for BorderLinks in Tucson, Arizona, and Witness for Peace in Oaxaca, Mexico. He now writes on border and immigration issues for* NACL, Todd Miller, 4-22-2014, "Tomgram: Todd Miller, The Creation of a Border Security State," Tomdispatch, http://www.tomdispatch.com/blog/175834/tomgram%3A_todd_miller,_the_creation_of_a_border_security_state/)TB

Between the unbridled enthusiasm of the vendors with their techno-optimistic "solutions" and the reality of border life in the Tohono O'odham Nation -- or for that matter just about anywhere along the 2,000-mile divide -- the chasm couldn't be wider. On the reservation back in 2012, Longoria called in the GPS coordinates of the unknown dead woman, as so many agents have done in the past and will undoubtedly do in the years to come. Headquarters in Tucson contacted **the Tohono O'odham tribal police**. The agents waited in the baking heat by the motionless body. When the tribal police pulled up, they took her picture, as they have done with other corpses so many times before. **They** rolled her over and took another picture. Her body was, by now, deep purple on one side. The tribal police explained to Longoria that it was because the blood settles there. They brought out a plastic body bag. "Pseudo-speciation," Longoria told me. That, he said, is how **they** deal with it. He talked about an interview he'd heard with a Vietnam vet on National Public Radio, who said that to deal with the dead in war, "you have to take a person and change his genus. Give him a whole different category. You couldn't stand looking at these bodies, so you detach yourself. You give them a different name that detracts from their humanness." The tribal police worked with stoic faces. They lifted the body of this woman, whose past life, whose story, whose loved ones were now on another planet, onto a cart attached to an all-terrain vehicle and headed off down a bumpy dirt road with the body bouncing up and down.

There is property damage committed against the indigenous from passing migrants.

There is only a risk that reducing U.S. border patrol would cause this to increase.

Pitts 13 (Byron Pitts, ABC News Anchor & Chief National Correspondent, "In Efforts to Secure US-Mexico Border, Ariz. Native Americans Feel Caught in the Middle", 7/27/2013, ABC News, http://abcnews.go.com/US/efforts-secure-us-mexico-border-ariz-native-americans/story?id=19496394, DJE)

In the Tohono O'odham Nation is "The San Miguel Gate," an area on the U.S.-Mexico border considered to be sacred by the Tohono O'odham. It is the only place where Native Americans can freely walk across the border, but there, the only thing separating Mexico and the U.S. is a low fence guarded by a lone border patrol agent and a light pole powered by a generator. Verlon Jose, a Tohono O'odham tribal leader whose family has lived on the reservation for generations, and other members of his tribe talked to "Nightline" at "The San Miguel Gate." Jose acknowledged that **the Gate carries a myriad of problems. "Drugs come through here, migrants come through here,"** he said. **"We see harassment from individuals who are moving contraband north, moving migrants north. Homes broken into, vehicles broken into. It's gotten more aggressive." Jose's cousin Francine Jose** lives in a remote part of the reservation **and estimated that her house is broken into about once a month by people crossing the border illegally. There is no cell service inside her house so she can't easily call for help -- according to authorities, the police response time to her house can take up to 45 minutes -- and she said the border crossers who walk across her property know it. "They are constantly breaking in all the time," Francine Jose said. "There was one just recently where they cooked stuff, about a month ago, slept."**

Yes, Border patrol agents can be abusive, but they are only part of the problem.

Corruption, tribal police and white supremacists are alt causes.

Norrell 13 (Brenda Norrell, a reporter of Indian country for 33 years, "Tohono O'odham oppose new federal police on sovereign Indian land", 7/25/2013, The Narcosphere, http://narcosphere.narconews.com/notebook/brenda-norrell/2012/07/tohono-oodham-oppose-new-federal-police-sovereign-indian-land, DJE)

SELLS, Arizona -- Tohono O'odham members say it is time to halt the swarm of federal agents on their sovereign land, who are violating their rights and abusing them. This week, a new federal police vehicle of the Bureau of Indian Affairs was seen on sovereign Tohono O'odham land making traffic stops. "I'm wondering who is behind the tinted windows. Are they O'odham or non-O'odham," said an O'odham member, whose name is not published due to the constant targeting of O'odham activists by police and agents. "Many of our tribal police are non-O'odham and do not know about our culture. They cannot communicate with our people who are non-English speakers, and don't understand about the sacredness of Tohono O'odham land." "O'odham living on our land do not know who these new federal police are, with these new vehicles." **"The**

land is over-run by Immigration, Customs, Enforcement (ICE,) US Border Patrol, Department of Homeland Security, tribal police, tribal rangers and now the BIA federal police." "We have all this enforcement on Tohono O'odham land and innocent people get harassed, innocent people get pulled over and held at gunpoint. It is a police state." **"The abuse of sovereignty now extends to our own people. Tribal police are coopted by Homeland Security and carry out their abuse,"** the O'odham member said. Along with the swarm of police and border agents on sovereign Tohono O'odham land, there are the Shadow Wolves, a US public relations scheme which the media writes romantic fiction about. Meanwhile, the few reporters that do actually go out to Tohono O'odham land are most often spoonfed their report by politicians and agents. **Tohono O'odham members say the elected tribal government is being controlled by dollars from the US government. The elected tribal politicians refuse to protect O'odham from the ongoing abuse by tribal police and US border agents.** O'odham are held at gunpoint, flashlights shined in their homes at night and even beaten by US Border Patrol agents. The media continues to cover up the facts, and instead fuels US/Mexico border xenophobia. While focusing on drug running, the media fails to report the murder of migrants by Border Patrol agents and the large number of Border Patrol agents being convicted of drug running and aiding cartels. **Further, both the media and law enforcement ignore the heavily-armed white supremacists at the border.**

If anything, the lack of law enforcement leaves natives open to Cartel abuse

Pavlich 14 (Katie Pavlich, editor and New York Times Best-Selling author, "Illegal Immigrant Sentenced For Sexual Abuse of 11-Year-Old Girl", 2/10/2014, http://townhall.com/tipsheet/katiepavlich/2014/02/10/illegal-immigrant-sentenced-for-sexual-abuse-of-two-native-american-women-n1792584, DJE)

An illegal immigrant from Honduras, 39-year-old Hernan Ramirez-Ortega, has been sentenced to 27 years in prison for sexually abusing an 11-year-old Tohono O'odham girl. He was also sentenced for sexually abusing a woman living on the Gila River Indian Reservation. At the time time of the abuse, Ramirez-Ortega was living on the Tohono O'odham Nation. He plead guilty to the crimes in 2010. **The Tohono O'odham Nation spans** nearly 3 million acres from the U.S. border with Mexico up into Arizona. The reservation **ends near the most popular intersection for drug and human trafficking in the country near Casa Grande**, where I-8 and I-10 intersect**. The lack of law enforcement on the Tohono O'odham allows cartels to operate freely and gives them easy access to the rest of the country. They use it as an entry point, marry into Indian families so they can live on the reservation and, if a village is small enough, cartel members will simply walk in and take property by lethal force.**

Obama is successfully addressing the issue of violence in the Tohono Nation

Wagner 13 (Dennis Wagner, reporter and columnist covering terrorism, the border, federal law enforcement and Native nations, "Poor justice on Arizona Indian reservations has crime running rampant", 9/13/2010,
http://www.azcentral.com/news/investigations/contact/government-accountability.html**, DJE)**

In his first year at the White House, President Barack Obama promised to repair the broken justice system in Indian country. And he appears to be offering substance along with speeches: He appointed Native Americans to key posts and ordered Cabinet secretaries to conduct "listening sessions" with tribal leaders. He requested $449 million for tribal public-safety programs and authorized more FBI victim specialists, BIA investigators and federal prosecutors to fight Native crime. Obama signed the Tribal Law and Order Act of 2010, a measure he promoted to increase authority of Indian police and allow Native courts to issue felony sentences of up to three years. The measure, signed in July, requires training in sexual-assault cases for Indian law officers. Federal agents and attorneys are now obliged to share evidence with tribal justice officials. Obama also issued a mandate, along with Attorney General Eric Holder, that U.S. attorneys visit Indian country regularly to meet with tribal leaders and develop operational plans. The goal: better law enforcement and more prosecutions, especially in cases of violence against women and children. Dennis Burke, the U.S. attorney for Arizona, said communications are paying off. After learning about problems with rape cases on the Navajo Reservation, he sent a letter in June to health officials there requesting records of every incident reported to tribal medical workers during the previous 18 months. In the letter, Burke vows to ensure that "all provable sex assault offenses in Indian country are prosecuted."

Conditions are improving with increased government funding

Wagner 13 (Dennis Wagner, reporter and columnist covering terrorism, the border, federal law enforcement and Native nations, "Poor justice on Arizona Indian reservations has crime running rampant", 9/13/2010,
http://www.azcentral.com/news/investigations/contact/government-accountability.html**, DJE)**

Native American justice advocates, including Hallie Bongar White, executive director of the Southwest Center for Law and Policy in Tucson, said there is restrained belief that Washington, D.C., may finally offer more than lip service. "There is a difference in the Obama administration," said Bongar White, noting that White House rhetoric already has been backed with new funding, programs and appointments. "I see them moving a little bit more to provide resources and listening more to Native nations." Bongar White, whose non-profit group provides legal training to tribal communities, said the change is beginning to show. The Tohono O'odham Nation in southern Arizona recently received money for rape-victim advocates. This spring, she taught tribal police in New Mexico the protocols of rape investigations. Sexual-assault response teams are forming across Indian country. Kim Pound, former police chief at the Fort Apache Reservation, said Congress appropriated money for tribes in the past but it didn't always seem to filter down. There were exceptions, though. Pound said he managed to increase officer salaries in Whiteriver (from starting pay of $14 per hour to $19), purchase crime-scene kits and raise professional standards. Still, he can't help being skeptical. "Stuff that happens in Indian country, if it occurred in any town or city of this country, people would be up in arms," Pound said. "But they don't care." Everette Little Whiteman, police chief for the Oglala Sioux Tribe and a former BIA agent in Arizona, said it will take years to break the cycle of victimization. "The problem is that

crimes are not investigated thoroughly. . . . We need money," he said. Paul Charlton, an outspoken advocate for tribal-justice reform and a former U.S. attorney for Arizona, said Obama has made a start but a paradigm shift is needed before law and order will succeed in Native communities. "This is a system that has been in place since the late 1880s, and it's not working," Charlton said. "The idea that the federal government should be responsible for crimes in Indian country is something that has to be changed."

Plan doesn't solve for the Tohono O'odham police that attempt to shut down villages – their own card

Brenda **Norrell**, 4-8-**2014**, "CENSORED NEWS: Mike Wilson: US Border Patrol shot Tohono O'odham at border," Censored News, http://bsnorrell.blogspot.com/2014/04/mike-wilson-us-border-patrol-shot.html

SAN MIGUEL, TOHONO O'ODHAM NATION — Mike Wilson, Tohono O'odham, said the US Border Patrol shot two Tohono O'odham at the border, one in the face. The Border Patrol claims O'odham side-swiped its vehicle in San Miguel, "The Gate," on Tohono O'odham land at the US Mexico border. However, Wilson points out in the video below that **the Tohono O'odham government, Tohono O'odham police, and US Border Patrol can not be trusted.** Wilson said that **neither the Tohono O'odham government nor police have taken steps to ensure the safety of O'odham** when faced with the US Border Patrol. He said these human rights violations by the US Border Patrol inflicted on O'odham have been going on for more than 10 years and the Tohono O'odham Nation has done nothing to halt this. Further, **Wilson expresses his concern over the Tohono O'odham Nation government's efforts to disable the new district of Hia-Ced** on the western portion of the Tohono O'odham Nation near Ajo, Arizona. **He said even though the Tohono O'odham Nation initially approved of the new district, it is now doing everything in its power to ensure that the new district fails**. Wilson has put out water for years for migrants, over the objections of the Tohono O'odham government, and his life-saving water containers were vandalized. Wilson's water stations have been in the area of the Tohono O'odham Nation with one of the highest rates of death. Wilson has also aided humanitarian groups searching for the bodies of missing migrants on the Tohono O'odham Nation. Meanwhile, **the Tohono O'odham Nation has been able to control and silence much of the mainstream media. The Tohono O'odham police have threatened and stalked O'odham human rights activists to silence them.** Now, the US Homeland Security has given the US southern border contract to an Israeli company, Elbit Systems, which is also responsible for Apartheid security surrounding Palestine. Elbit Systems now has the contract to construct US spy towers on Tohono O'odham land. The Tohono O'odham Legislative Council approved the construction of the 15th spy tower on sovereign O'odham land, according to the May 7, 2013 resolution, despite O'odham protests over the militarization of their lands.

Border Adv

Plan doesn't solve for 225 mile long electric fence cutting through the territory

Indian Country Today Media **Network**, 9-1-**2004**, "An open letter to the UN regarding the Tohono O'odham border," http://indiancountrytodaymedianetwork.com/2004/09/01/open-letter-un-regarding-tohono-oodham-border-93922

To the United Nations Secretariat of the Permanent Forum on Indigenous Issues: We are writing in reference to a press release recently circulated by some members of the Tohono O'odham Nation that contained inaccurate information. While we are sure the intent of these individuals was not to mislead the United Nations or the general public, it is imperative that accurate and complete information on issues of such importance is provided. The media alert released by these members stated in part: "**The 225-mile-long wall will run along the entire Arizona-Mexico border, bisecting 74 miles of O'odham land. The fence will be lit 24 hours a day by 400 high-security floodlights, which will impact local residences.** Along the first wall of railroad ties and steel sheets, 145 remote cameras will conduct surveillance. **Homeland Security forces will patrol a paved road that will that will run in between the**

first fence and a secondary fence with razor-edged coils on top." As the duly-elected leaders of the Tohono O'odham Nation, we submit for the record the current challenges facing the Tohono O'odham Nation and its members in relation to its location on the U.S./Mexico border, and the solutions being undertaken to address these challenges. **The Tohono O'odham Nation is a sovereign government located in Southern Arizona spanning 2.8 million acres, 75 miles of which is contiguous to the U.S border with the Republic of Mexico.** Our members have lived in the deserts of Southern Arizona since time immemorial and, because the U.S.-Mexico international boundary divides our traditional ancestral lands, there are over 1,400 tribal members who currently reside in Mexico. It is critical that all recognized members of the Tohono O'odham Nation maintain the right to cross the border to see families and friends, to receive services and to participate in religious ceremonies and other events. Read more at http://indiancountrytodaymedianetwork.com/2004/09/01/open-letter-un-regarding-tohono-oodham-border-93922

The plan solves nothing. Confirming identity as a projection of Western culture and beliefs onto the Tohono people is inevitable due to legal requirements.

Agencia EFE 14 (Spanish international news agency, "Arizona's Controversial Law Scaring Away Immigrants, Police Chief Says", 8/13/2015, http://latino.foxnews.com/latino/politics/2014/08/12/arizona-police-chief-aim-sb1070-was-scaring-immigrants/, DJE)

Tucson, Arizona – The Tucson police said **Arizona's controversial SB1070 immigration law was designed to make the immigrant community afraid of law enforcement authorities and leave the state. "This law was originally designed so that undocumented immigrants would be afraid of the police, be afraid of coming to ask for help, feel themselves to be a target** and, in that sense, I think that the law was successful, given that some of them have left the state voluntarily," said Roberto Villaseñor in an interview with Efe. Arizona's Hispanic community has continued to fight against SB1070 since it went into effect in 2010, and they complain about cases of abuse by the law enforcement agencies. At the heart of the debate is the law's controversial Section 2(B), also known **as the "show me your papers" provision**, that **since 2012 requires police officers to ask about the immigration status of people they "suspect" of being undocumented.** Villaseñor said that his **officers comply with SB1070 by contacting the Border Patrol as soon as they determine there is probable cause to believe a person may be undocumented**, rejecting accusations that the Tucson Police Department discriminates against the immigrant community. "The idea exists that the police have the option to call the Border Patrol or not, but the truth is that we don't," said Villaseñor, who was appointed police chief in 2009. The TPD has been the target of protests after a confrontation last Sunday between police, Border Patrol agents and activists who lay down underneath official vehicles to try and prevent an undocumented immigrant from being handed over to immigration authorities. "I understand the confusion and the dissatisfaction that exists among activists and members of the community about the interpretation of the law. **The way in which SB1070 is written gives no other option to police departments than to verify the immigration status of the detained person**," Villaseñor said. According to TPD figures, from June 12 to August 10 its officers verified the immigration status of 3,109 people under SB1070. On those occasions, the Border Patrol responded just 45 times and took 24 people into custody. **One of the main things leading the police to ask for the immigration papers of drivers is the lack of a driver's license or other official identification issued by the state.** According to the TPD, 43.1 percent of the people whose immigration status was verified under SB1070 were of Hispanic origin, which, according to Villaseñor, is in line with the proportion of Latinos in Tucson.

TURN: Increasing the flow of immigrants pushes the U.S. over the brink and causes disease spread.

Vliet 14 (Elizabeth Lee Vliet, M.D., Ellis Island Medal of Honor recipient and preventative medicine specialist with practices in Arizona and Texas, "Deadly diseases crossing border with illegals", 6/17/2014, WND News, http://www.wnd.com/2014/06/deadly-diseases-crossing-border-with-illegals/, DJE)

A flood of illegals has massively surged at our southwestern borders. The economic impact of medical care, education and incarceration for illegals forced on taxpayers is bankrupting Arizona. Why are such swarms entering the U.S. illegally NOW, particularly children? Newspapers in Mexico and Central and South America are actually describing U.S. "open borders," encouraging people to come with promises of food stamps or "amnesty." It is textbook Cloward-Piven strategy to overwhelm and collapse the economic and social systems, in order to replace them with a "new socialist order" under federal control. **Carried by this tsunami of illegals are the invisible "travelers" our politicians don't like to mention: diseases the U.S. had controlled or virtually eradicated: tuberculosis (TB), Chagas disease, dengue fever, hepatitis, malaria, measles, plus more.** I have been working on medical projects in Central and South America since 2009, so I am aware of problems these countries face from such diseases. **A public health crisis, the likes of which I have not seen in my lifetime, is looming. Hardest hit by exposures to these difficult-to-treat diseases will be elderly, children, immunosuppressed cancer-patients, patients with chronic lung disease or congestive heart failure. Drug-resistant tuberculosis is the most serious risk, but even diseases like measles can cause severe complications and death in older or immunocompromised patients. TB is highly contagious** – you catch it anywhere around infected people: schools, malls, buses, etc. **The drug-resistant TB now coming across our borders requires a complex, extremely expensive treatment regimen that has serious side effects and a low cure rate.** Chagas, or "kissing bug" disease, caused by the parasite Trypanosoma cruzi, is carried by the triatomine bug that transmits disease to humans. Although "kissing bugs" are already here, they are not as widespread as in Latin America. Right now, Chagas disease is uncommon in the U.S., so many doctors do not think to check for it. Chagas causes debilitating fatigue, headaches, body aches, nausea/vomiting, liver and spleen enlargement, swollen glands, loss of appetite. When Chagas reaches the chronic phase, medications will not cure it. It can kill by arrhythmias, congestive heart failure or sudden cardiac arrest. **Vaccine-preventable diseases like chicken pox, measles and whooping cough spread like wildfire** among unvaccinated children. Other illnesses, along with scabies and head lice, also thrive as children are transported by bus and herded into crowded shelters – courtesy of the federal government. Treatment costs are borne by taxpayers. **Our public health departments complain of being overtaxed by a dozen cases of measles or whooping cough. How will they cope with thousands of patients with many different, and uncommon, diseases? Americans, especially Medicaid patients, will see major delays for treatment.** Delays to see doctors at the Phoenix VA hospital cost the lives of 58 veterans while waiting for care. This is just a portent of far more deaths to come from delays for Americans' medical care as thousands of sick illegals swamp already overcrowded emergency rooms. How will these facilities stay open at all under the financial burden of this huge unfunded federal mandate to provide "free" treatment? People express concern about child endangerment from illegal minors dumped on Arizona streets in hundred-plus degree heat, with no support. **A bigger concern is American endangerment from**

life-threatening diseases added to social and economic collapse from costs of treating hundreds of thousands of illegals.

Diseases cause extinction

Guterl 12 – [Fred, award-winning journalist and executive editor of Scientific American, worked for ten years at Newsweek, has taught science at Princeton University, *The Fate of the Species: Why the Human Race May Cause Its Own Extinction and How We Can Stop It*, 1-2, Google Books, online

Over the next few years, the bigger story turned out not to be SARS, which trailed off quickly, bur avian influenza, or bird flu. It had been making the rounds among birds in Southeast Asia for years. An outbreak in 1997 Hong Kong and another in 2003 each called for the culling of thousands of birds and put virologists and health workers into a tizzy. Although the virus wasn't much of a threat to humans, scientists fretted over the possibility of a horrifying pandemic. Relatively few people caught the virus, but more than half of them died. What would happen if this bird flu virus made the jump to humans? What if it mutated in a way that allowed it to spread from one person to another, through tiny droplets of saliva in the air? One bad spin of the genetic roulette wheel and a deadly new human pathogen would **spread across the globe in a matter of days**. With a kill rate of 60 percent, such a pandemic would be devastating, to say the least.¶ Scientists were worried, all right, but the object of their worry was somewhat theoretical. Nobody knew for certain if such a supervirus was even possible. To cause that kind of damage to the human population, a flu virus has to combine two traits: lethality and transmissibility. The more optimistically minded scientists argued that one trait precluded the other, that if the bird flu acquired the ability to spread like wildfire, it would lose its ability to kill with terrifying efficiency. The virus would spread, cause some fever and sniffles, and take its place among the pantheon of ordinary flu viruses that come and go each season.¶ The optimists, we found out last fall, were wrong. Two groups of scientists working independently managed to create bird flu viruses in the lab that had that **killer combination of lethality and transmissibility among humans**. They did it for the best reasons, of course—to find vaccines and medicines to treat a pandemic should one occur, and more generally to understand how influenza viruses work. If we're lucky, the scientists will get there before nature manages to come up with the virus herself, or before someone steals the genetic blueprints and turns this knowledge against us. ¶ Influenza is a natural killer, but we have made it our own. We have created the conditions for new viruses to flourish—among pigs in factory farms and live animal markets and a connected world of international trade and travel—and we've gone so far as to fabricate the virus ourselves. Flu is an excellent example of how we have, through our technologies and our dominant presence on the planet, begun to multiply the risks to our own survival

Solvency

There would still be non-surveillance border patrol after the plan

Miller 14 (*Todd Miller has researched and written about U.S.-Mexican border issues for more than 10 years. He has worked on both sides of the border for BorderLinks in Tucson, Arizona, and Witness for Peace in Oaxaca, Mexico. He now writes on border and immigration issues for* NACL, Todd Miller, 4-22-2014, "Tomgram: Todd Miller, The Creation of a

Border Security State," Tomdispatch, http://www.tomdispatch.com/blog/175834/tomgram%3A_todd_miller,_the_creation_of_a_border_security_state/) GW

Before 9/11, there was little federal presence on the Tohono O'odham reservation. Since then, the expansion of the Border Patrol into Native American territory has been relentless. Now, **Homeland Security stations, filled with hundreds of agents** (many hired in a 2007-2009 hiring binge**), circle the reservation**. But unlike bouncers at a club, **they check people going out, not heading in**. On every paved road leaving the reservation, **their checkpoints form a second border**. There, **armed agents -- ever more of whom are veterans of America's distant wars -- interrogate anyone who leaves. In addition, there are two "forward operating bases" on the reservation, which are meant to play the role -- facilitating tactical operations in remote regions -- that similar camps did in Afghanistan and Iraq.** Now, thanks to the Elbit Systems contract, a new kind of border will continue to be added to this layering. Imagine part of the futuristic Phoenix exhibition hall leaving Border Expo with the goal of incorporating itself into the lands of a people who were living here before there was a "New World," no less a United States or a Border Patrol. Though **this is** increasingly the reality from Brownsville, Texas, to San Diego, California, on Tohono O'odham land a post-9/11 war posture shades uncomfortably into the leftovers from a nineteenth century Indian war. Think of it as the place **where** the **homeland security** state **meets** its older compatriot, **Manifest Destiny**. On the gate at the entrance to her house**, Tohono O'odham member Ofelia Rivas has put up a sign stating that the Border Patrol can't enter without a warrant. It may be a fine sentiment, reflecting a right embodied in the U.S. Constitution, but in the eyes of the "law," it's ancient history.** Only a mile from the international boundary, her house is well within the 25-mile zone in which the Border Patrol can enter anyone's property without a warrant. These powers make the CBP a super-force in comparison to the local law enforcement outfits it collaborates with. Although **CBP can enter property warrantlessly**, it still needs a warrant to enter somebody's dwelling. In the small community where Rivas lives, known as Ali Jegk, the agents have overstepped even its extra-constitutional bounds with "home invasions" (as people call them). Throughout the Tohono O'odham Nation, people complain about Homeland Security vehicles driving at high speeds and tailgating on the roads. They complain about blinding spotlights, vehicle pull-overs, and unexpected interrogations. **The Border Patrol has pulled O'odham tribal members out of cars, pepper-sprayed them, and beaten them with batons**. As local resident Joseph Flores told a Tucson television station, "It feels like we're being watched all the time." **Another man commented, "I feel like I have no civil rights**." On the reservation, **people speak not only about this new world of intense surveillance, but also about its raw impact on the Tohono O'odham people: violence and subjugation.** Although the tribal legislative council has collaborated extensively with Border Patrol operations, Priscilla Lewis seemed to sum up the sentiments of many O'odham at an open hearing in 2011: "**Too much harassment, following the wrong people, always stopping us, including and especially those who look like Mexicans when driving or walking in the desert... They have too much domination over us**." At her house, Ofelia Rivas tells me a story. One day, she was driving with Tohono O'odham elders towards the U.S.-Mexican border when a low-flying Blackhawk helicopter seemingly picked them up and began following them. Hanging out of the open helicopter doors were CBP gunmen, she said. When they crossed the border into Mexico, the helicopter tracked them through a forest of beautiful saguaro cacti while they headed for a ceremonial site, 25 miles south of the border. They were, of course, crossing what was a non-border to the O'odham, doing something they had

done for thousands of years. Hearing, even feeling the vibration of the propellers, one of the elders said, "I guess we are going to die." They laughed, Rivas added, as there was nothing else to do. They laughed real hard. Then, a mile or so into Mexico, the helicopter turned back. **Americans may increasingly wonder whether NSA agents are scouring their meta-data, reading their personal emails, and the like. In the borderlands no imagination is necessary. The surveillance apparatus is in your face. The high-powered cameras are pointed at you; the drones are above you; you're stopped regularly at checkpoints and interrogated.** Too bad if you're late for school, a meeting, or an appointment. And even worse, if your skin complexion, or the way you're dressed, or anything about you sets off alarm bells, or there's something that doesn't smell quite right to the CBP's dogs -- and such dogs are a commonplace in the region -- being a little late will be the least of your problems. As Rivas told me, a typical exchange on the reservation might involve an agent at a checkpoint asking an O'odham woman whether, as she claimed, she was really going to the grocery store -- and then demanding that she show him her grocery list**. People on the reservation now often refer to what is happening as an armed "occupation."** Mike Wilson, an O'odham member who has tried to put gallon jugs of water along routes Mexican migrants might take through the reservation, speaks of the Border Patrol as an "occupying army." It's hardly surprising. Never before in the Nation's history under Spain, Mexico, or the United States have so many armed agents been present on their land.

Those would circumvent any restrictions on surveillance. They have done it before.

Miller 14 (*Todd Miller has researched and written about U.S.-Mexican border issues for more than 10 years. He has worked on both sides of the border for BorderLinks in Tucson, Arizona, and Witness for Peace in Oaxaca, Mexico. He now writes on border and immigration issues for* NACL, Todd Miller, 4-22-2014, "Tomgram: Todd Miller, The Creation of a Border Security State," Tomdispatch, http://www.tomdispatch.com/blog/175834/tomgram%3A_todd_miller,_the_creation_of_a_border_security_state/) GW

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Their Austin evidence provides no warrant that curtailing surveillance solves – It concedes that legislation is ONLY effective if the Tohono people participate

Austin 91(Megan, Fall 1991, A CULTURE DIVIDED BY THE UNITED STATES-MEXICO BORDER: THE TOHONO O'ODHAM CLAIM FOR BORDER CROSSING RIGHTS, Arizona Journal of International and Comparative Law [Vol. 8, No. 2], Accessed 7/14/15) CH

The Tohono O'odham Tribe suffers fundamental human rights violations under current policies governing the international border between the United States and Mexico. The survival of this indigenous culture depends upon its ability to pass through traditional lands freely, to collect raw materials for traditional foods and crafts and to visit religious sites and family members. Current policies and laws of the United States deny the Tohono O'odham these rights. **Border crossing legislation will help to eliminate these abuses**. **However, in order to be effective, the legislation must allow the Tohono O'odham people to participate in decisions regarding regulation of the border.** The goal of the Tohono O'odham Tribe is to protect its culture and assure its continued existence. Approaching the Tohono O'odham claim for border crossing rights as a claim for basic human rights places indigenous groups within the scope of international principles. The new movements of intemational law focus on the unique claims of indigenous groups, which amount not to secession, but to a level of autonomy which permits the survival of their cultures. Guided by these fundamental international principles, the United States and neighboring nations must recognize the right of the Tohono O'odham to keep their culture alive.

Extra

Pseudo – Speciation

Utilitarianism is good for policy makers – leads to the most benefits over harms

Manuel **Velasquez**,, 8-1-**2014**, "Calculating Consequences: The Utilitarian Approach to Ethics," Markkula Center For Applied Ethic, http://www.scu.edu/ethics/practicing/decision/calculating.html

Calculating Consequences: The Utilitarian Approach to Ethics Developed by Manuel Velasquez, Claire Andre, Thomas Shanks, S.J., and Michael J. Meyer Imagine that the U.S. Central Intelligence Agency gets wind of a plot to set off a dirty bomb in a major American city. Agents capture a suspect who, they believe, has information about where the bomb is planted. Is it permissible for them to torture the suspect into revealing the bomb's whereabouts? Can the dignity of one individual be violated in order to save many others? Greatest Balance of Goods Over Harms If you answered yes, you were probably using a form of moral reasoning called "utilitarianism." Stripped down to its essentials, **utilitarianism is a moral principle that holds that the morally right course of action in any situation is the one that produces the greatest balance of benefits over harms for everyone affected.** So long as a course of action produces maximum benefits for everyone, utilitarianism does not care whether the benefits are produced by lies, manipulation, or coercion. Many of us use this type of moral reasoning frequently in our daily decisions. When asked to explain why we feel we have a moral duty to perform some action, we often point to the good that will come from the action or the harm it will prevent. **Business analysts, legislators, and scientists weigh daily the resulting benefits and harms of policies when deciding**, for example, whether to invest resources in a certain public project, whether to approve a new drug, or whether to ban a certain pesticide. Utilitarianism offers **a relatively straightforward method for deciding the morally right course of action for any particular situation** we may find ourselves in. To discover what we ought to do in any situation, we first identify the various courses of action that we could perform. Second, we determine all of the foreseeable benefits and harms that would result from each course of action for everyone affected by the action. And third, we choose the course of action that provides the greatest benefits after the costs have been taken into account. The principle of utilitarianism can be traced to the writings of Jeremy Bentham, who lived in England during the eighteenth and nineteenth centuries. Bentham, a legal reformer, sought an objective basis that would provide a publicly acceptable norm for determining what kinds of laws England should enact. He believed that the most promising way of reaching such an agreement was to choose that policy that would bring about the greatest net benefits to society once the harms had been taken into account. His motto, a familiar one now, was "the greatest good for the greatest number." Over the years, the principle of utilitarianism has been expanded and refined so that today there are many variations of the principle. For example, Bentham defined benefits and harms in terms of pleasure and pain. John Stuart Mill, a great 19th century utilitarian figure, spoke of benefits and harms not in terms of pleasure and pain alone but in terms of the quality or intensity of such pleasure and pain. Today utilitarians often describe benefits and harms in terms of the satisfaction of personal preferences or in purely economic terms of monetary benefits over monetary costs. Utilitarians also differ in their views about the kind of question we ought to ask ourselves when making an ethical decision. Some utilitarians maintain that in making an ethical decision, we must ask ourselves: "What effect will my doing this act in this situation have on the general balance of good over evil?" If lying would produce the best consequences in a particular situation, we ought to lie. Others, known as rule utilitarians, claim that we must choose that act that conforms to the general rule that would have the best consequences. In other words, we must ask ourselves: "What effect would everyone's doing this kind of action have on the general balance of good over evil?" So, for example, the rule "to always tell the truth" in general promotes the good of everyone and therefore should always be followed, even if in a certain situation lying would produce the best consequences. Despite such differences among utilitarians, however, most hold to the general principle that **morality must depend on balancing the beneficial and harmful consequences of our conduct.** - See more at: http://www.scu.edu/ethics/practicing/decision/calculating.html#sthash.7QghnbgB.dpuf

Basing an individual's identity off oppression destroys the ability of the individual to create change – turns their impacts of domination, slavery, and "every form of evil"

Abbas 2010 [Asma, Professor and Division Head in Social Studies, Political Science, Philosophy at the Liebowitz Center for International Studies at Bard College at Simon's Rock, Liberalism

and Human Suffering: Materialist Reflections on Politics, Ethics, and Aesthetics, London: Palgrave Macmillan, pg. Pg. 133- 136]

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

Turns dehumanization - their Miller 14 narrative paints a picture that all there is to Tohonos is their oppression

Delgado 93 [46 Vand. L. Rev. 672 (1993) On Telling Stories in School: A Reply to Farber and Sherry ; Delgado, Richard]

It is difficult to evaluate someone who at the same time is evaluating you – putting you under the glass, dissecting your culture, laws, profession, and norms of political fairness. **The outsider's task is formidable enough: first seeing, then addressing, defects in the culture in which all of us, including the outsider, are immersed**. But when one sets out, as Daniel Farber and Suzanna Sherry do in a recent article, to come to terms with outsider scholarship fairly and sympathetically, the task's difficulty increase by an order of magnitude. **Empowered groups long ago established a host of stories, narratives**, conventions, and understandings **that** today, through repetition, **seem natural and true. Among these are criteria of judgment-the terms and categories by which we decide which things are good, valid, worthy, and true.** Today, newcomers are telling their own versions, including counterstories, whose purpose is to **reveal the contingency, partiality, and self-serving quality of the stories** on which we have been relying to order our world.

Their evidence on pseudo-speciation only says tribal police participate in it

Miller 14 (*Todd Miller has researched and written about U.S.-Mexican border issues for more than 10 years. He has worked on both sides of the border for BorderLinks in Tucson, Arizona, and Witness for Peace in Oaxaca, Mexico. He now writes on border and immigration issues for* NACL, Todd Miller, 4-22-2014, "Tomgram: Todd Miller, The Creation of a Border Security State," Tomdispatch, http://www.tomdispatch.com/blog/175834/tomgram%3A_todd_miller,_the_creation_of_a_border_security_state/)TB

Between the unbridled enthusiasm of the vendors with their techno-optimistic "solutions" and the reality of border life in the Tohono O'odham Nation -- or for that matter just about anywhere along the 2,000-mile divide -- the chasm couldn't be wider. On the reservation back in 2012, Longoria called in the GPS coordinates of the unknown dead woman, as so many agents have done in the past and will undoubtedly do in the years to come. Headquarters in Tucson contacted **the Tohono O'odham tribal police**. The agents waited in the baking heat by the motionless body. When the tribal police pulled up, they took her picture, as they have done with other corpses so many times before. **They** rolled her over and took another picture. Her body was, by now, deep purple on one side. The tribal police explained to Longoria that it was because the blood settles there. They brought out a plastic body bag. "Pseudo-speciation," Longoria told me. That, he said, is how **they** deal with it. He talked about an interview he'd heard with a Vietnam vet on National Public Radio, who said that to deal with the dead in war, "you have to take a person and change his genus. Give him a whole different category. You couldn't stand looking at these bodies, so you detach yourself. You give them a different name that detracts from their humanness." The tribal police worked with stoic faces. They lifted the body of this woman, whose past life, whose story, whose loved ones were now on another planet, onto a cart attached to an all-terrain vehicle and headed off down a bumpy dirt road with the body bouncing up and down.

Physical Violence

There is property damage committed against the indigenous from passing migrants.

There is only a risk that reducing U.S. border patrol would cause this to increase.

Pitts 13 (Byron Pitts, ABC News Anchor & Chief National Correspondent, "In Efforts to Secure US-Mexico Border, Ariz. Native Americans Feel Caught in the Middle", 7/27/2013, ABC News, http://abcnews.go.com/US/efforts-secure-us-mexico-border-ariz-native-americans/story?id=19496394, DJE)

In the Tohono O'odham Nation is "The San Miguel Gate," an area on the U.S.-Mexico border considered to be sacred by the Tohono O'odham. It is the only place where Native Americans can freely walk across the border, but there, the only thing separating Mexico and the U.S. is a low fence guarded by a lone border patrol agent and a light pole powered by a generator. Verlon Jose, a Tohono O'odham tribal leader whose family has lived on the reservation for generations, and other members of his tribe talked to "Nightline" at "The San Miguel Gate." Jose acknowledged that **the Gate carries a myriad of problems. "Drugs come through here, migrants come through here,"** he said. **"We see harassment from individuals who are moving contraband north, moving migrants north. Homes broken into, vehicles broken into. It's gotten more aggressive." Jose's cousin Francine Jose** lives in a remote part of the reservation **and estimated that her house is broken into about once a month by people crossing the border illegally. There is no cell service inside her house so she can't easily call for help -- according to authorities, the police response time to her house can take up to 45 minutes -- and she said the border crossers who walk across her property know it. "They are constantly breaking in all the time," Francine Jose said. "There was one just recently where they cooked stuff, about a month ago, slept."**

Yes, Border patrol agents can be abusive, but they are only part of the problem.

Corruption, tribal police and white supremacists are alt causes.

Norrell 13 (Brenda Norrell, a reporter of Indian country for 33 years, "Tohono O'odham oppose new federal police on sovereign Indian land", 7/25/2013, The Narcosphere, http://narcosphere.narconews.com/notebook/brenda-norrell/2012/07/tohono-oodham-oppose-new-federal-police-sovereign-indian-land, DJE)

SELLS, Arizona -- Tohono O'odham members say it is time to halt the swarm of federal agents on their sovereign land, who are violating their rights and abusing them. This week, a new federal police vehicle of the Bureau of Indian Affairs was seen on sovereign Tohono O'odham land making traffic stops. "I'm wondering who is behind the tinted windows. Are they O'odham or non-O'odham," said an O'odham member, whose name is not published due to the constant targeting of O'odham activists by police and agents. "Many of our tribal police are non-O'odham and do not know about our culture. They cannot communicate with our people who are non-English speakers, and don't understand about the sacredness of Tohono O'odham land." "O'odham

living on our land do not know who these new federal police are, with these new vehicles." **"The land is over-run by Immigration, Customs, Enforcement (ICE,) US Border Patrol, Department of Homeland Security, tribal police, tribal rangers and now the BIA federal police."** "We have all this enforcement on Tohono O'odham land and innocent people get harassed, innocent people get pulled over and held at gunpoint. It is a police state." **"The abuse of sovereignty now extends to our own people. Tribal police are coopted by Homeland Security and carry out their abuse,"** the O'odham member said. Along with the swarm of police and border agents on sovereign Tohono O'odham land, there are the Shadow Wolves, a US public relations scheme which the media writes romantic fiction about. Meanwhile, the few reporters that do actually go out to Tohono O'odham land are most often spoonfed their report by politicians and agents. **Tohono O'odham members say the elected tribal government is being controlled by dollars from the US government. The elected tribal politicians refuse to protect O'odham from the ongoing abuse by tribal police and US border agents.** O'odham are held at gunpoint, flashlights shined in their homes at night and even beaten by US Border Patrol agents. The media continues to cover up the facts, and instead fuels US/Mexico border xenophobia. While focusing on drug running, the media fails to report the murder of migrants by Border Patrol agents and the large number of Border Patrol agents being convicted of drug running and aiding cartels. **Further, both the media and law enforcement ignore the heavily-armed white supremacists at the border.**

If anything, the lack of law enforcement leaves natives open to Cartel abuse

Pavlich 14 (Katie Pavlich, editor and New York Times Best-Selling author, "Illegal Immigrant Sentenced For Sexual Abuse of 11-Year-Old Girl", 2/10/2014, http://townhall.com/tipsheet/katiepavlich/2014/02/10/illegal-immigrant-sentenced-for-sexual-abuse-of-two-native-american-women-n1792584, DJE)

An illegal immigrant from Honduras, 39-year-old Hernan Ramirez-Ortega, has been sentenced to 27 years in prison for sexually abusing an 11-year-old Tohono O'odham girl. He was also sentenced for sexually abusing a woman living on the Gila River Indian Reservation. At the time time of the abuse, Ramirez-Ortega was living on the Tohono O'odham Nation. He plead guilty to the crimes in 2010. **The Tohono O'odham Nation spans** nearly 3 million acres from the U.S. border with Mexico up into Arizona. The reservation **ends near the most popular intersection for drug and human trafficking in the country near Casa Grande**, where I-8 and I-10 intersect**. The lack of law enforcement on the Tohono O'odham allows cartels to operate freely and gives them easy access to the rest of the country. They use it as an entry point, marry into Indian families so they can live on the reservation and, if a village is small enough, cartel members will simply walk in and take property by lethal force.**

Obama is successfully addressing the issue of violence in the Tohono Nation

Wagner 13 (Dennis Wagner, reporter and columnist covering terrorism, the border, federal law enforcement and Native nations, "Poor justice on Arizona Indian reservations

has crime running rampant", 9/13/2010,
http://www.azcentral.com/news/investigations/contact/government-accountability.html**, DJE)**

In his first year at the White House, President Barack Obama promised to repair the broken justice system in Indian country. And he appears to be offering substance along with speeches: He appointed Native Americans to key posts and ordered Cabinet secretaries to conduct "listening sessions" with tribal leaders. He requested $449 million for tribal public-safety programs and authorized more FBI victim specialists, BIA investigators and federal prosecutors to fight Native crime. Obama signed the Tribal Law and Order Act of 2010, a measure he promoted to increase authority of Indian police and allow Native courts to issue felony sentences of up to three years. The measure, signed in July, requires training in sexual-assault cases for Indian law officers. Federal agents and attorneys are now obliged to share evidence with tribal justice officials. Obama also issued a mandate, along with Attorney General Eric Holder, that U.S. attorneys visit Indian country regularly to meet with tribal leaders and develop operational plans. The goal: better law enforcement and more prosecutions, especially in cases of violence against women and children. Dennis Burke, the U.S. attorney for Arizona, said communications are paying off. After learning about problems with rape cases on the Navajo Reservation, he sent a letter in June to health officials there requesting records of every incident reported to tribal medical workers during the previous 18 months. In the letter, Burke vows to ensure that "all provable sex assault offenses in Indian country are prosecuted."

Conditions are improving with increased government funding

Wagner 13 (Dennis Wagner, reporter and columnist covering terrorism, the border, federal law enforcement and Native nations, "Poor justice on Arizona Indian reservations has crime running rampant", 9/13/2010,
http://www.azcentral.com/news/investigations/contact/government-accountability.html**, DJE)**

Native American justice advocates, including Hallie Bongar White, executive director of the Southwest Center for Law and Policy in Tucson, said there is restrained belief that Washington, D.C., may finally offer more than lip service. "There is a difference in the Obama administration," said Bongar White, noting that White House rhetoric already has been backed with new funding, programs and appointments. "I see them moving a little bit more to provide resources and listening more to Native nations." Bongar White, whose non-profit group provides legal training to tribal communities, said the change is beginning to show. The Tohono O'odham Nation in southern Arizona recently received money for rape-victim advocates. This spring, she taught tribal police in New Mexico the protocols of rape investigations. Sexual-assault response teams are forming across Indian country. Kim Pound, former police chief at the Fort Apache Reservation, said Congress appropriated money for tribes in the past but it didn't always seem to filter down. There were exceptions, though. Pound said he managed to increase officer salaries in Whiteriver (from starting pay of $14 per hour to $19), purchase crime-scene kits and raise professional standards. Still, he can't help being skeptical. "Stuff that happens in Indian country, if it occurred in any town or city of this country, people would be up in arms," Pound said. "But they don't care."

Everette Little Whiteman, police chief for the Oglala Sioux Tribe and a former BIA agent in Arizona, said it will take years to break the cycle of victimization. "The problem is that crimes are not investigated thoroughly. . . . We need money," he said. Paul Charlton, an outspoken advocate for tribal-justice reform and a former U.S. attorney for Arizona, said Obama has made a start but a paradigm shift is needed before law and order will succeed in Native communities. "This is a system that has been in place since the late 1880s, and it's not working," Charlton said. "The idea that the federal government should be responsible for crimes in Indian country is something that has to be changed."

Plan doesn't solve for the Tohono O'odham police that attempt to shut down villages – their own card

Brenda **Norrell**, 4-8-**2014**, "CENSORED NEWS: Mike Wilson: US Border Patrol shot Tohono O'odham at border," Censored News, http://bsnorrell.blogspot.com/2014/04/mike-wilson-us-border-patrol-shot.html

SAN MIGUEL, TOHONO O'ODHAM NATION — Mike Wilson, Tohono O'odham, said the US Border Patrol shot two Tohono O'odham at the border, one in the face. The Border Patrol claims O'odham side-swiped its vehicle in San Miguel, "The Gate," on Tohono O'odham land at the US Mexico border. However, Wilson points out in the video below that **the Tohono O'odham government, Tohono O'odham police, and US Border Patrol can not be trusted.** Wilson said that **neither the Tohono O'odham government nor police have taken steps to ensure the safety of O'odham** when faced with the US Border Patrol. He said these human rights violations by the US Border Patrol inflicted on O'odham have been going on for more than 10 years and the Tohono O'odham Nation has done nothing to halt this. Further, **Wilson expresses his concern over the Tohono O'odham Nation government's efforts to disable the new district of Hia-Ced** on the western portion of the Tohono O'odham Nation near Ajo, Arizona. **He said even though the Tohono O'odham Nation initially approved of the new district, it is now doing everything in its power to ensure that the new district fails**. Wilson has put out water for years for migrants, over the objections of the Tohono O'odham government, and his life-saving water containers were vandalized. Wilson's water stations have been in the area of the Tohono O'odham Nation with one of the highest rates of death. Wilson has also aided humanitarian groups searching for the bodies of missing migrants on the Tohono O'odham Nation. Meanwhile, **the Tohono O'odham Nation has been able to control and silence much of the mainstream media. The Tohono O'odham police have threatened and stalked O'odham human rights activists to silence them.** Now, the US Homeland Security has given the US southern border contract to an Israeli company, Elbit Systems, which is also responsible for Apartheid security surrounding Palestine. Elbit Systems now has the contract to construct US spy towers on Tohono O'odham land. The Tohono O'odham Legislative Council approved the construction of the 15th spy tower on sovereign O'odham land, according to the May 7, 2013 resolution, despite O'odham protests over the militarization of their lands.

Tribal police are understaffed and overworked – the plan would only increase their burden

Wakeling et. al. 01 (Stewart Wakeling; Miriam Jorgensen, Research Director for the Native Nations Institute at the University of Arizona; Susan Michaelson; Manley Begay, director of the Native Nations Institute for Leadership, Management, and Policy, "Policing on American Indian Reservations", July 2001, research report by the US Department of Justice pages 15-18, https://www.ncjrs.gov/pdffiles1/nij/188095.pdf, DJE)

The workload of police departments in Indian Country is increasing at a significant rate. General evidence of this trend comes from our survey data, brief site visits, and four

intensive site visits. Specific evidence is given in exhibits 2–5, which approximate the increase in calls for service, incident reports, and arrests from the Tohono O'odham Nation, the Three Affiliated Tribes of the Fort Berthold Reservation, and the Confederated Salish and Kootenai Tribes of the Flathead Reservation. The Tohono O'odham data (exhibits 2 and 3) show an average annual increase between 1994 and 1996 of more than 20 percent in incident reports and nearly 30 percent in arrests. During that period, not only the overall pressure on the department increased, but also the workload of individual officers because the number of sworn officers remained relatively constant. The Three Affiliated Tribes' data (exhibit 4) show an average annual increase in arrests of more than 30 percent between 1992 and 1994. As at Tohono O'odham, this led to an increased demand for service from individual officers, since the increase in calls for service and arrests outpaced the expansion of the Fort Berthold department staff. The Confederated Salish and Kootenai Tribes' data (exhibit 5) show an average annual increase of 15 percent in calls for service and 45 percent in cited offenses from fiscal year 1992 to fiscal year 1996. Several new officers were hired in fiscal year 1995, but again, not in proportion to the additional workload. Anecdotal evidence suggests that these workload increases are partly due to increases in serious crime and emergencies on reservations. But other simple explanations should not be overlooked. For example, unlike many smaller Indian police departments, the Tohono O'odham department has a 911 system; the community's growing reliance on 911 is a strong contributing factor to the increase in calls for service. These systems may be a broader cause of the increased workload we observed across Indian Country. As Indian police departments implement automated call management, they may be experiencing the surge in high-priority calls and heightened demand that urban departments experienced when they established 911 systems (Sparrow, Moore, and Kennedy 1990). For the Confederated Salish and Kootenai department, the large increase in demand from fiscal year 1994 to 1995 occurred as a result of "retrocession," by which the State of Montana ceded control over reservation policing to the tribe. (This change is discussed in greater depth in chapter 4.) While this was a fairly dramatic increase in tribal control, in which a tribe subject to the authority of PL 83–280 regained its former rights, other Indian nations also are increasing their jurisdictional sweep, largely through cross-deputization agreements. Thus, another simple cause of Indian police departments' increased workload is increased authority over the offenses committed within reservation boundaries. Yet, there is good reason to believe that the increased workload in Indian police departments is not simply the result of rising serious crime and emergencies, the greater availability of 911 services, or expanded jurisdictional rights. It also appears that communities are placing new demands on police departments to respond more frequently and more rapidly to a broad range of problems. Many researchers have asserted that tribal communities have become less and less reliant on traditional methods of problem or conflict resolution and more reliant on the police (for example, Nielsen 1996; Royal Commission on Aboriginal Peoples 1996). Our observations support this conclusion. For example, at Tohono O'odham, not only has the demand for police services increased, but, in recent years, there has also been a steady increase in the tribal advocates' caseloads; by 1996, each of the 10 advocates handled approximately 500 cases per year, an estimate that does not include the cases handled by private attorneys and other legal services providers on the reservation. Similarly, defense advocates at Gila River reported that they stopped accepting traffic cases (misdemeanor violations of tribal traffic laws) in the early 1990s because so many more serious cases filled their dockets.

Border

Plan doesn't solve for 225 mile long electric fence cutting through the territory

Indian Country Today Media **Network**, 9-1-**2004**, "An open letter to the UN regarding the Tohono O'odham border," http://indiancountrytodaymedianetwork.com/2004/09/01/open-letter-un-regarding-tohono-oodham-border-93922

To the United Nations Secretariat of the Permanent Forum on Indigenous Issues: We are writing in reference to a press release recently circulated by some members of the Tohono O'odham Nation that contained inaccurate information. While we are sure the intent of these individuals was not to mislead the United Nations or the general public, it is imperative that accurate and complete information on issues of such importance is provided. The media alert released by these members stated in part: "**The 225-mile-long wall will run along the entire Arizona-Mexico border, bisecting 74 miles of O'odham land. The fence will be lit 24 hours a day by 400 high-security floodlights, which will impact local residences.** Along the first wall of railroad ties and steel sheets, 145 remote cameras will conduct surveillance. **Homeland Security forces will patrol a paved road that will that will run in between the first fence and a secondary fence with razor-edged coils on top."** As the duly-elected leaders of the Tohono O'odham Nation, we submit for the record the current challenges facing the Tohono O'odham Nation and its members in relation to its location on the U.S./Mexico border, and the solutions being undertaken to address these challenges. **The Tohono O'odham Nation is a sovereign government located in Southern Arizona spanning 2.8 million acres, 75 miles of which is contiguous to the U.S border with the Republic of Mexico.** Our members have lived in the deserts of Southern Arizona since time immemorial and, because the U.S.-Mexico international boundary divides our traditional ancestral lands, there are over 1,400 tribal members who currently reside in Mexico. It is critical that all recognized members of the Tohono O'odham Nation maintain the right to cross the border to see families and friends, to receive services and to participate in religious ceremonies and other events. Read more at http://indiancountrytodaymedianetwork.com/2004/09/01/open-letter-un-regarding-tohono-oodham-border-93922

The plan solves nothing. Confirming identity as a projection of Western culture and beliefs onto the Tohono people is inevitable due to legal requirements.

Agencia EFE 14 (Spanish international news agency, "Arizona's Controversial Law Scaring Away Immigrants, Police Chief Says", 8/13/2015, http://latino.foxnews.com/latino/politics/2014/08/12/arizona-police-chief-aim-sb1070-was-scaring-immigrants/, DJE)

Tucson, Arizona – The Tucson police said **Arizona's controversial SB1070 immigration law was designed to make the immigrant community afraid of law enforcement authorities and leave the state. "This law was originally designed so that undocumented immigrants would be afraid of the police, be afraid of coming to ask for help, feel themselves to be a target** and, in that sense, I think that the law was successful, given that some of them have left the state voluntarily," said Roberto Villaseñor in an interview with Efe. Arizona's Hispanic community has continued to fight against SB1070 since it went into effect in 2010, and they complain about cases of abuse by the law enforcement agencies. At the heart of the debate is the law's controversial Section 2(B), also known **as the "show me your papers" provision**, that **since 2012 requires police officers to ask about the immigration status of people they "suspect" of being undocumented.** Villaseñor said that his **officers comply with SB1070 by contacting the**

Border Patrol as soon as they determine there is probable cause to believe a person may be undocumented, rejecting accusations that the Tucson Police Department discriminates against the immigrant community. "The idea exists that the police have the option to call the Border Patrol or not, but the truth is that we don't," said Villaseñor, who was appointed police chief in 2009. The TPD has been the target of protests after a confrontation last Sunday between police, Border Patrol agents and activists who lay down underneath official vehicles to try and prevent an undocumented immigrant from being handed over to immigration authorities. "I understand the confusion and the dissatisfaction that exists among activists and members of the community about the interpretation of the law. **The way in which SB1070 is written gives no other option to police departments than to verify the immigration status of the detained person**," Villaseñor said. According to TPD figures, from June 12 to August 10 its officers verified the immigration status of 3,109 people under SB1070. On those occasions, the Border Patrol responded just 45 times and took 24 people into custody. **One of the main things leading the police to ask for the immigration papers of drivers is the lack of a driver's license or other official identification issued by the state.** According to the TPD, 43.1 percent of the people whose immigration status was verified under SB1070 were of Hispanic origin, which, according to Villaseñor, is in line with the proportion of Latinos in Tucson.

Solvency

There would still be non-surveillance border patrol after the plan

Miller 14 (*Todd Miller has researched and written about U.S.-Mexican border issues for more than 10 years. He has worked on both sides of the border for BorderLinks in Tucson, Arizona, and Witness for Peace in Oaxaca, Mexico. He now writes on border and immigration issues for* NACL, Todd Miller, 4-22-2014, "Tomgram: Todd Miller, The Creation of a Border Security State," Tomdispatch, http://www.tomdispatch.com/blog/175834/tomgram%3A_todd_miller,_the_creation_of_a_border_security_state/) GW

Before 9/11, there was little federal presence on the Tohono O'odham reservation. Since then, the expansion of the Border Patrol into Native American territory has been relentless. Now**, Homeland Security stations, filled with hundreds of agents** (many hired in a 2007-2009 hiring binge**), circle the reservation**. But unlike bouncers at a club, **they check people going out, not heading in**. On every paved road leaving the reservation, **their checkpoints form a second border**. There, **armed agents -- ever more of whom are veterans of America's distant wars -- interrogate anyone who leaves. In addition, there are two "forward operating bases" on the reservation, which are meant to play the role -- facilitating tactical operations in remote regions -- that similar camps did in Afghanistan and Iraq.** Now, thanks to the Elbit Systems contract, a new kind of border will continue to be added to this layering. Imagine part of the futuristic Phoenix exhibition hall leaving Border Expo with the goal of incorporating itself into the lands of a people who were living here before there was a "New World," no less a United States or a Border Patrol. Though **this is** increasingly the reality from Brownsville, Texas, to San Diego, California, on Tohono O'odham land a post-9/11 war posture shades uncomfortably into the leftovers from a nineteenth century Indian war. Think of it as the place **where** the **homeland security** state **meets** its older compatriot, **Manifest Destiny**. On the gate at the entrance to her

house**, Tohono O'odham member Ofelia Rivas has put up a sign stating that the Border Patrol can't enter without a warrant. It may be a fine sentiment, reflecting a right embodied in the U.S. Constitution, but in the eyes of the "law," it's ancient history.** Only a mile from the international boundary, her house is well within the 25-mile zone in which the Border Patrol can enter anyone's property without a warrant. These powers make the CBP a super-force in comparison to the local law enforcement outfits it collaborates with. Although **CBP can enter property warrantlessly**, it still needs a warrant to enter somebody's dwelling. In the small community where Rivas lives, known as Ali Jegk, the agents have overstepped even its extra-constitutional bounds with "home invasions" (as people call them). Throughout the Tohono O'odham Nation, people complain about Homeland Security vehicles driving at high speeds and tailgating on the roads. They complain about blinding spotlights, vehicle pull-overs, and unexpected interrogations. **The Border Patrol has pulled O'odham tribal members out of cars, pepper-sprayed them, and beaten them with batons**. As local resident Joseph Flores told a Tucson television station, "It feels like we're being watched all the time." **Another man commented, "I feel like I have no civil rights**." On the reservation, **people speak not only about this new world of intense surveillance, but also about its raw impact on the Tohono O'odham people: violence and subjugation.** Although the tribal legislative council has collaborated extensively with Border Patrol operations, Priscilla Lewis seemed to sum up the sentiments of many O'odham at an open hearing in 2011: "**Too much harassment, following the wrong people, always stopping us, including and especially those who look like Mexicans when driving or walking in the desert... They have too much domination over us**." At her house, Ofelia Rivas tells me a story. One day, she was driving with Tohono O'odham elders towards the U.S.-Mexican border when a low-flying Blackhawk helicopter seemingly picked them up and began following them. Hanging out of the open helicopter doors were CBP gunmen, she said. When they crossed the border into Mexico, the helicopter tracked them through a forest of beautiful saguaro cacti while they headed for a ceremonial site, 25 miles south of the border. They were, of course, crossing what was a non-border to the O'odham, doing something they had done for thousands of years. Hearing, even feeling the vibration of the propellers, one of the elders said, "I guess we are going to die." They laughed, Rivas added, as there was nothing else to do. They laughed real hard. Then, a mile or so into Mexico, the helicopter turned back.

Americans may increasingly wonder whether NSA agents are scouring their meta-data, reading their personal emails, and the like. In the borderlands no imagination is necessary. The surveillance apparatus is in your face. The high-powered cameras are pointed at you; the drones are above you; you're stopped regularly at checkpoints and interrogated. Too bad if you're late for school, a meeting, or an appointment. And even worse, if your skin complexion, or the way you're dressed, or anything about you sets off alarm bells, or there's something that doesn't smell quite right to the CBP's dogs -- and such dogs are a commonplace in the region -- being a little late will be the least of your problems. As Rivas told me, a typical exchange on the reservation might involve an agent at a checkpoint asking an O'odham woman whether, as she claimed, she was really going to the grocery store -- and then demanding that she show him her grocery list**. People on the reservation now often refer to what is happening as an armed "occupation."** Mike Wilson, an O'odham member who has tried to put gallon jugs of water along routes Mexican migrants might take through the reservation, speaks of the Border Patrol as an "occupying army." It's hardly surprising. Never before in the Nation's history under Spain, Mexico, or the United States have so many armed agents been present on their land.

Those would circumvent any restrictions on surveillance. They have done it before.

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Their Austin evidence provides no warrant that curtailing surveillance solves – It concedes that legislation is ONLY effective if the Tohono people participate

Austin 91(Megan, Fall 1991, A CULTURE DIVIDED BY THE UNITED STATES-MEXICO BORDER: THE TOHONO O'ODHAM CLAIM FOR BORDER CROSSING RIGHTS, Arizona Journal of International and Comparative Law [Vol. 8, No. 2], Accessed 7/14/15) CH

The Tohono O'odham Tribe suffers fundamental human rights violations under current policies governing the international border between the United States and Mexico. The survival of this indigenous culture depends upon its ability to pass through traditional lands freely, to collect raw materials for traditional foods and crafts and to visit religious sites and family members. Current policies and laws of the United States deny the Tohono O'odham these rights. **Border crossing legislation will help to eliminate these abuses**. **However, in order to be effective, the legislation must allow the Tohono O'odham people to participate in decisions regarding regulation of the border.** The goal of the Tohono O'odham Tribe is to protect its culture and assure its continued existence. Approaching the Tohono O'odham claim for border crossing rights as a claim for basic human rights places indigenous groups within the scope of international principles. The new movements of intemational law focus on the unique claims of indigenous groups, which amount not to secession, but to a level of autonomy which permits the survival of their cultures. Guided by these fundamental international principles, the United States and neighboring nations must recognize the right of the Tohono O'odham to keep their culture alive.

Disease Turn

1NC

(Read this on the Borders advantage)

TURN: Increasing the flow of contaminated immigrants pushes the U.S. over the brink and causes disease spread.

Vliet 14 (Elizabeth Lee Vliet, M.D., Ellis Island Medal of Honor recipient and preventative medicine specialist with practices in Arizona and Texas, "Deadly diseases crossing border with illegals", 6/17/2014, WND News, http://www.wnd.com/2014/06/deadly-diseases-crossing-border-with-illegals/, DJE)

A flood of illegals has massively surged at our southwestern borders. The economic impact of medical care, education and incarceration for illegals forced on taxpayers is bankrupting Arizona. Why are such swarms entering the U.S. illegally NOW, particularly children? Newspapers in Mexico and Central and South America are actually describing U.S. "open borders," encouraging people to come with promises of food stamps or "amnesty." It is textbook Cloward-Piven strategy to overwhelm and collapse the economic and social systems, in order to replace them with a "new socialist order" under federal control. **Carried by this tsunami of illegals are the invisible "travelers" our politicians don't like to mention: diseases the U.S. had controlled or virtually eradicated: tuberculosis (TB), Chagas disease, dengue fever, hepatitis, malaria, measles, plus more.** I have been working on medical projects in Central and South America since 2009, so I am aware of problems these countries face from such diseases. **A public health crisis, the likes of which I have not seen in my lifetime, is looming. Hardest hit by exposures to these difficult-to-treat diseases will be elderly, children, immunosuppressed cancer-patients, patients with chronic lung disease or congestive heart failure. Drug-resistant**

tuberculosis is the most serious risk, but even diseases like measles can cause severe complications and death in older or immunocompromised patients. TB is highly contagious – you catch it anywhere around infected people: schools, malls, buses, etc. **The drug-resistant TB now coming across our borders requires a complex, extremely expensive treatment regimen that has serious side effects and a low cure rate.** Chagas, or "kissing bug" disease, caused by the parasite Trypanosoma cruzi, is carried by the triatomine bug that transmits disease to humans. Although "kissing bugs" are already here, they are not as widespread as in Latin America. Right now, Chagas disease is uncommon in the U.S., so many doctors do not think to check for it. Chagas causes debilitating fatigue, headaches, body aches, nausea/vomiting, liver and spleen enlargement, swollen glands, loss of appetite. When Chagas reaches the chronic phase, medications will not cure it. It can kill by arrhythmias, congestive heart failure or sudden cardiac arrest. **Vaccine-preventable diseases like chicken pox, measles and whooping cough spread like wildfire** among unvaccinated children. Other illnesses, along with scabies and head lice, also thrive as children are transported by bus and herded into crowded shelters – courtesy of the federal government. Treatment costs are borne by taxpayers. **Our public health departments complain of being overtaxed by a dozen cases of measles or whooping cough. How will they cope with thousands of patients with many different, and uncommon, diseases? Americans, especially Medicaid patients, will see major delays for treatment.** Delays to see doctors at the Phoenix VA hospital cost the lives of 58 veterans while waiting for care. This is just a portent of far more deaths to come from delays for Americans' medical care as thousands of sick illegals swamp already overcrowded emergency rooms. How will these facilities stay open at all under the financial burden of this huge unfunded federal mandate to provide "free" treatment? People express concern about child endangerment from illegal minors dumped on Arizona streets in hundred-plus degree heat, with no support. **A bigger concern is American endangerment from life-threatening diseases added to social and economic collapse from costs of treating hundreds of thousands of illegals.**

Diseases cause extinction

Guterl 12 – [Fred, award-winning journalist and executive editor of Scientific American, worked for ten years at Newsweek, has taught science at Princeton University, *The Fate of the Species: Why the Human Race May Cause Its Own Extinction and How We Can Stop It*, 1-2, Google Books, online

Over the next few years, the bigger story turned out not to be SARS, which trailed off quickly, bur avian influenza, or bird flu. It had been making the rounds among birds in Southeast Asia for years. An outbreak in 1997 Hong Kong and another in 2003 each called for the culling of thousands of birds and put virologists and health workers into a tizzy. Although the virus wasn't much of a threat to humans, scientists fretted over the possibility of a horrifying pandemic. Relatively few people caught the virus, but more than half of them died. What would happen if this bird flu virus made the jump to humans? What if it mutated in a way that allowed it to spread from one person to another, through tiny droplets of saliva in the air? One bad spin of the genetic roulette wheel and a deadly new human pathogen would **spread across the globe in a matter of days**. With a kill rate of 60 percent, such a pandemic would be devastating, to say the least.¶ Scientists were worried, all right, but the object of their worry was somewhat theoretical. Nobody knew for certain if such a supervirus was even possible. To cause that kind of damage to the

human population, a flu virus has to combine two traits: lethality and transmissibility. The more optimistically minded scientists argued that one trait precluded the other, that if the bird flu acquired the ability to spread like wildfire, it would lose its ability to kill with terrifying efficiency. The virus would spread, cause some fever and sniffles, and take its place among the pantheon of ordinary flu viruses that come and go each season.¶ The optimists, we found out last fall, were wrong. Two groups of scientists working independently managed to create bird flu viruses in the lab that had that **killer combination of lethality and transmissibility among** humans. They did it for the best reasons, of course—to find vaccines and medicines to treat a pandemic should one occur, and more generally to understand how influenza viruses work. If we're lucky, the scientists will get there before nature manages to come up with the virus herself, or before someone steals the genetic blueprints and turns this knowledge against us. ¶ Influenza is a natural killer, but we have made it our own. We have created the conditions for new viruses to flourish—among pigs in factory farms and live animal markets and a connected world of international trade and travel—and we've gone so far as to fabricate the virus ourselves. Flu is an excellent example of how we have, through our technologies and our dominant presence on the planet, begun to multiply the risks to our own survival

2NC

Border surveillance is essential in preventing infected immigrants from crossing the border

Siegel 14 (Marc Siegel, M.D., is a professor of medicine and medical director of Doctor Radio at New York University's Langone Medical Center, "A Public Health Crisis at the Border", 7/3/2014, http://www.slate.com/articles/health_and_science/medical_examiner/2014/07/children_crossing_border_illegally_a_possible_public_health_crisis_from.html, DJE)

Diseases that are endemic to other countries are not always the same ones that we face in the United States. This is a medical observation, not a political one, and **it is the reason immigrants who enter this country legally face rigorous screenings in advance of entry for sexually transmitted diseases, active tuberculosis, new strains of influenza, leprosy, cholera, and plague. The U.S. Department of Health and Human Services and the Centers for Disease Control and Prevention require that all legal immigrants receive a medical exam.** Proof of vaccination is also mandatory for measles, mumps, rubella, polio, tetanus, diphtheria, pertussis, haemophilus strains, hepatitis A and B, rotavirus, meningococcus, chicken pox, pneumonia, and seasonal flu. **None of these rigorous screenings can be done in advance of entry on people who enter this country illegally and undetected. And once people are detained, the screenings they receive are not nearly as rigorous or effective at controlling the spread of disease.** This is the reason that we have a potential public health crisis along our southern border. As many as 50,000 children, mostly from Central American countries, are now being housed in cramped makeshift detention centers by the U.S. government. Unfortunately, they are not being detained for the purpose of identifying illness, with Immigration and Customs Enforcement relying on self-report of symptoms, and many have already been sent to other states, where disease can spread. According to Kenneth J. Wolfe, deputy director of public affairs for the

Administration for Children and Families at Health and Human Services, children who enter the HHS **unaccompanied alien children** program are given a well-child exam and vaccinations against communicable diseases. They **are** also **screened for TB** and mental health problems, **and placed in quarantine or special facilities as needed.** But health care workers at these cramped, overwhelmed centers have not been speaking to the news media, so it is difficult to know exactly which diseases have appeared and how many cases there are. Large outbreaks have been reported of scabies, a highly contagious, intensely itchy rash spread by tiny insects called mites. A senior spokesman for CDC told me that HHS is taking the lead in providing medical services for these centers in southwest Texas and Arizona. When a case of H1N1 swine flu was diagnosed in late June, 2,000 flu vaccines were flown in. Since it takes two to three weeks for a vaccine to confer protection, more cases of flu are likely within the centers. It is also possible that the disease will spread to the local community and beyond. Drug-resistant tuberculosis also appears to have spread, with several counties in southern Texas reporting twice the usual average number of cases. **TB is a disease that needs to be carefully monitored and screened for**, a prospect that is not possible under the current circumstances. Dengue fever, a potentially deadly mosquito-borne disease that causes fatigue, pain in the bones and muscles, and fever, and infects close to 100 million people worldwide every year, has been detected this year in southern Texas for the first time since 2005. Illegal immigrants, possibly from Mexico, are a likely source. If infected mosquitoes begin to breed here, we could see more outbreaks. There have been reports of measles and chicken pox at the centers, both of which are highly contagious and can spread to other children who aren't vaccinated. A physician working to take care of any infected child must treat that child with compassion and appropriate medication. He or she should never provide substandard care or weigh in on the political issue of whether a child should be in this country or how he or she got here. At the same time, **immigrants in poor health or suffering from a communicable illness who enter this country illegally create public health risks. This is why we have such an extensive system for screening the health of legal immigrants in the first place before they are allowed in.** It is not a political statement to say that **the effectiveness of these screenings is being undermined if hundreds of thousands pass through our borders without them.** Whatever the partisan arguments about how this crisis erupted, the most urgent question right now is how to prevent a public health crisis. HHS told me that the CDC has now activated its Emergency Operations Center to Level III, which means it is on 24-hour alert to better coordinate and track their programs in support of what HHS is calling "the urgent humanitarian situation of unaccompanied children along the southwest border." But calling it a crisis and working to contain it are two different things. It is clear that the CDC needs to be more involved immediately to help identify, treat, and contain emerging diseases. Putting a cone of secrecy around the health concerns of 50,000 children helps neither those who are sick nor those who are placed at risk.

Health screening at the US-Mexican border must remain in place to prevent dangerous disease spread.

McKay 13 (Betsy McKay, Atlanta bureau chief for The Wall Street Journal, "Risk of Deadly TB Exposure Grows Along U.S.-Mexico Border", 3/8/2013, The Wall Street Journal, http://www.wsj.com/articles/SB10001424127887323293704578336283658347240, DJE)

TIJUANA, Mexico—He was like many people in their early 20s, at least the type with spiky black hair and two lip rings. Four years ago, while living in this teeming border city, Gonzalo Garcia says he spent free time in the U.S., to shop, meet girls, and "hang out." He had no idea he was developing a potentially deadly form of tuberculosis. Exactly how long he had it will never be known. He says he started losing weight and becoming tired and tried to get help. But it took a year before a doctor finally figured out what was wrong: He had a drug-resistant strain of TB. "Many doctors said I was just fine," said Mr. Garcia, sitting in the clinic where he was cured. The Tijuana General Hospital TB Clinic in Mexico is working to treat drug-resistant strains of tuberculosis. Many people with the deadly disease enter the U.S. from Mexico. WSJ's Betsy McKay reports. To this day, it isn't clear if he infected anyone on either side of the border while he was contagious. But his tale illustrates a nagging concern among **health officials** who **say the 2,000-mile border between the U.S. and Mexico could become a breeding ground for one of the hardest forms of TB to treat. Already, both California and Texas, as well as some states on the Mexico side of the border, have unusually high rates of drug-resistant TB. "This is a very hot region" for drug-resistant TB**, said Rafael Laniado-Laborin, chief of Tijuana General Hospital's tuberculosis clinic and laboratory, who has had an influx of new patients recently—including one who recently returned from the U.S. and is in the middle of treatment. **With tuberculosis of any form, people can get around until the disease is quite advanced. "You will go and work and move around," he said. "You will transmit the disease before you know you're sick." To be sure, the actual number of cases in the U.S. and Mexico is still small** and the rates of multidrug-resistant TB—or MDR—are nowhere near as severe as India, China, or Eastern Europe, where drug-resistant TB is at epidemic proportions. In 2011, the most recent year available, Mexico had 467 MDR-TB cases, the World Health Organization estimates, while the U.S. had 124, according to the Centers for Disease Control and Prevention. Almost half of the U.S. cases came from California and Texas. **Health officials say it is crucial to jump on prevention now, because the disease is transmitted airborne and can spread quickly.** "We're all connected by the air we breathe," said Thomas Frieden, director of the CDC, and a TB expert who successfully battled a major outbreak of multidrug-resistant TB in New York City in the 1990s, then spearheaded India's TB-fighting program for the World Health Organization. Gonzalo Garcia has struggled with drug-resistant tuberculosis while living in Tijuana. He doesn't know when he contracted the disease. **In its drug-resistant forms, TB can still be fatal**, and the treatment may be painful, requiring up to two years or more of medication and potentially months of isolation. Costs are steep too; according to a recent CDC study, treatment on average in the U.S. was about $140,000 and ran as high as $700,000.

T-Surveillance

Interpretation:

Surveillance is systematic collection of information

Kalhan 14 Anil Kalhan, Associate Professor of Law, Drexel University. Maryland Law Review 2014 74 Md. L. Rev. 1 Article: IMMIGRATION SURVEILLANCE lexis
A. The Functions and Practices of Immigration Surveillance
As conceptualized by John **Gilliom and** Torin **Monahan, surveillance involves "the systematic monitoring, gathering, and analysis of information in order to make**

decisions, minimize risk, sort populations, and exercise power." n112 In this Section, I identify and analyze a series of specific surveillance practices and technologies that have become increasingly important components of immigration enforcement strategies. The processes and technologies that comprise the information infrastructure of immigration enforcement enable new approaches to four distinct sets of surveillance activities: identification, screening and authorization, mobility tracking and control, and information sharing.

Violation:

While the aff does curtail a lot of surveillance that falls under our interpretation, they also affect non-surveillance related border operations

Miller 14 (*Todd Miller has researched and written about U.S.-Mexican border issues for more than 10 years. He has worked on both sides of the border for BorderLinks in Tucson, Arizona, and Witness for Peace in Oaxaca, Mexico. He now writes on border and immigration issues for* NACL, Todd Miller, 4-22-2014, "Tomgram: Todd Miller, The Creation of a Border Security State," Tomdispatch, http://www.tomdispatch.com/blog/175834/tomgram%3A_todd_miller,_the_creation_of_a_border_security_state/) GW

Before 9/11, there was little federal presence on the Tohono O'odham reservation. Since then, the expansion of the Border Patrol into Native American territory has been relentless. Now**, Homeland Security stations, filled with hundreds of agents** (many hired in a 2007-2009 hiring binge**), circle the reservation**. But unlike bouncers at a club, **they check people going out, not heading in**. On every paved road leaving the reservation, **their checkpoints form a second border**. There, **armed agents** -- ever more of whom are veterans of America's distant wars **-- interrogate anyone who leaves. In addition, there are two "forward operating bases" on the reservation, which are meant to play the role -- facilitating tactical operations in remote regions** -- that similar camps did in Afghanistan and Iraq. Now, thanks to the Elbit Systems contract, a new kind of border will continue to be added to this layering. Imagine part of the futuristic Phoenix exhibition hall leaving Border Expo with the goal of incorporating itself into the lands of a people who were living here before there was a "New World," no less a United States or a Border Patrol. Though **this is** increasingly the reality from Brownsville, Texas, to San Diego, California, on Tohono O'odham land a post-9/11 war posture shades uncomfortably into the leftovers from a nineteenth century Indian war. Think of it as the place **where** the **homeland security** state **meets** its older compatriot, **Manifest Destiny**. On the gate at the entrance to her house**, Tohono O'odham member Ofelia Rivas has put up a sign stating that the Border Patrol can't enter without a warrant. It may be a fine sentiment, reflecting a right embodied in the U.S. Constitution, but in the eyes of the "law," it's ancient history.** Only a mile from the international boundary, her house is well within the 25-mile zone in which the Border Patrol can enter anyone's property without a warrant. These powers make the CBP a super-force in comparison to the local law enforcement outfits it collaborates with. Although **CBP can enter property warrantlessly**, it still needs a warrant to enter somebody's dwelling. In the small community where Rivas lives, known as Ali Jegk, the agents have overstepped even its extra-constitutional bounds with "home invasions" (as people call them). Throughout the Tohono O'odham Nation, people complain about Homeland Security vehicles driving at high speeds and tailgating on the roads. They complain about blinding spotlights, vehicle pull-overs, and unexpected interrogations. **The Border Patrol has pulled O'odham tribal members out of cars, pepper-sprayed them, and beaten them with batons**. As local resident Joseph Flores told a Tucson television station, "It feels like we're being watched all the time." **Another man commented, "I feel like I have no civil rights**." On the reservation, **people speak not only about this new world of intense surveillance, but also about its raw impact on the Tohono O'odham people: violence and subjugation.** Although the tribal legislative council has collaborated extensively with Border Patrol operations, Priscilla Lewis seemed to sum up the sentiments of many O'odham at an open hearing in 2011: "**Too much harassment, following the wrong people, always stopping us, including and**

especially those who look like Mexicans when driving or walking in the desert... They have too much domination over us." At her house, Ofelia Rivas tells me a story. One day, she was driving with Tohono O'odham elders towards the U.S.-Mexican border when a low-flying Blackhawk helicopter seemingly picked them up and began following them. Hanging out of the open helicopter doors were CBP gunmen, she said. When they crossed the border into Mexico, the helicopter tracked them through a forest of beautiful saguaro cacti while they headed for a ceremonial site, 25 miles south of the border. They were, of course, crossing what was a non-border to the O'odham, doing something they had done for thousands of years. Hearing, even feeling the vibration of the propellers, one of the elders said, "I guess we are going to die." They laughed, Rivas added, as there was nothing else to do. They laughed real hard. Then, a mile or so into Mexico, the helicopter turned back. **Americans may increasingly wonder whether NSA agents are scouring their meta-data, reading their personal emails, and the like. In the borderlands no imagination is necessary. The surveillance apparatus is in your face. The high-powered cameras are pointed at you; the drones are above you; you're stopped regularly at checkpoints and interrogated.** Too bad if you're late for school, a meeting, or an appointment. And even worse, if your skin complexion, or the way you're dressed, or anything about you sets off alarm bells, or there's something that doesn't smell quite right to the CBP's dogs -- and such dogs are a commonplace in the region -- being a little late will be the least of your problems. As Rivas told me, a typical exchange on the reservation might involve an agent at a checkpoint asking an O'odham woman whether, as she claimed, she was really going to the grocery store -- and then demanding that she show him her grocery list**. People on the reservation now often refer to what is happening as an armed "occupation."** Mike Wilson, an O'odham member who has tried to put gallon jugs of water along routes Mexican migrants might take through the reservation, speaks of the Border Patrol as an "occupying army." It's hardly surprising. Never before in the Nation's history under Spain, Mexico, or the United States have so many armed agents been present on their land.

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This justifies affs like (insert ideas here).

Cartel DA

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Organized crime along the border is in decline

Cawley 13 (Marguerite Cawley, journalist on organized crime, "Violent Crime on the US Southwest Border Decreased from 2004-2011: Study", 2/27/2013, Insight Crime, http://www.insightcrime.org/news-briefs/violent-crime-on-the-us-southwest-border-decreased-from-2004-2011-study, DJE)

A US government study points to an overall decrease in US border crime between 2004 to 2011, further indicating that fears of a "spillover" effect from Mexico's war against organized crime may be unfounded. **The report**, released by the United States Government Accountability Office (GAO) earlier this month, **found that the average rate for both violent and property crimes had dropped in the US Southwest border states. Arizona saw the most significant decline, of 33 percent over the seven-year time period.** Other decreases were seen in Texas (30

percent), California (26 percent), and New Mexico (eight percent from 2005 onward). Significantly, violent crime was found to be lower in border counties than in non-border counties for all the years examined in three out of the four states -- California, New Mexico and Texas -- with Arizona the only exception. The GAO also reported that **assaults against Border Patrol agents decreased** between 2008 to 2012, to levels 25 percent lower than in 2006. Officials from 31 of the 37 state and local law enforcement agencies interviewed by the GAO stated that they had not observed violent crime from Mexico regularly spilling over into the US, **although many said they were still concerned about safety levels in the region. Local law enforcement officials told the GAO that increased law enforcement personnel and new infrastructure may have contributed to the declining crime rates. Recent US federal efforts -- including technical assistance to Mexico under the 2008 Merida Initiative and $600 million put towards border security in 2010 -- have also aimed to curb violence in the region.** InSight Crime Analysis **Concerns have long existed about the extent to which Mexico's conflict may affect security dynamics in the US border states. Several incidents, involving Mexican nationals carrying out violent attacks in relation to the drug trade on US soil, have only served to feed such fears.** However, available data has generally failed to support these concerns. Figures from the Federal Bureau of Investigations (FBI), for example, show that violent crime in Arizona declined from 532 incidents per 100,000 inhabitants in 2000, to 408 in 2010. An analysis by Austin-based newspaper the Statesman found that, despite the release of a government-sponsored report warning of escalating violence in Texas, the combined number of murders in the state's 14 border counties fell by 33 percent between 2006 and 2010. The GAO's most recent study further supports the interpretation that claims of rampant "spillover violence" in the US border region have been mostly exaggerated.

Eliminating border patrol in the Tohono O'odham nation will collapse the best prevention methods against cartel crime.

Pitts 13 (Byron Pitts, ABC News Anchor & Chief National Correspondent, "In Efforts to Secure US-Mexico Border, Ariz. Native Americans Feel Caught in the Middle", 7/27/2013, ABC News, http://abcnews.go.com/US/efforts-secure-us-mexico-border-ariz-native-americans/story?id=19496394, DJE)

In Southwest Arizona, where the U.S. and Mexico borders meet, **the U.S. Border Patrol has made huge strides in capturing border crossers and seizing drugs from Mexican cartels**, but there is one stretch of land along the border that has made life a daily hell for a tribe of Native Americans. **The Tohono O'odham Nation**, a Native American reservation about the size of Connecticut, is located in the Sonoran Desert, about 60 miles south of Tucson, Ariz., right on the U.S. border with Mexico. Here, there is no barbed-wire high fence, but open desert, with only a vehicle barrier meant to stop cars but not people. It **is an area where the U.S. government has the fewest resources and the widest open space to patrol, making it a hot spot for Mexican drug cartels and human smuggling operations.** "Nightline" spent 48 hours with U.S. Border Patrol agents and the Tohono O'odham reservation police force to get a firsthand look at the battle on the border. **"The Tohono O'odham Nation is one of our most problematic areas," Arizona Commander Jeffrey Self of the U.S. Border Patrol told "Nightline". "The narcotics smugglers have moved up into the mountainous area. There is not a lot of access." While border-crossing apprehensions in Arizona are down 43 percent from two years ago, it is a**

different, more complicated story on the Tohono O'odham Nation. Drug seizures on the reservation are steadily climbing -- nearly 500,000 pounds of marijuana was seized last year, a number that has nearly doubled since 2010. Recently, Tohono O'odham police seized $1 million worth of marijuana in just one week. But **the Tohono O'odham tribal members are caught in the middle of a war between the Mexican drug cartels coming through their community and the U.S. Border Patrol officers who tribal members say have become more aggressive to stop them.**

If cartels gain ground they will launch bioterror attacks

Lentzos '14, Senior Research Fellow in the Department of Social Science, Health and Medicine at King's College London (1/27/14, Filippa Lentzos, BioSocieties, "The risk of bioweapons use: Considering the evidence base")

I can see a situation in **which a group of individuals will set up a cell and do these things in a state that doesn't have effective laws in place**, probably no laws in place at all. And **they could quite easily build up a small laboratory complex in a safe haven state**: **develop a device**, even test it in a sort of rudimentary way within the safe haven state, and then from that, build up a device which they could take and use somewhere else. And I don't think that has happened yet with any group trying to develop biological weapons, but **it's certainly happened with illicit drug type production, where there's been a bunch of individuals who are making illicit drug**s, and as the laws tighten up in one particular country, they'll relocate to a second country. And as things tighten there, they'll go to a third country. So **that's happened** certainly in the Asia Pacific, **with illicit drug cartels**, and I can see a scenario where that could happen with bioweapons too. And that really the motivation behind my interests in helping smaller countries develop legislation, develop government structures, including law enforcement, to make it more difficult for these rogues to do these things within these states.And **just because the Aum Shinrikyo attempts weren't successful, it doesn't mean to say that it's okay, that it's more difficult than everybody thought, it won't happen. I think there may well be a certain level of complacency starting to develop**, and that **we may well be caught out later on**. It mightn't be very sophisticated, but it could be a very disruptive event. Former bioweapons inspector and microbiologist: I agree, **even if biological weapons haven't been used that doesn't mean they won't be**. Maybe it's still easier to cause terror through other means. But we could not have anticipated 9/11; we could not foresee that airplanes would be used for that sort of attack. So we can't foresee all scenarios, we don't know what is next, so I wouldn't exclude anything. And the biothreat is more relevant than a nuclear threat; I mean, you can't easily acquire a nuclear or even dirty bomb. But **you can easily acquire biological agents**. You don't even have to break into a lab, **you can get it in nature, you can get if off a sick person.** And, you don't even necessarily have to weaponize it. I mean how many casualties do you need to cause terror? You don't need mass casualties, it's not war. We're talking about infectious disease agents being spread deliberately, and that doesn't necessarily require weaponization.

Bioterrorism is an existential threat that risks mass deaths and social disorder

Saunders-Hastings 14 (Patrick Saunders-Hastings, doctoral student in the Population Health program at the University of Ottawa, "Securitization Theory and Biological Weapons", 1/8/2014, http://www.e-ir.info/2014/01/08/securitization-theory-and-biological-weapons/, DJE)

A government's decision to securitize an issue is a strategy to make extreme responses seem justified, and it **centers on the perceived existential risk a threat poses to the population**. Beginning with a brief history of biological weapons use, this section will aim to defend the framing of biological weapons use as an existential threat by examining their ability to cause mortality or to generate negative social and economic fallout. A brief discussion of the potential catastrophic consequences of a smallpox attack will illustrate the argument. **The use of biological weapons dates back centuries**. Examples include the Tatars catapulting plague-infected corpses over city walls at the siege of Kaffa in the 14th century, the deliberate triggering of a smallpox epidemic among Native Americans via contaminated blankets in the 18th century during the French and Indian War, and the contamination of salad bars with salmonella at a restaurant in Oregon in the 20th century2. However, **with the development of the germ theory during the 19th and into the 20th century, there was an increase in scientific knowledge about biological weapons. States became increasingly interested in such weapons, with Japan establishing a bioweapons program between 1932-1945, the United States in 1942, and the Soviet Union in 197313.** In 1972, in response to increasing concern about the threat of biological weapons, **the United Nations** proposed the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction, more commonly known as the **Biological Weapons Convention** (or BWC)14. The treaty came into effect in 1975, and banned the development, acquisition, and stockpiling of biological weapons1. However, it **failed to halt the research and development of biological weapons, which have continued into the 21st century. Those who argue that government response to the biological weapons threat has been overstated point to very low mortality in previous attacks**11. The anthrax attacks of 2001 in the United States, for example, resulted in only 5 deaths15. This argument could be used to urge governments to instead invest resources in areas that consistently cause higher mortality, such as infectious diseases like AIDS or even the seasonal flu. **However, in carrying out a threat assessment, it is also important to look at the potential for mortality. Here it has been suggested future attacks may not be on the same relatively small scale as those in the past**15. It is difficult to produce reliable estimates of fatalities that might result from an attack; there is huge variation in estimates and, often, little statistical evidence to support the predictions11. That said, **it is agreed that, in theory, even small amounts of a dangerous biological agent could cause significant mortality if prepared and disseminated effectively**16. For instance, the WHO estimates that 50kg of B. anthracis distributed upwind of a population of 500 000 would leave 95 000 people dead and 125 000 more incapacitated17. Other sources suggest that **100kg of B. anthracis, disseminated via a crop-sprayer**, **could kill as many as three million people**, and comparable values have been projected for other agents2,18. Another concern is that **a contagious biological agent will result in person-to-person transmission, creating a self-sustaining effect not present in any other weapons class**10. While mass casualties are possible, it is also important to note that, even in situations with few casualties, **biological weapons attacks may have profound social and economic ramifications**3. **Such attacks could lead to widespread social panic and disorder, resulting in self-destructive behaviour and creating what is called a "societal autoimmune effect" involving increases in crime and looting19**. While there is little evidence to predict this would occur based on previous disaster situations (such as the terrorist attacks on the World

Trade Center in 1993 and 2001, where the public reaction is described as effective and adaptive, rather than panicked and disruptive), it must remain a consideration20. The effects of a largescale attack involving biological weapons are unknown, and epidemics of highly fatal diseases may cause serious social disruption20. The economic consequences of biological weapons attacks are severe and suggest that investing in defense makes good economic sense. While there were only five deaths in the 2001 anthrax attacks, those attacks resulted in tens of billions of dollars in government spending21. Also, the financial sector may be negatively impacted if investor confidence plummets3. Similarly, an attack on the agricultural sector, which accounts for 15% of the United States GDP, could have severe economic ramifications3. If the biological agent being used is contagious, there could also be implications for trade and travel restrictions3. The SARS epidemic of 2003 showed the economic consequences of a highly infectious disease, essentially "crippling" some of the most dynamic cities in the world4. The Center for Biosecurity has estimated the economic cost of a biological weapons attack in the U.S. could exceed one trillion USD15. In short, **there are social and economic consequences that, considered in conjunction with the potential for catastrophically high mortality, justify the framing of biological weapons as a significant existential threat to the United States.** This is illustrated by considering the specific case of smallpox.

UQ

Violence is down—Juarez proves

Denvir 7/1, A Philadelphia-Based Contributing Writer To Citylab and A Former Staff Reporter At Philadelphia City Paper. (7/1/15, Daniel Denvir, CityLab, "Juárez to Tourists: It's Safe to Come Back Now", http://www.citylab.com/crime/2015/07/juarez-to-tourists-its-safe-to-come-back-now/397232/)

Murder capital of the world is no one's idea of a good tourism promotion. But Ciudad **Juárez's murder tally has long since plummeted from the astronomical high of more than 3,000 recorded in 2010. In 2014, 424** or 538 **people were reported killed in Juárez** (depending on what entity is doing the reporting). **Per capita**, even **that** higher number **represents a murder rate similar to** that ofDetroit or **New Orleans.** The border city nonetheless remains forbidden territory for Americans who in prior decades would cross over from El Paso in droves to visit family, bars, restaurants, dentists, pharmacies and strip clubs. Juárez is by no means a paragon of security, but it's certainly safe enough to grab dinner.

Link

Surveillance is effective in fighting the cartels. The aff removes it.

Bucella '12, Written testimony of U.S. Customs and Border Protection Office of Intelligence and Investigative Liaison Assistant Commissioner Donna Bucella for a House Committee on Homeland Security Subcommittee on Border and Maritime Security hearing titled "Border Security Threats to the Homeland: DHS' Response to Innovative Tactics and Techniques" (6/15/12, Donna Bucella, Department Homeland Security, ""Border Security Threats to the

Homeland: DHS' Response to Innovative Tactics and Techniques"", http://www.dhs.gov/news/2012/06/15/written-testimony-us-customs-border-protection-house-homeland-security-subcommittee)

****NOTE: CBP is Customs and Border Protections

Over the past three years, **the DHS has dedicated historic levels of personnel, technology, and resources in support of our border security efforts**. Most recently, the President's Fiscal Year (FY) 2013 Budget Request continues these efforts by supporting the largest deployment of law enforcement officers to the frontline in our agency's history: more than 21,300 Border Patrol agents; 1,200 Air and Marine agents; and 21,100 CBP officers; working 24/7 with state, local, tribal, and Federal law enforcement to target illicit networks trafficking in people, drugs, weapons, and money. Over the last year, we have brought greater unity to our enforcement efforts, expanded collaboration with other agencies, and improved response times. **CBP has also deployed additional technology assets—including mobile surveillance units**, thermal imaging systems, and large-and small-scale non-intrusive inspection equipment—**along our Nation's borders**. **CBP currently has over 270 aircraft, including nine Unmanned Aircraft Systems (UAS**) and more than 300 patrol and interdiction boats that provide critical aerial and maritime surveillance and operational assistance to personnel on the ground. **The** UAS **program is rapidly changing how ground assets are deployed, supplying Border Patrol Agents with unparalleled situational awareness** through the UAS's broad area electronic surveillance capabilities. Going forward, **CBP will continue to integrate the use of these specialized capabilities into the daily operations of CBP's frontline personnel to enhance our border security efforts. The results of this prioritization to the border and our layered approach to security are clear**. In FY 2011, Border Patrol apprehensions along the Southwest border—a key indicator of illegal immigration—decreased 53 percent since FY 2008, and are less than one fifth of what they were at their peak in 2000. We have matched these decreases in apprehensions with increases in seizures of cash, drugs, and weapons. During FYs 2009 through 2011, DHS seized 74 percent more currency, 41 percent more drugs, and 159 percent more weapons along the Southwest border as compared to FY 2006-2008. In FY 2011, CBP seized more than $126 million in illegal currency and nearly five million pounds of narcotics nationwide. At the same time, according to 2010 Federal Bureau of Investigation (FBI) crime reports, **violent crimes in Southwest border states have dropped by an average of 40 percent in the last two decade**s. **Every key measure shows we are making significant progress; however, we must remain vigilant and focus on building upon an approach that puts CBP's greatest capabilities in place to combat the greatest risks**.

Bioterror

Bioterror leads to species extinction, global economic collapse, culture destruction – more technology and motives

Joseph P. **Dudley and** Michael H. **Woodford**, 7-7-200**2**, "Bioweapons, Biodiversity, and Ecocide: Potential Effects of Biological Weapons on Biological Diversity," No Publication, http://bioscience.oxfordjournals.org/content/52/7/583.full (Dudley is a consultant on military environmental and conservation policy issues with Versar, Inc., Springfield, VA, and a research associate at the Institute of Arctic Biology,

University of Alaska Fairbanks, and at the Department of Earth Sciences, University of Alaska Museum, Rockville, MD 20851-1405. Woodford is a fellow of the Royal College of Veterinary Surgeons, London, and chair of the Working Group on Wildlife Diseases at the Office International des Epizooties, World Organization for Animal Health, Algarve, Portugal.)

Bioweapons, Biodiversity, and Ecocide: Potential Effects of Biological Weapons on Biological Diversity **Bioweapon disease outbreaks could cause the extinction of** endangered **wildlife species, the erosion of genetic diversity** in domesticated plants and animals**, the destruction of** traditional **human livelihoods, and the extirpation of** indigenous **cultures** Many **analysts rank cultured and genetically engineered biological organisms as the most dangerous of all existing weapons technologies, with the potential for producing more extensive and devastating effects on human populations than even** fusion **nuclear weapons** (Henderson 1999). Biological weapons (bioweapons) are defined as biological organisms, and substances derived directly from living organisms, that can be used to cause death or injury to humans, animals, or plants. Diseases and biological toxins have been used as weapons of war throughout recorded history, from at least as early as Biblical times to the present day. Historically, bioweapons were used primarily, although not exclusively, for direct attacks against human populations. Biowarfare has historically involved the use of plant and fungal toxins (hellebore, ergot), animal carcasses, human cadavers, disease-contaminated clothing or blankets, and fecal matter (Christopher et al. 1997, Kortepeter et al. 2001). **The potential** spectrum of **bioterrorism ranges from isolated acts** against individuals by individuals (rogue scientist or Una bomber-type scenarios) **to tactical and strategic military uses and state-sponsored international terrorism intended to cause mass casualties** within or among humans or animals or both (Tucker 2000, Zilinskas 2000). Perhaps the oldest traditional application of bioweapon techniques has been the contamination or poisoning of drinking water sources using animal carcasses, human cadavers, feces, or poisonous plants and their derivatives. During the 14th century, Mongol armies catapulted the infected corpses of plague victims over the walls into the besieged city of Caffa, in what is now the Crimea, to try to force the surrender of the city's inhabitants. During the 18th century, the British colonial army used smallpox-contaminated blankets to spread disease among Native American tribes in northeastern North America and smallpox-infected civilian infiltrators to spread disease among insurgent American militias during the American Revolutionary War (Wheelis 1999). Government-sponsored scientific research into the development of technologically sophisticated applications of biological weapons for use against humans, livestock, and crops began during the early decades of the 20th century. Most government bioweapons programs included research on the culture and testing of disease agents intended specifically for use against livestock and food crops (Ban 2000). During World War I, Germany investigated techniques for using anthrax, glanders, cholera, and fungal diseases of wheat as biological weapons. German espionage agents attempted to create outbreaks of anthrax among livestock in Romania and Argentina and spread glanders among horses and mules—then still critically important as cavalry mounts and draft animals for the transport of artillery, ordnance, and supplies—in Mesopotamia, France, Argentina, and the United States. Germany was also implicated in an attempt to precipitate an epidemic of plague among humans in St. Petersburg, Russia (Dire and McGovern 2002). Japan developed and used biological weapons against human and animal populations in Asia during the period 1932–1945 (Kortepeter et al. 2001). Plague-infected fleas were reportedly used by the Japanese to precipitate plague epidemics in China during World War II, and it has been estimated that some 10,000 human subjects were used for bioweapon experiments in China involving anthrax, plague, tularemia, and smallpox (Christopher et al. 1997). During the 1980s and 1990s, Soviet scientists used **newly developed genetic engineering** techniques to **create antibiotic-resistant and vaccine-subverting strains of smallpox,** anthrax, **plague, and tularemia for bioweapon applications** (Alibek and Handelman 2000). Genetically modified zoonotic and epizootic diseases of humans and animals (plague, tularemia, anthrax) and virulent cultivated or wild strains of natural livestock diseases (e.g., foot and mouth disease [FMD], rinderpest, brucellosis) **represent** potentially **serious threats to livestock, wildlife, and endangered species populations**. Plant diseases developed for bioweapons applications against food crops, opium poppies, and coca plants may, however, infect nontarget species of wild plants and become established locally subsequent to their introduction to new environments (Madden and van den Bosch 2002). **Bioterrorist uses of enzootic livestock diseases and emerging zoonotic diseases** (diseases that can be transmitted between animal and human populations) **represent a potentially serious threat to livestock and wildlife populations never previously exposed to these diseases.** This risk holds true even, and perhaps especially in some instances, for wildlife species that may become infected by serious livestock diseases without exhibiting overt clinical signs of infection. Many formerly ubiquitous diseases that have been eradicated from livestock populations in the United States and Western Europe over the past century are still common elsewhere and readily accessible to individuals and terrorist organizations. Vaccines for many animal diseases still common in developing countries have been phased out in Europe and North America, and these vaccines, along with drugs for routine treatment, may not be readily available in sufficient quantities to suppress large-scale disease outbreaks among animals and livestock. Many of the bioweapons agents cultured and tested for use against animals and humans during the early decades of the 20th century were not highly contagious organisms. **Current biological weapons arsenals**, however, include diseases that **are highly infectious and contagious, easy to produce and deploy, and** able to **cause high** morbidity or **mortality in human** and animal populations. Diseases of particular concern for their bioweapons potential include smallpox, tularemia, plague, Newcastle disease, FMD, classical swine fever ("hog cholera"), avian influenza, African swine fever, Rift Valley fever, African horse sickness, rinderpest, and Venezuelan equine encephalomyelitis (OTA 1993, CNS 2002, Kortepeter et al. 2001). **Prior assumptions that bioweaponeers and bioterrorists might not be willing to endanger their own lives in developing and deploying highly contagious human diseases need to be reevaluated in the light of the many recent suicide attacks in the United States and Israel.** It is important to emphasize that bioterrorist attacks against livestock or crops do not require access to weaponized diseases or laboratory cultures of disease organisms, nor do they involve organisms that may cause disease in humans.

Bioterror is the most severe cause of extinction– they exponentially affect us and materials are becoming accessible

Jason G. **Matheny**, 200**7**. "Reducing the Risk of Human Extinction" Harvard Physics, http://users.physics.harvard.edu/~wilson/pmpmta/Mahoney_extinction.pdf

We already invest in some extinction countermeasures. NASA spends $4 million per year monitoring near-Earth asteroids and comets (Leary, 2007) and there has been some research on how to deflect these objects using existing technologies (Gritzner & Kahle, 2004; NASA, 2007). $1.7 billion is spent researching climate change and there are many strategies to reduce carbon emissions (Posner, 2004, p. 181). There are policies to reduce nuclear threats, such as the NonProliferation Treaty and the Comprehensive Test Ban Treaty, as well as efforts to secure expertise by employing former nuclear scientists. **Of current extinction risks, the most severe may be bioterrorism. The knowledge needed to engineer a virus is modest compared to that needed to build a nuclear weapon; the necessary equipment and materials are increasingly accessible and because biological agents are self-replicating, a weapon can have an exponential effect on a population** (Warrick, 2006; Williams, 2006). 5 Current U.S. biodefense efforts are funded at $5 billion per year to develop and stockpile new drugs and vaccines, monitor biological agents and emerging diseases, and strengthen the capacities of local health systems to respond to pandemics (Lam, Franco, & Shuler, 2006). **There is currently no independent body assessing the risks of high-energy physics experiments.**

Mexico Collapse

Strong cartels risk Mexico becoming a failed state

Luhnow 09 (David Luhnow, Latin America editor, "The Perilous State of Mexico", 2/21/2009, The Wall Street Journal, http://www.wsj.com/articles/SB123518102536038463, DJE)

Much as Pakistan is fighting for survival against Islamic radicals, **Mexico is waging a do-or-die battle with the world's most powerful drug cartels.** Last year, some 6,000 people died in drug-related violence here, more than twice the number killed the previous year. The dead included several dozen who were beheaded, a chilling echo of the scare tactics used by Islamic radicals. Mexican drug gangs even have an unofficial religion: They worship La Santa Muerte, a Mexican version of the Grim Reaper. **In growing parts of the country, drug gangs now extort businesses, setting up a parallel tax system that threatens the government monopoly on raising tax money.** In Ciudad Juarez, just across the border from El Paso, Texas, handwritten signs pasted on schools warned teachers to hand over their Christmas bonuses or die. A General Motors distributorship at a midsize Mexican city was extorted for months at a time, according to a high-ranking Mexican official. A GM spokeswoman in Mexico had no comment. "We are at war," says Aldo Fasci, a good-looking lawyer who is the top police official for Nuevo Leon state, where Monterrey is the capital. "**The gangs** have taken over the border, our highways and our cops. And now, with these protests, they **are trying to take over our cities. The parallels between Pakistan and Mexico are strong enough that the U.S. military singled them out recently as the two countries where there is a risk the government could suffer a swift and catastrophic collapse, becoming a failed state.** Pakistan is the greater worry because the risk of collapse is higher and because it has nuclear weapons. But **Mexico** is also scary: It **has 100 million people on the southern doorstep of the U.S., meaning any serious instability would flood the U.S. with refugees. Mexico is also the U.S.'s second biggest trading partner.** Mexico's cartels already have tentacles that stretch across the border. **The U.S. Justice**

Department said recently that Mexican gangs are the "biggest organized crime threat to the United States," operating in at least 230 cities and towns. Crimes connected to Mexican cartels are spreading across the Southwest. Phoenix had more than 370 kidnapping cases last year, turning it into the kidnapping capital of the U.S. Most of the victims were illegal aliens or linked to the drugs trade. Former U.S. antidrug czar Barry McCaffrey said **Mexico risks becoming a "narco-state"** within five years if things don't improve. Outgoing CIA director Michael Hayden listed Mexico alongside Iran as a possible top challenge for President Obama. Other analysts say the risk is not that the Mexican state collapses, but rather becomes like Russia, a state heavily influenced by mafias. Such comparisons are probably a stretch -- for now anyway. Beyond the headline-grabbing violence, Mexico is stable. It has a thriving democracy, the world's 13th-largest economy and a growing middle class. And as many as 90% of those killed are believed to be linked to the trade in some way, say officials. **"We have a serious problem. The drug gangs have penetrated many institutions. But we're not talking about an institutional collapse. That is wrong,"** says Attorney General Eduardo Medina Mora. Officials in both Washington and Mexico City also say the rising violence has a silver lining: It means that after decades of complicity or ignoring the problem, the Mexican government is finally cracking down on the drug cartels and forcing them to fight back or fight with one another for turf. One telling statistic: In the first three years of President Felipe Calderon's six-year term, Mexico's army has had 153 clashes with drug gangs. In the six years of his predecessor Vicente Fox's term, there were only 16." **If Mexico isn't a failed state, though, it is a country with a weak state -- one the narcos seem to be weakening further.**

A Mexican collapse would draw the U.S. in

Debusmann 09 (Bernd Debusmann, senior correspondent, "Among top U.S. fears: A failed Mexican state", 1/9/2009, The New York Times, http://www.nytimes.com/2009/01/09/world/americas/09iht-letter.1.19217792.html?_r=0, DJE)

According to the Joint Forces study, **a sudden collapse in Mexico is less likely than in Pakistan, "but the government, its politicians, police, and judicial infrastructure are all under sustained assault and pressure by criminal gangs and drug cartels. How that internal conflict turns out over the next several years will have a major impact on the stability of the Mexican state."** It added: **"Any descent by Mexico into chaos would demand an American response based on the serious implications for homeland security alone." What form such a response might take is anyone's guess,** and **the study does not spell it out, nor does it address the economic implications of its worst-case scenario. Mexico is the third biggest trade partner of the United States (after Canada and China) and its third-biggest supplier of oil (after Canada and Saudi Arabia).**

That causes war

Beck 09 (Glenn Beck, radio show host interviewing Texas State Senator Dan Patrick, "What Happens to the U.S. if Mexico Collapses?", 2/16/2009, Fox News, http://www.foxnews.com/story/2009/02/17/what-happens-to-us-if-mexico-collapses.html, DJE)

GLENN BECK, HOST: OK. There is California. Let's try this one. **Mexico is the 12th largest economy and second largest trading partner with the U.S.** And I don't know if you have noticed this. Grab a fire extinguisher. It's on fire. Close to 6,000 people were killed by rival drug gangs which is twice as many as in 2007. Texas is terrified that the violence is going to spill over the border. In a minute, I will explain how **the whole world is going to change if Mexico collapses**. The number one place for kidnappings is Mexico City. Who do you think number two is for kidnapping? You know, I was thinking Bogota, Columbia. Maybe some place in Somalia. Well, close. It is Phoenix, Arizona where there were almost 400 reported kidnappings last year and many more went unreported. Excuse me? John McCain was on the campaign trail for how many months, and we never heard about this and it's happening in his backyard? No one is talking about it, because it's not in anybody's best interest, you know, except yours and mine. I think it's in your best interest to know all of the facts and what it means to you. Texas officials are now planning for the worst-case scenario of, what do you do if Mexico just collapses? State Senator Dan Patrick is joining me now. Hey, Dan, how are you? SEN. DAN PATRICK (R), TEXAS STATE SENATOR: Hi, Glenn. Thank you for your passion on everything. It comes through. • Video: Watch Glenn's interview with Senator Dan Patrick BECK: Thank you. Thank you. PATRICK: Thank you, Glenn. BECK: I have been, and I know you have been, too - talking about the border, not because ... PATRICK: Yes. BECK: ... much to many people's chagrin here in America that I don't hate Mexicans. I don't hate people who are different than me. Almost everybody on the planet is different than me. I mean, look at me. PATRICK: Right. BECK: The problem is this is a dangerous situation. People feel disenfranchised. Mexico is on the verge of collapse. You've got massive murder problems and drug problems. What are you are guys worried about? And how are you preparing in Texas for a possible push into America from people just fleeing a drug state? PATRICK: Well, Glenn, we had hearings a couple of weeks ago. And I asked our Homeland Security Director Steve McCraw of Texas if he feared the collapse of Mexico and did we have a plan. And he didn't deny the fact that it is a concern. And since that subcommittee meeting we had a few weeks ago, he has been working with Gov. Perry and I'm meeting with him in a few days, as a matter of fact, to see their progress on developing a plan. You will love this term, Glenn. The United States has a plan called "mass migration" as opposed to the collapse of Mexico. And **we need a plan here in Texas because there are two scenarios, Glenn. One is a slow collapse, an economic collapse of Mexico in which hundreds of thousands would come here over a period of time. The second is what I call a Colombian collapse of Mexico, an assassination of the president, the drug cartels taking over the country, civil war breaking out on the streets, people fleeing for their lives, not for a job. We have to be prepared in the United States for both and Texas must be prepared.**

Econ Collapse

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Much as Pakistan is fighting for survival against Islamic radicals, **Mexico is waging a do-or-die battle with the world's most powerful drug cartels.** Last year, some 6,000 people died in drug-related violence here, more than twice the number killed the previous year. The dead included several dozen who were beheaded, a chilling echo of the scare tactics used by Islamic radicals. Mexican drug gangs even have an unofficial religion: They worship La Santa Muerte, a Mexican

version of the Grim Reaper. **In growing parts of the country, drug gangs now extort businesses, setting up a parallel tax system that threatens the government monopoly on raising tax money.** In Ciudad Juarez, just across the border from El Paso, Texas, handwritten signs pasted on schools warned teachers to hand over their Christmas bonuses or die. A General Motors distributorship at a midsize Mexican city was extorted for months at a time, according to a high-ranking Mexican official. A GM spokeswoman in Mexico had no comment. "We are at war," says Aldo Fasci, a good-looking lawyer who is the top police official for Nuevo Leon state, where Monterrey is the capital. "**The gangs** have taken over the border, our highways and our cops. And now, with these protests, they **are trying to take over our cities. The parallels between Pakistan and Mexico are strong enough that the U.S. military singled them out recently as the two countries where there is a risk the government could suffer a swift and catastrophic collapse, becoming a failed state.** Pakistan is the greater worry because the risk of collapse is higher and because it has nuclear weapons. But **Mexico** is also scary: It **has 100 million people on the southern doorstep of the U.S., meaning any serious instability would flood the U.S. with refugees. Mexico is also the U.S.'s second biggest trading partner.** Mexico's cartels already have tentacles that stretch across the border. **The U.S. Justice Department said recently that Mexican gangs are the "biggest organized crime threat to the United States," operating in at least 230 cities and towns. Crimes connected to Mexican cartels are spreading across the Southwest.** Phoenix had more than 370 kidnapping cases last year, turning it into the kidnapping capital of the U.S. Most of the victims were illegal aliens or linked to the drugs trade. Former U.S. antidrug czar Barry McCaffrey said **Mexico risks becoming a "narco-state"** within five years if things don't improve. Outgoing CIA director Michael Hayden listed Mexico alongside Iran as a possible top challenge for President Obama. Other analysts say the risk is not that the Mexican state collapses, but rather becomes like Russia, a state heavily influenced by mafias. Such comparisons are probably a stretch -- for now anyway. Beyond the headline-grabbing violence, Mexico is stable. It has a thriving democracy, the world's 13th-largest economy and a growing middle class. And as many as 90% of those killed are believed to be linked to the trade in some way, say officials. **"We have a serious problem. The drug gangs have penetrated many institutions. But we're not talking about an institutional collapse. That is wrong,"** says Attorney General Eduardo Medina Mora. Officials in both Washington and Mexico City also say the rising violence has a silver lining: It means that after decades of complicity or ignoring the problem, the Mexican government is finally cracking down on the drug cartels and forcing them to fight back or fight with one another for turf. One telling statistic: In the first three years of President Felipe Calderon's six-year term, Mexico's army has had 153 clashes with drug gangs. In the six years of his predecessor Vicente Fox's term, there were only 16." **If Mexico isn't a failed state, though, it is a country with a weak state -- one the narcos seem to be weakening further.**

Mexican economy is key to the US economy – heavily interdependent on each other

Wilson, 11 works at the Mexico Institute at the Woodrow Wilson International Center for Scholars **(Christopher E. "Working Together: Economic Ties between the United States and Mexico" November 2011 Wilson Center http://www.wilsoncenter.org/sites/default/files/Working%20Together%20Full%20Document.pdf) // czhang**

Mexico and the United States are no longer distant neighbors whose ¶ economies are engaged in direct competition and where gains on one side¶ of the border imply losses on the other. They **are now deeply integrated ¶ economies**

whose future is also linked. Trade between the two countries is not ¶ a zero-sum game but a question of mutual interest. If the Mexican economy ¶ prospers, it is likely to enhance U.S. competitiveness considerably, and vice ¶ versa. Indeed, it is hard to conceive of a strategy for increasing U.S. economic ¶ competitiveness and supporting job-creation that does not significantly take ¶ into account its two neighboring countries, Mexico and Canada. Unlike ¶ two decades ago, when the agreement to launch a free trade agreement in ¶ North America generated enormous controversy, **the U.S. economy is now ¶ inextricably linked to that of its neighbors**, and future efforts will have to ¶ take this mutual dependence into account. This does not mean that economic ¶ integration across the border is uncomplicated and there are no legitimate ¶ disputes or real dislocations within particular industries that will need to be ¶ addressed. But it does mean that it will be in the self-interest of the United ¶ States to see Mexico primarily as a partner in economic efforts, rather than ¶ as a competitor, and that **calls for policies that enhance existing production ¶ chains and strengthen both economies.** It also suggests that **Mexican economic ¶ growth will have significant positive effects for the U.S. economy, which calls ¶ for greater U.S. policy attention to support Mexico's efforts to strengthen its ¶ economic future.**

Economic decline causes war, multiple warrants and studies

Royal 10 (Jedediah, Director of Cooperative Threat Reduction at the U.S. Department of Defense, 2010, Economic Integration, Economic Signaling and the Problem of Economic Crises, in Economics of War and Peace: Economic, Legal and Political Perspectives, ed. Goldsmith and Brauer, p. 213-215)

Less intuitive is how **periods of economic decline may increase the likelihood of external conflict**. Political science literature has contributed a moderate degree of attention to the impact of economic decline and the security and defence behaviour of interdependent stales. Research in this vein has been considered at systemic, dyadic and national levels. Several notable contributions follow. First, on the systemic level. **Pollins** (20081 **advances Modclski and Thompson's** (1996) **work on leadership cycle theory, finding that rhythms in the global economy are associated with the rise and fall of a pre-eminent power and** the often **bloody transition** from one pre-eminent leader to the next. As such, **exogenous shocks such as economic crises could usher in a redistribution of relative power** (see also Gilpin. 19SJ) **that leads to uncertainty about power balances, increasing the risk of miscalculation** (Fcaron. 1995). Alternatively, **even a** relatively **certain redistribution of power could lead to a permissive environment for conflict as a rising power may seek to challenge a declining power** (Werner. 1999). Separately. **Pollins** (1996) also **shows that global economic cycles combined with parallel leadership cycles impact the likelihood of conflict among** major, medium and small **powers**, although he suggests that the causes and connections between global economic conditions and security conditions remain unknown. Second, on a dyadic level. **Copeland's** (1996. 2000) **theory of trade expectations suggests that 'future expectation of trade' is a significant variable in understanding** economic conditions and **security behaviour of states**. He argues that **interdependent states are likely to gain pacific benefits** from trade so long **as they have an optimistic view of future trade relations**. However, **if the expectations of future trade decline**, particularly for difficult to replace items such as energy resources, **the likelihood for conflict increases**, as **states will be inclined to use force to gain access to** those **resources. Crises could potentially be the trigger** for decreased trade expectations either on its own or **because it triggers protectionist moves** by interdependent states.4 Third, others have considered the link between economic decline and external armed conflict at a national level. **Mom berg and Hess** (2002) **find a strong correlation between internal conflict and external conflict, particularly during** periods of economic **downturn**. They write. The linkage, between internal and external conflict and prosperity are strong and mutually reinforcing. **Economic conflict lends to spawn internal conflict, which** in turn **returns the favour**. Moreover, the **presence of a recession tends to amplify** the extent to which international and **external conflicts** self-reinforce each other (Hlomhen? & Hess. 2(102. p. X9> **Economic decline has also been linked with an increase in the likelihood of terrorism** (Blombcrg. Hess. & Wee ra

pan a, 2004). **which has the capacity to** spill across borders and **lead to external tensions**. Furthermore, **crises** generally **reduce the popularity of a sitting government**. "Diversionary theory" suggests that, **when facing unpopularity arising from economic decline**, sitting **governments have increased incentives to fabricate external military conflicts to create a 'rally around the flag' effect.** Wang (1996), DcRoucn (1995), and Blombcrg. Hess, and Thacker (2006) find supporting evidence showing that **economic decline and use of force are** at least indirecti) **correlated**. Gelpi (1997). Miller (1999). and Kisangani and Pickering (2009) suggest that **Ihe tendency towards diversionary tactics arc greater for democratic** states than autocratic states, due to the fact that **democratic leaders are** generally **more susceptible to being removed from office** due to lack of domestic support. **DeRouen** (2000) has **provided evidence showing that periods of weak economic performance in the United States,** and thus weak Presidential popularity, **are** statistically **linked to an increase in the use of force**. In summary, recent economic scholarship positively correlates economic integration with an increase in the frequency of economic crises, whereas **political science scholarship links economic decline with external conflict** al systemic, dyadic and national levels.' This implied connection between integration, crises and armed conflict has not featured prominently in the economic-security debate and deserves more attention.

(Extra Card)

Cartels are a huge burden on Mexico's economy

Estevez 14 (Dolia Estevez, a news contributor on issues concerning US-Mexico relations and politics, "Mexico's Astonishing Costs Of Fighting Drug Cartels Have Not Reduced Violence", 6/19/2014, http://www.forbes.com/sites/doliaestevez/2014/06/19/mexicos-astonishing-spending-on-fighting-drug-cartels-has-not-reduced-violence/, DJE)

Mexico's efforts to reduce the alarming levels of violence are having a significant impact on the country's economy. In 2013, the cost of fighting the powerful drug cartels rose to almost $172.7 billion (more than twice Mexico's foreign debt), according to the Global Peace Index 2014, published this week by the London-based Institute for Economics & Peace (IEP). The sum, which is almost one tenth (9.4%) of Mexico's GDP, amounts to $1,430 per person. **Mexico's violence containment costs are** not only monetarily much higher than those incurred by Syria, Iraq and Libya, but **among the highest in the world.** Mexico ranks 25th in this category among 162 nations. The global economic impact of violence is estimated at $9.8 trillion or 11.3% of the global GDP. This year Mexico's peacekeeping price tag is believed to be the highest ever. To put things in perspective, **$172.7 billion is significantly more than twice Mexico's foreign debt of $73.5 billion**, according to data from Mexico's Ministry of Finance. Yet violence and homicides have not diminished significantly, due in large part, as the report points out, to the country's endemic corruption and institutional weakness. In this year's IEP's Global Peace Index, Mexico's rank "slightly deteriorated", dropping from 133 to 138 (out of 162 countries), with Iceland, Denmark and Austria being the top three most peaceful, and South Sudan, Afghanistan and Syria the least peaceful countries. Violence containment spending is defined by the IEP as economic activity that is related to the consequences or prevention of violence where the violence is directed against people or property. IEP's methodology values thirteen different dimensions: military expenditure; homicides; internal security; violent crime; private security; incarceration; GDP losses from conflict; deaths from internal conflict; fear; terrorism; UN peacekeeping; internally displaced persons and refugees, and deaths from external conflict of violence.

WMD

Cartels make wmd use likely

BPW '10 BioPrepWatch (1/21/10, BioPrepWatch, "Drug trade could increase availability of bioweapons" http://bioprepwatch.com/stories/510506427-drug-trade-could-increase-availability-of-bioweapons#sthash.SRj9Orv6.dpuf)

Drug **cartels**, as a result of the increase in the narcotics trade, **have been increasingly able to acquire biological and chemical weapons and radioactive material for the purpose of WMD creation**, **the U.S. State Department has warned**. "**The sums of money involved are growing in extraordinary amounts, and that raises the possibility, because of the sums and the areas in which these groups have begun to operate, for that opportunity to be exploited,"** David Johnson, assistant secretary of state for the Bureau of International Narcotics and Law Enforcement Affairs, told The Jerusalem Post. "Some of **these** criminal **syndicates have the organizational and financial wherewithal that could potentially allow them to acquire and sell radioactive material, biological and chemical weapons, and technologies used for weapons** of **mass destruction**."

Terror DA

Opening parts of the U.S. – Mexican border could give terrorists an opening

Rothman '14, Associated Editor of Hot Air (8/29/14, Noah, Hot Air, "Report: ISIS eyeing Mexican border to infiltrate America and execute terrorist attacks", http://hotair.com/archives/2014/08/29/report-isis-eyeing-mexican-border-to-infiltrate-america-and-execute-terrorist-attacks/)

Aside from this being a deeply unnerving development, this has the potential to completely scramble the political thinking in this country regarding immigration reform and border security. A report from Fox News reporter Jana Winter filed on Friday indicates that **Islamic State fighters are eyeing the porous U.S.-Mexico border as a potential area in which aspiring jihadists can infiltrate the country and prepare terrorist attacks.** Social media chatter **shows Islamic State militants are keenly aware of the porous U.S.-Mexico border, and are "expressing an increased interest" in crossing over to carry out a terrorist attack**, according to a Texas law enforcement bulletin sent out this week. "**A review of ISIS social media messaging during the week ending August 26 shows that militants are expressing an increased interest in the notion that they could clandestinely infiltrate the southwest border of US, for terror attack," warns the Texas Department of Public Safety "situational awareness"** bulletin, obtained by FoxNews.com. The three-page bulletin, entitled "ISIS Interest on the US Southwest Border" was released to law enforcement on Thursday. In related news, White House Press Sec. Josh Earnest told reporters on Friday that the number of illegal immigrants crossing the southern border had dropped precipitously. When asked if the crisis on the border was over, Earnest said it was. "For now," he added.

An ISIS presence in Mexico amplifies the link to terrorism

Judicial Watch 15 (A foundation that writes on legal issues, "ISIS Camp a Few Miles from Texas, Mexican Authorities Confirm", 4/14/2015, http://www.judicialwatch.org/blog/2015/04/isis-camp-a-few-miles-from-texas-mexican-authorities-confirm/, DJE)

ISIS is operating a camp just a few miles from El Paso, Texas, according to Judicial Watch sources that include a Mexican Army field grade officer and a Mexican Federal Police Inspector. The exact location where the terrorist group has established its base is around eight miles from the U.S. border in an area known as "Anapra" situated just west of Ciudad Juárez in the Mexican state of Chihuahua**. Another ISIS cell to the west of Ciudad Juárez, in Puerto Palomas, targets the New Mexico towns of Columbus and Deming for easy access to the United States**, the same knowledgeable sources confirm. During the course of a joint operation last week, Mexican Army and federal law enforcement **officials discovered documents in Arabic and Urdu, as well as "plans" of Fort Bliss – the sprawling military installation that houses the US Army's 1st Armored Division.** Muslim prayer rugs were recovered with the documents during the operation. Law enforcement and intelligence sources report the area around Anapra is dominated by the Vicente Carrillo Fuentes Cartel ("Juárez Cartel"), La Línea (the enforcement arm of the cartel) and the Barrio Azteca (a gang originally formed in the jails of El Paso). **Cartel control of the Anapra area make it an extremely dangerous and hostile operating environment for Mexican Army and Federal Police operations.** According to these same sources, "coyotes" engaged in human smuggling – and working for Juárez Cartel – help move ISIS terrorists through the desert and across the border between Santa Teresa and Sunland Park, New Mexico. To the east of El Paso and Ciudad Juárez, cartel-backed "coyotes" are also smuggling ISIS terrorists through the porous border between Acala and Fort Hancock, Texas. These **specific areas were targeted for exploitation by ISIS because of their understaffed municipal and county police forces, and the relative safe-havens the areas provide** for the unchecked large-scale drug smuggling that was already ongoing. Mexican intelligence sources report that ISIS intends to exploit the railways and airport facilities in the vicinity of Santa Teresa, NM (a US port-of-entry). The sources also say that **ISIS has "spotters" located in the East Potrillo Mountains of New Mexico (largely managed by the Bureau of Land Management) to assist with terrorist border crossing operations.** ISIS is conducting reconnaissance of regional universities; the White Sands Missile Range; government facilities in Alamogordo, NM; Ft. Bliss; and the electrical power facilities near Anapra and Chaparral, NM.

Elections Link

Public opposed to the plan – Republicans push for stronger borders – backlash against plan blames Dems and turns votes Republican

John **Mccormick**, 9-4-**2014**, "Americans in Poll Increasingly Want Tough Border Control," Bloomberg, http://www.bloomberg.com/news/articles/2014-09-03/americans-in-poll-increasingly-want-tough-border-control

Sept. 4 (Bloomberg) -- **Americans increasingly want tighter border security and tougher immigration enforcement, bolstering the Republican position as President Barack Obama**

considers executive action on the issue. One-third say stricter controls should be the priority for U.S. policy, up from 25 percent who held that view in February 2013, **according to** a survey by the **Pew Research** Center. Efforts to revise immigration laws remain stalled in Congress, with Republicans stressing border control and Democrats pushing to ease deportations. The White House has said **Obama may delay** executive **action** to change the U.S. policy until after November's congressional elections, **for fear of hurting Democratic candidates.** "Among whites, there is much more support for improving border security and enforcing immigration laws more strictly," the report released yesterday by the Washington-based Pew says. The proportion of whites who place the highest priority on border control is 37 percent, double that of Hispanics. The harder-line position comes even as a separate report by Pew showed no growth in the number of undocumented immigrants in the U.S. over the last four years. Pew's poll, conducted Aug. 20-24 of 1,501 adults, offered a choice of whether border security and law enforcement should be given priority over creating a way for undocumented immigrants to become citizens if they meet certain conditions. Almost a quarter -- 23 percent -- said they give greater importance to offering a path to citizenship. About four-in-10 - - a plurality -- said both should be given equal priority. Igniting Passions A flood of unaccompanied and undocumented children, mostly from Central America, trying to enter the U.S. has ignited passions on the issue. **By a margin of 53 percent to 36 percent, more Republicans say the emphasis should be on better border security and stricter enforcement.** Among independents, 41 percent support giving equal priority to a path to citizenship and better border security, while 33 percent back greater border security and tougher law enforcement, up from 25 percent in February 2013. Even the share of Democrats saying the priority should be on taking a harder line increased to 19 percent from 14 percent. Forty-five percent give equal priority to both a path to citizenship and enhanced security and enforcement, down from 52 percent at the beginning of last year. The Pew report, also released yesterday, offered **Washington politicians leery of dealing with immigration some rationale for their inaction.** It showed that the number of undocumented immigrants in the U.S. has stabilized since the end of the recession and shows no signs of rising. 11.3 Million There were 11.3 million unauthorized immigrants living in the U.S. in March 2013, Pew estimates, the same as in 2009. "The marked slowdown in new arrivals means that those who remain are more likely to be long-term residents, and to live with their U.S.-born children," the report says. The analysis underscores the central role economic conditions play in the flow of immigrants. When times are good, more of them arrive in the U.S. The number of undocumented immigrants rose briskly for decades before plunging during the 2007-2009 recession. As growth has stalled, there's also been a rise in the median length of time that unauthorized immigrants have lived in the U.S., going from less than eight years in 2003 to almost 13 years in 2013.

Iran Politics Link

Border enforcement is supported universally. The plan would pit Obama against everyone.

Johnson 2007(Dean and Mabie-Apallas, Professor of Public Interest Law and Chicana/o Studies, "Opening the Floodgates", New York University Publication)

Conservatives generally find themselves deeply split on the issue of¶ immigration. Some staunch members of the Republican Party, including¶ President George W. Bush, generally favor liberal admission policies, or¶ at least more liberal policies than the ones currently in place. Economic¶ conservatives see gains from immigration and inexpensive labor. In stark¶ contrast, another wing of the Republican Party is deeply concerned with¶ the alleged cultural impacts of immigration**.** This faction aggressively¶ plays on populist fear about cultural changes blamed on immigrants and¶ demands restrictionist policies and tougher border enforcement. Today,¶ this arm of the Republican Party, represented most prominently by Congressman¶ Tom Tancredo and the conservative icon Pat Buchanan, often¶ exercises great influence over the direction of immigration law and policy¶ by tapping into broad-based fears of economically and otherwise insecure¶ U.S. citizens. Poor, working, and middle-income people worry¶ about the changes wrought by immigration and are not likely to sympathize¶ with the desire of big business for cheap labor.¶ On the other hand, Democrats also find themselves divided on immigration.¶ Economically, they are concerned with immigration's downward¶ pressure on the wage scale and its impact on a long-time base of¶ Democratic support, labor unions. Although change has come in recent¶ years, organized labor, often supportive of the basic Democratic agenda,¶ has

historically supported restrictionist immigration laws and policies.¶ Many liberals, however, desire the humane treatment of immigrants and¶ often push for pro-immigration and pro-immigrant laws and policies.¶ There, however, is some common ground. Many Democrats and Republicans¶ often agree that increased border enforcement is necessary.¶ Like tough-on-crime stances, this has proved time and time again to be a¶ politically popular position. This is even true for those sympathetic to¶ 138 | *The Economic Benefits of Liberal Migration of Labor Across Borders*¶ the plight of immigrants. In addition, influenced by public fears of being¶ overrun by floods of immigrants, politicians of both parties often support¶ limits on legal immigration and heavy border enforcement.

Neoliberalism Link

Eliminating borders revitalizes neoliberalism and opens up financial barriers that allows the market to access new sources of capital

Wilkie 2008 [Rob, Assistant Professor of Cultural and Digital Studies at the University of Wisconsin-La Crosse, "Supply Chain Democracy and Circuits of Imperialism", Red Critique Fall/Winter 2008, http://redcritique.org/FallWinter2008/supplychaindemocracyandcircuitsofimperialism.htm, Accessed 7/15/15, *modified for gendered language, AX]

Second, it is argued that the development of post-labor means of production creates the conditions for the expansion of capital globally, in turn disrupting the traditional boundaries between nations, thereby creating a "flat" or "borderless" world of free cultural and financial exchange (Friedman, The World is Flat; Ohmae, The Borderless World). **What "flat" or "borderless" signifies is an increased "capitalization" in the post-WWII period of formerly socialist and colonized nations and their incorporation into the global system of production**, either through the shifting of manufacture from the "North" to the "South" ("outsourcing"/"off-shoring") or **by becoming integral players in a post-national "supply-chain" that has been enabled by advances in communication as well as the opening up of trade and financial barriers to free up the flow of formerly "trapped" or unproductive capital.** Proponents of the "flat world" thesis point to the expansion of international trade which, according to the IMF, "has grown five times in real terms since 1980, and its share of world GDP has risen from 36 percent to 55 percent over this period" (IMF 137). **This "flattening" of the global economy**, in which it is said that the expansion of production and trade relations between nations constitute the emergence of a level playing field between formerly unequal or hostile nations, **is essentially premised upon a theory of a "universal evolution in the direction of capitalism"** (Fukuyama xv) **in which there is no longer any "outside" to capitalism.** In this reading**, the "developed" economies of the North have moved beyond the traditional economic cycle, while transplanting the conditions of new growth and prosperity to the "developing" nations** in the South. As Martin Wolf writes, "In the post-war era, the most successful route to development seems to have been via the export of labor-intensive manufactures, the route on which China has followed Hong Kong, Singapore, Taiwan and South Korea" (147). The "problem" for the ideologists of capital and this image of globalization as leveling the world is that insofar as concepts are abstractions of reality **the continuing existence of deep social and economic inequalities cannot be solved at the level of ideas** and thus still have to be explained. That is to say, **even though "globalization" has become synonymous** in theory **with the end of the economic challenges to capitalism's dominance, this does not change the reality that the expansion of capitalism globally has corresponded in actuality with a rising level of inequality and a sharpening of the class divide**, both between the North and South, as well as within the respective countries of each. This is because **capitalism is a system that depends upon the exploitation of labor. Regardless of** whether or not **the primary location of**

production is the North or the South, or whether the workers work in factories that are highly mechanized or newly digitalized, **it is the production of surplus value** extracted from the surplus labor of workers by owners **that drives capitalism forward. That exploitation remains even in the "global" factories of today** is supported in a recent study from the World Bank which, despite touting the results of "free-market" globalization as having reduced the number of people living in poverty—defined as the ridiculously low, and ultimately arbitrary, sum of less than $1 per day—by 260 million in the period 1990-2004, nonetheless showed that **real inequality between the rich and poor has actually increased during this time in 46 of** the **59 developing countries surveyed** (4). Over the same period, a study by the International Monetary Fund also found that "**Inequality has been rising in countries across all income levels**, except those classified as low income" and that overall "the income share of the richest quintile has risen, whereas the shares of the remaining quintiles have declined" (158-159). That the two main representatives of capitalist finance found rising inequality and a sharpening of the class divide despite representing globalization as moving beyond class binaries is due to the fact that **the economic contradiction between capital and labor does not reside at the level of the concept**—in other words, the conflict over globalization is not simply a political or intellectual struggle over how to best define the term—**but rather in the property relations that enable the owners of the means of production to accumulate capital at the expense of those who own only their labor power**. As Marx argued more than one hundred fifty years ago and which is proven once again by the increases in global inequality, "**even the most favorable situation for the working class,** namely, the most rapid growth of capital, however much it may improve the material life of the worker, **does not abolish the antagonism between [his/her] interests and the interests of the capitalist**" (Wage Labor and Capital 39). Even as developments of labor productivity result in new, higher standards of living for some workers, these **developments are always restricted under capitalism to the accumulation of surplus value and** thus it is **always the interests of the bosses that will take precedence over the needs of the working class.**

We must understand Native Americans as proletarians – their analysis renders invisible the set of historical capitalist relations that informed genocide against the Native body and made oppression possible

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This rich passage raises many points for discussion in terms of how Ortiz constructs class consciousness and how this text and his writing as a whole relate to and redefine the contours and politics of the proletarian [End Page 180] literary genre. Ortiz here is asserting the privileged historical, economic, and social position, as well as the privileged perspective of the Native American in the historical development and contemporary society of U.S. capitalism. Just as Lukacs in History and Class Consciousness argues that "the superiority of the proletariat must lie exclusively in its ability to see society from the center, as a coherent whole" (69), Ortiz effectively suggests that Native Americans occupy a "more central" position in society from which to comprehend it as a coherent whole. However, while Lukacs argues that "the self-understanding of the proletariat is [. . .] simultaneously the objective understanding of the nature of society" and that "when the proletariat furthers its own class-aims it simultaneously achieves the conscious realization of the--objective--aims of society, aims which would inevitably remain abstract possibilities and objective frontiers but for this conscious intervention" (149), **Ortiz represents Native Americans' self-understanding as yielding a more accurate and insightful vision of the trajectory of social history because they are most immediately threatened and affected by the historical development of capitalism**. First in line for genocide, they are first to understand through experience the operations and aims of our current course of historical development. Thus they occupy the most advantageous position from which both to achieve a full consciousness of U.S. capitalism and to intervene consciously in redirecting historical development. Consequently, Ortiz means to bring the exigency of survival to the forefront of political and class consciousness, **suggesting that while Native Americans are most urgently conscious of the task of survival, it needs to be a larger working-class issue**; it needs to

be the premise of the class struggle itself to prioritize survival by making lands "productive to serve humanity." However, **Ortiz** warns that such a goal "will take real decisions and actions and concrete understanding by the poor and workers of this nation" (360).¶ The above passage also **highlights the importance of understanding Native Americans as a dynamic part of the U.S. proletariat and of U.S. labor history**. In the text as a whole, Ortiz worries about the "preservation" of Native American culture in museums and state parks that tend to hypostatize Native Americans as relics of history rather than as historical and contemporary participants in U.S. society and economy. The worry is that Native Americans will be isolated in "natural wilderness or [End Page 181] cultural parks" (360) and thus relegated to the margins instead of recognized as the center of social change and class consciousness that Ortiz believes they need to be. **The other sectors of the working class need to understand the genocide and exploitation of Native Americans if they are going to understand comprehensively the operations of U.S. capitalism**, the path of their genuine self-interest within that system, and the fate that awaits them if they do no act to redirect the course of history by learning from and following the lead of Native Americans. It is here that Ortiz makes his most passionate plea, one worth quoting at length:¶ They will have to see that the present exploitation of coal at Black Mesa Mine in Arizona does not serve the Hopi and Navajo whose homeland it is. They will have to understand that the political and economic forces which have caused Hopi and Navajo people to be in conflict with each other and within their own nations are the same forces which steal the human fabric of their own communities and lives. They will have to be willing to identify capitalism for what it is, that it is destructive and uncompassionate and deceptive. They will have to be willing to do so or they will never understand why the Four Corners power plants in northwestern New Mexico continue to spew poisons into the air, destroying plant, animal, and human life in the area. They will have to be willing to face and challenge the corporations at their armed bank buildings, their stock brokers, and their drilling, mining, milling, refining and processing operations. If they don't do that, they will not understand what Aacqu and her sister Pueblos in the Southwest are fighting for when they seek time and time again to bring attention to their struggle for land, water, and human rights. The American poor and workers and white middle class, who are probably the most ignorant of all U.S. citizens, must understand how they, like Indian people, are forced to serve a national interest, controlled by capitalist vested interests in collusion with U.S. policy makers, which does not serve them. Only when this understanding is attained and decisions are reached and actions taken to overcome economic and political oppression imposed on us all will there be no longer a national sacrifice area in the Southwest. Only then will there [End Page 182] be no more unnecessary sacrifices of our people and land. (360-61)¶ In this catalog of what the American poor and working class need to see, understand, and do--much of which entails facing and comprehending the particular exploitation and colonized status of Native Americans--Ortiz is suggesting that Native American class consciousness and political self-interests are not only identical to those of the non-Native American working class and poor but that, even more so, they are definitive of class consciousness and working-class political interests. If they do not understand the Native American situation, they will not understand "the same forces which steal the human fabric of their own American communities and lives." This same recognition is equally crucial in the literary critical sphere when we attempt to map the coordinates of a genre of proletarian literature as such a genre becomes the cultural representation and mouthpiece of the U.S. working class and its interests. **To marginalize Native American literature or categorize it wholly apart from and exclusive of proletarian literature re-enacts the same gesture of making invisible the Native American working class, of isolating it from the scene of wage labor.¶** Moreover, **what is also rendered invisible by obscuring the historical experience of Native Americans, their working-class experience, and their narrative of survival and class struggle, is the historical memory of an unalienated relationship with the land.** We have already seen Ortiz represent precolonial moments in which the Aacqu's lives were described as ones of material well being and spiritual integrity. While his narrative of colonization represents their growing dependence on wage labor and their general dependence under capitalism because of the diminution of their access to natural resources caused in part by their dispossession and in part by industrial capitalism's destruction of those resources, Ortiz also highlights that what remains through oral history is a memory of an actual culture or way of life characterized not by alienation but by integrity with nature, oneself, and others. Ortiz writes,¶ I don't know when it was that the grass was as high as a man's waist. I never knew that. All my life, the grass had been sparse and brittle. All my life, the winters have been cold and windy [End Page 183] and the summers hot and mostly rainless. But the people talk about those good years when they could cope with life on their own terms. The winters were always cold and the summers hot, but they could cope with them because there was a system of life which spelled out exactly how to deal with the realities they knew. The people had developed a system of knowledge which made it possible for them to work at solutions. And they had the capabilities of developing further knowledge to deal with new realities. There was probably not anything they could not deal properly and adequately with until the Mericano came. (349)¶ **The phenomenon Ortiz describes here is the general** deskilling of the human, of the **alienation that capitalism inflicts in its will to dominate.** Here Ortiz depicts again, it is worth reiterating, the way capitalism curtails rather than enhances productive efficiency as he represents how the colonizing process hobbled the people, made them dependent rather than self-sufficient, and robbed them of their creative abilities and skills.¶ But what is perhaps most striking about the narrative is that Ortiz represents an actual useable past that is not simply a utopian invention but rather a viable historical model. The importance of Ortiz's identification of this historical actuality is that it challenges those critics who see Marxism's ideal of a culture of disalienation, in which each person realizes her species being, as not only unattainable but also as never having been attained, as historically fantastic. Take, for example, Stephen Greenblatt's criticism of a passage from The Political Unconscious in which Fredric Jameson speaks to the process whereby capitalism diminishes the unalienated individual subject in its production of the fragmented bourgeois individual. Greenblatt writes,¶ The whole passage has the resonance of an allegory of the fall of man: once we were whole, agile, integrated; we were individual subjects but not individuals, we had no psychology distinct from

the shared life of the society; politic and poetry were one. Then capitalism arose and shattered this luminous, benign totality. The myth echoes throughout Jameson's book, though by the close it has been eschatologically reoriented so that the totality lies not in a past revealed to have always [End Page 184] already fallen but in the classless future. A philosophical claim that appeals to an absent empirical event. (3)¶ While Greenblatt no doubt has a point--it is certainly difficult to attribute alienation solely to the onset of capitalism, as though somehow feudal and slave economies featured whole and happy individual subjects--his own sense of the past is equally distorted, at least in light of Ortiz's narrative. Nonetheless, Greenblatt's criticism is one commonly hauled out to attempt to undermine the legitimacy of Marxist theories of human nature and liberation. Thus, Ortiz's identification of this historical moment of integration, as opposed to alienation, serves not only to challenge the cynical bourgeois critics of Marxism but, perhaps even more importantly, to give the Marxist tradition a model of possibility on which to build and imagine a postcapitalist culture. **To distance or isolate Native Americans from the U.S. working class** and their literature from the larger proletarian tradition **is to impoverish and, really, to disempower the U.S. working class** by cutting it off from this model of possibility that ought to inform class struggle.¶ Indeed, as Ortiz strenuously argues throughout the piece, **it is the condition of alienation** from ourselves, nature, and other people that most seriously **needs to be addressed, as alienation is the premise of exploitation and the destructive features of capitalism; Native Americans possess most vividly the collective memory of unalienated life**, as opposed to most elements of the U.S. working class whose memory is confined to a capitalist world and an experience of wage labor, which might explain why so much energy in labor struggles focuses on wages rather than focusing more concertedly on alienation and on the use of resources.¶ Native Americans are best positioned to assess the experience of alienation under capitalism, Ortiz suggests, because they have not just an imagination but also an historical knowledge of a different mode of production, culture, and way of life, as we see in the following passage in which Ortiz discusses the experiences of Laguna and Navajo miners working for the Kerr-McGee mines in New Mexico:¶ The Navajo men who went into the underground mines did not have much choice except to work there, just like the Laguna miners who find themselves as surface labor and semi-skilled [End Page 185] workers. The Kerr-McGee miners who had stayed for any length of time underground breathing the dust laden with radon gas would find themselves cancerous. The Laguna miners would find themselves questioning how much real value the mining operation had when their land was overturned into a gray pit miles and miles in breadth. They would ask if the wages they earned, causing wage income dependency, and the royalties received by the Kawaikah people were worth it when Mericano values beset their children and would threaten the heritage they had struggled to keep for so long. (356)¶ The Laguna miners are able to measure their value system and the social relationships it entails against that of capitalism and its destructive, even murderous, effects on the land and the people. Once again, Ortiz counterpoints two modes of conceptualizing value, embodied in one culture that prioritizes quality of life and in another quantitatively oriented culture committed to accumulating monetary wealth at the expense of life. The importance here, though, is that the Native American working class already possesses the value system for as well as the memory and imagination of a postcapitalist culture that the non-Native American U.S. working class needs to recognize as a valuable and crucial attribute of its tradition of resistance to capital and its aspirations of social transformation. Similarly, Ortiz also speaks of the memory of the Peublo Revolt of 1680 in which enslaved Africans, native Americans, and descendants of the Chicano people fought back against Spanish colonialism. This example of multiracial organizing and resistance is highlighted as a central element of the collective memory of empowerment and change. It is just such models of revolt that the U.S. working class needs as part of its historical and class consciousness, which it needs to be attached to and not dissociated from.¶ But yet when critics narrowly periodize and restrictively define the category of proletarian literature, it is just such dissociation and erasure that takes place. In developing a Marxist cultural tradition on the Left that is capable of directing and imagining full liberation, we must construct a proper proletarian literature genre which maps comprehensively the body of texts that are expressions of class struggle and which mediates the sociological and the cultural in a way that allows us to draw on the whole rich collective tradition of working class struggle [End Page 186] against racial patriarchal capitalism. **Understanding Native American literature as proletarian begins this process of political** and literary **reorganization**. Both Silko and Ortiz offer rethinkings of Marxism and class struggle that position Native Americans as pivotal actants and Native American culture and history as a rich reservoir of models for imagining change as well as postcapitalist culture and economy. Both culturally and politically, the Left needs to revivify its cultural imaginary and not dissociate by virtue of its exclusive cultural and political categories from political and cultural traditions that offer meaningful cross-fertilization. Indeed, just as Marx said the educators must be educated, so the Left must be educated by other left Marxist traditions it might not have even recognized as such. As Ward Churchill admonishes, when you think about Native American political concerns over such issues as land and water rights,¶ The great mass of non-Indians in North America really have much to gain, and almost nothing to lose, from the success of native people in struggles to reclaim the land which is rightfully ours. The tangible diminishment of U.S. material power which is integral to our victories in this sphere stands to pave the way for realization of most other agendas--from anti-imperialism to environmentalism, from African-American liberation to feminism, from gay rights to the ending of class privilege--pursued by progressives on this continent. Conversely, succeeding with any or even all these other agendas would still represent an inherently oppressive situation if their realization is contingent upon an ongoing occupation of Native North America without the consent of Indian people. Any North American revolution which failed to free indigenous territory from non-Indian domination would simply be a continuation of colonialism in another form. (88)¶ Indeed, just as Marx theorizes that **the working class is the lynchpin of liberation because in order to liberate itself it must do away with class altogether**, we can take Churchill here, as well as Silko and Ortiz, to be in some sense saying that for the non-Indian U.S. working class to liberate itself, Native Americans must be liberated. Put another way, the working class cannot liberate only part of itself, so it must identify and understand [End Page 187] itself fully in order to liberate itself fully. Mapping this understanding via the space of a proletarian literary genre is a place to begin.

Tohono Case Neg

Advantage Answers

Tohono key to drug smuggling

Robbins 9 (Ted Robbins, "Border Tribe In Midst Of Drug Smuggling 'Crisis'", NPR, May 19th, 2009, Morning Edition, http://www.npr.org/templates/story/story.php?storyId=104255061, 7/21/15 AV)

This year, law enforcement agencies expect to seize as much as 800,000 pounds of marijuana crossing one stretch of border in southern Arizona that runs through the Tohono O'odham Indian Nation. That's $1 billion worth of pot, and the Drug Enforcement Administration estimates that only about 20 percent of what's coming across is caught. There's a new push to intercept more of the contraband, but it's a huge challenge. The terrain is rugged, it's sovereign Indian land, and some tribal members are working with Mexican drug cartels. The problem has become so acute that tribal leadership, long reluctant to talk about the matter, is addressing it directly. "We are in a crisis," says Ned Norris, Tohono O'odham Tribal chairman. "We have too much drug activity ... we have too many of our people that are being bought into that system." Indeed, over the past five years, tribal members have been involved in 30 percent of all drug cases presented to the U.S. attorney in the region. The Tohono O'odham Nation is a smuggler's paradise. It's huge: roughly the size of Connecticut. It's sparsely populated with small villages spread far apart. And it's crisscrossed by hundreds of back roads and thousands of footpaths. "At any one given time, you probably could smuggle a battleship through there," says Tony Coulson, special agent with the DEA in Tucson. What makes matters more difficult for law enforcement is the fact that the O'odham nation has members and nine villages on the other side of the border in Mexico. And, because federal agents must respect the tribe's rights, members move freely through simple iron gates, the kind you would find on any ranch. Most tribal members cross back and forth from Mexico for legitimate reasons. They visit friends and family, go shopping or to the doctor. But some use the easy access to engage in illegal activity. According to tribal police, smugglers routinely approach tribal members, looking for help shipping drugs north to major cities. "Backpackers bring it across or vehicles bring it across, bring it to a certain location, or take it to the village and stash it somewhere," says Sgt. David Cray with the Tohono O'odham Police Department. "Then the local will pick it up from there and take it to Tucson or Phoenix." While he doesn't condone the activity, Norris says the temptation to get involved with smuggling is great. Poverty is widespread, and unemployment is the norm for the Tohono O'odham. "You wave five grand in somebody's face and say, 'All I want you to do is drive this vehicle from this point to this point, and here's $5,000 to do it,' " says Norris. The tribe wants more federal money for local enforcement, jobs and drug treatment programs. While Norris wants the Border Patrol to stop Mexican cartels from controlling tribal land, he acknowledges that many tribal members resent the presence of hundreds of armed Border Patrol agents. That resentment makes it difficult for the tribal police as well. Cray says that when people know about smuggling, they're unlikely to talk. Paraphrasing tribal members, he says, "It might be my cousin, it might be my brother-in-law ... I'm not going to come to you and tell you, 'Hey I'm going to testify against this guy.' " But Norris is talking about the epidemic of drug smuggling on his land. "I have an obligation," he says. "And unless we start talking about it and accepting the fact that we are in a crisis, then nothing's going to be done about it."

Tohono – drugs and violence

McCombs 8 (Brady McCombs, "Border agents attacked in 3 weekend incidents", Arizona Daily Star, May 8th, 2008, http://tucson.com/news/local/border/border-agents-attacked-in-weekend-incidents/article_07f517e7-6d72-5f1e-8974-e3ae36a08aeb.html, 7/21/15 AV)

U.S. Border Patrol agents this weekend were involved in three violent encounters, found 1,400 pounds of marijuana inside a truck that crashed at the border on the Tohono O'odham Nation and discovered 43 illegal immigrants in a Nogales drop house. In the first violent encounter, an agent fired at an oncoming truck about 9:45 p.m. Sunday near Arivaca Road southwest of Tucson, said Rob Daniels, Border Patrol Tucson Sector spokesman. The incident started when a Border Patrol agent on foot near Arivaca Road spotted a 2001 Ford pickup full of people on the north side of the road. As he approached the vehicle, 12 illegal immigrants fled. The driver stayed in the truck and drove toward the agent. At that point, the agent fired his weapon, Daniels said. It's unclear how many shots he fired. The agent wasn't hurt, and the 12 people were caught by other agents. They found the truck nearby but didn't find the driver. About 2:30 a.m. Sunday an agent was struck by a black Ford pickup near the village of Cocklebur on the Tohono O'odham Nation, Daniels said. The agent was northbound on a remote road when he spotted the pickup truck full of people. It looked like it was stuck so the agent got out of his vehicle and began walking toward it. The driver of the truck drove directly at the agent, striking him and knocking him to the ground. The vehicle drove away. Other agents found the truck about three-fourths of a mile from the area but didn't find the driver or the occupants. There were an estimated 20 people in the truck, which was reported stolen in Phoenix. The agent was treated and released with a sprained right ankle and left arm, Daniels said. On Saturday, an agent standing close to the border fence east of downtown Nogales was hit in the chest with a baseball-sized rock by a suspected smuggling scout, Daniels said. The agent was waiting for some illegal immigrants to head north when a man lobbed some rocks toward him. The agent stood up and identified himself. That's when the man hit him in the chest with the rock. The rock-thrower turned around and ran back toward Mexico. The agent chased him but lost track of him, Daniels said. The agent didn't have serious injuries, he said. The discovery of the 1,400 pounds of marijuana occurred about 1 a.m. Saturday after a Ford F250 pickup that was being monitored by agents crashed into the railroad-rail vehicle barriers about five miles east of the San Miguel gate on the Tohono O'odham Nation, Daniels said. The driver and passenger fled into Mexico. Agents found the drugs inside the cab and in the bed, which had a camper shell. The vehicle had been reported stolen in Tucson. Agents found the drop house at 11:30 p.m. Saturday after receiving a call from Nogales police, Daniels said. They found 43 illegal immigrants inside.

Tohono empirically key to drug and human trafficking

Johnson 10 (Tim Johnson, “Indian reservations on both U.S. borders become drug pipelines”, McClatchy DC, 6/16/10, http://www.mcclatchydc.com/news/nation-world/world/article24585559.html, 7/22/15 AV)

SELLS, Arizona — Like any young man on the Tohono O'odham Indian reservation on the border with Mexico, Clayton Antone can reel off the going rate for smuggling a load of marijuana into the U.S. "You get $2,000 for a 45-minute drive," Antone said. The Mexican and Canadian shiny pick-up trucks and late-model SUVs outside the homes of unemployed Indians on the reservation suggest that some have acted on the math. Traffickers in Mexico and Canada increasingly are using Indian reservations along the borders as conduits for bringing marijuana, Ecstasy and other illicit drugs into the U.S. The drug gangs take advantage of weak and underfunded tribal police forces and the remoteness of tribal lands, and they find that high unemployment rates and resentment of federal law enforcement agencies make some young native Americans ready allies. Drug seizures on the tribal lands have risen sharply. In 2005, law enforcement agents made 292 seizures totaling 67 tons of marijuana. By 2009, they tallied 1,066 seizures totaling more than 159 tons. Cocaine also is moving in. On June 11, the U.S. attorney for Arizona indicted nine Tohono people on trafficking charges, ending a five-month probe in which undercover agents made 39 buys totaling over 250 grams of cocaine. The U.S. Justice Department is closely watching on two reservations where it says the problems are most acute: the St. Regis Mohawk Reservation in upstate New York and the Tohono O'odham Reservation in Arizona. As much as 20 percent of all the high-potency marijuana grown in Canada each year is smuggled through the St. Regis Mohawk Reservation, according to the National Drug Intelligence Center's 2010 drug threat assessment report. Drug gangs smuggle 5 percent to 10 percent of all the marijuana produced in Mexico through the Tohono O'odham Reservation in Arizona, it adds. The

Mohawk reservation includes about 20 miles, or half a percent of the 3,987-mile U.S. border with Canada (not including Alaska), while the Tohono O'odham tribal lands take up about 75 miles, or 4 percent of the 1,933-mile border with Mexico. The Tohono O'odham Police Department employs some 65 officers, yet they must cover a sprawling Sonoran Desert reservation the size of Connecticut. Roads are good, but communities are far apart. "It takes an officer at least two hours to respond in some cases, depending on the locale," said Timothy Joaquin, a tribal council member on the security committee that oversees public safety issues. Compounding problems, the tribal population is only 27,000 — really a large extended family. Those involved in the drug trade aren't distant neighbors but a friend's cousin, or one's own relative, and loyalty runs deep. "I know people who actually go to Mexico and bring the drugs across," said Antone, who works at the Tribal Youth Council, which helps young people find jobs, and he doesn't condone the smuggling he sees around him. "Everybody knows who's doing it." Those involved know the back roads and trails better than do the Border Patrol agents who police the reservation for illegal migrants and smugglers. They're also familiar with when the agents take breaks, change shifts and use sniffer dogs at the checkpoints on the three roads leading out of the tribal area. Tohono smugglers send spotters out to the Border Patrol checkpoints to see when it's safe to pass along the route. "They'll send the message, 'There's no K-9. Come on through,'" Antone said. Joaquin, the council member, said a trip around tribal land suggests that something doesn't quite add up. "You think, 'how can somebody who's not employed afford such a good vehicle?'" he said. At one village, Al-Jek, less than a mile from the border, where a special type of fencing allows the passage of livestock and people but not vehicles, Angelita Castillo said a few hamlets are deeply involved, such as nearby Pisinemo. "Some of us who are here, we try to keep away from it," Castillo said. The trafficking is in people as well as drugs, and the Tohono O'odham reservation pays dearly. Mexican migrants leave trash strewn across the desert, break into homes in search of food, receive treatment at the tribal health services clinic and impose a burden on tribal police. The tribe has paid for autopsies for more than 50 migrants found dead on its land. "They find tons of trash that these individuals leave behind, backpacks and clothes. They've stolen so many bicycles," said Frances G. Antone, a member of the Tohono legislative council who's distantly related to Clayton Antone. Legal experts say Washington bears some blame for what has happened. "The quality of law enforcement on all tribal lands is generally weak," said Kevin Washburn, the dean of the University of New Mexico law school in Albuquerque. "It is primarily a federal responsibility, and the federal government's commitment has been weak. Roughly 2,500 miles northeast, severe environmental pollution and economic dislocation have afflicted the 22-square-mile St. Regis Mohawk Reservation in upstate New York. "The Mohawks basically had their traditional economies destroyed by General Motors and Alcoa polluting the land with PCBs," said David Stoddard, a spokesman for the tribal government. Three foundries and plants that the companies operated, beginning in the 1950s, have become Superfund sites to clean up polychlorinated biphenyls, or PCBs, a contaminant that's gotten into mothers' milk on the reservation. Each year, federal agents say, as much as a billion dollars of hydroponically grown marijuana and other drugs move through the reservation, which straddles the St. Lawrence Seaway. Some drugs, particularly cocaine, are smuggled north. "Multiple tons of high-potency marijuana are smuggled through the St. Regis Mohawk Reservation each week by Native American (drug trafficking organizations)," the drug threat assessment report said. In warmer weather, smugglers use speedboats and Jet Skis to zip across the river, turning to snowmobiles when the river ices over in winter. Montreal is a 90-minute drive, while New York City is a straight shot down Interstate 87. Amid new busts on the reservation, Sen. Charles Schumer, D-N.Y., proposed last December that 10 years be added to the term of any drug trafficker if they use Indian lands. The proposal hasn't yet become law. The smuggling trial of Russian emigre Andrey Nevsky, a left-handed pro boxer, last month in Albany, N.Y., brought new testimony that the reservation was a major transshipment point for tons of marijuana headed south. Prosecutors said smugglers who brought vehicles full of marijuana down I-87 used "blocking" vehicles to break traffic laws on purpose to distract police and protect the smugglers.

Tohono natives key to US-Mexico drug trafficking

Martin 10 (Michel Martin, "Indian Reservations Grapple With Drug Trafficking", NPR, 7/15/10, http://www.npr.org/templates/story/story.php?storyId=128539859, 7/22/15 AV)

Next we focus on drug trafficking through Indian country. The 2010 National Drug Control Strategy says that Indian reservations that straddle the border between U.S. and Mexico and the U.S. and Canada, are prime targets for drug traffickers because they are remote and often lack the policing they need to combat it effectively. We turn now to Ed Reina. He joins us now from the Tohono O'odham Nation where he is director of public safety. The reservation is located in southern Arizona on the U.S./Mexico border. In 2010, the Justice Department reported that 5 to 10 percent of all marijuana grown in Mexico makes its way through

the tribal lands of this Indian nation. And also with us from Mexico City, is Tim Johnson. He's Mexico bureau chief for McClatchy Newspapers and he's done extensive reporting about drug trafficking through Indian country in the United States. And I welcome you both and I thank you both so much for being with us. Mr. TIM JOHNSON (Mexico Bureau Chief, McClatchy Newspapers): Thank you. Mr. ED REINA (Director of Public Safety, Tohono O'odham Nation): Thank you. I appreciate this opportunity. MARTIN: Director Reina, if you'd start by telling us, when did you start to realize that there was this problem with drug traffickers using the Tohono O'odham Nation's lands for trafficking purposes? How did this start to become clear? Mr. REINA: There had always been a problem, but probably in the mid 2000, 2005, the U.S. government started closing down the areas along the border, such as San Diego, Texas, et cetera and they created a funnel effect, which increased the transport of drugs and human cargo through the Tohono O'odham Nation. Since we are a sovereign nation, there wasn't any concerted effort at that time to secure our borders. So those strategies occurred outside in California, Texas, et cetera, then Arizona became the funnel for a lot of the transport of illegal drugs. MARTIN: Can you give us a sense of a scope of the problem? Like, how many times a week you think there are crossings, for example? How much do you think is moving through? Could you just give us any sense of the dimensions of it? Mr. REINA: Well, just using the number of people that come through, and right now we estimate it may be 150 or so a day. As far as the marijuana, which is the major drug that comes across, this fiscal year not ending, this for 2009 we have over 38,000 pounds that are seized. Now this is just the Tohono O'odham police department. We estimate that Border Patrol seizes probably five or six times that amount. MARTIN: I'm just trying to wrap my head around 150 people a day crossing through the land. So I'm thinking that this would lead to, first of all, there's got to be some environmental degradation that goes with that. There's got to be other effects. But what are some of the other effects on the community. For example, are people from the community being induced to participate? Are they being, you know, asked to participate? Are they being forced to participate? What affect is it having on the people? Mr. REINA: Unfortunately, that is one of the aspects of it. People are through various means induced to participate by offering substantial amounts of money to transport or store, within their communities. On occasions, some are forced to, through threats. So we do have the drug cartels that are making their way through the Tohono O'odham Nation either through developing relationships with the people or making threats to the people. Certainly a lot of damage. Our Wildlife, our natural environment, our sacred sites, these are overrun and certainly restricts the cultural practices that the people do do. MARTIN: Tim Johnson, let's bring you into the conversation. You've reported on this extensively. Could you just pick up the thread here from director Reina, and just tell us a little bit about what you've observed first in the Tohono O'odham Nation, the impacts on that community. And, also, let's just broaden it out from there. I'd like to know if other tribes and nations are experiencing this as well. Mr. JOHNSON: Yeah. I was up there, most recently, at the end of May and the beginning of June. And it's I was really struck by the fact that the this is a large the tribal lands of the Tohono O'odhams, you know, is about the size of Connecticut. And the border actually is about 75 miles. And along most of that border, there's what they call coral fencing. That means you can walk through it livestock can walk through it, but vehicles can't get through it. So, you know, when you talk about this illegal migrants and drug smugglers through there, they're coming through in all sorts of ways. But a lot of times they're just walking through with backpacks filled with marijuana. And you see a lot of bicycles abandoned because it's not just desert, it's also tracks. And so, you know, you just see litter and all kinds of stuff there along the border. And it's a lot of people and a lot of stuff moving through. MARTIN: And before we go back to Ed Reina, Tim Johnson, is this happening elsewhere? Are other is elsewhere in Indian country affected by these a similar phenomenon? Mr. JOHNSON: It is. The same funneling effect that happens on the southern border also happens on the northern border, particular the St. Regis Mohawk Reservation in upstate New York. This reservation is only a couple of hours away from Ottawa and Montreal. So for drug trafficking purposes it's an ideal place to use as a pipeline for drugs. And it's different up there because what's coming through is marijuana, but it's also ecstasy coming from Canada and then cocaine moving from the U.S. into Canada. And up there, the reservation is on both sides of the border for the Mohawks. And they use it summer and winter. In the wintertime, you go across the St. Lawrence Seaway on snowmobiles, and they can transport a lot of drugs that way. And I think it's even more severe up in that area rather than in Arizona because you see that on the reservation there are a number of people with mansions and so forth and no really explainable source of riches. It's a lot of drugs moving through that reservation. MARTIN: So it's both the northern border and the southern border. Mr. JOHNSON: It is. It is. MARTIN: Okay. And Ed Reina, finally, a thought from you, what do you think it would take to improve the situation? Mr. REINA: It's going to take a lot of effort and partnering within the Tohono O'odham Nation within our health and human services organizations and the federal agencies. If you look at it from a prevention and intervention aspect, not just law enforcement. But law enforcement, what we're doing is partnering again with the federal agencies, also with some of our county agencies in the state to assist us. MARTIN: Are you feeling can I ask how you - before I let you go, are you feeling optimistic about this or not? Mr. REINA: Well, certainly we have to feel optimistic about it because we can't let it get away from us. We're optimistic that things will change. We're seeing a more collaborative approach from the federal agencies that we're hopefully will improve. Certainly with 600 agents out here, we can certainly develop a more defined strategy to address it. But, remember, the agent border patrol only has immigration authority. They

do the enforcement authority, which is left to Tohono O'odham PD. So we're the ones that have to investigate any of the assaults that occur on these whether they're just migrants trying to cross or the illegal drug smugglers that are assaulted or killed out here. That is up to Tohono O'odham Police Department to investigate. That's why we have only 50 or so agents on the road or officers on the road. The rest are criminal investigators that take quite a load to handle all these 150 or so people that come across our nations on a daily basis. And we investigate all the deaths that occur. And we estimate probably 80 a year that occur out here. For a small department, that's quite a load. We handle - criminally, about 60 percent of our efforts are directed to border-related incidents. So you can see how much that leaves to protection of our communities for all the other issues we have to deal with domestic violence, assaults. MARTIN: I see. Well, thank you for that. Tim Johnson, a final thought from you. What are the authorities saying particularly on the U.S. side? Because you obviously cover both. Do they feel that they are getting a handle on this or not? Mr. JOHNSON: Well, it's a matter of great concern. It's been mentioned in both the National Drug Intelligence Center report this year and in the White House Office on National Drug Control Policy, so both are looking at this with a lot of concern. You know, another factor is the economic factor. It's just very - I mean, there's a certain appeal if you have high unemployment on a tribal lands. And everybody there knows that you can earn $2,000 for a 45-minute drive in your pickup truck by carrying marijuana off the reservation into Tucson or into Phoenix, which isn't very far away. Now, if you don't have a job, you know, you can be tempted by that kind of offer. MARTIN: Tim Johnson is Mexico bureau chief for McClatchy Newspapers. He joined us from his office in Mexico City. Ed Reina is director of public safety with the Tohono O'odham Nation. He joined us from his office there. And I thank you both so much for speaking to us. Mr. JOHNSON: You're welcome. Mr. REINA: Thank you. MARTIN: And tomorrow we're slated to speak with Gil Kerlikowske, President Obama's director of the Office of National Drug Control Policy. Today he has released new survey results on America's fastest growing drug problem for those aged 12 and older, prescription drug abuse. If you have any questions for the nation's drug czar, we'd like to hear them. Please go to our blog at the TELL ME MORE page of NPR.org.

Status Quo Proves No Impact

Contreras 1 (Guillermo Contreras, "Tribe Wants U.S. Citizenship for Members in Mexico", Albuquerque Journal, May 27th, 2001, Guillermo Contreras is a journal staff writer for the Albuquerque Journal, http://suffrage-universel.be/us/usnaoo.htm, 7/22/15 AV)
Members of the Tohono O'odham tribe say they are tired of being treated as noncitizens. A tribal delegation stopped in Albuquerque on Friday, en route to Washington, D.C., to petition Congress to change immigration law so that all members of the tribe are recognized as U.S. citizens. Tribal members say they are falling victim to consequences of immigration policy because their traditional lands span the U.S.-Mexico border in Arizona and Sonora. Many say they are treated as illegal immigrants by the U.S. Immigration and Naturalization Service and Border Patrol, detained and deported. At a news conference hosted by First Nations North to South, an Albuquerque nonprofit group that works to unite native people regardless of borders, the tribe said it plans to ask Congress to amend the Immigration and Nationality Act so that tribal credentials are treated as the equivalent of federally issued certificates of citizenship or state-issued birth certificates. Their crusade is known as the "Make it Right" campaign. Rene Noriega, a spokesman for the Border Patrol's Tucson sector, which encompasses the Tohono O'odham Nation, said a packet of administrative proposals was drafted earlier this year in conjunction with the tribe and sent to INS headquarters in Washington. Part of the packet contains a proposal to grant citizenship to members of the nation on either side of the border "by birth," Noriega said. But the tribe seeks a permanent resolution, not just an administrative fix. The Tohono O'odham, once known as the Papago tribe, have lived along what is now the U.S.-Mexico border since long before the United States and Mexico existed as nations, the tribe said. With the Treaty of Guadalupe Hidalgo that ended the Mexican-American War and with the Gadsden Purchase of 1853, O'odham land was divided between the United States and Mexico. The majority of Tohono O'odham remained in the United States, but a significant number remain in Sonora, along with important villages, planting fields, ceremonial centers and sacred sites. Of the 24,000 registered members of the Tohono O'odham tribe, 7,000 have no birth certificates. About 1,400 live south of the border and are not recognized as U.S. citizens, the Tohono O'odham said. "We Tohono O'odham are no longer able to move freely on our own lands," said a news release read at the news conference by Christine Zuni Cruz of Isleta Pueblo, whose husband is Tohono O'odham and part of the delegation. For fear of arrest, prosecution and deportation, members in the United States don't visit relatives on the Mexican side and those in Sonora are prevented by the Border Patrol from entering the United States or are deported, according to Tohono O'odham vice chairman Henry Ramon, who made the statements on a video played at the news conference. The delegation is scheduled to arrive in Washington on June 2.

Solutions for the Tohono need to allow them to control the border crossing

Austin 91(Megan, Fall 1991, A CULTURE DIVIDED BY THE UNITED STATES-MEXICO BORDER: THE TOHONO O'ODHAM CLAIM FOR BORDER CROSSING RIGHTS, Arizona Journal of International and Comparative Law [Vol. 8, No. 2], Accessed 7/21/15)

The experiences of Canadian border tribes, as well as the provisions of the Texas Band of Kickapoo Act highlight several fundamental rights which Tohono O'odham border crossing legislation should recognize. In addition to a general right to cross the border, the legislation should address border identification requirements, management of ports of entry, search and inspection policies and customs regulations. Most importantly, the legislation should recognize the Tohono O'odham Tribe's rights to participate and to negotiate in national government decisions affecting the tribe. This participation component is crucial. Without the voice of the Tohono O'odham people, decisions affecting their cultural rights and freedoms may not recognize an unqualified right to cross the border. The Blood Tribe74 and the Texas Band of Kickapoo 75 set precedent for the rights of negotiation and participation. Through intergovernmental agreement, the United States Government and the Tohono O'odham Tribe could establish policies and regulations concerning identification, search and inspection and customs. For example, Tohono O'odham border crossing legislation should allow the tribe to establish a membership roll, but should avoid requiring identification issued by the United States Government. Identification such as tribal membership cards should be sufficient for border passage. Furthermore, the tribe should be party to the decision about the identification requirements. The Tohono O'odham people would not be exempt from search and inspection laws due to the problems with drug trafficking between Mexico and the United States. However, non-Indian border officials are not familiar with the traditions of the Tohono O'odham people. As illustrated by the experiences of the Canadian tribes, non-Indian officials often confiscate legal substances which are crucial to spiritual and cultural traditions.16 To avoid violations of these important rights, the Tohono O'odham people could work in some capacity advising border officials about tribal traditions and monitoring the treatment of the people. The suggested provisions recognize the tribe's power of self-government, a basic right necessary for the continued survival of the Tohono O'odham culture. The Tohono O'odham claim for effective border crossing legislation is strengthened by recent movements in international law focusing on cultural rights for indigenous groups.

Substantial T!!

TON's population is 28 thousand members

Tohono O'odham Nation, No Date (Tohono O'odham Nation Government Website, "About Tohono O'odham Nation", TON Government Website, No Date, http://www.tonation-nsn.gov/about_ton.aspx, 7/22/15 AV)

The Tohono O'odham Nation is a federally-recognized tribe that includes approximately 28,000 members occupying tribal lands in Southwestern Arizona. The Nation is the second largest reservations in Arizona in both population and geographical size, with a land base of 2.8 million acres and 4,460 square miles, approximately the size of the State of Connecticut. Its four non-contiguous segments total more than 2.8 million acres at an elevation of 2,674 feet.

U.S. Population approximately 318 million

U.S. Census Bureau 6-8 (U.S. Census Bureau: State and County QuickFacts. Data derived from Population Estimates, American Community Survey, Census of Population and Housing, State and County Housing Unit Estimates, County Business Patterns, Nonemployer Statistics, Economic Census, Survey of Business Owners, Building Permits, 6/8/15, http://quickfacts.census.gov/qfd/states/00000.html, 7/22/15 AV)

Population, 2014 estimate 318,857,056

Population, 2013 estimate 316,497,531 Population definition and source info Population, 2010 (April 1) estimates base 308,758,105 Population, percent change - April 1, 2010 to July 1 definition and source info Population, percent change - April 1, 2010 to July 1, 2014 3.3% Population, percent change - April 1, 2010 to July 1 definition and source info Population, percent change - April 1, 2010 to July 1, 2013 2.5% Population definition and source info Population, 2010 308,745,538 Persons under 5 years, percent definition and source info Persons under 5 years, percent, 2013 6.3% Persons under 18 years, percent definition and source info Persons under 18 years, percent, 2013 23.3% Persons 65 years and over, percent definition and source info Persons 65 years and over, percent, 2013 14.1% Female persons, percent definition and source info Female persons, percent, 2013 50.8% White alone, percent definition and source info White alone, percent, 2013 (a) 77.7% Black or African American 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nonfarm employment, percent change, 2012-2013 2.0% Nonemployer establishments definition and source info Nonemployer establishments, 2012 22,735,915 Total number of firms definition and source info Total number of firms, 2007 27,092,908 Black-owned firms, percent definition and source info Black-owned firms, percent, 2007 7.1% American Indian- and Alaska Native-owned firms, percent definition and source info American Indian- and Alaska Native-owned firms, percent, 2007 0.9% Asian-owned firms, percent definition and source info Asian-owned firms, percent, 2007 5.7% Native Hawaiian and Other Pacific Islander-owned firms, percent definition and source info Native Hawaiian and Other Pacific Islander-owned firms, percent, 2007 0.1% Hispanic-owned firms, percent definition and source info Hispanic-owned firms, percent, 2007 8.3% Women-owned firms, percent definition and source info Women-owned firms, percent, 2007 28.8% Manufacturers shipments definition and source info Manufacturers 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Substantial means 2%

Word and Phrases ‘60

'Substantial" means "of real worth and importance; of considerable value; valuable." Bequest to charitable institution, making 1/48 of expenditures in state, held exempt from taxation; such expenditures constituting "substantial" part of its activities. Tax Commission of Ohio v. American Humane Education Soc., 181 N.E. 557, 42 Ohio App.

2% of 318.9 million is 6,378,000, while the TON is 28,000 people

Churchill/Natives K

1NC

The Promise of state based reform for native groups is founded in a violent temporal framing that is too little too late

Dillon 13 [Stephen Dillon, Stephen Dillon, assistant professor of Queer Studies, holds a B.A. from the University of Iowa and a Ph.D. in American Studies with a minor in Critical Feminist and Sexuality Studies from the University of Minnesota. "Fugitive Life: Race, Gender, and the Rise of the Neoliberal-Carceral State". https://conservancy.umn.edu/bitstream/handle/11299/153053/Dillon_umn_0130E_13833.pdf?sequence=1, 2013//Rahul]

For example, in the film, the state promises that "in the future" there will be jobs, an end to sexual violence, and racial and gender equality. But for Fanon, the "hopeless dregs of humanity" (or the wretched of the earth) are filled with an "uncontrollable rage" and thus exist in a temporal regime apart from that of the party or the nation. This is a time of intensity and immediacy ("the slaves of modern times are impatient"), where the future of the present as it is means no future at all.185 Like the financial, epistemological, and racialized legacies of slavery Baucom sees intensifying in our current moment, Fanon diagnoses the future of colonialism as the accumulation of the social, biological, and living death of the native. **The native lives a death in life produced by the racism of slavery and colonialism**. The future's horizon is the accumulation of past forms of racial terror and violence. In this way, Baucom and Fanon draw connections between race and time that are crucial to questions of time and futurity. The relationship between race, gender, death, and the future is central to the immediacy and spontaneity of the Women's Army and is foundational to the film's critique of the state, time, and the future. We can turn to the Fanonian-inspired prison 183 Franz Fanon, The Wretched of the Earth (New York: Grove Press, 1963), 107. 184 Ibid, 51. 185 Fanon, 74. 94 writings of George Jackson to further explore the relationship between death, race, and time. In his 1972 text Blood in My Eye, published shortly after he was shot and killed by guards at San Quentin prison, Jackson wrote of racism, death, and revolution: Their line is: 'Ain't nobody but black folks gonna die in the revolution.' This argument completely overlooks the fact that we have always done most of the dying, and still do: dying at the stake, through social neglect or in U.S. foreign wars. The point is now to construct a situation where someone else will join in the dying. If it fails and we have to do most of the dying anyway, we're certainly no worse off than before.186 Here, Jackson argues that the social order of the United States is saturated with an anti blackness that produces, in the words of Ruth Wilson Gilmore, "the state-sanctioned or extralegal production and exploitation of group-differentiated vulnerability to premature death."187 Jackson's text is littered with polemical insights that link race and death in a way that preemptively echoes Michel Foucault's declaration that racism is the process of "introducing a break into the domain of life that is under power's control: the break between what must live and what must die."188 When Jackson, Gilmore, and Foucault define race as the production of premature death, they make a connection between race and the future. Race is the accumulation of premature death and dying. For Jackson, race fractures the future so that the future looks like incarceration or the premature death of malnutrition, disease, and exhaustion. For Jackson, the future was the not the hopefulness of unknown possibilities. It was the devastating weight of knowing that 186 George Jackson, Blood in My Eye (Baltimore: Black Classic Press, 1972), 6. 187 Ruth Wilson Gilmore, Golden Gulags: Prisons, Surplus, Crisis, and Opposition in Globalizing California (Berkeley: University of California Press, 2007), 28. 188 Michel Foucault, Society Must Be Defended: Lectures at the Collège de France, 1975-1976 (New York: Picador Press, 2003), 254. 95 death was coming cloaked in abandonment, neglect, incarceration, or murder. In other words, according to Jackson, death was always already rushing toward the present of blackness.

Using the justification of rights for natives for the aff forgoes the problem that all of this land is still stolen - prior question

Churchill 3 [Ward LeRoy Churchill is an American author and political activist. He was a professor of ethnic studies at the University of Colorado Boulder from 1990 to 2007, "Acts of Rebellion", http://cryptome.org/2013/01/aaron-swartz/Acts-of-Rebellion.pdf, 2003//Rahul]

I'll debunk some of this nonsense in a moment, but first I want to take up the posture of self-proclaimed left radicals in the same connection. And I'll do so on the basis of principle, because justice is supposed to matter more to progressives than to right-wing hacks. Allow me to observe that the pervasive and near-total silence of the left in this respect has been quite illuminating. Nonindian activists, with only a handful of exceptions, persistently plead that they can't really take a coherent position on the matter of Indian land rights because, "unfortunately," they're "not really conversant with the issues" (as if these were tremendously complex). Meanwhile, they do virtually nothing, generation after generation, to inform themselves on the topic of who actually owns the ground they're standing on.50 Listen up folks: The record can be played only so many times before it wears out and becomes just another variation of "hear no evil, see no evil." At this point, it doesn't take Einstein to figure out that the left doesn't know much about such things because it's never wanted to know, or that this is so because it has always had its own plans for utilizing land it has no more right to than does the status quo it claims to oppose.51 The usual technique for explaining this away has always been a sort of pro forma acknowledgement that Indian land rights are of course "really important" (yawn), but that one "really doesn't have a lot of time" to get into it. (I'll buy your book, though, and keep it on my shelf even if I never read it.) Reason? Well, one is just "too busy" working on "other issues" (meaning, things that are considered to actually be important). Typically enumerated are sexism, racism, homophobia, class inequities, militarism, the environment, or some combination thereof. It's a pretty good evasion, all in all. Certainly, there's no denying any of these issues their due; they are all important, obviously so. But more important than the question of whose land we're standing on? There are some serious problems of primacy and priority embedded in the orthodox script.52 To frame things clearly in this regard, let's hypothesize for a moment that all of the various nonindian movements concentrating on each of the above-mentioned issues were suddenly successful in accomplishing their objectives. Let's imagine that the United States as a whole were somehow transformed into an entity defined by the parity of its race, class, and gender relations, its embrace of unrestricted sexual preference, its rejection of militarism in all forms, and its abiding concern with environmental protection. (I know, I know, this is a sheer impossibility, but that's my point.) When all is said and done, the society resulting from this scenario is still, first and foremost, a colonialist society, an imperialist society in the most fundamental possible sense, with all that that implies.53 This is true because the scenario does nothing at all to address the fact that whatever is happening happens on someone else's land, not only without their consent, but through an adamant disregard for their rights to the land. Hence, all it means is that the invader population has rearranged its affairs in such a way as to make itself more comfortable at the continuing expense of indigenous people. The colonial equation remains intact and may even be reinforced by a greater degree of participation and vested interest in maintenance of the colonial order among the settler population at large.54 The dynamic here is not very different from that evident in the American "Revolution" of the late eighteenth century, is it?55 And we all know very well where that led, don't we? Should we therefore begin to refer to socialist imperialism, feminist imperialism, gay and lesbian imperialism, environmentalist imperialism, Afroamerican and la Raza imperialism? I hope not. I hope instead that this is mostly just a matter of confusion, of muddled priorities among people who really do mean well and would like to do better.56 If so, then all that is necessary to correct the situation is a basic rethinking of what it is that must be done, and in what order. Here, I'll advance the straightforward premise that the land rights of "**First Americans" should serve as a first priority** for attainment of everyone seriously committed to accomplishing positive change in North America.

This colonial drive continues the genocide against Indigenous bodies

Wolfe 6 [Patrick Wolfe, researches stuff on genocide and settler colonialis. "Settler colonialism and the elimination of the native", http://www.kooriweb.org/foley/resources/pdfs/89.pdf//Rahul]

The question of genocide is never far from discussions of settler colonialism. Land is life—or, at least, land is necessary for life. Thus contests for land can be— indeed, often are—contests for life. Yet this is not to say that settler colonialism is simply a form of genocide. In some settler-colonial sites (one thinks, for instance, of Fiji),

native society was able to accommodate—though hardly unscathed—the invaders and the transformative socioeconomic system that they introduced. Even in sites of wholesale expropriation such as Australia or North America, settler colonialism's genocidal outcomes have not manifested evenly across time or space. Native Title in Australia or Indian sovereignty in the US may have deleterious features, but these are hardly equivalent to the impact of frontier homicide. Moreover, there can be genocide in the absence of settler colonialism. The best known of all genocides was internal to Europe, while genocides that have been perpetrated in, for example, Armenia, Cambodia, Rwanda or (one fears) Darfur do not seem to be assignable to settler colonialism. In this article, I shall begin to explore, in comparative fashion, the relationship between genocide and the settler-colonial tendency that I term the logic of elimination.1 I contend that, though the two have converged—which is to say, the settler-colonial logic of elimination has manifested as genocidal—they should be distinguished. Settler colonialism is inherently eliminatory but not invariably genocidal. As practised by Europeans, both genocide and settler colonialism have typically employed the organizing grammar of race. European xenophobic traditions such as anti-Semitism, Islamophobia, or Negrophobia are considerably older than race, which, as many have shown, became discursively consolidated fairly late in the eighteenth century.2 But the mere fact that race is a social construct does not of itself tell us very much. As I have argued, different racial regimes encode and reproduce the unequal relationships into which Europeans coerced the populations concerned. For instance, Indians and Black people in the US have been racialized in opposing ways that reflect their antithetical roles in the formation of US society. Black people's enslavement produced an inclusive taxonomy that automatically enslaved the offspring of a slave and any other parent. In the wake of slavery, this taxonomy became fully racialized in the "one-drop rule," Journal of Genocide Research (2006), 8(4), December, 387–409 ISSN 1462-3528 print; ISSN 1469-9494 online/06=040387-23 # 2006 Research Network in Genocide Studies DOI: 10.1080=14623520601056240 whereby any amount of African ancestry, no matter how remote, and regardless of phenotypical appearance, makes a person Black. For Indians, in stark contrast, non-Indian ancestry compromised their indigeneity, producing "half-breeds," a regime that persists in the form of blood quantum regulations. As opposed to enslaved people, whose reproduction augmented their owners' wealth, Indigenous people obstructed settlers' access to land, so their increase was counterproductive. In this way, the restrictive racial classification of Indians straightforwardly furthered the logic of elimination. Thus we cannot simply say that settler colonialism or genocide have been targeted at particular races, since a race cannot be taken as given. It is made in the targeting.3 Black people were racialized as slaves; slavery constituted their blackness. Correspondingly, Indigenous North Americans were not killed, driven away, romanticized, assimilated, fenced in, bred White, and otherwise eliminated as the original owners of the land but as Indians. Roger Smith has missed this point in seeking to distinguish between victims murdered for where they are and victims murdered for who they are.4 So far as Indigenous people are concerned, where they are is who they are, and not only by their own reckoning. As Deborah Bird Rose has pointed out, to get in the way of settler colonization, all the native has to do is stay at home.5 Whatever settlers may say— and they generally have a lot to say—the primary motive for elimination is not race (or religion, ethnicity, grade of civilization, etc.) but access to territory. Territoriality is settler colonialism's specific, irreducible element. The logic of elimination not only refers to the summary liquidation of Indigenous people, though it includes that. In common with genocide as Raphae¨l Lemkin characterized it,6 settler colonialism has both negative and positive dimensions. Negatively, it strives for the dissolution of native societies. Positively, it erects a new colonial society on the expropriated land base—as I put it, settler colonizers come to stay: invasion is a structure not an event.7 In its positive aspect, elimination is an organizing principal of settler-colonial society rather than a one-off (and superseded) occurrence. The positive outcomes of the logic of elimination can include officially encouraged miscegenation, the breaking-down of native title into alienable individual freeholds, native citizenship, child abduction, religious conversion, resocialization in total institutions such as missions or boarding schools, and a whole range of cognate biocultural assimilations. All these strategies, including frontier homicide, are characteristic of settler colonialism. Some of them are more controversial in genocide studies than others.

Vote negative to reject the 1AC in favor of a historical genealogy that traces the political repugnancies to Settlerist invasion.

Churchill 3 [Ward LeRoy Churchill is an American author and political activist. He was a professor of ethnic studies at the University of Colorado Boulder from 1990 to 2007, "Acts of Rebellion", http://cryptome.org/2013/01/aaron-swartz/Acts-of-Rebellion.pdf, 2003//Rahul]

The question arises of how best to approach the mass of information upon which any radical "(re)interpretation of The American Experiment" must proceed. 50 The sheer volume of what has been shunted aside in canonical recounting threatens to overpower the most intrepid of counternarratives, dissolving into a fine mist of contrarian detail. How then to give shape to the whole, ordering and arranging its contents in ways the explicate rather than equivocating or obscuring their implications, making the conclusions to be drawn not just obvious

but unavoidable? How, in other words, to forge an historical understanding which in itself amounts to an open demand for the sorts of popular action precipitating constructive social change? 51 There are several methodological contenders in this connections, beginning with Howard Zinn's commendable efforts in A Peole's History of the United States to more or less straightforwardly rewrite Samuel Eliot Morison's Oxford History of the American People in reverse polarity, effigizing rather than celebrating the status quo. Historical materialism, 53 functionalism, 54 structuralism, 55 hermeneutics, 56 and even some of the less tedious variants of postmodernism offer themselves as alternatives (usually as the alternative). 57 So, too, do subgenres of postcolonialism like subaltern studies. 58 Each of these "versions of history," at least in some of their aspects, are of utility to the development of a bona fide U.S. historical praxis. 59 At face value, however, none are able to avoid the fate of either descending into a state of hopeless atomization, 60 or, alternatively, overarching themselves to the point of producing one or another form of reductionist metahistorical construction. 61 Perhaps the surest route to avoiding these mirrored pitfalls will be found in the Nietzschean method of "historical genealogy" evolved by Michel Foucault in works such as The Archeology of Knowledge. 62 This is a highly politicized endeavor in which the analyst, responding to circumstances s/he finds objectionable in the present, traces its "lineage" back in time until a fundamental difference is discerned (this "historical discontinuity" is invariably marked by an "epistemological disjuncture"). Having thus situated the source of the problem in its emergence from a moment of historical transition, the analyst can proceed to retrace the unfolding of the specific history at issue forward in time, with an eye toward what would need to be "undone" – and how – if the future is to be rendered more palatable than the current state of affairs. In this, whatever set of circumstances prevailed prior to the discontinuity is mined for its potentially corrective features. 63 Instead of condemning the barbarism of pre-modern society, its inhumanity, injustice, and irrationality, Foucault presents the difference of the pre-modern system by demonstrating that, on its own terms, it makes sense and is coherent. The reason for doing so, let it be noted, is not to present a revised picture of the past, nostalgically to glorify [its] charms … but underline the transitory nature of the present system and therefore remove the pretense of legitimacy it holds by dint of a naïve, rationalist contrast with the past. 64 Although firmly grounded in Nietzsche, Foucault's model also incorporates a "post-structuralist strategy of detotalization oriented to the particularity of the phenomena" studied, and "a structuralist strategy oriented to remove the analysis from the register of subjectivist humanism." 65 To this might be added occasional forays into a strategy of immanent critique in which the contemporary order is held strictly accountable to the standards and ideals it typically claims as being descriptive of its own composition and character.66 Overall, the object is to reveal in all their squalor the pretensions of "modern" mores and institutions, "undermining the [illusion of] naturalness" in which they seek to cloak themselves, and to make explicitly thereby both the necessity and tangible possibility of their being dismantled or transcended. 67 This book follows Foucauldian procedure. In the U.S., irrespective of which among the earlier-sketched grotesqueries is emphasized – be it America's voracious greed and genocidal disregard for the wellbeing of others, the concomitants of militarism and virulent racism, or the weird psychic stew in which imperial/racial arrogance has been blended in equal part with the most sanctimonious professions of peaceful innocence – its lineage traces to precisely the same source: the invasion(s) of Native North America by Europeans during the sixteenth and seventeenth centuries.68 Absent that profound and violently imposed rupture in historical continuity, nothing else is objectionable in American history – slavery, for instance – or in contemporary American life – "globalization," to name a salient example – would have been materially possible (or, in the main, conceivable). The relationship between Euro-americans and American Indians is therefore the most fundamental of any on the continent. It is the bedrock upon which all else is built, the wellspring from whence all else flows69 Hence, in tracing the course and temper of Indian-white relations, a considerable light is shed upon the relationship of the U.S. "mainstream" population and virtually every other people it has encountered over the past two and a quarter centuries, both "domestically" and abroad. It might indeed be argued that Euroamerica's attitude towards and treatment of the peoples indigenous to the "homeland" it has seized for itself has been in many respects definitive of those it has accorded all Others, including not least – and in some cases increasingly – certain sectors of its own nominal racial/ethnic constituency.70 The postinvasion history of Native America thus provided the lens through which all of American history must be examined if it is to be in any sense genuinely understood. To put it more personally, it is essential, if one is to truly appreciate the implications of one's own place in American society, that one "read" them in terms of U.S./Indian relations.71 It follows that correction of the socioeconomic, political and other repugnancies marking modern American life is, in the final analysis, entirely contingent upon rectification of nonindian American's abecedarian relationship to American Indians. Here, history provides the agenda concerning what must be done. So long as Native North America remains internally colonized, subject to racial codes, indemnified for the genocide and massive expropriations we've suffered – and continue to suffer – genocide, colonialism, racism, and wholesale theft will remain the signal attributes of American mentality and behavior.72 Insofar as this is so, the U.S. will undoubtedly continue to comport itself in the world as it has in the past. And thus, in turn, will inevitably result in response far more substantial than that made on 9-1-1.

Drug Trafficking DA/Terror DA

1nc

Border Patrol and Tohono nations are arresting cartels – greater surveillance is needed- the plan would reduce surveillance in the territory

PM 11 [Police Mag, Police Magazine is a law enforcement magazine and website containing articles, news, police product reviews, "Cartel Operators Used Indian Reservation As Smuggling Pass-Through", http://www.policemag.com/channel/gangs/news/2011/05/19/sinaloa-cartel-operators-used-indian-reservation-as-smuggling-pass-through.aspx, May 11th, 2011//Rahul]

Members of the Jesus Valencia Rodriguez drug trafficking organization, who work on behalf of the Sinaloa cartel, now face charges of trafficking of marijuana, human smuggling, criminal conspiracy, money laundering, and related charges. "These suspects used remote areas of the Tohono O'Odham Nation in Arizona to funnel drugs and humans into the United States, and to re-direct racketeering proceeds and weapons back into Mexico," according to Arizona Attorney General Tom Horne. "This criminal enterprise was a well-organized operation that constantly worked against law enforcement interdiction efforts with sophisticated counter-surveillance methods, including using human spotters embedded on U.S. soil, night vision equipment and radio communication." Jesus Valencia Rodriguez is suspected of organizing criminal activities for the Caborca-based Paez-Soto cell of the Sinaloa cartel since 2008. Valencia-Rodriguez is responsible for coordinating the importation of multi-ton quantities of marijuana and illegal aliens from Mexico into the U.S. through the San Miguel Gate area and the smuggling of bulk drug proceeds and assault weapons back into Mexico. The San Miguel Gate area is a remote U.S./Mexico border location on the Tohono O'Odham Indian Reservation that allows tribal members to pass freely between the U.S. and Mexico. More than 150 drug seizures totaling approximately 28,000 pounds of marijuana (since May 2008) have been linked to the Valencia-Rodriguez trafficking organization. In February of 2010, law enforcement officials also seized 41 assault weapons in the San Miguel vicinity that were en-route from Phoenix, Ariz., to Mexico. The Valencia-Rodriguez organization uses compartments in vehicles, ramped vehicle loads, concealed-tire loads, and backpackers to facilitate drug transportation operations in the remote desert area, according to the DEA. "We will not tolerate the transport of illegal narcotics through the Tohono O'Odham Nation," according to Ned Norris Jr., chairman of the Tohono O'Odham Nation. "We are committed to protecting our tribal members and the security of the United States, and the Nation will continue to work in collaboration with other law enforcement agencies to ensure this type of illegal activity is stopped."

Drug crime decreases legitimacy of Mexican government – risks collapse

Thoumi et al. 10 (*Francisco E., expert at the Wilson Center, Ph.D., professor of economics and the director of the Research and Minotiring Center on Drugs and Crime at Universidad el Rosario, former research coordinator at the United National Office of Drug Control and Crime Prevention, **Raúl Benitez, public policy scholar at the Wilson Center, researcher at the Center for Interdisciplinary Research in Science and Humanities, professor and researcher at the North America Rsearch Center of UNAM-Mexico, CNAS Senior Fellow, Distinguished Scholar-in-Residence, School of Public Affairs and Washington College of Law, Ph.D in Latin American Studies at UNAM, Master of International Affairs from the Centro de Investigacion y Docencia Economica, ***professor at the University of San Andrés, Ph.D., University of Salvador, political science, Francine, professor of anthropology at the Central University of Venezuela, political science degree, Friedrich, Ebert, and Stiftung Research, "The impact of organized crime on Democratic Governance in Latin America",

Organized crime is a growing problem worldwide. In Latin America and the Caribbean groups of organized crime are undermining the states capacity to govern. In- stitutions of the political system are undercut by the so called »Narcos« or other non state actors. It is obvious that organized crime has adopted mechanisms of the globalized economy such as a high degree of flexibility, the ability to quickly adjust to market changes and the use of socially weak segments of society for their means. While organized crime gets more access to and through politics, already weakened states in Latin America are put under serious pressure. The impact on recently democratized states like Mexico is severe. The role of or- ganized crime in the erosion of democratic governance is marked by zones of fragile statehood, the undermin- ing of political institutions, the replacement of social pol- icies by non state actors, the bribing of political actors and the illicit financing of political campaigns. But not only has the existence of criminal activities cre- ated a threat to democratic governance. The repressive politics that often respond to organized crime activities further create a spiral of mistrust, corruption and vio- lent reactions. High levels of violence and public inse- curity often justify the popularity of zero tolerance ap- proaches: Politics of the »hard hand« such as in Mexico and Colombia where the military is fighting in »a war on drugs«. These politics often produce human rights abus- es and thus further undermine democratic forms of gov- ernance. The involvement of politicians and police forces or the military in illegal businesses further undermine the trust of civil society into institutions of the state.

State failure destabilizes the globe – results in disease spread, nuclear terrorism, and rogue nations – this guarantees nuclear war

TASC et al 03

(The Transnational Institute, The Center of Social Studies, Coimbra University, and The Peace Research Center – CIP-FUHEM, "Failed and Collapsed States in the International System," December, found at: http://www.globalpolicy.org/nations/sovereign/failed/2003/12failedcollapsedstates.pdf)

In the malign scenario of global developments the number of collapsed states would grow significantly. This would mean that several more countries in the world could not be held to account for respecting international agreements in various fields, be it commercial transactions, debt repayment, the possession and proliferation of weapons of mass destruction and the use of the national territory for criminal or terrorist activities. The increase in failed states would immediately lead to an increase in international migration, which could have a knock-on effect, first in neighbouring countries which, having similar politico-economic structures, could suffer increased destabilization and collapse as well. Developments in West Africa during the last decade may serve as an example. Increased international migration would, secondly, have serious implications for the Western world. In Europe it would put social relations between the population and immigrant communities under further pressure, polarizing politics. An increase in collapsed states would also endanger the security of Western states and societies. Health conditions could deteriorate as contagious diseases like Ebola or Sars would spread because of a lack of measures taken in collapsed areas. Weapons of mass destruction could come into the hands of various sorts of political entities, be they terrorist groups, political factions in control of part of a collapsed state or an aggressive political elite still in control of a national territory and intent on expansion. Not only North Korea springs to mind; one could very well imagine such states in (North) Africa. Since the multilateral system of control of such weapons would have ended in part because of the decision of the United States to try and check their spread through unilateral action - a system that would inherently be more unstable than a multilateral, negotiated regime - one could be faced with an arms race that would sooner or

later result in the actual use of these weapons. In the malign scenario, relations between the US and Europe would also further deteriorate, in questions of a military nature as well as trade relations, thus undercutting any possible consensus on stemming the growth of collapsed states and the introduction of stable multilateral regimes towards matters like terrorism, nuclear weapons and international migration. Disagreement is already rife on a host of issues in these fields. At worst, even the Western members of the Westphalian system - especially those bordering on countries in the former Third World, i.e. the European states - could be faced with direct attacks on their national security.

2nc-Uniqueness

Tohono Land Popular for Cartels

CBP has been very successful in stopping drug trafficking operation in Tohono areas

ICTMN 11 [Indina Country News, "Tohono O'odham Reservation Part of Smuggling Route in Drug Raid" http://indiancountrytodaymedianetwork.com/2011/11/02/tohono-oodham-reservation-part-smuggling-route-drug-raid-61065, November 1st, 2011//Rahul]

For the Pinal County Sheriff's office in Arizona a routine traffic stop in June 2010, has landed them one of the largest drug-smuggling busts in Arizona to date. The traffic stop, which began Operation Pipeline Express, saw the third phase of the operation carried out on October 30, with 22 arrests. At a news conference on October 31, investigators announced the three phases led to the seizure of more than 30 tons of marijuana and 76 arrests of people suspected of working for Mexico's notorious Sinaloan Cartel. The cartel, headquartered in the northwestern state of Sinaloa on Mexico's Pacific coast—considered the cradle of Mexican narcotics trafficking since the 1960s, generated proceeds estimated close to $2 billion through the smuggling of 3.3 million pounds of marijuana, 20,000 pounds of cocaine and 10,000 pounds of heroin in its five year existence according to an MSNBC report. The ring, under a massive criminal investigation involving more than two-dozen law-enforcement agencies, used a notorious smuggling route through the Tohono O'odham Indian Reservation. Authorities said cells based in Chandler, Stanfield and Maricopa, used backpackers and vehicles to run narcotics across the border according to an article by The Arizona Republic. Matt Allen, special agent in charge for Immigration and Customs Enforcement in Arizona said the ring was estimated moving $33 million in marijuana, cocaine and heroin into the United States a month. The arrests hit the organization at all levels, from "mules" to border scouts, and bosses in Phoenix. "[October 31] we have dealt a significant blow to a Mexican criminal enterprise that has been responsible for poisoning our communities," said Tom Horne, Attorney General. "These drugs not only destroy lives, they create an environment of violent criminality that ensnares innocent victims. . . . I find it completely unacceptable that Arizona neighborhoods are treated as a trading floor for narcotics." According to a CBS news report, the operation consisted of three raids that spanned 17 months against the cartel that handles up to 65 percent of all drugs illegally transported to the United States experts say. "I expect there will be a shift," Allen said, cautious of declaring this a victory in the war on drugs in a New York Times article. "One investigation is not going to put them out of business. We have to continually adapt."

Impact

Violence TURN

Drug smugglers and undocumented immigrants are committing acts of violence against the Tohono people- turns your violence impact- more border patrol agents needed to solve.

Pitts and Lieberman 13 (June 27, 2013, Byron Pitts and Dan Lieberman, *ABC News*, http://abcnews.go.com/US/efforts-secure-us-mexico-border-ariz-native-americans/story?id=19496394//AGY)

In Southwest Arizona, where the U.S. and Mexico borders meet, the U.S. Border Patrol has made huge strides in capturing border crossers and seizing drugs from Mexican cartels, but there is one stretch of land along the border that has made life a daily hell for a tribe of Native Americans. The Tohono O'odham Nation, a Native American reservation about the size of Connecticut, is located in the Sonoran Desert, about 60 miles south of Tucson, Ariz., right on the U.S. border with Mexico. Here, there is no barbed-wire high fence, but open desert, with only a vehicle barrier meant to stop cars but not people. It is an area where the U.S. government has the fewest resources and the widest open space to patrol, making it a hot spot for Mexican drug cartels and human smuggling operations. "Nightline" spent 48 hours with U.S. Border Patrol agents and the Tohono O'odham reservation police force to get a firsthand look at the battle on the border. "The Tohono O'odham Nation is one of our most problematic areas," Arizona Commander Jeffrey Self of the U.S. Border Patrol told "Nightline". "The narcotics smugglers have moved up into the mountainous area. There is not a lot of access." While border-crossing apprehensions in Arizona are down 43 percent from two years ago, it is a different, more complicated story on the Tohono O'odham Nation. Drug seizures on the reservation are steadily climbing -- nearly 500,000 pounds of marijuana was seized last year, a number that has nearly doubled since 2010. Recently, Tohono O'odham police seized $1 million worth of marijuana in just one week. But the Tohono O'odham tribal members are caught in the middle of a war between the Mexican drug cartels coming through their community and the U.S. Border Patrol officers who tribal members say have become more aggressive to stop them. In the Tohono O'odham Nation is "The San Miguel Gate," an area on the U.S.-Mexico border considered to be sacred by the Tohono O'odham. It is the only place where Native Americans can freely walk across the border, but there, the only thing separating Mexico and the U.S. is a low fence guarded by a lone border patrol agent and a light pole powered by a generator. Verlon Jose, a Tohono O'odham tribal leader whose family has lived on the reservation for generations, and other members of his tribe talked to "Nightline" at "The San Miguel Gate." Jose acknowledged that the Gate carries a myriad of problems. "Drugs come through here, migrants come through here," he said. "We see harassment from individuals who are moving contraband north, moving migrants north. Homes broken into, vehicles broken into. It's gotten more aggressive." Jose's cousin Francine Jose lives in a remote part of the reservation and estimated that her house is broken into about once a month by people crossing the border illegally. There is no cell service inside her house so she can't easily call for help -- according to authorities, the police response time to her house can take up to 45 minutes -- and she said the border crossers who walk across her property know it. "They are constantly breaking in all the time," Francine Jose said. "There was one just recently where they cooked stuff, about a month ago, slept."

Counterplan Maybe

Text: The United States Federal Government should grant the Tohno O'odham Nation full sovereignty and grant any request of financial aid to the Tohono O'odham nation.

Solves the case but avoids the problems of border security

Di Iorio 7 [William R. Di Iorio, B.A., Government and International Studies, University of Notre Dame, 1998; M.A. Political Management, George Washington University, 2002; J.D. Candidate, Syracuse University College of Law, 2007. The author thanks Robert Di Iorio, Iola Di Iorio, and Stephanie Bryant for their support and guidance. 57 Syracuse L. Rev. 407, 2007 LexisNexis//Rahul]

Currently, there are no uniform rules governing border crossing by Native American tribe members. The Tohono O'odham Nation of Arizona and Mexico has 24,000 enrolled members who possess the right to cross the border without any restrictions. n73 In many cases, Native Americans [*419] who practice this right to cross face harassment by Border Patrol officials. n74 Border Patrol agents reportedly confiscate certain religious articles because they suspect that the articles are used for drug activity. n75 Others report being threatened by these officials. n76 As a result, many tribe members have stopped traveling between the United States and Mexico, effectively cutting them off from their ancestral home. n77 This treatment is contrary to the prior statements of international norm, a violation of what is at least recognized as sovereignty. It is hard to imagine that a Native American tribe would be an active participant or supporter in promoting more secure borders when the tribe members must bear the majority of the real costs. Contrary to the principles of the Jay Treaty and the Treaty of Ghent, American-born Native Americans can only cross the Canadian border at-will by proving that they possess at least fifty percent Native American blood. n78 Additionally, Native Americans on the United States-Canadian border have largely lost the ability to cross the border without being searched and without the imposition of duties on their transported goods. n79 In United States v. Garrow, the United States Court of Customs and Patent Appeals held that the right to cross the borders duty-free, created by the Jay Treaty, had been abrogated by the War of 1812 between the United States and England. n80 While it appears this decision resulted from faulty reasoning and a failure to consider all applicable law, it remains valid today. n81 Again, promises made to these tribes under the Jay Treaty have been rescinded, violating sovereign principles. C. Rampant Criminal Activity Increased security from the Border Patrol has had limited effect in curbing criminal activity along the United States-Mexico border. n82 For example, Border Patrol has largely closed off the traditional border crossing areas in the Tohono O'odham Nation. n83 Because of this, even tribe members with proper identification cannot cross at these traditional [*420] locations, and instead must cross at official locations many miles away or risk an illegal crossing. n84 The border area within the Nation is responsible for 700 to 1,000 illegal and undetected border crossings per year, revealing the prevalence of these illegal crossings despite the Border Patrol's best efforts. n85 Illegal crossers have begun crossing in less hospitable desert areas and are successful in part because of the welcoming nature of the tribe members. n86 D. Native American Self-Government Internal power struggles create many of the crime problems in Native American lands. The Mohawk tribe of New York and Canada presents a valuable case study of the form of internal conflict faced by many border tribes. n87 Three separate leadership groups attempt to govern the tribe, one council governing the Canadian side, another council governing the United States side, and the traditional tribal council of chiefs continuing to operate over the entire land. n88 As a result, the tribe lacks any uniformity of organization, cannot conduct successful long-term planning, and has tremendous difficulty in providing services to its 7,000 members. n89 E. Intergovernmental Relations Current federal policy largely ignores the role of Native Americans in securing our nation's borders. The Department of Homeland Security's Secure Border Initiative mentions the interrelation between the federal government of the United States, the individual states, Canada, and Mexico, but makes no mention of Native American tribes. n90 The Act creating the Department of Homeland Security specifically and repeatedly mentions working with the states, but never mentions any relationship with Native American tribes, nor does it have any policy promoting intergovernmental relations, contrary to a policy of the Department of Justice mandating such a relationship. n91 An initiative in Arizona, home of the Tohono O'odham, attempts to bolster security along that international [*421] border through federal, state, and local authorities, but does not include any Native American authorities. n92 Lack of consultation in forging security plans creates negative relationships between the federal government and its Native American counterparts. n93 This situation exists despite federal policy to the contrary. n94 F. Limits to Border Patrol Jurisdiction Federal and state governments lack jurisdiction in certain areas to investigate criminal activity along these borders. n95 As a recent example, the Chippewa Cree Tribe in Montana suffered several child abductions, with the children taken from the reservation and transported to Canada. n96 Because of the presence of an international border in this criminal matter, neither the federal government nor that of Montana could assist. n97 Additionally, United States Border Patrol may only use a sixty-foot wide stretch of land from the international boundary line to conduct its operations. n98 Once an illegal entrant passes beyond that sixty foot stretch, Border Patrol agents lose authority to pursue. n99 Because of the difficulties in enforcing certain areas because of this limitation, active enforcement has declined in many areas. n100 G. Border Security Funding Strategy Native American tribes do not receive security funding directly from the federal

government. n101 Despite existing as "dependent domestic states," Native American tribes must request security funds from state governments, rather than the Federal Department of Homeland Security, which disperses the funds to the states. n102 Under current policy, states have the option of providing funding to Native American tribes, but no means exist for those tribes to receive direct funding from the federal [*422] government. n103 This has proven especially problematic, as evidenced by significant funding discrepancies in North Dakota, where only $ 75,000 of a $ 9,000,000 outlay to the state was earmarked to a local tribe, largely due to a failure of the state to consult with the tribe to determine its needs. n104 Rather than participating as partners focused on a common goal, Native Americans are largely overlooked in the federal government's security planning and frequently treated with animosity by Border Patrol. Native American tribes lack the funding to be active participants and through the neglect of the federal government, lack the internal skills and tools to provide assistance. In certain cases, Native American tribes may exacerbate the border security problem by aiding illegal entrants, who are undoubtedly more gracious than many of the Border Patrol agents the tribe members encounter. IV. Possible Solutions and Implications A. Eliminate Sovereignty 1. The Plan The federal government could rescind its grant of limited sovereignty to border tribes, at least to the extent of policing the territories. Case law indicates that such a plan is legally feasible, as Native American sovereignty exists solely at the pleasure of Congress. n105 Under this option, federal officials would have sole authority to patrol the border area within the Native American areas as well as to investigate and pursue potential risks throughout the territory. This would permit the federal government to lower its outlays to state governments and instead increase direct federal spending on its own security efforts. Additionally, by eliminating Native American tribes as part of the security plan, the federal government would significantly reduce the number of parties it must coordinate to effectuate its strategy. 2. Problems While arguably permissible in a legal sense, such a plan violates concepts of good faith. It stands in opposition to international norms and a long history of according certain rights and protections to Native [*423] Americans. While Native Americans would no longer have any obligations to provide border security, it cannot be said that they would not continue to have a role in homeland security. Federal officials would still need cooperation from Native Americans to conduct investigations and pursue suspects within the tribal land. It is difficult to see how such cooperation would be forthcoming from a people who had just lost what few rights they possessed. Additionally, such a plan creates the problem of disparate treatment among the various Native American tribes. There would be no reason to eliminate sovereignty to non-border tribes that do not present the same national security problems. On its own, this disparate treatment is not a true barrier to enacting such a plan. While a tenet of democratic society, equal treatment is largely illusory in practice. In particular, disparate treatment pervades federal government-Native American relations. An example of this was revealed in the previous discussion of border crossing rights. Northern Native American crossing is governed by the fifty percent blood rule, while southern Native Americans have no such system and face more limited border crossing rights because of differing concerns along the United States-Mexico border. Even along that border there is no uniformity. As just one example, the members of the Kickapoo Band of Texas could receive United States citizenship and identification that permitted free crossing into Mexico and return to the United States. n106 Thus, disparate treatment is firmly entrenched as part of this relationship. Expanding disparate treatment in this manner raises certain fears. The danger is that this action might tip the balance of the tenuous relationship. Open hostility between Native Americans and the federal government would detract focus from the very real threat posed by the open borders. Subversive acts by Native Americans, such as assisting illegal entrants in their efforts to cross the borders would similarly hinder border security initiatives. 3. Strength of Plan While this plan might make coordinating homeland security efforts easier for federal officials, the potential detriments inherent in the plan outweigh the benefits. Native American obstruction or open hostility to federal officials as a result of the loss of sovereign rights would likely subvert border control efforts. Such action would also give the United States a black eye in the international community, as the beacon of democracy attempts to preserve itself by taking away the rights of those [*424] under its care. B. True Sovereignty 1. The Plan The federal government can grant border tribes complete sovereignty, treating them like foreign states as argued in Cherokee Nation. Such a change would give the border tribes sole authority to patrol international borders. United States Border Patrol would then shift its operations to controlling the borders between the Native American lands and the United States. The federal and state governments would then have mutual responsibility for patrolling and prosecuting illegal activity crossing into the United States from the Native American lands without having to expend resources in monitoring the soft spots along Native American international borders. 2. Problems Decades of federal assistance have created a strong reliance on the federal government in tribal affairs. Because of federal oversight, Native American tribes have never been completely self-sufficient. Abruptly cutting off this federal assistance would likely leave the tribal lands in greater security disarray than at present. Native American tribes currently lack the ability to combat crime in their territory. Therefore, without federal assistance, their crime problems could significantly worsen. Native American violent crime rates far exceed those of any other group. n107 Additionally, corruption is rampant within tribal governments, a situation that would only worsen without federal supervision. n108 This would require the expenditure of additional resources designated to the transition of Native American lands from domestic dependent nations to true sovereigns. As resources such as these are always scarce, such a plan would likely divert funds from other areas, perhaps from other homeland security operations. As a result of the present internal deficiencies in Native American lands, the border areas would likely become a more attractive point of entry for terrorists, who would recognize that the Native American police forces do not have the capacity to properly secure their borders. This presents additional problems because of the extent of United States infrastructure [*425] contained in border tribal areas. While tribal sovereignty could be granted, power plants cannot be easily moved into other areas of the United States, nor can these plants be immediately shut down, as significant portions of the nation rely upon them for electricity. Thus, if a terrorist could infiltrate a Native American border, which would likely become an easier task, that terrorist could potentially inflict significant damage on United States infrastructure without ever stepping foot on United States soil. It is unlikely that the federal government would be prepared to completely turn over security for this infrastructure to Native American police forces. Native Americans would be in the same situation they are now: called sovereign, but without complete control of their territory. Additionally, such a plan would result in increasing the territory under the jurisdiction of the Border Patrol. For example, instead of just worrying about the Tohono O'odham border with Mexico, the Border Patrol would have to monitor the entire perimeter of the tribe's border in Arizona. This increased area would require additional personnel and funds, both of which are scarce. As a final point, such a strategy would create the same disparate treatment noted previously. Border tribes would receive true sovereignty, while landlocked tribes, which do not present the same homeland security problems, would likely maintain the status quo. It is highly unlikely that the federal government would be willing to carve up small sovereign states in its midsection and elsewhere. Undoubtedly, this would lead to considerable litigation and further complicate an already difficult relationship between Native Americans and the federal government. More dangerously, Native Americans may be pushed too far in this relationship and respond with open hostility. 3. Strength of Plan As a goal for society, granting Native Americans greater control over their territories and destinies is an admirable and noble goal. As a means to combat current deficiencies in homeland security, this plan fails. It would likely result in a further stretching of scarce resources and ultimately create more gaps in security. C. Direct Coordination of Efforts Many of the present problems revolve around the failure of the federal government to work hand-in-hand with Native American tribes. The federal government expects the same level of coordination with Native American tribes as it does

with any state, but clearly does not treat the two [*426] entities with any form of equality. Doing this seems to be the most logical and promising notion for change. 1. The Plan The United States Senate, through the introduction of the Tribal Government Amendments to the Homeland Security Act of 2002, n109 has taken a step to remedy some of the problems created by these border security issues. If passed, this bill would amend the Homeland Security Act by inserting the word "tribal" after every pronouncement of the word "State." n110 The effect of this amendment would be to equate tribal governments with those of states and other local governments for purposes associated with the Act. n111 In so doing, this would require that Native American governments have an equal place at the bargaining and debate table when homeland security funding or programs are discussed. n112 Native American tribes would be able to directly solicit funding from the federal government and then receive that funding directly from the federal government. They would no longer be held at the whim of state governments, who, as noted, maintain tight purse strings on homeland security funding for Native American tribes. Most importantly, this change would reflect the misguidance of Chief Justice Marshall's "savage" imagery in Johnson. While ignorance and racism persist, Marshall's notion no longer pervades society to the same degree. If it did, it is unlikely that Native Americans would ever have been permitted to become members of the federal government, as was Senator Ben Nighthorse Campbell. 2. Problems Unfortunately, the Senate has yet to take any legislative action on this plan, and similar legislation in the previous Congress exhibited similar disinterest. n113 At present, the current legislation does not have any semblance of support in the Senate. n114 Obviously, the political tide has not [*427] turned nearly enough to make so broad a statement as this legislation makes. Apparently, Congress is not prepared to make any statement that equates a Native American tribe with a state. This sentiment is echoed by certain detractors of this legislative proposal, who cite the significant change this legislation would have on longstanding Supreme Court jurisprudence. n115 In recent history, the Supreme Court has significantly limited the sovereignty enjoyed by Native American tribes following the Marshall Trilogy. n116 While touted as a means to secure homeland security funds for Native American governments, the true purpose of this legislation is to regain a certain level of sovereignty lost over the course of the nation's history. n117 As a result, Native American tribes would have expanded authority over non-Native Americans who travel on tribal lands. n118 Thus, American citizens would be subject to tribal law, yet have no voice in tribal government. n119 Conceivably, Native American tribes may refuse federal funding. Accepting these funds means accepting federal directives and obligations. Some tribes may have an aversion to accepting federal orders because it would amount to a further deterioration of sovereignty. If the funds are refused, the border security deficiencies persist. 3. Strength of Plan More likely than not, Native American tribes will gladly accept the direct federal funding. As previously noted, Native American leaders cite the lack of direct funding as a problem and argue for this kind of change. n120 Rather than harm sovereignty, this strategy would actually increase Native American influence and authority. With a seat at the table, Native American concerns would have to be addressed and Native Americans would have to be afforded greater ability to fulfill the additional obligations that would come with the funding. Fears that a course of action might lead to an enhancement of civil rights should never be a bar to taking that action. Even if the true purpose of this type of legislation is that stated by the dissenters, those results do not necessarily outweigh the potential benefits to our nation as a whole. As [*428] previously mentioned, affording Native Americans additional sovereignty merely shows the recognition of the faulty logic of past policy makers. Native Americans have the capacity to self-govern in compliance with American tradition if provided with the proper resources and internal flexibility. Additionally, this legislation would not completely equate Native American tribes with states. It merely states that they should be treated as equal partners in pursuit of a common goal. By creating a Tribal Security Office within the Department of Homeland Security, coordination of efforts would be statutorily required. n121 The announced goals of S. 477 could be achieved without invoking the fears of its dissenters. There would merely be a requirement that the Department of Homeland Security work directly with Native American tribes to determine direct funding levels, disperse those funds, and coordinate the spending of those funds. Conclusion All members of a society confronted by a terrorist threat have an equal interest in preserving their security. With this common motivation, it is logical to expect that every member of society has some role in ensuring the desired security. A common goal suggests common means, or more specifically, a coordinated effort. The nature of the terrorist threat mandates a proactive response to minimize access to the nation by those seeking to carry out acts of terrorism. Meeting this goal necessitates taking a close look at the past and current relationship between the federal government and Native American tribes. Logically, the best solution is one in which hostilities between these partners is eliminated, not compounded, as both parties share in the hopes of internal security. To that effect, the federal government must recognize the important role that Native American tribes have in protecting international borders, and take appropriate steps to make Native American tribes a full and equal partner in combating this common threat. Coming together to meet this mutual homeland security goal may, in the end, bring Native Americans and the federal government closer together, mending more longstanding disputes. Native Americans may come to enjoy the type of sovereignty they possessed prior to European discovery, the limiting statements of Chief Justice Marshall, and later actions by the federal government.

Sovereignty K

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The Affirmative's perception of Sovereignty is a western concept projected onto the native body.

Alfred 2K

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In his work on indigenous sovereignty in the United States, Vine Deloria, Jr. has pointed out the distinction between indigenous concepts of nationhood and those of state-based sovereignty. Deloria sees nationhood as distinct from "self-government" (or the "domestic dependent nation" status accorded indigenous peoples by the United States). The right of "self-determination," unbounded by state law, is a concept appropriate to nations. Delegated forms of authority, like "self-government" within the context of state sovereignty, are concepts appropriate to what we may call "minority peoples" or other ethnically-defined groups within the polity as a whole. In response to the question of whether or not the development of "self-government" and other statedelegated forms of authority as institutions in indigenous communities was wrong, Deloria answers that it is not wrong, but simply inadequate. Delegated forms do not address the spiritual basis of indigenous societies: Self-government is not an Indian idea. It originates in the minds of non-Indians who have reduced the traditional ways to dust, or believe they have, and now wish to give, as a gift, a limited measure of local control and responsibility. Self-government is an exceedingly useful concept for Indians to use when dealing with the larger government because it provides a context within which negotiations can take place. Since it will never supplant the intangible, spiritual, and emotional aspirations of American Indians, it cannot be regarded as the final solution to Indian problems. (Deloria, 1984: 15) The challenge for indigenous peoples in building appropriate post-colonial governing systems is to disconnect the notion of sovereignty from its western, legal roots and to transform it. It is all too often taken for granted that what indigenous peoples are seeking in recognition of their nationhood is, at its core, the same as that which countries like Canada and the United States now possess. In fact, most of the current generation of indigenous politicians see politics as a zero-sum contest for power in the same way that non-indigenous politicians do. Rather than a value rooted in a traditional indigenous philosophy, indigenous politicians regard the nationhood discourse as a lever to gain bargaining position. For the politician, there is a dichotomy between philosophical principle and politics. The assertion of a sovereign right for indigenous peoples is not really believed, and becomes a transparent bargaining ploy and a lever for concessions within the established constitutional framework. Until "sovereignty" as a concept shifts from the dominant "state sovereignty" construct and comes to reflect more of the sense embodied in western notions, such as personal sovereignty or popular sovereignty, it will remain problematic if integrated within indigenous political struggles.

The quest for sovereignty is used as a western smokescreen to pacify resistance

Grande '4 (Sandy; Associate Professor of Education, Director of the Center for the Comparative Study of Race and Ethnicity at Connecticut College; Red Pedagogy; 52-56)

INDIGENIZATION: TOWARD A POLITICS OF ENSOULMENT Just as the imperialist project of imperialism was political, intellectual, and spiritual, so too most be the project of indigenous self-determination. Politi-cally, indigenous peoples need to question whether sovereignty and the quest

for nationhood are indeed useful constructs for their respective communities: Why should indigenous peoples choose models of thinking, organization, and development that were used to destroy non-state societies? Intellectually, the question becomes whether a system of education initially designed to serve the needs and interests of the nation-state can be reconstituted to meet the needs and desires of tribal peoples. Spiritually, as noted by d'Errico, "the most pressing problem for Indigenous self-determination is `the problem' of "the people" (d'Errico 1997). In other words, centuries of colonization have left indigenous peoples with a profound crisis of meaning, compelling as all to ask the question: What does it mean to be a people, a tribe, a community? What does it mean to be indigenous? To Be or Not to Be Sovereign Several scholars have questioned the appropriateness of the concept and aim of "sovereignty" for indigenous peoples (Alfred 1999; Debris and Lytle 1984; d'Errico 1997; Lyons 2000; Richardson and Villenas 2000; Cheyfitz 2003). Deloria and Lytle (1984,15), for example, dismiss "self-government" as an idea that "originates in the minds of non-Indians" who have reduced traditional ways to dust, or at least believe they have, and "now, wish to give, as a gift, a limited measure of local control and responsibility." Taiaiake Al-fred (1999, 57) similarly maintains that even though the discourse has served as an "effective vehicle for indigenous critiques of the state's imposition of control," **sovereignty is an inappropriate goal because it implies a set of val- ues and objectives that are "in direct opposition to those found in traditional indigenous philosophies**" (i.e., respect, harmony, autonomy, and peaceful co- existence). Specifically, Alfred argues that traditional indigenous nations, which had "no absolute authority, no coercive enforcement of decisions, no hierarchy, and no separate ruling entity," stand in sharp contrast to the domi-nant understanding of the state (Alfred 1999, 2). Therefore, some indigenous scholars argue that the retention of sovereignty as the goal of indigenous pol-itics signifies the ultimate concession to the forces of assimilation. In other words, **by accepting the "fiction of state sovereignty," Native com-munities negate their own power, determining that they will forever and only remain in a dependent and reactionary position to the state** (Alfred, 1999, 59). And, within this hegemonic framework, progress toward social justice can only be inadequate and marginal. "In fact," writes Alfred (1999, 57), "progress] will only be tolerated by the state to the extent that it serves, or at least does not oppose" its own interests. He asks us to consider the issue of and claims as a case in point. While the pursuit of land claims is viewed in liberal—progressive circles as "a step in the right direction," unless the colo-nialist structures undergirding such claims are simultaneously dismantled, the resolution of such claims can be defined only by relations of domination. For instance: In Canada ... the ongoing definition of ... "Aboriginal rights" by the Supreme Coon ... is widely seen as progress. Yet even with the legal recognition of col-lective rights to certain subsistence activities within certain territories, indige-nous people are still subject to state control . . . [and] must . . . meet state-defined criteria for Aboriginal identity . . . to gain access to these legal rights. . . . [So] to what extent does the state-regulated 'light" to food-fish represent justice for people who have been fishing on their rivers and seas since time be-gan, (Alfred. 1999, 58) As such, Alfred insists, "to argue on behalf of indigenous nationhood within the dominant Western paradigm is self-defeating" (Alfred, 1999, 58). On the contrary, the task is to detach and dethink the notion of sovereignty from its connection to Western understandings of power and relationships and base it on indigenous notions of power." Building upon Deloria's expressed need for Native communities to "blend the inherent power of tradition with the skills required to manage the institutions of modem society," Alfred sug-gests altering indigenous patterns of governance to achieve four basic goals (Alfred, 1999, 136): I . Structural reform: Legitimating Native governments by rejecting electoral politics and restructuring to accommodate traditional decision making, consultation, and dispute resolution. This requires minimizing dependency on non-Indian advisors by educating and Paining community members, enhancing capacities of self-management. 2. Reintegration of Native languages: Insofar as language serves as a symbol and source of nationhood, Native languages should be made the official language of their communities—"the one in which leaders speak, the processes of government are conducted, and the official versions of all documentation am written." In order to achieve this objective, communi-ties must make teaching the Native language "a top priority." 3. Economic self-sufficiency: Movement toward this goal requires the ex-pansion of Native land bases and increased control over the "economic ac-tivities" within Indian country. Additionally, communities must focus on "business and technical education" as a means of enhancing human re-sources. 3. Nation-to-nation relations with the state: "A political space most be cre-ated for the exercise of self-determination. Native communities most re-ject the claimed authority of the state, assert their right to govern their own territories and people, and act on that right as much as their capacity to do so alloy's.

Sovereignty allows for the continued colonization of the native lands, turns case

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Core to this effort is the theoretical attention given to the entire notion of sovereignty as the guiding principle of government in states. What the Canadian philosopher James Tully calls the "empire of uniformity" is a fact obliterating mythology of European conquest and normality. Tully recognises the ways in which injustice toward indigenous peoples is deeply rooted in the basic injustice of normalised power relations within the state itself. In his Strange Multiplicity, Tully considers the intellectual bases of dominance inherent in state structures, and he challenges us to reconceptualize the state and its relation with indigenous people in order to accommodate what he calls the three post-imperial values: consent, mutual recognition and cultural continuity. Taiaiake Alfred, in his Peace, Power, Righteousness, has engaged this challenge from within an indigenous intellectual framework. Alfred's "manifesto" calls for a profound reorientation of indigenous politics, and a recovery of indigenous political traditions in contemporary society. Attacking both the foundations of the state's claim to authority over indigenous peoples and the process of cooptation that has drawn indigenous leaders into a position of dependency on and cooperation with unjust state structures, Alfred's work reflects a basic sentiment within many indigenous communities: "sovereignty" is inappropriate as a political objective for indigenous peoples. David Wilkins' American Indian Sovereignty and the United States Supreme Court amply illustrates the futility and frustration of adopting sovereignty as a political objective. Wilkins traces the history of the development of a doctrine of Indian tribal sovereignty in the United States Supreme Court, demonstrating its inherent contradictions for Indian nationhood. From the central Marshall decisions in the mid-nineteenth century through contemporary jurisprudence, Wilkins reveals the fundamental weakness of a tribal sovereignty "protected" within the colonizer's legal system. Wilkins' exhaustive and convincing work draws on post-modern and critical legal studies approaches to the law. Examining the negative findings of the Court, he deconstructs the façade of judicial objectivity, demonstrating that in defining sovereignty, the "justices of the Supreme Court, both individually and collectively have engaged in the manufacturing, redefining, and burying of 'principles', 'doctrines', and legal 'truths' to excuse and legitimize constitutional, treaty, and civil rights violations of tribal nations" (297). In the United States, the common law provides for recognition of the inherent sovereignty of indigenous peoples but simultaneously allows for its limitation by the United States Congress. The logic of colonisation is clearly evident in the creation of "domestic dependent nation" status, which supposedly accommodates the historical fact of coexisting sovereignties but does no more than slightly limit the hypocrisy. It accepts the premise of indigenous rights while at the same time legalising their unjust limitation and potential extinguishment by the state.

The Alternative is to reject the Affirmative's western perception of sovereignty and instead re-center the discussion of sovereignty on the indigenous traditional perspective of respect and co-existing.

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Unlike the earth, social and political institutions were created by men and women. In many indigenous traditions, the fact that social and political institutions were designed and chartered by human beings means that people have the power and responsibility to change them. Where the human-earth relationship is structured by the larger forces in nature outside of human prerogative for change, the human-institution relationship entails an active responsibility for human beings to use their own powers of creation to achieve balance and harmony. Governance structures and social institutions are designed to empower individuals and reinforce tradition to maintain the balance found in nature. Sovereignty, then, is a social creation. It is not an objective or natural phenomenon but the result of choices made by men and women, indicative of a mindset located in, rather than a natural force creative of, a social and political order. The reification of sovereignty in politics today is the result of a triumph of a particular set of ideas over others - no more natural to the world than any other man-made object. Indigenous perspectives offer alternatives, beginning with the restoration of a regime of respect. This ideal contrasts with the statist solution, still rooted in a classical notion of sovereignty that mandates a distributive re-arrangement but with a basic maintenance of the superior posture of the state. True indigenous formulations are non-intrusive and build frameworks of respectful coexistence by acknowledging the integrity and autonomy of the various constituent elements of the relationship. They go far beyond even the most liberal western conceptions of justice in promoting the achievement of peace because they explicitly allow for difference while mandating the construction of sound relationships among autonomously powered elements. For people committed to transcending the imperialism of state sovereignty, the challenge is to de-think the concept of sovereignty and replace it with a notion of power that has at its root a more appropriate premise. And, as James Tully has pointed out, the imperial demand for conformity to a single language and way of knowing has, in any case, become obsolete and unachievable in the diverse (ethnic, linguistic, racial) social and political communities characteristic of modern states. Maintaining a political community on the premise of singularity is no more than intellectual imperialism. Justice demands a recognition (intellectual, legal, political) of the diversity of languages and knowledge that exists among people—indigenous peoples' ideas about relationships and power holding the same credence as those formerly constituting the singular reality of the state. Creating a legitimate post-colonial relationship involves abandoning notions of European cultural superiority and adopting a mutually respectful posture. It is no longer possible to maintain the legitimacy of the premise that there is only one right way to see and do things

The Alternative Solves for all colonial oppression

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Taiake Alfred, August 2000, Dr. Taiaiake Alfred is a Kanienkehaka (Mohawk) from Kahnawake. He is the Director of the Indigenous Governance Program of the University of Victoria in Canada, From Sovereignty to Freedom: Towards an Indigenous Political Discourse, Journal of Indian Affairs, http://www.iwgia.org/iwgia_files_publications_files/IA_3-01.pdf) CH

Indigenous conceptions, and the politics that flow from them, maintain in a real way the distinction between various political communities and contain an imperative of respect that precludes the need for homogenization. Most indigenous people respect others to the degree that they demonstrate respect. There is no need, as in the western tradition, to create a political or legal hegemony to guarantee respect. There is no imperial, totalising, or assimilative impulse. And that is the key difference: both philosophical systems can achieve peace; but for peace the European demands assimilation to a belief or a country, while the indigenous demands nothing except respect. Within a nation, one might even rethink the need for formal boundaries and precedents that protect individuals from each other and from the group. A truly indigenous political system relies instead on the dominant intellectual motif of balance, with little or no tension in the relationship between the individual and the collective. Indigenous thought is often based on the notion that people, communities, and the other elements of creation co-exist as

equals—human beings as either individuals or collectives do not have special priority in deciding the justice of a situation. Consider the indigenous philosophical alternative to sovereignty in light of the effect sovereignty-based states, structures, and politics have had on North America since the coming of the Europeans. Within a few generations, Turtle Island has become a land devastated by environmental and social degradation. The land has been shamefully exploited, indigenous people have borne the worst of oppression in all its forms, and indigenous ideas have been denigrated. Recently, however, indigenous peoples have come to realise that the main obstacle to recovery from this near total dispossession – the restoration of peace and harmony in their communities and the creation of just relationships between their peoples and the earth – is the dominance of European-derived ideas such as sovereignty. In the past two or three generations, there has been movement for the good in terms of rebuilding social cohesion, gaining economic self-sufficiency and empowering structures of self-government within indigenous communities. There has also been a return to seeking guidance in traditional teachings, and a revitalisation of the traditions that sustained the great cultural achievement of respectful coexistence. People have begun to appreciate that wisdom, and much of the discourse on what constitutes justice and a proper relationship within indigenous communities today revolves around the struggle to promote the recovery of these values. Yet there has been very little movement towards an understanding or even appreciation of the indigenous tradition among non-indigenous people. It is, in fact, one of the strongest themes within indigenous American cultures that the sickness manifest in the modern colonial state can be transformed into a framework for coexistence by understanding and respecting the traditional teachings. There is great wisdom coded in the languages and cultures of all indigenous peoples - this is knowledge that can provide answers to compelling questions if respected and rescued from its status as cultural artefact. There is also a great potential for resolving many of our seemingly intractable problems by bringing traditional ideas and values back to life. Before their near destruction by Europeans, many indigenous societies achieved sovereignty-free regimes of conscience and justice that allowed for the harmonious coexistence of humans and nature for hundreds of generations. As our world emerges into a post-imperial age, the philosophical and governmental alternative to sovereignty, and the central values contained within their traditional cultures, are the North American Indian's contribution to the reconstruction of a just and harmonious world.

2NC Extensions.

Sovereignty is a Eurocentric ideal.

Brown 7

Michael F. Brown, Michael F. Brown, President of the School for Advanced Research, Santa Fe; Lambert Professor of Anthropology & Latin American Studies, Emeritus, Williams College, 2007, Indigenous Experience Today, pp. 176-177, Accessed 7/19/15, http://sites.williams.edu/mbrown/files/2011/04/Brown_SovereigntysBetrayals_2007-1.pdf) CH

Perhaps the most trenchant critique of the notion of indigenous sovereignty is put forward by the Mohawk political scientist Taiaiake Alfred, whose article "From Sovereignty to Freedom" (2001; see also 2005) develops ideas first explored in the work of Vine Deloria Jr., and others. Alfred argues that sovereignty is a profoundly ethnocentric concept predicated on European attitudes toward governance, political hierarchy, and the legitimate uses of power. He finds these

values and practices incompatible with an authentically indigenous politics, which rejects, among other things, "absolute authority," "coercive enforcement of decisions," and the separation of political rule from other aspects of everyday life. To subscribe to a doctrine of sovereignty is, in Alfred's opinion, to evade a moral duty to decolonize indigenous life. "Sovereignty itself implies a set of values and objectives that put it in direct opposition to the values and objectives found in most traditional indigenous philosophies," he insists (Alfred 2001: 27, 28).8 The alternative that Alfred sketches is evocative but indistinct. A nonsovereignty-based system of traditional governance would repudiate coercion and foster healthy relationships with the land. "Indigenous thought is often based on the notion that people, communities, and the other elements of creation co-exist as equals-human beings as either individuals or collectives do not have special priority in deciding Sovereignty's 7 Betrayals 1 79 the justice of a situation" (Alfred 2001: 31). Alfred ends his article on a 1 utopian note, observing that prior to the rise of European colonialism, indigenous peoples had "achieved sovereignty-free regimes of conscience and justice" that, if revived, could help to make the world a better place for everyone (2001: 34). Admittedly, Alfred's conviction that Native people are always and everywhere paragons of participatory democracy is hard to square with historically documented cases of indigenous imperialism and social stratification. Given the modest scale of most Native American tribes or bands today, however, they may be amenable to the retraditionalized systems of governance that Alfred advocates, although most would, as he himself acknowledges, have to adapt such practices to the challenge of dealing with a hierarchical and bureaucratic state.9

The Affirmatives concept of sovereignty is flawed.

Alfred 2K

Taiake Alfred, August 2000, Dr. Taiaiake Alfred is a Kanienkehaka (Mohawk) from Kahnawake. He is the Director of the Indigenous Governance Program of the University of Victoria in Canada, From Sovereignty to Freedom: Towards an Indigenous Political Discourse, Journal of Indian Affairs, http://www.iwgia.org/iwgia_files_publications_files/IA_3-01.pdf) CH

Sovereignty. The word, so commonly used, refers to supreme political authority, independent and unlimited by any other power. Discussion of the term "sovereignty" in relation to indigenous peoples, however, must be framed differently, within an intellectual framework of internal colonisation. Internal colonisation is the historical process and political reality defined in the structures and techniques of government that consolidate the domination of indigenous peoples by a foreign yet sovereign settler state. While internal colonisation describes the political reality of most indigenous peoples, one should also note that the discourse of state sovereignty is and has been contested in real and theoretical ways since its imposition. The inter/ counterplay of state sovereignty doctrines - rooted in notions of dominion - with and against indigenous concepts of political relations - rooted in notions of freedom, respect and autonomy - frames the discourse on indigenous "sovereignty" at its broadest level. The practice of history cannot help but be implicated in colonisation. Indeed, most discussions of indigenous sovereignty are founded on a particular and instrumental reading of history that serves to undergird internal colonisation. Fair and just instances of interaction between indigenous and non-indigenous peoples are legion; yet mythic narratives and legal understandings of state sovereignty in North America have consciously obscured justice in the service of the colonial project. From the earliest times, relations between indigenous peoples and European newcomers vacillated within the normal parameters that characterise any relation between autonomous political groups. Familiar relations - war, peace, cooperation, antagonism and shifting dominance and subservience - are all to be found in our shared history. Yet the actual history of our plural existence has been erased by the narrow fictions of a single sovereignty. Controlling, universalising and assimilating, these fictions have been imposed in the form of law on weakened but resistant and remembering peoples.

Tony Hillerman, 10-29-2008, "Tony Hillerman On Indian Rights," New York Times, http://www.nytimes.com/ref/opinion/29opclassic.html

Thus for the tribal traditionalists the sovereignty issue looks foolish. Who has sovereignty? Nobody. But most Indians these days are not traditionalists. And many of the two million Indians who claim membership in the 554 recognized tribes saw the unsuccessful move by Senator Slade Gorton, a Washington Republican, to attach amendments to the Interior Department spending bill as another white raid on what's left of their property. His proposal would have required tribes to trade protection from civil lawsuits for continued eligibility for Federal financing. Senator Gorton dropped the amendments this week, but only in exchange for hearings and a vote on immunity next year, as well as for a Government study on how to base future Federal payments to Indians. Indians suspect that the Senator's efforts grew out of the fight he lost over tribal treaty rights to salmon fishing. They see it as part of a pattern that threatens other rights. At stake eventually is control over water rights, grazing rights, mineral rights, ski lodges, suburban housing developments, even tribal voting rights. At stake is who controls "the way to make money," which is what First Man of Navajo mythology called his bundle of evil magic. As a die-hard advocate of Indian rights with a "Custer Had It Coming" bumper sticker on my truck, why don't I argue that we should simply declare that Indians have total control over their reservations? Because that raises another question. Which Indians? Most Indians these days measure their tribal blood in fractions. The Osage tribe, for example, counts about 17,000 members. But under a 1906 tribal law recently upheld in Federal court, there are only 26 legitimate members -- all in their 90's. The Kaw tribe includes you if you can claim one-sixty-fourth Kaw blood. Most Indians, including 100 percenters, are as assimilated in America's consumer culture as are Italian-Americans, Irish-Americans, Ethiopian-Americans, English-Americans, Spanish-Americans or any of the rest of us. Yet obviously, many Indians see the argument over tribal sovereignty as dead serious. The Indian boys I grew up with in Oklahoma were mostly Citizen Band Potawatomies. When we played cowboys and Indians they made my brother and me take turns being Indians, since they knew who won. We went to the same school and the same church. We picked cotton and hunted squirrels together. Our friends had only a sentimental knowledge of their tribal culture and lived on "allotment land" many generations distant from their original homeland. For them, any question of sovereignty would have a far different meaning than it would have for Navajos, Hopis, Zunis or any other tribes that still cling to ancestral culture. For the tribes not so totally assimilated into homogenized America, the problem of sovereignty often involves more than how to save what they have from the whites who yearn for it. It can become an internal fight over values. On the Navajo Reservation, for example, two groups of Navajo tribesmen fought over cutting old-growth timber in the Chuska Mountains. The loggers cited the 140 jobs at stake. The environmentalists cited Federal law requiring protection for the endangered spotted owl, which traditional shamans will assure you is a symbol of evil. The internal friction is often between assimilated "city Indians" and the "sheep camp" traditionalists who stayed home. This happened at Taos when veterans returning from World War II wanted to bring electricity into the pueblo. It happened at Wounded Knee when the American Indian Movement (so citified that a journalist had to teach its members how to butcher a steer when they ran out of food) tried to overthrow the traditional tribal government. Hastiin Alexander Etcitty would assure us that all these internal questions could be peacefully resolved if tradition were followed and all the lawyers were made to go away. My own experience suggests that's probably right. But when it comes to defending water ownership, treaty promises, fishing rights, gambling casinos and the rest of it from encroaching white neighbors, the tribes may be forced to rely on lobbyists and lawyers, if they can find ones they can trust. Etcitty would never agree to that. He'd say that part of this is unimportant -- just about money. And he'd point to cloud shadows dappling the dry prairie, and

the thunderheads beginning to build over the San Francisco Mountains. He'd remind me that money can't make it rain.

Video Surveillance Michigan 7

advantage

1nc advantage

Alt cause --- private cameras

Manjoo 13 [Farhad, technology columnist for the New York Times and the author of True Enough, "We Need More Cameras, and We Need Them Now," Slate, April 18, 2013] //khirn

The best reason to welcome a government network of surveillance cameras is that **we're already being watched**—just not systematically, in a way that aids law enforcement. Private security cameras dot every busy street, and people's personal cameras are everywhere. It might have been valuable, at some point, for us to have a discussion about whether we wanted to go down the road of having cameras everywhere. But we missed that moment—instead, you and I and everyone we know went out and bought smartphones and began snapping photos incessantly. Nowadays, when anything big goes down, **we all willingly cede our right to privacy**—we all take it for granted that photos provide valuable insight into news events, and we flood the Web with pictures and clips of the scene of big news.

Turn – surveillance cameras are key to reduce violent crime

Manjoo 13 [Farhad, technology columnist for the New York Times and the author of True Enough, "We Need More Cameras, and We Need Them Now," Slate, April 18, 2013] //khirn

There's ample evidence that **CCTVs combat more routine crime**. According to a study by the Department of Justice's Office of Community Oriented Policing Services, when surveillance networks are installed and competently manned by trained personnel, they **reduce many types of criminal activity by a significant margin**, and they do so cost-effectively. After cameras were installed in downtown Baltimore in 2005, the study says, **violent crime fell by 23 percent** and all crime fell by 25 percent. In one area of Chicago, **crime fell by 38 percent** after CCTVs were installed.

Reliance on federal legal systems to protect women take away their civil liberties and reinforce traditionally gendered divisions between public and private space

Bumiller 6 Professor of Political Science and Women's and Gender Studies at Amherst College (Kristin, *Thomas Jefferson Law Review*, "FREEDOM FROM VIOLENCE AS A HUMAN RIGHT: TOWARD A FEMINIST POLITICS OF NONVIOLENCE" p. 338 – 339, Spring 2006, *ProQuest*) | js

Since a major purpose of the VAWA is to provide women protection from the types of violence for which there are inconsistent legal remedies across states—one important example being marital rape—the model of federalism puts misplaced insistence on recognizing violence through its impact on a woman's role in the public sphere. The logic seems counterintuitive when these provisions aspire to fashion legal remedies that reach into the deeply private context in which violence occurs. The conception of sexual violence as a public problem in the VAWA is, of course, partly the artificial result of the necessity to fashion a compelling constitutional argument. But it also emerges from the inherent logic of federalism, a logic that finds parallels in the paradigm of human rights enforcement. Both systems of governance invest in the federal body the normative authority to set universal standards for the

treatment of citizens. Such guarantees within a federalist system are indeed necessary for citizens to enjoy their political and economic rights within the public sphere. Yet the practice of citizenship is far more complicated, especially in situations involving harm in our most 23. Id. at 148. 24. See Zygmunt Bauman, On Postmodern Uses of Sex, 15 THEORY, CULTURE & SOC'Y 19 (1998). BUMILLER.DOC 8/16/2006 7:39:12 PM 2006] FREEDOM FROM VIOLENCE AS A HUMAN RIGHT 339 intimate relationships. The recognition of freedom from sexual violence, as an expressly public right, does not sufficiently capture how the risk to human dignity is linked to a woman's choice for privacy or autonomy, or the ways that surviving violence may require negotiating a relationship with the state. Specifically in the American context, breaking through the traditional notions of how privacy has prevented legal intervention may have the reverse effect of that intended. It may create a situation where women lose control over their private domain because of mandatory arrest laws and no-drop policies that take away a woman's power to seek help from the authorities. Renee Romkens, a legal scholar from the Netherlands, suggests that in the American experience the shift of wife abuse from the private to the public domain has reinforced the underlying binary of the public and private. This has led to the implementation of policies that have eroded a woman's choices in the private sphere, and the "fact that law, notably criminal law, has been used as a major vehicle to materialize this public responsibility only exacerbates this dynamic."25 In contrast, Romkens argues the shifting of the definition of the battered women to a public identity has been less problematic in Western European countries. In these countries, there is more of a balance between the legal and the social category and the social policy strategies that the battered women's movements have pursued in trying to devise supportive polices. . . . In Western Europe the issue of battering has been a much more effective domain of sociopolitical struggle than in the U.S.26 From this perspective, efforts to define violence against women as a national issue in the United States does less to liberate women from local custom, and more to create the circumstances for state intrusion into private lives. Moreover, actual application of the civil rights remedy under the VAWA requires victims to assert agencies in ways that conform to traditional private and public roles for women.

Not only does electronic surveillance fail to address the root cause of violence against women, but it reifies institutional violence against women through the expansion of the prison-industrial complex

Mason and Magnet 12 professors at the Institute of Women's Studies at the University of Ottawa (Corinne and Shoshana, *Surveillance & Society,* "Surveillance Studies and Violence Against Women" p. 112 – 114, 2012) | js

Surveillance technologies are both produced by as well as part of the expansion of the prison industrial complex. New surveillance features including the time and date stamps we described above can be used to make arrests. Technology producers and marketers assert that surveillance features like those found on the iPhone are important security measures. If they reference violence against women at all, companies selling these products argue that these surveillance features will help institutions like the police to catch perpetrators of violent crimes. For example, according to iPhone hacker and data-forensics expert Jonathan Zdziarski, the iPhone's ability to take a screen snapshot and save it is a personal privacy 'flaw'. However, he and others argue that this in fact can become useful to the prison system since users cannot permanently delete information, and, as a result, storage forensics experts have used the 'flaw to gather evidence against criminals convicted of rape, murder or drug deals' (Chen 2008). In this way, although mainstream media represent surveillance technologies as carrying risks for consumers, they are simultaneously represented as necessary evils. For example, in the popular crime show Criminal Minds, the dangers of surveillance to individual privacy are referenced, but the overall message remains that these technologies help to keep us safer. In a two-part episode entitled 'The Big Game' and 'Revelations' (2007), a techie-turned-murderer accesses computers remotely to fix issues such as sound control, but then maintains access to internal webcams after the service is completed using a Trojan horse virus. Watching women in particular, the murderer observes his victims through the webcam and then allows the videos of his murders to 'go viral'. While the surveillance of victims is depicted as a breach of their privacy, it is the videos captured through webcams that lead the FBI to the murderer's capture and arrest. This fictional show parallels a case in Toronto, Canada in which a young woman attending York University was killed while her boyfriend in China watched part of the women's struggle with her assaulter via a webcam (Sympatico News 2011). In online commentary on Sympatico News, a user claimed that this was 'life imitating art' since an episode of crime show CSI: New York followed a similar story line. The police began their investigation by attempting to uncover the streamed video and ultimately charged a York University student with her murder (Rush 2011). Of course, these technologies did not help to save

this young woman's life. Nor did they help to address the ongoing systemic issue of violence against women. Instead, they became the vehicle by which the police could assert that violence on campus had been addressed since this one 'bad apple' violent student was caught. The approach to perpetrators of violence as 'bad apples' is a familiar strategy: one that helps to distract attention from solutions aimed at addressing the systemic nature of violence as well as its gendered and racialized nature. 5 In suggesting that these new technologies saved the day by helping to catch one perpetrator, the media offers limited critiques of new surveillance technologies while simultaneously 'naturalizing their expansion' (Magnet and Gates 2009: 7). That is, in popular TV shows and news media, surveillance technologies are understood as producing privacy breaches that are justified as a result of their helpfulness in police investigations. This is well captured in the commentary of forensics expert Jonathan Zdziarski. Arguing that these technologies do produce 'significant privacy leak[s]', he asserts that they remain important tools since 'at the same time [they've] been useful for investigating criminals' (Chen 2008). For feminist surveillance studies scholars, surveillance technologies pose more complex questions than 'are they good or bad?'We argue that the relationship of surveillance technologies to their social context and the ways that technologies reproduce and exacerbate social inequalities must be examined. In particular, while surveillance technologies may be useful to police enforcement, more policing practices results in the strengthening of a prison system that continues to overincarcerate women who are victims of violence—and particularly targets women of colour, women with disabilities and queer women for incarceration. Given the role of the prison system as an engine of inequality, we must call into question the assertion that improving intensifying existing connection between anti-violence movements, surveillance technologies, and the police is necessarily positive. Rather, we must ask: what is the impact of deepening connections between anti-violence advocacy, new technologies of surveillance and the prison industrial complex? Connections between anti-violence movements and the prison system have historically been and remain deeply problematic. For anti-violence advocates, the 'criminalization of violence against women' has impacted individual safety tactics and community organizing. According to the INCITE! Women of Color Against Violence collective (2006), the movement from grassroots organizing to 'professional' shelters has meant that the mainstream anti-violence movement is reluctant to challenge institutionalized violence (Smith et al. 2006: 1). The move to government funding regimes in the U.S. and Canada are coupled to an increased reliance on the prison system. According to Smith et al. (2006), the anti-violence movement is 'working with the state, instead of against state violence' (1). The criminal justice system often simply brings many survivors of violence into conflict with the law (INCITE! 2006). In addition to those noted above, mandatory arrest laws in the U.S. and Canada have meant that women who call police for protection are often also arrested. A New York-based study complied in 2001 found that a majority (66 per cent) of domestic violence survivors who were arrested alongside their abuser, or arrested as a result of a complaint lodged by their abuser, were African American or Latina/o, 43 per cent were living below the poverty line and 19 per cent were receiving public assistance. Lesbian survivors are also frequently arrested alongside their abuser since law enforcement officers frame violence within same-sex relationships as 'mutual combat' (Ritchie 2006: 140). Individuals perceived to be transgressing gender 5 For further reading, see Sherene Razack's (2004) excellent examination of the ways that Canadian peacekeepers participating in the torture and murder of Somali civilians were described by the Canadian state simply as 'bad apples', rather than individuals participating in a system of regulated and regular imperial violence perpetrated by the Canadian state against othered bodies (117). Mason and Magnet: Surveillance Studies and Violence Against Women Surveillance& Society 10(2) 114 norms are often subject to excessive force upon arrest (Ritchie 2006: 143). Furthermore, undocumented women who have reported violence have often found themselves deported (Ritchie 2006: 151). To be sure, Canadian women's shelters have been raided by the Canadian Border Services Agency in order to deport 'illegal' immigrants (No One Is Illegal 2011). Given the complex relationship of women of colour, indigenous women, poor women, queer folks, immigrants, sex workers and other women vulnerable to being criminalized by the justice system, the assumption that surveillance measures can provide protection to VAW victims is problematic. In particular, surveillance technologies that deepen existing links to the prison industrial complex pose problems for victims and anti-violence advocates

Urban planning fails to consider the inherently gendered nature of surveillance—modern cities construct women as the constant object of the male watcher

Koskela 2 senior lecturer in the Department of Geography, University of Helsinki,finland (Hille, Urban Geography, "Video Surveillance, Gender, and the Safety of Public Urban Space:

"Peeping Tom" Goes High Tech?" 2002, p. 261 – 3, http://www.tandfonline.com/doi/pdf/10.2747/0272-3638.23.3.257)

Gender Dimensions in Urban Planning "What is at issue, therefore, is not whether public spaces were controlled, but rather whose norms would be used to define those controls" (Domosh, 1998, p. 211). There has been considerable discussion on planning "for women" and implementing policies, which take women's needs into account. It has often been argued that in the mainstream discussions of urban politics and planning the gender dimension is lacking or undervalued and that women have not gained equal recognition in urban design (e.g., Matrix, 1984; Little et al., 1988; Simonsen, 1990; Greed, 1994). There are elements of urban life that simply cannot be understood without gender relations. Urban space is gendered in its essence: the existence of male violence, for example, modifies women's interpretations of space (Rose, 1993; Massey, 1994). The geography of Downloaded by [] at 13:22 05 July 2015 262 HILLE KOSKELA fear is gendered (Valentine, 1989). According to surveys and qualitative data from all over the world, women are more worried about their personal safety in urban space than men. Although it is clear that the category of "women" should not be oversimplified or seen as a homogenous group (e.g., McDowell, 1993; Gilbert, 1997), fear-evoking experiences—such as sexual harassment, threat of violence, and actual violence—can be experienced by all women despite their differences. Often the highly gendered nature of the public realm, which for example sexual harassment (re)produces, is neglected (Gardner, 1995). The threat of (sexual) violence does, to some extent, touch all women. Arguably, the question of urban safety is an issue which very accurately illustrates the gendered nature of space. Despite this, safety has not always been among the most significant aims of planning that takes better account of women's needs. This is apparent especially in the Scandinavian countries. Such planning has been considered to be about ecological housing, healthy building materials, more democratic planning process, lower housing costs, better transport facilities, etc. (Björk, 1991; Friberg, 1993; NordREFO, 1989). Until the late 1990s safety was hardly discussed. This is somewhat paradoxical since the Scandinavian countries do have a reputation for supporting gender equality. In the Anglo-American countries this issue has been debated much more. There has been both theoretical reasoning on the causes and structures of fear (e.g., Merry, 1981; Smith, 1987; Gordon and Riger, 1989; Valentine, 1989; Pain, 1991) and attempts to create "safe city initiatives" by applying this knowledge in urban policies and planning procedures (e.g., Trench et al., 1992; Wekerle and Whitzman, 1995). It has been stated that there is a need to "Ask for public funds to transform public spaces to make them safe and accessible to everyone at night as well as during the day" (Duncan, 1996, p. 132). Increased safety is commonly accepted as an important aim but there is much less consensus as to the means by which it could be achieved. I will now discuss whether video surveillance could be among these means. Space is not just a macro-structure separate from human reality but it has an experienced dimension. Space is interpreted and confronted in the "micropolitics" of everyday life (Domosh, 1998). Meanings about gender and space are produced in social practices and "are not natural offixed but continually contested and subverted" (Boys, 1999, p. 193). The ostensibly trivial gendered practices of the everyday (re)produce the power structures which restrict and confine women's space (Rose, 1993). In addition, as Doreen Massey argues "What is clear is that spatial control, whether enforced through the power of convention or symbolism, or through the straightforward threat of violence, can be a fundamental element in the constitution of gender in its (highly varied) forms." (1994, p. 180, emphasis added) Gender, Security, and Surveillance Technology Because of their levels of fear women have been alleged to be the ones that particularly enjoy the "pay-off" of surveillance (Honess and Charman, 1992, p. 11; also Koskela, 2000a). Is this conclusion valid? Is surveillance perceived by women as improving their personal safety? What kinds of gender relation and gendered practices does surveillance include? Downloaded by [] at 13:22 05 July 2015 VIDEO SURVEILLANCE, GENDER, AND SAFETY 263first, I examine the gender relations of surveillance at the simplest level: who occupies the opposite sides of a surveillance camera? If we look at the places and spaces under surveillance, and the maintenance of surveillance, can we see practices which could be gendered? In public and semipublic space, the places where surveillance most often is practiced are the shopping malls and the shopping areas of city centers, and likewise public transport areas, such as metro stations, railway stations and busy bus stops. Who usually negotiates and decides about surveillance is the management: managers of shopping malls, leading politicians, and city mayors. Furthermore, people who maintain surveillance are the police and private guards. From this it is possible to draw conclusions about the gender structure of surveillance. Women spend more of their time shopping than men. Everyday purchases for the family are mostly bought by women. It is also known that a majority of the users of public transport are women. Thus women are often found in the typical places under surveillance. In contrast, the occupations in charge of deciding on surveillance are male dominated. Even more importantly, the professions that maintain surveillance, police and guards, are also male dominated. Thus, at this simplest level, surveillance is, indeed, gendered: most of the persons "behind" the camera are men and most of the persons "under" surveillance are women (Koskela, 2000a).

2nc crime turn

Cameras deter crime and free police resources to aid law enforcement

La Vigne 13 [Nancy G., "How Surveillance Cameras Can Help Prevent and Solve Crime," UrbanWire, http://www.urban.org/urban-wire/how-surveillance-cameras-can-help-prevent-and-solve-crime] //khirn

The potential value of public surveillance technology took on new meaning last week when investigators identified the two suspects in the Boston Marathon bombing after **sifting through video images** captured by the city's cameras.

This has prompted public officials like Chicago Mayor Rahm Emanuel to speak of the "important function" such cameras play in offering safety on a daily basis and during events both big and small.

The successful use of this technology in such a high-profile investigation is likely to prompt other major cities to reaffirm – and even expand – their investment in and use of surveillance cameras. Civil liberties advocates fear this would create an undue invasion of privacy.

In the ensuing debates over privacy versus safety, advocates on both sides would be wise to consider the following guidelines.

Public surveillance cameras and civil liberties can coexist if cameras are implemented and employed responsibly. Our guidebook for using public surveillance systems advises law enforcement to consider privacy issues when creating surveillance policies. For one, cameras should avoid or mask inappropriate views of private areas, such as yards and second-story windows. Law enforcement agencies should also document and publicize policies governing how surveillance cameras can be used and what the disciplinary consequences are for misuse. Likewise, officers should be thoroughly trained on these policies and held accountable for abiding by them.

Public surveillance camera systems can be a **cost-effective way to deter, document, and reduce crime.** Urban's research has shown that in Baltimore and Chicago, cameras were linked to reduced crime, even beyond the areas with camera coverage. The cost savings associated with crimes averted through camera systems in Chicago saved the city over four dollars for every dollar spent on the technology, while Baltimore yielded a 50 cent return on the dollar.

The usefulness of surveillance technology in preventing and solving crimes depends on the resources put into it. Our evaluation of three cities found that the most effective systems are **monitored by trained staff**, **have enough cameras to detect crimes in progress**, and **integrate the technology into all manner of law enforcement activities**.

As with any technology, the use of cameras is by no means a substitute for good old-fashioned police work. The detectives we interviewed reported that camera footage provides additional leads in an investigation and aids in securing witness cooperation. And prosecutors noted that video footage serves as a complement to—but not a replacement for—eyewitness evidence in the courtroom.

And, the plan precludes the use of artificial intelligence to deter crimes

Manjoo 13 [Farhad, technology columnist for the New York Times and the author of True Enough, "We Need More Cameras, and We Need Them Now," Slate, April 18, 2013] //khirn

The next step in surveillance technology involves **artificial intelligence**. Several companies are working on software that monitors security-camera images in an effort to **spot criminal activity before it happens**. One company, BRS Labs, has built technology for the San Francisco public transportation system that will monitor scenes and alert officials when it spots "unusual or abnormal behavior." What's that, exactly? According the company's proposal and its other promotional material, the software looks for any statistically unusual occurrences. By

monitoring a scene for a long time, it determines what's "normal" for that environment. It then alerts officials when something strays from normalcy. For instance, as BRS' president told the Daily last year, the software sent out an alert when it noticed a truck entering a San Francisco tunnel that's supposed to be used only by subway trains. Other occurrences that might set the software on high alert include people who are loitering instead of getting about their business, people who are jumping turnstiles, and folks who drop a package and then walk away.

at: "we just regulate cameras"

Regulations preclude effective use of cameras

Manjoo 13 [Farhad, technology columnist for the New York Times and the author of True Enough, "We Need More Cameras, and We Need Them Now," Slate, April 18, 2013] //khirn

The study showed a smaller impact in other places—in Washington, D.C., for instance, researchers found that a surveillance system had no discernable impact on crime. But the reason for D.C.'s surveillance failure won't please civil libertarians: Researchers argued that the cameras likely didn't work because their use was too tightly regulated as a result of privacy fears. After getting input from the ACLU, D.C. instituted rules that severely limit who can look at the cameras and whom they can follow. The rules also prevent operators from saving surveillance footage routinely. In practice, the regulations mean that few people are monitoring D.C.'s cameras and responding to crimes that are caught on tape. The report suggests that if the rules were relaxed, the **cameras might prove far more effective**.

2nc can't solve root cause

Surveillance technologies target interpersonal violence while reinforcing state violence against perceived "deviants"

Mason and Magnet 12 professors at the Institute of Women's Studies at the University of Ottawa (Corinne and Shoshana, *Surveillance & Society,* "Surveillance Studies and Violence Against Women" p. 114 – 116, 2012) | js

It is a difficult task to critique surveillance technologies aimed at ensuring women's safety against abusers. When made visible as anti-violence tools, technologies of surveillance appear to be uncontroversial to a range of actors. Certainly, women's safety is a priority for feminists, as is ending violence practices. Yet, the widespread promotion of surveillance tools for anti-violence means must be challenged. By overlooking the complex ways that surveillance practices and technologies are entrenched within the prison industrial complex, one might miss key challenges that surveillance technologies pose anti-violence strategies. Whether it is smartphones, iPhone applications, Google maps, or home surveillance, feminist surveillance studies scholars must investigate the ways that existing inequalities may be exacerbated by their use. The surveillance technologies that are offered to women as safety measures, such as cell phones, smartphone applications, internet-browsing safety and home security systems, are all targeted toward interpersonal violence. Mainstream and criminalized understandings of VAW wrongfully assume that violence is perpetrated by individual abusers who must be incarcerated. Anti-violence advocates including Andrea Smith (2008) and Angela Davis (2003, 2005) remind us that the prison industrial complex has done little to promote anti-violence strategies. Rather than examining the widespread, systemic nature of violence against women, instead, the prison industrial complex has simply incarcerated ever-growing

numbers of people—particularly indigenous people and people of colour. Moreover, it is well studied that violence in the prison system only continues the cycle of violence, as abusers are incarcerated, treated violently in the prison system, and then released (Gilligan 2000). In fact, radical anti-violence activists argue that prison abolition must be a part of any violence strategy in order to interrupt this cycle of violence, a conclusion with which we heartily concur. Practices of violence must always be connected to systems of power and domination, including state-perpetrated racist and sexist violence. Unfortunately, much of the literature on surveillance technologies has focused on individual acts of stalking and control. Of course, feminist literature on the subject of technology and stalking is important. However, in order to understand how surveillance affects the perpetration of violence and influences tactics to end violence practices, feminists must think more broadly and intersectionally about VAW and the connections between surveillance, sexism, racism, and the prison system. Importantly, the surveillance of vulnerable bodies by the state, policing services and even social service providers disproportionately target marginalized and exploited communities. In recent years, feminist and critical race explorations of policing and surveillance have necessarily included the experiences of Arab, Middle Eastern, South Asian and Muslim men and women. While such racialized bodies have always been targeted in white supremacist nations, post-9/11 security rhetoric around national security has helped to shore up surveillance measures. While honour killings, forced marriages, polygamy and dowry-related murders have received increased and disproportionate media attention in the U.S. and Canadian media since 9/11, mainstream conceptions of violence against women of colour are rarely inclusive of harassment, racist violence and sexual abuse at home and abroad at the hands of military and law enforcement agencies (Ritchie 2006: 139). Such violent crimes against women are insufficiently attended to in mainstream anti-violence strategies, and technologies aimed at women's safety may intensify the surveillance and further criminalization of particular communities. Surveillance 'flaws' such as those found in iPhones and iPads are used by the criminal justice system as tools to help them make arrests (Chen 2008). For those already criminalized and stigmatized, including indigenous people and people of colour, especially Arab, Middle Eastern and Muslim individuals post-9/11, surveillance 'flaws' will have a disproportionate effect. Placing marginalized, stigmatized and often criminalized women at the centre of feminist surveillance studies reveals that technologies aimed at the protection from individual abusers, and the arrest of perpetrators, does not work for all cases of violent practices. To be sure, it is a step in the right direction for Google maps and Google Street View to ensure that the addresses of women's shelters are not exposed to the public (National Network to End Violence Against Women 2010). However, feminists should also be concerned with the impact of Google maps and Google Street View for the surveillance of street level sex workers. Problematically, Google maps has allowed street view pictures of women to be visible and circulated widely over the internet. Moreover, the feminist blog Jezebel (2011) noted that, as a result of Google pictures of sex workers, a book titled 'Roadside Prostitutes' has now been published in which women are objectified for the viewing pleasure of others, and without remuneration. The distribution of images reveals pictures of workers who often work anonymously, in illegal bawdy houses, or on the street, and require protection from both unsafe clients and Mason and Magnet: Surveillance Studies and Violence Against Women Surveillance& Society 10(2) 116 law enforcement where their work is criminalized. For indigenous women, people of colour, queer, and non-gender conforming folks taking part in sex work, the visibilization of their bodies and workplaces put them at an even greater risk of violence. Given that these communities are already heavily surveilled by law enforcement, especially those working at street level, the public access to these images compounds safety issues. Sex workers have pointed out that violence is practiced by unsafe clients, but is also experienced at the hands of policing services. For example, due to the criminalization of sex work in Canada, workers are unable to lawfully unionize or assemble for protection, unable to work indoors, and often cannot call on police for help because they risk arrest (Power 2011). The distribution of Google map and Google Street View photos of sex workers and their work places puts women at risk of violence and should be considered alongside protecting shelter addresses when anti-violence advocates work with Google. Yet, sex workers and other marginalized communities have been left out of the mainstream discussions about surveillance technologies and VAW.

2nc urban planning fails

Urban surveillance of women's spaces further engenders apprehension—their fear becomes redirected not only to the present threats, but also the mysterious observer behind the camera lenses

Gray 3 journalist (Mitchell, *Surveillance & Society*, "Urban Surveillance and Panopticism: will we recognize the facial recognition society?" 2003, www.surveillance-and-society.org/articles1(3)/facial.pdf) | js

The negative ways in which urban dwellers may experience facial recognition are all the more salient because they are not countered by the feelings of security they are meant to instil. Koskela's (2002) examination of women's perceptions of surveillance indicates that facial recognition software, and camera surveillance in general, is failing to quell women's fears related to the urban environment. Surveillance proponents argue that women harbour greater concerns about their personal safety in urban areas than men do, and therefore gain even more from urban surveillance, but Koskela challenges this notion. The problem stems from the unverifiability of the presence and character of the observers in a panoptic situation. Bentham praised this as part of the influence of the panopticon as he envisioned it, but it represents a weakness in the modern urban version. Surveillance cameras fail to significantly reduce women's fears because they do not know who is observing them. Koskela says that in general, "Women are constantly reminded that an invisible observer is a threat." This is manifest in warnings from police and others to close their curtains tightly, to beware of snoops or "peeping toms." The problem is Gray: Urban Surveillance and Panopticism Surveillance & Society 1(3) 326 enhanced by the fact that most employees at observation posts are men. A temptation exists to use the surveillance tools for voyeuristic purposes (2002:263-264). The "placeless and faceless" nature of video surveillance, with or without facial recognition, causes women to doubt its value. Observation rooms are generally hidden, rendering them placeless to those experiencing the surveillance. The observation could be taking place at a distance that would mean those watching would have little or no chance of intervening in a dangerous situation. Furthermore, a facial recognition match on a criminal would be of little immediate benefit to a woman under attack. Facelessness becomes an issue because women cannot see the observers and therefore have no ability to form a perception concerning their reliability and their willingness to help in a troublesome situation (Koskela, 2002:267-268). Facial recognition systems have the potential to transform urban spaces in undesirable ways that elude the control of city planne rs, governments and the populace itself. There is also clear evidence that surveillance frequently fails to engender sensations of security in those under its watchful eye, particularly women. And yet increases in surveillance are an essential component of the aggravated risk society, and it is difficult, if not impossible, tofind someone who predicts a halt in the progress of the watchful eye. The question, then, is how can the accountability of those who advocate and operate the systems be ensured?

solvency

1nc solvency

No solvency – court intervention takes years

Powers and Rothman 2 [Stephen and Stanley, Research Associate for the Center for Social and Political Change at Smith College and Professor of Gov and Director of the Center for Social and Political Change at Smith College, *The Least Dangerous? Consequences of Judicial Activism*, p. 179]

A recurrent problem with the judiciary's extension of fundamental rights to the institutions we have studied is that when courts intervene, they do not merely point out a constitutional or statutory violation that must be corrected. They typically dictate a detailed set of remedies to address the issue. This type of intervention has generated a notoriously rigid approach to institutional reform. The judiciary was not designed to legislate or to execute the laws, only to interpret their meaning. It lacks the accountability required of a policy-making body. Judges are only accountable to the public under the most rare and extreme circumstances. Yet in the wake of elaborate court orders, prisons, mental hospitals, schools, police departments, and corporations must all continue to balance individual rights against group or societal interests. Unfortunately, judges do not have the expertise, the time, or the inclination to make the kind of long-term incremental adjustments that may be critical to institutional stability and progress. That is why court-ordered remedies rarely work as planned and have so many unanticipated consequences. Moreover, as we have seen, modification or reversal of court rulings adversely impacting social and political institutions generally takes years.

No enforcement or funding

Pacelle, poli sci prof and legal studies coordinator at the univ of Missouri at St. Louis, **2k2** [Richard, *The Role of the Supreme Court in American Politics: The Least Dangerous Branch?*, p81]

Even if the Supreme Court was to carve out some sphere of power for itself, there would be significant limitations. Any Court decision has to be enforced, but enforcement power is the province of the president and the executive branch. Thus, the Court is at their mercy. If the president does not like the decision, he does not have to enforce it. Indeed, history books report that Andrew Jackson, upset at the Worcester v. Georgia (1832) decision, growled that "John Marshall made his decision, now let him enforce it." There was concern that Dwight Eisenhower would not back the Brown decision when the Southern states resisted. Ultimately, though quite reluctantly, Eisenhower sent troops to Little Rock to support the decision. What if the Court's decision requires active policy intervention and the allocation of resources to help carry out the directives? If the courts determine that prisons are overcrowded or schools are substandard, will the legislature, which has the taxing and spending power, be willing to raise and spend money to correct the problem? It took a decade before serious legislative support for the Brown decision was provided. Title VI of the Civil Rights Act of 1964 empowered the government to cut off federal funds to school districts that did not comply with the desegregation directive (Halpern 1995, 30—59). The bottom line is the adage "the Court lacks the sword and the purse"—it lacks the ability to enforce its decisions and the power over the resources to do so. This places a limitation on the justices. If they stray too far from the acceptable boundaries set by Congress or the president, they risk a negative response from the branches with the real power. If the Court can safely be ignored by the other branches and the public, the cost is its institutional legitimacy.

Plan acts as fly-paper for social movements – it lures them to the courts

Rosenberg 8 (Gerald N., University of Chicago political science and law professor, Ph.D. from Yale University, member of the Washington, D.C. bar, "The Hollow Hope: can courts bring about social change?," pg. 427, 2008)

If this is the case, then there is another important way in which courts affect social change. It is, to put it simply, that courts **act as "fly-paper" for social reformers** who succumb to the **"lure of litigation."** If the constraints of the Constrained Court view are correct, then courts can seldom produce significant social reform. Yet if groups advocating such reform continue to look to the courts for aid, and **spend precious resources** in litigation, then the courts also **limit change by deflecting claims** from substantive political battles, where success is possible, to harmless legal ones where it is not. Even when major cases are won, the achievement is often **more symbolic that real**. Thus, courts may serve an ideological function of luring movements for social reform to an institution that is **structurally constrained** from serving their needs, providing only an illusion of change.

And, causes backlash—conservative reconstruction.

West 93 [Robin, Professor of Law, Georgetown University Law Center, Fall 1993, 88 Nw. U.L. Rev. 241, Northwestern Law review]

Although the adjudicated Constitution obviously has from time to time been used to effectuate progressive gains and to solidify progressive victories, those moments have been rare, anomalous, and often fleeting: the victory has been, as often as not, soured by near instantaneous conservative reconstruction. [18] For the most part, the clauses of the adjudicated Constitution have operated in concert to conserve present distributions of social, economic, and private power against legislative and democratic attempts at redistributing those resources or renegotiating the terms of struggle. If for no other than that reason, progressives would be well advised to break their romance with the United States Constitution. If it is true, as I have suggested, that the adjudicated Constitution is doctrinally and substantively more of a bar to than a vehicle for progressive legislation, then Thayer's rule looks attractive indeed.

That crushes resources to solve widespread social reform

Rosenberg 8 (Gerald N., University of Chicago political science and law professor, Ph.D. from Yale University, member of the Washington, D.C. bar, "The Hollow Hope: can courts bring about social change?," pg. 422-423, 2008)

In contrast to this conclusion, it might be suggested that throughout this book I have asked too much of courts. After all, in all the cases examined, court decisions produced some change, however small. Given that political action appeared impossible in many instances, such as with civil rights in the 1950s, same-sex marriage in the 1990s, and reform of the criminal justice system more generally, isn't some positive change better than none? In a world of unlimited resources, this would be the case. In the world in which those seeking significant social reform live, however, strategic choices have costs, and a strategy that produces little or not change and induces backlash drains resources that could be more effectively employed in other strategies. In addition, vindication of constitutional principles accompanied by small change may be mistaken for widespread significant social reform, inducing reformers to relax their efforts.

2nc courts fail – enforcement

Courts can't implement their decisions

Rosenberg 8 (Gerald N., University of Chicago political science and law professor, Ph.D. from Yale University, member of the Washington, D.C. bar, "The Hollow Hope: can courts bring about social change?," pg. 10, 2008)

The view of courts as unable to produce significant social reform has a distinguished pedigree reaching back to the founders. Premised on the institutional structure of the American political system and the procedures and belief systems created by American law, it suggests that the conditions required for courts to produce significant social reform will seldom exist. Unpacked, the Constrained Court view maintains that courts will generally not be effective producers of significant social reform for three reasons: the limited nature of constitutional rights, the lack of judicial independence, and the judiciary's inability to develop appropriate policies and its lack of powers of implementation.

Courts lack sword and purse.

Pacelle 2 [Richard, poli sci prof and legal studies coordinator at the univ of Missouri at St. Louis, *The Role of the Supreme Court in American Politics: The Least Dangerous Branch?*, p. 92]

The limits and potential limits on justiciability and jurisdiction are only part of a broader concern with the institutional constraints on the Court. The Court has some institutional weaknesses that seem to argue for judicial restraint. The willingness to exercise activism creates the risk that the Court will overstep its boundaries and invites retaliation from the elected branches. The creation of separation of powers and checks and balances was a prescription for political conflict. As Louis Brandeis noted, "the government was created not for efficiency, but to avoid the arbitrary use of power" (O'Brien 1997, 4). The division of authority between the different branches of government is a source of both strength and weakness for the Court. It is a weakness in that the other branches hold some potentially strong weapons over the Court. At the same time, separation of powers means that the elected branches have some weaknesses as well. Those constraints provided opportunities for the Court to step in and enhance its own base of power over time. Perhaps the greatest limitation on the Supreme Court is that the judiciary cannot enforce its own decisions. It lacks "the sword and the purse" Congress has the purse, the president has the sword. If either or both disagree with the Court's decision, that decision may be undermined or not enforced—and either one can retaliate against the Court in a number of ways.

2nc courts fail – social change

People won't respond – they feel courts are out of step with popular beliefs

Rosenberg 8 (Gerald N., University of Chicago political science and law professor, Ph.D. from Yale University, member of the Washington, D.C. bar, "The Hollow Hope: can courts bring about social change?," pg. 425-426, 2008)

Why do judicial decisions appear to effectively mobilize opponents? With same-sex marriage, why was there a ferocious backlash after the Hawaii and Massachusetts decisions but not after the Connecticut or New Hampshire legislative enactments of civil unions? In the particular case, part of the answer likely has to do with timing (Connecticut and New Hampshire acted later) and with the greater public support for civil unions compared to marriage. More generally, legislators are unlikely to enact highly controversial legislation they believe that most of their constituents oppose while judges sometimes

will act without political support. Thus, judicial decisions can appear to come out of the blue. They can be unexpected and shocking. Along the same lines, legislative acts require the support of majorities of relatively large legislatures, typically numbering in the hundreds, in two separate chambers, and the concurrence of the governor, while judicial opinions are the work of a handful of judges. Thus, in contrast to legislative acts, it is easy to characterize a judicial decision as the result of a few "activist" judges who don't share the public's beliefs and attitudes. Throughout the book I quoted opponents of judicial decisions furthering significant social reform criticizing the decisions as illegitimate because they came from the courts. Consider, for example, the remarks of President Bush in his State of the Union address on January 20, 2004, at the start of the presidential election year, in support of a constitutional amendment banning same-sex marriage. Bush underscored this concern with judicial action, saying, in part: Activist judges . . . have begun redefining marriage by court order, without regard for the will of the people and their elected representatives. On an issue of such great consequence, the people's voice must be heard. If judges insist on forcing their arbitrary will upon the people, the only alternative left to the people would be the constitutional process. Our nation must defend the sanctity of marriage. (Bush 2004) This concern may be more than rhetorical. Legislators face frequent elections while judges either have life tenure or infrequently face the electorate. When judges make unpopular decisions, people may feel that their lives are being reordered without their input. Thus, the judiciary may be institutionally structured to be susceptible to backlash.

Crushes all other avenues of protest

Rosenberg 8 (Gerald N., University of Chicago political science and law professor, Ph.D. from Yale University, member of the Washington, D.C. bar, "The Hollow Hope: can courts bring about social change?," pg. 423, 2008)

In general, then, not only does litigation steer activists to an institution that is constrained from helping them, but also it siphons off crucial resources and talent, and runs the risk of weakening political efforts. In terms of financial resources, social reform groups don't have a lot of money. Funding a litigation campaign means that other strategic options are starved of funds. In civil rights, while *Brown* was pending in June 1953, Thurgood Marshall and Walter White sent out a telegram to supporters of the National Association for the Advancement of Colored People asking for money, stating "funds entirely spent" (quoted in Kluger 1976, 617). Compare this to the half-million-dollar estimates of the cost of the freedom rides, largely due to fines and bail (Sarratt 1966, 337). Further, the legal strategy drained off the talents of people such as Thurgood Marshall and Jack Greenberg. As Martin Luther King, Jr., complained: "to accumulate resources for legal actions imposes intolerable hardships on the already overburdened" (King 1963, 157)

Courts only create illusion of trade

Rosenberg 8 (Gerald N., University of Chicago political science and law professor, Ph.D. from Yale University, member of the Washington, D.C. bar, "The Hollow Hope: can courts bring about social change?," pg. 424, 2008)

A further danger of litigation as a strategy for significant social reform is that symbolic victories may be mistaken for substantive ones, covering a reality that is distasteful. Rather than working to change that reality, reformers relying on a litigation strategy for reform may be misled (or content?) to celebrate the illusion of change. Throughout this book, the reader has encountered numerous claims about the symbolic importance of judicial decisions. Yet none of them has withstood empirical analysis. In criminal rights, for example, the contribution of the Court's decisions seems more symbolic than substantive, having "more significance as a declaration of intent than as a working instrument of law" (Elsen and Rosett 1967, 645). For some, however, this is meaningful. As Schulhofer puts it, "the symbolic effects of criminal procedural guarantees are important; they underscore our societal commitment to restraint in an area in which emotions easily run uncontrolled" (Schulhofer 1987, 460).5 Yet, chapter 11 has

shown that these "societal commitments" are not always shared by those responsible for implementing them. There is a danger that symbolic gains cover for actual failings. In strong but colorful language, Tigar sums up this view of the criminal rights revolution, and the dangers of substituting symbolic gain for substantive change more generally: "the constitutional revolution in criminal procedure has amounted to little more than an ornament, or golden cupola, built upon the roof of a structure found rotting and infested, assuring the gentlefolk who only pass by without entering that all is well inside" (Tigar 1970, 7).

2nc courts fail – backlash

Court victories create countermobilization

Rosenberg 8 (Gerald N., University of Chicago political science and law professor, Ph.D. from Yale University, member of the Washington, D.C. bar, "The Hollow Hope: can courts bring about social change?," pg. 425, 2008)

Successful litigation for significant social reform runs the risk of instigating countermobilization. While I have found little evidence that court decisions mobilize supporters of significant social reform, the data suggest that they can mobilize opponents. With civil rights, there was growth in the membership and activities of pro-segregation groups such as the White Citizens Councils and the Ku Klux Klan in the years after Brown. With abortion, the Right to Life movement expanded rapidly after 1973. While both types of groups existed before Court action, they appeared reinvigorated after it. In addition, in the wake of the Supreme Court's 1989 Webster decision, seen by many as a threat to continuing access to safe and legal abortion, pro-choice forces seemed to gain renewed vigor. With same-sex marriage, there was a massive and effective countermobilization in response to the Hawaii, Vermont, and Massachusetts decisions. These examples suggest that one result of litigation to produce significant social reform is to strengthen the opponents of such change. And that, of course, is far from the aim of those who litigate.

Creates legislative backlash

Rosenberg 8 (Gerald N., University of Chicago political science and law professor, Ph.D. from Yale University, member of the Washington, D.C. bar, "The Hollow Hope: can courts bring about social change?," pg. 426, 2008)

A final reason why judicial decisions on controversial issues may spark backlash is that while legislative enactments are about preferences, judicial decisions are about principle. It is possible to compromise preferences but principles, by definition, can't be compromised. To be told by an electorally unaccountable judge that deeply-held principles are wrong may outrage those who hold competing principles. In contrast, when a legislature extends a benefit or enacts an entitlement program, one's disagreement may be less intense. After all, what one legislature has done another can undo and the next election is likely only a few years away. Again, the reasons that make litigation attractive to the relatively disadvantaged are the very reasons that judicial victories are susceptible to backlash.

Courts lead to more conservative legislation – Congress thinks that courts will strike it down

Rosenberg 8 (Gerald N., University of Chicago political science and law professor, Ph.D. from Yale University, member of the Washington, D.C. bar, "The Hollow Hope: can courts bring about social change?," pg. 423-424, 2008)

The pro-choice movement was harmed in a second way by its reliance on Court action. The most restrictive version of the Hyde Amendment, banning federal funding even for the most medically necessary abortions, was passed with the help of a parliamentary maneuver by pro-choice legislators. Their strategy, as reported the following day on the front pages of the New York Times and Washington Post was to pass such a conservative bill that the Court would have "no choice" but to overturn it (Tolchin 1977; Russel 1977).[4] This reliance on the Court was totally unfounded. With hindsight, Karen Mulhauser, former director of NARAL, suggested that "had we made more gains through the legislative and referendum processes, and taken a little longer at it, the public would have moved with us" (quoted in Qilliams 1979, 12). By winning a Court case "without the organization needed to cope with a powerful opposition" (Rubin 1982, 169), pro-choice forces vastly overestimated the power and influence of the Court.

framing

1nc framing

They're wrong about predictions and voting for them makes it worse

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In defence of prediction Uncertainty is not a new phenomenon for strategists. Clausewitz knew that 'many intelligence reports in war are contradictory; even more are false, and most are uncertain'. In coping with uncertainty, he believed that 'what one can reasonably ask of an officer is that he should possess a standard of judgment, which he can gain only from knowledge of men and affairs and from common sense. He should be guided by the laws of probability.'34 Granted, one can certainly allow for epistemological debates about the best ways of gaining 'a standard of judgment' from 'knowledge of men and affairs and from common sense'. Scientific inquiry into the 'laws of probability' for any given strate- gic question may not always be possible or appropriate. Certainly, analysis cannot and should not be presumed to trump the intuition of decision-makers.

Nevertheless, Clausewitz's implication seems to be that the **burden of proof** in any debates about planning should belong to the decision-maker who rejects formal analysis, standards of evidence and probabilistic reasoning. Ultimately, though, the value of prediction in strategic planning does not rest primarily in getting the correct answer, or even in the more feasible objective of bounding the range of correct answers. Rather, prediction requires decision-makers to expose, not only to others but to themselves, the beliefs they hold regarding **why** a given event is likely or unlikely and why it would be important or unimportant. Richard Neustadt and Ernest May highlight this useful property of probabilistic reasoning in their renowned study of the use of history in decision-making, Thinking in Time. In discussing the importance of probing presumptions, they contend: The need is for tests prompting questions, for sharp, straightforward mechanisms the decision makers and their aides might readily recall and use to dig into their own and each others' presumptions. And they need tests that get at basics somewhat by indirection, not by frontal inquiry: not 'what is your inferred causation, General?' Above all, not, 'what are your values, Mr. Secretary?' ... If someone says 'a fair chance' ... ask, 'if you were a betting man or woman, what odds would you put on that?' If others are present, ask the same of each, and of yourself, too. Then probe the differences: why? This is tantamount to seeking and then arguing assumptions underlying different numbers placed on a subjective probability assessment. We know of no better way to force clarification of meanings while exposing hidden differences ... Once differing odds have been quoted, the question 'why?' can follow any number of tracks. Argument may pit common sense against common sense or analogy against analogy. What is important is that the expert's basis for linking 'if' with 'then' gets exposed to the hearing of other experts before the lay official has to say yes or no.'35

There are at least three critical and related benefits of prediction in strate- gic planning. The first reflects Neustadt and May's point – prediction enforces a certain level of discipline in making explicit the assumptions, key variables and implied causal relationships that constitute decision-makers' beliefs and that **might otherwise remain implicit**. Imagine, for example, if Shinseki and Wolfowitz had been made to assign probabilities to their opposing expectations regarding post-war Iraq. Not only would they have had to work harder to justify their views, they might have seen more clearly the substantial chance that they were wrong and had to make greater efforts in their planning to prepare for that contingency. Secondly, the very process of making the relevant factors of a decision explicit provides a firm, or at least transparent, basis for making choices. Alternative courses of action can be compared and assessed in like terms. Third, the transparency and discipline of the process of arriving at the initial strategy should heighten the decision-maker's sensitivity toward changes in the environment that would suggest the need for adjustments to that strategy. In this way, prediction enhances rather than under-mines **strategic flexibility**. This defence of prediction does not imply that great stakes should be gambled on narrow, singular predictions of the future. On the contrary, the central problem of uncertainty in plan- ning remains that any given prediction may simply be wrong. Preparations for those eventualities must be made. Indeed, in many cases, relatively unlikely outcomes could be enormously consequential, and therefore merit extensive preparation and investment. In order to navigate this complexity, strategists must return to the dis- tinction between uncertainty and risk. While the complexity of the international security environment may make it somewhat resistant to the type of probabilistic thinking associated with risk, a risk-oriented approach seems to be the only viable model for national-security strategic planning. The alternative approach, which categorically denies prediction, precludes strategy. As Betts argues, Any assumption that some knowledge, whether intuitive or explicitly formalized, provides guidance about what should be done is a presumption that there is reason to believe the choice will produce a satisfactory outcome – that is, it is a prediction, however rough it may be. If there is no hope of discerning and manipulating causes to produce intended effects, analysts as well as politicians and generals should all quit and go fishing.36 Unless they are willing to quit and go fishing, then, strategists must sharpen their tools of risk assessment. Risk assessment comes in many varieties, but identification of two key parameters is common to all of them: the consequences of a harmful event or condition; and the likelihood of that harmful event or condition occurring. With no perspective on likelihood, a strategist can have no firm perspective on risk. With no firm perspective on risk, strategists cannot purposefully discriminate among alternative choices. Without purposeful choice, there is no strategy. One of the most widely read books in recent years on the complicated relation- ship between strategy and uncertainty is Peter Schwartz's work on scenario-based planning, The Art of the Long View. Schwartz warns against the hazards faced by leaders who have deterministic habits of mind, or who deny the difficult implications of uncertainty for strategic planning. To overcome such tenden- cies, he advocates the use of alternative future scenarios for the purposes of examining alternative strategies. His view of scenarios is that their goal is not to predict the future, but to sensitise leaders to the highly contingent nature of their decision-making.37 This philosophy has taken root in the strategic-planning processes in the Pentagon and other parts of the US government, and

properly so. Examination of alternative futures and the potential effects of surprise on current plans is essential. Appreciation of uncertainty also has a number of organisational impli- cations, many of which the national-security establishment is trying to take to heart, such as encouraging multidisciplinary study and training, enhancing information sharing, rewarding innovation, and placing a premium on speed and versatility. The arguments advanced here seek to take nothing away from these imperatives of planning and operating in an uncertain environment. But appreciation of uncertainty carries hazards of its own. Questioning assumptions is critical, but assumptions must be made in the end. Clausewitz's 'standard of judgment' for discriminating among alternatives must be applied. Creative, unbounded speculation must resolve to choice or else there will be no strategy. Recent history suggests that **unchecked scepticism** regarding the validity of prediction can marginalise analysis, trade significant cost for ambig- uous benefit, empower parochial interests in decision-making, and undermine flexibility. Accordingly, having fully recognised the need to broaden their strategic-planning aperture, national-security policymakers would do well now to reinvigorate their efforts in the messy but indispensable business of predicting the future.

Scenario planning is good – allows us to make better choices

Han, 10 [Dong-ho Han, Ph.D. Candidate in Political Science at the University of Nebraska-Lincoln, , "Scenario Construction and Implications for IR Research: Connecting Theory to a Real World of Policy Making," http://www.allacademic.com/one/isa/isa10/index.php?cmd=Download+Document&key=unpublished_manuscript&file_index=1&pop_up=true&no_click_key=true&attachment_style=attachment&PHPSESSID=3e890fb59257a0ca9bad2e2327d8a24f

How do we assess future possibilities with existing data and information? Do we have a systematic approach to analyze the future events of world politics? If the problem of uncertainty in future world politics is increasing and future international relations are **hard to predict**, then it is necessary to devise a useful tool to effectively deal with upcoming events so that **policy makers can reduce the risks of future uncertainties**. In this paper, I argue that **the scenario methodology** is one of the most effective methods **to connect theory to practice**, thereby leading to a better understanding of future world events. The purpose of this paper is to introduce the scenario methodology to the field of IR in a more acceptable fashion and to explore its implications for a real policy world. To achieve this goal, I will explain the scenario methodology and why it is adequate to provide a better understanding of future world events. More specifically, I will clarify what the scenario method is and what its core components are and explain the importance and implications of the scenario method in IR by analyzing existing IR literature with an emphasis on security studies that primarily provide the prospect of future security issues. 1. Introduction How do we assess future possibilities with existing data and information? Do we have a systematic approach to analyze the future events of world politics? Given various theoretical ideas for predicting and analyzing future events in the field of international relations (IR), to understand these events properly it is important both to cast out all plausible outcomes and to think through a relevant theory, or a combination of each major theory, in connection with those outcomes. This paper aims to explain the scenario methodology and why it is adequate to provide a better understanding of future world events. After clarifying the scenario methodology, its core components, and its processes and purposes, I will explore other field's use of this methodology. Then I will explain the importance and implications of the scenario method in the field of IR. I will conclude with summarizing the advantage of the scenario method in a real world of policy making. 2. What is the Scenario Methodology? This section begins with one major question – **what is the scenario methodology?** To answer this, some history regarding the development of this method should be mentioned.1 Herman Kahn, a pioneer of the scenario method, in his famous 1962 book Thinking about the Unthinkable, argued that the decision makers in the United States should think of and prepare for all possible sequences of events **with regard to nuclear war** with the Soviet Union.2 Using scenarios and connecting them with various war games, Kahn showed the importance of thinking ahead in time and using the scenario method based upon imagination for the future.3 According to Kahn and his colleagues, scenarios are "**attempts to describe** in some detail **a hypothetical sequence of events that could lead plausibly** to the situation envisaged."4 Similarly, Peter Schwartz defines scenarios as "stories about the way the world might turn out tomorrow, stories that can help us recognize and adapt to changing aspects of our present environment."5 Given a variety of definitions of scenarios,6 for the purpose of this research, I refer to the scenario-building methodology as a means by which people can articulate **different futures** with trends, uncertainties, and rules over a certain amount of time. Showing all plausible future stories and clarifying important trends, scenario thinking enables decision makers to make an important decision at the present time. Key Terms in the Scenario Methodology **The core of the scenario method** lies in **enabling policy makers to reach a critical decision** at the present time based on thinking about all **plausible future possibilities**. Key concepts in the scenario method include: driving forces, predetermined elements, critical uncertainties, wild cards and scenario plot lines.7 Driving forces are defined as "the causal elements that surround a problem, event or decision," which could be many factors, including those "that can

be the basis, in different combinations, for diverse chains of connections and outcomes."8 Schwartz defines driving forces as "the elements that move the plot of a scenario, that determine the story's outcome."9 In a word, driving forces constitute the basic structure of each scenario plot line in the scenario-making process. Predetermined elements refer to "events that have already occurred or that almost certainly will occur but whose consequences have not yet unfolded."10 Predetermined elements are "givens" which could be safely assumed and understood in the scenario-building process. Although predetermined elements impact outcomes, they do not have a direct causal impact on a given outcome. Critical uncertainties "describe important determinants of events whose character, magnitude or consequences are unknown."11 Exploring critical uncertainties lies at the heart of scenario construction in the sense that the most important task of scenario anaysts is to discover the elements that are most uncertain and most important to a specific decision or event.12 Wild cards are "conceivable, if low probability, events or actions that might undermine or modify radically the chains of logic or narrative plot lines."13 In John Peterson's terms, wild cards are "not simple trends, nor are they byproducts of anything else. They are events on their own. They are characterized by their scope, and a speed of change that challenges the outermost capabilities of today's human capabilities."14 Wild cards might be extremely important in that in the process of scenario planning their emergence could change the entire direction of each scenario plot line. A scenario plot line is "a compelling story about how things happen" and it describes "how driving forces might plausibly behave as they interact with predetermined elements and different combinations of critical uncertainties."15 Narratives and/or stories are an essential part of the scenario method due to the identical structure of analytical narratives and scenarios: "both are sequential descriptions of a situation with the passage of time and explain the process of events from the base situation into the situation questioned."16 Process and Purpose of Scenario Analysis Scenario analysis begins with the exploration of driving forces including some uncertainties. However, scenario building is more than just organizing future uncertainties; rather, it is a **thorough understanding of uncertainties**, thereby distinguishing between something clear and unclear in the process of decision making.17 As Pierre Wack has pointed out, "By **carefully studying some uncertainties, we gained a deeper understanding** of their interplay, which, paradoxically, led us to learn what was certain and inevitable and what was not." In other words, a careful investigation of raw uncertainties helps people figure out more "critical uncertainties" by showing that "what may appear in some cases to be uncertain might actually be predetermined – that many outcomes were simply not possible."18 Exploring future uncertainties thoroughly is one of the most important factors in scenario analysis. Kees van der Heijden argues that in the process of separating "knowns" from "unknowns" analysts could clarify driving forces because the process of separation between "predetermineds" and uncertainties **demands** a fair amount of **knowledge of causal relationships surrounding the issue at stake**.19 Thus, in scenario analysis a thorough understanding of critical uncertainties leads to a well-established knowledge of driving forces and causal relations.20 Robert Lempert succinctly summarized the scenario-construction process as follows: "scenario practice begins with the challenge facing the decisionmakers, ranks the most significant driving forces according to their level of uncertainty and their impact on trends seemingly relevant to that decision, and then creates a handful of scenarios that explore different manifestations of those driving forces."21

at: menand/tetlock

Tetlock's study was so biased that it rigged the game against experts—in reality, experts make better predictions—without defaulting to them, policymakers just make ideological gut-checks

Caplan 7 - associate professor of economics at George Mason University [Bryan, "Have the experts been weighed, measured, and found wanting?," Critical Review 19.1]

This is one of the rare cases where Tetlock gets a little defensive. He writes that he is sorely tempted to dismiss the objection that "the researchers asked the wrong questions of the wrong people at the wrong time" with a curt, "'Well, if you think you'd get different results by posing different types of questions to different types of people, go ahead.' That is how science is supposed to proceed" (184). 3 The problem with his seemingly reasonable retort is that Tetlock deliberately selected relatively hard questions. One of his criteria was that questions pass the "don't bother me too often with dumb questions" test. … No one expected a coup in the United States or United Kingdom, but many regarded coups as serious possibilities in Saudi Arabia,

Nigeria, and so on. Experts guffawed at judging the nuclear proliferation risk posed by Canada or Norway, but not the risks posed by Pakistan or North Korea. Some "ridiculous questions" were thus deleted. (244) On reflection, though, a more neutral word for "ridiculous" is "easy." If you are comparing experts to the chimp's strategy of random guessing, excluding easy questions eliminates the areas where experts would have routed the chimps. Perhaps more compellingly, if you are comparing experts to laymen, positions that experts consider ridiculous often turn out to be popular (Caplan 2007; Somin 2004; Lichter and Rothman 1999; Delli Carpini and Keeter 1996; Thaler 1992; Kraus, Malmfors, and Slovic 1992). To take only one example, when asked to name the two largest components of the federal budget from a list of six areas, the National Survey of Public Knowledge of Welfare Reform and the Federal Budget (Kaiser Family Foundation and Harvard University 1995) found that *foreign aid* was respondents' most common answer, even though only about 1 percent of the budget is devoted to it. Compared to laymen, then, experts have an uncanny ability to predict foreign aid as a percentage of the budget. Tetlock also asks quite a few questions that are controversial among the experts themselves.[4] If his goal were solely to distinguish better and worse experts, this would be fine. Since Tetlock also wants to evaluate the predictive ability of the average expert, however, there is a simple reason to worry about the inclusion of controversial questions: When experts sharply disagree on a topic, then by definition, the average expert cannot do well. But Tetlock does more to help the chimp than just avoiding easy questions and asking controversial ones. He also crafts the response options to make chimps look much more knowledgeable than they are. When questions dealt with continuous variables (like GDP growth or stock market closes), respondents did not have to give an exact number. Instead, they were asked whether variables would be *above* a confidence interval, *below* a confidence interval, or *inside* a confidence interval. The catch is that Tetlock picked confidence intervals that make the chimps' strategy fairly effective: The confidence interval was usually defined by plus or minus 0.5 of a standard deviation of the previous five or ten years of values of the variable. … For example, if GDP growth had been 2.5 percent in the most recently available year, and if the standard deviation of growth values in the last ten years had been 1.5 percent, then the confidence band would have been bounded by 1.75 percent and 3.25 percent. (244) Assuming a normal distribution, Tetlock approach ensures that variables will go up with a probability of 31 percent, stay the same with a probability of 38 percent, and go down with a probability of 31 percent.[5] As a consequence, the chimp strategy of assigning equal probabilities to all events is almost *automatically* well-calibrated. If, however, Tetlock had made his confidence interval zero—or three—standard deviations wide, random guessing would have been a predictive disaster, and experts would have shined by comparison. To truly level the playing field between experts and chimps, Tetlock could have asked the experts for exact numbers, and made the chimps guess from a uniform distribution over the whole range of possibilities. For example, he could have asked about defense spending as a percentage of GDP, and made chimps equally likely to guess every number from 0 to 100. Unfair to the chimps? Somewhat, but it is no more unfair than using complex, detailed information to craft three reasonable choices, and then concluding that the chimps' "guesswork" was almost as good as the experts' judgment. To amplify this lesson, consider the classic question of how long it would take a chimp typing at a keyboard to write *War and Peace*. If the chimp could type anything he wanted, the sun might go out first. But what if each key on the keyboard printed a book rather than a letter, and one of those books was *War and Peace*? It is a lot easier for a chimp to "write" *War and Peace* when someone who actually knows how to do so paves the chimp's way. At this point, one could reasonably object that my corrections merely increase the advantage of experts over chimps. But they do nothing to narrow the gap between experts and the real winners of Tetlock's horserace: case-specific extrapolations and formal statistical models. Both of these methods continue to work well when questions are easy and/or require exact numbers. Fair enough, but what are the implications? Suppose that, properly measured, experts crush chimps, but still lose to extrapolations and formal models. Does that make experts' forecasting abilities "good," or "bad"? In my view, the right answer is: pretty good. Almost no one is smart enough to run extrapolations or estimate formal models in his head. For experts to match formal models, they would have to approach Tetlock's questions as a consulting project, not "just a survey." Speaking at least for my own discipline, most *economists* who are seriously interested in predicting, say, GDP growth rely on formal statistical models. But very few economists would estimate a formal model just to answer a survey. Our time is too valuable, or, to put it less charitably, we're kind of lazy. It is hardly surprising, then, that economists lost to formal models, considering the fact that Tetlock took the time to open his favorite statistical program, and the

economists did not. **All that this shows is that statistical forecasting is better than from-the-hip forecasting, and that experts are not smart enough to do statistical forecasting without the help of a computer**. Experts cannot escape all of Tetlock's indictment. He makes a convincing case that experts break some basic rules of probability, overestimate their predictive abilities for "non-ridiculous" and controversial questions, and respond poorly to constructive criticism. But contrary to the radical skeptics, experts can easily beat chimps in a fair game. For the chimps to stand a chance, the rules have to be heavily slanted in their favor. The Egalitarian Misinterpretation Tetlock tells us that political experts "barely best the chimp." It is easy to conclude that these so-called "experts" are a bunch of quacks. Question: What would happen if the average voter accepted this conclusion? Would he start relying on the winner of Tetlock's horserace—formal statistical models? No. In all likelihood**, if the average voter came to see political experts as quacks, he would rely even more heavily on** ~~his~~ ***own preconceptions*****.** As a result, policies would shift in a populist direction. For example, if the public lost whatever respect it now has for experts, one would expect policy to move away from the free-trade prescription of the vast majority of economists, and towards the protectionist policies that most people instinctively favor. If Tetlock is right, wouldn't a shift toward populism be a good thing—or at least not a bad thing? Many readers will be quick to make this inference, but it is mistaken. Even though Tetlock races experts against a long list of competitors, he says very little about the relative performance of experts versus laymen. As far as I can tell, the only laymen Tetlock tested were a group of: briefly briefed Berkeley undergraduates. In 1992, we gave psychology majors "facts on file" summaries, each three paragraphs long, that presented basic information on the polities and economies of Russia, India, Canada, South Africa, and Nigeria. We then asked students to make their best guesses on a standard array of outcome variables. (2005, 56) Out of all the competitors in Tetlock's tournament, these undergraduates came in dead last: The undergraduates were both less calibrated and less discriminating than professionals working either inside or outside their specialties. … If one insists on thinking like a human being rather than a statistical algorithm … it is especially dangerous doing so equipped only with the thin knowledge base of the undergraduates. The professionals—experts and dilettantes—possessed an extra measure of sophistication that allowed them to beat the undergraduates soundly. … (56) The upshot is that Tetlock does nothing to show that experts are "no better than the rest of us." When he does race the two groups, laymen lose decisively. Tetlock, like Voltaire, finds that "common sense is not so common." The poor performance of the Berkeley undergraduates is particularly noteworthy because these laymen were elite in absolute terms, and received basic information before they made their predictions. We can only imagine how poorly the average American would have done using nothing but the information in his head—and shudder when we realize that "the average American, using nothing but the information in his head" roughly describes the median American voter.6

at: security/pos peace

Zero chance they cause foreign policy realignment—pursuit of security is locked in

McDonough 9 (David. S. McDonough, Fellow at the Centre for Foreign Policy Studies at Dalhousie University, "Beyond Primacy: Hegemony and 'Security Addiction' in U.S. Grand Strategy", Winter 2009, Orbis, ScienceDirect)

The reason that the current debate is currently mired in second-order issues of multilateral versus unilateral legitimacy can be attributed to the post 9/11 security environment. A grand strategy is, after all, ''a state's theory about how it can best cause security for itself.'' 35 It would be prudent to examine why the neoconservative ''theory'' proved to be so attractive to American decision-makers after the 9/11 attacks, and why the Democrats have begun to rely on an equally primacist ''theory'' of their own. As Charles Kupchan has demonstrated, a sense of vulnerability is often directly associated with dramatic shifts in a state's grand strategy. Kupchan is, of course, largely concerned with vulnerability to changes in the global distribution of power. 36

Even so, the 9/11 terrorist attacks have dramatically increased the U.S. sense of strategic vulnerability to both global terrorist organizations like Al Qaeda and even to more traditional threats that are seen, as Donald Rumsfeld said, ''in a dramatic new light–through the prism of our experience on 9/11.'' 37 Perhaps more than any previous terrorist action, these attacks demonstrated the potential influence of non-state terrorist groups like Al Qaeda. U.S. strategic primacy makes conventional responses unattractive and ultimately futile to potential adversaries. The country's societal vulnerability to terrorist attacks will likewise lead to extremely costly defensive **reactions** against otherwise limited attacks. For both the United States and its asymmetrical adversaries, the advantage clearly favors the offense over the defense. With the innumerable list of potential targets, ''preemptive and preventive attacks will accomplish more against. . .[terrorists or their support structures], dollar for dollar, than the investment in passive defenses.'' 38 As former Undersecretary of Defense for Policy Douglas Feith has argued, a primary reliance on defense requires instrusive security measures that would inevitably endanger American civil liberties and curtail its free and open society. 39 Strategic preponderance ensures that the United States will continue to face adversaries eager to implement asymmetrical tactics, even as it offers the very resources necessary to implement both offensive and less effective defensive measures. Unfortunately, terrorist groups with strategic reach (i.e., capable of influencing the actions of states) will likely increase in the coming years due to a combination of factors, including the ''democractization of technology,'' the ''privatization of war'' and the ''miniaturization of weaponry.'' As more groups are imbued with sophisticated technological capabilities and are able to employ increasingly lethal weapons, the United States will be forced to rely even further on its unprecedented global military capabilities to eliminate this threat. The global war on terror, even with tactical successes against al Qaeda, will likely result in an inconclusive ending marked by the fragmentation and proliferation of terrorist spoiler groups. The ''Israelization'' of the United States, in which ''security trumps everything,'' will be no temporary phenomenon. 40 Realism provides an insufficient means for understanding the current post-9/11 strategic threat environment and underestimates the potential impact of the terrorist threat on the American sense of vulnerability. Globalized terrorism must be confronted by proactive measures to reduce the domestic vulnerability to attack and to eliminate these organizations in their external sanctuaries. Even then, these measures will never be able to ensure ''perfect security.'' As a result, significant **public pressure** for expanded security measures will arise after any attack. The United States will be consumed with what Frank Harvey has termed security addiction: ''As expectations for acceptable levels of pain decrease, billions of dollars will continue to be spent by both parties in a never-ending competition to convince the American public that their party's programs are different and more likely to succeed.'' 41 This addiction has an important impact on the dramatically rising levels of homeland security spending. Indeed, while this increased spending is an inevitable and prudent reaction to the terrorist threat, it also creates high **public expectations** that will only amplify outrage in a security failure. 42 Relatedly, American strategic preponderance plays an important role in facilitating a vigorous international response to globalized terrorism, including the use of coercive military options and interventions. A primacist strategy has the dual attraction of both maximizing U.S. strategic dominance and convincing the public of a party's national security credentials. Indeed, the Republicans had developed a **strong advantage in electoral politics** by its adherence to a strong military and aggressive strategy, and the Democrats in turn ''learned the lesson of its vulnerability on the issue and [...] explicitly declared its devotion to national security and support for the military.'' 43 The 9/11 attacks may not have altered the distribution of power amongst major states, but it has directly created a domestic political situation marked by an addiction to expansive security measures that are needed to satisfy increasingly high public expectations. In such a climate, it is easy to see why the neo-conservatives were so successful in selling their strategic vision. The fact that the United States has effectively **settled on a grand strategy of primacy** in the post-9/11 period should come as no surprise. **It is simply inconceivable that a political party could successfully advocate a grand strategy that does not embrace military preeminence and interventionism**, two factors that are seen to provide a definite advantage in the pursuit of a ''global war on terror.'' Political parties may disagree on the necessary tactics to eliminate the terrorist threat. But with increased vulnerability and security addiction, the United States will continue to embrace strategies of primacy– rather than going ''beyond primacy''–for much of the Long War.

Even if gender dynamics are involved in all wars, that doesn't mean they turn our impacts or have an explanation for specific wars

Thom **Workman** (Assistant Professor of Political Science University of New Brunswick) January **1996** "Pandora's Sons: The Nominal Paradox of Patriarchy and War" http://www.yorku.ca/yciss/publications/OP31-Workman.pdf

To the extent that war is contingent upon such gendered constructs, constructs that the practice itself appears to threaten and endanger, the relationship between war and gender might be said to be paradoxical. The paradoxical dynamic between gender and war, however, is softened by the profundity of the links between war and patriarchy. The gendering of experiences during war, along with the restoration of traditional gendered constructs after war, more than compensate for any war induced sundering of the patriarchal tapestry. While the practice of war suggests that it might encourage a rupture in the gendered fabric of society, it overwhelmingly contributes to patriarchal reproduction. Questions oriented around the emancipatory potential of war where women are concerned, therefore, run the risk of losing a perspective on the overall role of modern warfare in the reproduction of women's oppression. II The gender critique of war provides a generalized account of wars and the way they are fought. The gender critique tells us why we have wars at all. While it is suggestive with respect to the frequency, character, and scope of war,

it does not try to account for the timing and location of specific wars. It tells us why war is viewed widely as an acceptable practice or way to resolve human differences (although this acceptance invariably is accompanied with obligatory protestations of reluctance). The gender critique of war, for example, cannot account for the timing and location of the 1991 Gulf War, although it can provide an explanation of the warring proclivities of modern Western states, especially the inconsistency between the peaceful rhetoric of the US and its incessant warring practices. It can account for the spectre of war in the aftermath of Vietnam, with the end of the Cold War, and with the election of George Bush. It is less able to account for the appearance of war in the Middle East in January of 1991. The opening intellectual orientation of the gender critique of war rests upon a constructivist view of human understanding and practice, that is, a view that anchors practices, including war, within humankind's self-made historico-cultural matrix. This view is contrasted starkly with those that ground human practices psychologically or biologically or genetically. War is not viewed as a natural practice as if delivered by the Gods; it arises out of human-created understandings and ways-ofliving that have evolved over the millennia. More specifically, the assumption that men (the nearly exclusive makers and doers of war) are biologically hard-wired for aggression and violence is resisted, as is the related notion that women are naturally passive and non-violent. The explanation for war will not be found in testosterone levels. It is not the essential or bio-social male that makes war. War is the product of the gendered understandings of life—understandings of the celebrated masculine and the subordinated feminine—that have been fashioned over vast tracts of culturaltime. And since war arises from human-created understandings and practices it can be removed when these understandings change. War is not insuperable. Indeed, the rooting of war in human created phenomena is recognized as a response to the political incapacitation associated with biologically determinist arguments: "Attempts of genetic determinists to show a biological basis for individual aggression and to link this to social aggression, are not only unscientific, but they support the idea that wars of conquest between nations are inevitable."8

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The 50 United States state governments should regulate police surveillance technologies, including <the plan's technology>, by curtailing the indiscriminate collection and retention of data collected by law enforcement surveillance technology, establishing a maximum timeframe for data retention, limiting the sharing of personally identifiable information, requiring a legitimate investigative purpose for identifying and accessing data, and providing the state attorney general authority to bring lawsuits against police departments that fail to abide by these regulations.

Solves the aff --- avoids Court/federal DA's

Rushin 13 [Stephen, Visiting Assistant Professor, University of Illinois College of Law, "The Legislative Response to Mass Police Surveillance," 79 Brooklyn L. Rev. 1, Fall 2013, Brooklyn Law Review] //khirn

In this article, I present a model statute that a state could enact to regulate the digitally efficient investigative state. This statute adheres to three major principles about the regulation of police surveillance. First, any regulation must provide clear standards that law enforcement can easily understand and apply. n23 Second, as communities differ substantially in their need for public surveillance, any legislation **must provide local municipalities with some ability to vary standards** to meet their **legitimate law enforcement needs**. Third, any regulation must articulate the narrow scope of technologies and devices that fall under its regulatory purview. Because technology changes rapidly, this ensures that the law will not be **misapplied to future, emerging technologies**.

The model statute I offer in this article honors these three important principles. The statute regulates the indiscriminate collection and retention of data by law enforcement surveillance technologies, while also permitting the use of technological surveillance for mere observational comparison. The statute [*5] establishes a **maximum length of time for data retention**. It also limits the sharing of personally identifiable information, and requires that law enforcement demonstrate a legitimate investigative purpose for identifying and accessing data. To enforce these broad regulations, the statute gives the state attorney general the authority to bring lawsuits against police departments that fail to abide by these regulations and excludes from criminal court any locational evidence obtained in violation of the statute.

This statute would not address all of the concerns of the digitally efficient investigative state. After all, no statute can fully predict and control the development of new and emerging technologies. Nevertheless, **it would be a major step toward coherency**. This legislation would give a police department discretion to craft unique data policies tailored to its community's specific needs, while also encouraging some level of statewide consistency. To date, only a small handful of law review articles have addressed the unique issues raised by digitally efficient community surveillance technology, such as automatic license plate readers (ALPR). n24 Furthermore, none of this work has offered a comprehensive legislative response that could guide future regulation. Thus, this article fills a void in the available legal scholarship.

2nc crime/terror net benefit

Allows flexible implementation that solves the crime/terror DA

Rushin 13 [Stephen, Visiting Assistant Professor, University of Illinois College of Law, "The Legislative Response to Mass Police Surveillance," 79 Brooklyn L. Rev. 1, Fall 2013, Brooklyn Law Review] //khirn

Second, communities differ in their need for public surveillance. For example, New York City and Washington, D.C. have previously been targets for international terrorism. Given their plethora of high value targets and landmarks, these two cities may have a legitimate need for more public surveillance than other communities. n279 In arguing for a malleable standard for local departments, the IACP has suggested that some locations--namely bridges, critical infrastructure, and other high value targets--demand more surveillance and data retention to ensure public safety. n280 As an example, the IACP cites the fact that locations targeted on September 11, 2001 were part of a terrorist attack that took many years to plan and execute. n281 [*45] Thus, certain communities may legitimately need and prefer longer retention periods around certain important targets. Conversely, a medium-sized suburb with low crime that places a higher value on privacy might prefer a bar on the retention of surveillance data all together. While any state statute should establish minimally acceptable requirements on data retention, the law must be sufficiently broad to permit necessary variation at the local level. A one-size-fits-all approach may not be workable, given the unique law enforcement needs of each city.

Third, any regulation must clearly articulate the narrow scope of technologies and devices that fall under its regulatory purview. Because technology changes rapidly, this ensures that the law will not be misapplied to future, emerging technologies. Kerr has previously argued that regulations of technology ought to proceed cautiously until the technology has stabilized. n282 Technology may have unforeseen uses that will take time to develop and understand. For example, in 1988, Congress passed the Video Privacy Protection Act. n283 This law protected the privacy of videotape rental information. n284 Congress passed the law after Judge Robert Bork's video rental history became public during his Supreme Court nomination process. n285 But in crafting this limitation on video rentals, Congress defined the term "video tape service provider" expansively as "any person, engaged in the business . . . of rental, sale, or delivery of prerecorded video cassette tapes or similar audio visual material." n286

2nc solvency

The regulations set forth by the counterplan solve any negative usage of the aff

Rushin 13 [Stephen, Visiting Assistant Professor, University of Illinois College of Law, "The Legislative Response to Mass Police Surveillance," 79 Brooklyn L. Rev. 1, Fall 2013, Brooklyn Law Review] //khirn

[*51] C. Model Statute to Regulate Police Surveillance

The presently available statutes and model guidelines suggest a key set of concerns that any future state legislative body must consider. They demonstrate five common regulatory needs: data retention, identification, access, sharing, and training. The model statutory language I offer includes a possible solution for each of these areas. In doing so, I also try to honor the foundational principles for the regulation of police surveillance identified above. The model statute provides a clear standard that law enforcement agencies can implement. It attempts to give departments some latitude to alter their own policies to meet local needs. But the law also includes specific and detailed regulations in hopes of preventing organizational mediation.

The proposed statute also includes multiple enforcement mechanisms to ensure compliance. The model excludes from criminal court any evidence obtained in violation of this statute, thus

removing the incentive for police departments to violate the policy. Of course, evidentiary exclusion is "limited as a means for promoting institutional change" because it is filled with exceptions and is narrower than the scope of police misconduct. n330 Thus, I propose two additional enforcement mechanisms. First, the model statute gives the state attorney general authority to initiate litigation against departments that fail to comply with these mandates. Other statutes regulating police misconduct, like 42 U.S.C. § 14141, have used a similar mechanism. n331 Second, the model mandates periodic state audits of departmental policies and data records to ensure compliance. Overall, the proposed law broadly addresses many of the problems implicit in the digitally efficient state and establishes a number of enforcement mechanisms to ensure organizational compliance.

1. Applicability, Definitions, and Scope

The first part of the proposed statute defines the scope of the legislation, including the technologies regulated by the statute. In this section of the statute, I tried to reflect the foundational principle of regulating police surveillance technologies by creating a tightly defined scope of presently available technologies that fall under the statute's regulatory purview. This might make the statute under-inclusive at some point in [*52] the future, but works to the benefit of avoiding over-inclusivity that can stifle the development of new technologies. n332

§ 1 Applicability, Definitions, and Scope

This statute applies to all community surveillance technologies used by law enforcement that collect personally identifiable, locational data.

"Community surveillance technology" means any device intended to observe, compare, record, or ascertain information about individuals in public through the recording of personally identifiable information. This includes, but is not limited to, surveillance collected with automatic license plate readers, surveillance cameras, and surveillance cameras with biometric recognition.

This scope provision specifically addresses community surveillance devices, such as ALPR and surveillance cameras, as distinguished from traditional surveillance tools like GPS devices and wiretaps. As I have previously argued, "networked community surveillance technologies like ALPR surveil an entire community as opposed to a specific individual." n333 While the use of a GPS device to monitor the movements of one criminal suspect over a long period of time might be constitutionally problematic, such a practice raises an entirely different set of public policy questions. At minimum, the kind of tracking at issue in Jones was narrowly tailored to only affect one criminal suspect. The digitally efficient investigative state uses community surveillance technologies like ALPR and surveillance cameras that can potentially track the movements of all individuals within an entire community regardless of whether there is any suspicion of criminal wrongdoing. Hence, this statute is carefully limited to a small subset of technologies that pose similar risks and thus require similar regulation.

2. Differential Treatment of Observational Comparison and Indiscriminate Data Collection

Next, I propose that state laws should differentiate between observational comparison and indiscriminate data collection. n334 The model law permits the use of community [*53] surveillance technologies for observational comparison. When a department uses these technologies for observational comparison, the device is "an incredibly efficient law enforcement tool that is reasonably tailored to only flag the suspicious." n335

§ 2 Observational Comparison and Indiscriminate Data Collection

Police departments may use community surveillance technologies as needed for observational comparison. But police departments using community surveillance technologies for indiscriminate data retention must abide by data integrity, access, and privacy restrictions outlined in § 3 through § 6.

"Observational comparison" is defined as the retention of locational or identifying data after an instantaneous cross-reference with a law enforcement database reveals reasonable suspicion of criminal wrongdoing.

"Indiscriminate data collection" is defined as the retention of locational or identifying data without any suspicion of criminal wrongdoing.

This distinction strikes a reasonable balance by facilitating law enforcement efficiency in identifying lawbreakers, but also avoiding the unlimited and unregulated collection of data. When applied to ALPR, this statute would mean that police could use that technology to flag passing license plates that match lists of stolen cars or active warrants. But they could not retain locational data on license plates that do not raise any concerns of criminal activity without abiding by the regulations that follow.

3. Data Integrity, Access, and Privacy

I recommend that the indiscriminate collection of data be subject to four separate requirements that limit the retention, identification, access, and sharing of data. The statutory language below was designed to give law enforcement some leeway to create workable internal policies that meet organizational and community needs. As a result, the policy simply serves as a minimum floor of regulation, above which departments could adopt their own regulations.

[*54] § 3 Data Retention

Police departments using community surveillance technologies for indiscriminate data collection must establish and publicly announce a formalized policy on data retention. Departments may not retain and store data for more than one calendar year unless the data is connected to a specific and ongoing criminal investigation.

The one-year retention period is the most significant regulation this statute would place on indiscriminate data collection. Even the IACP acknowledges that the "indefinite retention of law enforcement information makes a vast amount of data available for potential misuse or accidental disclosure." n336 Without limits on retention, police surveillance can develop into "a form of undesirable social control" that can actually "prevent people from engaging in activities that further their own self-development, and inhibit individuals from associating with others, which is sometimes critical for the promotion of free expression." n337 At the same time, law enforcement often claim that information that seems irrelevant today may someday have significance to a future investigation. n338 Without regulation, there is a cogent argument to be made that police would have every incentive to keep as much data as possible. n339 Thus, I recommend that data retention be capped at one year. This would prevent the potential harms of the digitally efficient investigative state that come from long-term data aggregation.

The one-year time window represents a reasonable compromise. The median law enforcement department today retains data for around six months or less. n340 But before accepting this retention limit, state legislatures should critically assess their own state needs to determine whether there is a legitimate and verifiable need for retention beyond this point. The next section of the statute addresses identification of stored data.

[*55] § 4 Data Identification

Police employees must have a legitimate law enforcement purpose in identifying the person associated with any data retained by community surveillance technologies.

The limit on data identification is somewhat different than most current statutory arrangements. This measure would, potentially, limit the ability of law enforcement to use the stored data for secondary uses. A secondary use is the use of data collected for one purpose for an unrelated, additional purpose. n341 This kind of secondary use can generate[] fear and uncertainty over how one's information will be used in the future." n342 By limiting the identification of the data, the statute attempts to prevent such secondary use. Another way to

avoid secondary use is to limit access to data and external sharing, as I attempt to do in the next portions of the statute.

§ 5 Internal Access to Stored Data

Departments must establish a formal internal policy documenting each time a police employee accesses community surveillance databases. Departments shall not allow anyone except authorized and trained police employees to access and search these databases.

§ 6 External Data Sharing

Police departments may share information contained in community surveillance databases with other government agencies, as long as all participating departments honor the minimum requirements established in this statute.

I propose that police limit access to data even among police employees. And each time a police employee accesses data, I require that the department document this event. This achieves two results. First, it creates a record of previous access points that the attorney general or state criminal courts can, theoretically, use to hold police accountable for improper data access. Secondly, and relatedly, this formalized documentation process may prevent nefarious secondary uses of the information. Because some evidence suggests that police retain community surveillance data in databases accessible to [*56] private companies and civilians, n343 this would place the impetus on police departments to take responsibility for internal data management. And while the model statute does not limit the sharing of digitally efficient data, it does require that all departments with access to data abide by the statutory limits. This would promote the sharing of data across jurisdictional lines to facilitate efficient investigations, while providing a consistent level of minimum privacy protection in the state.

Attorney general enforcement solves --- police will follow the counterplan's restrictions

Rushin 13 [Stephen, Visiting Assistant Professor, University of Illinois College of Law, "The Legislative Response to Mass Police Surveillance," 79 Brooklyn L. Rev. 1, Fall 2013, Brooklyn Law Review] //khirn

To remedy the concern over resource limitations, I propose that the state attorney general have statutory [*59] authority to audit police departments. This would expand the regulatory reach of the statute while also **harnessing the power of public opinion to force police compliance**. This would also **guarantee regular interaction between the attorney general and local departments**, allowing the attorney general to check up on data practices. Rather than facing only the remote possibility of a pattern or practice lawsuit, departments would be faced with regular, random audits of their data policies. Because the results of this regular audit system would be posted online, the **departments would also be publicly accountable if they fail to abide by the statute**. This could incentivize administrators to follow state law for fear of public embarrassment that could threaten their job security. Rachel Harmon has suggested the DOJ utilize a similar policy to overcome resource limits and expand the potential impact of § 14141. n358

In sum, these regulations attempt to holistically regulate the digitally efficient investigative state by limiting data retention and ensuring stored data are handled in a way that protects individual privacy, while still leaving ample room for legitimate law enforcement purposes. The enforcement mechanisms are sufficiently varied to ensure widespread compliance. And the statute as a whole follows the foundational principles of police surveillance regulations. The regulations are **clear**

enough to avoid organizational mediation. They allow for individual variation. And they define the scope narrowly to only include a small subset of technologies like ALPR and surveillance cameras that pose a similar social risk.

CONCLUSION

The digitally efficient investigative state is here to stay. The empirical evidence clearly demonstrates that extremely efficient community surveillance technologies are an increasingly important part of American law enforcement. The language in Jones suggests that the judiciary may somehow limit public surveillance technologies in the future. To do so, the Court will have to confront the jurisprudential assumptions of police surveillance. That is no easy task. Much of the Court's previous treatment of police surveillance has rested on the belief that individuals have no expectation of privacy in public places, and [*60] that surveillance technologies that merely improve the efficiency of police investigations comport with the Fourth Amendment.

At present, it remains unclear how and when the Court will begin to alter these important assumptions. The language in Jones offers little guidance. But even when the Court does eventually broach this subject, the judiciary's institutional limitations will prevent it from crafting the type of expansive solution necessary to protect against the harms of the digitally efficient investigative state. In the absence of regulation, police departments across the country have developed dramatically different policies on the use of public surveillance technologies. **Legislative bodies must take the lead and proactively limit the retention**, identification, access, and sharing of personal data acquired by digitally efficient public surveillance technologies. The model state statute proposed in this Article would be a substantial step in reigning in the "unregulated efficiency of emerging investigative and surveillance technologies." n359

court stripping cp

1nc court stripping

The United States Congress should curtail/prohibit <technology that the plan prohibits>.

Congress should exercise its Article III power to eliminate the jurisdiction of any Federal Court to hear any challenges to the constitutionality of this legislation or to the authority of Congressional interpretation of Congress' Article VI treaty powers. Congress should direct that the judges of every state, pursuant to Article VI, treat this law as authoritative, that it must be followed, and that the United States Supreme Court, pursuant to its holdings in *Testa*, ensure that state courts both follow this directive and accept the interpretation of Congress of the Constitution as authoritative.

Solves the aff – The counterplan creates a progressive moment in Congress – it spills over and would empower the Congress to reassert its authority

West 94 [Robin, Prof. of Law. Georgetown, *Progressive Constitutionalism*, 1994, p. 218-220]

The concluding section of this chapter argues that even in the short term, and certainly in the long term, there are good reasons for developing an alternative, non- or postliberal, and explicitly progressive paradigm of constitutional interpretation, even if it is clear, as it seems to be, that the present conservative Supreme Court will not embrace it. It also argues, however, that for both strategic and theoretical reasons, the proper audience for the development of a progressive interpretation of the Constitution is Congress rather than the courts. The progressive Constitution should be meant for, and therefore must be aimed toward, legislative rather than adjudicative change. The strategic reasons for this proposed reorientation of progressive constitutional discourse should be self-evident. Although the progressive Constitution is arguably consistent with some aspects of the liberal-legalist paradigm of the middle of this century, it is utterly incompatible with the conservative paradigm now dominating constitutional adjudication. It does not follow, however, that the progressive Constitution is incompatible with all constitutional decision making: both legislatures and citizens have constitutional obligations, engage in constitutional discourse, and can be moved, presumably, to bring electoral politics in line with the progressive mandates of the Constitution, as those mandates have been understood and interpreted by progressive constitutional lawyers and theorists. I also argue, however, that for theoretical and strategic reasons, the long-range success, the sense, and even more modestly the relevance of the progressive interpretation of the Constitution depend not only on the merits of its interpretive claims but also, and perhaps more fundamentally, on a federal Congress reenlivened to its constitutional obligations. First, of course, it is Congress, not the Supreme Court, that is specifically mandated under the Fourteenth Amendment to take positive action to ensure equal protection and due process rights—the core constitutional tools for attacking illegitimate social and private power. If Congress is ever to fulfill this obligation, it will need the guidance of interpretive theories of the meaning of equal protection, due process, equality, and liberty that are aimed explicitly toward the context of legislative action and are not constrained by the possibilities and limits of adjudicative law. But more fundamentally, the progressive Constitution, I argue, will never achieve its full meaning—and worse, will remain riddled with paradox and contradiction—so long as it remains in an adjudicative forum. This is not only because of the probable political composition of the Court over the next few decades, but also because of the philosophical and political meanings of adjudicative law itself: the possibilities of adjudicative law are constrained by precisely the same profoundly conservative attitudes toward social power that underlie conservative constitutionalism. By acquiescing in a definition of the Constitution as a source of adjudicative law, progressives seriously undermine its progressive potential. Only by reconceptualizing the Constitution as a source of inspiration and guidance for legislation, rather than a superstructural constraint on adjudication, can we make good on its richly progressive promise. Therefore, the concluding section of this chapter argues that, for structural long-term as well as strategic short-term reasons, the progressive Constitution—the cluster of meanings found or implanted in constitutional guarantees by modern progressive scholars—should be addressed to the Congress and

to the citizenry rather than to the courts. The goal of progressive constitutionalists, both in the academy and at the bar, over the coming decades should be to create what Bruce Ackerman has called in other contexts a "constitutional moment" [2]0 and what Owen Fiss might call more dramatically an "interpretive crisis.' Progressives need to create a world in which it is clear that a progressive Congress has embraced one set of constitutional meanings, and the conservative Court a contrasting and incompatible set. The Supreme Court does, and always has, as Fiss reminds us, read the Constitution so as to avoid crisis.22 The lesson to draw is surely that only when faced with such a constitutional moment will this conservative Court change paths.

Supreme Court activism destroys participatory democracy and leads to judicial supremacy – only a congressional override and can solve

Lipkin 6 [Robert - Professor of Law, Widener University School of Law, Ph.D., Princeton University, 1974, J.D., UCLA, 1984, "WHICH CONSTITUTION? WHO DECIDES?," 28 Cardozo L. Rev. 1055, lexis]

Does any institution exercising such enormous unchecked power and authority comport with republican self-government? If the answer is no, what is the remedy? This Article first explains why such unchecked power and authority are incompatible with republican democracy. In a nutshell, republican democracy is a form of selfgovernment where complex deliberation is designed to articulate the community's real interests or what the community reflectively judges its real interests to be. Republican democracy rejects both direct and representative majoritarian democracy.2 Instead, it embraces the distinction between the community's reflective judgment and the everyday attitudes of the populace.3 Republican democracy fortifies this distinction by constructing deliberative governmental filters to transform the electorate's raw, unrefined, and possibly transient beliefs into the reflective judgment of the community. Judicial review may be one of these filters by providing a chance for the lawmaking community to express second-thoughts—or critical reflection—concerning legislation and other governmental conduct.4 Ultimately, however, republican democracy is committed to the proposition that the electorate—after refining its judgment deliberatively through its representatives and other institutional procedures—is the final arbiter of constitutional meaning. Republican democracy founders when any governmental branch has final unchecked authority and uses it to shortcircuit this process. In the American republic, no other political institution has anything like the judiciary's unchecked authority to invalidate or sustain5 federal and state legislation simply because the Court views such legislation to be unconstitutional.6 This power—known as judicial supremacy—is essentially a failure of accountability,7 not, as many jurists and commentators contend, a countermajoritarian difficulty.8 Even if a super-majority or a mere plurality were required to pass ordinary legislation, the problem of judicial supremacy would persist—not because it is countermajoritarian—but rather because no constitutional actor can effectively check the Court when it chooses to speak.9 This point requires emphasis. Accountability need not be majoritarian to its core. Even in such undemocratic governments as monarchies, aristocracies, or theocracies, a failure of accountability may exist when the institution primarily designated to create law is checked by another institution whose role as authoritative reviewer has been garnered informally. In other words, even when the primary designated decision-maker is unaccountable to the people, the problem of accountability is present if a formally undesignated decision-maker can overturn or significantly modify the primary designated decision maker's decisions even if only on special occasions. Hence, one salient form of unaccountability is unchecked power by an undesignated decision maker.10 Defending the practice of judicial supremacy requires too great a tolerance for almost complete unaccountability in deciding constitutional meaning.11 This creates a republic where the constitutional choices of the people are often blocked or come to a virtual dead-end. Such a dead-end republic can, of course, survive; ours has for over 200 years. But it prevents citizens nevertheless from engaging in the joint enterprise of integrating and reconstructing their reflective judgments into a conception of the common good as the only authentic fount of sovereign authority over the society's future.12 Rather than offering an internal remedy of judicial selfregulation— requiring judges to adopt judicial restraint13 or to adhere to the "correct" judicial methodology—I offer instead an external solution to be imposed on judges through a congressional override of Supreme Court decisions. My suggested remedy does not eliminate judicial review, but rather augments this important constitutional practice by fashioning an institutional safety net that permits the best reflective judgment of the people to prevail over the best reflective judgment of the courts.14 Article V makes it clear that the Constitution is committed to the proposition that the best reflective judgment of the electorate should prevail over other constitutional actors.15 However, while recognizing the promise of the electorate's ultimate role in constitutional change, Article V fails to fulfill this promise.16 This Article proposes a congressional override as a more effective way for the electorate to fulfill its role as the ultimate constitutional arbiter. The idea of a congressional override has a grand legacy.17 But it is not the only possible solution to the problem of judicial supremacy. Among the more prominent solutions are: councils of revision; impeaching Justices; recalling Justices; electing Justices; a periodic reappointment procedure; referenda; random and temporary selection of appellate judges to serve as Justices on the Court; formal term limits or informal incentives such as attractive retirement packages; and most recently and controversially, congressional standing to challenge any attempt to strike down a

congressional statute. Each of these remedies warrants examination, and each has costs and benefits. However, a congressional override of Supreme Court decisions as the solution to the problem of judicial supremacy has the advantage of resting the authority for constitutional decision-making in the governmental body representative of the electorate and one that can be held accountable by it.18

Participatory democracy prevents nuclear war and American economic collapse

Manley and Dolbeare 87 (John F., professor emeritus of political science at Stanford University and Kenneth M., retired professor of political science who taught for many satisfying years at the universities of Wisconsin, Washington, Massachusetts, and Colorado-Denver, "The Case Against the Constitution" p. 138)

Our political system works by fits and starts. It is neither responsive nor accountable and it lacks solid grounding in the body of its people. It sits and waits for the next crisis. Unfortunately, to solve that crisis, it may have to transform itself into something that will be very difficult to rationalize as "democracy." We have not addressed the great issues of nuclear war, planetary survival, or even American economic viability in a drastically changing world economy - not because the people don't care, but because there is no linkage between the people's felt needs and their policymakers. No such basic policies can be implemented, even if policymakers were to concur, without the sustained support of some major portion of the people.

2nc gender impact

The current system fails – federal courts do not hold the same value to women's lives as they do men's

West 88 (Robin West, Professor at Georgetown University Law Center, 1988, "Jurisprudence and Gender")

By the claim that modern jurisprudence is "masculine," I mean two things. First, I mean that the values, the dangers, and what I have called the "fundamental contradiction" that characterize women's lives are not reflected at any level whatsoever in contracts, torts, constitutional law, or any other field of legal doctrine. The values that flow from women's material potential for physical connection are not recognized as values by the Rule of Law, and the dangers attendant to that state are not recognized as dangers by the Rule of Law. First, the Rule of Law does not value intimacy-its official value is autonomy. The material consequence of this theoretical undervaluation of women's values in the material world is that women are economically impoverished. The value women place on intimacy reflects our existential and material circumstance; women will act on that value whether it is compensated or not. But it is not. Nurturant, intimate labor is neither valued by liberal legalism nor compensated by the market economy. It is not compensated in the home and it is not compensated in the workplace-wherever intimacy is, there is no compensation. Similarly, separation of the individual from his or her family, community, or children is not understood to be a harm, and we are not protected against it. The Rule of Law generally and legal doctrine in its particularity are coherent reactions to the existential dilemma that follows from the liberal's description of the male experience of material separation from the other: the Rule of Law acknowledges the danger of annihilation and the Rule of Law protects the value of autonomy. Just as assuredly, the Rule of Law is not a coherent reaction to the existential dilemma that follows from the material state of being connected to others, and the values and dangers attendant to that condition. It neither recognizes nor values intimacy, and neither recognizes nor protects against separation. Nor does the Rule of Law recognize, in any way whatsoever, muted or unmuted, occasionally or persistently, overtly or covertly, the contradiction which characterizes women's, but not men's, lives: while we value the

intimacy we find so natural, we are endangered by the invasion and dread the intrusion in our lives which intimacy entails, and we long for individuation and independence. Neither sexual nor fetal invasion of the self by the other is recognized as a harm worth bothering with. Sexual invasion through rape is understood to be a harm, and is criminalized as such, only when it involves some other harm: today, when it is accompanied by violence that appears in a form men understand (meaning a plausible threat of annihilation); in earlier times, when it was understood as theft of another man's property. But marital rape, date rape, acquaintance rape, simple rape, unaggravated rape, or as Susan Estrich wants to say "real rape"8 2 are either not criminalized, or if they are, they are not punished - to do so would force a recognition of the concrete, experiential harm to identity formation that sexual invasion accomplishes. Similarly, fetal invasion is not understood to be harmful, and therefore the claim that I ought to be able to protect myself against it is heard as nonsensical. The argument that the right to abortion mirrors the right of self defense falls on deaf ears for a reason: the analogy is indeed flawed. The right of self defense is the right to protect the body's security against annihilation liberally understood, not invasion. But the danger an unwanted fetus poses is not to the body's security at all, but rather to the body's integrity. Similarly, the woman's fear is not that the she will die, but that she will cease to be or never become a self. The danger of unwanted pregnancy is the danger of invasion by the other, not of annihilation by the other. In sum, the Rule of Law does not recognize the danger of invasion, nor does it recognize the individual's need for, much less entitlement to, individuation and independence from the intrusion which heterosexual penetration and fetal invasion entails. The material consequence of this lack of recognition in the real world is that women are objectified-regarded as creatures who can't be harmed. The second thing I mean to imply by the phrase "masculine jurisprudence" is that both liberal and critical legal theory, which is about the relation between law and life, is about men and not women. The reason for this lack of parallelism, of course, is hardly benign neglect. Rather, the distinctive values women hold, the distinctive dangers from which we suffer, and the distinctive contradictions that characterize our inner lives are not reflected in legal theory because legal theory (whatever else it's about) is about actual, real life, enacted, legislated, adjudicated law, and women have, from law's inception, lacked the power to make law protect, value, or seriously regard our experience. Jurisprudence is "masculine" because jurisprudence is about the relationship between human beings and the laws we actually have, and the laws we actually have are "masculine" both in terms of their intended beneficiary and in authorship. Women are absent from jurisprudence because women as human beings are absent from the law's protection: jurisprudence does not recognize us because law does not protect us. The implication for this should be obvious. **We will not have a genuinely ungendered jurisprudence** (a jurisprudence "unmodified" so to speak) **until we have legal doctrine that takes women's lives as seriously as it takes men's**. We don't have such legal doctrine. The virtual abolition of patriarchy is the necessary political condition for the creation of non-masculine feminist jurisprudence. It does not follow, however, that there is no such thing as feminist legal theory. Rather, I believe what is now inaccurately called "feminist jurisprudence" consists of two discrete projects. The first project is the unmasking and critiquing of the patriarchy behind purportedly ungendered law and theory, or, put differently, the uncovering of what we might call "patriarchal jurisprudence" from under the protective covering of "jurisprudence." The primary purpose of the critique of patriarchal jurisprudence is to show that jurisprudence and legal doctrine protect and define men, not women. Its second purpose is to show how women-that is, people who value intimacy, fear separation, dread invasion, and crave individuation-have fared under a legal system which fails to value intimacy, fails to protect against separation, refuses to define invasion as a harm, and refuses to acknowledge the aspirations of women for individuation and physical privacy. The second project in which feminist legal theorists engage might be called "reconstructive jurisprudence." The last twenty years have seen a substantial amount of feminist law reform, primarily in the areas of rape, sexual harassment, reproductive freedom, and pregnancy rights in the workplace. For strategic reasons, these reforms have often been won by characterizing women's injuries as analogous to, if not identical with, injuries men suffer (sexual harassment as a form of "discrimination;" rape as a crime of "violence"), or by characterizing women's longing as analogous to, if not identical with, men's official values (reproductive freedom-which ought to be grounded in a right to individuation-conceived instead as a "right to privacy," which is derivative of the autonomy right). This

misconceptualization may have once been a necessary price, but it is a high price, and, as these victories accumulate, an increasingly unnecessary one. Reconstructive feminist jurisprudence should set itself the task of rearticulating these new rights in such a way as to reveal, rather than conceal their origin in women's distinctive existential and material state of being. The remainder of this article offers a schematization and criticism of the feminist jurisprudence we have generated to date under the umbrella concept described above, in spite of patriarchy and in spite of the masculinity of legal theory. I then suggest further lines of inquiry.

There must be broader engagement outside of the political sector – gender issues must be addressed both politically and socially

West 88 (Robin West, Professor at Georgetown University Law Center, 1988, "Jurisprudence and Gender")

The "separation thesis," I have argued, is drastically untrue of women. What's worth noting by way of conclusion is that it is not entirely true of men either. First, it is not true materially. Men are connected to another human life prior to the cutting of the umbilical cord. Furthermore, men are somewhat connected to women during intercourse, and men have openings that can be sexually penetrated. Nor is the separation thesis necessarily true of men existentially. As Suzanna Sherry has shown, the existence of the entire classical republican tradition belies the claim that masculine biology mandates liberal values.76 More generally, as Dinnerstein, Chodorow, French, and Gilligan all insist, material biology does not mandate existential value: men can connect to other human life. Men can nurture life. Men can mother. Obviously, men can care, and love, and support, and affirm life. Just as obviously, however, most men don't. One reason that they don't, of course, is male privilege. Another reason, though, may be the blinders of our masculinist utopian visionary. Surely one of the most important insights of feminism has been that biology is indeed destiny when we are unaware of the extent to which biology is narrowing our fate, but that biology is destiny only to the extent of our ignorance. As we become increasingly aware, we become increasingly free. As we become increasingly free, we, rather than biology, become the authors of our fate. Surely this is true both of men and women. On the flip side, the "connection thesis" is also not entirely true of women, either materially or existentially. Not all women become pregnant, and not all women are sexually penetrated. Women can go through life unconnected to other human life. Women can also go through life fundamentally unconcerned with other human life. Obviously, as the liberal feminist movement firmly established, many women can and do individuate, speak the truth, develop integrity, pursue personal projects, embody freedom, and attain an atomistic liberal individuality. Just as obviously, most women don't. Most women are indeed forced into motherhood and heterosexuality. One reason for this is utopian blinders: women's lack of awareness of existential choice in the face of what are felt to be biological imperatives. But that is surely not the main reason. **The primary reason for the stunted nature of women's lives is male power**. Perhaps the greatest obstacle to the creation of a feminist jurisprudence is that **feminist jurisprudence must simultaneously confront both political and conceptual barriers to women's freedom**. The political barrier is surely the most pressing. Feminists must first and foremost counter a profound power imbalance, and the way to do that is through law and politics. But jurisprudence-like law-is persistently utopian and conceptual as well as apologist and political: jurisprudence represents a constant and at least at times a sincere attempt to articulate a guiding utopian vi- sion of human association. Feminist jurisprudence must respond to these utopian images, correct them, improve upon them, and participate in them as utopian images, not just as apologies for patriarchy. **Feminism must envision a post-patriarchal world**, for without such a vision we have little direction. We must use that vision to construct our present goals, and we should, I believe, interpret our present victories against the backdrop of that vision. That vision is not necessarily androgynous; surely in a utopian world the presence of differences between people will be cause only for celebration. In a utopian world, all forms of life will be recognized, respected and honored. A perfect legal system will protect against harms sustained by all forms of life, and will recognize life affirming values generated by all forms of being. Feminist jurisprudence must aim to bring this about and, to do so, it must aim to transform the images as well as the power. Masculine jurisprudence must become humanist jurisprudence, and humanist jurisprudence must become a jurisprudence unmodified.

2nc democracy impact

Status quo emerging democracies model US judicial supremacy -- only an abandonment of judicial supremacy in the US can end the pressures towards it around the world.

Hiebert 4 [Janet L., Associate Professor of Political Studies, Queen's University, Canada, 2004, 82 Tex. L. Rev. 1963]

The reason for caution does not arise out of any inherent conceptual shortcomings with this model, but from the strong influence of American constitutional ideas. Despite the innovative approach these models take, it remains to be seen to what extent these political communities can resist the emphasis on judicial hegemony when interpreting rights and resolving legislative conflicts where rights claims arise. It seems remarkable that the idea of judicial hegemony remains so influential, particularly in light of the cumulative force of challenges posed first by Legal Realists [95] and reinforced by a diverse range of critical perspectives from Critical Legal Studies, [96] feminist, [97] critical race, [98] and lesbian and gay [99] scholarship, all of which have [*1987] challenged the idea that legal reasoning and methodology embody objective principles that negate the political ideology of the judge or the influence of dominant social norms. It is equally remarkable that this judicial hegemony would be accepted in a contemporary environment where bills of rights are overlaid against a modern welfare state that presumes and requires substantial state involvement. Answers to questions of whether a right has been infringed can rarely be assessed by reference to abstract associations of the limited state in classical liberal theory, which assumes that the state is the enemy of freedom. Rather, these resolutions must address numerous questions: How does the activity associated with a claim to a right relate to the normative reasons for protecting certain human activities from the coercive powers of the modern state? How important are the values or objectives that the impugned legislation seeks to advance? Are these values consistent with a free and democratic society? But since these questions may give rise to a range of reasonable answers, it makes little sense to pretend that judges have superior or exclusive insights. [100] Nevertheless, the power of this assumption transcends American constitutional ideas. It influences the assumptions about appropriate political behavior even within polities that have constructed an alternative model recognizing the legitimacy of legislative judgments, and even where these are different from judicial judgments. Only time will tell whether it is possible to establish a bill of rights that will evolve in a manner that can resist the notion that judicial hegemony is required for responsible judgments about rights.

Judicial hegemony entrenches elite power – it hampers democratic transitions

Hirschl 4 [Ran**,** Professor of Political Science & Law, University of Toronto, *Towards Juristocracy*, p. 1-2]

While the benefits of constitutionalization for economic libertarians and judicial elites appear obvious, its appeal for hegemonic sociopolitical forces and their political representatives may at first glance look questionable. However, when their policy preferences have been, or are likely to be, increasingly challenged in majoritarian decision-making arenas, elites that possess disproportionate access to, and influence over, the legal arena may initiate a constitutional entrenchment of rights and judicial review in order to transfer power to supreme courts. Based on the courts' relatively high public reputation for professionalism and political impartiality, their record of adjudication, and the justices' ideological preferences, these elites may safely assume that their policy preferences will be less effectively contested

under the new arrangement. Judicial empowerment through constitutionalization may provide an efficient institutional solution for influential groups who seek to preserve their hegemony and who, given an erosion in their popular support, may find strategic drawbacks in adhering to majoritarian policy-making processes. More "demographically representative" political processes are, in other words, a catalyst, not an outcome, of constitutionalization. The constitutionalization of rights is therefore often not a reflection of a genuinely progressive revolution in a polity; rather, it is evidence that the rhetoric of rights and judicial review has been appropriated by threatened elites to bolster their own position in the polity. By keeping popular decision-making mechanisms at the forefront of the formal democratic political process while shifting the power to formulate and promulgate certain policies to semiautonomous professional policy-making bodies, those who possess disproportionate access to, and have a decisive influence upon, such bodies minimize the potential threat to their hegemony. '

This turns the case and causes global war

Mansfield and Snyder 6 [Edward D., associate professor of political science at Columbia, and Jack, professor of political science and director of the institute of war and peace studies at Columbia, 2006, National Interest]

THE BUSH Administration has argued that promoting democracy in the Islamic world, rogue states and China will enhance America's security, because tyranny breeds violence and democracies co-exist peacefully. But recent experience in Iraq and elsewhere reveals that the early stages of transitions to electoral politics have often been rife with violence. These episodes are not just a speed bump on the road to the democratic peace. Instead, they reflect a fundamental problem with the Bush Administration's strategy of forced-pace democratization in countries that lack the political institutions needed to manage political competition. Without a coherent state grounded in a consensus on which citizens will exercise self-determination, unfettered electoral politics often gives rise to nationalism and violence at home and abroad. Absent these preconditions, democracy is deformed, and transitions toward democracy revert to autocracy or generate chaos. Pushing countries too soon into competitive electoral politics not only risks stoking war, sectarianism and terrorism, but it also makes the future consolidation of democracy more difficult.

2nc progressive constitutionalism

Progressive Constitutionalism sparks progressive legislations which is key to ending societal domination, solving case.

West 94 [Robin, Prof. of Law. Georgetown, *Progressive Constitutionalism*, 1994]

By way of conclusion, let me briefly characterize some of the gains of reorienting progressive constitutional discourse toward legislative rather than adjudicative action, and toward a congressional rather than a judicial audience. First, and perhaps most important, if we were to recharacterize our progressive understanding of the constitutional guarantees of liberty and equality as political ideals to guide legislation, rather than as legal restraints on legislation, many of these tensions within the progressive understanding of the Constitution would disappear. If we imagine Congress, rather than the Court, as the implicit audience of constitutional argument, **it** becomes far easier to envision arguments to the effect that the Fourteenth Amendment requires, rather than permits (as within the liberal paradigm) or precludes (as in the conservative) progressive objectives such as affirmative action programs, child care and support programs, greater police responsiveness to private and domestic violence, reform of marital rape laws, and the criminalization of homophobic, racist, and sexist assaults. Congress, after all, has the textual obligation to do something about the states' refusal

to provide what the progressive means by "equal protection": to protect the citizenry against the damaging effects of rampant social and private inequality.

ALSO, Only in Congress – where the emphasis is on transformation, not conservation – can a truly progressive politics begin

West 94 [Robin, Prof. of Law. Georgetown, *Progressive Constitutionalism*, 1994, p. 313-14]

Within the congressional context, and given congressional purposes, it is not unreasonable to ascribe to the idea of law—and particularly the idea of a higher or supreme law—a quite different essential jurisprudential nature. Congress, again, does not exist to do legal justice, to treat like cases alike, or to judge in a way that respects the similarity of present circumstances with past precedent. To the contrary, Congress has as its central mission the alteration, the deviation, and the transformation—not the conservation—of the past. It exists to bring our present circumstances in line with our ambitions and aspirations of the future, not to bring our present circumstances in line with the authoritative traditions of the past. The law relevant to such an endeavor, then, including the constitutional law, would not, presumably, be a law of binding historical precedent in search of similarly situated present circumstances. It would be a law of ideal moral principles—those principles of distributive justice toward which our politics aspire. The congressional Constitution no less than the judicial Constitution would be law, but the significance of the appellation would be quite different. The law of which the congressional Constitution would be an instance would be a law of moral principle and high ideals, not, as is the case with the judicial Constitution, a law of precedent and past rule facilitating the provision of legal justice. For these two reasons alone, congressional interpretation of the Constitution might produce authoritative meanings more conducive to progressive change than those produced by the Court. And again, the argument is not simply that the constitutional text, like any text, can have an infinite number of meanings, can therefore have progressive as well as conservative meanings, and is therefore likely to be interpreted in a progressive manner by legislators who happen to be more progressive than the present political composition of the Supreme Court. Rather, congressional interpretation of the Constitution might be freed of the conservatism of judicial interpretation because of the quite different purposes that define each branch. The purpose of adjudicating law is conservation and preservation—respect for the traditions of the past is indeed at the heart of the work of doing legal justice. Maintaining continuity with what has gone before is a way of making sense of our present lives, and it is that form of integrity—that urge to maintain our collective identities through the affirmation of our similarities with our history—that constitutes much of the work of judicial or adjudicative law." Given that the Constitution is itself a part of law, it is inevitable that constitutional law, when understood as a part of judicial work, will take on a conservative hue: the idea of constitutionalism in that purposive context simply underscores the ideal of legalism. Law exists to provide a mechanism for maintaining continuity with the past, and constitutional law exists to provide a mechanism for maintaining continuity with the most definitive and ennobling moments of that past." But it does not follow that either law or the constitution, when undertaken by a community of interpreters unified by a very different set of motivating and defining purposes, will think of, perceive, or use either concept in the same way; in fact, what follows is quite the contrary. If the conservatism of constitutional law, of the concept of constitutionalism, and of the concept of law is in part a product of the purposes of the judicial community of its interpreters, as suggested by the reader-response work in interpretive and hermeneutic theory, it then follows that an interpretive community defined and constituted by a different set of purposes might develop quite different understandings.

AND, only Congress can distribute collective resources

West 94 [Robin, Prof. of Law. Georgetown, *Progressive Constitutionalism*, 1994, p. 41-44]

Another reason that even a minimalist version of the abolitionist interpretation may not have prevailed is structural. As the Supreme Court has always been quick to point out, the federal judiciary is ill equipped to remedy the structural, institutional, and social inequalities, practices, and attitudes that result in constitutionally problematic states of affairs, such as unequal sentences for killers of white victims and black victims, or the unequal participation of blacks on the Washington, D.C., police force. The federal judiciary is similarly ill equipped to fashion the massive re- structuring of our market economy that would be necessary to end the millennium-long era of unpaid domestic labor and the subsequent undervaluing of women's work in the market economy. The judiciary could, of course, do some things: it could easily declare marital rape laws unconstitutional; it could reverse itself and affirm our right to protection by a police force; and it could insist

that the state compensate victims of violence such as Joshua DeShaney, who are now denied that protection. But it could do little or nothing to redirect our community resources to guarantee the funds necessary to meaningfully effectuate that promise: to actually create the programs needed to deter domestic violence, to provide additional support for police forces assigned to high-crime neighborhoods, or to ensure that the social services agencies charged with protecting Joshua DeShaney would become a reality for the community at large, rather than for the rare individual who can marshal the funds and fortitude to file a lawsuit. The conservative Court and conservative theorists are probably right to insist that the reordering of priorities and redirecting of collective resources necessary to make these programs a reality must originate with legislative, not judicial action. They are wrong, though, to imply from that structural limit the nonexistence of the background constitutional right. The last obstacle I want to mention to modern implementation of interpretation of the equal protection clause is jurisprudential: it concerns the nature of the "law" discovered or created by courts, as contrasted with the nature of "law" created by legislative process. Here, a quick contrast with the formal equality model presently adopted by the current Supreme Court is helpful. To determine whether or not a statute violates the equal protection clause under the formal equality model, the Court must essentially decide whether the legislature is "treating like groups alike." Whatever may be the shortcomings of this model, and I think there are many, it has one unassailable strength: the formal equality model of equal protection that requires rational categorization in legislation demands of the Court what might be called adjudicative virtues. The work required of the courts under the formal equality model in deciding whether a rule treats like cases alike converges perfectly with the essential core of the judicial task. Deciding whether a precedent or a rule treats like cases alike is what courts do all the time, and, moreover, it is what courts should do all the time. To do this well, to decide whether rules and decisions are rational in precisely this way, is the mark of a good judge. The rationality and the conception of formal justice on which it depends, and which is the central demand of the formal equality model, is itself an "adjudicative virtue": to treat like cases alike is the ideal of good judging toward which judges aspire. It is not at all surprising that judges gravitate toward an understanding of the equal protection clause that, in turn, rests on an understanding of equality that, also in turn, requires of them the exercise of precisely this familiar virtue. By contrast, the general concept of equal protection advanced by the abolitionists (as well as modern antisubordinationists) requires the exercise not of this adjudicative virtue but of citizen and legislative virtues. To know what the equal protection clause requires us to protect, and what it requires us to protect against, requires a view, articulated or not, widely accepted or not, debated and debatable or not, of the content of liberty, of human nature, of natural rights, and, given our commitment to democracy, of human and citizen obligation. We need to know who we are and how we should distribute our collective resources: what we owe to whom. It ultimately demands a theory of distributive, not equal or formal, justice. These distributive and redistributive questions may not be questions that judges can or should answer. They are precisely the questions we need to ask of ourselves and of our representatives, however. If we are to make sense of the equal protection clause as understood by the abolitionists, and as understood by at least many of its framers, we need to do two things. First, we need to reacquaint ourselves with old ways of thinking about our human nature and the natural rights that follow—we need to suspend our postmodernist doubts that this is a sensible and fruitful way to think about political morality. Second, and to my mind of greater importance, if we are to take seriously the view of the equal protection clause intended by its framers and advocates, we need to quit asking what that clause requires of our courts, what it directs our judges to do or refrain from doing, and how much of its vision is compatible with judicial review—whether it does or does not accord with our tripartite common-sensible conception of individual rights, majority rule, and judicial role. We need to ask instead what the clause demands of us as legislators, as citizens, as lawmakers, and as members of a community. When we ask what we are required to do to guarantee to each of us the equal protection of the law, rather than what judges are required to do, we may see very different answers. The answers to that question urged by the abolitionists well over a century ago—to which we may have blinded ourselves through our peculiarly modern intellectual focus on equality and rights rather than equal protection and responsibility and our peculiarly historic insistence on judicial enforcement rather than the congressional enforcement called for by the amendment itself—may be more progressive, more astute, more just, and more caring than either the color-blind or egalitarian charter of equality that we currently read into the clause, and which has stalemated debate and stalled our constitutional, as well as moral, progress.

Only Congress is free of judicial constraints – courts must right narrow decision, treat all cases alike, and have respect for precedent.

Robin **West '94** Prof. of Law. Georgetown (*Progressive Constitutionalism* p. 142-143)

What this implies is simply that if we follow the suggestion of the growing number of commentators—neo-civic-republican and otherwise—arguing for an end to the monopolization by the Court of constitutional interpretation, then we should expect to see a far wider range of interpretations of the "liberty" which the state must respect, nurture, or "leave alone" than that represented by the Scalia-Brennan poles of debate in Michael H. v. Gerald D. Freed of the constraints of the panoply of demands imposed by the adjudicative virtues—the various needs to write narrow decisions, to respect the rights of similarly situated persons, to adhere to the patterns established by past decisions—constitutional interpreters, whether citizens, legislators, or commentators, may see any number of potential meanings in the due process clause to which the Court, by virtue of its identity as a court, is blind. It may be, for example, that liberty is impossible in the face of chronic homelessness, joblessness, or hunger and that this fact should operate as a constitutional constraint on what the state may refuse to do, as well as what the state may do. It may also be that liberty is impossible in the face of stultifying, demoralizing, constant, private oppression and that this fact as well should constrain constitutionally what the state may neglect as well as what it may do. The due process clause may grant us, in other words, both "affirmative" liberty rights and rights to be free of private oppression. Nonjudicial constitutional interpreters, freed of the constraints of judicial ethics, may find these arguments more persuasive than virtually any court would, not only as the conservative Rehnquist Court would. The modern Court, of course, has held to the contrary: it has ruled consistently that liberty does not embrace affirmative welfare rights and that the Fourteenth Amendment does not reach private action. Whether they were right or wrong in doing this is not the argument of this chapter. All I want to suggest is that they have reached these conservative interpretations in large part because they are a court. Should other interpreters enter the debate—should Congress, for example, accept its section 5 burden of passing legislation for the purpose of enforcing the liberty guarantee of the Fourteenth Amendment—they may see very different and much broader meanings in the general phrases of the amendment than the Court has seen to date. Congress is not burdened by the ethical imperative to write decisions consistent with previous decisions. It is not burdened with the need to treat like cases alike. Nor is it charged with the task of "conserving" the societal traditions of the past. It has no reason to interpret liberty in such a way as to maintain a "seamless web" of precedent. It is charged with the task of enforcing the mandate of the Fourteenth Amendment, and it is generally charged with the work of distributing resources in a just manner. It is not asking too much, then, to expect Congress to do its distributive and redistributive work in a way that promotes rather than impedes or frustrates true individual "liberty"—understood not as societal tradition and not as judicial precedent, but as the necessary societal conditions for a genuinely free, autonomous life.

Finally, progressive strategies will only succeed if they originate in the Congress

Robin **West '94** Prof. of Law. Georgetown (*Progressive Constitutionalism* p. 6)

Thus, taken collectively, the essays in this book urge a substantive, institutional, and jurisprudential reorientation of our understanding of the Fourteenth Amendment. Substantively, I argue that the state action doctrine, the formal understanding of the equal protection clause, and a negative rather than positive understanding of the substantive due process clause are all untrue to the history and language of the Fourteenth Amendment. Institutionally, I urge that a progressive understanding of the Fourteenth Amendment is far more likely to be realized through legislative action than judicial intervention, and that, accordingly, progressive constitutional advocates should refocus their attention away from courts and toward the legislative arena. Finally, jurisprudentially, I argue that the Fourteenth Amendment should be grounded in a progressive conception of a responsible democratic state charged with the task of guaranteeing the conditions of positive freedom and guarding against the dangers of social or private enslavement. Such a conception, somewhat paradoxically, is closer to the overriding abolitionist concerns of the framers of the amendment than are the interpretations currently argued by both liberal commentators and the conservative Court. It is also, of the competing conceptions, the interpretation most likely to point us toward a more just society—a society worthy of the costs of the political and deliberative struggle undoubtedly necessary to achieve it.

at: no culture shift

Only Congress culture shifts and rule shifts

Stoddard '97 72 N.Y.U.L. Rev. 967

The arena of change may also have influenced the scope and power of the result. Imagine that the new rules enacted by the Civil Rights Act of 1964 had, instead, emanated from a ruling of the U.S. Supreme Court. (Such a decision, even under the Warren Court, would have seemed unlikely, but not completely implausible. The Court could arguably have relied on a Thirteenth Amendment theory, because the Thirteenth Amendment, unlike the Fourteenth Amendment, is not limited in scope to state action, 19 or it could have turned alternatively to the principle relied on by the Court in Shelley v. Kraemer 20 to invalidate restrictive covenants in housing - the idea that the government must not be an accessory to private discriminatory schemes.) Imagine further no substantial difference between the provisions of the Civil Rights Act of 1964 as enacted and the holdings of one or several hypothetical decisions from the Supreme Court. Would American history have evolved in the same way? Would the [*977] difference in the forum of decisionmaking have resulted in a different public reaction to the new rules of law? I think history would have been different. The new rules of law were widely disliked, especially by whites in the South, but the opponents of the Civil Rights Act of 1964 never rose in rebellion, either formal or informal, against enforcement of the statute. If the new rules had come down from on high from the Supreme Court, many Americans would have probably considered the change of law illegitimate, high-handed, and undemocratic - another act of arrogance by the nine philosopher-kings sitting on the Court. Because the change emanated from Congress, however, such sentiments of distrust (whether grounded in principle or in simple racism) never came to affect the legitimacy of this stunning change in American law and mores. The Civil Rights Act of 1964 came into being because a majority of the members of the national legislature believed it represented sound policy and would improve the life of the country's citizens as a whole; the ideas motivating the Act must therefore have validity behind them. In general, then, not only did the historical fact of the continuing national debate on race facilitate the public's acceptance of the Civil Rights Act of 1964, even in the South, but so did the additional (I believe crucial) fact that the change came through legislative consideration rather than judicial or administrative fiat - lending it "culture-shifting" as well as "rule-shifting" power. 21 The astonishing effectiveness of the Civil Rights Act of 1964 - the breathtaking sweep of its cultural tailcoats - suggests that it should be a model for social change in other settings. It also indicates that how change is made matters almost as much as what is, in the end, done.

Again – the court can't culture shift

Stoddard '97 72 N.Y.U.L. Rev. 967

Changes that occur through legislative deliberation generally entail greater public awareness than judicial or administrative changes do. Public awareness is, indeed, a natural concomitant of the legislative process. A legislature - any legislature - purports to be a representative collection of public delegates engaged in the people's business; its work has inherent public significance. Judicial and administrative proceedings, by contrast, involve private actors in private disputes. Those disputes may or may not have implications for others, and they are often subject to the principle of stare decisis, but they are not public by their very nature. (Administrative rulemaking is a diff- [*981] erent animal, akin - at least in theory - to legislative activity, but it is still typically accorded less attention than the business of legislatures.) Legislative lawmaking is, by its nature, open, tumultuous, and prolonged. It encourages scrutiny and evaluation. Thus, it is much more likely than other forms of lawmaking to promote public discussion and knowledge. For that reason alone, such lawmaking possesses a special power beyond that of mere rulemaking. Indeed, the real significance of some forms of legislative lawmaking lies in the debate they engender rather than the formal consequences of their enactment. Between 1971 and 1986, the New York City Council had before it every year a bill that would amend the city's human rights laws to protect lesbians and gay men from discrimination in employment, housing, and public accommodations. The bill failed each year until 1986, principally because of the personal opposition of the council's majority leader. (In 1986, the majority leader retired, and the election

of a new majority leader allowed the measure to emerge from committee and then attain the approval of the entire council.) As a perennial lobbyist for the gay rights bill, and a gay man to boot, I publicly bemoaned the bill's failure year after year. However, in hindsight, I am not unhappy that enactment of the bill took fifteen years. Over those fifteen years, the city council and the citizens of New York more generally had to confront continually the issue of discrimination against lesbians and gay men. They had to hear again and again the assertions made by my colleagues and by me that gay people exist; that gay people encounter constant scorn, disapproval, and prejudice; and that gay people deserve protection from discrimination in the basic necessities of life. The city council, for a full decade and one-half, became a city-wide civic classroom for a course on sexual orientation discrimination - an intracity teach-in, if you will. If we had our platform during the fifteen years of the bill's pendency, so did our opponents, but in many ways the other side's comments (especially the more rancorous observations) bolstered our advocacy, for the comments prolonged the discussion - and also helped to demonstrate our claims of the existence of prejudice. Immediate passage of New York City's gay rights bill as early as 1971 or 1972 would have afforded immediate political gratification to me and my colleagues (I would have been very gratified indeed), but immediate passage would also have deprived the city and its residents of the extended exploration of the subject of gay people and their rights. And, I am now convinced, it is the city-wide debate of the subject, rather than mere passage itself, that has helped to open eyes and hearts. Mere passage would have added up to "rule-shifting" [*982] when "culture-shifting" is what this controversial and often misunderstood issue really required. Mere passage would have given lesbians and gay men who suffered discrimination (and who could prove their assertions) a form of redress, and it would probably have led some especially principled employers to adopt implementing guidelines, but enactment of the gay rights bill would have eluded the attention of many, if not most, non-gay New Yorkers. The fifteen years of struggle, however, made the subject ultimately inescapable to New Yorkers - and led to genuine and deep "culture-shifting." 24 From my experience on the gay rights bill, and my experience as an activist more generally, I harbor a bias in favor of legislative reform. Legislative reform makes real change - "culture-shifting" - more probable, since it is much more likely than other forms of lawmaking to engage the attention of the public. "Rule-shifting" has its merits and advantages, but it is simply less potent than "culture-shifting" in

Congress is the most flexible, innovative and prepared to approach societal problems

Dodd, prof law Florida, **01**

(Lawrence Dodd. Prof. at University of Florida, 2001, “Re-Envisioning Congress: Theoretical Perspectives on Congressional Change”) [Dan Li]

What we know at this point is that we have adjusted our governing perspectives during these decades and that, despite the bitter partisan battles that have come with the experimentation and shift, and to some extent because of them, our society is as prosperous and productive as ever. We also know one other thing: that Congress, the parties, and the electorate are capable of reassessing governing strategies, experimenting with new ones, learning innovative approaches, and addressing societal problems. To appreciate this capacity, we must attend to the conceptual lenses through which we examine Congress and craft multiple theoretical perspectives that can aid us in looking beyond momentary personalities and short-term stalemate to see the dynamic, historical processes at play. In doing so, we must bring to Congress the common-sense judgment we bring to daily life, taking care to focus on the motives and strategic behavior of participants in the

foreground, on the shifting background contexts, and then ultimately on the critical ways in which the ideas that participants hold about politics and society shape their strategies and actions.

at: perm

No Net Benefit- It's a weak congressional challenge.

Robert Justin **Lipkin '6** Professor of Law, Widener University School of Law (28 Cardozo L. Rev. 1055)

A congressional override provides a safety net while at the same time permitting the benefits of judicial review to continue. Two conceptions of a congressional override exist: a weak version and a strong version. The weak version permits Congress to override a Supreme Court decision by passing the appropriate legislation, which the Court may then strike down. The strong version makes Congress the final arbiter. The weak version provides a cooperative inter-branch relationship within a **modified form** of judicial supremacy. In essence, the weak override requires the Court to defer to Congress whenever possible, and strike down an override only as a last resort. There is some value to a weak congressional override. Such an override is at [*1113] least an improvement over our current form of judicial supremacy for two reasons. First, it makes Congress a partner - albeit a junior partner - in determining constitutional meaning. In short, it explicitly rejects the notion that courts have an exclusive role in constitutional interpretation. Second, this partnership may be enhanced by Congress publicly explaining its reasons for overriding the Court's decision. Then, if the Court strikes down that override, it in turn must explicitly reply to Congress's rationale and analysis. Accordingly, an explicit, dynamic constitutional dialogue between Congress and the Court is formally created. A Court acknowledging Congress' authority to weakly override its decisions might decline reviewing a challenge to an override by publicly requesting the electorate to chasten the legislators who enacted the override. If this fails, the Court has a choice to defer to the electorate or to strike down the override in an appropriate case. Though this is an improvement over our present system, in all probability it would be insufficient. The Court remains the final arbiter of constitutional meaning. The benefit, however, would be requiring the Court to respond analytically to serious objections from a co-equal branch of government. [172] In the end, however, congressional overrides should be made of sterner stuff. [173]

This snowballs into total court control

Mark **Tushnet '3** (53 Univ. of Toronto L.J. 89)

Professor Roach's important examination of the extensive experience Canada has had in operating the world's leading weak-form system of judicial review shows that we should be cautious about endorsing weak-form judicial review as an alternative to strong-form judicial review. The materials he presents suggest that Canada's weak-form review has become strong-form judicial review, in part because of a lack of political will and in part because of structural obstacles to the legislature's actual ability to respond to Court decisions. The fact that in-your-face statutes are enacted will continue to place on the Canadian constitutional agenda the question of judicial restraint, as such statutes force us to consider whether weak-form systems require that courts exercise restraint when faced with constitutional interpretations with which the judges disagree but which they cannot fairly describe as unreasonable. In the end, then, the invention of weak-form judicial review may not displace the long-standing controversy in strong-form systems over judicial activism and restraint.

AND, reliance Courts destroys progressivism, which is key to solvency. – Also impact is above

(Conservativism fails)

Robin **West '94** Prof. of Law. Georgetown (*Progressive Constitutionalism* p. 281-284)

In this conclusion I want to suggest briefly that there may be reasons to suspect some deeper tensions, not just between the progressive and conservative interpretations of the Constitution, but between the progressive paradigm and the idea of adjudicative law within which both liberal and conservative courts operate. To the degree that progressives acquiesce in an understanding of the Constitution and of constitutional guarantees as a body of adjudicative law—as something that courts enforce as law against unwilling parties—they may be committed to a definition of constitutionalism that is antithetical to the goals of progressive politics; the phrase "progressive constitutionalism" may remain an anomaly. The idea of "adjudicative law" may be antithetical to the progressive understanding of the Constitution for at least four reasons. First, progressives understand constitutional law as possibilistic and open, as change rather than regularity, and as freedom rather than constraint. This understanding of constitutionalism may be right, and it may even be right as an account of law, but as an account of adjudicative law—of what courts in fact do—it is perverse. Adjudicative law is persistently authoritarian: demonstration of the "truth" of legal propositions (arguably unlike other truth statements) relentlessly requires shows of positive authority. Existentialism may not be an odd foundation for a theory of politics, legislation, or constitutionalism, but it is certainly an odd (to say the least) grounding for a theory of adjudication. The lesson from this tension between the possibilistic Constitution envisioned by progressives and the authoritarian structure of adjudicative law is not necessarily that the conventional account of adjudicative law as requiring demonstrations of binding authority is wrong; rather, the important point may be that the identification of constitutional process and choices with the sphere of adjudicative rather than legislative legality—with law rather than politics—is misguided. Second, the instrumental goal toward which the progressive Constitution is aimed is the abolition of subordinating and damaging hierarchies. The justice to which it aspires is not corrective but distributive. Yet the ideal of justice to which adjudicative law aspires has historically been primarily corrective and compensatory, rather than redistributive.121 Another way to put the point is that adjudicative law has for the most part been essentially conservative: it maintains, stabilizes, and reifies the status quo against change. It exists to protect against change. Antisubordination is accordingly a peculiar goal to establish for adjudicative law. It is not, however, a peculiar goal for legislation, nor is it an odd or outlandish understanding of the import of the Fourteenth Amendment. Perhaps, again, we should conclude from this not that it is misguided to understand adjudicative law as aimed at corrective rather than redistributive justice, but, rather, that it is misguided to conceive of a progressive and radically redistributive directive document such as the Fourteenth Amendment as a source of adjudicative law, rather than as a source of inspiration or guidance for legislative change. Third, the "morality" that adjudicative law undoubtedly absorbs from time to time is almost invariably conventional and traditional rather than aspirational or utopian. The Court may indeed read the "Law" through the lens of morality, but the morality that comprises the lens is the morality embraced by the dominant forces in the community,122 not an aspirational morality of unlived ideals informed by experiences of oppression.123 Adjudicative law typically reflects a community's moral beliefs, and only rarely its aspirational ideals. Perhaps, then, we should conclude not that the conventional understanding of the relation between adjudicative law and conventional morality is wrong, but that the Constitution—because it is indeed open to an aspirational interpretation—is simply not exclusively a source of adjudicative law. Fourth, the form and processes of "adjudication" create additional tensions for the progressive paradigm, quite apart from and no less serious than those created by the idea of adjudicative law. As anyone who has ever been unwillingly caught in the process knows, adjudication is profoundly elitist, hierarchic, and nonparticipatory. It is itself a form of domination that creates experiences of subordination. The protestations of modern civic republicans notwithstanding, it is the antithesis of participatory democratic politics. The obsessive attention given by civic republican and liberal constitutionalists alike to the "antimajoritarian difficulty" posed by aggressive judicial review has not done anything actually to solve the difficulty; it has only served to highlight the utter incompatibility of both liberals' and republicans' substantive commitment to egalitarian and participatory democracy with their simultaneous endorsement of nonparticipatory, antidemocratic, and intensely hierarchical adjudicative processes for achieving it.124 There are still other distorting constraints imposed by adjudication on the progressive paradigm. To name just a few: Adjudication presupposes bipolar conflicts; progressivism does not. Adjudication requires at every turn in the road recitation of and support from "authority"; progressivism is constitutively distrustful of authority. Adjudication requires a recalcitrant, guilty, state defendant, one consequence of which is a judicially constructed "nightwatchman"-like Constitution that can act only against pernicious state action, while progressivism understands the problems of inequality, subordination, and bondage in our lives to stem not from state action, but from private and social action followed by state inaction—the failure of the state to act against private oppression. Adjudication is particularistic and individualistic; progressivism is anything but. Finally, adjudication blames, condemns, and punishes; progressivism is fundamentally uninterested, on many levels and for complex reasons, with blame and innocence. These are surely good reasons to fear that a progressive Constitution is not going to fare well in any adjudicative body, not just in front of a conservative Supreme Court. The consequence of the tension between adjudication and progressivism is that the legalization of constitutional discourse may have seriously impoverished the progressive tradition. When we read our progressive politics through the lens of the Constitution, and then read the Constitution through the lens of law, we burden progressivism with the constraints, limits, doctrines, and nature of law. Progressivism, its very content, becomes identified with that which courts might do and that which lawyers can feasibly argue. In the process, progressivism in the courts becomes weak and diluted. The consequence of this tension is not only, however, that progressivism in the Supreme Court is impoverished, although clearly it is. The consequence is also that progressive politics outside the Court is robbed of whatever rhetorical and political support it might have received from a de-legalized conception of the progressive Constitution. In a culture that routinely identifies its political aspirations with constitutionalism, it becomes extremely difficult to demand progressive change of a nature that the adjudicated Constitution cannot support. Redistributive progressive politics, for example, may be burdened by the "shadow effect" of the refusal, both on the Court and outside it, to understand poverty as a suspect basis of

classification, or minimal material well-being as a fundamental right. More generally, any antisubordinationist progressive legislation is marginalized by the inability of the Court to "find" an antisubordination principle in the Constitution. Constitutionalism defines our public morality, to some extent, and the failure of the adjudicated Constitution to accommodate progressive ends accordingly impoverishes progressive morality. Thus, progressive politics is impoverished by the adjudicated Constitution simply because it loses the force, and power, of constitutional thought. The legal profession pervasively, and the larger culture somewhat, has come to view the Constitution as the repository of public morality; as the source, genesis, and articulation of our political obligations. If our collective social morality and our moral aspirations are embedded in our Constitution, if the Constitution is a form of adjudicative "law," and if adjudicative law exists in a state of profound and perpetual (and not particularly creative) tension with progressive morality and ideals, then this conclusion is inescapable: progressive morality will never become part of our public morality, regardless of the composition of the Supreme Court. Progressive constitutionalism may be part of the problem (as the saying goes), not part of the solution. If progressive constitutionalists care as much about progressive politics as they care about the Constitution (a big "if"), then the imperative is unavoidable: the circle must be broken.

at: strike down

The court will uphold the strip – they've done a million times

Phyllis **Schafly '4** President, Eagle Forum (*The Supremacists* p. 116-123)

Congress has the duty to curb the power of the judicial supremacists. We don't trust the federal courts or the Supreme Court to tamper with the definition of marriage by applying supremacist notions of "emerging awareness" or "evolving paradigm." We don't trust the courts to tamper with our right to acknowledge God, whether in the Pledge of Allegiance, the Ten Commandments, our national motto, or voluntary prayer. Therefore, Congress should remove power from all federal courts to impose the rule of judges over our rights of self-government. Our great Constitution has within it the checks and balances we need to deal with the problem of judicial supremacy. This includes the ability of Congress to limit the jurisdiction (judicial power) of all federal courts. Article I, Section 8 of the Constitution states: "The Congress shall have power . . . to constitute tribunals inferior to the Supreme Court." Article III, Section states: "The judicial power of the United States, shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish." These two sections mean that all federal courts except the Supreme Court were created by Congress, which defined their powers and prescribed-what kind of cases they can hear. Whatever Congress created, it can uncreate, abolish, limit or regulate. Article III, Section 2 states: "The Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations as the Congress shall make. This section means that Congress can make "exceptions" to the types of cases that the Supreme Court can decide. This is the most important way that Congress can and should bring an end to the reign of judicial supremacy. There is nothing new or wrong about Congress telling the federal courts what cases they can and cannot hear. Limiting court jurisdiction is a tool the liberals have used many times. In 2002, Congress passed a law (at Senator Tom Daschle's urging) to prohibit all federal courts from hearing cases about brush clearing in South N Dakota. Surely other issues are as important as brush fires in South Dakota. The Record of Congressional Action. A long historical record conclusively proves that Congress has the power to regulate and limit court jurisdiction, that Congress has used this power repeatedly, and that the courts have accepted it. In Turner v. Bank of North America (1799), Justice Chase commented: "The notion has frequently been entertained, that the federal courts derive their judicial power immediately from the Constitution; but the political truth is, that the disposal of the judicial power (except in a few specified instances) belongs to Congress. If Congress has given the power to this Court, we possess it, not otherwise: and if Congress has not given the power to us, or to any other Court, it still remains at the legislative disposal." Even Chief Justice John Marshall, the judicial supremacists' hero, made similar assertions. For example, in Ex parte Bollman (1807), Marshall said that "courts which are created by written law, and whose jurisdiction is defined by written law, cannot transcend that jurisdiction." The early decisions of the Supreme Court were sprinkled with the assumption that the power of Congress to create inferior federal courts necessarily implied, as stated in U.S. v. Hudson & Goodwin (1812), "the power to limit jurisdiction of those Courts to particular objects." The Court stated, "All other Courts [except the Supreme Court] created by the general Government possess no jurisdiction but what is given them by the power that creates them." The Supreme Court held unanimously in Sheldon v. Sill (1850) that because the Constitution did not create inferior federal courts but rather authorized Congress to create them, Congress was also empowered to define their jurisdiction and to withhold jurisdiction of any of the enumerated cases and controversies. This case has been cited and reaffirmed numerous times. It was applied in the Voting Rights Act of 1965, in which Congress required covered states that wished to be relieved of coverage to bring their actions in the District Court of the District of Columbia. The Supreme Court broadly upheld Congress's constitutional power to define the limitations of the Supreme Court "with such Exceptions, and under such Regulations as the Congress shall make" in Ex parte McCardle (1869). Congress had enacted a provision repealing the act that authorized the appeal McCardle had taken. Although the Court had already heard argument on the merits, it dismissed the case for want of jurisdiction. "We are not at liberty to inquire into the motives of the legislature. We can only examine into its power under the Constitution; and the power to make exceptions to the appellate jurisdiction of this court is given by

express words." McCardle grew out of the stresses of Reconstruction, but the principle there applied has been affirmed and applied in later cases. For example, in 1948 Justice Frankfurter in National Mutual Insurance Co. v. Tidewater Transfer Co. (dissenting) commented: "Congress need not give this Court any appellate power; it may withdraw appellate jurisdiction once conferred and it may do so even while a case is sub judice [already before the court]." In The Francis Wright (1882), the Court said: While the appellate power of this court under the Constitution extends to all cases within the judicial power of the United States, actual jurisdiction under the power is confined within such limits as Congress sees fit to prescribe. . . . What those powers shall be, and to what extent they shall be exercised, are, and always have been, proper subjects of legislative control. . . . Not only may whole classes of cases be kept out of the jurisdiction altogether, but particular classes of questions may be subjected to re-examination and review, while others are not. Numerous restrictions on the exercise of appellate jurisdiction have been upheld. For example, Congress for a hundred years did not allow a right of appeal to the Supreme Court in criminal cases except upon a certification of divided circuit courts. In the 1930s, liberals in Congress thought the federal courts were too pro-business to fairly handle cases involving labor strikes. In 1932 Congress passed the Norris-LaGuardia Act removing jurisdiction in this field from the federal courts, and the Supreme Court had no difficulty in upholding it in Lauf v. E. G. Shinner & Co. (1938). The Supreme Court declared, "There can be no question of the power of Congress thus to define and limit the jurisdiction of the inferior courts of the United States." Liberals followed the same procedure when they passed the Hiram Johnson Acts in order to remove jurisdiction from the federal courts over public utility rates and state tax rates. These laws worked well and no one has suggested they be repealed. Another celebrated example was the Emergency Price Control Act of 1942, in which Congress removed from federal courts the jurisdiction to consider the validity of any price-control regulation. In the test case upholding this law, Lockerty v. Phillips (1943), the Supreme Court held that Congress has the power of "withholding jurisdiction from them [the federal courts] in the exact degrees and character which to Congress may seem proper for the public good."

Even if the strip is unconstitutional, it wouldn't be struck down – empirically proven

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To start with, a great weight of institutional precedent favors the view that Congress can withhold from the Supreme Court some of the cases that would otherwise fall within the Court's article III jurisdiction. In the Judiciary Act of 1789, a Congress familiar with the drafting of article la" withheld from the Court large portions of section z jurisdiction. This was no oversight, to be corrected in short order, but the forging of an enduring pattern. Thus, for example, the review of state court decisions favorable to federal claims of right was withheld from the Court's jurisdiction for 125 years, and the Court has never been empowered to review state court litigation between private parties of diverse citizenship. Congress has always understood the exceptions clause to permit it to subtract legal issues and cases from the article III jurisdiction of the Supreme Court. The Court itself has shared this understanding. In no opinion h. the Court taken a contrary view." Indeed, in the pertinent opinions, the Court displays an almost unseemly enthusiasm in discussing Congress' power to lop off diverse heads of the Court's article III jurisdiction.

civilian oversight cp

1nc civilian oversight cp (local police)

The 50 United States state governments should expand support for “Loyal Opposition” Policy Review Boards, served with the task of conducting civilian oversight of police surveillance technologies. “Loyal Opposition” Policy Review Boards should regularly release their findings and recommendations to the general public.

Optional: include that LOPRB’s should recommend of the plan.

The counterplan establishes recommendations for best police surveillance practices in local communities --- they’ll recommend the plan and allow policies to be best tailored to their jurisdiction

Seybold 15 [Steven D., J.D. candidate, “Somebody's Watching Me: Civilian Oversight of Data-Collection Technologies,” March, 2015, Texas Law Review, 93 Tex. L. Rev. 1029] //khirn

While scholars have offered a variety of methods for improving civilian oversight generally, n191 **civilian oversight of surveillance** must be specifically designed to address the unique problems raised by the advancement in data-collection technologies, including that the public is often unaware of how new technologies are being used and even when informed, often discount the potential effect of such technologies because of privacy myopia. Through a membership of invested and knowledgeable "Loyal Opposition" citizens, a more directed focus on policy review, and an emphasis on community outreach, Loyal Opposition Policy Review Boards (LOPRBs) can ensure that the privacy rights of individual citizens are protected while **still allowing police departments** to use **data-collection technologies** to improve law enforcement and public safety.

[*1054]

A.

"Loyal Opposition" Membership

First, LOPRBs would be composed of a group of Loyal Opposition members to ensure the community's and police department's interests are effectively balanced. "Loyal Opposition" refers to a civilian oversight mechanism that would share a similar commitment as police departments to effective policing and ensuring public safety but holds alternative views regarding how those goals can appropriately be achieved. n192 Particularly, the Loyal Opposition of the LORPB would have not only a differing viewpoint on how data-collection technologies can and should be used by police departments n193 but would also be particularly invested in ensuring that such technologies do not unnecessarily infringe on a citizen's rights.

This is accomplished by having the board membership composed of individuals representing public-interest or community organizations that are particularly concerned with technology and privacy or with protecting constitutional rights. n194 Membership can also be drawn from academics specializing in criminal justice issues n195 or from individuals particularly concerned with privacy rights, regardless of law enforcement experience. n196 LOPRBs would thus be staffed by **highly knowledgeable experts in the field**, who would, through their interaction with the police departments, have a keen understanding of how data-collection technologies are currently used and how they may be used in the future. Ultimately, this positions LOPRBs to effectively balance the long-term privacy costs with the short-term policing gains of data-collection technologies.

By drawing membership from these sources, a LOPRB can act as an **effective oversight mechanism** by providing a countervailing viewpoint to police departments. A fundamental problem with self-regulation is the lack of incentive for police departments to voluntarily implement policies that [*1055] are against their interests. n197 On the other hand, the LOPRB mechanism relies on the self-interest of the loyal opposition to counter that of the police department, creating a system similar to the checks-and-balances approach of the tripartite federal government. The investigative interest of the police department and the constitutional rights and privacy interests of the LOPRB will interact against one another to create the proper balance of interests. n198 Furthermore, the public will likely perceive the actions of LOPRBs as not being unduly influenced by the police department because of the loyal opposition members' competing interests to the police department. Thus, the existence of an entity championing the competing privacy interests ensures that the use of data-collection technologies by police departments will neither stray into Orwellian totalitarianism nor into powerless policing.

B. Reviewing Policy, Not Complaints

LOPRBs would also make a significant departure from the traditional civilian oversight paradigm by abandoning complaint review to focus purely on **reviewing and recommending police department policies** for data-collection technologies. The policy review undertaken by LOPRBs would concern all aspects of data-collection technology, from recommending policies for the use of surveillance technologies to addressing how long collected information should be retained by police departments. The emphasis on policy review means LOPRBs provide proactive oversight of police departments' use of data-collection technologies. Other regulatory approaches, especially complaint-directed civilian oversight, usually only reactively respond to the filing of a complaint. n199 Reactive responses only provide a remedy to current practices without providing sufficient guidance on potential future issues that may arise because of advancing technologies that are often significantly dissimilar compared to past technologies. n200 And, because citizens are often unaware of the implementation of data-collection technologies, there is a very low likelihood that a sufficient number of complaints would arise to even correct current practices. By reviewing and recommending proactively, LOPRBs can **establish "best practices" for both current and new technologies**, providing **adequate oversight** to protect the constitutional rights and privacy interests of the community. n201 **Policy review** thus is a powerful tool because it allows civilian oversight to proactively address current and future issues facing [*1056] police departments rather than only focusing reactively on complaints against the past actions of departments and their officers.

Furthermore, LOPRBs, by focusing on policy review at the local level, can provide a more nuanced best practice policy for the local community. Policing is primarily a local activity, n202 and the effects of data-collection technologies will be greatest in the local community where the police department uses such technologies. Just as different states often have diverging viewpoints on a variety of issues, each local community may have a unique viewpoint regarding what the community considers a reasonable expectation of privacy. LOPRBs can formulate policy recommendations that represent the local community's privacy expectations, creating a best practices approach that provides community-sensitive protections above the floor set by constitutional protections. While **one LOPRB may recommend relaxed policies for the use of ALPRs in a community with significant car thefts**, n203 another LOPRB may recommend **strict data retention policies in a community with a history of discriminatory police practices**. n204

Finally, having LOPRBs review data-collection-technology procedures ensures such policies will actually be addressed, compared to being reliant on civilian complaints to bring such technology procedures to the board's attention. A **policy-centric** approach also **helps bring data-collection technologies** and how police departments use those technologies into the **public consciousness**, as the publically available reports and recommendations of LOPRBs would provide the public with greater information regarding how

data-collection technologies affect the everyday privacy of the average citizen. This is especially relevant, considering that the public may often be unaware of the use of data-collection technology by police departments.

1nc civilian oversight cp (federal level)

The United States federal government should establish a civilian oversight agency, comprised of a board of citizens with the task of conducting oversight of federal law enforcement and intelligence gathering. The Board should regularly release its findings and recommendations to the general public.

Optional: include that Board should recommend of the plan.

Solves the 1ac without any political backlash

Weinbeck 11 [Michael P. Weinbeck, J.D. Candidate, William Mitchell College of Law, 2011, "NOTE: WATCHING THE WATCHMEN: LESSONS FOR FEDERAL LAW ENFORCEMENT FROM AMERICA'S CITIES," 36 Wm. Mitchell L. Rev. 1306, William Mitchell Law Review] //khirn

C. A Proposed System of Federal Civilian Oversight

A federal system of civilian oversight should exploit the best practices of the municipal oversight models and abandon - or at least minimize - the practices that have burdened the local systems. Recalling the discussion above, civilian oversight appears to be at its zenith when it operates to call attention to gross misconduct, encourage political pressure for reform, and create the perception of unbiased, direct citizen oversight. And civilian review is hampered when public disclosure is limited, discipline for misconduct is lax, and the board members are unqualified for the work. n158 With these attributes in mind, what might a **civilian oversight model look like at the federal level**?

Ideally, the agency would be made up of a board of citizens who have been thoroughly trained in the work of the agency. The board would be structured to allow for areas of specialization, and the members would be given security clearances to view classified information that may be contained in the complaints.

To prevent the political conflicts that have sometimes plagued municipal boards, n159 board members would be selected for **four-year terms**, and the terms would **expire in odd-numbered years.** These changes avoid the politicization of the major election cycles. Half of the members would be congressional appointees and half would be appointed by the President.

To aid in systematic data-gathering and reporting, the agency would be an arm of one of the government's auditing functions - possibly the Government Accounting Office. Funding for the [*1331] oversight agency would be statutorily guaranteed.

Alternatively, a system of civilian oversight might be achieved by expanding the auspices of the Intelligence Oversight Board. Since the board is established through an enabling executive order, legislative wrangling is avoided and an operational system could be implemented more quickly. However, without a legislative mandate, the Intelligence Oversight Board rests on the goodwill of the President. A board created by statute (negotiated between the White House and Congress) may have a better base for **long-term survival and effectiveness**.

Given the complex and specialized nature of the complaints, it would probably be infeasible for any civilian oversight agency to have its own investigative staff. Instead, the civilian oversight board would serve as an auditor to investigations being carried out by the law enforcement and intelligence agencies. All complaints under investigation would be dual-filed with the board, and the members would select which cases would undergo a board review.

As noted above, the imposition of discipline is a key consideration. If the board finds an investigation or an imposition of discipline inadequate, it should have the authority to require the law enforcement or intelligence agency head to reconsider the case. If the agency head makes no changes to the disposition, he or she would be required to provide the board with an explanation of the decision. If the board is still dissatisfied with the outcome, it would have the authority to refer the case to the President and to the appropriate congressional committee for further action.

The board would also establish a federal system for filing citizen complaints. No matter which federal law enforcement agency the citizen interacted with, the board would serve as a one-stop clearinghouse for complaint filing. Complaints could be filed on the web. All individuals who are taken into federal custody or subjected to federal investigation would be apprised of the existence of the board and given an opportunity to file a complaint.

D. Applying Civilian Oversight to Intelligence Services

In the post-9/11 world, the U.S. government has deliberately attacked the traditional wall of separation between federal law enforcement and intelligence-gathering activities. n160 Today, the FBI [*1332] regularly engages in intelligence-gathering work to protect national security and has run into corollary problems with abuses of power. n161 A former general counsel to the CIA and the National Security Agency has concluded that, absent major changes to the congressional approach to oversight, **progress on oversight reforms are unlikely to be realized**: "Nor can progress be achieved as long as the Congress misuses its oversight role as a point of attack on executive branch primacy in foreign relations, and misuses the oversight committees as the forum for partisan foreign policy disputes with the Administration." n162

Consequently, it bears mentioning that, while civilian oversight has traditionally been applied strictly to law enforcement, there is little to suggest that its use could not extend to oversight of intelligence-gathering activities. Indeed, given the blurring of lines within the FBI between its traditional law enforcement roles and its developing intelligence-gathering roles, it would seem **counterintuitive not to apply an oversight model holistically.**

V. Conclusion

Civilian oversight has been met with many challenges in America's cities. But, with more than 100 civilian oversight agencies in the United States, it appears to be a solution that provides enough community satisfaction to justify its continued existence.

In addition, oversight mechanisms that the federal government currently employs are insufficient to stand up to the expansive authority that has been granted to America's law enforcement agencies. Given the inconsistent results that come from each branch of the government when trying to oversee the nation's law enforcement and domestic intelligence-gathering activities, new approaches are needed. A system of civilian oversight will provide some measure of satisfaction to a public deeply concerned for the stewardship of its civil liberties.

2nc civilian oversight cp

Judicial oversight fails

Seybold 15 [Steven D., J.D. candidate, "Somebody's Watching Me: Civilian Oversight of Data-Collection Technologies," March, 2015, Texas Law Review, 93 Tex. L. Rev. 1029] //khirn

[*1044] 3. Judicial Oversight. - Police departments could be regulated by judicial oversight, ensuring that constitutional and statutory rights are adequately protected from certain uses of data-collection technologies. But regulating data-collection technologies presents a unique challenge for the judiciary. The Fourth Amendment and other constitutional and statutory provisions provide privacy rights some protection from encroachment. n115 However, civil claims, such as § 1983 claims, n116 face significant obstacles to protecting privacy rights from encroachment, including that litigation is "too rare to deter misconduct" and unlikely to encourage changes to systemic police misconduct. n117 Furthermore, judicial oversight through constitutional protections only sets a floor of the minimum-required conduct for police officers and departments. n118 As Armacost recognizes: "Even when criminal laws are enforced effectively, they do not describe sufficiently high norms of behavior to constrain police discretion within professionally acceptable boundaries." n119 Judicial oversight thus only provides a "minimum guarantee," rather than a best practices approach. n120

The judicial regulatory mechanisms can only provide that minimum guarantee if a claimant can overcome the hurdle of showing that use of the data-collection technologies has created an actionable claim. n121 And the minimum guarantee provided by the Fourth Amendment may weaken as data-collection technologies become more prevalent. The determination of a person's "reasonable expectation of privacy" under the Fourth Amendment turns on whether (1) the individual had a subjective expectation of privacy, and (2) society recognizes that expectation as reasonable. n122 As data-collection technologies are further integrated and become more common in the public space, it is less likely that society would recognize privacy in public as reasonable. Judicial oversight thus becomes weaker the more widespread and common mass surveillance becomes. n123 That is, society's shifting perspective regarding what [*1045] constitutes a reasonable expectation of privacy lowers the minimum guarantee of constitutional protections. n124

The Supreme Court's difficulty in fitting new data-collection technologies within current Fourth Amendment jurisprudence tracks with the judiciary's general problems responding to technological changes. When the Supreme Court had the opportunity in United States v. Jones n125 to decide whether long-term monitoring over four weeks using a GPS device violated the Fourth Amendment, the Court punted the issue. n126 Rather than recognizing the changing technology and updating modern judicial precedent to address new and emerging technologies, n127 the Court instead held that the GPS device's physical installation on the vehicle constituted a "search" and a Fourth Amendment violation. n128

Jones does little to address current and future data-collection technologies that do not involve a physical intrusion of a person's property. n129 This is unsurprising because courts often have difficulty analogizing emerging data-collection technologies with the past technology that precedent is based upon. n130 Even as the Court has previously recognized that such surveillance may violate the Fourth Amendment, n131 subsequent precedent has failed to address whether the use of data-collection technologies constitutes such surveillance. The difficulties of judicial oversight to adapt precedent to changing technologies, coupled with the only minimum guarantee provided from constitutional protections, cuts against utilizing judicial oversight as the primary mechanism for regulating police department use of data-collection technology.

Civilian oversight solves better than the plan --- allows tailoring policy to local jurisdictions

Seybold 15 [Steven D., J.D. candidate, "Somebody's Watching Me: Civilian Oversight of Data-Collection Technologies," March, 2015, Texas Law Review, 93 Tex. L. Rev. 1029] //khirn

Civilian oversight can effectively address the **failings of other oversight mechanisms**. Historically, civilian oversight entails "institutions that empower individuals who are not sworn police officers to influence how police departments formulate policies and dispose of complaints [*1046] against police officers." n132 These oversight bodies are generally "created by ordinance or referendum" n133

and exist at all levels of law enforcement. n134 More than 100 civilian oversight bodies exist, and approximately 80% of large American cities have some form of civilian oversight mechanism. n135

Civilian oversight bodies regulating one police department may differ significantly from another civilian oversight body. Traditionally, civilian oversight emphasized reviewing complaints against police officers, n136 but civilian oversight may also include **policy review** and **public outreach**. n137 Civilian oversight has generally been categorized based on two characteristics: (1) the structural independence of the civilian oversight body from the regulated police department, often either as an internal division of, or an independent and external body from, the police department, and (2) the scope of the body's powers, ranging from purely supervisory to investigative or auditing powers. n138 For example, the Civilian Complaint Review Board (CCRB) in New York City was originally an internal unit of the police department that could review reports and make recommendations to the police commissioner; n139 in contrast, the Office of the Police Monitor in Austin, Texas, is an independent city office that assesses citizen complaints and monitors internal affairs investi-gations. n140

Data-collection technologies represent fertile ground of concern regarding police department policies and procedures. In the past, the public's reaction to the persistent problem of police misconduct helped spur the proliferation of civilian oversight. n141 Well-publicized incidents of [*1047] police misconduct made the issue politically salient, creating an impetus for governmental bodies to form civilian oversight mechanisms. n142 As police departments begin to set policies and procedures for new technologies, there exist very real concerns that the local community will disagree with how the police department plans to use new data-collection technologies. **Civilian oversight thus provides the public with a formal voice in police department activities,** providing the local community with a **ready means** to communicate regarding perceived misuses and abuses of such technologies.

The local nature of civilian oversight also allows for a tailored regulatory mechanism. **Policing is primarily a local task**, and the vast majority of law enforcement agencies are local police departments. n143 Local oversight boards reviewing local police department policy can tailor which police misconduct issue to review and what recommendation would best address that issue, based on the needs and desires of the local community. n144 Thus, the closeness of civilian oversight to the immediate community allows the regulatory mechanism to **exert significant corrective power** on local police departments based on the **concerns most pressing to the local community**.

Finally, the fundamental attribute of civilian oversight - civilian participation in the oversight mechanism - makes civilian oversight an attractive remedy. While each of the other three regulatory mechanisms - self-regulation; executive and legislative action; and judicial oversight - involve civilian participation, that participation is indirect. Civilians may pressure police departments to self-regulate, lobby legislatures to enact new laws, and advocate courts to update legal doctrine, but ultimately they are reliant on those other parties (police departments, legislators, and judges) to actually act. That lack of direct participation likely makes it more difficult for communities to believe such regulatory mechanisms are legitimate oversight mechanisms.

Yes enforcement

Seybold 15 [Steven D., J.D. candidate, "Somebody's Watching Me: Civilian Oversight of Data-Collection Technologies," March, 2015, Texas Law Review, 93 Tex. L. Rev. 1029] //khirn

B. Strengths of the Civilian Oversight Regulatory Paradigm

1. Independence. - Perhaps the greatest strength of civilian oversight is its independence from police departments. The structural independence of civilian oversight mechanisms from police departments ensures that departments do not unduly influence the civilian oversight mechanism and provides the necessary independence for informed judgments. n152 That

independence ultimately "helps ensure the integrity" of the oversight and provides legitimacy to the civilian oversight decisions. n153

For instance, public distrust often exists toward internal review because of the perception "that a police-oriented perspective necessarily colors complaint review by police, resulting not only in concealment of officers' past misdeeds but also in encouragement of further abuse of authority." n154 By providing an independent review mechanism on police department use of data-collection technologies, civilian oversight is not hampered by potential biases undermining legitimate review or plagued by the perception of bias often associated with internal review mechanisms. n155

2. Transparency. - Second, civilian oversight can improve transpar-ency in regulating police departments. n156 Some have called for trans-parency from the perspective that "law enforcement's business, in general, is the public's business." n157 Police departments have historically been "closed, self-protective bureaucracies." n158 This led to many reforms designed to make police departments less isolated from the public. n159

Just the existence of an external regulatory mechanism increases transparency by forcing a closed bureaucracy to share information with outside parties. Furthermore, civilian oversight entities can use pamphlets, public hearings, and other methods to increase public awareness of the [*1050] oversight and of any corrective action taken. n160 Such actions help achieve civilian oversight's goal of "enhancing public confidence in the police generally." n161 This increased transparency and openness helps reduce police-community tensions and improves the perception of legitimacy in the process. n162

3. Individual Deterrence and Systemic Correction. - Finally, civilian oversight has some **meaningful deterrence** on individual actors while also providing a functioning mechanism to address local systemic issues. n163 Individual police officers are more likely to undertake regulation of their own behavior when the officer knows that they are **being watched by an oversight body**. n164 External civilian oversight can ensure greater accountability not only among rank-and-file officers, but also among command officers, and can also address systemic issues facing dys-functional departments. n165 Approximately two-thirds of civilian oversight entities undertake policy review in addition to complaint review, n166 allowing civilian oversight bodies to review general policies and advocate for systemic reform. n167 Samuel Walker, a scholar whose work focuses on police accountability, emphasized that successful civilian oversight bodies "take a proactive view of their role and actively seek out the underlying causes of police misconduct or problems in the complaint process." n168 If civilian oversight mechanisms **continually provide policy recommendations** to police departments, those recommendations as a whole can have a significant effect on police misconduct, while at the same time making the police department more "accustomed to input from outsiders." n169 Civilian oversight thus can have a **transformative impact on entire police departments** rather than only correcting the actions of a singular officer.

Establishes community outreach --- solves social signal better

Weinbeck 11 [Michael P. Weinbeck, J.D. Candidate, William Mitchell College of Law, 2011, "NOTE: WATCHING THE WATCHMEN: LESSONS FOR FEDERAL LAW ENFORCEMENT FROM AMERICA'S CITIES," 36 Wm. Mitchell L. Rev. 1306, William Mitchell Law Review] //khirn

C. Community Outreach and Education

Third, LOPRBs would devote the remainder of their resources to community outreach, particularly the dissemination of their policy research. Community outreach would involve both informing the community about the purpose and incentives of the LOPRB and teaching the community about potential future issues arising from how technological changes impact policing in the community. Policy recommendation has a qualitative [*1057] impact on police departments, rather than the quantitative impact of complaint review; for this reason, policy recommendations make it more difficult for the community to have simple metrics to understand the impact of LOPRBs. LOPRBs must establish open and continuous dialogue with the community at large so that the community can learn of the qualitative impact of LOPRBs. That dialogue also provides LOPRBs the opportunity to inform the community not only of the LOPRB's policy recommendations but also to teach the public regarding the changing nature of policing and the impact of data-collection technologies on individuals' privacy and constitutional rights.

Community outreach will also provide greater legitimacy to LOPRBs as a regulatory form. The legitimacy of civilian oversight mechanisms is correlated to the activeness and effectiveness of community outreach; n205 thus, the emphasis of LOPRBs on effectively using community outreach to establish a dialogue with the community will give LOPRBs greater legitimacy. LOPRBs will also have greater legitimacy than traditional civilian oversight because LOPRBs are specifically designed to represent and protect the interests of the general population, rather than merely to function as a punitive measure against police departments.

Strong community outreach can also help overcome the problem of "privacy myopia." n206 By educating the public regarding data-collection technologies and the LOPRB's policy recommendations for effective regulation, the community becomes more informed on the privacy costs associated with data-collection technologies. This will allow the public to overcome internal discounting that makes it difficult for individuals to properly value future costs compared to apparent present gains.

at: links to politics

Avoids political backlash

Weinbeck 11 [Michael P. Weinbeck, J.D. Candidate, William Mitchell College of Law, 2011, "NOTE: WATCHING THE WATCHMEN: LESSONS FOR FEDERAL LAW ENFORCEMENT FROM AMERICA'S CITIES," 36 Wm. Mitchell L. Rev. 1306, William Mitchell Law Review] //khirn

B. The Perceived Benefits of Civilian Oversight

There are more than 100 civilian oversight agencies in the United States covering about eighty percent of the largest cities and serving nearly one-third of the American population. n48 As Jerome Skolnick and James Fyfe observe, the underlying attraction to civilian oversight is plain:

When citizens ask for review of police conduct by civilians, they do so because they don't trust the police to investigate themselves. The demand for civilian review thus implies a failure of police administration that ... probably cannot be put right simply by employing more responsive administrators... . Like the institution of the jury, which arose not because judges were incompetent to hear and evaluate evidence and reach verdicts, but because judges were mistrusted, so too with civilian review of police misconduct. n49

A police department's internal affairs unit, operating on its own, lacks the credibility to conduct an independent investigation that is satisfactory to the community. n50 Minneapolis city council members, in an attempt to assuage community members and preserve their own political futures, established the city's review authority. n51 In theory, at least, a system of civilian oversight inserts into the police investigation process a watchman

without allegiance to the police who will ensure that the investigation is conducted without bias. n52 This, in turn, generally supports a perception by the community that its police department is operating with a proper respect for individual rights. n53 As a result, a greater level of trust develops between the police and the [*1315] community that ultimately greases the cogs of crime detection and prevention. n54

There are other benefits that municipalities enjoy when establishing a system of citizen oversight. Chief among them is the political coverage that the city's elected officials receive when establishing the agency. n55 For example, the Minneapolis Civilian Police Review Authority came into being in 1990 after police officers identified the wrong house in a drug raid. n56 During the course of the botched raid, the police killed an elderly couple who lived in the house. n57 In another episode not long after, the Minneapolis Police Department broke up a peaceful party of college-aged African Americans at a Minneapolis hotel. n58 In response to both incidents, outraged community members engaged in vehement and highly publicized demonstrations. n59

Besides providing a measure of **political coverage**, citizen oversight may also operate as a mechanism for saving cities money. n60 Wronged citizens, instead of bringing their grievances to court, enter the **civilian oversight system** where they may achieve redress that **ends up costing the city nothing more than the administrative costs of the investigation**. n61

at: police resistance

LOPRBs solve department backlash

Seybold 15 [Steven D., J.D. candidate, "Somebody's Watching Me: Civilian Oversight of Data-Collection Technologies," March, 2015, Texas Law Review, 93 Tex. L. Rev. 1029] //khirn

While LOPRBs would function as an effective regulatory mechanism for police department use of data-collection technologies, there are two potential concerns with the approach: (1) police department resistance to LOPRBs and (2) the potential application of LOPRBs to very small police departments. While these concerns at first glance appear to be significant hurdles to LOPRBs, neither truly presents a serious issue.

First, even a highly effective LOPRB providing quality policy recommendations to a police department would likely encounter some department resistance to the civilian oversight. This resistance may be created because of police department views of a civilian entity "meddling" or just the potential perception of an adversarial relationship between the [*1058] LOPRB and police department. n207 However, the structure of LOPRBs help overcome most of this resistance traditionally leveled against civilian oversight from police departments. The emphasis on policy review, rather than complaint review, means that LOPRBs will not directly regulate individual police officers but rather the **department as a whole**. This change in focus will likely reduce the intensity of any police department resistance because the potential adversarial relationship will be between the LOPRB and the police department instead of individual officers. n208 Furthermore, any resistance can be ameliorated by public pressure on police departments to enact the LOPRB's policy recommendations. The LOPRB's outreach will inform the local community of the use of data-collection technologies, potentially generating popular support behind LOPRB recommendations. LOPRBs can thus indirectly enforce their recommendations through utilizing that popular support and pressure on police departments. That indirect pressure on police departments will help reduce potential police department resistance because policy changes brought about through public pressure will be a reaction by the police department to the public at large, rather than directly reacting to the adversarial LOPRB.

Thus, while police department resistance likely cannot be completely overcome, **LOPRBs can ameliorate this traditional civilian oversight problem**.

LOPRB solves their DA's

Seybold 15 [Steven D., J.D. candidate, "Somebody's Watching Me: Civilian Oversight of Data-Collection Technologies," March, 2015, Texas Law Review, 93 Tex. L. Rev. 1029] //khirn

Technology has provided police departments with **powerful tools** to collect extensive data on private citizens. Those tools have captured images of every license plate passing through an intersection; n1 used facial-recognition technology to determine whether Super Bowl attendees had criminal records; n2 and implemented multi-technology systems that "aggregate[] and analyze[] information from approximately 3,000 surveil-lance cameras around the city ... ." n3 New technologies allow police departments to collect a range of data on the public space, including private citizens not under investigation, raising concerns regarding how that data may be used in the future. n4 And as storage and database capabilities have become cheaper and more efficient, the potential for expansive databases has become not only a science-fiction trope n5 but a reality. n6

[*1030] But despite potential, these new tools fit poorly within the current regulatory framework. Police departments have embraced the information age with little guidance or oversight, raising significant privacy concerns regarding the effect of mass-data collection on the privacy rights the general public has enjoyed for centuries. n7 At the same time, current regulatory mechanisms have not adequately addressed how police departments should use cutting-edge surveillance technologies. n8 Such regulatory mechanisms often are inhibited by conflicting motivations n9 or poorly adapted to technological change. n10 Scholars have proposed a variety of solutions to address the privacy and criminal law concerns raised by these "data-collection technologies," but these approaches often provide inadequate flexibility to local jurisdictions to address their unique problems n11 or focus too narrowly on correcting a particular, novel iteration of the problem. n12

[*1031] To overcome this regulatory deficit, civilian oversight can provide effective regulatory oversight of police departments' use of new and emerging technologies. Specifically, I argue that a specialized form of civilian oversight, the "Loyal Opposition" Policy Review Board (LOPRB), would function as a regulatory mechanism that not only provides proactive regulatory guidance on technology usage by police departments but would also allow for that guidance to be specifically tailored to the local community. n13 LOPRBs, composed of members who are informed on and invested in technology and civil rights, would undertake policy review of police department procedures for the use of new technologies and recommend "best practices" approaches to ensuring that individual privacy rights and police department investigative needs are effectively balanced. n14 Such a civilian oversight mechanism would ensure that the privacy concerns of the average citizen remain protected as new technologies are **incorporated into the daily operations of police departments**.

at: won't oversee every community

Doesn't matter

Seybold 15 [Steven D., J.D. candidate, "Somebody's Watching Me: Civilian Oversight of Data-Collection Technologies," March, 2015, Texas Law Review, 93 Tex. L. Rev. 1029] //khirn

Second, the valid criticism can be raised that not all jurisdictions or departments have the resources to create a local LOPRB. A LOPRB requires not only financial resources but also a sufficient number of invested and informed community members to draw from to form the Loyal Opposition. n209 In smaller towns and communities where the police department may contain only a few officers, it may be particularly difficult to justify the expense of a LOPRB, let alone draw qualified members to sit on the board. However, LOPRBs **do not have to be created in every jurisdiction** for LOPRBs to **provide effective regulatory oversight of data-collection** technologies nationwide. The exclusive policy-review focus of LOPRBs means that even in communities that do not have their own LOPRB, that community can look to other cities or towns to find the **best practices to implement in their own community**. This **sharing of policy recommendations across communities** is also facilitated by the civilian outreach of LOPRBs; just as the local community can learn about data-collection technologies and policy recommendations from their LOPRB's website or other resources, **other communities can also access those resources**. And communities that are too small to feasibly implement a LOPRB would be able to look to a variety of approaches taken by other [*1059] cities' LOPRBs, allowing those communities to determine which approach is most appropriate for their own community.

other offcase arguments

politics links

Their advantages prove it's a big ruling – guarantees politicization

Smith 7 [Joseph L., University of Alabama "Presidents, Justices, and Deference to Administrative Action", The Journal of Law, Economics, & Organization 5/9, (23)2]

The consequences of the institutional choice are more complex and potentially far-reaching. A decision endorsing the disputed agency action not only allows the agency decision to stand (with whatever policy consequences that entails) but also signals to the lower courts that agencies should be given latitude to take the disputed action. Every decision upholding a disputed agency action expands, ever so slightly perhaps, the ability of agencies to implement their agendas. Because lower courts are supposed to implement the legal doctrines articulated by the Supreme Court, the effects of this institutional choice, whether or not to defer to the agency decision, will ripple throughout the lower courts and should affect the decisions in many disputes. This article continues a line of research begun by Linda Cohen and Matt Spitzer in the 1990s. Cohen and Spitzer began with the insight that Supreme Court decisions evaluating agency actions do more than merely uphold or overturn the action being litigated. These decisions also communicate legal doctrine to the lower courts, sending signals regarding the level of deference they should show to agency decisions. Given the small number of administrative law cases the Supreme Court hears each term, they assert that the signal- sending or doctrinal element of these decisions will have a larger impact on policy than the direct effects on the litigants. Cohen and Spitzer argue that Supreme Court Justices can best achieve their policy-related goals if they consider their ideological relationship with the executive branch and then factor this relationship into their decisions evaluating administrative actions. Their model generally suggests that as the median member of the Court gets ideologically closer to the president, the Court should become more deferential to the administrative action.

terrorism da links

Surveillance cameras can monitor, detect, and deter terrorism---Boston Marathon bombing proves

Manjoo 13 [Farhad, technology columnist for the New York Times and the author of True Enough, "We Need More Cameras, and We Need Them Now," Slate, April 18, 2013] //khirn

On Thursday afternoon, the FBI released photos and video of two persons of interest in the Boston Marathon bombing. According to FBI special agent Richard DesLauriers, authorities are looking for two men, whom he labeled Suspect No. 1 (who was wearing a dark hat) and Suspect No. 2 (who was wearing a white hat). DesLauriers also said that Suspect No. 2 was seen planting a device just before Monday's explosions before heading west on Boylston Street.

What's notable about the images **the FBI released is how clear they are**. Though DesLauriers did not indicate the source of the images, the Boston Globe reported earlier that authorities were focusing on video "from surveillance cameras on the same side of Boylston Street as the explosions." If it turns out that the people in the FBI's photos are the guys who did it, they shouldn't be surprised that **surveillance cameras** turned out to be their undoing. Neither should you. We should see this potential break in the case as a sign of the **virtues of video surveillance.** More than that, we should think about how cameras could help prevent crimes, not just solve them once they've already happened.

Cities under the threat of terrorist attack should install networks of cameras to **monitor everything that happens at vulnerable urban installations**. Yes, you don't like to be watched. Neither do I. But of all the measures we might consider to improve security in an age of terrorism, **installing surveillance cameras everywhere may be the best choice**. They're cheap, less intrusive than many physical security systems, and—as will hopefully be the case with the Boston bombing—**they can be extremely effective at solving crimes**.

Surveillance cameras aren't just the bane of hardcore civil libertarians. The idea of submitting to constant monitoring feels wrong, nearly un-American, to most of us. Cameras in the sky are the ultimate manifestation of Big Brother—a way for the government to watch you all the time, everywhere. In addition to normalizing surveillance—turning every public place into a venue for criminal

investigation—there's also the potential for abuse. Once a city is routinely surveilled, the government can turn every indiscretion into a criminal matter. You used to be able to speed down the street when you were in a hurry. Now, in many places around the world, a speed camera will record your behavior and send you a ticket in the mail. Combine cameras with facial-recognition technology and you've got a recipe for governmental intrusion. Did you just roll a joint or jaywalk or spray-paint a bus stop? Do you owe taxes or child support? Well, prepare to be investigated—if not hassled, fined, or arrested.

These aren't trivial fears. The costs of ubiquitous surveillance are real. But these are not intractable problems. Such abuses and slippery-slope fears could be contained by regulations that circumscribe how the government can use footage obtained from security cameras. In general, we need to be thinking about ways to make cameras work for us, not reasons to abolish them. When you weigh cameras against other security measures, they emerge as the least costly and most effective choice. In the aftermath of 9/11, we've turned most public spaces into fortresses—now, it's impossible for you to get into tall buildings, airports, many museums, concerts, and even public celebrations without being subjected to pat-downs and metal detectors. When combined with competent law enforcement, surveillance cameras are **more effective, less intrusive, less psychologically draining, and much more pleasant than these alternatives**. As several studies have found, a network of well-monitored cameras can help investigators solve crimes quickly, and there's even evidence that cameras can help **deter and predict criminal acts**, too.

CCTV is an effective counter-terror solution

Manjoo 13 [Farhad, technology columnist for the New York Times and the author of True Enough, "We Need More Cameras, and We Need Them Now," Slate, April 18, 2013] //khirn

If the guys in the photos turn out to be the Boston bombers, it **won't be the first time** we've caught terrorists with surveillance cameras. It happened in London, the world's most-surveilled city, almost a decade ago. When a team of suicide bombers attacked the city's transportation systems on July 7, 2005, officials relied primarily on closed-circuit television cameras to identify the attackers. Thanks to CCTV cameras, **the identities of the bombers and their co-conspirators were determined in a few days' time**. Two weeks later, another team of bombers attempted to attack London's subway and bus system. Their bombs failed. The suspects fled. But the cops had them on camera. Within a day, police had isolated images of the attackers and released pictures to the media. Tips from the public poured in—and within a week, the police had **arrested the attackers and their accomplices**. (During the course of the stakeout, the cops also shot and killed an innocent man.)

court da links

Plan causes backlash and saps Court capital --- overturns past support for video surveillance and has widespread popularity

Timberg 14 [Craig, February 5, "New surveillance technology can track everyone in an area for several hours at a time," Washington Post, http://www.washingtonpost.com/business/technology/new-surveillance-technology-can-track-everyone-in-an-area-for-several-hours-at-a-time/2014/02/05/82f1556e-876f-11e3-a5bd-844629433ba3_story.html] //khirn

As Americans have grown increasingly comfortable with traditional surveillance cameras, a new, far more powerful generation is being quietly deployed that can track every vehicle and person

across an area the size of a small city, for several hours at a time. Although these cameras can't read license plates or see faces, they provide such a wealth of data that police, businesses and even private individuals can use them to help identify people and track their movements.

Already, the cameras have been flown above major public events such as the Ohio political rally where Sen. John McCain (R-Ariz.) named Sarah Palin as his running mate in 2008, McNutt said. They've been flown above Baltimore; Philadelphia; Compton, Calif.; and Dayton in demonstrations for police. They've also been used for traffic impact studies, for security at NASCAR races and at the request of a Mexican politician, who commissioned the flights over Ciudad Juárez.

Defense contractors are developing similar technology for the military, but its potential for civilian use is raising novel civil liberties concerns. In Dayton, where Persistent Surveillance Systems is based, city officials balked last year when police considered paying for 200 hours of flights, in part because of privacy complaints.

"There are an infinite number of surveillance technologies that would help solve crimes . . . but there are reasons that we don't do those things, or shouldn't be doing those things," said Joel Pruce, a University of Dayton postdoctoral fellow in human rights who opposed the plan. "You know where there's a lot less crime? There's a lot less crime in China."

The **Supreme Court** generally has given wide latitude to police using **aerial surveillance** as long as the photography captures images visible to the naked eye.

minimization cp

Text: replace "substituted selected warrant" with "warrant equivalent"

Solves the aff and avoids the crime/terror DA

Blitz 4 [Marc Jonathan, professor at Oklahoma City University School of Law, "Video Surveillance and the Constitution of Public Space: Fitting the Fourth Amendment to a World that Tracks Image and Identity," *Texas Law Review* 82.6 (May 2004): 1349-1481, lexis] //khirn

1. **Warrant Substitutes and Minimization**.-Even in suspicionless searches where a warrant or probable cause requirement cannot exist without destroying the effectiveness of the search, courts can and should demand "a constitutionally adequate substitute for a warrant."482 Even in such suspicionless searches, there is some constitutionally-mandated requirement or set of requirements that serves the key functions of a warrant, which are to "assur[e] citizens subject to a search or seizure that such intrusions are not the random or arbitrary acts of government agents" and that "the intrusion is authorized by law, and that it is narrowly limited in its objectives and scope."483 Notably, courts do not suggest that the need for such a "warrant equivalent" disappears in the face of a significant security risk. On the contrary, there is an expectation that even when a warrant is impracticable, a warrant equivalent is generally required.

In earlier cases, courts have found adequate constraints in a number of factors. Specifically, the warrantless searches that courts have allowed are often constrained in three ways:

(1) They leave the searching official with little discretion because of the standardization in:

(a) the purposes for which the search will be administered;484

(b) how the search is conducted;485 and

(c) the population on whom the search will be administered.486

(2) They are relatively nonintrusive in that they:

(a) are brief-and often only operate as an "entry condition" rather than an ongoing monitoring system;487

(b) are often entirely avoidable;488

(c) reveal little information-often only the presence or absence of drugs or metallic objects;489 and

(d) occur against the backdrop of regulated environments-leaving freer environments relatively untouched.490

(3) The necessity of the search is clear even without a review by a neutral magistrate because:

(a) the evidence available to those who created the search regime made it clear that the security problem it targets is a serious one;491 and

(b) the type of search used is well-suited to address this problem.492

Not all of these limitations are feasible in the context of public video surveillance in public streets. Unlike searches in schools or workplaces, the effects of searches in streets or parks are not limited to regulated environments, leaving freer environments undamaged. Nor does it seem possible to make the cameras entirely avoidable; on the contrary, doing so might defeat their purpose by giving would-be criminals a means of eluding them.

However, governments can make public cameras less privacy-invasive by imposing some of the constraints listed above. Perhaps the most obvious step they might take is to significantly limit the purposes for which video surveillance may be used. One version of such a purpose limitation is set out in the ABA Standards for Physically-Assisted Physical Surveillance, which requires that police use public video surveillance only when doing so is "reasonably likely to achieve a legitimate law enforcement objective."493

This standard puts some valuable limits on use of powerful new surveillance technologies. Police, for example, **could not build profiles of hundreds of law abiding citizens** simply on a hunch that such profiles might one day prove useful in solving a crime. But the ABA's limitation is still too broad. Authorizing the use of video surveillance for any law enforcement purpose allows officials to take video cameras, reluctantly accepted as tools for fighting violent criminals, and turn them on suspected shoplifters or petty thieves. As Jeffrey Rosen observes, such a transformation is precisely what occurred in Great Britain when public cameras proved to be of little help in fighting terrorism.494 While use of video surveillance to solve relatively minor, nonviolent crimes does benefit society (for example, in the form of less theft), it also carries a significant cost for anonymity and privacy in public life. As Michael Adler has noted in discussing electronic computer searches, such interest in nonviolent crimes brings pervasive police scrutiny closer to the realm of ordinary citizens' day-to-day lives.495 Camera operators charged with stopping shoplifters or pickpockets will have reason to closely scrutinize more ordinary activity than operators charged only with looking for evidence of violent crimes.

2nc minimization solves

Blitz 4 [Marc Jonathan, professor at Oklahoma City University School of Law, "Video Surveillance and the Constitution of Public Space: Fitting the Fourth Amendment to a World that Tracks Image and Identity," *Texas Law Review* 82.6 (May 2004): 1349-1481, lexis] //khirn

Apart from limiting the purposes to which public camera systems are put, courts can also ensure that even when cameras are being used to counter serious crime, they are focused as narrowly as possible on achieving that purpose. Just as the existing legal regime for wiretap demands that police avoid, wherever possible, capturing details of innocent conversations,503 a legal regime for video surveillance might require that governments take reasonable measures to keep innocent, law-abiding activities off of government video screens. As Christopher Slobogin has observed, perhaps the most important measure of this kind is a **strict limitation on suspicionless tracking of individuals**.504 It is here, in a determination of a search technique's reasonableness, that the "minimization" requirement explored earlier is most useful.

Cameras should not be locked onto particular people merely because government officials are interested in observing them, nor should officials be able to easily retrace someone's movements on camera footage without adequate grounds for doing so. As the Ninth Circuit stressed in Taketa, video searches are most offensive to Fourth Amendment values when they are "directed straight at" a person and are not simply searches of a place he happens to be.505

There are a number of measures government might take to ensure that cameras are not easily used to track or spy upon individuals. First, cameras might be trained on places or events instead of specific people. The police might point them only at areas, like subway platforms, where there is concern about crime, or at events, like large rallies, where there is a need for heightened security or crowd control. As Slobogin suggests, neighborhood-wide camera systems might be used only in areas where crime is a significant problem.506 Likewise, cameras might be activated only at specific times, such as when a terrorist alert requires heightened scrutiny in particular parts of a city. Moreover, even where spaces seem to require monitoring, courts might still ask whether camera systems can make public spaces sufficiently safe by monitoring people only at certain "entry-points" to various spaces, instead of subjecting them to pervasive observation when inside.

Second, cameras and recording devices might track suspicious activities or objects instead of particular people, with the aid of pattern recognition software designed to identify guns or other weapons. Even if currently available pattern-recognition software does not allow for visual identification of bombs or other dangerous devices, one might ask whether video networks can be used in conjunction with, and activated by, other technologies that detect the chemical or magnetic "signatures" of such devices.507

foucault links

Status quo surveillance enforces a two binary system, which utilizes information technology to meet ends of concretely identifying genderqueers

Conrad 9

2009, Kathryn Conrad, Department of English University of Kansas, “Surveillance, Gender, and the Virtual Body in the Information Age”
http://www.academia.edu/233018/Surveillance_Gender_and_the_Virtual_Body_in_the_Information_Age//TK

The legal regulation of sexual practices as well as the social stigma attached to non-normative sexual identities and behaviours have meant that those people practicing non-normative sex have had to create strategies for functioning in so-called 'normal' society—whether those strategies include 'outing' oneself and working for legal and social change, 'passing' as normative ('straight'), or, as is the case for many, some combination of these and other strategies. In this sense, surveillance contributes to the reinforcement of sexual norms both by facilitating exposure for deviance, which is then often punished, and by promoting self-regulation and concealment by those who operate outside of the norms. Tied closely to the surveillance and regulation of sexual behaviour and identity—tied in part because of the ways gender identity and sexual object choice are linked in the West—is the surveillance and regulation of gender. The genderqueer body—the intersexed, the hermaphroditic, the transgender(ed), the transexual, and even the 'effeminate male' or the 'masculine' female—is one that does not conform to the accepted biological binary of 'man' and 'woman' and/or its attendant 'masculine' and 'feminine' behaviours and physical markers. The history of lesbian and gay activism is closely tied to that of genderqueer activism (perhaps first and most obviously with the Stonewall Riots in New York in 1969, which saw the birth both of contemporary gay rights activism and transgender activism), and activism to challenge the gender system is one strategy for confronting a system into which genderqueers have not fit. But even

those who are 'out' about their genderqueer status must often 'pass' as one of two genders in order to survive—quite literally—in a two-gendered world. According to the group Gender Education and Advocacy, the between 1970 and 2004, 321 murders of trans people have been tallied; and 'more than one new anti-transgender murder has been reported in the media every month since 1989' (GEA 2004a, c2004b). Although gathering reliable statistics for the number of people killed because they were genderqueer is impossible, these statistics along with more publicised cases, such as that of the murder of Brandon Teena in 1993, suggest that being readably genderqueer, at least in the West, still comes with significant risk. Information technologies, as I have suggested above, have given some gender and queer theorists people hope for liberation from the sometimes oppressive gendered discourses that accompany biological embodiment. But surveillance, whether driven by criminology or marketing, has, as I have suggested above, been the engine for the very informatisation of the body in which these feminist and queer theorists have placed their hope. Further, surveillance, particularly the surveillance tied to prediction, is not only a use to which information technologies have been put; it is also the inspiration for many of the new developments in information systems technology. And the patterns that those information systems create, collect, and circulate are, in turn, intricately and inextricably bound up with surveillance technologies. This, I would suggest, should lead gender and queer theorists away from information technologies as a tool for the transformation of the human subject. The predictive models that are at the centre of current surveillance technologies have been created with the goal of prediction and therefore control of the future, but they must rely on the past to do so. The past provides the patterns from which the models take their shape. Given this, predictive models, and the surveillance systems that feed them, are inherently conservative. By this I do not mean to suggest that they are particularly politically conservative; indeed, many political conservatives are just as invested in the ideology of privacy that surveillance constantly transgresses. Rather, predictive models fed by surveillance data necessarily reproduce past patterns. They cannot take into effective consideration randomness, 'noise', mutation, parody, or disruption unless those effects coalesce into another pattern. This inability to accommodate randomness may simply suggest that predictive models are ineffective. But they are not ineffective; like other surveillance techniques discussed above, they are normative. The potentially normative effect of predictive surveillance might be clearest, and of most concern, in the case of the transsexual body who has transitioned from one gender to another. The virtual body created by data, in the case of a transsexual person, appears contradictory, confusing; the data history for a trans person comprises two bodies (male and female) rather than one genderqueer body. A hopeful reading, inspired perhaps by an optimistic (and selective) reading of Butler, would be that this contradictory data would have the effect of destabilising the gender system. But rather than abandoning the gender system that the transsexual / genderqueer body clearly transgresses, predictive surveillance technology, relying on past data as it does, can only reinforce it. The material body would thus be pressured to conform or be excluded from the system. Further, Lyon's concerns about 'leaky containers' of data are heightened when one's data history does not fit into accepted norms. The Director of the National Center for Transgender Equity in the United States, Mara Keisling, has discussed the potential impact of surveillance technologies on transgendered persons, expressing the fear that, for instance, radio-frequency identification (RFID) tags embedded in identification cards—an option initially considered in the United States REAL ID Act of 2005—would allow for the private gender data of a genderqueer person to be read from afar by those with RFID readers (Keisling 2007; NCTEquality 2008). As suggested above, the risks attending the exposure of personal data for a genderqueer person can be profound. Just as importantly, however, dataveillance that is tied to predictive strategies further embeds the very norms those bodies challenge. At the level of the everyday, such technologies put subjects' ability to control their own self-presentation—and their own decisions to accept, challenge, or 'pass' within the system—even further out of their hands. Conclusion. The potentially transformative effects of the body-as-information depend at least in part on the subject's ability to control that information. When the control of a person's information is out of that person's hands, however, so too is the nature of the potential transformation. The risks to the individual and to society with the rise of dataveillance are many, as Clarke has enumerated, including discrimination at the level of the individual and repression at the level of government (Clarke 1988). Where non-normative bodies are concerned, the risks can be even greater. The rise of information technology has corresponded to a rise in predictive surveillance for multiple uses, including marketing and criminal justice. But the information on which predictive models rely is always part of a

larger system, embedded both in time and place. To disentangle information from its material instantiation is inevitably to do some violence both to the data and the material. And while this violence may most obviously be felt by non-normative physical bodies, it has the potential to affect us all.

Surveillance creates a virtual body – one that's ontology is based completely on how information technology spies on the body's owner, and makes assumptions based on data gained

Conrad 9

2009, Kathryn Conrad, Department of English University of Kansas, "Surveillance, Gender, and the Virtual Body in the Information Age"
http://www.academia.edu/233018/Surveillance_Gender_and_the_Virtual_Body_in_the_Information_Age//TK

Although with a few exceptions, gender and sexuality have largely been invisible in surveillance studies, women and queers—that is, those whose bodies, sexual desires, practices and / or identities fall outside of the perceived heterosexual and gender-normative mainstream—have not been invisible to contemporary surveillance technologies. Although, similarly, surveillance per se remains largely unremarked in gender and queer studies and theories, the disciplines have much to offer each other. As I have suggested elsewhere, "the conjunction of queer studies and surveillance studies has the potential to illuminate the relationship between the state and private forces that shape space, behaviour, subjectivity, consumerism, and citizenship" (Conrad 2009). This essay explores the implications of the increasing 'informatization of the body' (van der Ploeg 2003: 58) in the context of surveillance, the relationship of feminist / gender theory to the ontological shift effected by this informatisation, and the impact of information surveillance and predictive models on non-normative bodies and practices, particularly genderqueer subjects. Predictive justice, predictive marketing: the rise of the virtual body. The rise of the virtual body has its roots in the interconnection between new information technologies and new directions in surveillance. Several scholars have noted that the rise of the contemporary surveillance society corresponds with 'a new form of penology based on "actuarial justice", which is legal abandonment of individualised suspicion' (Norris & Armstrong 1999: 26). The result, as William Staples puts it, is that 'we may be witnessing a historical shift from the specific punishment of the individual deviant to the generalized surveillance of us all' (Staples 1997: 6). This shift is part of a larger attempt to manage risk—a 'shift away from strategies of social control which are reactive (only activated when rules are violated) towards proactive strategies which try to predict dangers one wishes to prevent' (McCahill 1998: 54). More technologically advanced versions of this 'proactive' approach rely on 'dataveillance', or the surveillance of data, which is much cheaper as well as more comprehensive than physical surveillance techniques (Clarke 1994). The proactive approach also relies on predictive models and simulations. As David Lyon argues, behind this proactive approach is the assumption that gathering more and more information can lead to complete knowledge and thus more effective prediction (Lyon 2001)—a claim to which I will return later in this article. The motivation toward body surveillance as a more effective predictive tool is based on an assumption that the information gleaned from biometric technologies is more reliable than other kinds of data (Staples 1997). Faith is placed in the anatomical body as a repository for correct information about the subject, bypassing the mediating filter of human language, memory, desire, need, and so forth—that is, the complex and fallible human subject her- or himself. But perhaps paradoxically, since our culture has had an ambivalent relationship to the body, the data gleaned from the body has increasingly been privileged over the material body itself. Indeed, as N. Katherine Hayles as put it, since World War II, information has 'lost its body' (Hayles 1999). In her examination of cognitive science, philosophy, literature, information theory, cybernetics, and other disciplines and trends, Hayles traces a shift in Western thought toward the 'erasure of embodiment' (4) and toward seeing human consciousness as disembodied information. The physical body, in this

'posthuman' view, is effectively a prosthetic for thought and information, and 'embodiment in a biological substrate is seen as an accident of history rather than an inevitability of life' (2). Following Hayles, Irma van der Ploeg suggests that 'this "informatization of the body" may eventually affect embodiment and identity as such. We may need to consider how the translation of (aspects of) our physical existence into digital code and "information," and the new uses of bodies this subsequently allows, amounts to a change on the level of ontology, instead of merely that of representation' (van der Ploeg 2003: 58-9). In other words, the body itself is changing as a result of new information technologies and the ways in which we interact with them. She continues, 'with technological and discursive practices converging toward an ontology of "information," it is unlikely that their mediating link, embodiment— even while acknowledging its constraining and limiting power—will remain unaffected. And because embodiment concerns our most basic experience of the body and of being in the world, these developments carry profound normative and moral implications we ought to attempt to uncover' (59). In short, the information gleaned from body surveillance is not merely a 'data image', an irrelevant or circumstantial collection of information, but indeed is constitutive of the body. There is no distinct line between the biological body and the 'virtual body', to use another of van der Ploeg's terms; and when the virtual body is circulated, probed, even stolen (as in the case of 'identity theft'), those actions can impact the lived experience of the body. As van der Ploeg points out, 'the new, intensive forms of monitoring, categorizing, scrutinizing and, ultimately, controlling and manipulating of persons through their bodies and embodied identities that become possible in this new ontology suggest that some form of integrity of the person may be at stake' (71). It is worth pointing out that the virtual body appears not simply as the outcome of surveillance in a criminal justice or medical context. A Google search on the terms 'virtual body', for instance, brings up links to anatomical / physiological models, but also brings up the suggestion to 'see results for: virtual model' and links to sites that feature 'My Virtual Model', the latter proclaiming Brand ME I am the brand and Introducing the FACE Your model is now YOU 'My Virtual Model' provides visitors with the opportunity to enter data about their bodies in order to create a virtual image that enables them, for instance, to 'try on' clothing to make more informed purchases, to create an avatar to use in interactions on social networking sites, and to predict and visualise the changes in their biological bodies as the result of weight loss. In rather obvious terms, the site encourages the connection of self, avatar / virtual body, and consumption. What these sites illustrate is the extent to which the drive toward information gathering is driven as much by consumer capitalism as by criminal justice. There is a parallel drive between the 'actuarial justice' that surveillance has enabled and the 'predictive marketing' enabled by new information technologies, particularly those operating on the internet via 'data mining'—both part of the larger trend of 'dataveillance'. Such sites also offer the experience of the virtual body as one of agency and control. But as Lyon has noted, 'the combined influence of deregulation and risk management has done much to permit leaky containers to develop'—i.e., the sites where surveillance data is contained are not 'discrete' or 'sealed' (Lyon 2001: 39, 38, 37). As much as one might like to imagine the virtual body as a discrete entity within one's own control, the body-as-information is dispersed widely throughout an ever-proliferating number of information systems. Further, Hayles, following Frederic Jameson, notes that 'when bodies are constituted as information, they can not only be sold but fundamentally reconstituted in response to market pressures' (42).

Electronic surveillance enforces a panopticon like influence on the way that women act

Abu-Laban 14

2014, Yasmeen Abu-Laban, University of Alberta, Canada. “Gendering Surveillance Studies: The Empirical and Normative Promise of Feminist Methodology”
http://library.queensu.ca/ojs/index.php/surveillance-and-society/article/download/gend/gendering
//TK

Additionally, feminist analyses highlight how not only externalized control, but also how internalized forms of self-regulation may be gendered and historically specific. This is evident, for example, in a recent study of two generations of women in England reflecting on pregnancy. The findings suggest that the more recent cohort of women experience a much more intense form of public surveillance of pregnancy than their own mothers when it comes to their choices of food, drink, and fashion, as well as their body shape and judging their care given to the unborn (Fox, Heffernan and Nicolson 2009: 553-568). Research findings also suggest more widespread and older technologies—like television—may work in distinct ways with new reality show formats to feed into both public and internalized forms of surveillance and control. Thus Magubane (2008) traces the way the show Starting Over uses African-American female characters to function as "modern mammies" by guiding and monitoring white women to utilize self-discipline and seek self-improvement in such areas as weight control, self-esteem, relationships and reducing personal financial debt. Sears and Godderis suggest that the TV reality show A Baby Story engages a form of "lifestyle surveillance" that allows viewers to surveil reality TV participants, and at the same time for the formulaic televised representations to ultimately promote self-surveillance for the (mostly female) audience members. As they put it: "bringing together Foucauldian and feminist theory we argue that the idea of an electronic panopticon is useful in theorizing the potential impact of reality TV shows like A Baby Story" (Sears and Godderis 2011: 183). Taking the panopticon further, studies of the print media, which have systematically shown that female leaders are treated differently than males (Trimble 2007), also suggest that the print media watches with gendered effects. Thus in her analysis of the damaging treatment of former Hewlett-Packard President and CEO Carly Fiorina in The Wall Street Journal, Norander suggests, "For Foucault, the panopticon was the ultimate tool of surveillance—subjects could be watched, but did not know from which angle they were being observed. Women in high profile positions are often subject to such surveillance through the watchful eyes of the press—as well as through the transparency of the 'glass ceiling'"(Noranger 2008: 103). The work on gender and surveillance also reflects on how state surveillance may take gendered forms. One sphere in which women are especially prone to encountering state surveillance is in the area of social welfare. As a contemporary example, Monahan notes how electronic benefit transfer systems for American welfare and food stamp recipients serve to surveil poor and often racialized women. Introduced in the U.S. as part of the 1996 reform of welfare, ostensibly to prevent fraud, these systems track purchases made with electronic cards, with consequences for individual budgeting strategies and choices (Monahan 2010: 119; see also Eubanks 2012: 82). What is equally noteworthy is that as early as World War One, Britain's embryonic welfare state pension programme designed for war widows involved gendered bureaucratic surveillance (Smith 2010). In this way, the state effectively replaced the deceased husband as both the financial and moral guardian of war widows (Smith 2010: 524). These findings suggest the deeply embedded forms of gendered bureaucratic surveillance contained in the welfare state, a finding echoed about the judicial branch of the state by criminologists addressing gender and crime. Such work has much to say about how surveillance practices relate to gender and other social divisions (Barak, Leighton and Flavin 2010), how new forms of surveillance and surveillance technologies may reinforce existing social divides along new lines (Coleman and McCahill 2011: 286), and also how a variety of state institutions may be mobilized. On the latter, for instance Flavin draws attention to how the courts, laws and law enforcement agencies, and social welfare/child welfare agencies, work in tandem to effectively "police" women's reproduction in the United States in relation to conception, abortion, pregnancy and child-rearing (Flavin 2009). The importance of powerful institutions of state and society is further amplified in the work of Virginia Eubanks which provides a feminist take on science, technology and society studies. Specifically, focusing on American programs developed under the Bush and Obama administrations which target the "digital divide," Eubanks finds these have both underestimated the resources of "poor" communities and neighbourhoods, as well as the ways in which institutions relating to criminal justice, welfare and employment work to shape the relationship between "poor" people and information technology. Notably, in contrast to a dichotomous "digital divide," the marginalized women interviewed by Eubanks highlighted variable interaction with new technologies based on social location and complex relations of power (2012: 37-39). As such, the interviews with specific women allowed for the emergence of situated knowledge, so central to much feminist epistemology, and highly relevant for thinking about policies advancing "digital equity." Moreover, interviews with the subjects of surveillance provide one major way in which the technologically driven emphasis of much Surveillance Studies work is not only challenged, but a wider array of experiences and knowledge(s) of surveillance may arise. This is captured in the work of McCahill and Finn (2010) who utilize interviews with UK school-age children (ages 13-16) to illustrate how the actual experience of surveillance varies in relation to class and gender. As such they argue that "it may be useful for future research, including our own, to situate the 'subjective experiences,' and 'behavioural responses' of the 'surveilled' in a wider context by drawing upon sociological theories on 'identity formation' in 'late modernity'" (McCahill and Finn 2010: 286). The gender-specific implications of certain technologies are also a consideration in work done more

explicitly on surveillance, gender and other forms of identity. As one chilling example, the potential ways in which new technologies may be used for harmful ends is given in the recent work of Mason and Magnet (2012) on violence against women, and specifically domestic violence. They suggest violence against women is being increasingly facilitated by new technological strategies like tracking of Facebook and Twitter, installing hidden GPS monitors in cars, and use of computer SpyWare to monitor online activities. They show therefore how the strategies abusive partners may utilize to stalk have been amplified (Mason and Magnet 2012: 107-109). In the process, these popular technologies also transform into technologies of violence (Mason and Magnet 2012: 107). One of the more wide-ranging theoretical considerations of gender and surveillance has been helpfully advanced by Torin Monahan who starts with the observation that control is not the only feature of surveillance directed at women. As Monahan (2010: 113) notes, "Studies find that at least one in ten women are watched by control room operators for voyeuristic reasons alone." Monahan also suggests that the gendered implications of surveillance go beyond voyeurism because modern surveillance involves not only what he calls "context or use discrimination" (e.g. males are often in control rooms and may use video surveillance in voyeuristic ways with particular impact on some women) but also "body discrimination" (privileging male young white and able bodies), as well as "discrimination by abstraction" (evident in the ways that technological systems work on abstraction and often bypass context, and thus may be read as relying on "masculine" control at a distance) (Monahan 2010: 114-117). The idea of masculine control at a distance is one that Monahan posits as the most controversial, and it is a point I will return to from a different angle in considering care. To sum up then, by moving beyond the indifferent (and gender blind) tradition of Michel Foucault, and by bringing gender into the heart of discussions, the empirical findings of the fledgling literature explicitly linking gender and surveillance draws attention to how surveillance may work in ways that are technologically mediated as well as in ways that are not. As such, the surveillant gaze may still equally be the human eye, not just the electronic eye, and it may be differentially experienced as recent work on surveillant subjects makes clear. Work explicitly considering gender in Surveillance Studies suggests that forms of external as well as internal control are socially constructed and historically specific, and take gendered forms. The budding work that takes gender explicitly into account draws attention to state surveillance, and also suggests that technologically mediated surveillance may facilitate voyeurism, stalking and violence with specific implications for women. These important findings provide a base from which to envision further gendering Surveillance Studies research by building on methodological and epistemological pluralism.

1nc/2nc alt solves

Women's active resistance is key to effective counter-surveillance

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Almost every survey of fear of crime finds that women report being more fearful of crime than men. Whether in the home, the workplace or the city, it is fear of sexual violence and harassment from men which underpins women's higher fear (Gordon and Riger, 1989; Valentine, 1989). Feminists have viewed women's higher fear of crime as a manifestation of gender oppression and a damaging form of control of women's lives, reproducing traditional notions about women's 'place' in society (Hanmer and Saunders, 1984; Pain, 1991; Valentine, 1989). Sexual harassment in masculinist, heterosexual environments, whether they are public places or workplaces, has also been implicated in contributing to fear (Gardner, 1995; Junger, 1987). There is plenty empirical evidence about the spatial outcomes of this control, particularly the welldocumented effects of coping strategies which many women employ to avoid harassment and violence in public spaces (Pain, 1997; Painter, 1992; Valentine, 1989). However, there are some conflicts between theoretical development and empirical evidence around women's fear of urban spaces. The most recent suggestion, that men's fear may be considerably higher than previously thought, is dealt with later (in itself this does not challenge the fact that women experience high levels of fear of crime). Much relevant research on women's fear has revolved around two key paradoxes. The first and earliest is the paradox between levels of fear and violence discussed in the introduction—when women's high fear of crime was first discovered, it appeared far greater than their actual risks of victimisation (Balkin, 1979; Hough and Mayhew, 1983). In crime surveys in Britain and North America, reported rates of violence against women in the earlier sweeps were extremely low, leading to the assumption that women's fear must be irrational. This 'vulnerability' perspective has since been

heavily criticised for implying that women are inherently weak and passive 'born victims' and for ignoring structural explanations of violence which focus upon men (Stanko, 1985). This paradox has since been shown to be misleading, produced by the unrepresentative way that criminologists have defined and measured crime against women (Stanko, 1988). More sensitive and intensive research continues to show that levels of violence against women are far higher (Crawford et al., 1990; Hall, 1985; Mirrlees-Black et al., 1998) and easily justify women's high levels of fear of attack. A second paradox has been identified and explored by geographers—most research shows a mismatch between the types of location in which physical and sexual violence usually occur (private space) and the locations in which most women fear (public spaces), calling into question the idea that levels of victimisation can explain fear alone. To resolve this spatial paradox, feminists have argued that women are misinformed about the main location of danger, through the institutions of the family, the education system and the media (Hanmer and Saunders, 1984; Valentine, 1989). More recent research has indicated that misinformation does underlie fear in public space; most women are aware that domestic violence is more common than stranger attacks, but this knowledge has little effect on their fear of crime unless they have personal experience of domestic violence (Pawson and Banks, 1993; Pain, 1997). The fact that urban public spaces are relatively safe compared with the home has provoked attempts to reduce women's fear through changing the physical fabric of city centres and housing estates. Earlier feminist Downloaded from usj.sagepub.com at UNIV OF MICHIGAN on July 10, 2015 904 RACHEL PAIN contributions to the literature on women's experiences of public spaces tended to focus on negative aspects, including poor access to public transport, long distances between residential and shopping areas, and poor design which can make movement around the city difficult for mothers out with prams or young children as well as contributing to women's fear of assault (Little, 1993; Matrix, 1984; Valentine, 1990; Whitzman, 1992). While raising important issues which had previously been neglected by planners and architects, some of this literature has been criticised for taking an unintentionally essentialist perspective on women and urban design. Where the arguments have been extended to women's fear of crime, the overemphasis in policy on design solutions, as well as having little chance of success, ignores the wider social causation of women's fear outlined above (Koskela and Pain, 2000). Meanwhile, feminist writers such as Wilson (1991) have emphasised that the city is frequently a place of excitement and opportunity for women, not just a place to be feared. City centre spaces at once have varying meanings to different people (Pain and Townshend, forthcoming). Different notions of femininity are also entwined with different constructions of the fear of crime. For example, some have suggested that the emphasis on 'fear' and its negative consequences in writing about women and crime reproduces notions about feminine weakness (Segal, 1990). It has also been suggested that responses to the newly identified problem of women's fear from police forces and government departments tend to entrench stereotypes further, rather than challenge them (Stanko, 1990b). Koskela's (1997) analysis of women's fear of attack in Finland emphasises that women respond to the threat of crime with 'boldness' as well as fear and 'spatial confidence' as well as spatial avoidance. She highlights the influence on women's fear of the particular cultural and geographical context of Finland, which has a better record on gender equality than many other European or North American countries. She presents the stories of those women who are not afraid but respond to the threat of violence with boldness and defiance rather than fear and the fact that, just as some women become fearful at certain times, others lose the 'space of fearfulness' through certain life experiences. In so doing, she challenges the unintentional portrayal of previous research of fearfulness as an essentially female quality: It has been pointed out in this study that women do not passively experience space but actively produce, define and reclaim it. Many women in Finland reclaim space for themselves through consciously routinised use, and are able to 'tame' space by various expressions of courage. They have several ways of negotiating danger, reading the signs of danger, taking possession of space, and using power on urban space: women show 'spatial expertise'. This demonstrates that women's everyday spatial practices can be practices of resistance. By their presence in urban space women produce space that is more available not only for themselves but also for other women. Women's spatial confidence can be interpreted as a manifestation of power. Hence, at the level of the whole society, women's safety in public is arguably improved more by women going out than by them staying inside (Koskela, 1999, Epilogue p. 3; original emphasis).

Performative gender is resistance against gendered spaces, which encourage conformity

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I have argued that the ideology of separate spheres has been encoded within the fabric of cities, which can therefore be "read" for their scripts about gender. In this section I shift my focus from the processes through which meanings of gender are incorporated into urban landscapes, to the processes through which these meanings are activated in people's everyday lives. On this account gender is produced performatively, that is through the routine, unselfconscious citation or enactment of gender scripts in the ordinary practices of urban life. These processes are as much about the embedding of gender in urban space as in the bodies of city dwellers. Thus, gender and urban space are performed in relation to each other and are mutually constituted (Rose 1999). Performances of gender and space are not unchanging or set in stone, but are recognisable only if they draw upon at least some elements of previous performances. Consequently meanings of gender and space tend to congeal through their repetition, and these routine, taken-for-granted forms constitute dominant or hegemonic versions, or regulatory fictions (Butler 1990). Dominant gender scripts are like the air that we breathe in that they are ordinarily invisible and unnoticed except in their absence. Consequently, it is often "gender dissidents" whose experiences most easily highlight taken-for-granted ways of doing gender, and, among this group, sexual dissidents – especially lesbians and gays – have been the subjects of most urban research. Gill Valentine (1996), for example, has illustrated the intensely heteronormative qualities of urban space such that a heterosexual couple holding hands or kissing in a street, shop or restaurant is unremarkable, whereas a same-sex couple doing likewise is not. Lesbians and gays have responded to the oppressive qualities of heteronormative space in a variety of ways, often protecting themselves by concealing their sexual orientation and "passing" as heterosexual (Valentine 1993b), and sometimes by working to transform or queer urban space, whether through the creation of gay neighbourhoods (see for example Lauria and Knopp 1985; Rothenberg 1995), or the temporary colonisation of heterosexual spaces in gay pride parades (Johnston 2002; Munt 1995). These latter interventions have the potential to alter the gendered meanings of particular urban spaces whether temporarily or enduringly. In an essay that highlights gender dimensions of dissident performances, David Bell, Jon Binnie, Julia Cream and Gill Valentine (1994) discuss potentially subversive enactments of exaggerated versions of normative masculinity and femininity by lesbians and gays. These include hyper-feminine "lipstick lesbians" wearing make-up, high heels and conventionally feminine clothes and hair-dos, and hyper-masculine "gay skinheads" with shaven heads, work boots and conventionally macho clothing (Bell et al. 1994, 33). In so far as such performances are recognised as parodies of dominant gender scripts, they have the potential to unsettle assumptions that map heterosexual masculinity and femininity as complementary opposites, and lesbian and gay identities as somehow "twisted". However, this account is limited by its reliance on the active choices of performers and the recognition of parodic intent by observers (Nelson 1999). The mutual performativity of gender and space, and the power of regulatory fictions, run deeper than these intentional acts and interpretations. Indeed hyper-feminine and hyper-masculine styles are at least as likely to reinforce as to disrupt normative discourses of gender, and those who adopt them are as likely to be pressed into, and to 11 find themselves colluding with, entirely conventional readings of gender and sexuality, whatever their intentions might be. Gillian Rose (1993) has explored the spatial production of discourses of gender as well as possibilities for their transformation. She argues that dominant conceptions of space privilege binary constructions of gender and press non-dualistic differences back into this form, as I have described in the case of lipstick lesbians and gay skinheads. Thus, while cities are sites in which women and men routinely enact a variety of masculinities and femininities, this diversity generally remains firmly bound within the dominant binary structure, which reduces differences to variations on a theme. Focusing on women's experiences of space, Rose (1993, 150) describes a paradox in which women are simultaneously "prisoners and exiles", trapped within oppressive, hegemonic spaces, and yet also unable to access legitimate positions within these spaces. The power of normative readings of gender is also illustrated by Kath Browne (2004) who describes how women whose bodies are (mis)read as masculine are subject to punitive treatment, especially in the gender-segregated spaces of women's washrooms (also see Namaste 1996). Such accounts highlight the resilience of dominant, binary gender scripts, and might appear to suggest that these regulatory fictions are unbreachable. But Rose (1993, 1999) does not take this pessimistic view, arguing instead that women's paradoxical positioning needs to be grasped as an asset that contains possibilities for the tentative articulation of alternative versions of femininity at the edges of available discourses. Stressing the mutual constitution of space and gender, and spatialising Luce Irigaray's (1993) efforts to re-imagine sexual difference, Rose (1999, 258) attempts to offer "a way of thinking, dreaming and practising other spaces that carry other ways of producing differential relations". Put another way, transcending the binary structure of gender entails making space for other differences: gender and space are necessarily coperformed. The performativity of gender is a vital ingredient in the production urban difference. Notwithstanding the power of binary discourses, the enactment of gender necessarily varies in different contexts, and every citation of the available gender scripts contains possibilities for mis-citations through which meanings of gender might shift. These possibilities are suggested in Hille Koskela's (2005) account of different performances of gendered space. Focusing on women's experiences of urban streets, she differentiates between spaces experienced as unpredictable and anxiety-provoking, which she calls "elastic"; the

boldness and spatial confidence enacted in the "taming" of spaces that might otherwise induce anxiety; and the "suppression" of spontaneity, difference and challenge associated with spaces subject to continuous surveillance by technologies, such as Closed Circuit teleVision cameras. The idea of gender as performative is sometimes criticised on the grounds that it neglects pre-discursive practices and materiality. I have sought to articulate an alternative view that avoids opposing discourse to practice or matter, at the same time as acknowledging limits to discourse (Butler 1993). These limits are the limits of legibility and intelligibility, and can be illustrated by considering the troubling effects of gender-ambiguous bodies in urban space. Most of us recognise the gender of others within the terms of the binary model so swiftly and so routinely that our curiosity is swiftly aroused if we are unable, almost instantly, to allocate someone to one category [12] or the other. Whatever our response to such moments – pleasure, outrage, indifference – the point I wish to make is how they illuminate the power and reach of the binary model, which operates beneath conscious awareness, and remains unarticulated most of the time. Only when brought into question is it noticed. At such moments, and in all the unnoticed ones, discourse, practice and materiality are one and the same. Approaching gender as performative cuts across the distinction between individual embodiment and social relations discussed in the preceding sections, locating gender as simultaneously attached to bodies and transcending them. Performative approaches to gender can therefore serve to enrich consideration of gender identities and gender relations in urban life.

War on Drugs DDI

T

T- domestic

Domestic surveillance deals with information transmitted within a country

HRC 14 Human Rights Council 2014 IMUNC2014
https://imunc.files.wordpress.com/2014/05/hrc-study-guide.pdf

Domestic surveillance: Involves the monitoring, interception, collection, analysis, use, preservation, retention of, interference with, or access to information that includes, reflects, or arises from or a person's communications in the past, present or future with or without their consent or choice, existing or occurring inside a particular country**.**

Violation: they deal with drug cartel that is not within U.S. borders

Any foreign element means it is not domestic

Olberman 6 Countdown with Keith Olberman, msnbc.com updated 1/26/2006 7:05:00 PM ET White House defines 'domestic' spying
http://www.nbcnews.com/id/11048359/ns/msnbc-countdown_with_keith_olbermann/t/white-house-defines-domestic-spying/#.VU1lZJOYF2A

The White House is trying to sell this so hard that it actually issued an official press release titled, "Setting the Record Straight, Charges of Domestic Spying."

Look, your tax dollars in action. Word wealth, SAT training class. As a public service, COUNTDOWN will now review, and, where applicable, provide translations of the White House take on what "domestic" means versus what "international" means, and then we'll add a few bonus examples of our own.

Quoting, "Deputy Director Of National Intelligence General Michael Hayden," semicolon; "One End Of Any Call Targeted Under This Program Is Always Outside The United States."

This is the glass-is-half-full view of warrantless eavesdropping, much as if a U.S. soldier, who, like the average human male, has about 12 pints of blood in his body, would lose six of those pints.

Critics of the NSA terrorist surveillance program would say, That soldier is half empty. The White House would remind you that that soldier is half full.

Anyway, the press release actually gives several examples of the differences between the meanings of these two words. "Definition, Domestic Versus International. Domestic Calls are calls inside the United States. International Calls are calls either to or from the United States."

And don't forget to deposit $2 for the first five minutes, and an extra $2 to cover the cost of the guy listening in at the NSA.

"Domestic Flights," the White House reminds us, "are flights from one American city to another. International Flights are flights to or from the United States."

So what happens if I call a domestic airline about a flight to Europe, but they've outsourced their reservation agents to India? Is that a domestic call about an international flight, or an international call about a domestic flight?

Wait, there's more. "Domestic Mail consists of letters and packages sent within the United States," the press release reads. "International Mail consists of letters and packages sent to or from the United States."

Advertise

And don't forget, we can not only open either kind, kind if we damn well feel like it, but if you're using an international stamp and we need it for our collection, we're keeping it.

One more item from the press release, "Domestic Commerce involves business within the United States. International Commerce involves business between the United States and other countries."

International commerce. You know, the kind of stuff Jack Abramoff did for the -- Huh, leave Abramoff out of it? Gotcha, sorry.

Well, anyway, if you're still not clear on this domestic-versus-international stuff, as promised, a couple of more definitions to help pull you through.

Domestic is an adjective describing your dog or cat or any other animal you have as a pet, like a tiger or a boa constrictor. "The Internationale," meanwhile, is the worldwide anthem of those socialists and communists.

Internationals are soccer players who play in countries in which they were not born.

Domestics is an old-timey kind of term for people who cleaned your house.

International is the kind of law that lets us take terror suspects to old Soviet-era gulags in Eastern Europe and beat the crap out of them, while domestic is the kind of wine they bottle in California.

Ground- No ground for the neg to run any of their args---and this isn't just a neg whine. There would be no CP solvency other than a stale states debate to run against small projects affs or city affs

Voters:

Education- If they are off topic, it ruins the value of debate. The framers of the resolution created it for a reason : for us to learn about a specific topic. If they aren't on topic and going against the very things we learned in elementary school, we don't learn about the topic the way we should and thus destroy the value of debate.

Fairness- The aff is being unfair with their case and interpretation of the resolution. This is explained by the fact they explode the topic by underlimiting it, making it unfair to be the neg because we lose so much ground that we can hardly debate.

Jurisdiction- T is a voter because it is not within the judge's jurisdiction to vote for an untopical case. The judge's realm of jurisdiction is the resolution, and nothing else. Even if the aff proves their untopical case to be a good idea, you can't vote for them when we show they didn't actually affirm the resolution due to the fact they are off topic.

CP

Marijuana cp

Plan: The USFG should legalize marihuana in the United States, and retroactively release those convicted for crimes related to marihuana and compensate them.

every year tons of people are arrested, convicted, prosecuted, and ultimately confined in a prison industrial complex that is growing out of control

BW 12, Brown Watch, News for People of Color, "War on Drugs is a War on Black & Brown Men - 75 Years of Racial Control: Happy Birthday Marijuana Prohibition", October 2, www.brown-watch.com/genocide-watch/2012/10/2/war-on-drugs-is-a-war-on-black-brown-men-75-years-of-racial.html

"There are 100,000 total marijuana smokers in the US, and most are Negroes, Hispanics, Filipinos and entertainers. Their Satanic music, jazz and swing, result from marijuana usage. This marijuana causes white women to seek sexual relatisons with Negroes, entertainers and any others."- Harry Anslinger, first Drug Czar. From [HERE] As we approach the 75th anniversary of marijuana prohibition in the United States on October 1, it is important to remember why marijuana was deemed illicit in the first place, and why we as Americans must open our eyes to the insidious strategy behind 75 years of failed policy and ruined lives. Marijuana laws were designed not to control marijuana, but to control the Mexican immigrants who had brought this native plant with them to the U.S. Fears over loss of jobs and of the Mexicans themselves led cities to look for ways to keep a close eye on the newcomers. In 1914, El Paso Texas became the first jurisdiction in the U.S. to ban the sale and possession of marijuana. This ban gave police the right to search, detain and question Mexican immigrants without reason, except the suspicion that they were in possession of marijuana. Folklore started to erupt about the effect that marijuana had on those who used it. As Harry Anslinger stated, "Reefer makes darkies think they're as good as white men."¶ Fast forward to 2012. Marijuana is still an illicit substance and the laws are still being used to justify the search, detainment and questioning of populations deemed "untrustworthy" and "suspicious" by modern society, namely the poor and young men of color. A prime example is New York's Stop and Frisk program, which stopped nearly 700,000 people in 2011. Hailed as a strategy for removing guns and violent crime from the streets, this method of stopping and questioning "suspicious" individuals, highlights the racial inequities associated with drug laws. From 2002 to 2011, African American and Hispanic residents made up close to 90% of people stopped. This is not limited to New York. In California, African-Americans are 4 times more likely to be arrested for marijuana, 12 times more likely to go to prison with a felony marijuana charge, and 3 times more likely to go to prison with a marijuana possession charge.¶ The strategy of using marijuana laws to stop, detain and imprison poor and minority populations must stop NOW. In the past 75 years we have seen mounting evidence of the benign nature of the marijuana plant, and its tremendous potential for medical development. But the rampant misinformation about the effects of marijuana USE is dwarfed by the lifetime of suffering that a marijuana CONVICTION can bring. In 2010, there were 853,839 marijuana arrests in the U.S., 750,591 of those were for possession. A drug conviction in America is the gift that keeps on giving. Affected individuals must face a lifetime of stigma that can prevent employment, home ownership, education, voting and the ability to be a parent. The issue of mass incarceration and the War on Drugs is featured in the new documentary, The House I Live In. In the film, Richard L. Miller, author of Drug Warriors and Their Prey, From Police Power to Police State, presents a very sinister take on the method behind the Drug War madness. Miller suggests that drug laws, such as those for marijuana are part of a process of annihilation aimed at poor and minority populations. Miller poses that drug laws are designed to identify, ostracize, confiscate, concentrate, and annihilate these populations by assigning the label of drug user, criminal, or addict, seizing

property, taking away freedom and institutionalizing entire communities in our ever growing prison system.¶ We can stop this from happening. Marijuana was deemed illegal without acknowledging science or the will of the people. 75 years later, 50% of the population supports marijuana legalization, and families are still being torn apart and lives destroyed over the criminal sanctions associated with its use. The most vulnerable members of our society are also the targets of a prison industrial complex out of control and getting bigger every day. Someone is arrested for marijuana in the U.S. every 38 seconds, we have no time to waste, tax and regulate now.¶ Oregon, Colorado and Washington are all considering a more sensible and humane approach to marijuana as all three have tax and regulate initiatives on their ballots this November. This is a unique opportunity for citizens to cast a vote heard round the world, to stand up not only for the freedom to consume marijuana, but against the atrocities and human suffering that result from the criminalization of it.

reframing legalization as a question of justice positions it as a viable alternative to the "war on drugs" frame

Katherine **Tate 14**, Professor of Political Science at UC Irvine, *Something's in the Air: Race, Crime, and the Legalization of Marijuana*, pg. 9

For increasing numbers of Americans, **legalization** of personal- use marijuana is the **only alternative** to draconian laws drawn up in the "war on drugs" regime of the past three decades. It is well established that concern and paranoia over petty "crack" cocaine arrests for sales, possession, and use drove the mass warehousing of California's prisons and jail populations to become the largest in the United States (Lusane 1991: Provine 2007: Reinerman and Levine 1997: Weatherspoon 1998: Weaver 2007). Miller (2008) contends that the U.S. federal system of crime control has left minority citizens less able to challenge unfair sentencing laws. Noting that marijuana possession constituted nearly 8 of 10 drug-related arrests in the 1990s. Michelle Alexander (2010) insists that this period of "unprecedented punitiveness" resulted "in prison sentences (rather than dismissal, community service, or probation)" to the degree that "in two short decades, between 1980 and 2000 the number of people incarcerated in our nation's prisons and jails soared from roughly 300.000 to more than 2 million. By the end of 2007, more than 7 million Americans—or one in every 31 adults— were behind bars, on probation, or parole" (Alexander 2010. 59). Pushed by drug prosecutions, the rising rate of incarceration reached unprecedented levels in the 1990s. Today's movement toward more prisons, mandatory minimums and reinstatement of the death penalty logically followed the racially exploitative "law and order" campaigns of the 1960s and 1970s (Murakawa 2008). Conservative American politicians use the mythical Black or Hispanic male drug dealer, like the Black female welfare queen, to drum up votes. A widespread consensus in reported government statistics, advocacy studies, and policy think tanks suggests that African Americans bear the brunt of law-and-order management of U.S. marijuana laws because of how marijuana use is racialized. Political scientist Doris Provine contends that the U.S. government increased its punitive response toward drug use as a response to racial fears and stereotypes. She writes: "[d]rugs remain, symbolically, a menace to white, middle-class values" (2007. 89). Both politicians and media have used this issue to construct a crisis and sustain punitive state drug laws. The war on drugs, she concludes, has greatly harmed minority citizens through their imprisonment, contributing to deep inequalities in education, housing, health care, and equal opportunities to advance economically. The facts of use. sales, and possession, confirmed by academic and critical legal studies literature, are strikingly different from how the national and local media choose to present them. One study focusing on marijuana initiate found "among Blacks, the annual incidence rate (per 1.000 potential new users) increased from 8.0 in 1966 to 16.7 in 1968. reached a peak at about the same time as "Whites" (19.4 in 1976). then remained high throughout the late 1970s. Following the low rates in the 1980s, rates among Blacks rose again in the early 1990s, reached a peak in 1997 and 1998 (19.2 and 19.1. respectively), then dropped to 14.0 in 1999. Similar to the general pattern for Whites and Blacks. Hispanics' annual incidence rate rose during late 1970s and 1990s, with a peak in 1998 (17.8)" (National Survey on Drug Use 1999). Individuals and groups **in** civil society, **advocacy communities**, and state legislatures must put forth a serious struggle among activists and potential coalition **partners** who can understand **the need for reform as a matter of** civil rights and **justice**, and not the morality of marijuana consumption. Supporting decriminalization potentially can be the training ground for a new generation of leadership in addressing the larger problem of mass incarceration and social and political isolation associated with it. For Black people and their allies who long for the days— against all odds—of

political education, voter mobilization, legal reform, group solidarity, challenge to the political parties, and political empowerment, expressed in the modern civil rights movement, the matter of decriminalization is ripe for galvanizing a collaboration at the grassroots. Too many Blacks have assumed that the "War on Drugs" ended with the dissipation of the "crack" emergency, when, in sum, marijuana's criminalization—rather than incarceration—of Black people has been more perennial. If Michelle Alexander (2010) is correct in arguing that mass incarceration has effectively reasserted Jim Crow second-class citizenship (or no citizenship) rights on African American people, then they must get off the sidelines of the legalization of cannabis or decriminalization struggle and stop allowing others to fight what is essentially their battle. This has long been the case in the challenge to the crushing "prison industrial complex." Whites and others, for the most part, have been the leaders in reform efforts concerning such things as mandatory minimums, the old 100:1 gram of cocaine-to-crack formula, and health care for geriatric or HIV AIDS patients in prisons, while we have seen Calvin "Snoop- Dogg"' Broadus become more influential than the congressional Black Caucus to our young. When ordinary people change their thinking and consciousness and begin to demystify small, personal- use marijuana, then the leaders will eventually come around without reticence or fear. **The marijuana debate needs to be reframed to remove all penalties against its use** (Scherlen 2012). **This is our exit strategy:** decriminalization reform is the only path to reversing the dismal trends minorities face in America.

Legalizing marihuana helps stop racial profiling

Associated Press, 15' ("Colorado's pot legalization does little to solve racial disparity in drug arrests ") m.dawghttp://www.theguardian.com/us-news/2015/mar/25/colorado-marijuana-legalization-racial-disparity-drug-arrests

The analysis did not break out data for Colorado's largest ethnic minority, Latinos. That's because data comes from the National Incident-Based Reporting System, which does not tally numbers for Latinos. Advertisement One of the region's top officials for coordinating drug enforcement, Tom Gorman of the Rocky Mountain High Intensity Drug Trafficking Area program, insisted that officers are not racially profiling pot users. "Racial disparities exist in other laws. What does that mean, that homicide law, rape laws, weapon laws are racist? There are other factors going on here that we need to address," Gorman said. After legalization, racial disparities did ease somewhat for marijuana distribution charges. Blacks accounted for about 22% of such arrests in 2010 and around 18% in 2014. The arrest data got a mixed response from the regional head of the NAACP. "The overall decrease in arrests, charges and cases is enormously beneficial to communities of color who bore the brunt of marijuana prohibition," Rosemary Harris Lytle said in a statement.

DA

Terror DA

The threat is increasing – recruiting levels are high and the likelihood of a homegrown attack is huge

VOA News 5/11/15 (Homeland Security Chief: Global Terror Threat Has Entered 'New Phase'")

> Appearing on the Fox News Sunday broadcast from Paris, Congressman Michael McCaul, chairman of the House Homeland Security Committee, said there has been an uptick in threat streams against local police and military bases.¶ "We're seeing these on an almost daily basis. It's very concerning. I'm over here with the French counter-terrorism experts on the Charlie Hebdo case, how we can stop foreign fighters coming out of Iraq and Syria to Europe. But then, we have this phenomenon in the United States where they (terrorists) can be activated by the Internet. And, really, terrorism has gone viral," said McCaul.¶ McCaul said the potential terror threat may even be greater than the FBI has outlined. He said the United States faces two threats: one from fighters coming out of the Middle East and the other from thousands at home who will take up the call to arms when the IS group sends out an Internet message. He warned **the threat will only get worse**, largely because of the existence of so many failed states in the Middle East and North Africa.

Risk of terrorism is low now because of communciations surveillance

Lewis 14 (senior fellow and director of the Strategic Technologies Program at the Center for Strategic and International Studies)
(James Andrew, Underestimating Risk in the Surveillance Debate, http://csis.org/files/publication/141209_-Lewis_UnderestimatingRisk_Web.pdf)

> There is general agreement that as terrorists splinter into regional groups, the risk of attack increases. Certainly, the threat to Europe from militants returning from Syria points to increased risk for U.S. allies. The messy U.S. withdrawal from Iraq and (soon) Afghanistan contributes to an increase in risk.24 European authorities have increased surveillance and arrests of suspected militants as the Syrian conflict lures hundreds of Europeans. Spanish counterterrorism police say they have broken up more terrorist cells than in any other European country in the last three years.25 The chairman of the House Select Committee on Intelligence, who is better placed than most members of Congress to assess risk, said in June 2014 that the level of terrorist activity was higher than he had ever seen it.26 If the United States overreacted in response to September 11, it now risks overreacting to the leaks with potentially fatal consequences.
>
> A simple assessment of the risk of attack by jihadis would take into account a resurgent Taliban, the power of lslamist groups in North Africa, the continued existence of Shabaab in Somalia, and the appearance of a powerful new force, the Islamic State in Iraq and Syria (ISIS). Al Qaeda, previously the leading threat, has splintered into independent groups that make it a less coordinated force but more difficult target. On the positive side, the United States, working with allies and friends, appears to have contained or eliminated jihadi groups in Southeast Asia.
> Many of these groups seek to use adherents in Europe and the United States for manpower and funding. A Florida teenager was a suicide bomber in Syria and Al Shabaab has in the past drawn upon the Somalipopulation in the United States. Hamas and Hezbollah have achieved quasi-statehood status, and Hamas has supporters in the United States. Iran, which supports the two groups, has advanced capabilities to launch attacks and routinely attacked U.S. forces in Iraq. The United Kingdom faces problems from several hundred potential terrorists within its large Pakistani population, and there are potential attackers in other Western European nations, including Germany, Spain, and the Scandinavian countries. France, with its large Muslim population faces the most serious challenge and is experiencing a wave of troubling anti-Semitic attacks that suggest both popular support for extremism and a decline in control by security forces. The chief difference between now and the situation before 9/11 is that all of these countries have put in place much more robust surveillance systems, nationally and in cooperation with others, including the United States, to detect and prevent potential attacks. Another difference is that the failure of U.S. efforts in Iraq and Afghanistan and the opportunities created by the Arab Spring have opened a new "front" for jihadi groups that makes their primary focus regional. Western targets still remain of interest, but are more likely to face attacks from domestic sympathizers. This could change if the well-resourced ISIS is frustrated in its efforts to establish a new Caliphate and turns its focus to the West. In addition, the al Qaeda affiliate in Yemen (al Qaeda in the Arabian Peninsula) continues to regularly plan attacks against U.S. targets.
>
> The incidence of attacks in the United States or Europe is very low, but we do not have good data on the number of planned attacks that did not come to fruition. This includes not just attacks that were detected and stopped, but also attacks where the jihadis were discouraged and did not initiate an operation or press an attack to its conclusion because of operational difficulties. These attacks are the threat that

mass surveillance was created to prevent. The needed reduction in public anti-terror measures without increasing the chances of successful attack is contingent upon maintaining the capability provided by communications surveillance to detect, predict, and prevent attacks. Our opponents have not given up; neither should we.

Terrorist groups work within drug cartel

Judical Watch, 13' (aw-breaking thrives with secrecy. Judicial Watch fights government secrecy through litigation under FOIA (Freedom of Information Act), state Open Records Acts, and related transparency laws. Representative issues and cases, "Mexican Cartels Help Hezbollah Infiltrate U.S.") m.dwag

In a shocking revelation made by a veteran U.S. counterterrorism expert, Hezbollah has infiltrated the Southwest United States by joining forces with Mexican drug cartels that have long operated in the region. Judicial Watch has for years reported on the chilling connection between Islamic extremists and Mexican drug cartels. In fact, as far back as 2007 JW wrote about an astounding Drug Enforcement Agency (DEA) report that lays out how Islamic terrorists and Mexican drug gangs have teamed up to successfully penetrate the U.S. as well as finance terror networks in the Middle East In Hezbollah's case, a growing "business relationship" with cartels has allowed the Shia Islamic militant group to have a growing presence in the U.S., says Matthew Levitt, an esteemed terrorism expert with an impressive resume. Levitt is a former counterterrorism intelligence analyst at the Federal Bureau of Investigation (FBI) and State Department counterterrorism adviser. He also served as the No. 2 intelligence official at the U.S. Treasury where he operated the agency's terrorism and financial intelligence branch. Levitt offers details of this mind-boggling collaboration between two powerful criminal enterprises in a new book titled: "Hezbollah: The Global Footprint of Lebanon's Party of God." A nonprofit dedicated to exposing the dangers of Islamic extremism, the Clarion Project, profiled the book in a recent article titled "Growing Hezbollah Presence in Southwest U.S." Hezbollah's business relationship with Mexican drug cartels is a driving force behind this phenomenon, according to the analysis that quotes alarming excerpts from the book. For instance in 2009, a former Chief of Operations for the DEA said that Hezbollah uses "the same criminal weapons smugglers, document traffickers and transportation experts as the drug cartels." A year later a man (Jamal Yousef) arrested in New York admitted stealing weapons from Iraq for Hezbollah and told authorities of a Hezbollah stockpile in Mexico that included 100 M-16 assault rifles, 100 AR-15 rifles, 2500 hand grenades, C4 explosives and anti-tank weapons. That same year a Hezbollah terrorist was captured in Tijuana and a senior Mexican military officer confirmed the group was conducting explosives training for members of Mexican drug cartels. In the U.S., law enforcement officials across the nation's Southwest region report a rise in imprisoned gang members with Farsi tattoos that experts say express loyalty to Hezbollah, the book analysis reveals. One U.S. law enforcement official is quoted as saying this: "You could almost pick your city and you would probably have a [Hezbollah] presence." This is not surprising considering that for years a number of reports have exposed the connection between Mexico and Middle Eastern terrorists. In 2010 a veteran federal agent in the U.S. immigration system exposed a government cover-up of Middle Eastern terrorists entering the country through Mexico. The 30-year agent confirmed that thousands of SIAs (Special Interest Aliens) from terrorist nations like Yemen, Iran, Sudan and Afghanistan—classified as OTM (Other Than Mexican)—were captured along the southern border. In 2011 a frightening exposé broadcast by the world's largest Spanish news network documented how

Middle Eastern terrorists have infiltrated Latin American countries—especially Mexico—to plan an attack against the United States. The documentary uses undercover videos taken during a seven-month investigation that prove diplomats from Iran, Venezuela and Cuba planned a cybernetic attack against the White House, FBI, Pentagon and U.S. nuclear plants. In a shocking revelation made by a veteran U.S. counterterrorism expert, Hezbollah has infiltrated the Southwest United States by joining forces with Mexican drug cartels that have long operated in the region. Judicial Watch has for years reported on the chilling connection between Islamic extremists and Mexican drug cartels. In fact, as far back as 2007 JW wrote about an astounding Drug Enforcement Agency (DEA) report that lays out how Islamic terrorists and Mexican drug gangs have teamed up to successfully penetrate the U.S. as well as finance terror networks in the Middle East In Hezbollah's case, a growing "business relationship" with cartels has allowed the Shia Islamic militant group to have a growing presence in the U.S., says Matthew Levitt, an esteemed terrorism expert with an impressive resume. Levitt is a former counterterrorism intelligence analyst at the Federal Bureau of Investigation (FBI) and State Department counterterrorism adviser. He also served as the No. 2 intelligence official at the U.S. Treasury where he operated the agency's terrorism and financial intelligence branch. Levitt offers details of this mind-boggling collaboration between two powerful criminal enterprises in a new book titled: "Hezbollah: The Global Footprint of Lebanon's Party of God." A nonprofit dedicated to exposing the dangers of Islamic extremism, the Clarion Project, profiled the book in a recent article titled "Growing Hezbollah Presence in Southwest U.S." Hezbollah's business relationship with Mexican drug cartels is a driving force behind this phenomenon, according to the analysis that quotes alarming excerpts from the book. For instance in 2009, a former Chief of Operations for the DEA said that Hezbollah uses "the same criminal weapons smugglers, document traffickers and transportation experts as the drug cartels.

Terrorism guarantees extinction

Hellman, Stanford Engineering Prof, **8**

[Martin E., emeritus prof of engineering at Stanford, Spring 2008, "Risk Analysis of Nuclear Deterrence" accessed 5-28-14, http://www.nuclearrisk.org/paper.pdf, hec)

> The threat of nuclear terrorism looms much larger in the public's mind than the threat of a full-scale nuclear war, yet this article focuses primarily on the latter. An explanation is therefore in order before proceeding. **A terrorist attack involving a nuclear weapon would be a catastrophe** of immense proportions: "A 10-kiloton bomb detonated at Grand Central Station on a typical work day would likely kill some half a million people, and inflict over a trillion dollars in direct economic damage. America and its way of life would be changed forever." [Bunn 2003, pages viii-ix]. The likelihood of such an attack is also significant. Former Secretary of Defense William Perry has estimated the chance of a nuclear terrorist incident within the next decade to be roughly 50 percent [Bunn 2007, page 15]. David Albright, a former weapons inspector in Iraq, estimates those odds at less than one percent, but notes, "We would never accept a situation where the chance of a major nuclear accident like Chernobyl would be anywhere near 1% .... A nuclear terrorism attack is a low-probability event, but we can't live in a world where it's anything but extremely low-probability." [Hegland 2005]. In a survey of 85 national security experts, Senator Richard Lugar found a median estimate of 20 percent for the "probability of an attack involving a nuclear explosion occurring somewhere in the world in the next 10 years," with 79 percent of the respondents believing "it more likely to be carried out by terrorists" than by a government [Lugar 2005, pp. 14-15]. I support increased efforts to reduce the threat of nuclear terrorism, but that is not inconsistent with the approach of this article. Because **terrorism is one of the potential trigger mechanisms for a full-scale nuclear war**, the risk analyses proposed herein

will include estimating the risk of nuclear terrorism as one component of the overall risk. If that risk, the overall risk, or both are found to be unacceptable, then the proposed remedies would be directed to reduce which- ever risk(s) warrant attention. Similar remarks apply to a number of other threats (e.g., nuclear war between the U.S. and China over Taiwan). his article would be incomplete if it only dealt with the threat of nuclear terrorism and neglected the threat of full-scale nuclear war. If both risks are unacceptable, an effort to reduce only the terrorist component would leave humanity in great peril. In fact, society's almost total neglect of the threat of full-scale nuclear war makes studying that risk all the more important. The cosT of World War iii The danger associated with nuclear deterrence depends on both the cost of a failure and the failure rate.3 This section explores the cost of a failure of nuclear deterrence, and the next section is concerned with the failure rate. While other definitions are possible, this article defines **a failure of deterrence to mean a full-scale exchange of all nuclear weapons available to the U.S. and Russia, an event that will be termed World War III.** Approximately 20 million people died as a result of the first World War. World War II's fatalities were double or triple that number—chaos prevented a more precise deter- mination. In both cases humanity recovered, and the world today bears few scars that attest to the horror of those two wars. Many people therefore implicitly believe that a third World War would be horrible but survivable, an extrapola- tion of the effects of the first two global wars. In that view, World War III, while horrible, is something that humanity may just have to face and from which it will then have to recover. In contrast, some of those most qualified to assess the situation hold a very different view. In a 1961 speech to a joint session of the Philippine Con- gress, General Douglas MacArthur, stated, "Global war has become a Frankenstein to destroy both sides. … If you lose, you are annihilated. If you win, you stand only to lose. No longer does it possess even the chance of the winner of a duel. It contains now only the germs of double suicide." Former Secretary of Defense Robert McNamara ex- pressed a similar view: "**If deterrence fails and conflict develops, the present U.S. and NATO strategy carries with it a high risk that Western civilization will be destroyed**" [McNamara 1986, page 6]. More recently, George Shultz, William Perry, Henry Kissinger, and Sam Nunn4 echoed those concerns when they quoted President Reagan's belief that nuclear weapons were "totally irrational, totally inhu- mane, good for nothing but killing, possibly destructive of life on earth and civilization." [Shultz 2007] Official studies, while couched in less emotional terms, still convey the horrendous toll that World War III would exact: "The resulting deaths would be far beyond any precedent. Executive branch calculations show a range of U.S. deaths from 35 to 77 percent (i.e., 79-160 million dead) … a change in targeting could kill somewhere between 20 million and 30 million additional people on each side .... These calculations reflect only deaths **during the first 30 days**. Additional millions would be injured, and many would eventually die from lack of adequate medical care … millions of people might starve or freeze during the follow- ing winter, but it is not possible to estimate how many. … further millions … might eventually die of latent radiation effects." [OTA 1979, page 8] This OTA report also noted the possibility of serious ecological damage [OTA 1979, page 9], a concern that as- sumed a new potentiality when the TTAPS report [TTAPS 1983] proposed that the ash and dust from so many nearly simultaneous nuclear explosions and their resultant fire- storms could usher in a nuclear winter **that might erase homo sapiens from the face of the earth.** much as many scientists now believe the K-T Extinction that wiped out the dinosaurs resulted from an impact winter caused by ash and dust from a large asteroid or comet striking Earth. The TTAPS report produced a heated debate, and there is still no scientific consensus on whether a nuclear winter would follow a full-scale nuclear war. Recent work [Robock 2007, Toon 2007] suggests that even a limited nuclear exchange or one between newer nuclear-weapon states, such as India and Pakistan, could have devastating long-lasting climatic consequences due to the large volumes of smoke that would be generated by fires in modern megacities. While it is uncertain how destructive World War III would be, prudence dictates that we apply the same engi- neering conservatism that saved the Golden Gate Bridge from collapsing on its 50th anniversary and assume that **preventing World War III is a necessity**—not an option.

Case

No solvency for aff

Greenberg, 15' (Andy Greenberg, senior writer for WIRED, covering security, privacy, information freedom, and hacker culture, "Want to See Domestic Spying's Future? Follow the Drug War") M.dawg

With all those cases in mind, the DEA's now-defunct bulk collection of Americans' phone metadata fits squarely into a long and storied history of drug investigators using and abusing their surveillance powers. That doesn't make privacy advocates like it any better. The Electronic Frontier Foundation and Human Rights Watch filed a lawsuit earlier this week to make sure that the program is completely terminated rather than merely hidden or suspended, considering the 20-year secrecy around the DEA's phone metadata collection. But given that the DEA's phone surveillance program stretched back to 1992 with no public oversight, there's little doubt that drug investigators have since adopted plenty of other stealthy surveillance techniques to stay a step ahead in the War on Drugs. As in any war without an end, there's always a budget for new weapons, and plenty of foot soldiers ready to use them.

The aff does nothing to solve local surveillance rooted in racism

APUZZO 15 (Matt Apuzzo is a reporter for the NYT, and Professor at Georgetown University, and reported for Associated Press and the Standard-Times, "Ferguson Police Routinely Violate Rights of Blacks, Justice Dept. Finds", MARCH 3, 2015, http://www.nytimes.com/2015/03/04/us/justice-department-finds-pattern-of-police-bias-and-excessive-force-in-ferguson.html?_r=0)

WASHINGTON — **Ferguson, Mo., is a third white, but the crime statistics compiled in the city over the past two years seemed to suggest that only black people were breaking the law.** They accounted for 85 percent of traffic stops, 90 percent of tickets and 93 percent of arrests. In cases like jaywalking, which often hinge on police discretion, blacks accounted for 95 percent of all arrests.¶ **The racial disparity in those statistics was so stark that the Justice Department has concluded in a report** scheduled for release on Wednesday **that there was only one explanation**: **The F**erguson **P**olice **D**epartment **was** routinely **violating the constitutional rights of its black residents.¶ The report,** based on a six-month investigation, **provides a glimpse into the roots of the racial tensions that boiled over in Ferguson last summer after a black teenager, Michael Brown, was fatally shot by a white police officer**, making it a worldwide flash point in the debate over race and policing in America. **It describes a city where the police used force almost exclusively on blacks and regularly stopped people without probable cause**. Racial bias is so ingrained, the report said, that Ferguson officials circulated racist jokes on their government email accounts.¶ In a November 2008 email, a city official said Barack Obama would not be president long because "what black man holds a steady job for four years?" Another email included a cartoon depicting African-Americans as monkeys. A third described black women having abortions as a way to curb crime.¶ **"There are serious problems here that cannot be explained away," said a law enforcement official** who has seen the report and spoke on the condition of anonymity because it had not been released yet.¶ Those findings reinforce what the city's black residents have been saying publicly since the shooting in August, that the criminal justice system in Ferguson works differently for blacks and whites. A black motorist who is pulled over is twice as likely to be searched as a white motorist, even though searches of white drivers are more likely to turn up drugs or other contraband, the report found.¶ Minor, largely discretionary offenses such as disturbing the peace and jaywalking were brought almost exclusively against blacks. When whites were charged with these crimes, they were 68 percent more likely to have their cases dismissed, the Justice Department found.¶ "I've known it all my life about living out here," Angel Goree, 39, who lives in the apartment complex where Mr. Brown was killed, said Tuesday by phone.¶ Many such statistics surfaced in the aftermath of Mr. Brown's shooting, but the Justice Department report offers a more complete look at the data than ever before. Federal investigators conducted hundreds of interviews, reviewed 35,000 pages of police records and analyzed race data compiled for every police stop.¶ The report will most likely force Ferguson officials to either negotiate a settlement with the Justice Department or face being sued by it on charges of violating the Constitution. Under Attorney General Eric H. Holder Jr., the Justice Department has opened more than 20 such investigations into local police departments and issued tough findings against cities including Newark; Albuquerque, N.M.; and Cleveland.¶ But the Ferguson case has the highest profile of Mr. Holder's tenure and is among the most closely watched since the Justice Department

began such investigations in 1994, spurred by the police beating of Rodney King in Los Angeles and the riots that followed.¶ While much of the attention in Ferguson has been on Mr. Brown's death, federal officials quickly concluded that the shooting was simply the spark that ignited years of pent-up tension and animosity in the area. The Justice Department is expected to issue a separate report Wednesday clearing the police officer, Darren Wilson, of civil rights violations in the shooting.¶ **It is not clear what changes Ferguson could make that would head off a lawsuit.¶ The report calls for city officials to acknowledge that the police department's tactics have caused widespread mistrust and violated civil rights. Ferguson officials have so far been reluctant to do so**, particularly as relations between the city and Washington have grown strained.¶ Mr. Holder was openly critical of the way local officials handled the protests and the investigation into Mr. Brown's death, and declared a need for "wholesale change" in the police department. Ferguson officials criticized Mr. Holder for a rush to judgment and saw federal officials as outsiders who did not understand their city.¶

Government officials will continue surveillance regardless and even if the USFG stops surveillance, other agencies are capable of replacing that actor

Bernstein, 2015

(Leandra is an author for a world renowned news organization called Sputnik. The article cites a former FBI agent disclosure. "Former FBI agent: Government Likely to Continue Domestic Surveillance" http://sputniknews.com/us/20150703/1024143850.html#ixzz3fsjk9IPBhttp://sputniknews.com/us/20150703/1024143850.htmlFormer Date Accessed- 7/14/15. Anshul Nanda.)

Federal Bureau of Investigation agent Coleen Rowley **claims** that the **US government will likely continue its pattern of domestic surveillance**.¶ WASHINGTON (Sputnik), Leandra Bernstein — The US government will likely continue its pattern of domestic surveillance following the Monday court ruling to temporarily extend bulk data collection, whistleblower and former Federal Bureau of Investigation agent Coleen Rowley told Sputnik.¶ "I think, **if the past is any predictor of the future,** that U**S government officials will find yet another way around any legal restrictions** to continue their 'Total Information Awareness' project," Rowley said.¶ On Monday, the **Foreign Information Surveillance Act (FISA) Court issued a ruling upholding the National Security Agency (NSA) to continue bulk collection of metadata**, a program that was supposed to be ended with the passage of the USA Freedom Act in May 2015.¶ The ruling was based on a motion filed by civil libertarian groups demanding an immediate end to the metadata collection program, which was deemed unconstitutional by a US federal appeals court in May 2015.¶ Asked what the Monday ruling means for the future of government surveillance reform, Rowley stated, "I think the Judge [Michael Mosman] probably answered this in his 'Plus ca change, plus c'est la meme chose' [the more things change, the more they stay the same] quote."¶ The new portion of the classified files published by The Intercept now reveals how easily it can be done: "as easy as typing a few words in Google."¶ © FLICKR/ DON HANKINS¶ NSA Spies Can Hack Any Computer in 'A Few Mouse Clicks'¶ The FISA decision to take advantage of the five-month period to continue mass surveillance did not come as a surprise "based on the past record of illegal government spying," Rowley explained.¶ The FISA Court authorizes surveillance carried out by the US intelligence community. The Court is permitted to operate in secret, due to the classified activity it oversees.¶ Following the September 11, 2001 terrorist attacks, the George W. Bush administration proposed the implementation of a massive data-mining program called the Total Information Awareness.¶ The program was **developed by the Department of Defense research agency to be capable of analyzing private communications, commercial transactions and other data domestically and abroad in order to identify and classify potential terrorist threats**.¶ While the program was never officially implemented, **multiple programs across the intelligence community accomplished a similar effect**, as was revealed in classified documents leaked by NSA whistleblower Edward Snowden in 2013.¶ Read more: http://sputniknews.com/us/20150703/1024143850.html#ixzz3fsinxkHH

Agencies circumvent power that was given to them through the Congress all the time

Ackerman, 2015

(Spencer Ackerman is an editor/ reporter for the US News in New York. Full Date: June 1, 2015. "Fears NSA will seek to undermine surveillance reform; Privacy advocates are wary of covert legal acrobatics from the NSA similar to those deployed post-9/11 to circumvent congressional authority" http://www.lexisnexis.com/hottopics/lnacademic/. Date Accessed- 7/15/15. Anshul Nanda)

Privacy advocates fear the **National Security Agency** will attempt to **weaken new restrictions** on the **bulk collection of Americans' phone and email records with a barrage of creative legal wrangles**, as the first major reform of US surveillance powers in a generation looked likely to be a foregone conclusion on Monday.¶ Related: Bush-era surveillance powers expire as US prepares to roll back NSA power¶ The USA Freedom Act, a bill banning the NSA from

collecting US phone data in bulk and compelling disclosure of any novel legal arguments for widespread surveillance before a secret court, has already been passed by the House of Representatives and on Sunday night the Senate voted 77 to 17 to proceed to debate on it. Between that bill and a landmark recent ruling from a federal appeals court that rejected a longstanding government justification for bulk surveillance, civil libertarians think they stand a chance at stopping attempts by intelligence lawyers to undermine reform in secret.¶ Attorneys for the intelligence agencies react scornfully to the suggestion that they will stretch their authorities to the breaking point. Yet reformers remember that such legal tactics during the George W Bush administration allowed the NSA to shoehorn bulk phone records collection into the Patriot Act.¶ Rand Paul, the Kentucky senator and Republican presidential candidate who was key to allowing sweeping US surveillance powers to lapse on Sunday night, warned that NSA lawyers would now make mincemeat of the USA Freedom Act's prohibitions on bulk phone records collection by taking an expansive view of the bill's definitions, thanks to a pliant, secret surveillance court.¶ "**My fear, though, is that the people who interpret this work at a place known as the rubber stamp factory, the Fisa [court]**," Paul said on the Senate floor on Sunday.¶ Paul's Democratic ally, Senator Ron Wyden, warned the intelligence agencies and the Obama administration against attempting to unravel NSA reform.¶ "My time on the **intelligence committee has taught me to always be vigilant for secret interpretations of the law and new surveillance techniques that Congress doesn't know about,**" Wyden, a member of the intelligence committee, told the Guardian.¶ "Americans were rightly outraged when they learned that **US intelligence agencies relied on secret law to monitor millions of law-abiding US citizens.** The **American people are now on high alert for new secret interpretations of the law, and intelligence agencies and the Justice Department would do well to keep that lesson in mind."**¶ The USA Freedom Act is supposed to prevent what Wyden calls " secret law ". It contains a provision requiring congressional notification in the event of a novel legal interpretation presented to the secret Fisa court overseeing surveillance.¶ Yet in recent memory, the **US government permitted the NSA to circumvent the Fisa court entirely. Not a single Fisa court judge was aware of Stellar Wind, the NSA's post-9/11 constellation of bulk surveillance programs**, from 2001 to 2004.¶ Energetic legal tactics followed to fit the programs under existing legal authorities after internal controversy or outright exposure. When the **continuation of a bulk domestic internet metadata collection program risked the mass resignation of Justice Department officials in 2004**, an internal NSA draft history records that attorneys found a different legal rationale that " essentially gave NSA the same authority to collect bulk internet metadata that it had ".¶ After a New York Times story in 2005 revealed the existence of the bulk domestic phone records program, attorneys for the US Justice Department and NSA argued, with the blessing of the Fisa court, that Section 215 of the Patriot Act authorized it all along - precisely the contention that the second circuit court of appeals rejected in May.¶ Despite that recent history, veteran intelligence attorneys reacted with scorn to the idea that **NSA lawyers will undermine surveillance reform.** Robert Litt, the senior lawyer for director of national intelligence, James Clapper, said during a public appearance last month that creating a banned bulk surveillance program was " not going to happen ".¶ "The whole notion that NSA is just evilly determined to read the law in a fashion contrary to its intent is bullshit, of the sort that the Guardian and the left - but I repeat myself - have fallen in love with. The interpretation of 215 that supported the bulk collection program was creative but not beyond reason, and it was upheld by many judges," said the former NSA general counsel Stewart Baker, **referring to Section 215 of the Patriot Act.**¶ This is the **section that permits US law enforcement** and **surveillance agencies to collect business records and expired at midnight,** almost two years after the whistleblower Edward Snowden revealed to the Guardian that the Patriot Act was secretly being used to justify the collection of phone records from millions of Americans.¶ With one exception, the judges that upheld the interpretation sat on the non-adversarial Fisa court, a body that approves nearly all government surveillance requests and modifies about a quarter of them substantially. The exception was reversed by the second circuit court of appeals.¶ Baker, speaking before the Senate voted, predicted: "I don't think anyone at NSA is going to invest in looking for ways to defy congressional intent if USA Freedom is adopted."¶ The USA Freedom Act**, a compromise bill, would not have an impact on the vast majority of NSA surveillance**. **It would not stop any overseas-focused surveillance program, no matter how broad in scope, nor would it end the NSA's dragnets of Americans' international communications authorized by a different law**. Other bulk domestic surveillance programs, like the one the **Drug Enforcement Agency operated, would not be impacted.**¶ The rise of what activists have come to call "bulky" surveillance, like the "large collections" of Americans' electronic communications records the FBI gets to collect under the Patriot Act, continue unabated - or, at least, will, once the USA Freedom Act passes and restores the Patriot Act powers that lapsed at midnight on Sunday.¶ Related: FBI used Patriot Act to obtain 'large collections' of Americans' data, DoJ finds¶ That collection, recently confirmed by a largely overlooked Justice Department inspector general's report, points to a slipperiness in shuttering surveillance programs - one that creates opportunities for clever lawyers.¶ The Guardian revealed in 2013 that Barack Obama had permitted the NSA to collect domestic internet metadata in bulk until 2011. Yet even as Obama closed down that NSA program, the Justice Department inspector general confirms that by 2009, the **FBI was already collecting the same "electronic communications" metadata under a different authority.**¶ It is unclear as yet how the **FBI transformed that authority, passed by Congress** for the collection of "business records", into large-scale collection of Americans' email, text, instant message, internet-protocol and other records. And a **similar power to for the FBI gather domestic internet metadata, obtained through non-judicial subpoenas called "National Security Letters"**, also

exists in a different, non-expiring part of the Patriot Act.¶ Jameel Jaffer, the deputy legal director of the ACLU, expressed confidence that the second circuit court of appeals' decision last month would effectively step into the breach. The panel found that legal authorities permitting the collection of data "relevant" to an investigation cannot allow the government to gather data in bulk - setting a potentially prohibitive precedent for other bulk-collection programs.¶ "We don't know what kinds of bulk-collection programs the government still has in place, but in the past it's used authorities other than Section 215 to **conduct bulk collection of internet metadata, phone records, and financial records. If similar programs are still in place, the ruling will force the government to reconsider them, and probably to end them**," said Jaffer, whose organization brought the suit that the second circuit considered.¶ Julian Sanchez, a surveillance expert at the Cato Institute, was more cautious.¶ "The second circuit ruling establishes that a 'relevance' standard is not completely unlimited - it doesn't cover getting hundreds of millions of people's records, without any concrete connection to a specific inquiry - but doesn't provide much guidance beyond that as to where the line is," Sanchez said.¶ "I wouldn't be surprised if the government argued, in secret, that nearly anything short of that scale is still allowed, nor if the same Fisa court that authorized the bulk telephone program, in defiance of any common sense reading of the statutory language, went along with it."¶

Alt causes

War on Terror is an alt. cause to racism

Miah, 06' (Malik Miah, editor of the US socialist organization Solidarity's magazine Against the Current. He is a long-time activist in trade unions and a campaigner for Black rights and works as an aircraft mechanic in San Francisco, "Racist Undercurrents in the "War on Terror") M.dawg

The use of fear and warmongering has convinced most Americans, including African Americans, that the ends justify the means. The link between racism and the war on terrorism is therefore generally downplayed or ignored. When Dick Cheney says the divide between Republicans and Democrats is between the "cut and run" Democrats and the Bush Administration, he always adds that the critics of their policies (that includes torture, imprisonment for life and racial proofing) don't want to "win the war on terrorism." Bush said critics of his policy are "enablers of terrorists." Racial profiling is tacitly considered an acceptable part of conducting war. The mainstream media, with few exceptions, most notably the editors of The New York Times, give Bush, Cheney and their operatives a free pass on these issues. While some debate is taking place on the use of torture and loss of habeas corpus, little is said about racial profiling. Even civil rights leaders are mostly quiet. Why? Because no one wants to be labeled as soft on fighting terrorism. If you look like an Iranian, an Afghani, a South Asian (mainly a Pakistani) or worse an Arab, it is now okay to racial profile to "protect the country." The fact that little is written about the issue by the mainstream media shows how racism in the war on terrorism is considered acceptable. I tried to pull up articles on the internet to see how many times racial profiling, or racism and terrorism, have been written about. Amazingly, outside the left press, few critical articles or columns have appeared. The majority of pieces in fact have been in defense of racial profiling as a necessary step in today's world. The depth of the problem is seen in an article written in 2005 by an African American Washington Post deputy editorial page editor in an op-ed piece entitled, "You can't fight terrorism with racism." (July 30, 2005). Regarding three op-ed pieces that had appeared in the Post and The New York Times, Colbert King wrote: "A New York Times op-ed piece by Paul Sperry, a Hoover Institution media fellow ['It's the Age of Terror: What Would You Do?'] and a Post column by Charles Krauthammer ['Give Grandma a Pass; Politically Correct Screening Won't catch Jihadists'] endorsed the practice of using

ethnicity, national origin and religion as primary factors in deciding when police should regard as possible terrorists—in other words, racial profiling.

Stop and Frisk is an alt. cause to racism

Rucke, 14' (Katie Rucke, MintPress staff writer and investigative report specializing in the war on drugs, criminal justice, marijuana legislation, education and watchdog investigations as well as whistle-blowers, "Stop-And-Frisk Policies Proof Of Racism In America") M.dawg

While many struggle to understand how racism can still exist here, it's easy to see that American society is plagued with racist policies that disproportionately affect Americans of African, Latin and Middle Eastern descent. As the controversial policy known as stop and frisk clearly illustrates, those who are black- or brown-skinned are more often assumed to be engaged in dangerous criminal activity than their white counterparts. Of the 191,558 times people were stopped and frisked in New York City in 2013, the person stopped was white only 11 percent of the time. Overt, violent racism may no longer exist in mainstream America, but white privilege continues to run rampant in the U.S. A majority of Americans are not only oblivious to this type of racist policy, but when it's pointed out to them, many do nothing to stop it. Christopher E. Smith, a white man, attorney and criminal justice professor, is the father of a biracial son who has darker skin. In the April 2014 issue of The Atlantic, Smith shared how his son's skin color has directly influenced the way people, especially law enforcement, treat him. Even when Smith's 21-year-old son, a student at Harvard University, was working as an intern on Wall Street, Smith says his son was stopped and frisked "on more than one occasion" by police. These officers sometimes didn't even identify themselves as NYPD officers until after the "frisk" was completed. "On one occasion, while wearing his best business suit, [my son] was forced to lie face-down on a filthy sidewalk because—well, let's be honest about it, because of the color of his skin," Smith wrote. He detailed how his black in-laws have also been disproportionately stopped by police while on their way to his home for family events and holidays such as Thanksgiving. Some of Smith's relatives have even had guns pointed at their **heads while being interrogated by police officers, who Smith says stopped his in-laws solely because of the color of their skin.** Because of this stereotypical assumption that a black, Latino or Middle Eastern person would be engaged in criminal behavior, Smith proposed an experiment in which police officers would be required to stop and frisk 10 white people — five men and five women — **for every three non-white people they stopped without a warrant, suspicion or probable cause. Smith said if police officers stopped and frisked white people in a manner similar to what young people of color have experienced throughout the years, white people would begin to argue that "it's a waste of the officers' time to impose these searches on innocent people," and stop-and-frisk policies may cease to exist.**

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Nietzsche 1NC w/ link

Suffering cannot be eliminated – but worse than suffering is meaningless suffering – its only a question of the meaning we impose on suffering and how we learn from it - pitying the sufferer further increases the suffering that they feel

Kain '07 (Philip J., "Nietzsche, Eternal Recurrence, and the Horror of Existence", The Journal of Nietzsche Studies 33 (2007) 49-63) Franzy

Eternal recurrence also gives suffering another meaning. If one is able to embrace eternal recurrence, if one is able to turn all "it was" into a "thus I willed it," then one not only reduces suffering to physical suffering, breaks its psychological stranglehold, and eliminates surplus suffering related to guilt, but one may even in a sense reduce suffering below the level of physical suffering. One does not do this as the liberal, socialist, or Christian would, by changing the world to reduce suffering. In Nietzsche's opinion that is impossible, and, indeed, eternal recurrence of the same rules it out—at least as any sort of final achievement.23 Rather, physical suffering is reduced by treating it as a test, a discipline, a training, which brings one greater power. One might think of an athlete who engages in more and more strenuous activity, accepts greater and greater pain, handles it better and better, and sees this as a sign of greater strength, as a sign of increased ability. Pain and suffering are turned into empowerment. Indeed, it is possible to love such suffering as a sign of increased power. One craves pain—"more pain! more pain!" (GM III:20). And the more suffering one can bear, the stronger one becomes.

If suffering is self-imposed, if the point is to break the psychological stranglehold it has over us, if the point is to turn suffering into empowerment, use it as a discipline to gain greater strength, then it would be entirely inappropriate for us to feel sorry for the sufferer. To take pity on the sufferer either would demonstrate an ignorance of the process the sufferer is engaged in, what the sufferer is attempting to accomplish through suffering, or would show a lack of respect for the sufferer's suffering (GS 338; D 135). **To pity the sufferer, to wish the sufferer did not have to go through such suffering, would demean the sufferer and the whole process of attempting to gain greater strength through such suffering.**

Let us try again to put ourselves in Nietzsche's place. He has suffered for years. He has suffered intensely for years. He has come to realize that he cannot end this suffering. He cannot even reduce it significantly. But he has finally been able to break the psychological stranglehold it has had over him. He is able to accept it. He wills it. He would not change the slightest detail. He is able to love it. And this increases his strength. How, then, would he respond to our pity? Very likely, he would be offended. He would think we were patronizing him. He would not want us around. He would perceive us as trying to rob him of the strength he had achieved, subjugate him again to his suffering, strip him of his dignity. **He would be disgusted with our attempt to be do-gooders, our attempt to impose our own meaning on his suffering (treating it as something to pity and to lessen) in opposition to the meaning he has succeeded in imposing on it.**

Nietzsche wagers a lot on his commitment to the notion that suffering cannot be significantly reduced in the world. For if it can, then pity and compassion would be most

important to motivate the reduction of suffering. Nietzsche is so committed to the value of suffering that he is willing to remove, or at least radically devalue, pity and compassion. [End Page 60]

To appreciate how committed he is, suppose we are incorrigible do-gooders—liberals, socialists, or Christians. We just cannot bear to see anyone suffer. Suppose we find a researcher who is working on a cure for Nietzsche's disease. This researcher thinks that within a few years a drug can be produced to eliminate the disease. Suppose the researcher is right. And suppose that just as Nietzsche has solidly committed to eternal recurrence, just as he is able to love his fate, just as he has decided he would not change the slightest detail of his life, we tell him about this cure.

How would Nietzsche respond? Would he accept the cure? Would he give up his hard-won attitude of accepting his migraines, nausea, and vomiting, of refusing to desire any change? Would he revert to his old attitude of hoping to reduce his suffering, trying out whatever might accomplish this? Would he give his illness a chance to reassert its psychological stranglehold? We must remember that our supposition is that he would actually be cured in a few years. But he would also forgo the discipline, the strengthening, the empowerment that a commitment to eternal recurrence and amor fati would have made possible. Although his illness would be cured, he would not have developed the wherewithal to deal with any other suffering—in a world characterized by the horror of existence. We cannot know whether Nietzsche would decide to take the cure or not. What we can be sure of is that if he did, he would not be the Nietzsche we know.

Kierkegaard retells the story of Abraham and Isaac. God commands Abraham to take his only son to Mount Moriah and to sacrifice him there as a burnt offering. Faithful Abraham sets off to obey God's will. But just as he arrives, just as he has drawn his knife, just as he is about to offer his son, he is told instead to sacrifice the ram that God has prepared. Kierkegaard suggests that if he had been in Abraham's position, if he had sufficient faith in God and had obeyed him as Abraham did, if he had been able to summon the same courage, then, when he got Isaac back again he would have been embarrassed. Abraham, he thinks, was not embarrassed. He was not embarrassed because he believed all along, by virtue of the absurd, that God would not require Isaac.24

What about Nietzsche? Let us assume that Nietzsche has fully committed to eternal recurrence and amor fati, that he has come to love his fate, that he has decided he would not change the slightest detail. Moreover, he has announced this to the world in his writings. Let us assume that over the years this commitment has empowered him, given him greater strength. We do-gooders now inform him that we can cure his disease and eliminate his suffering. Even further, suppose we were able to prove to him that eternal recurrence is impossible. Would Nietzsche be embarrassed?

Maybe. But it is not absolutely clear that he would be. He might respond that believing in eternal recurrence—perhaps even by virtue of the absurd—allowed him to face the horror of existence. He might respond that it does not really matter whether his life will actually return. The only thing that matters is the attitude he [End Page 61] was able to develop toward his present life. **He might respond that it does not really matter that it has become possible to cure his particular illness; there is still plenty of other suffering to be faced given the horror of existence. He might respond that what matters is the strength he was able to gain from**

believing in eternal recurrence and loving his fate, not whether eternal recurrence is actually true.

Demanding social justice for historical injustice codifies resentment and locks subordinated groups in their subordination.

Brown, Professor of Women's Studies @ UC Santa Cruz, 19**95** [Wendy, *States of Injury: Power and Freedom in Late Modernity* pg. 66-70]

Liberalism contains from its inception a generalized incitement to what Nietzsche terms ressentiment, the moralizing revenge of the powerless,"the triumph of the weak as weak. "22 This incitement to ressentitnent inheres in two related constitutive paradoxes of liberalism: that between individual liberty and social egalitarianism, a paradox which produces failure turned to recrimination by the subordinated, and guilt turned to resentment by the "successful"; and that between the individualism that legitimates liberalism and the cultural homogeneity required by its commitment to political universality, a paradox which stimulates the articulation of politically significant differences on the one hand, and the suppression of them on the other, and which offers a form of articulation that presses against the limits of universalist discourse even while that which is being articulated seeks to be harbored withinincluded inthe terms of that universalism. Premising itself on the natural equality of human beings, liberalism makes a political promise of universal individual freedom in order to arrive at social equality, or achieve a civilized retrieval of the equality postulated in the state of nature. It is the tension between the promises of individualistic liberty and the requisites of equality that yields ressentiment in one of two directions, depending on the way in which the paradox is brokered. A strong commitment to freedom vitiates the fulfillment of the equality promise and breeds ressentiment as welfare state liberalism --- attenuations of the unmitigated license of the rich and powerful on behalf of the "disadvantaged." Conversely, a strong commitment to equality, requiring heavy state interventionism and economic redistribution, attenuates the commitment to freedom and breeds ressentiment expressed as neoconservative antistatism, racism, charges of reverse racism, and so forth. However, it is not only the tension between freedom and equality but the prior presumption of the self-reliant and self-made capacities of liberal subjects, conjoined with their unavowed dependence on and construction by a variety of social relations and forces, that makes all liberal subjects, and not only markedly disenfranchised ones, vulnerable to ressentiment: it is their situatedness within power, their production by power, and liberal discourse's denial of this situatedness and production that cast the liberal subject into failure, the failure to make itself in the context of a discourse in which its selfmaking is assumed, indeed, is its assumed nature. This failure, which Nietzsche calls suffering, must either find a reason within itself (which redoubles the failure) or a site of external blame upon which to avenge its hurt and redistribute its pain. Here is Nietzsche's account of this moment in the production of ressentiment: For every sufferer instinctively seeks a cause for his suffering, more exactly, an agent; still more specifically, a guilty agent who is susceptible to suffering in short, some living thing upon which he can, on some pretext or other, vent his affects, actually or in effigy . . . . This ... constitutes the actual physiological cause of

ressentiment, vengefulness, and the like: a desire to deaden pain by means of affects, . . . to deaden, by means of a more violent emotion of any kind, a tormenting, secret pain that is becoming unendurable, and to drive it out of consciousness at least for the moment: for that one requires an affect, as savage an affect as possible, and, in order to excite that, any pretext at all. Ressentiment in this context is a triple achievement: it produces an affect (rage, righteousness) that overwhelms the hurt; it produces a culprit responsible for the hurt; and it produces a site of revenge to displace the hurt (a place to inflict hurt as the sufferer has been hurt). Together these operations both ameliorate (in Nietzsche's term, "anaesthetize") and externalize what is otherwise "unendurable." In a culture already streaked with the pathos of ressentiment for the reasons just discussed, there are several distinctive characteristics of late modern postindustrial societies that accelerate and expand the conditions of its production. My listing will necessarily be highly schematic: First, the phenomenon William Connolly names "increased global contingency", combines with the expanding pervasiveness and complexity of domination by capital and bureaucratic state and social networks to create an unparalleled individual powerlessness over the fate and direction of one's own life, intensifying the experiences of impotence, dependence, and gratitude inherent in liberal capitalist orders and constitutive of ressentiment.24 Second, the steady desacralization of all regions of life -- what Weber called disenchantment, what Nietzsche called the death of god would seem to add yet another reversal to Nietzsche's genealogy of ressenti;nent as perpetually available to "alternation of direction." In Nietzsche's account, the ascetic priest deployed notions of "guilt, sin, sinfulness, depravity, damnation" to "direct the ressentiment of the less severely afflicted sternly back upon themselves . . . and in this way exploit[ed] the bad instincts of all sufferers for the purpose of selfdiscipline, selfsurveillance, and selfovercoming. "25 However, the desacralizing tendencies of late modernity undermine the efficacy of this deployment and turn suffering's need for exculpation back toward a site of external agency.26 Third, the increased fragmentation, if not disintegration, of all forms of association not organized until recently by the commodities marketcommunities, churches, familiesand the ubiquitousness of the classificatory, individuating schemes of disciplinary society, combine to produce an utterly unrelieved individual, one without insulation from the inevitable failure entailed in liberalism's individualistic construction27 In short, the characteristics of late modern secular society, in which individuals are buffeted and controlled by global configurations of disciplinary and capitalist power of extraordinary proportions, and are at the same time nakedly individuated, stripped of reprieve from relentless exposure and accountability for themselves, together add up to an incitement to ressentiment that might have stunned even the finest philosopher of its occasions and logics Starkly accountable yet dramatically impotent, the late modern liberal subject quite literally seethes with ressentiment. Enter politicized identity, now conceivable in part as both product of and reaction to this condition, where "reaction" acquires the meaning Nietzsche ascribed to it: namely, an effect of domination that reiterates impotence, a substitute for action, for power, for selfaffirmation that reinscribes incapacity, powerlessness, and rejection. For Nietzsche, ressentiment itself is rooted in reaction -- the substitution of reasons, norms, and ethics for deeds -- and he suggests that not only moral systems but identities themselves take their bearings in this reaction. As Tracy Strong reads this element of Nietzsche's thought: Identity ... does not consist of an

active component, but is reaction to something outside; action in itself; with its inevitable self-assertive qualities, must then become something evil, since it is identified with that against which one is reacting. The will to power of slave morality must constantly reassert that which gives definition to the slave: the pain he suffers by being in the world. Hence any attempt to escape that pain will merely result in the reaffirmation of painful structures. If the "cause" of ressentitnent is suffering, its "creative deed" is the reworking of this pain into a negative form of action, the "imaginary revenge" of what Nietzsche terms "natures denied the true reaction, that of deeds."29 This revenge is achieved through the imposition of suffering "on whatever does not feel wrath and displeasure as he does"30 (accomplished especially through the production of guilt), through the establishment of suffering as the measure of social virtue, and through casting strength and good fortune ("privilege," as we say today) as self-recriminating, as its own indictment in a culture of suffering: "it is disgraceful to be fortunate, there is too much misery."31 But in its attempt to displace its suffering, identity structured by ressentiment at the same time becomes invested in its own subjection. This investment lies not only in its discovery of a site of blame for its hurt will, not only in its acquisition of recognition through its history of subjection (a recognition predicated on injury, now righteously revalued), but also in the satisfactions of revenge, which ceaselessly reenact even as they redistribute the injuries of marginalization and subordination in a liberal discursive order that alternately denies the very possibility of these things and blames those who experience them for their own condition. Identity politics structured by ressentiment reverse without subverting this blaming structure: they do not subject to critique the sovereign subject of accountability that liberal individualism presupposes, nor the economy of inclusion and exclusion that liberal universalism establishes. Thus, politicized identity that presents itself as a selfaffirmation now appears as the opposite, as predicated on and requiring its sustained rejection by a "hostile external world."32

The alt is to affirm every moment of our lives. We can not eliminate the suffering we have or will experience. All we can adjust is how we relate to it.

Kain '07 (Philip J., "Nietzsche, Eternal Recurrence, and the Horror of Existence", The Journal of Nietzsche Studies 33 (2007) 49-63) Franzy

Nietzsche embraces the doctrine of eternal recurrence for the first time in The Gay Science 341:

The greatest weight.—What, if some day or night a demon were to steal after you into your loneliest loneliness and say to you: "This life as you now live it and have lived it, you will have to live once more and innumerable times more; and there will be nothing new in it, but every pain and every joy and every thought and sigh and everything unutterably small or great in your life will have to return to you, all in the same succession and sequence—even this spider and this moonlight between the trees, and even this moment and I myself. The eternal hourglass of existence is turned upside down again and again, and you with it, speck of dust!"

Would you not throw yourself down and gnash your teeth and curse the demon who spoke thus? Or have you once experienced a tremendous moment when you would have answered him: "You are a god and never have I heard anything more divine." If this thought gained possession of you, it would change you as you are or perhaps crush you. The question in each and every thing, "Do you desire this once more and innumerable times more?" would lie upon your actions as the

greatest weight. Or how well disposed would you have to become to yourself and to life to crave nothing more fervently than this ultimate eternal confirmation and seal?

(GS 341)6

It is not enough that eternal recurrence simply be believed. Nietzsche demands that it actually be loved. In Ecce Homo, he explains his doctrine of amor fati: **"My formula for greatness in a human being is amor fati: that one wants nothing to be different, not forward, not backward, not in all eternity. Not merely bear what is necessary, still less conceal it . . . but love it"** (EH"Clever" 10; cf. GS 276). In Thus Spoke Zarathustra, Zarathustra says: "To redeem those who lived in the past and to recreate all 'it was' into a 'thus I willed it'—that alone should I call redemption" (Z II: "On Redemption"; cf. Z III: "On Old and New Tablets" 3). To turn all "it was" into a "thus I willed it" is to accept fate fully, to love it. One would have it no other way; one wants everything eternally the same: "Was that life? . . . Well then! Once more!" (Z IV: "The Drunken Song" 1).

How are we to understand these doctrines? Soll argues that eternal recurrence of the same would not crush us at all. If every detail of one recurrence were exactly the same as every detail of another, if they were radically indistinguishable, recurrence would not be terrifying. To be terrified, Soll thinks, we would have to be able to accumulate new experience from cycle to cycle, remember past recurrences, and tremble in anticipation of their return. If all recurrences were exactly the same, if new experience could not build and accumulate, recurrence would be a matter of complete indifference.7 I think this view is mistaken. In the first place, people who lead a life of intense suffering often look forward to death as [End Page 53] an escape from that suffering. Aeneas, for example, when he visits the underworld in book VI of the Aeneid, expects just that. When he finds that he will have to be reincarnated, he is appalled. His next reincarnated life, it is true, would not be exactly the same, as for Nietzschean eternal recurrence, but Aeneas seems to expect it to be similar enough in its misery and suffering. And despite the fact that in his reincarnated life he would not remember his present life, Aeneas is nevertheless horrified at the idea that he will have to go through it all again.8

Furthermore, although it is true that experience cannot build and accumulate from cycle to cycle, nevertheless, we must recognize that there are places in which Nietzsche suggests that it is possible to remember earlier recurrences.9 Moreover, we can certainly be aware of other recurrences in the sense that we believe in them—the demon informs us of these other recurrences. This raises no problems as long as the very same memory, awareness, and reaction recur in each and every cycle at the very same point—each and every cycle must be exactly the same. It is possible that Soll assumes that such memories, awarenesses, and reactions would necessarily make the cycles different because they would have to be absent in at least one cycle—the first.10 But that would be a mistake. Nietzsche is quite clear. Time is infinite (Z III: "On the Vision and the Riddle" 2; WP 1066)—there is no first cycle. These memories, awarenesses, and reactions could occur in all cycles at exactly the same point in the sequence.

Still, Soll argues that it is "impossible for there to be among different recurrences of a person the kind of identity that seems to exist among the different states of consciousness of the same person within a particular recurrence. . . . Only by inappropriately construing the suffering of some future recurrence on the model of suffering later in this life does the question of eternal recurrence of one's pain weigh upon one with 'the greatest stress.'"11 I think this too is mistaken. I can very well not want to live my life again even if in the next cycle I will not remember the pain

of this cycle. If I am to love my life, not want to change the slightest detail, if I am to desire to live it again, it does not matter if in the future cycle I do not remember this cycle. If the demon tells me, if I believe, that the future cycle will be exactly the same, if I know that now, then it could be quite difficult, right now, to be positive enough about my existing painful life to choose to go through it again, even if when I do go through it again I will not remember it.

Soll's point gains whatever plausibility it has by looking back from a future life at our present life and denying that we could remember anything or tremble in anticipation of its return. But that is not the only perspective one can take on the matter, and it is not the perspective Nietzsche wants to emphasize. For Nietzsche the demon forces us to look over our present life, reflect on it, test our attitude toward it, and assess the degree of positiveness we have toward it. We do that by asking how we feel about having to live it over again without the [End Page 54] slightest change. What is relevant here is how we feel about our present life at the present moment.12

It is also irrelevant to suggest that there is insufficient identity for me to think that it will really be me in the next cycle. The point, for Nietzsche, is how I react to my present life—the threat of a future life is brought up to elicit this reaction**. If I do not identify with the person who will live my next life, if I do not care about that person, if I consider that person an other, then I evade the question the demon put to me—and I avoid the heart of the issue. The question is whether I love my life, my present life—love it so completely that I would live it again.** I am being asked if I would live my life again to see if I love my present life. If I insist on viewing the liver of my next life as an other, the least I should do is ask myself whether I love my present life enough that I could wish it on another.

At any rate, **Nietzsche claims that just thinking about the possibility of eternal recurrence can shatter and transform us**.13 In published works, eternal recurrence is presented as the teaching of a sage, as the revelation of a demon, or as a thought that gains possession of one. In The Gay Science 341, we must notice, eternal recurrence is not presented as a truth. Many commentators argue that it simply does not matter whether or not it is true; its importance lies in the effect it has on those who believe it.14

I have written at length about this complex doctrine elsewhere. I refer the reader there for further treatment of details.15 What I want to do here is point out that the philosopher who introduces eternal recurrence, the philosopher who believes in amor fati, is the very same philosopher who also believes in the horror of existence. This is a point that is never emphasized—indeed, it is hardly even noticed—by commentators.16 Lou Salomé tells us that Nietzsche spoke to her of eternal recurrence only "with a quiet voice and with all signs of deepest horror. . . . Life, in fact, produced such suffering in him that the certainty of an eternal return of life had to mean something horrifying to him."17

Try to imagine yourself with a migraine. Imagine yourself in a feverish state experiencing nausea and vomiting. Imagine that this sort of thing has been going on for years and years and that you have been unable to do anything about it. Extreme care with your diet, concern for climate, continuous experimenting with medicines—all accomplish nothing. You are unable to cure yourself. You have been unable to even improve your condition significantly.18 You have no expectation of ever doing so. Suppose this state has led you to see, or perhaps merely confirmed your insight into, the horror and terror of existence. It has led you to suspect that Silenus was right: best never to have been born; second best, die as soon as possible. All you can expect is suffering, suffering for no reason at all, meaningless suffering. You have even thought of suicide

(BGE 157).19 Now imagine that at your worst moment, your loneliest loneliness, a demon appears to you or you imagine a demon appearing to you. And this demon tells you that you will have to live your life over again, innumerable times more, and that everything, [End Page 55] every last bit of pain and suffering, every last migraine, every last bout of nausea and vomiting, will return, exactly the same, over and over and over again.

What would your reaction be? If your reaction were to be negative, no one would bat an eye. But what if your reaction was, or came to be, positive? **What if you were able to love your life so completely that you would not want to change a single moment—a single moment of suffering? What if you were to come to crave nothing more fervently than the eternal recurrence of every moment of your life?** What if you were to see this as an ultimate confirmation and seal, nothing more divine? How could you do this? Why would you do this? Why wouldn't it be madness? What is going on here? How has this been overlooked by all the commentators? This cries out for explanation.

Eternal recurrence, I think we can say, shows us the horror of existence. No matter what you say about your life, no matter how happy you claim to have been, no matter how bright a face you put on it, the threat of eternal recurrence brings out the basic horror in every life. Live it over again with nothing new? It is the "nothing new" that does it. That is how we make it through our existing life. We hope for, we expect, something new, something different, some improvement, some progress, or at least some distraction, some hope. If that is ruled out, if everything will be exactly the same in our next life, well that is a different story. If you think you are supremely happy with your life, just see what happens if you start to think that you will have to live it again.

Suppose that you can, as Aristotle suggested, look back over your life as a whole and feel that it was a good one—a happy one. Would that make you want to live it again? Would you at the moment in which you feel that your life was a happy one also crave nothing more fervently than to live it again? What if your life was a joyous life or a proud life? It is quite clear that you could have a very positive attitude toward your life and not at all want to live it again. In fact, wouldn't the prospect of eternal repetition, if the idea grew on you and gained possession of you, begin to sap even the best life of its attractiveness? Wouldn't the expectation of eternal repetition make anything less appealing? Wouldn't it empty your life of its significance and meaning? Most commentators seem to assume that the only life we could expect anyone to want to live again would be a good life. That makes no sense to me. On the other hand, most people would assume that a life of intense pain and suffering is not at all the sort of life it makes any sense to want to live again. I think Nietzsche was able to see that a life of intense pain and suffering is perhaps the only life it really makes sense to want to live again. Let me try to explain.

For years Nietzsche was ill, suffering intense migraines, nausea, and vomiting. Often he was unable to work and confined to bed. He fought this. He tried everything. He sought a better climate. He watched his diet fanatically. He experimented with medicines. Nothing worked. He could not improve his condition. His suffering was out of his control. It dominated his life and determined his [End Page 56] every activity. He was overpowered by it. There was no freedom or dignity here. He became a slave to his illness. He was subjugated by it. What was he to do? At the beginning of the essay "On the Sublime," Schiller writes:

[N]othing is so unworthy of man than to suffer violence. . . . [W]hoever suffers this cravenly throws his humanity away. . . . This is the position in which man finds himself. Surrounded by countless forces, all of which are superior to his own and wield mastery over him. . . . If he is no

longer able to oppose physical force by his relatively weaker physical force, then the only thing that remains to him, if he is not to suffer violence, is to eliminate utterly and completely a relationship that is so disadvantageous to him, and to destroy the very concept of a force to which he must in fact succumb. To destroy the very concept of a force means simply to submit to it voluntarily.20

Although Nietzsche did not go about it in the way Schiller had in mind, nevertheless, this is exactly what Nietzsche did. What was he to do about his suffering? What was he to do about the fact that it came to dominate every moment of his life? What was he to do about the fact that it was robbing him of all freedom and dignity? What was he to do about this subjugation and slavery? He decided to submit to it voluntarily. He decided to accept it fully. He decided that he would not change one single detail of his life, not one moment of pain. He decided to love his fate. At the prospect of living his life over again, over again an infinite number of times, without the slightest change, with every detail of suffering and pain the same, he was ready to say, "**Well then! Once more!"** (Z IV: "The Drunken Song" 1). He could not change his life anyway. But this way he broke the psychological stranglehold it had over him. He ended his subjugation. He put himself in charge. He turned all "it was" into a "thus I willed it." Everything that was going to happen in his life, he accepted, he chose, he willed. He became sovereign over his life. There was no way to overcome his illness except by embracing it.

III

I think we are now in a position to see that for eternal recurrence to work, for it to have the effect that it must have for Nietzsche, we must accept without qualification, we must love, everysingle moment of our lives, every single moment of suffering. **We cannot allow ourselves to be tempted by what might at first sight seem to be a much more appealing version of eternal recurrence, that is, a recurring life that would include the desirable aspects of our present life while leaving out the undesirable ones.** To give in to such temptation would be to risk losing everything that has been gained. To give in to such temptation, I suggest, would allow the suffering in our present life to begin to reassert its psychological stranglehold. We would start to slip back into subjugation. We would again come to be dominated by our suffering. We [End Page 57] would spend our time trying to minimize it, or avoid it, or ameliorate it, or cure it. We would again become slaves to it.

For the same reason, I do not think it will work for us to accept eternal recurrence merely because of one or a few grand moments—for the sake of which we are willing to tolerate the rest of our lives. Magnus holds that all we need desire is the return of one peak experience.21 This suggests that our attitude toward much of our life, even most of it, could be one of toleration, acceptance, or indifference—it could even be negative. All we need do is love one great moment and, because all moments are interconnected (Z IV: "The Drunken Song" 10;WP 1032), that then will require us to accept all moments. This would be much easier than actually loving all moments of one's life—every single detail. The latter is what is demanded inEcce Homo, which says that amor fati means that one "wants nothing to be different" and that we "[n]ot merely bear what is necessary . . . but love it" (EH "Clever" 10, emphasis added [except to love]). We want "a Yes-saying without reservation, even to suffering. . . . Nothing in existence may be subtracted, nothing is dispensable . . ." (EH "BT" 2). If we do not loveevery moment of our present life for its own sake, those moments we do not love, those moments we accept for the sake of one grand moment, I suggest, will begin to wear on us.22 We will begin to wish we did not have to suffer through so many of them, we will try to develop strategies for coping with

them, we will worry about them, they will start to reassert themselves, they will slowly begin to dominate us, and pretty soon we will again be enslaved by them. Our attitude toward any moment cannot be a desire to avoid it, change it, or reduce it—or it will again begin to dominate us. Indeed, in Ecce Homo, Nietzsche says that he had to display a "Russian fatalism." He did so by

tenaciously clinging for years to all but intolerable situations, places, apartments, and society, merely because they happened to be given by accident: it was better than changing them, than feeling that they could be changed—than rebelling against them.

Any attempt to disturb me in this fatalism, to awaken me by force, used to annoy me mortally—and it actually was mortally dangerous every time.

Accepting oneself as if fated, not wishing oneself "different"—that is in such cases great reason itself.

(EH "Wise" 6)

Eternal recurrence is an attempt to deal with meaningless suffering. It is an attempt to do so that completely rejects an approach to suffering that says, Let's improve the world, let's change things, let's work step by step to remove suffering—the view of liberals and socialists whom Nietzsche so often rails against. If it is impossible to significantly reduce suffering in the world, as Nietzsche thinks it is, then to make it your goal to try to do so is to enslave yourself to that suffering. [End Page 58]

Marijuana cp extensions

2nc overview

The counterplan is the best option in the round. It solves for all of the plan plus more then the plan can solve. Legalizing marijuana makes it so that racism is solved better then the aff does as well as eliminating the terrorism that would be caused by doing the aff.

AT: perm(2nc)

Group the perms:

Either they are severance or intrinsic because they change the aff and add sequencing - voting issue for competitive equity

-OR-

They don't solve - if we win a 1% risk of a link to the DA you should prefer the counterplan, which solves better then case itself

AT: legalizing marijuana doesn't stop racial profiling

Racial progress has occurred though legal change and more in the area of drug laws is still possible---reject pessimism because it ignores specific reforms that achieved lasting reductions in racial inequality

Michael **Omi 13,** and Howard Winant, Resistance is futile?: a response to Feagin and Elias, Ethnic and Racial Studies Volume 36, Issue 6, p. 961-973, 2013 Special Issue: Symposium - Rethinking Racial Formation Theory

In Feagin and Elias's account, white racist rule in the USA appears unalterable and permanent. There is little sense that the 'white racial frame' evoked by systemic racism theory changes in significant ways over historical time. They dismiss **important** rearrangements and **reforms** as **merely 'a distraction** from more ingrained structural oppressions and deep lying inequalities that continue to **define US society'** (Feagin and Elias 2012, p. 21). Feagin and Elias use a concept they call 'surface flexibility' to argue that white elites frame racial realities in ways that suggest change, but are merely engineered to reinforce the underlying structure of racial oppression. Feagin and Elias say the phrase 'racial democracy' is an oxymoron – a word defined in the dictionary as a figure of speech that combines contradictory terms. If they mean the USA is a contradictory and incomplete democracy in respect to race and racism issues, we agree. If they mean that people of colour have no democratic rights or political power in the USA, **we disagree**. The USA is a racially despotic country in many ways, but in our view it is also in many respects a racial democracy, **capable of being influenced** towards **more or less inclusive** and redistributive economic **policies**, social policies, or for that matter, imperial policies. What is distinctive about our own epoch in the USA (post-Second World War to the present) with respect to race and racism? ¶ Over the past decades there has been a steady drumbeat of efforts to contain and neutralize civil rights, to restrict racial democracy, and to maintain or even increase racial inequality. Racial disparities in different institutional sites – employment, health, education – persist and in many cases have increased. Indeed, the post-2008 period has seen a dramatic increase in racial inequality. The subprime home mortgage crisis, for example, was a major racial event. Black and brown people were disproportionately affected by predatory lending practices; many lost their homes as a result; race-based wealth disparities widened tremendously. It would be easy to conclude, as Feagin and Elias do, that **white racial dominance has been continuous**

and unchanging throughout US history. But such a perspective **misses** the **dramatic twists** and turns in racial politics that have occurred since the Second World War and the civil rights era.¶ Feagin and Elias claim that we overly inflate the significance of the changes wrought by the civil rights movement, and that we 'overlook the serious reversals of racial justice and persistence of huge racial inequalities' (Feagin and Elias 2012, p. 21) that followed in its wake. **We do not**. In Racial Formation we wrote about 'racial reaction' in a chapter of that name, and elsewhere in the book as well. Feagin and Elias devote little attention to our arguments there; perhaps because they are in substantial agreement with us. While we argue that the right wing was able to 'rearticulate' race and racism issues to roll back some of the gains of the civil rights movement, we also believe that **there are limits to what the right could achieve** in the post-civil rights political landscape.¶ So we agree that the present prospects for racial justice are demoralizing at best. But we do not think that is the whole story. **US racial conditions have changed** over the post-Second World War period, in ways that Feagin and Elias tend to downplay or neglect. Some of the major reforms of the 1960s have **proved irreversible**; they have set **powerful democratic forces in motion**. These racial (trans)formations were the results of unprecedented political mobilizations, led by the black movement, but not confined to blacks alone. Consider the desegregation of the armed forces, as well as key civil rights movement victories of the 1960s: the Voting Rights Act, the Immigration and Naturalization Act (Hart- Celler), as well as important court decisions like Loving v. Virginia that declared anti-miscegenation laws unconstitutional. While we have the greatest respect for the late Derrick Bell, we do not believe that his 'interest convergence hypothesis' effectively explains all these developments. How does Lyndon Johnson's famous (and possibly apocryphal) lament upon signing the Civil Rights Act on 2 July 1964 – 'We have lost the South for a generation' – count as 'convergence'?¶ The US racial regime **has been transformed in significant ways**. As Antonio Gramsci argues, hegemony proceeds through the incorporation of opposition (Gramsci 1971, p. 182). The civil rights reforms can be seen as a classic example of this process; here the US racial regime – under movement pressure – was exercising its hegemony. But Gramsci insists that such reforms – which he calls 'passive revolutions' – cannot be merely symbolic if they are to be effective: oppositions must win real gains in the process. Once again, we are in the realm of politics, not absolute rule.¶ So yes, we think there were important **if partial** victories that shifted the racial state and transformed the significance of race in everyday life. And yes, we think that further victories can take place **both** on the broad terrain of the state and on the more immediate level of social interaction: in daily interaction, in the human psyche and **across civil society**. Indeed we have argued that in many ways the most important accomplishment of the anti-racist movement of the 1960s in the USA was the politicization of the social. In the USA and indeed around the globe, race-based movements demanded not only the inclusion of racially defined 'others' and the democratization of structurally racist societies, but also the **recognition and validation** by **both the state and civil society** of racially-defined experience and identity. These demands **broadened and deepened democracy** itself. They facilitated not only the **democratic gains** made in the USA by the black movement and its allies, but also the political advances towards equality, social justice and inclusion accomplished by other 'new social movements': second-wave feminism, gay liberation, and the environmentalist and anti-war movements among others.¶ **By no means** do we think that the post-war movement upsurge was an unmitigated success. Far from it: all the new social movements were subject to the same 'rearticulation' (Laclau and Mouffe 2001, p. xii) that produced the racial ideology of 'colourblindness' and its variants; indeed all these movements confronted their mirror images in the mobilizations that arose from the political right to counter them. Yet even their incorporation and containment, even their confrontations with the various 'backlash' phenomena of the past few decades, even the need to develop the highly contradictory ideology of 'colourblindness', **reveal the transformative character** of the 'politicization of the social'. While it is not possible here to explore so extensive a subject, it is worth noting that it was the long-delayed eruption of racial subjectivity and self-awareness into the mainstream political arena that set off this transformation, shaping both the democratic and anti-democratic social movements that are evident in US politics today.¶ What are the political implications of contemporary racial trends?¶ Feagin and Elias's use of racial categories can be imprecise. This is not their problem alone; anyone writing about race and racism needs to frame terms with care and precision, and we undoubtedly get fuzzy too from time to time. The absence of a careful approach leads to '**racial lumping**' and essentialisms of various kinds. **This imprecision is heightened in polemic**. In the Feagin and Elias essay the term 'whites' at times refers to all whites, white elites, 'dominant white actors' and very exceptionally, anti-racist whites, a category in which we presume they would place themselves. Although the terms 'black', 'African American' and 'Latino' appear, the term 'people of colour' is emphasized, often in direct substitution for black reference points.¶ In the USA today **it is important not to frame race in a bipolar manner**. The black/white paradigm made more sense in the past than it does in the twenty-first century. The racial make-up of the nation has now changed dramatically. Since the passage of the Immigration Reform Act of 1965, the USA has become more 'coloured'. A

‘majority–minority’ national demographic shift is well underway. Predicted to arrive by the mid-twenty-first century, the numerical eclipse of the white population is already in evidence locally and regionally. In California, for example, non-Hispanic whites constitute only 39.7 per cent of the state's population. While the decline in the white population cannot be correlated with any decline of white racial dominance, the dawning and deepening of racial multipolarity calls into question a sometimes implicit and sometimes explicit black/white racial framework that is evident in Feagin and Elias's essay. Shifting racial demographics and identities also raise general questions of race and racism in new ways that the ‘systemic racism’ approach is not prepared to explain.3¶ Class questions and issues of panethnicizing trends, for example, call into question what we mean by race, racial identity and race consciousness. No racially defined group is even remotely uniform; groups that we so glibly refer to as Asian American or Latino are particularly heterogeneous. Some have achieved or exceeded socio-economic parity with whites, while others are subject to what we might call ‘engineered poverty’ in sweatshops, dirty and dangerous labour settings, or prisons. Tensions within panethnicized racial groups are notably present, and conflicts between racially defined groups (‘black/brown’ conflict, for example) are evident in both urban and rural settings. A substantial current of social scientific analysis now argues that Asians and Latinos are the ‘new white ethnics’, able to ‘work toward whiteness’4 at least in part, and that the black/white bipolarity retains its distinct and foundational qualities as the mainstay of US racism (Alba and Nee 2005; Perlmann 2005; Portes and Rumbaut 2006; Waters, Ueda and Marrow 2007).¶ We question that argument in light of the massive demographic shifts taking place in the USA. Globalization, climate change and above all neoliberalism on a global scale, all drive migration. The country's economic capacity to absorb enormous numbers of immigrants, low-wage workers and their families (including a new, globally based and very female, servant class) without generating the sort of established subaltern groups we associate with the terms race and racism, may be more limited than it was when the ‘whitening’ of Europeans took place in the nineteenth and twentieth centuries. In other words this argument's key precedent, the absorption of white immigrants ‘of a different color’ (Jacobson 1998), may no longer apply. Indeed, we might think of the assimilationist model itself as a general theory of immigrant incorporation that was based on a historically specific case study – one that might not hold for, or be replicated by, subsequent big waves of immigration. Feagin and Elias's systemic racism model, while offering numerous important insights, does not inform concrete analysis of these issues.¶ It is important going forward to understand how groups are differentially racialized and relatively positioned in the US racial hierarchy: once again racism must be seen as a shifting racial project. This has important consequences, not only with respect to emerging patterns of inequality, but also in regard to the degree of power available to different racial actors to define, shape or contest the existing racial landscape. Attention to such matters is largely absent in Feagin and Elias's account. In their view racially identified groups are located in strict reference to the dominant ‘white racial frame’, hammered into place, so to speak. As a consequence, they fail to examine how racially subordinate groups interact and influence each others’ boundaries, conditions and practices. Because they offer so little specific analysis of Asian American, Latino or Native American racial issues, the reader finds her/himself once again in the land (real or imaginary, depending on your racial politics) of bipolar US racial dynamics, in which whites and blacks play the leading roles, and other racially identified groups – as well as those ambiguously identified, such as Middle Eastern and South Asian Americans (MEASA) – play at best supporting roles, and are sometimes cast as extras or left out of the picture entirely.¶ **We** still want to **acknowledge** that blacks have been catching hell and have borne the brunt of the racist reaction of the past several decades. For example, **we agree** with Feagin and Elias's critique of the reactionary politics of incarceration in the USA. The ‘new Jim Crow’ (Alexander 2012) or even the ‘new slavery’ that the present system practises is something that was just in its beginning stages when we were writing Racial Formation. It is now recognized as a national and indeed global scandal. **How is it to be understood?** Of course there are substantial debates on this topic, notably about the nature of the ‘prison-industrial complex’ (Davis 2003, p. 3) and the social and cultural effects of mass incarceration along racial lines. But beyond Feagin and Elias's denunciation of the ferocious white racism that is operating here, **deeper political implications** are worth considering. As Alexander (2012), Mauer (2006), Manza and Uggen (2008) and movement groups like Critical Resistance and the Ella Baker Center argue, the upsurge over recent decades in incarceration rates for black (and brown) men expresses the fear-based, law-and-order appeals that have shaped US racial politics since the rise of Nixonland (Perlstein 2008) and the ‘Southern strategy’. Perhaps even more central, racial repression aims at restricting the **increasing impact of voters of colour** in a demographically shifting electorate.¶ There is a lot more to say about this, but for the present two key points stand out: first, it is not an area where Feagin and Elias and we have any sharp disagreement, and second, for all the horrors and injustices that the ‘new Jim Crow’ represents, incarceration, profiling and similar practices **remain political issues**. **These** practices and **policies are not ineluctable and unalterable dimensions of the US racial regime**. There have been previous waves of reform in these areas. **They can be transformed again** by mass mobilization, electoral shifts and so on. In other words, **resistance is not futile**.¶Speaking of electoral shifts and the formal political arena, how should President Barack Obama be politically situated in this discussion? How do Feagin and Elias explain Obama? Quite amazingly, his name does not appear in their essay. Is he a mere token, an ‘oreo’, a shill for Wall Street? Or does Obama represent a new development in US politics, a black leader of a mass, multiracial party that for sheer demographic reasons alone might eventually triumph over the white people's party, the Republicans? If the President is neither the white man's token nor Neo, the One,5 then once again we are in the world of politics: neither the near-total white despotism depicted by Feagin and Elias, nor a racially inclusive democracy.¶ President Obama continues to enjoy widespread black support, although it is clear that he has not protected blacks against their greatest cumulative loss of wealth in history. He has not explicitly criticized the glaring racial bias in the US carceral system. He has not intervened in conflicts over workers’ rights – particularly in the public sector where many blacks and other people of colour are concentrated. He has not intervened to halt or slow foreclosures, except in ways that were largely symbolic. Workers and lower-middle-class people were the hardest hit by the great recession and the subprime home mortgage crisis, with black families faring worst, and Latinos close behind (Rugh and Massey 2010); Obama has not defended them. Many writers have explained Obama's centrism and unwillingness to raise the issue of race as functions of white racism (Sugrue 2010).¶ The black community – and other communities of colour as well – remains politically divided. While black folk have taken the hardest blows from the reactionary and racist regime that has mostly dominated US politics since Reagan (if not since Nixon), no united black movement has succeeded the deaths of Malcolm and Martin. Although there is always important political activity underway, a relatively large and fairly conservative black middle class, a ‘black bourgeoisie’ in Frazier's (1957) terms, has generally maintained its position since the end of the civil rights era. Largely based in the public sector, and including a generally centrist business class as well, this stratum has continued to play the role that Frazier – and before him, Charles S. Johnson. William Lloyd Warner, Alison Davis and other scholars – identified: vacillation between the white elite and the black masses. Roughly similar patterns operate in Latino communities as well, where the ‘working towards whiteness’ framework coexists with a substantial amount of exclusion and super-exploitation.¶ Alongside class issues in communities of colour, there are significant gender issues. The disappearance of blue-collar work, combined with the assault by the criminal justice system – chiefly profiling by the police (‘stop and frisk’) and imprisonment, have both unduly targeted

and victimized black and brown men, especially youth. Women of colour are also targeted, especially by violence, discrimination and assaults on their reproductive rights (Harris-Perry 2011); profiling is everywhere (Glover 2009).¶ Here again we are in the realm of racial politics. Debate proceeds in the black community on Obama's credibilty, with Cornel West and Tavis Smiley leading the critics. But it seems safe to say that in North Philly, Inglewood or Atlanta's Lakewood section, the president remains highly popular. Latino support for Obama remains high as well. Feagin and Elias need to clarify their views on black and brown political judgement. Is it attuned to political realities or has it been captured by the white racial frame? Is Obama's election of no importance?¶ ***¶ In conclusion, do Feagin and Elias really believe that white power is so complete, so extensive, so 'sutured' (as Laclau and Mouffe might say) as they suggest here? Do they mean to suggest, in Borg-fashion, that 'resistance is futile?' This seems to be the underlying political logic of the 'systemic racism' approach, perhaps unintentionally so. Is white racism so ubiquitous that no meaningful political challenge can be mounted against it? Are black and brown folk (yellow and red people, and also others unclassifiable under the always- absurd colour categories) utterly supine, duped, abject, unable to exert any political pressure? Is such a view of race and racism even recognizable in the USA of 2012? And is that a responsible political position to be advocating? Is this what we want to teach our students of colour? Or our white students for that matter?¶ We suspect that if pressed, Feagin and Elias would concur with our judgement that racial conflict, both within (and against) the state and in everyday life, is a **fundamentally political** process. We think that they would also accept our claim that the ongoing **political realities of race** provide **extensive evidence** that people of colour in the USA are not so **powerless**, and that whites are not so omnipotent, as Feagin and Elias's analysis suggests them to be.¶ Racial formation theory allows us to see that there are contradictions in racial oppression. The racial formation approach reveals that white racism is unstable and constantly challenged, from the national and indeed global level down to the personal and intra-psychic conflicts that we all experience, no matter what our racial identity might be. While racism – largely white – continues to flourish, it is not monolithic. Yes, there have been enormous increases in racial inequality in recent years. But movement-based anti-racist opposition continues, and sometimes scores victories. **Challenges to white racism continue both within the state and in civil society**. Although largely and properly led by people of colour, anti-racist movements also incorporate whites such as Feagin and Elias themselves. Movements may experience setbacks, the reforms for which they fought may be revealed as inadequate, and indeed their leaders may be co-opted or even eliminated, but **racial subjectivity** and self-awareness, unresolved and conflictual both within the individual psyche and the body politic, **abides**. Resistance is not futile.

Case extensions

Going onto case, look at the plan in the vacuum there's a large solvency deficit. The aff has no way to stop the war on drugs, and there are multiple alternate causes in the squo to the racism they say is being caused currently by the war on the drugs, the counterplan is ultimatley going to solve better then the plan could ever do anyway.

AT: plan wont get circumvented

Terror DA extensions

Overview

The terror DA becomes an immediate net benefit coming out of the 1nc at the point in which the ff cant solve for terrorist groups the work within drug cartel you should prefer the counterplan which solves for the plan plus more

on an impact level the DA takes out impact the aff may garner, due to the pure fact the impact to the DA is extinction

AT: terror low in squo now

Terror threat high now—encryption and radicalization

Investor's Business Daily, 6-23-2015, "Despite Obama's Claim, Our Terror Threat Level Is High," http://news.investors.com/ibd-editorials/062315-758709-diminishing-us-power-has-elevated-our-terror-threat-level.htm

Homeland Security: The president repeatedly claims we're safer than ever. The chairman of the House Intelligence Committee just warned of the opposite. Apparently we have difficulty tracking U.S.-based terrorist cells. The attitude of the Obama administration toward terrorism is summed up by the National Terrorism Advisory System page on the Homeland Security website. "There are no current alerts," it reports. And "there are no expired alerts." Nearby is the question, "Was this page helpful?" The answer is no. The five post-9/11 color-coded terrorism alert levels, abandoned in 2011, were lampooned by comedians for being vague and based on hidden criteria. With the threat level never dropping below "elevated" (yellow), down to "guarded" (blue) or "low" (green), the public was ignoring it, it was said. But now, in its place, is a National Terrorism Advisory System that never issues alerts. In fact, over nearly six and a half years, President Obama has not once, under either the old or new system, issued an alert. Last August he promised "things are much less dangerous now than they were 20 years ago, 25 years ago, or 30 years ago." That contradicted his own Joint Chiefs chairman, secretary of defense, and even his then-Attorney General Eric Holder, who called potential undetectable explosives smuggled in from Syria the most frightening thing he had seen while in office. Enter House Intelligence Committee Chairman Devin Nunes, R-Calif., who told CBS' "Face the Nation" on Sunday that "we face the highest threat level we have ever faced in this country today . .. including after 9/11." Because of obstacles such as encrypted Internet chat rooms, "we are having a tough time tracking terrorist cells," according to Nunes. And "the flow of fighters" from Western nations who have been radicalized into the Islamic State, but "who have now come out" and may seek to commit terrorist attacks back home, is another reason the threat is greater than ever. Nunes noted that the FBI has "cases open in 50 states." Then there is civil war in Yemen, with the AQAP branch of al-Qaida "everywhere," according to Nunes. Last September, outlining his noncombat approach against the Islamic State, Obama cited his Yemen policy as the model. Eleven days later, Iranian-backed Houthi rebels toppled the U.S.-backed government. Obama is poised to make a nuclear deal with those same Iranians, lifting sanctions and handing Tehran tens of billions in cash to terrorize even more and gain regional dominance — all before getting nuclear weapons, which will launch an atomic arms race in the Mideast. Russia's new aggressiveness

counters Obama's claims that the Cold War is ancient history. Iran, the Islamic State and other terrorists are actually, while lacking Moscow's massive nuclear arsenal, a greater threat because of the theocratic-based, self-destructive irrationality and instability underlying their motivations. The Soviets, after all, never murdered thousands of Americans on their own soil. Far less powerful Islamist fanatics did. Under the old color-coded system, today's level of alert would be "severe" (red).

Terror threat high now—Al Qaeda initiatives prove

Mail Online, 7-15-2015, "Terror alert remains high," http://www.dailymail.co.uk/news/article-181751/Terror-alert-remains-high.html

Britain and the US remained on terror alert today, following a call from Osama bin Laden's deputy for Muslims to attack the "missions" of the two countries. An audio tape said to have come from Ayman al-Zawahri was played on Arabic television station al-Jazeera, urging "brothers" to follow the example of the September 11 hijackers. "Consider your 19 brothers who attacked America in Washington and New York with their planes as an example," said the voice, identified as al-Zawahri by al-Jazeera, which did not say how it got the tape. "Attack the missions of the United States, the UK, Australia and Norway and their interests, companies and employees. Turn the ground beneath their feet into an inferno and kick them out of your countries," said the tape. "Know that you are not alone in this battle. Your mujahadeen brothers are following the enemies as well and are lying in wait for them." Al-Zawahri, who has not been seen since the war in Afghanistan, lashed out at Arab leaders for offering "airports and the facilities" to the Allied troops, in an apparent reference to the war on Iraq. His call to arms came as British and US embassies in the Saudi capital Riyadh remained shut amid fears they could be targeted in "imminent" terrorist attacks, and America upped its homeland terror alert status. Hijack plot foiled And details emerged of a possible al Qaida plot to hijack a civilian airliner in the Saudi town of Jeddah and crash it into a bank. According to reports, three armed Moroccans arrested in Jeddah's airport on Monday had planned the suicide hijack and hoped to crash the plane into the headquarters of Saudi's National Commercial Bank. It was not clear if they were linked to last week's triple suicide bombings of foreign residential compounds in Riyadh which killed 34, including two Britons, or similar bombings in Morocco on Friday. Security boosted Security officials warned that al Qaida appeared to be entering an "active" phase of attacks, aimed at showing it was still operational despite the so-called "war on terror". The British, German and Italian embassies in the Saudi capital Riyadh closed to the public yesterday following intelligence reports that terrorist attacks were being planned. The British consulate in Jeddah and trade office in al Khobar were also closed from yesterday. It is expected the offices will reopen on Saturday, although the situation will be kept under review. The US closed its embassy and consulates in the Middle Eastern kingdom on Tuesday, a week after the series of suicide bomb attacks in Riyadh. The Bush administration raised America's terror alert level to orange, its second highest level, amid fears that the wave of terrorist attacks in Saudi, Morocco and Israel will spread to the US.

Homegrown terrorism on the rise—74 plots discovered

Carrie **Blackmore, 1-17-2015**, "Number of homegrown terrorists is rising," USA TODAY, http://www.usatoday.com/story/news/nation/2015/01/17/number-of-homegrown-terrorists-is-rising/21940159/

CINCINNATI — We are far from knowing the outcome of the case against Christopher Cornell, the young local man accused of plotting an attack on the U.S. Capitol, but if he is convicted, he would be added to a growing list of homegrown jihadist terrorists. From Sept. 11, 2001, to January 2014, there were 74 known terrorist plots perpetrated by Americans, lawful U.S. residents or visitors largely radicalized here in the United States, according to the most recent data reported by the Congressional Research Service. Five of those plots were carried out before law enforcement was able to intervene. Fifty-three of the cases – almost 72 percent – happened after April 2009. That's a 152 percent increase over that time period – and constitutes a spike, according to the report by the service, an agency that works exclusively for the U.S. Congress, providing policy and legal analysis to committees and members of the House and Senate. "It may be too early to tell how sustained this uptick is," the report reads. "Regardless, the apparent spike in such activity after April 2009 suggests that ideologies supporting violent jihad continue to influence some Americans – even if a tiny minority." A review of the 74 cases shows that just seven were initiated by someone working independently, a lone wolf. Forty-five of the 74 planned to attack a domestic target.

Case turns?

Terrorism is used as a justification for increased surveillance – empirics prove and turns case

Haggerty and Gazso 20**05** (Kevin, Professor of Criminology and Sociology at the University of Alberta; Amber, Associate Professor in the Department of Sociology at York University, The Canadian Journal of Sociology / Cahiers canadiens de sociologie, Vol. 30, No. 2 (Spring, 2005), pp. 169-187 "Seeing beyond the Ruins: Surveillance as a Response to Terrorist Threats" JSTOR; accessed 7/17/15 JH @ DDI)

A climate of fear and anxiety helped ease the passage of such laws (Davis, 2001). However, a great deal of organizational opportunism was also at work. Many of the surveillance proposals adopted in the days after the attack were recycled from earlier legislative efforts. In previous incarnations these proposals had often been legitimated as essential for the international "war on drugs" or to address other crimes, such as money laundering. The September 11 th attacks gave the authorities a new and apparently unassailable legitimation for long-standing legislative ambitions. Before the dust had settled on Manhattan, the security establishment had mobilized to expand and intensify their surveillance capabilities, justifying existing proposals as necessary tools to fight the new war against terrorism. Ultimately, the police, military and security establishment reaped an unanticipated windfall of increased funding, new technology and loosened legislative constraints by strategically invoking fears of future attacks. There are several examples of such opportunism. Since at least 1999, when Congress initially turned down their request, the U.S. Justice Department has lobbied for the development of new "secret search" provisions. Likewise, prior to the attacks, the FBI and the National Telecommunications and Information Systems Security Committee had a lengthy shopping list of desired surveillance-related measures including legal enhancements to their wiretapping capabilities, legal constraints on the public use of cryptography, and provisions for governmental agents to compel Internet service providers to provide information on their customers (Burnham, 1997). All of these proposals were recycled and implemented after the September 11th attacks now justified as integral tools in the "war on terrorism." New provisions requiring banks to exercise "due diligence" in relation to their large depositors were originally justified by the authorities as a means to counter the "war on drugs." The opportunism of many of these efforts was inadvertently revealed by an RCMP Sergeant when, during a discussion about new official antiterrorism powers to monitor financial transactions, he noted that: "We've been asking for something like this for four years. It's really our best weapon against biker gangs" [emphasis added] (Corcan, 2001). In Canada, the Federal Privacy Commissioner was particularly alarmed by the development of what he

referred to as a "Big Brother database." This amounts to a detailed computerized record of information about Canadian travelers. Although justified as a means to counter terrorism, the data will be made available to other government departments for any purpose they deem appropriate. Such provisions raise the specter of informational "fishing expeditions." Indeed, the Canadian government has already indicated that this ostensible anti-terrorist database will be used to help monitor tax evaders and catch domestic criminals. It will also be used to scrutinize an individual's travel history and destinations, in an effort to try and determine whether they might be a pedophile or money launderer (Radwanski, 2002). While these are laudable goals, they also reveal how a host of other surveillance agendas have been furthered by capitalizing on the new anti-terrorism discourse.

T

T “it’s”

Interpretation- Its can refer to geography

Words and Phrases ‘6 vol 22B p 524

> Nev. 1963. In constitutional provision authorizing Legislature to exceed debt limitation if necessary, expedient or advisable for protection and preservation of any of its property or natural resources, the term "its" has geographical rather than proprietary connotation. Const, art. 9, § 3.—Marlette Lake Co. v, Sawyer, 383 P.2d 369, 79 Nev. 334.— States 115.

Violation-the aff uses the term “it’s” as a means of possession, rather than a term to refer to geography

Standards:

Limits- Prevents explosion of the topic—our interpretation limits the topic to a discussion of how we should curtail domestic surveillance, using the word “it’s” with this definition prevents the topic from becoming about anything the aff pleases.

Grammatical precision—our interp preserves the meaning of the phrase “it’s”

Ground- No ground for the neg to run any of their args---and this isn’t just a neg whine. There would be no CP solvency other than a stale states debate to run against small projects affs or city affs

Voters:

Education- If they are off topic, it ruins the value of debate. The framers of the resolution created it for a reason : for us to learn about a specific topic. If they aren’t on topic and going against the very things we learned in elementary school, we don’t learn about the topic the way we should and thus destroy the value of debate.

Fairness- The aff is being unfair with their case and interpretation of the resolution. This is explained by the fact they explode the topic by underlimiting it, making it unfair to be the neg because we lose so much ground that we can hardly debate.

Jurisdiction- T is a voter because it is not within the judge’s jurisdiction to vote for an untopical case. The judge’s realm of jurisdiction is the resolution, and nothing else. Even if the aff proves their untopical case to be a good idea, you can’t vote for them when we show they didn’t actually affirm the resolution due to the fact they are off topic.

T

T – not domestic surveillance

A. Domestic surveillance is surveillance of us persons

Small 8 matthew l. Small. United states air force academy 2008 center for the study of the presidency and congress, presidential fellows program paper "his eyes are watching you: domestic surveillance, civil liberties and executive power during times of national crisis" http://cspc.nonprofitsoapbox.com/storage/documents/fellows2008/small.pdf

> Before one can make any sort of assessment of domestic surveillance policies, it is first necessary to narrow the scope of the term "domestic surveillance." Domestic surveillance is a subset of intelligence gathering. Intelligence, as it is to be understood in this context, is "information that meets the stated or understood needs of policy makers and has been collected, processed and narrowed to meet those needs" (lowenthal 2006, 2). In essence, domestic surveillance is a means to an end; the end being intelligence. The intelligence community best understands domestic surveillance as the acquisition of nonpublic information concerning united states persons (executive order 12333 (3.4) (i)). With this definition domestic surveillance remains an overly broad concept. This paper's analysis, in terms of president bush's policies, focuses on electronic surveillance; specifically, wiretapping phone lines and obtaining caller information from phone companies. Section f of the usa patriot act of 2001 defines electronic surveillance as:

B. Violation—Surveillance associated with the illegal drug is targeted at Mexicans

Gordon '15, Professor at the the University of San Francisco (5/23/15, Rebecca, InTheseTimes, "When the War on Drugs in Mexico Comes Back Home to the U.S.", http://inthesetimes.com/article/17782/when-the-war-on-drugs-in-mexico-comes-back-home-to-the-u.s)

In Mexico, the U.S. military is directly involved in the War on Drugs. In this country, that "war" has provided the pretext for the militarization of local police forces and increased routine surveillance of ordinary people going about their ordinary lives.

C. Our standard is

Limits—Any interpretation of domestic that allows the targeting of foreign nationals blows the lid off the topic—that makes it impossible to prepare

D. T is a voter for fairness and prepared debates

K

Cartels prevent states from regulating the market—allows for neoliberal globalization and perpetuates violence

Walker '2 Received Bachelor and Master Degrees in International Relations from the London School of Economics (LSE), University of London. (2002, Julius Walker, Global Politics Network, "The role of the state in the international illicit drugs trade: the case of Colombia and external intervention", http://www.globalpolitics.net/essays/Julius_Walker.pdf)

Ultimately, if it is true that the security environment of the post-Cold War era facilitates the growth of transnational organized crime and the international drugs trade, one could argue that globalization is the driving force behind the international drugs trade. Colombia is a particularly vivid example of the effect the drugs trade can have on a state that was already weak. The situation there has developed so far that the overall situation of transnational organized crime in Colombia may be described as being in the 'symbiotic stage', in which the 'host, the legitimate political and economic sectors now become dependent upon the parasite, the monopolies and networks of organized crime to sustain itself' (Lupsha 1996: 32). Within the overarching framework of globalization, Colombia may thus be termed a 'courtesan state', one which serves the interests embodied in neoliberal globalization and which is a central element in the global policy framework of neoliberalism (Mittelman & Johnston 1999: 117). This, ultimately, is its role in the wider context of an increasingly globalized world.

Conclusion and implications for International Relations

The international trade in illegal drugs, and specifically the huge profits generated and the related violence fuelled by it, have the potential to corrupt the state and all the major social and political groups within it. The combination of the factors that Colombia was a drugs-producing country and also a weak state mired by a long-lasting civil war has enabled precisely this to happen. The impact of the international drugs trade thus acts as a powerful catalyst and reinforces this pre-existing situation. Because of the particular nature of the drugs industry in Colombia – and its complexity – the situation becomes a 'war system'. Both Colombia and the US in a sense become parts of this system, become actors - if involuntary ones - in the international drugs trade, and therefore in transnational organized crime. Colombia is thus a 'failed state' or a 'crimestate' in the sense that it is difficult to determine who exactly is the state. The strength of the international drugs trade is such that even a far more powerful and far less corrupted state, the United States, became involved and in a sense implicated, helping to entrench the 'war system'. All of this happened even though both the Colombian and US governments are in the process of fighting this transnational force. In the light of the 'new security agenda' postulated after the end of the Cold War, this truly seems a fearsome challenge to the international system.

The impact is extinction – neoliberal social organization ensures extinction from resource wars, climate change, and structural violence – only accelerating beyond neoliberalism can resolve its impacts

Williams & Srnicek 13

(Alex, PhD student at the University of East London, presently at work on a thesis entitled 'Hegemony and Complexity', Nick, PhD candidate in International Relations at the London School of Economics, Co-authors of the forthcoming Folk Politics, 14 May 2013, http://criticallegalthinking.com/2013/05/14/accelerate-manifesto-for-an-accelerationist-politics/)

At the begin-ning of the second dec-ade of the Twenty-First Cen-tury, global civilization faces a new breed of cataclysm. These com-ing apo-ca-lypses ridicule the norms and organ-isa-tional struc-tures of the polit-ics which were forged in the birth of the nation-state, the rise of cap-it-al-ism, and a Twen-ti-eth Cen-tury of unpre-ced-en-ted wars. 2. Most significant is the break-down of the planetary climatic system. In time, this threatens the continued existence of the present global human population. Though this is the most crit-ical of the threats which face human-ity, a series of lesser but potentially equally destabilising problems exist along-side and inter-sect with it. Terminal resource depletion, especially in water and energy reserves, offers the prospect of mass starvation, collapsing economic paradigms, and new hot and cold wars. Continued financial crisis has led governments to embrace the para-lyz-ing death spiral policies of austerity, privatisation of social welfare services, mass unemployment, and stagnating wages. Increasing automation in production processes includ-ing 'intel-lec-tual labour' is evidence of the secular crisis of capitalism, soon to render it incapable of maintaining current standards of living for even the former middle classes of the global north. 3. In con-trast to these ever-accelerating cata-strophes, **today's politics is beset by an inability to generate the** new ideas and **modes of organisation necessary to transform our societies to confront** and resolve the **coming annihilations**. While crisis gath-ers force and speed, polit-ics with-ers and retreats. In this para-lysis of the polit-ical ima-gin-ary, the future has been cancelled. 4. Since 1979, the hegemonic global political ideology has been neoliberalism, found in some vari-ant through-out the lead-ing eco-nomic powers. In spite of the deep struc-tural chal-lenges the new global prob-lems present to it, most imme-di-ately the credit, fin-an-cial, and fiscal crises since 2007 – 8, neoliberal programmes have only evolved in the sense of deep-en-ing. This continuation of the neo-lib-eral pro-ject, or neo-lib-er-al-ism 2.0, has begun to apply another round of structural adjustments, most sig-ni-fic-antly in the form of encour-aging new and aggress-ive incur-sions by the private sec-tor into what remains of social demo-cratic insti-tu-tions and ser-vices. This is in spite of the immediately negative eco-nomic and social effects of such policies, and the longer term fun-da-mental bar-ri-ers posed by the new global crises.

The alternative articulates a "counter-conduct" – voting neg pushes towards a cooperative conduct that organizes individuals around a collectively shared commons – affirming this conduct creates a new heuristic that de-couples government from the demand for competition and production

Dardot & Laval 13

(Pierre Dardot, philosopher and specialist in Hegel and Marx, Christian Laval, professor of sociology at the Universite Paris Ouest Nanterre La Defense, *The New Way of the World: On Neoliberal Society*, pgs. 318-321)

This indicates to what extent we must take on board in our own way the main lesson of neo-liberalism: **the subject is always to be constructed**. The whole question is then how to articulate subjectivation with resistance to power. Now, precisely this issue is at the heart of all of Foucault's thought. However, as Jeffrey T. Nealon has recently shown, part of the North American secondary literature has, on the contrary, stressed the alleged break between Foucault's research on power and that of his last period on the history of subjectivity.55 According to the 'Foucault consensus', as Nealon aptly dubs it, the successive impasses of the initial neo-structuralism, and then of the totalizing analysis of panoptical power, led the 'last Foucault' to set aside the issue of power and concern himself exclusively with the aesthetic invention of a style of existence bereft of any political dimension. Furthermore, if we follow this de-politicizing reading of Foucault, the aestheticization of ethics anticipated the neo-liberal mutation precisely by making self-invention a new norm. In reality, far from being oblivious of one another, the issues of power and the subject were always closely articulated, even in the last work on modes of subjectivation. If one concept played a decisive role in this respect, it was 'counter-conduct', as developed in the lecture of 1 March 1978.56 This lecture was largely focused on the crisis of the pastorate. It involved identifying the specificity of the 'revolts' or 'forms of resistance of conduct' that are the correlate of the pastoral mode of power. If such forms of resistance are said to be 'of conduct', it is because they are forms of resistance to power as conduct and, as such, are themselves forms of conduct opposed to this **'power-conduct'**. The term **'conduct'** in fact admits of two meanings: an activity that consists in conducting others, or **'conduction'**; and **the way one conducts oneself** under the influence of this activity of conduction.57 The idea of 'counter-conduct' therefore has the advantage of directly signifying a 'struggle against the procedures implemented for conducting others', unlike the term 'misconduct', which only refers to the passive sense of the word.58 Through 'counter-conduct', people seek both to **escape conduction by others** and to **define a way of conducting themselves towards others**.¶ What relevance might this observation have for a reflection on resistance to neo-liberal governmentality? It will be said that the concept is introduced in the context of an analysis of the pastorate, not government. Governmentality, at least in its specifically neo-liberal form, precisely makes conducting others through their conduct towards themselves its real goal. The peculiarity of this conduct towards oneself, conducting oneself as a personal enterprise, is that it immediately and directly induces a certain conduct towards others: **competition with others**, regarded as so many personal enterprises. Consequently, counter-conduct as a form of resistance to this governmentality must correspond to a conduct that is indivisibly a conduct towards oneself and a conduct towards others. One cannot struggle against such an indirect mode of conduction by appealing for rebellion against an authority that supposedly operates through compulsion external to individuals. If 'politics is nothing more and nothing less than that which is born with resistance to governmentality, the first revolt, the first confrontation',59 it means that ethics and politics are absolutely inseparable.¶ To the subjectivation-subjection represented by ultra-subjectivation, we must oppose a subjectivation by forms of counter-conduct. To neo-liberal governmentality as a specific way of conducting the conduct of others, we must therefore oppose a no less specific double refusal: **a refusal to conduct oneself towards oneself as a personal enterprise** and **a refusal to conduct oneself towards others in accordance with the norm of competition**. As such, the double refusal is not 'passive disobedience'.60 For, if it is true that the personal enterprise's relationship to the self immediately and directly determines a certain kind of relationship to others – generalized competition – conversely, the refusal to function as a personal enterprise, which is self-distance and a refusal to line up in the race for performance, can only practically occur on condition of **establishing cooperative relations with others**, **sharing and pooling**. In fact, where would be the sense in a self-distance severed from any cooperative practice? At worst, a cynicism tinged with contempt for those who are dupes. At best, simulation or double dealing, possibly dictated by a wholly justified concern for self-preservation, but ultimately exhausting for the subject. Certainly not a counter-conduct. All the more so in that such a game could lead the subject, for want of anything better, to take refuge in a **compensatory identity**, which at least has the advantage of some stability by contrast with the imperative of indefinite self-transcendence. Far from threatening the neo-liberal order, **fixation with identity**, whatever its nature, looks like **a fall-back position** for subjects weary of themselves, for all those who have abandoned the race or been excluded from it from the outset. Worse, **it recreates the logic of competition** at the level of relations between 'little communities'. Far from being valuable in itself, independently of any articulation with politics, individual subjectivation is bound up at its very core with collective subjectivation. In this sense, sheer aestheticization of ethics is a pure and simple abandonment of a genuinely ethical attitude. The invention of new forms of existence can only be **a collective act**, attributable to the multiplication and intensification of **cooperative counter-conduct**. A collective refusal

to ‘work more’, if only local, is a good example of an attitude that can pave the way for such forms of counter-conduct. In effect, it breaks what André Gorz quite rightly called the ‘structural complicity’ that binds the worker to capital, in as much as ‘earning money’, ever more money, is the decisive goal for both. It makes an initial breach in the ‘immanent constraint of the “ever more”, “ever more rapidly”‘.61¶ The genealogy of neo-liberalism attempted in this book teaches us that the new global rationality is in no wise an inevitable fate shackling humanity. Unlike Hegelian Reason, it is not the reason of human history. It is itself **wholly historical** – that is, relative to strictly singular conditions that cannot legitimately be regarded as untranscendable. The main thing is to understand that nothing can release us from the task of promoting a different rationality. That is why the belief that the financial crisis by itself sounds the death-knell of neo-liberal capitalism is the worst of beliefs. It is possibly a source of pleasure to those who think they are witnessing reality running ahead of their desires, without them having to move their little finger. It certainly comforts those for whom it is an opportunity to celebrate their own past ‘clairvoyance’. At bottom, it is the least acceptable form of intellectual and political abdication. Neo-liberalism is not falling like a ‘ripe fruit’ on account of its internal contradictions; and traders will not be its undreamed-of ‘gravediggers’ despite themselves. Marx had already made the point powerfully: ‘History does nothing’.62 There are only human beings who act in given conditions and seek through their action **to open up a future for themselves**. It is up to us to enable a new sense of possibility to blaze a trail. The government of human beings can be aligned with horizons other than those of maximizing performance, unlimited production and generalized control. **It can sustain itself with self-government that opens onto different relations with others than** that of **competition between ‘self-enterprising actors’**. The practices of ‘communization’ of knowledge, mutual aid and cooperative work can delineate the features of a different world reason. Such an alternative reason cannot be better designated than by the term **reason of the commons**.

ptx

Obama can hold off a veto now – but his political capital is key

Walsh and Barrett 7/16 (Deirdre, Senior Congressional Producer for CNN, Ted, senior congressional producer for CNN Politics, "WH dispatches Joe Biden to lock down Iran deal on Capitol Hill," CNN, 7/16/2015, http://www.cnn.com/2015/07/15/politics/iran-deal-white-house-democrats-congress/)//duncan

Two days after the Iran deal was unveiled, **the** Obama **administration's sales job is in full swing.**¶ Vice President Joe Biden traveled to Capitol Hill on Wednesday to convince House Democrats to support the deal, while a small group of senators were invited to the White House to get their questions answered directly from officials who sat across from the Iranians at the negotiating table. Biden meets with Senate Democrats of the Foreign Relations Committee on Thursday.¶ House lawmakers said Biden was candid about the strengths and weaknesses of the compromise deal. One described his behind closed doors pitch.¶ "I'm going to put aside my notes and talk to you from my heart because I've been in this business for 45 years," Biden said in his opening comments, according to Rep. Bill Pascrell, D-New Jersey, who attended the session.¶ "I'm not going to BS you. I'm going to tell you exactly what I think," the vice president reportedly said.¶ Obama got a boost from the leader of his party in the chamber when Minority Leader Nancy Pelosi formally announced Thursday that she was backing the deal.¶ SInce Republicans in the House and Senate are firmly against the Iran nuclear deal -- announced by President Barack Obama on Tuesday -- **the administration is cranking up its campaign to sway concerned Democrats to back the agreement.**¶ Under legislation that allows Congress to review the agreement, the White House needs to secure enough votes from members of his own party to sustain the President's promised veto on an resolution of disapproval -- 145 in the House and 34 in the Senate.¶ After the session with Biden, several House Democrats stressed that while the process is just beginning, right now **the administration likely has the votes to sustain the President's veto on a resolution to block the deal.**¶ "I'm confident they will like it when they understand it all," the vice president told reporters on his way into the session, beginning what will be a two month campaign culminating in a vote, expected in September.¶ Democrats, both for and against the deal, praised Biden's presentation.¶ "Joe Biden was as good as I've seen him," Rep. John Larson, D-Connecticut, told CNN. "I thought he did an excellent job."¶ Texas Democratic Rep. Henry Cuellar said Biden is a "master of detail" and helped clarify some concerns he had about the verification provisions in the deal, but he still planned to carefully study it and said he was undecided.¶ Pascrell also cited the verification issue as a potential sticking point but said he is leaning 'yes' on the agreement.¶ "On our side of the aisle **there is concern and skepticism shared by a number of members but an openness to be persuaded** if the facts take them that way," Rep. Gerry Connolly of Virginia said. "I think (Biden) made some real progress on behalf of the administration today."¶ But Democratic Rep. Steve Israel of New York, a former member of Democratic leadership, told reporters he wasn't sold yet.¶ "For me, I still have some very significant questions with respect to lifting of the embargo on conventional arms. And missiles. The (International Atomic Energy Agency) verification process for me is not any time anywhere, I think there are some very significant delays built into that," Israel said.¶ Larson noted that both Biden's presentation, along with Hillary Clinton's a day earlier, who he said spoke favorably about the deal, helped lay the groundwork for most Democrats to back the

White House.¶ At the same time on Wednesday that the President held a news conference trying to persuade the public he had brokered an strong and effective deal with Iran, Sen. Joe Manchin, a Democrat from West Virginia, and a handful of other senators, were in a separate part of the White House meeting with some of the President's top negotiators, who had just returned from Vienna.¶ "I was very satisfied with an awful lot of the answers we received," Manchin told CNN.¶ **The intimate meeting for senators was another example of the White House's effort to shore up support in the Senate where leaders believe as many as 15 Democrats could oppose the deal.** If they did, it could provide Senate Republicans the votes needed to override a veto of the disapproval resolution and scuttle the deal.¶ But Manchin, a centrist who has close relations with senators on both sides of the aisle, said at this point he has not detected major blowback from Senate Democrats to the deal.¶ "At caucus yesterday I didn't get a reading there is hard, hard opposition. I did not," he said.¶ In fact, Manchin said he thought Republicans actually might struggle getting the 60 votes they will need to pass the disapproval resolution, much less the dozen or so votes that might be needed to sustain a veto.¶ One key senator whose position will be closely monitored by the White House and his colleagues from both parties on the Hill, is Sen. Chuck Schumer of New York, the third-ranking Democrats who is poised to become the Democratic leader in the next Congress. Schumer has many Jewish voters in his state who are wary of the impact of the Iran agreement on the security of Israel. Schumer said he is skeptical of the deal and won't decide whether to support it before doing his homework.¶ "I will sit down, I will read the agreement thoroughly and then I'm gonna speak with officials -- administration officials, people all over on all different sides," he said when asked about his decision-making process. "Look, this is a decision that shouldn't be made lightly and I am gonna just study this agreement and talk to people before I do anything else."¶ Sen. John McCain, R-Arizona, a leading critic of the agreement with Iran, said "**the pressure will be enormous from the administration," as it tries to keep Democrats from defecting**. As chairman of the Armed Services Committee, McCain said he intends to hold hearings to demonstrate what he calls the "fatal flaws" in the deal.¶ House **conservatives** speaking at a forum sponsored by the Heritage Foundation, a conservative think tank, one after another ripped the Iran deal. But they **conceded that ultimately they may not be able to block it.¶** "The game is rigged in favor of getting this done" Ohio Rep. Jim Jordan said.

Republicans hate the plan

Vance '10, columnist and policy adviser for the Future of Freedom Foundation, an associated scholar of the Ludwig von Mises Institute (11/24/10, Laurence M. Vance, The Freedom of Future Foundation,"WHY DON'T CONSERVATIVES OPPOSE THE WAR ON DRUGS?", http://fff.org/explore-freedom/article/dont-conservatives-oppose-war-drugs/)

Yet, no matter how much it costs to wage the federal drug war (more than $41 billion according to a just-released Cato Institute study), conservatives generally support it. I know of no prominent conservative who publicly calls for drug legalization. I know of no Republican candidate in the recent election (outside of Ron Paul) who has ever publicly voiced his support for the decriminalization of drug possession. Republicans in Congress — by an overwhelming majority — have even criminalized the purchase of over-the-counter allergy-relief products like Sudafed because they contain pseudoephedrine.

Negative arguments about how the war on drugs ruins lives, erodes civil liberties, and destroys financial privacy are unpersuasive to most conservatives. None of these things matter to the

typical conservative because they, like most Americans of any political persuasion, see using drugs for recreational use as immoral.

Failure will spur prolif and war with Iran – the plan tanks Obama's ability to hold off Congress

Beauchamp 14 (Zack – B.A.s in Philosophy and Political Science from Brown University and an M.Sc in International Relations from the London School of Economics, former editor of TP Ideas and a reporter for ThinkProgress.org. He previously contributed to Andrew Sullivan's The Dish at Newsweek/Daily Beast, and has also written for Foreign Policy and Tablet magazines, now writes for Vox , "How the new GOP majority could destroy Obama's nuclear deal with Iran," http://www.vox.com/2014/11/6/7164283/iran-nuclear-deal-congress,)

There is one foreign policy issue on which the GOP's takeover of the Senate could have huge ramifications, and beyond just the US: Republicans are likely to try to torpedo President Obama's ongoing efforts to reach a nuclear deal with Iran. And they just might pull it off. November 24 is the latest deadline for a final agreement between the United States and Iran over the latter's nuclear program. That'll likely be extended, but it's a reminder that the negotiations could soon come to a head. Throughout his presidency, **Obama has prioritized these negotiations**; he likely doesn't want to leave office without having made a deal. But if Congress doesn't like the deal, or just wants to see Obama lose, it has the power to torpedo it by imposing new sanctions on Iran. Previously, Senate Majority Leader Harry Reid used procedural powers to stop this from happening and save the nuclear talks. But Senate Majority Leader Mitch McConnell may not be so kind, and he may have the votes to destroy an Iran deal. If he tries, we could see one of **the most important legislative fight**s **of Obama's presidency.** Why Congress can bully Obama on Iran sanctions At their most basic level, the international negotiations over Iran's nuclear program (they include several other nations, but the US is the biggest player) are a tit-for-tat deal. If Iran agrees to place a series of verifiable limits on its nuclear development, then the United States and the world will relax their painful economic and diplomatic sanctions on Tehran. "The regime of economic sanctions against Iran is arguably the most complex the United States and the international community have ever imposed on a rogue state," the Congressional Research Service's Dianne Rennack writes. To underscore the point, Rennack's four-page report is accompanied by a list of every US sanction on Iran that goes on for 23 full pages. The US's sanctions are a joint Congressional-executive production. Congress puts strict limits on Iran's ability to export oil and do business with American companies, but it gives the president the power to waive sanctions if he thinks it's in the American national interest. "In the collection of laws that are the statutory basis for the U.S. economic sanctions regime on Iran," Rennack writes, "the President retains, in varying degrees, the authority to tighten and relax restrictions." The key point here is that Congress gave Obama that power — which means they can take it back. "You could see a bill in place that makes it harder for the administration to suspend sanctions," Ken Sofer, the Associate Director for National Security and International Policy at the Center for American Progress (where I worked for a little under two years, though not with Sofer directly), says. "You could also see a bill that says the president can't agree to a deal unless it includes the following things or [a bill] forcing a congressional vote on any deal." Imposing new sanctions on Iran wouldn't just stifle Obama's ability to remove existing sanctions, it would undermine Obama's authority to negotiate with Iran at all, sending the message to Tehran that Obama is not

worth dealing with because he can't control his own foreign policy. So **if Obama wants to make a deal with Iran, he needs Congress to play ball**. But it's not clear that Mitch McConnell's Senate wants to. Congress could easily use its authority to kill an Iran deal To understand why the new Senate is such a big deal for congressional action on sanctions, we have to jump back a year. In November 2013, the Obama administration struck an interim deal with Iran called the Joint Plan of Action (JPOA). As part of the JPOA, the US agreed to limited, temporary sanctions relief in exchange for Iran limiting nuclear program components like uranium production. Congressional Republicans, by and large, hate the JPOA deal. Arguing that the deal didn't place sufficiently serious limits on Iran's nuclear growth, the House passed new sanctions on Iran in December. (There is also a line of argument, though often less explicit, that the Iranian government cannot be trusted with any deal at all, and that US policy should focus on coercing Iran into submission or unseating the Iranian government entirely.) Senate Republicans, joined by more hawkish Democrats, had the votes to pass a similar bill. But in February, Senate Majority leader Harry Reid killed new Iran sanctions, using the Majority Leader's power to block consideration of the sanctions legislation to prevent a vote. McConnell blasted Reid's move. "There is no excuse for muzzling the Congress on an issue of this importance to our own national security," he said. So now that McConnell holds the majority leader's gavel, it will remove that procedural roadblock that stood between Obama and new Iran sanctions. To be clear, it's far from guaranteed that Obama will be able to reach a deal with Iran at all; negotiations could fall apart long before they reach the point of congressional involvement. But if he does reach a deal, and Congress doesn't like the terms, then they'll be able to kill it by passing new sanctions legislation, or preventing Obama from temporarily waiving the ones on the books. And make no mistake — imposing new sanctions or limiting Obama's authority to waive the current ones would kill any deal. If Iran can't expect Obama to follow through on his promises to relax sanctions, it **has zero incentive to limit its nuclear program**. "If Congress adopts sanctions," Iranian Foreign Minister Javad Zarif told Time last December, "the entire deal is dead." Moreover, it could fracture the international movement to sanction Iran. The **U**nited **S**tates is far from Iran's biggest trading partner, so it depends on international cooperation in order to ensure the sanctions bite. If it looks like the US won't abide by the terms of a deal, **the broad-based international sanctions regime could collapse**. Europe, particularly, might decide that going along with the sanctions is no longer worthwhile. "Our ability to coerce Iran is largely based on whether or not the international community thinks that we are the ones that are being constructive and [Iranians] are the ones that being obstructive," Sofer says. "If they don't believe that, then the international sanctions regime falls apart." This could be one of the biggest fights of Obama's last term It's true that Obama could veto any Congressional efforts to blow up an Iran deal with sanctions. But a two-thirds vote could override any veto — and, according to Sofer, an override is entirely within the realm of possibility. "There are plenty of Democrats that will probably side with Republicans if they try to push a harder line on Iran," Sofer says. For a variety of reasons, including deep skepticism of Iran's intentions and strong Democratic support for Israel, whose government opposes the negotiations, Congressional Democrats are not as open to making a deal with Iran as Obama is. Many will likely defect to the GOP side out of principle. The real fight, Sofer says, will be among the Democrats — those who are willing to take the administration's side in theory, but don't necessarily think a deal with Iran is legislative priority number one, and maybe don't want to open themselves up to the political risk. These Democrats "can make it harder: you can filibuster, if you're Obama you can veto — you can make it impossible for a full bill to be passed out of Congress on Iran," Sofer says. **But it'd be a really tough battle, one that would consume a lot of energy and lobbying effort that Democrats might prefer to spend pushing on other issues.**

"I'm not really sure they're going to be willing to take on a fight about an Iran sanctions bill," Sofer concludes. "I'm not really sure that the Democrats who support [a deal] are really fully behind it enough that they'll be willing to give up leverage on, you know, unemployment insurance or immigration status — these bigger issues for most Democrats." So if the new Republican Senate prioritizes destroying an Iran deal, **Obama will have to fight very hard to keep it** — without necessarily being able to count on his own party for support. And the stakes are enormous: **if Iran's nuclear program isn't stopped peacefully, then the most likely outcomes are either Iran going nuclear, or war with Iran**. The administration believes a deal with Iran is their only way to avoid this horrible choice. That's why it's been **one of the administration's top priorities** since day one. It's also why this could become one of the biggest legislative fights of Obama's last two years.

Nuke war

Stevens 13 (Philip Stevens, associate editor and chief political commentator for the Financial Times, Nov 14 2013, "The four big truths that are shaping the Iran talks," http://www.ft.com/cms/s/0/af170df6-4d1c-11e3-bf32-00144feabdc0.html)

The who-said-what game about last weekend's talks in Geneva has become a distraction. The six-power negotiations with Tehran to curb Iran's nuclear programme may yet succeed or fail. But wrangling between the US and France on the terms of an acceptable deal should not allow the trees to obscure the forest. The organising facts shaping the negotiations have not changed.¶ The first of these is that Tehran's acquisition of a bomb would be more than dangerous for the Middle East and for wider international security. It would most likely set off a **nuclear arms race** that would see **Saudi Arabia, Turkey and Egypt** signing up to the **nuclear club**. The nuclear **n**on-**p**roliferation **t**reaty would be shattered. A future regional conflict could **draw Israel into launching a pre-emptive nuclear strike.** This is not a region obviously susceptible to **cold war disciplines of deterrence**.¶ The second **ineluctable reality** is that Iran has mastered the nuclear cycle. How far it is from building a bomb remains a subject of debate. Different intelligence agencies give different answers. These depend in part on what the spooks actually know and in part on what their political masters want others to hear. The progress of an Iranian warhead programme is one of the known unknowns that have often wreaked havoc in this part of the world.¶ Israel points to an imminent threat. European agencies are more relaxed, suggesting Tehran is still two years or so away from a weapon. Western diplomats broadly agree that Ayatollah Ali Khamenei has not taken a definitive decision to step over the line. What Iran has been seeking is what diplomats call a breakout capability – the capacity to dash to a bomb before the international community could effectively mobilise against it.¶ The third fact – and this one is hard for many to swallow – is that neither a negotiated settlement nor the air strikes long favoured by Benjamin Netanyahu, Israel's prime minister, can offer the rest of the world a watertight insurance policy.¶ It should be possible to construct a deal that acts as a plausible restraint – and extends the timeframe for any breakout – but no amount of restrictions or intrusive monitoring can offer a certain guarantee against Tehran's future intentions.¶ By the same token, bombing Iran's nuclear sites could certainly delay the programme, perhaps for a couple of years. But, assuming that even the hawkish Mr Netanyahu is not proposing permanent war against Iran, **air strikes would not end it.**¶ You cannot bomb knowledge and technical expertise. To try would be to empower those in Tehran who say the regime will be safe only when, like North Korea, it has a weapon. So when Barack Obama says the US will never allow Iran to get the bomb he is indulging in, albeit understandable, wishful thinking.¶ The **best the** international **community can hope** for is that, in return for a relaxation of sanctions, Iran will make a judgment that it is better off sticking with a threshold capability. To put this another way, if Tehran does step back from the nuclear brink it will be because of **its own calculation of the balance of advantage**.¶ The fourth element in this dynamic is that Iran now has a leadership that, faced with the severe and growing pain inflicted by sanctions, is **prepared to talk**. There is nothing to say that Hassan Rouhani, the president, is any less hard-headed than previous Iranian leaders, but he does seem ready to weigh the options.

Heroin Babies CP

TEXT: The United States federal government should curtail its domestic surveillance in support of the illegal drug trade except for heroin.

Heroin kills people

Forzato '15, Weekend Managing Editor for WTOP's news team. (3/16/2015, Jamie Forzato, WTOP, "Dealing death: The heroin epidemic", http://wtop.com/local/2015/03/dealing-death-heroin-epidemic/slide/1/)

Heroin is killing more people nationwide than ever before. It's cheaper and more potent. The customers are younger. The Centers for Disease Control and Prevention reports fatal overdoses have nearly tripled since 2010.

"Yes, it's the cheapest drug out there. But it's the most powerful drug there is on Earth. It's a wonder I'm still alive," Lancaster says.

He started snorting the drug in his early 30s with his fiancée, and their addiction spun out of control. She overdosed and died in 2000.

"I was just, in a way, tying to end it. I wouldn't say I was suicidal but I didn't care."

Since then, Lancaster has spent seven of the last 14 years behind bars, because as he says, he's been chasing the high.

"I started out with an $8 to $10 habit a day. That went to $300 a day. I was shooting $50 at a time. Really powerful stuff that would kill a normal person. And that was just so I could get up to brush my teeth … Every day I would have to have that much. Just to be normal. Not to be high. You wouldn't even know it."

He bought and sold heroin laced with other dangerous drugs. But he couldn't afford it anymore.

"I'd go on the Internet and see what the hot items are. I would find out what people were stealing the most. I would go into Walmart and take 30 to 40 gallons of Tide at a time, stick them in a cart and walk right out of the Garden Center with a fake receipt. Just waiting to be caught one day … That disease made me do something I didn't want to do every day."

He was arrested and sentenced to two years at the Fairfax County, Virginia Adult Detention Center, where substance abuse counselor Claudette Wells treats hundreds of inmates every year for heroin addiction.

"We are never surprised at this point at the job titles that people have held, the socioeconomic background of these individuals. Yet drugs and alcohol have taken over their lives and robbed them of their degrees, their jobs and their health," Wells says.

"We certainly have seen our opiate addiction increase. In the last 18 months, I've seen more people between the ages of 20 and 30 with opiate addiction and who have been using opiates for more than five years."

Lancaster says he's been clean for three years, and when he's released he wants to save young adults from the misery he experienced.

“I want to talk to young people about addiction. It’s going to be hard with my record. But I can share stories. I just want to change.”

Drug statistics: How bad the problem is

As Lancaster works toward his goal of helping others, new data from the CDC show the heroin fatal overdose rate quadrupled between 2000 and 2013. The data show the problem is getting worse. Just between 2010 and 2013, heroin deaths tripled.

The D.C. area is not immune. Overdoses rose dramatically in the past few years. In Northern Virginia, heroin deaths jumped about 165 percent between 2011 and 2013.

From 2013 to 2014, the number of heroin deaths in Fairfax County, doubled. Lucy Caldwell, county spokeswoman, says at least 76 people overdosed, and 18 people died in the county in 2014.

In Loudoun County, heroin overdoses skyrocketed 400 percent since 2012.

It’s a big problem in Maryland, too. Gov. Larry Hogan and Anne Arundel County officials have declared it a “public health emergency.”

As of September, about 430 people died from heroin in 2014, according to the latest data from the Maryland Department of Health and Mental Hygiene. That’s nearly as many as the number of vehicle fatalities during the entire year of 2013.

Racism

Black inmates aren't incarcerated for drug offenses—jails are full of violent criminals

Riley '14, Editorial board member of the Wall Street Journal. (6/17/14, Jason L. Riley, Encounter Books, "Please Stop Helping Us: Six Ways That Liberals Make It Harder for Minorities to Succeed", No pg. number)

Liberal elites would have us deny what black ghetto residents know to be the truth. These communities aren't dangerous because of racist cops or judges or sentencing guidelines. They're dangerous mainly due to black criminals preying on black victims. Nor is the racial disparity in prison inmates explained by the enforcement of drug laws. In 2006 blacks were 37.5 percent of the 1,274,600 people in state prisons, which house 88 percent of the nation's prison population, explained Heather Mac Donald of the Manhattan Institute. "If you remove drug prisoners from that population, the percentage of black prisoners drops to 37 percent—half of a percentage point, hardly a significant difference." It's true that drug prosecutions have risen markedly over the past thirty years. Drug offenders were 6.4 percent of state prison inmates in 1979 but had jumped to 20 percent by 2004. "Even so," wrote Mac Donald, "violent and property offenders continue to dominate the ranks: in 2004, 52 percent of state prisoners were serving time for violence and 21 percent for property crimes, for a combined total over three and a half times that of state drug offenders." Drug-war critics like to focus on federal prisons, where drug offenders climbed from 25 percent of the inmate population in 1980 to 47.6 percent in 2006. "But the federal system held just 12.3 percent of the nation's prisoners in 2006," noted Mac Donald. "So much for the claim that blacks are disproportionately imprisoned because of the war on drugs."

Surveillance allows police to be held accountable

Bailey '13, Science Correspondent for Reason.com (8/30/13, Ronald, Reason.com, "Watched Cops Are Polite Cops", http://reason.com/archives/2013/08/30/watched-cops-are-polite-cops)

This is a really good idea. Earlier this year, a 12-month study by Cambridge University researchers revealed that when the city of Rialto, California, required its cops to wear cameras, the number of complaints filed against officers fell by 88 percent and the use of force by officers dropped by almost 60 percent. Watched cops are polite cops.

Jay Stanley, a policy analyst with the American Civil Liberties Union (ACLU), calls police-worn video cameras "a win/win for both the public and the police." Win/win because video recordings help shield officers from false accusations of abuse as well as protecting the public against police misconduct. The small cameras like theAXON Flex from Taser International attach to an officer's sunglasses, hat, or uniform.

Surveillance allows for prevention of homicide and violent crimes

Gupta '15, Staff Writer for Fortune, (2/9/15, Shalene Gupta, Fortune, "Police are crunching data to stop murders before they happen", http://fortune.com/2015/02/09/smart-policing-data/)

The plan Kansas City ultimately decided on goes a step further than merely data analysis. It also includes a carrot and stick approach to combating crime.

The carrot: the department has five social workers whose mission is to work with anyone who has been identified as at risk of committing a violent crime—about 800 people in all. The social workers try to identify problems that might cause these people to commit violent crimes—substance abuse and unemployment, for example —and get help find ways to address them like job training and getting a birth certificate.

The stick: the police also work with local community leaders to meet with groups they've identified as likely perpetrators of violent crimes. They explain the consequences of crime and let group members know that if one of them commits violence, everyone else will be put under increased police surveillance for any outstanding legal problems like unpaid parking tickets and graffiti.

Dialogue is insufficient to break down racist structures in society—The oppressors won't listen to what they say—News coverage of racially motivated police brutality should've already solved

The impossibility to attain knowledge of every outcome or abuse leaves utilitarianism as the only option for most rational decision-making

Goodin 95 – Professor of Philosophy at the Research School of the Social Sciences at the Australian National University (Robert E., Cambridge University Press, "Utilitarianism As a Public Philosophy" pg 63)

My larger argument turns on the proposition that there is something special about the situation of public officials that makes utilitarianism more plausible for them (or, more precisely, makes them adopt a form of utilitarianism that we would find more acceptable) than private individuals. Before proceeding with that larger argument, I must therefore say what it is that is so special about public officials and their situations that makes it both more necessary and more desirable for them to adopt a more credible form of utilitarianism. Consider, first the argument from necessity. Public officials are obliged to make their choices under uncertainty, and uncertainty of a very special sort at that. All choices-public and private alike- are made under some degree of uncertainty, of course. But in the nature of things, private individuals will usually have more complete information on the peculiarities of their own circumstances and on the ramifications that alternative possible choices might have for them. Public officials, in contrast, at relatively poorly informed as to the effects that their choices will have on individuals, one by one. What they typically do know are generalities: averages and aggregates. They know what will happen most often to most people as a result of their various possible choices. But that is all. That is enough to allow public policy makers to use the utilitarian calculus – if they want to use it at all – to choose general rules of conduct. Knowing aggregates and averages, they can proceed to calculate the utility payoffs from adopting each alternative possible general rule. But they cannot be sure what the payoff will be to any given individual or on any particular occasion. Their knowledge of generalities, aggregates and averages is just not sufficiently fine-grained for that.

Solvency

The war on drugs goes far beyond surveillance—they can't solve

LaSusa and Albaladejo '14 Angelika Albaladejo completed a master's degree in Latin American Studies at Vanderbilt University ; Mike LaSusa graduated from the University of Miami (12/1/14, Mike LaSusa and Angelika Albaladejo, TruthOut, "US Support for Mexico's Drug War Goes Beyond Guns and Money", http://www.truth-out.org/news/item/27726-with-40-presumed-killed-us-secret-manpower-in-mexico-s-drug-war-exposed)

In spite of widely acknowledged and rampant corruption in Mexico's security and law enforcement institutions, implicated in the September disappearance of more than 40 college students, the United States continues to supply the country with well over $100 million per year in military and police assistance, including world-class weapons, training and intelligence.

Now, a new report from the Wall Street Journal is adding fuel to long-standing criticisms of the United States' extensive role in helping to execute the so-called "war on drugs" in Latin America. Evidently, the United States has gone well beyond simply providing diplomatic, financial and technical support for Mexico's fight against organized crime; it even puts its own personnel on the front lines.

The Journal reported recently that the US Marshal Service has repeatedly sent "specialists," disguised as local security forces, into Mexico to hunt down suspected criminals, including some who aren't on a US wanted list.

The dual government system guarantees circumvention

Glennon '14, Professor of International Law, Fletcher School of Law and Diplomacy, Tufts University. (1/11/14, Michael J. Glennon, Harvard National Security Journal, http://harvardnsj.org/wp-content/uploads/2014/01/Glennon-Final.pdf, vol.5)

The Obama Administration has also continued, and in some ways expanded, Bush-era surveillance policies. For example, the Obama Administration continued to intercept the communications of foreign leaders; 26 further insisted that GPS devices may be used to keep track of certain citizens without probable cause or judicial review27 (until the Supreme Court disapproved28); continued to investigate individuals and groups under Justice Department guidelines re-written in 2008 to permit "assessments" that require no "factual basis" for FBI agents to conduct secret interviews, plant informants, and search government and commercial databases;29 stepped up the prosecution of government whistleblowers who uncovered illegal actions,30 using the 1917 Espionage Act eight times during his first administration to prosecute leakers (it had been so used only three times in the previous ninety-two years);31 demanded that businesses turn over personal information about customers in response to "national security letters" that require no probable cause and cannot legally be disclosed;32 continued broad National Security Agency ("NSA") homeland surveillance;33 seized two months of phone records of reporters and editors of the Associated Press for more than twenty telephone lines of its offices and journalists, including their home phones and cellphones, without notice;34 through the NSA, collected the telephone records of millions of Verizon customers, within the United States and between the United States and other countries, on an "ongoing, daily basis" under an

order that prohibited Verizon from revealing the operation;35 and tapped into the central servers of nine leading U.S. internet companies, extracting audio and video chats, photographs, emails, documents, and connection logs that enable analysts to track foreign targets and U.S. citizens.36 At least one significant NSA surveillance program, involving the collection of data on the social connections of U.S. citizens and others located within the United States, was initiated after the Bush Administration left office.37 These and related policies were formulated and carried out by numerous high- and mid-level national security officials who served in the Bush Administration and continued to serve in the Obama Administration.38 Given Senator Obama's powerful criticism of such policies before he took office as President, the question,39 then, is this: Why does national security policy remain constant even when one President is replaced by another who as a candidate repeatedly, forcefully, and eloquently promised fundamental changes in that policy? I. Bagehot's Theory of Dual Institutions A disquieting answer is provided by the theory that Walter Bagehot suggested in 1867 to explain the evolution of the English Constitution.40 While not without critics, his theory has been widely acclaimed and has generated significant commentary.41 Indeed, it is something of a classic on the subject of institutional change generally, and it foreshadowed modern organizational theory.42 In brief, Bagehot's notion was as follows. Power in Britain reposed initially in the monarch alone. Over the decades, however, a dual set of institutions emerged.43 One set comprises the monarchy and the House of Lords.44 These Bagehot called the "dignified" institutions—dignified in the sense that they provide a link to the past and excite the public imagination.45 Through theatrical show, pomp, and historical symbolism, they exercise an emotional hold on the public mind by evoking the grandeur of ages past.46 They embody memories of greatness. Yet it is a second, newer set of institutions—Britain's "efficient" institutions—that do the real work of governing.47 These are the House of Commons, the Cabinet, and the Prime Minister.48 As Bagehot put it: "[I]ts dignified parts are very complicated and somewhat imposing, very old and rather venerable; while its efficient part . . . is decidedly simple and rather modern . . . . Its essence is strong with the strength of modern simplicity; its exterior is august with the Gothic grandeur of a more imposing age."49 Together these institutions comprise a "disguised republic"50 that obscures the massive shift in power that has occurred, which if widely understood would create a crisis of public confidence.51 This crisis has been averted because the efficient institutions have been careful to hide where they begin and where the dignified institutions end.52 They do this by ensuring that the dignified institutions continue to partake in at least some real governance and also by ensuring that the efficient institutions partake in at least some inspiring public ceremony and ritual.53 This promotes continued public deference to the efficient institutions' decisions and continued belief that the dignified institutions retain real power.54 These dual institutions, one for show and the other for real, afford Britain expertise and experience in the actual art of governing while at the same time providing a façade that generates public acceptance of the experts' decisions. Bagehot called this Britain's "double government."55 The structural duality, some have suggested, is a modern reification of the "Noble Lie" that, two millennia before, Plato had thought necessary to insulate a state from the fatal excesses of democracy and to ensure deference to the golden class of efficient guardians.56 Bagehot's theory may have overstated the naiveté of Britain's citizenry. When he wrote, probably few Britons believed that Queen Victoria actually governed. Nor is it likely that Prime Minister Lord Palmerston, let alone 658 members of the House of Commons, could or did consciously and intentionally conceal from the British public that it was really they who governed. Big groups keep big secrets poorly. Nonetheless, Bagehot's enduring insight—that dual institutions of governance, one public and the other concealed, evolve side-by-side to maximize both legitimacy and efficiency—is worth pondering as one possible explanation of why

the Obama and Bush national security policies have been essentially the same. There is no reason in principle why the institutions of Britain's juridical offspring, the United States, ought to be immune from the broader bifurcating forces that have driven British institutional evolution. As it did in the early days of Britain's monarchy, power in the United States lay initially in one set of institutions—the President, Congress, and the courts. These are America's "dignified" institutions. Later, however, a second institution emerged to safeguard the nation's security. This, America's "efficient" institution (actually, as will be seen, more a network than an institution) consists of the several hundred executive officials who sit atop the military, intelligence, diplomatic, and law enforcement departments and agencies that have as their mission the protection of America's international and internal security. Large segments of the public continue to believe that America's constitutionally established, dignified institutions are the locus of governmental power; by promoting that impression, both sets of institutions maintain public support. But when it comes to defining and protecting national security, the public's impression **is mistaken**. America's efficient institution makes most of the key decisions concerning national security, removed from public view and from the constitutional restrictions that check America's dignified institutions. The United States has, in short, moved beyond a mere imperial presidency to a bifurcated system—a structure of double government—in which even the President now exercises little substantive control over the overall direction of U.S. national security policy. Whereas Britain's dual institutions evolved towards a concealed republic, America's have evolved in the opposite direction, toward greater centralization, less accountability, and emergent autocracy.

The DEA makes up all their evidence—they will continue to surveil post-plan and lie about it in court

Shiffman and Cooke '13, Journalists for Reuters (8/5/13, John Shiffman and Kristina Cooke, Reuters, "Exclusive: U.S. directs agents to cover up program used to investigate Americans", http://www.reuters.com/article/2013/08/05/us-dea-sod-idUSBRE97409R20130805)

The undated documents show that federal agents are trained to "recreate" the investigative trail to effectively cover up where the information originated, a practice that some experts say violates a defendant's Constitutional right to a fair trial. If defendants don't know how an investigation began, they cannot know to ask to review potential sources of exculpatory evidence - information that could reveal entrapment, mistakes or biased witnesses.

"I have never heard of anything like this at all," said Nancy Gertner, a Harvard Law School professor who served as a federal judge from 1994 to 2011. Gertner and other legal experts said the program sounds more troubling than recent disclosures that the National Security Agency has been collecting domestic phone records. The NSA effort is geared toward stopping terrorists; the DEA program targets common criminals, primarily drug dealers.

"It is one thing to create special rules for national security," Gertner said. "Ordinary crime is entirely different. It sounds like they are phonying up investigations."

THE SPECIAL OPERATIONS DIVISION

The unit of the DEA that distributes the information is called the Special Operations Division, or SOD. Two dozen partner agencies comprise the unit, including the FBI, CIA, NSA, Internal Revenue Service and the Department of Homeland Security. It was created in 1994 to combat Latin American drug cartels and has grown from several dozen employees to several hundred.

Today, much of the SOD's work is classified, and officials asked that its precise location in Virginia not be revealed. The documents reviewed by Reuters are marked "Law Enforcement Sensitive," a government categorization that is meant to keep them confidential.

"Remember that the utilization of SOD cannot be revealed or discussed in any investigative function," a document presented to agents reads. The document specifically directs agents to omit the SOD's involvement from investigative reports, affidavits, discussions with prosecutors and courtroom testimony. Agents are instructed to then use "normal investigative techniques to recreate the information provided by SOD."

A spokesman with the Department of Justice, which oversees the DEA, declined to comment.

But two senior DEA officials defended the program, and said trying to "recreate" an investigative trail is not only legal but a technique that is used almost daily.

A former federal agent in the northeastern United States who received such tips from SOD described the process. "You'd be told only, 'Be at a certain truck stop at a certain time and look for a certain vehicle.' And so we'd alert the state police to find an excuse to stop that vehicle, and then have a drug dog search it," the agent said.

"PARALLEL CONSTRUCTION"

After an arrest was made, agents then pretended that their investigation began with the traffic stop, not with the SOD tip, the former agent said. The training document reviewed by Reuters refers to this process as "parallel construction."

The two senior DEA officials, who spoke on behalf of the agency but only on condition of anonymity, said the process is kept secret to protect sources and investigative methods. "Parallel construction is a law enforcement technique we use every day," one official said. "It's decades old, a bedrock concept."

A dozen current or former federal agents interviewed by Reuters confirmed they had used parallel construction during their careers. Most defended the practice; some said they understood why those outside law enforcement might be concerned.

"It's just like laundering money - you work it backwards to make it clean," said Finn Selander, a DEA agent from 1991 to 2008 and now a member of a group called Law Enforcement Against Prohibition, which advocates legalizing and regulating narcotics.

Fusion centers are racist—the aff can't solve

Ford '9, Black Agenda report executive director (4/29/2009, Glen Ford, Black Agenda Report, "Black Colleges Profiled as Suspected Havens for "Extremists"", http://www.blackagendareport.com/content/black-colleges-profiled-suspected-havens-%E2%80%9Cextremists%E2%80%9D)

Black Colleges Profiled as Suspected Havens for "Extremists"

A Black Agenda Radio commentary by Glen Ford

"The Fusion Center appears to believe that Black colleges are by definition hotbeds of militancy and rebellion."

Those deep thinkers in the Homeland Security Department are paying good money for some very bad advice on what constitutes a threat to American society. An inkling of the kind of madness that passes for research at Homeland Security, is provided by a recent report to the Virginia State Police. The report, which emanates from the basement offices of something called the Virginia Fusion Center, claims that "a wide variety of terror or extremist groups" have ties to the Hampton Roads region of the state. Specifically, the report claims that the area's two historically Black universities are virtual magnets for terrorists and "extremists" – as are the two Black universities in the Richmond area.

For those who are familiar with the four schools – Norfolk State University, Hampton University, Virginia State University in Petersburg and Virginia Union University in Richmond – the very thought of them as havens for "extremist" politics is laughable. Political action is not what these schools are known for. And that's too bad. But the Fusion Center, whoever they are, appears to believe that Black colleges are by definition hotbeds of militancy and rebellion. I wish that were true, but it's not. It appears the researchers at Virginia's Fusion Center believe that Black institutions are inherently suspect. The Homeland Security Department is paying these guys millions of dollars a year to give vent to their own racist paranoia – and to sic the political bloodhounds on a bunch of apolitical Black students.

"The presumption seems to be that dangerous people are not white, and white people are not dangerous."

The creeps at the Fusion Center see security dangers in diversity, which they believe creates special national security perils. The Hampton Roads region of Virginia has attracted a wide diversity of population from all parts of the globe. The Fusion Center report says, "While the vast majority of these individuals are law-abiding, this ethnic diversity also affords terrorist operatives the opportunity to assimilate easily into society, without arousing suspicion." The statement reveals the screaming racist posing as a researcher. Clearly the report's authors believe that the safest communities, national security-wise, are those that are uniformly white and English-speaking. Presumably, in such surroundings it's hard for the "dangerous" people to hide in a crowd. The presumption seems to be that dangerous people are not white, and white people are not dangerous. White communities are the ones that need protecting, while the non-white or diverse communities represent some degree of danger.

This is pure racist crap, and dangerous stuff to have circulating among the police. The logic of the Fusion Report, if taken seriously, would lead the State to aggressively infiltrate the student ranks at Black colleges. They wouldn't discover much in the way of subversive anything, but it is in the nature of the spy to invent what he can't find.

Violence advantage

Black inmates aren't incarcerated for drug offenses—jails are full of violent criminals

Riley '14, Editorial board member of the Wall Street Journal. (6/17/14, Jason L. Riley, Encounter Books, "Please Stop Helping Us: Six Ways That Liberals Make It Harder for Minorities to Succeed", No pg. number)

Liberal elites would have us deny what black ghetto residents know to be the truth. These communities aren't dangerous because of racist cops or judges or sentencing guidelines. They're dangerous mainly due to black criminals preying on black victims. Nor is the racial disparity in prison inmates explained by the enforcement of drug laws. In 2006 blacks were 37.5 percent of the 1,274,600 people in state prisons, which house 88 percent of the nation's prison population, explained Heather Mac Donald of the Manhattan Institute. "If you remove drug prisoners from that population, the percentage of black prisoners drops to 37 percent—half of a percentage point, hardly a significant difference." It's true that drug prosecutions have risen markedly over the past thirty years. Drug offenders were 6.4 percent of state prison inmates in 1979 but had jumped to 20 percent by 2004. "Even so," wrote Mac Donald, "violent and property offenders continue to dominate the ranks: in 2004, 52 percent of state prisoners were serving time for violence and 21 percent for property crimes, for a combined total over three and a half times that of state drug offenders." Drug-war critics like to focus on federal prisons, where drug offenders climbed from 25 percent of the inmate population in 1980 to 47.6 percent in 2006. "But the federal system held just 12.3 percent of the nation's prisoners in 2006," noted Mac Donald. "So much for the claim that blacks are disproportionately imprisoned because of the war on drugs."

Body Cams

Surveillance allows police to be held accountable

Bailey '13, Science Correspondent for Reason.com (8/30/13, Ronald, Reason.com, "Watched Cops Are Polite Cops", http://reason.com/archives/2013/08/30/watched-cops-are-polite-cops)

This is a really good idea. Earlier this year, a 12-month study by Cambridge University researchers revealed that when the city of Rialto, California, required its cops to wear cameras, the number of complaints filed against officers fell by 88 percent and the use of force by officers dropped by almost 60 percent. Watched cops are polite cops.

Jay Stanley, a policy analyst with the American Civil Liberties Union (ACLU), calls police-worn video cameras "a win/win for both the public and the police." Win/win because video recordings help shield officers from false accusations of abuse as well as protecting the public against police misconduct. The small cameras like theAXON Flex from Taser International attach to an officer's sunglasses, hat, or uniform.

Body cams deter violent behavior

Feige '15 television writer and the author of Indefensible. He spent 15 years as a public defender. (4/10/15, David Feige, Slate, "Brutal Reality",

http://www.slate.com/articles/news_and_politics/jurisprudence/2015/04/police_body_cameras_cops_commit_less_violence_and_complaints_are_real.html)

The theory behind the use of body cameras is that video evidence will provide us with some objective truth about what happens in violent encounters between civilians and police. But that is the wrong way to look at it. As the tapes of King's beating and Garner's death make clear, video evidence can be very powerful but still not overcome the vast structural advantages enjoyed by the police in the legal system. The real value in body cameras is not what they show, but rather what they don't. That's because the presence of cameras induces an absence of violence.

The central study on the effectiveness of body cameras comes from an experiment in Rialto, California. The results were dramatic: After the wholesale adoption of body cameras, complaints against officers dropped 88 percent and use-of-force reports fell by 60 percent. In a randomly assigned pilot project in Mesa, Arizona, 75 percent fewer use-of-force complaints were filed against officers who wore the cameras than against those who did not.

Homocide turn

Surveillance allows for prevention of homicide and violent crimes

Gupta '15, Staff Writer for Fortune, (2/9/15, Shalene Gupta, Fortune, "Police are crunching data to stop murders before they happen", http://fortune.com/2015/02/09/smart-policing-data/)

The plan Kansas City ultimately decided on goes a step further than merely data analysis. It also includes a carrot and stick approach to combating crime.

The carrot: the department has five social workers whose mission is to work with anyone who has been identified as at risk of committing a violent crime—about 800 people in all. The social workers try to identify problems that might cause these people to commit violent crimes—substance abuse and unemployment, for example —and get help find ways to address them like job training and getting a birth certificate.

The stick: the police also work with local community leaders to meet with groups they've identified as likely perpetrators of violent crimes. They explain the consequences of crime and let group members know that if one of them commits violence, everyone else will be put under increased police surveillance for any outstanding legal problems like unpaid parking tickets and graffiti.

Surveillance helps to reduce crime

Rodríguez'14, Staff writer for Dialogo (10/20/14, Jorge Rodríguez, Dialogo, "Surveillance cameras help police reduce crime in Guatemala City", http://dialogo-americas.com/en_GB/articles/rmisa/features/2014/10/20/feature-01)

Violence rates in sectors under surveillance have dropped by up to 40 percent since law enforcement authorities installed the video cameras at a cost of $150 million (USD).

Police agents monitor the videos from their stations and alert officers on patrol to possible criminal activity in real time. The cameras have helped them respond to crimes quickly enough to capture suspects before they could escape. "Police forces have more 'eyes' for surveillance, which prevents criminals from committing crimes," said Carlos Argueta, Deputy Minister of Technology of the Ministry of the Interior (Mingob). "It's such a novelty that agents patrolling the streets have support from the center. This has allowed them to make some captures red-handed." The cameras have different capabilities. The majority of them – about 80 percent – are stationary and aimed at a fixed location. Police can move about 20 percent of them to the right and left and up and down. And 10 percent of them have facial recognition capability – meaning that they can identify criminals by their faces through their connection to a database maintained by the National Register of Persons (Renap). Police can also compare footage of license plates to the Tax Administration Authority (SAT)'s database to see if vehicles under surveillance have been reported stolen or are subject to seizure.

Presently, the cameras have been installed in various strategic points throughout the city, with a special emphasis on Zone 18, which had a rate of 72 homicides per 100,000 residents in early 2012. By comparison, the entire country has a homicide rate of nearly 40 per 100,000 residents, according to a report presented in April by the United Nations.

Police authorities plan on installing an additional 2,100 surveillance cameras throughout Guatemala City by the end of 2014. Many of the cameras will be placed in neighborhoods at-risk for violent crime, such as Mixco and Amatitlán in the Central District, as well as Escuintla and Sacatepéquez.

Surveillance cameras help police develop anti-crime strategies: Analyst

The surveillance cameras are not only helping police respond quickly to criminal activity, they are helping law enforcement authorities gather data that will allow them to develop long-term approaches to fighting crime.

"Video surveillance can be a useful tool for creating intelligence strategies," said Francisco Guezada, a security analyst at the National Economic Research Center (CIEN). "According to the information collected from surveillance, [security agents] should be able to detect the patterns, routes, and modus operandi of criminals."

Training courses in forensic analysis will be incorporated into the National Civil Police (PNC) Training Academy. The PNC is mandated with gathering intelligence to fight criminal organizations and fight crime.

"We currently have three forensic analysis technicians and they will be responsible for training 30 more," Argueta said. "This way we will improve our criminal investigation processes."

Heroin for Babies Turn

Heroin kills people

Forzato '15, Weekend Managing Editor for WTOP's news team. (3/16/2015, Jamie Forzato, WTOP, "Dealing death: The heroin epidemic", http://wtop.com/local/2015/03/dealing-death-heroin-epidemic/slide/1/)

Heroin is killing more people nationwide than ever before. It's cheaper and more potent. The customers are younger. The Centers for Disease Control and Prevention reports fatal overdoses have nearly tripled since 2010.

"Yes, it's the cheapest drug out there. But it's the most powerful drug there is on Earth. It's a wonder I'm still alive," Lancaster says.

He started snorting the drug in his early 30s with his fiancée, and their addiction spun out of control. She overdosed and died in 2000.

"I was just, in a way, tying to end it. I wouldn't say I was suicidal but I didn't care."

Since then, Lancaster has spent seven of the last 14 years behind bars, because as he says, he's been chasing the high.

"I started out with an $8 to $10 habit a day. That went to $300 a day. I was shooting $50 at a time. Really powerful stuff that would kill a normal person. And that was just so I could get up to brush my teeth … Every day I would have to have that much. Just to be normal. Not to be high. You wouldn't even know it."

He bought and sold heroin laced with other dangerous drugs. But he couldn't afford it anymore.

"I'd go on the Internet and see what the hot items are. I would find out what people were stealing the most. I would go into Walmart and take 30 to 40 gallons of Tide at a time, stick them in a cart and walk right out of the Garden Center with a fake receipt. Just waiting to be caught one day … That disease made me do something I didn't want to do every day."

He was arrested and sentenced to two years at the Fairfax County, Virginia Adult Detention Center, where substance abuse counselor Claudette Wells treats hundreds of inmates every year for heroin addiction.

"We are never surprised at this point at the job titles that people have held, the socioeconomic background of these individuals. Yet drugs and alcohol have taken over their lives and robbed them of their degrees, their jobs and their health," Wells says.

"We certainly have seen our opiate addiction increase. In the last 18 months, I've seen more people between the ages of 20 and 30 with opiate addiction and who have been using opiates for more than five years."

Lancaster says he's been clean for three years, and when he's released he wants to save young adults from the misery he experienced.

"I want to talk to young people about addiction. It's going to be hard with my record. But I can share stories. I just want to change."

Drug statistics: How bad the problem is

As Lancaster works toward his goal of helping others, new data from the CDC show the heroin fatal overdose rate quadrupled between 2000 and 2013. The data show the problem is getting worse. Just between 2010 and 2013, heroin deaths tripled.

The D.C. area is not immune. Overdoses rose dramatically in the past few years. In Northern Virginia, heroin deaths jumped about 165 percent between 2011 and 2013.

From 2013 to 2014, the number of heroin deaths in Fairfax County, doubled. Lucy Caldwell, county spokeswoman, says at least 76 people overdosed, and 18 people died in the county in 2014.

In Loudoun County, heroin overdoses skyrocketed 400 percent since 2012.

It's a big problem in Maryland, too. Gov. Larry Hogan and Anne Arundel County officials have declared it a "public health emergency."

As of September, about 430 people died from heroin in 2014, according to the latest data from the Maryland Department of Health and Mental Hygiene. That's nearly as many as the number of vehicle fatalities during the entire year of 2013.

**This is stupid, don't read

Heroin kills babies

WWMT 7/17, WWMT newschannel (7/17/2015, WWMT, "Two babies die from heroin overdoses", http://www.wwmt.com/news/features/national/stories/Two-babies-die-from-heroin-overdoses-168422.shtml#.Va7ilflViko)

COLUMBUS, Ohio (NEWSCHANNEL 3) - Officials in Columbus, Ohio are investigating after two babies die from drug overdoses. The coroner's report says the two cases are not related. A 14-month old and an 11-month-old died of a heroin overdose. Each death was reported in May, just days apart. No charges have been filed in either case.

Heroin is gaining popularity among youth—overdose is likely

Woliver '10 senior editor at Village Voice's suburban edition, writer for The New York Times, and editor-in-chief of theLong Island Press. He received the Casey Medal for Meritorious Journalism (Robbie Woliver, Psychology Today, "Heroin use among suburban teens grows because it's 'no big deal.'", https://www.psychologytoday.com/blog/alphabet-kids/201006/heroin-use-among-suburban-teens-grows-because-its-no-big-deal)

A little over a year ago, I was at an event where I was representing the newspaper at which I was the editor in chief. A woman came up to me to tell me that she was a fan of an award-winning series of articles I was spearheading called, "Our Children's Brains," which dealt with children's developmental and psychological issues. It turns out she had a suggestion for a new topic: heroin

and its growing popularity with white suburbanteenagers. Her son, a heroin addict, had just lost his best friend to a heroin overdose, his third friend to die from heroin in a month.

This chance meeting with this distraught mother--and nurse--changed the course of many lives, because our newspaper did follow up on the story and we discovered that this wasn't an isolated tale of her son and his particular group of friends, it was an epidemic on Long Island, and soon we learned that it was an epidemic in high schools--and even junior high schools--around the country.

The series broke big and my colleagues Michael Martino and Timothy Bolger and I won many journalism and public service awards for our groundbreaking (and new-law-making) coverage on the topic. The problem? One year later, heroin addiction among teens has not gone away, in fact, it's gotten worse, even with this new awareness. In fact a new study by the Partnership for a Drug-Free America and the MetLife Foundation found that teens girls in particular are now more inclined to use drugs.

I met a lot of interesting young people during the course of my investigation into the topic of heroin use among suburban teens; I watched kids shoot up, score, suffer through withdrawal and leave for prison or rehab. One young junkie, who had been using heroin since he was 15, and lost several friends to ODs, stopped cold turkey. I spent several weeks following him, and often went to his home. He was an animal lover and had a pet monkey. One day when I visited, he literally had the monkey on his back. Clean for weeks, he began using again, well aware of the potential outcome.

"Why heroin?" I asked. "It's no big deal," he answered. It's how all the young junkies answered.

That was the most shocking aspect of this story to me. After all this time, the one thing that still stands out the most was how off-handed and cavalier these kids were about their addiction. This isn't the ‘40s, ‘50s or ‘60s when heroin was only used by the most lowest-life dregs of society in skid rows and downtrodden ghettos in the worst parts of urban areas around the country. These young junkies today aren't looking to some photo of a scabby, withered lost soul in a magazine or documentary as who their peers are, they are looking at Jimmy the high school football player, Sally the cheerleader and Tommy the valedictorian as their role models--and Jimmy, Sally and Tommy are all high on heroin.

It is rampant in schools, we learned through our investigation. "You can count the people who aren't on heroin, as opposed to the ones who are," one high school junkie told me.

Solvency

Not surveillance

The war on drugs goes far beyond surveillance

LaSusa and Albaladejo '14 Angelika Albaladejo completed a master's degree in Latin American Studies at Vanderbilt University ; Mike LaSusa graduated from the University of Miami (12/1/14, Mike LaSusa and Angelika Albaladejo, TruthOut, "US Support for Mexico's Drug War Goes Beyond Guns and Money", http://www.truth-out.org/news/item/27726-with-40-presumed-killed-us-secret-manpower-in-mexico-s-drug-war-exposed)

In spite of widely acknowledged and rampant corruption in Mexico's security and law enforcement institutions, implicated in the September disappearance of more than 40 college students, the United States continues to supply the country with well over $100 million per year in military and police assistance, including world-class weapons, training and intelligence.

Now, a new report from the Wall Street Journal is adding fuel to long-standing criticisms of the United States' extensive role in helping to execute the so-called "war on drugs" in Latin America. Evidently, the United States has gone well beyond simply providing diplomatic, financial and technical support for Mexico's fight against organized crime; it even puts its own personnel on the front lines.

The Journal reported recently that the US Marshal Service has repeatedly sent "specialists," disguised as local security forces, into Mexico to hunt down suspected criminals, including some who aren't on a US wanted list.

The local police lure people with special deals, not surveillance

O'Matz and Maines '14 Reporters for Sun Sentinel (9/29/14, Megan O'Matz and John Maines, Sun Sentinel, "Cops, Cash, Cocaine, How Sunrise Police make Millions Selling Drugs", http://www.sun-sentinel.com/news/interactive/sfl-cops-cash-cocaine-htmlstory.html)

Undercover detectives and their army of informants lure big-money drug buyers into the city from across the United States, and from as far north as Canada and as far south as Peru. They negotiate the sale of kilos of cocaine in popular family restaurants, then bust the buyers and seize their cash and cars.

Police confiscate millions from these deals, money that fuels huge overtime payments for the undercover officers who conduct the drug stings and cash rewards for the confidential informants who help detectives entice faraway buyers, a six-month Sun Sentinel investigation found.

Police have paid one femme fatale informant more than $800,000 over the past five years for her success in drawing drug dealers into the city, records obtained by the newspaper show.

Undercover officers tempt these distant buyers with special discounts, even offering cocaine on consignment and the keys to cars with hidden compartments for easy transport. In some deals, they've provided rides and directions to these strangers to Sunrise.

This being western Broward County, not South Beach, the drama doesn't unfold against a backdrop of fast boats, thumping nightclubs or Art Deco hotels.

It's absurdly suburban.

Many of the drug negotiations and busts have taken place at restaurants around the city's main attraction, Sawgrass Mills mall, including such everyday dining spots as TGI Fridays, Panera Bread and the Don Pan International Bakery.

Why would police bring criminals to town?

Money.

Under long-standing state and federal forfeiture laws, police can seize and keep ill-gotten gains related to criminal activities, such as the money a buyer brings to purchase cocaine and the car driven to the deal.

Sunrise is hauling in three times as much forfeited cash as any other city in Broward and Palm Beach counties, the Sun Sentinel found. Last year, the city raked in $2 million in state and federal forfeiture funds. The year before, in 2011, the figure was twice that — nearly $4 million.

Police generate much of their forfeiture money through reverse stings. The reverse sting, in which the police pose not as buyers, but as suppliers of cocaine, is a legitimate tool used by numerous law enforcement agencies.

Circumvention

The DEA makes up all their evidence—they will continue to surveil post-plan and lie about it in court

Shiffman and Cooke '13, Journalists for Reuters (8/5/13, John Shiffman and Kristina Cooke, Reuters, "Exclusive: U.S. directs agents to cover up program used to investigate Americans", http://www.reuters.com/article/2013/08/05/us-dea-sod-idUSBRE97409R20130805)

The undated documents show that federal agents are trained to "recreate" the investigative trail to effectively cover up where the information originated, a practice that some experts say violates a defendant's Constitutional right to a fair trial. If defendants don't know how an investigation began, they cannot know to ask to review potential sources of exculpatory evidence - information that could reveal entrapment, mistakes or biased witnesses.

"I have never heard of anything like this at all," said Nancy Gertner, a Harvard Law School professor who served as a federal judge from 1994 to 2011. Gertner and other legal experts said the program sounds more troubling than recent disclosures that the National Security Agency has

been collecting domestic phone records. The NSA effort is geared toward stopping terrorists; the DEA program targets common criminals, primarily drug dealers.

"It is one thing to create special rules for national security," Gertner said. "Ordinary crime is entirely different. It sounds like they are phonying up investigations."

THE SPECIAL OPERATIONS DIVISION

The unit of the DEA that distributes the information is called the Special Operations Division, or SOD. Two dozen partner agencies comprise the unit, including the FBI, CIA, NSA, Internal Revenue Service and the Department of Homeland Security. It was created in 1994 to combat Latin American drug cartels and has grown from several dozen employees to several hundred.

Today, much of the SOD's work is classified, and officials asked that its precise location in Virginia not be revealed. The documents reviewed by Reuters are marked "Law Enforcement Sensitive," a government categorization that is meant to keep them confidential.

"Remember that the utilization of SOD cannot be revealed or discussed in any investigative function," a document presented to agents reads. The document specifically directs agents to omit the SOD's involvement from investigative reports, affidavits, discussions with prosecutors and courtroom testimony. Agents are instructed to then use "normal investigative techniques to recreate the information provided by SOD."

A spokesman with the Department of Justice, which oversees the DEA, declined to comment.

But two senior DEA officials defended the program, and said trying to "recreate" an investigative trail is not only legal but a technique that is used almost daily.

A former federal agent in the northeastern United States who received such tips from SOD described the process. "You'd be told only, 'Be at a certain truck stop at a certain time and look for a certain vehicle.' And so we'd alert the state police to find an excuse to stop that vehicle, and then have a drug dog search it," the agent said.

"PARALLEL CONSTRUCTION"

After an arrest was made, agents then pretended that their investigation began with the traffic stop, not with the SOD tip, the former agent said. The training document reviewed by Reuters refers to this process as "parallel construction."

The two senior DEA officials, who spoke on behalf of the agency but only on condition of anonymity, said the process is kept secret to protect sources and investigative methods. "Parallel construction is a law enforcement technique we use every day," one official said. "It's decades old, a bedrock concept."

A dozen current or former federal agents interviewed by Reuters confirmed they had used parallel construction during their careers. Most defended the practice; some said they understood why those outside law enforcement might be concerned.

"It's just like laundering money - you work it backwards to make it clean," said Finn Selander, a DEA agent from 1991 to 2008 and now a member of a group called Law Enforcement Against Prohibition, which advocates legalizing and regulating narcotics.

Agencies will shift surveillance, making enforcement of the law impossible—

Intimidation lets them get around courts

Copblock '14, Report submitted by a whistleblower who wished to remain anonymous: they are am a former federal agent who worked for one of the big three letter agencies for several years I was also a state investigator for 2 years prior to joining the feds (11/24/14, Copblock, "Former Federal Agent Expounds on Illegal Means Used to Frame Targets", http://www.copblock.org/86185/former-federal-agent-expounds-on-illegal-means-used-to-frame-targets/)

I am a former federal agent who worked for one of the big three letter agencies for several years I was also a state investigator for 2 years prior to joining the feds. I am avid follower and supporter of Copblock for several reasons, much of reason being because of the things I saw and then personally experienced while working as a federal agent who was then "turned on" by own former agency and colleagues. However, the story of what was done to me is a very long, complex story that could easy fill its own book.

I wanted to write this email to clarify some things that are already out there in the media and on the net and to further expand on how they are used to violate people's rights and in fact throw many people in jail essentially using illegal means to "frame them".

To start, if one was to do an internet search on "SOD" or "SOD NSA" they would probably get back a small story from a few years ago about how SOD (Special Operations Division) is a secret DEA (Drug Enforcement Agency) program designed to essentially lauder intelligence gained from warrantless wiretaps to be used for purposes of Parallel Construction in DEA drug cases. The reporter who originally reported this only displayed a small part of the truth, probably because they did not have knowledge or documentation really showing what SOD actually is and what it does.

First explaining exactly what SOD is, because up until previously it was only ousted as being a sub-unit within the DEA. Special Operations Division is actually known by a few other names, most likely for reasons of plausible deniability, when someone asks someone in the NSA if they are spying on American's without warrants they can "truthfully" say no because SOD an essentially separate agency is doing it. I have also heard it referred to as SOU (Special Operations Unit) and SAU (Special Activities Unit), it is much more than a single part of the DEA. In actuality it is a "mixed" agency made up of mainly of intelligence agents of the NSA but also from the CIA, FBI, DIA, DEA, ATF, ICE, USSS and pretty much every federal intelligence and federal law enforcement agency. Thus their "scope" is far, far greater then drug related activities. This is that "big brother" arm of the NSA that specializes in the all warrantless wiretapping Edward Snowden, Thomas Drake and William Binney have been talking about.

Let me provide a simple example of how Parallel Construction might work for the federal agencies (or local police). Say I am a federal narcotics agent working along the US/Mexico border. One day I get a duty call from the checkpoint at the border crossing that a vehicle coming into the United States was found to have narcotics in it after a drug sniffing dog "hit" on the vehicle. So the vehicle and the driver are both detained. Regardless of what happens with that

suspect who was originally with the vehicle, I have all his property, and usually there is a cell phone (or 10) that, the person had on them at the time of detention. Well even if we don't for some reason actually arrest this person, like the amount of narcotics was too low for federal prosecution or say there was a mistake and he/she didn't even have narcotics. At a border checkpoint federal agents can still search everything in your possession at the time of crossing, including your electronics. I then use a "Cellbrite" machine to extract ALL of the data off his phone (assuming it isn't encrypted) photo's, texts, call logs, video, browsing history… everything. So now I have all of the contacts and all the information on this person's life that was in their phone.

Now even if there isn't anything in there that I find to be incriminating, even if I really don't have any real reason to think this person or their associates are up to criminal activity, I can now take their phone number and any or all of the phone numbers of their contacts and forward them up to SOD so that SOD will put warrantless wiretaps on all of them. This could be any or all the numbers that were in that person's phone book; their grandmother, their aunts and uncles, their cousin's ex-wife's sister… anyone.

Now say that one of these people is a small time marijuana dealer, not something the feds are typically interested in, but SOD may still get in contact with me and provide me (in a classified document envelope) the transcripts from those conversations. Perhaps one of the conversations talks about someone buying some marijuana at some specific location at some specific time, well now I can call up the local police (because I know the local prosecutors will take any drug case no matter how small) and we can just "happen to have" a marked police car pull over the person at said location after the deal goes down. Assuming I had the phone numbers of the people involved it might have involved a little bit of work but I probably could have identified not only their names but also their vehicles by this point (and probably a lot more).

Now, if the case goes to court and trial if the defense attorney asks the officer who pulled over the person why they did it. The officer usually will just make up something simply to justify reasonable suspicion to pull the person over (they crossed the line in the road, they didn't signal, they were going a few miles above the speed limit, or they had complaints of drug activity in the area, or they could just say they were in the area and witnessed what they thought was illegal activity) either way it's just to legally cover the tracks of how these officers "knew" to pull this particular person over. Fact is they still pulled him over and we assume they were able to find the drugs.

This is a very, very simple example of how a parallel construction case might look. It gets a lot more complex than that depending on the scale and scope of what the government is trying to do.

Of course originally this was sold as to be used for purposes related to international terrorism, but it has become something far more sinister. It is used for every imaginable purpose ranging from the political to the most "hushed up" "pre-criminal enforcements". They justify much of this under the guise of terrorism, simply and easily because you can ask what exactly is terrorism? Much of what some federal agencies consider terrorism might at the absolute most be considered potentially violent acts. I stress potentially, since much of what SOD does it roam people's phone calls listening in for "angry, violent speech" trying to decide if a person is a threat based upon essentially how they express themselves.

Information from SOD can also be fed in directly to the national "Fusion Centers" (if you are not familiar with what these are they are worthy of an entire article themselves) whereby local law

enforcement agencies can now have access to whatever federal agencies might scoop up regarding some of your personal information, details or concerns they have about you.

Now apart from how wrong it is legally but also morally that these programs are being used as mechanisms of political control and vengeance is the fact that people who go on angry tirades on their private phone calls may now be subject to arrest and prosecution for FELONY charges. Because what SOD does to someone who they deem as a threat is they use any and all information from that persons calls, texts and emails to manipulate and twist whatever they might be doing (even normal everyday activities) and turn them into felony charges. And they are not at all hesitant to go as far as blackmailing someone the target might know into filing a false charge against the person just so they can hold them on something. Since they have access to the phone calls, texts and emails of everyone the targeted person might associate with its not hard to see that some person might have something they really don't want known publicly.

Now you say, still if they have no solid proof even if they do frame me, and blackmail someone into filing a false charge, they still have to prove it in front of a jury so I can beat it in court yes? Well, the answer is maybe you can. But it's not a sure thing by a long-shot. What they like to do, and it's something they use quite commonly, is they will force a plea. They do this by having the judge set your bond super, duper high… even if the charge is completely non-violent, and you have no history of violence. All it takes is a phone call by the district attorney/prosecutor at your arraignment to turn a low level felony that usually
has a $5,000 bond into no-bond or a $1,000,000 bond. Then assuming they don't think they have a real case to charge you federally with terrorism (like say you just made an angry comment, and you don't have any plans on your computer detailing a plot or bomb making materials laying around) and they know they can't prove terrorism, or even really prove the bogus charge they arrested you on, now they hold you for a few months and offer a low plea deal; a few years of probation maybe. If you decline to accept the offer because you're a righteous person and believe in the law and justice well guess what? The prosecution will just delay the case for more time, in essence punishing you into accepting the plea, all the while your bond stays really high because by this time the judge who sets your bond is "in on it", fixed so to speak. (federal intelligence agencies have a way of scaring even judges) Time to trial has quadrupled in the past 50 years in this country.

So you can sit in jail or plea out (confess to something you didn't do) and go free, sounds a lot like authoritarian/totalitarian eh? Now for arguments sake and I know this is very rare, but say you are ultra-tough minded and don't have anything better to do then sit in jail. All this time (possibly a year or two) the feds have been digging through your life with a fine toothed comb looking at anything they can use or twist into a being a crime, now they don't care if they won't charge you with it, they'll just use the local police who usually operate a lot more "loosely" and usually have no problem using garbage evidence or false charges on someone, after-all the original bogus charge was probably a state charge to begin with.

For example, say you get framed for something bogus, because you said "I really want to kill such and such person" on your private phone and a search warrant is done on your house/apartment and all your property. While their searching they are obviously looking for weapons of any sort but their also looking for any other contraband and also anything they can use to make you look like a mean horrible person.

Like angry texts, emails or documents on your computer. Because yes of course their going to seize all of that and do computer forensics on it. As I mentioned previously they will also intimidate people into testifying against you, any person they can find who might have a grudge against you (and yes they will talk to everyone who you might have called or texted going back several years), just to make you look like you're a dangerous, evil, insane person. Even if the person doesn't really want to get involved… some encouragement with prosecutorial threats almost always does the trick. Then it's up to the prosecutor if it goes to trial to convince the jury that you're a threat to the natural world even if the facts of the case don't really add up 100 percent. Somewhat of a roll of the dice, if the prosecution has a parade of people coming into court to defame you and talk bad about you… they're also going to attack your "psychological state" traditionally an easy and favorite tactic of the government. All in an effort to deny you of your freedom with probation and take away your 2nd amendment right to bear arms, because at the end of the day that's what this is really all about, controlling people and denying people the NSA thinks might be a threat, of legal access to firearms by using felony charges. Forget the reasons you said what you said, perhaps someone screwed you out of a job, money, business deal went horribly wrong or a love interest conflict. Nope, in their eyes if you say things they don't like you might as well be the next public enemy number one.

Nowhere in the Constitution does it say the government can't "warn" (threaten) people with criminal prosecution, so since we already know their doing things like warrantless wiretaps which is in fact strictly prohibited by the law, of course their going to be doing things that are not legally prohibited by law no matter if they may violate legal ethics.

Neolib

The illegal drug trade and the big banks that dominate the free market are inextricably linked—Neoliberal market structures fuel the violence they criticize

Veltmeyer and Petras '13, Henry Veltmeyer is a professor at Saint Mary's University; James Petras is a retired Bartle Professor of Sociology at Binghamton University (1/28/13, Henry Veltmeyer and James Petras, Ashgate Publishing, "Beyond Neoliberalism: A World to Win")

Mexico's descent into the inferno has been engineered by the leading US financial and political institutions, each supporting one side' in the bloody total war' which spares no one. While the Pentagon arms the Mexican government and the Drug Enforcement Agency enforces the 'military solution', the biggest US banks receive, launder and transfer hundreds of billions of dollars annually to drug lords' accounts, to buy modern arms, pay private armies of assassins and corrupt political and law enforcement officials. Mexico's Descent into the Inferno Every day, scores if not hundreds of corpses appear in streets and unmarked graves. Dozens are murdered in their homes, cars, public transport, offices and homes Unknown victims in the hundreds are kidnapped and disappear; school children, parents. teachers, doctors and businesspeople are seized in broad daylight and held for ransom, thousands of migrant workers are kidnapped, robbed, ransomed and murdered The police are barricaded in their commissaries the military, if and when it arrives, assaults entire cities, shoots more civilians than assassins. Everyday life revolves around surviving the daily death toll threats are everywhere, the armed gangs and military patrols fire and kill with virtual impunity. People live in fear and anger.

In the late 198Os, Mexico was in crisis, but the people chose a legal way out: they elected a president. Cuahtemoc Cardenas and a program to promote the economic revitalization of agriculture and national industry. The Mexican elite, led by Carlos Salinas of the Institutional Revolutionary Party (PRI) decided otherwise; the electorate was denied its victory, the peaceful mass protests were ignored. Salinas and subsequent presidents vigorously pursued a free trade agreement (NAFTA) with the United States and Canada, which devastated millions of Mexican fanners, ranchers and small business people. Ruin and the destruction of the productive forces in the rural areas led to flight—outmigration rural movements of debtors flourished and ebbed, co-opted or repressed. The misery of the legal economy contrasted with the wealth of the drug and people trade and its demand for well-paid armed auxiliaries. The beginning of the drug syndicates was born of local affluence. In the new millennium, popular movements and a new electoral hope arose; Andrés Manuel López Obrador (AMLO). By 2006 a vast peaceful electoral movement promised substantial reform, a basis to 'integrate millions of disaffected youth'. At the same time, the drug cartels were feeding off the misery of the millions marginalized by the elite, which plundered the public treasury, real estate, the petrol industry and privatized communication monopolies and banks.

Once again in 2006 millions were denied their electoral victor: the last best hope for a peaceful transformation was denied. Calderón stole the election and proceeded to launch the 'war on drug traffickers' in compliance with White House dictates. The War Strategy Escalates the Drug War. The Financial Crisis Deepens the Ties with Drug Traffickers The massive escalation of homicides and violence in Mexico began with the declaration of a 'drug War' fraudulently elected President Calderón, a policy pushed initially by the Bush Administration and subsequently strongly backed

by the Obama—Clinton regimes. Over 40,000 soldiers filled the streets, towns and barrios—violently assaulting citizens and especially young people. The cartels retaliated by escalating their armed assaults. The war spread to all the major cities and thoroughfares murders multiplied and Mexico descended further into a Dantesque inferno. The Obama regime reaffirmed' its militarist solutions on both sides of the border: over 500,000 Mexican immigrants were seized and expelled from the United States border patrols multiplied. Cross-border gun sales grew exponentially. The US 'market' for Mexican goods shrank, widening the pool for cartel recruits while the supply of high-powered rules increased, White House gun and drug policy strengthened both sides in this maniacal murderous cycle: the US government sold guns to the Calderón regime and private industry sold guns to the cartels. Drug demand in the United States—and the profits derived from the transport and sales—remained the driving force of the rising tide of violence and societal disintegration in Mexico.

Drug profits. in the most basic sense, are realized through the ability to launder and transact funds through the US banking system. The scale and scope of the US banking—drug cartel alliance far surpasses any other economic activity of the US private banking system. One bank alone, Wachovia, laundered $378.3 billion dollars between May 1, 2004 and May 3 1, 2007 (Guardia,,. May 11, 2011). Every major bank in the United States has served as an active financial partner of the murderous drug cartels, including the Bank of America. Citibank. W Morgan. as well as overseas banks operating out of New York, Miami and Los Angeles. While the White house finances the Mexican state to kill Mexicans suspected of being drug traffickers, the US government only belatedly fines the major US financial accomplices, with no jail time. This is, of course, perfectly in line with US policy on the crimes committed by the financial elite of the capitalist class. Take for example the case of' Goldman Sachs in the recent sub-prime debacle and financial crisis which he helped engineer. Rather than bringing criminal charges against the perpetrators of one of the most notorious financial crimes of the century —or stealing more money (and from their own customers) and lying under oath before Congress. the Department of Justice and federal prosecutors have given the Wall Street master criminals a free ride.

The major agency of the US Treasury involved in investigating money laundering—the Undersecretary for Terrorism and Financial Intelligence—ignored US bank collaboration with drug terrorists, concentrating almost their entire stall and resources to enforcing hank sanctions against Iran, The head (Stuart Levev) for seven years preferred to serve Israel's faux 'War on terrorism against Iran than pursue Wachovia 's collaboration with Mexican drug terrorists murdering 40.000 Mexicans. Without US arms and financial banking of the regime and cartels there would be no drug war', no mass killings and no state terror. If we eliminate the influx of subsidized agriculture goods and the LIS purchase of cocaine there would he neither 'drug soldiers' nor drug markets to kill and fight over.

The Drug Traffickers, the Banks and the White House

If the major US banks are the financial engines which allow the billion-dollar drug empires to operate. the White House. the US Congress and the enforcement agencies are the basic protectors of the banks. Despite the deep and pervasive involvement of the major banks in laundering hundreds of billions of dollars in illicit funds, the court settlement' pursued by US prosecutors did not lead to a jail sentence; the court settlement led to a fine of $50 million dollars. less than 2 percent of one of the hanks (the Wachovia bank) $12.3 billion profits for 2009 (Guardian, Ma 11, 2011). The DEA. and the federal prosecutors acted under the political direction of the US executive branch. The leading economic officials of the Bush and Obama regimes—Summers,

Geithner, Greenspan, Bernacke et al.— are all long-term associates, advisers and members of the leading financial houses and banks implicated in laundering the billions of drug profits.

Laundering drug money is one of the most lucrative sources of profit making for all Wall Street banks: they charge hefty commissions, they lend to borrowing institutions at interest rates far above what—if any—they pay to drug trafficker depositors. Even more important, during the most critical phase of the recent financial meltdown, according to the head of the United Nations Office on Drugs and Crime Antonio Maria Costa. [i]n many instances, drug money (was) ... currently the only Liquid investment capital ... In the second half of 2008. liquidity was the banking system's main problem and hence liquid capital became an important factor ... interbank loans were funded by money that originated from drug trade and other illegal activities ... (there were) signs that some banks were rescued in that way' (Reuters. January 25. 2009. US edition). Capital flows from the drug billionaires were key to floating Wachovia and other leading banks. In a word, drug billionaires saved the capitalist financial system in crisis.

Cartels prevent states from regulating the market—allowing for neoliberal globalization and perpetuating violence

Walker '2 Received Bachelor and Master Degrees in International Relations from the London School of Economics (LSE), University of London. (2002, Julius Walker, Global Politics Network, "The role of the state in the international illicit drugs trade: the case of Colombia and external intervention", http://www.globalpolitics.net/essays/Julius_Walker.pdf)

Ultimately, if it is true that the security environment of the post-Cold War era facilitates the growth of transnational organized crime and the international drugs trade, one could argue that globalization is the driving force behind the international drugs trade. Colombia is a particularly vivid example of the effect the drugs trade can have on a state that was already weak. The situation there has developed so far that the overall situation of transnational organized crime in Colombia may be described as being in the 'symbiotic stage', in which the 'host, the legitimate political and economic sectors now become dependent upon the parasite, the monopolies and networks of organized crime to sustain itself' (Lupsha 1996: 32). Within the overarching framework of globalization, Colombia may thus be termed a 'courtesan state', one which serves the interests embodied in neoliberal globalization and which is a central element in the global policy framework of neoliberalism (Mittelman & Johnston 1999: 117). This, ultimately, is its role in the wider context of an increasingly globalized world.

Conclusion and implications for International Relations

The international trade in illegal drugs, and specifically the huge profits generated and the related violence fuelled by it, have the potential to corrupt the state and all the major social and political groups within it. The combination of the factors that Colombia was a drugs-producing country and also a weak state mired by a long-lasting civil war has enabled precisely this to happen. The impact of the international drugs trade thus acts as a powerful catalyst and reinforces this pre-existing situation. Because of the particular nature of the drugs industry in Colombia – and its complexity – the situation becomes a 'war system'. Both Colombia and the US in a sense become parts of this system, become actors - if involuntary ones - in the international drugs trade, and therefore in transnational organized crime. Colombia is thus a 'failed state' or a 'crimestate' in the sense that it is difficult to determine who exactly is the state. The strength of the international

drugs trade is such that even a far more powerful and far less corrupted state, the United States, became involved and in a sense implicated, helping to entrench the 'war system'. All of this happened even though both the Colombian and US governments are in the process of fighting this transnational force. In the light of the 'new security agenda' postulated after the end of the Cold War, this truly seems a fearsome challenge to the international system.

Surveillance aimed at stopping cartels is a crucial check on neoliberalism

Suzuki '14, For Essex University (7/1/14, Chisato Suzuki, University of Essex, "Neoliberalism and the US-Mexico Border Politics", http://www.essex.ac.uk/sociology/documents/research/publications/ug_journal/vol12/2014SC361_ChisatoSuzuki_3final.pdf)

In contrast to the neoliberal demand of cheap labour, there are some counter movements especially in the US states along the border, as it is workers in those regions that get deprived of their job when migrants enter. The resistance movements are, to some degree, facilitated by the neoliberal decentralisation and privatisation. Some states have created their own immigration acts and private border contractors have made it difficult for immigrants to cross the border. In addition, fear against drug trafficking and violence by illegal immigrants motivated the construction of the border walls.

On the contrary to the expansion of bilateral economic cooperation, the United States strengthened the security of its border with Mexico during the 1990s. The number of border patrol agents doubled between 1993 and 1999, more and more agents of Drug Enforcement Administration and Federal Bureau of Investigation were assigned, and several border walls were constructed and militarised (Domínguez and Castro, 2009). The consequence was the increased death of immigrants. To avoid capture, immigrants would have to cross inhospitable routes, which often resulted in the exposure and dehydration. The wall also made immigrants depend on the professional smugglers—"coyotes"—that required large amount of money, and sometimes even killed the hirers (Regan, 2010). Although this was thought to deter immigration, by 2000, it became obvious that it had no effect on decreasing the number of migrants; instead, it strengthened the criminal activity of "coyotes" and changed the temporary immigrants into permanent ones (Domínguez and Castro, 2009).

Decriminalizing drugs leads to further neoliberal exploitation

Calhoun '14 Philosophy student and activist at the University at Buffalo. (1/12/14, Ryan Calhoun, Center for a Stateless Society, "Weed Legalization As Privatization, Disempowerment", http://c4ss.org/content/23632)

Marijuana's legalization seems much more like neoliberal privatization of markets than true liberation of them. While I do not question the decency of these first major marijuana retailers, there are legitimate concerns. Those most victimized by the state's rabid oppression of marijuana markets will find themselves very often out of luck, as extensive background checks are required by law, and any drug felony charge is enough to exclude individuals from operating as vendors. TakePart magazine notes in an article that even as weed is legalized, those in prison for the crime of possessing or selling marijuana will remain there. While new businesses boom with customers, those who formerly tried to compete in this market remain locked up in cages.

The drug war has affected millions during its hellish tear through Americans' lives and culture, but it has always been particularly racialized and classist. This leaves many black, Hispanic and poor individuals with a permanent hex affixed to them that these laws do not address. Like with the beltway libertarian conception of privatization, legalization picks the winners of the weed market from those who were lucky enough to not find themselves on the wrong side of the law and who already have access to the capital to invest into this expensive business.

Legalization, at its best, functions as an opposition to continued state violence against drug users and possessors. It is therefore troubling that we find even after this so-called legalization, many remain shackled both by the pre-existing landscape of the market and by new regulations which prohibit them from participating in it. It is never by the political means we realize our freedom, but only a hold-back of even worse oppression. We fight an uphill battle against the incredible damage the state does. And now facing the age of Big Marijuana, we might be shocked to find the sorts of restrictions many established pot shops favor. In order to delegitimize street dealers, we have to treat them as inherently dangerous and volatile.

The drug trade expands free-market programs—that is the epitome of neoliberalism

Andreas '95 John Hay Professor of International Studies at the Watson Institute (March 1995, Peter Andreas, Third World Quarterly, "Free Market Reform and Drug Market Prohibition: US Policies at Cross-Purposes in Latin America" Vol. 16, No. 1, pg 75-87

Although the first policy objective is viewed as an economic issue and the second policy objective is viewed as a law enforcement issue, both involve reshaping the relationship between states and markets. Neoliberal policies call for a more minimalist state, while prohibitionist policies call for a more interventionist state. Thus, the USA has promoted a curtailment of state intervention in the market (through liberalisation) even as it has promoted an escalation of state intervention (through prohibition). Latin American countries have been under significant pressure to comply with both liberalisation and prohibition objectives, the first primarily through the financial leverage of US-supported multilateral funding agencies (especially the IMF) and the second primarily through direct US diplomatic and economic leverage.

However, the compatibility of these two very different models of state-market relations is questionable, since legal and illegal markets are often inextricably intertwined.4 In many countries, the drug export sector is not isolated from, but integrated into, the national economy. Not only are they closely linked, but the informal drug economy is guided by many of the same

market principles which regulate the formal economy. Thus, even as the USA seeks to expand the role of market forces and the private sector, the awkward reality in many Latin American countries is that the drug export industry is a leading market force and an integral component of the private sector.

Indeed, as we shall see, the revenues and jobs generated by the illegal drug industry have actually helped some states adopt the very market reforms and austerity measures encouraged by the USA and the IMF, and these neoliberal programmes, in turm, have in some ways actually helped fuel the illegal drug industry. Thus, neoliberalism both stimulates and is stimulated by the very illegal market which the USA is attempting to prohibit. Neoliberalism reduces the role of the state in regulating the national economy, and this has an impact on the drug export sector in those countries where it is integrated into the economy. Similarly, neoliberalism reduces the ability of the state to withstand external market pressures-and the enormous global market demand for drugs is certainly no exception. The logic of neoliberalism is for the state to conform to the dictates of international market pressures (with little regard to state-created distinctions between legal and illegal markets). Robert Cox has called this the 'internationalization of the state': the process whereby national policies are adjusted to the exigencies of the international economy.5 Although illegal, the global drug economy can be seen as part of this broader process.

T

Domestic-US Persons

Next, T- Domestic

T – not domestic surveillance

A. Domestic surveillance is surveillance of us persons

Small 8 matthew l. Small. United states air force academy 2008 center for the study of the presidency and congress, presidential fellows program paper "his eyes are watching you: domestic surveillance, civil liberties and executive power during times of national crisis" http://cspc.nonprofitsoapbox.com/storage/documents/fellows2008/small.pdf

> Before one can make any sort of assessment of domestic surveillance policies, it is first necessary to narrow the scope of the term "domestic surveillance." Domestic surveillance is a subset of intelligence gathering. Intelligence, as it is to be understood in this context, is "information that meets the stated or understood needs of policy makers and has been collected, processed and narrowed to meet those needs" (lowenthal 2006, 2). In essence, domestic surveillance is a means to an end; the end being intelligence. The intelligence community best understands domestic surveillance as the acquisition of nonpublic information concerning united states persons (executive order 12333 (3.4) (i)). With this definition domestic surveillance remains an overly broad concept. This paper's analysis, in terms of president bush's policies, focuses on electronic surveillance; specifically, wiretapping phone lines and obtaining caller information from phone companies. Section f of the usa patriot act of 2001 defines electronic surveillance as:

B. Violation—Surveillance associated with the illegal drug is targeted at Mexicans

Gordon '15, Professor at the the University of San Francisco (5/23/15, Rebecca, InTheseTimes, "When the War on Drugs in Mexico Comes Back Home to the U.S.", http://inthesetimes.com/article/17782/when-the-war-on-drugs-in-mexico-comes-back-home-to-the-u.s)

In Mexico, the U.S. military is directly involved in the War on Drugs. In this country, that "war" has provided the pretext for the militarization of local police forces and increased routine surveillance of ordinary people going about their ordinary lives.

C. Our standard is

Limits—Any interpretation of domestic that allows the targeting of foreign nationals blows the lid off the topic—that makes it impossible to prepare

D. T is a voter for fairness and prepared debates

PTX LINKS

TRU PTX

Republicans love the war on drugs

Vance '10, columnist and policy adviser for the Future of Freedom Foundation, an associated scholar of the Ludwig von Mises Institute (11/24/10, Laurence M. Vance, The Freedom of Future Foundation,"WHY DON'T CONSERVATIVES OPPOSE THE WAR ON DRUGS?", http://fff.org/explore-freedom/article/dont-conservatives-oppose-war-drugs/)

Yet, no matter how much it costs to wage the federal drug war (more than $41 billion according to a just-released Cato Institute study), conservatives generally support it. I know of no prominent conservative who publicly calls for drug legalization. I know of no Republican candidate in the recent election (outside of Ron Paul) who has ever publicly voiced his support for the decriminalization of drug possession. Republicans in Congress — by an overwhelming majority — have even criminalized the purchase of over-the-counter allergy-relief products like Sudafed because they contain pseudoephedrine.

Negative arguments about how the war on drugs ruins lives, erodes civil liberties, and destroys financial privacy are unpersuasive to most conservatives. None of these things matter to the typical conservative because they, like most Americans of any political persuasion, see using drugs for recreational use as immoral.

Surveillance on the border is a highly partisan issue

Abdullah '14 Staff writer for CNN (6/26/14, Halimah Abdullah, CNN, "No permisos. Lawmakers, feds debate surge of immigrant kids", http://www.cnn.com/2014/06/24/politics/immigrant-kid-hearing/)

They are the latest political pawns in a partisan battle over U.S. immigration: Thousands of children who have risked their lives fleeing poverty and violence in Central America seeking "permisos" or a pass to stay in America.

It is a political chimera that touches on thorny issues like immigration reform, foreign aid, human trafficking and the U.S.-Latin American drug trade, which has helped fund violent Central American cartels that are destabilizing that region, federal officials told lawmakers at a House Homeland Security Committee hearing on Tuesday.

During the session, the partisan differences on immigration reform and border security were stark.

It won't get support, politicians don't want to seem soft on crime

NCHRC '11 North Carolina Harm Reduction Coalition (12/14/11, North Carolina Harm Reduction Coalition, "Why Do Politicians Support the War on Drugs (Even Ones Who Know Better)?", http://www.dailykos.com/story/2011/12/14/1045339/-Why-Do-Politicians-Support-the-War-on-Drugs-Even-Ones-Who-Know-Better#)

"The war on drugs is all about politics," explains Scott. "Many elected officials know the war has failed, but are afraid to speak up because they don't want to seem 'soft on crime'. When I worked in law enforcement I noticed that the individual police officers were often against the war on drugs, but most sheriffs supported it – as least in public. That's because sheriff's are elected officials and they say what they think voters want to hear, not always what is right."

Elections

Generic

The illegal drug trade is unpopular with the public

ONDCP '1 Office of National Drug Control Policy (2/1/2001, Office of National Drug Control Policy, "A Look at How Americans View the Country's Drug Problem", https://www.ncjrs.gov/ondcppubs/publications/gallup/summary.html)

Overall, concerns about drug use are high. Over half of all Americans say their concern about drug use has increased over the past five years (53%). Only 3 percent say their concern has decreased, while 44 percent say their concern has stayed the same. Concerns are increasing the most in minority and low-income communities.

Non-whites, including African Americans (69%), other minorities (59%), and Hispanics (63%) are all more likely to report an increased concern about illegal drug use than are whites (51%). Adults aged 55 or older (58%), those living in rural areas (58%), lower income Americans (61%), and those with less than a high school education (64%) are also more likely to say that their concern has increased over the past five years.

When asked why their concern over illegal drug use has increased, Americans no longer cite the crime and violence associated with it as their top reason. Instead, they mention more personal reasons. (See Figure 2.) Most adults report that their concern over drug use has increased because they have become more knowledgeable about it, drug use is becoming more widespread, and they worry about their children and grandchildren.

The public opposes the illegal drug trade

ONDCP '1 Office of National Drug Control Policy (2/1/2001, Office of National Drug Control Policy, "A Look at How Americans View the Country's Drug Problem", https://www.ncjrs.gov/ondcppubs/publications/gallup/summary.html)

Support is Strong for Goals 4 and 5: To Shield America's Air, Land, and Sea Frontiers From the Drug Threat and To Break Foreign and Domestic Drug Sources of Supply

Americans express a strong support for interdiction. More than eight out of ten agree that more money should be spent on stopping drugs from coming into the U.S. from foreign countries (84%). Many Americans also believe this would be the most effective strategy for how to spend the money to reduce the illegal drug problem in the U.S. Supporters of this strategy are more likely to be female, older, African American, and less educated.

The use of illegal drugs is of increasing concern to Americans. Not only do they worry about the crime and violence that is associated with drugs, they worry that drugs are becoming more widespread and are becoming increasingly easy for children to get. Parents, in particular, are trying to communicate with their children about the dangers of drugs and feel they are influencing their children's decisions, but are still searching for better ways to communicate with their children about this difficult subject. Parents are viewed as responsible not only for educating their children about drugs, but also for stopping the drug use once it starts. Advertising campaigns such as ONDCP's can be an effective tool to reaching out to parents with effective communications strategies.

Americans perceive a strong link between illegal drug use and criminal or violent activity, yet they are not in agreement on the best strategy to reduce drug-related crime. Only a slight majority believe that tough penal actions for drug users would be effective. Few believe that building more prisons for drug-related offenses is the right solution. Many believe that support, not punishment is the right strategy, focusing on treatment and rehabilitation.

Half of all Americans personally know someone who has used illegal drugs, and nearly one-third describe these users as seriously addicted. Among those acquaintances who have obtained drug treatment, the efforts are reported to have been successful, with a strong majority now drug-free. This helps explain why, according to the American public, more drug treatment programs are needed.

Finally, support is strong for interdiction efforts. Alongside keeping drugs away from children, lowering drug-related crime, and increasing treatment opportunities, Americans would like to see increased efforts to stop drugs from coming into the U.S.

Hispanics LInk

The public hates drugs—especially Hispanics

Pew '14 Pew Research Center (4/2/14, Pew Research Center, "America's New Drug Policy Landscape", http://www.people-press.org/2014/04/02/americas-new-drug-policy-landscape/)

About a third of all Americans (32%) say that the problem of drug abuse is a crisis across the country and another 55% see it as a serious problem. When asked to think about their own neighborhoods, including the local schools, about one-in-ten (12%) see drug abuse as a crisis in their community and another 38% call it a serious problem.

Opinions about the problem of drug abuse differ little across most demographic and political groups. But young people are less likely than older Americans to say that drug abuse is a crisis nationally. Just 20% of those under 30 think drug abuse is a crisis compared with at least a third in older age groups. And 60% of young people say the problem of drug abuse in their neighborhoods is either a minor problem or not a problem, the lowest percentage of any age group.

Hispanics and those without college experience are more likely to view drug abuse as a serious problem in their neighborhood. A majority of Hispanics (63%) say that drug abuse is either a

crisis or serious problem in their neighborhood, compared with about half of both non-Hispanic blacks (51%) and non-Hispanic whites (47%).

They're a key voting bloc—they could go either way

Kurtzlebel 5/20, political reporter assigned to NPR's Washington Desk. (5/20/15, Daniel Kurtzlebel, NPR, "The Ballooning Importance Of The 'Latino Vote,' In 3 Charts", http://www.npr.org/sections/itsallpolitics/2015/05/20/407954553/the-ballooning-importance-of-the-latino-vote-in-three-charts)

Politicians care so much about capturing the so-called "Latino vote" because the U.S. Hispanic population is exploding.

The share of the population that considers itself Hispanic grew by nearly 49 percent between 2000 and 2012, according to census data. For the rest of the population, growth has only been 5.8 percent.

It's true that the Hispanic population, at 53 million, is still much smaller than the non-Hispanic population, at around 260 million. But it's also a population that represents a massive opportunity for either party.

The Hispanic voting bloc will determine the outcome in key swing states

Metla '15 Staff writer for Law Street Journal, holds two Bachelor Degrees in regional studies and international criminal justice. (5/2/15, Valeriya Metla, Law Street Journal, "What Part Will Hispanic Voters Play in the 2016 Elections?", http://lawstreetmedia.com/issues/politics/part-will-hispanic-voters-play-2016-elections/)

Historically, certain states in the U.S. have always voted for either Democrats or Republicans, while there are states that swing back and forth between the two parties–"swing states." Presidential candidates often campaign more in those states, as they will decide elections. In the 2016 elections, many states with large Hispanic populations are already being viewed as the states to win, including Florida, Colorado, Nevada, and Virginia.

Florida has the largest Hispanic population among the swing states, at more than four million. During the 2012 elections, the Hispanic electorate accounted for 17 percent of total voters. As Florida has a large population of Cubans who historically favor Republicans, the GOP has traditionally made a strong run in Florida. But recently, more Hispanics in Florida have been leaning toward the Democratic Party.

Colorado has the second largest Hispanic population among swing states, at a little over a million. Historically, Colorado has been overwhelmingly Republican, but recent demographic trends have changed the odds for the GOP. During the last two presidential elections,

Hispanic constituencies overwhelmingly backed Obama over McCain and Romney, helping him to victory.

The voting situation in Nevada is also uncertain, as both Bush and Obama won the state twice. Obama won Nevada largely due to Hispanic voters who made up 14 percent of the total electorate. However, Obama didn't do so well with white voters in Nevada, leaving significant chances for the Republican party to capture more non-Hispanic votes in this state.

Traditionally red state Texas may also turn into a swing state. Thirty percent of its eligible voters are Hispanic; as a result experts believe that the Hispanic vote can make a difference in Texas in 2016.

Terror

Terrorists get into the US via the Mexican border

Rothman '14, Associated Editor of Hot Air (8/29/14, Noah, Hot Air, "Report: ISIS eyeing Mexican border to infiltrate America and execute terrorist attacks", http://hotair.com/archives/2014/08/29/report-isis-eyeing-mexican-border-to-infiltrate-america-and-execute-terrorist-attacks/)

Aside from this being a deeply unnerving development, this has the potential to completely scramble the political thinking in this country regarding immigration reform and border security.

A report from Fox News reporter Jana Winter filed on Friday indicates that Islamic State fighters are eyeing the porous U.S.-Mexico border as a potential area in which aspiring jihadists can infiltrate the country and prepare terrorist attacks.

Social media chatter shows Islamic State militants are keenly aware of the porous U.S.-Mexico border, and are "expressing an increased interest" in crossing over to carry out a terrorist attack, according to a Texas law enforcement bulletin sent out this week.

"A review of ISIS social media messaging during the week ending August 26 shows that militants are expressing an increased interest in the notion that they could clandestinely infiltrate the southwest border of US, for terror attack," warns the Texas Department of Public Safety "situational awareness" bulletin, obtained by FoxNews.com.

The three-page bulletin, entitled "ISIS Interest on the US Southwest Border" was released to law enforcement on Thursday.

In related news, White House Press Sec. Josh Earnest told reporters on Friday that the number of illegal immigrants crossing the southern border had dropped precipitously. When asked if the crisis on the border was over, Earnest said it was. "For now," he added.

CARTELS

1nc WOD Module

The War on drugs has been a success –violence is down

DW '14 (9/7/14, DW, "Violence on the decline in Mexico's war on drugs", http://www.dw.com/en/violence-on-the-decline-in-mexicos-war-on-drugs/a-17906401)

Since then, a number of leading capos have been arrested, among them Joaquin "El Chapo" Guzman, who headed the powerful Sinaloa cartel. Just last week, on August 31, police arrested one of the key men behind the exceptionally cruel Los Zetas cartel. One day later, the military stormed one of the gang's training camps.

Perhaps the most important success of the new strategy - at least for Mexican citizens - has been the significant decline in violence. Over the last few years the murder rate has steadily declined, dropping below 2010 levels last year.

The frequency of the cruel narcomensajes has drastically decreased as well, falling from an average of 52 murders a month to just eight.

Surveillance is effective in fighting the cartels

Bucella '12, Written testimony of U.S. Customs and Border Protection Office of Intelligence and Investigative Liaison Assistant Commissioner Donna Bucella for a House Committee on Homeland Security Subcommittee on Border and Maritime Security hearing titled "Border Security Threats to the Homeland: DHS' Response to Innovative Tactics and Techniques" (6/15/12, Donna Bucella, Department Homeland Security, ""Border Security Threats to the Homeland: DHS' Response to Innovative Tactics and Techniques"", http://www.dhs.gov/news/2012/06/15/written-testimony-us-customs-border-protection-house-homeland-security-subcommittee)

****NOTE: CBP is Customs and Border Protections

Over the past three years, the DHS has dedicated historic levels of personnel, technology, and resources in support of our border security efforts. Most recently, the President's Fiscal Year (FY) 2013 Budget Request continues these efforts by supporting the largest deployment of law enforcement officers to the frontline in our agency's history: more than 21,300 Border Patrol agents; 1,200 Air and Marine agents; and 21,100 CBP officers; working 24/7 with state, local, tribal, and Federal law enforcement to target illicit networks trafficking in people, drugs, weapons, and money. Over the last year, we have brought greater unity to our enforcement efforts, expanded collaboration with other agencies, and improved response times.

CBP has also deployed additional technology assets—including mobile surveillance units, thermal imaging systems, and large-and small-scale non-intrusive inspection equipment—along our Nation's borders. CBP currently has over 270 aircraft, including nine Unmanned Aircraft Systems (UAS) and more than 300 patrol and interdiction boats that provide critical aerial and maritime surveillance and operational assistance to personnel on the ground. The UAS program is rapidly changing how ground assets are deployed, supplying Border Patrol Agents with unparalleled situational awareness through the UAS's broad area electronic surveillance

capabilities. Going forward, CBP will continue to integrate the use of these specialized capabilities into the daily operations of CBP's frontline personnel to enhance our border security efforts.

The results of this prioritization to the border and our layered approach to security are clear. In FY 2011, Border Patrol apprehensions along the Southwest border—a key indicator of illegal immigration—decreased 53 percent since FY 2008, and are less than one fifth of what they were at their peak in 2000. We have matched these decreases in apprehensions with increases in seizures of cash, drugs, and weapons. During FYs 2009 through 2011, DHS seized 74 percent more currency, 41 percent more drugs, and 159 percent more weapons along the Southwest border as compared to FY 2006-2008. In FY 2011, CBP seized more than $126 million in illegal currency and nearly five million pounds of narcotics nationwide. At the same time, according to 2010 Federal Bureau of Investigation (FBI) crime reports, violent crimes in Southwest border states have dropped by an average of 40 percent in the last two decades.

Every key measure shows we are making significant progress; however, we must remain vigilant and focus on building upon an approach that puts CBP's greatest capabilities in place to combat the greatest risks.

Cartels make wmd use likely

BPW '10 BioPrepWatch (1/21/10, BioPrepWatch, "Drug trade could increase availability of bioweapons" http://bioprepwatch.com/stories/510506427-drug-trade-could-increase-availability-of-bioweapons#sthash.SRj9Orv6.dpuf)

Drug cartels, as a result of the increase in the narcotics trade, have been increasingly able to acquire biological and chemical weapons and radioactive material for the purpose of **WMD creation**, the U.S. State Department has warned.
"The sums of money involved are growing in extraordinary amounts, and that raises the possibility, because of the sums and the areas in which these groups have begun to operate, for that opportunity to be exploited," David Johnson, assistant secretary of state for the Bureau of International Narcotics and Law Enforcement Affairs, told The Jerusalem Post.
"Some of these criminal syndicates have the organizational and financial wherewithal that could potentially allow them to acquire and sell radioactive material, biological and chemical weapons, and technologies used for weapons of mass destruction."

UQ

Violence is down—Juarez proves

Denvir 7/1, A Philadelphia-Based Contributing Writer To Citylab and A Former Staff Reporter At Philadelphia City Paper. (7/1/15, Daniel Denvir, CityLab, "Juárez to Tourists: It's Safe to Come Back Now", http://www.citylab.com/crime/2015/07/juarez-to-tourists-its-safe-to-come-back-now/397232/)

Murder capital of the world is no one's idea of a good tourism promotion. But Ciudad Juárez's murder tally has long since plummeted from the astronomical high of more than 3,000 recorded in 2010. In 2014, 424 or 538 people were reported killed in Juárez (depending on what entity is

doing the reporting). Per capita, even that higher number represents a murder rate similar to that ofDetroit or New Orleans. The border city nonetheless remains forbidden territory for Americans who in prior decades would cross over from El Paso in droves to visit family, bars, restaurants, dentists, pharmacies and strip clubs. Juárez is by no means a paragon of security, but it's certainly safe enough to grab dinner.

IMPACT Modules

WMD

Cartels make wmd use likely

BPW '10 BioPrepWatch (1/21/10, BioPrepWatch, "Drug trade could increase availability of bioweapons" http://bioprepwatch.com/stories/510506427-drug-trade-could-increase-availability-of-bioweapons#sthash.SRj9Orv6.dpuf)

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Bioterror

IF cartels gain ground they will launch bioterror attacks

LEntzos '14, Senior Research Fellow in the Department of Social Science, Health and Medicine at King's College London (1/27/14, Filippa Lentzos, BioSocieties, "The risk of bioweapons use: Considering the evidence base")

I can see a situation in which a group of individuals will set up a cell and do these things in a state that doesn't have effective laws in place, probably no laws in place at all. And they could quite easily build up a small laboratory complex in a safe haven state: develop a device, even test it in a sort of rudimentary way within the safe haven state, and then from that, build up a device which they could take and use somewhere else. And I don't think that has happened yet with any group trying to develop biological weapons, but it's certainly happened with illicit drug type production, where there's been a bunch of individuals who are making illicit drugs, and as the laws tighten up in one particular country, they'll relocate to a second country. And as things tighten there, they'll go to a third country. So that's happened certainly in the Asia Pacific, with illicit drug cartels, and I can see a scenario where that could happen with bioweapons too. And that really the motivation behind my interests in helping smaller countries develop legislation, develop government structures, including law enforcement, to make it more difficult for these rogues to do these things within these states.And just because the Aum Shinrikyo attempts weren't successful, it

doesn't mean to say that it's okay, that it's more difficult than everybody thought, it won't happen. I think there may well be a certain level of complacency starting to develop, and that we may well be caught out later on. It mightn't be very sophisticated, but it could be a very disruptive event.

Former bioweapons inspector and microbiologist: I agree, even if biological weapons haven't been used that doesn't mean they won't be. Maybe it's still easier to cause terror through other means. But we could not have anticipated 9/11; we could not foresee that airplanes would be used for that sort of attack. So we can't foresee all scenarios, we don't know what is next, so I wouldn't exclude anything. And the biothreat is more relevant than a nuclear threat; I mean, you can't easily acquire a nuclear or even dirty bomb. But you can easily acquire biological agents. You don't even have to break into a lab, you can get it in nature, you can get if off a sick person. And, you don't even necessarily have to weaponize it. I mean how many casualties do you need to cause terror? You don't need mass casualties, it's not war. We're talking about infectious disease agents being spread deliberately, and that doesn't necessarily require weaponization.

That's the most likely existential risk

Matheny '7 Department of Health Policy and Management, Bloomberg School of Public Health, Johns Hopkins University (2007, Jason G. Matheny, Risk Analysis, "Reducing the Risk of Human Extinction", Vol 27, No. 5)

Of current extinction risks, the most severe may be bioterrorism. The knowledge needed to engineer a virus is modest compared to that needed to build a nuclear weapon; the necessary equipment and materials are increasingly accessible and because biological agents are self-replicating, a weapon can have an exponential effect on a population (Warrick, 2006; Williams, 2006). 5 Current U.S. biodefense efforts are funded at $5 billion per year to develop and stockpile new drugs and vaccines, monitor biological agents and emerging diseases, and strengthen the capacities of local health systems to respond to pandemics (Lam, Franco, & Shuler, 2006).

Way better bioterror impact card that I'll cut tonight

http://www.e-ir.info/2014/01/08/securitization-theory-and-biological-weapons/

Off-Case

T – Domestic

1NC T-Domestic

A. Interpretation

DOMESTIC SURVEILLANCE IS DISTINCT FROM ORDINARY CRIME

Pfeiffer 4 Constance Pfeiffer, Juris Doctor candidate, The University of Texas School of Law, May 2004
The Review of Litigation Winter, 2004 23 Rev. Litig. 209 NOTE: Feeling Insecure?: United States v. Bin Laden and the Merits of a Foreign-Intelligence Exception For Searches Abroad lexis

> Courts regularly deal with the most difficult issues of our society. There is no reason to believe that federal judges will be insensitive to or uncomprehending of the issues involved in domestic security cases. Certainly courts can recognize that domestic surveillance involves different considerations from the surveillance of "ordinary crime." If the threat is too subtle or complex for our senior law enforcement officers to convey its significance to a court, one may question whether there is probable cause for surveillance. n141

B. Violation

The plan increases surveillance of ordinary crime which is distinct from foreign surveillance.

C. THE AFFIRMATIVE INTERPRETATION IS BAD FOR DEBATE

Limits are necessary for negative preparation and clash, and their interpretation makes the topic too big. Including surveillance of common crimes adds an entirely different legal regime with different laws, judicial standards, and other issues for THOUSANDS of different crimes.

D. T IS A VOTER because the opportunity to prepare promotes better debating

A2 Domestic = Geographic Location

DOMESTIC SURVEILLANCE IS INTELLIGENCE GATHERING, The modifers "foreign" and "domestic" distinguish the type of security threat, not the geographic location of the surveillance

Small 8 MATTHEW L. SMALL. United States Air Force Academy 2008 Center for the Study of the Presidency and Congress, Presidential Fellows Program paper "His Eyes are Watching You: Domestic Surveillance, Civil Liberties and Executive Power during Times of National Crisis" http://cspc.nonprofitsoapbox.com/storage/documents/Fellows2008/Small.pdf

> Before one can make any sort of assessment of domestic surveillance policies, it is first necessary to narrow the scope of the term "domestic surveillance." Domestic surveillance is a subset of intelligence gathering. Intelligence, as it is to be understood in this context, is "information that meets the stated or understood needs of policy makers and has been collected, processed and narrowed to meet those needs" (Lowenthal 2006, 2). In essence, domestic surveillance is a means to an end; the end being intelligence. The intelligence community best understands domestic surveillance as the acquisition of nonpublic information concerning United States persons (Executive Order 12333 (3.4) (i)). With this definition domestic surveillance remains an overly broad concept. This paper's analysis, in terms of President Bush's policies, focuses on electronic surveillance; specifically, wiretapping phone lines and obtaining caller information from phone companies. Section f of the USA Patriot Act of 2001 defines electronic surveillance as:

Block Extension

THE NATURE OF THE SURVEILLANCE IS DIFFERENT

Bazan 7 Elizabeth B. Bazan, Congressional Research Service Legislative Attorney, American Law Division

CRS Report The Foreign Intelligence Surveillance Act: An Overview of the Statutory Framework and U.S. Foreign Intelligence Surveillance Court and U.S. Foreign Intelligence Surveillance Court of Review Decisions

Updated February 15, 2007 https://www.fas.org/sgp/crs/intel/RL30465.pdf

> Investigations for the purpose of gathering foreign intelligence give rise to a tension between the Government's legitimate national security interests and the protection of privacy interests.6 The stage was set for legislation to address these competing concerns in part by Supreme Court decisions on related issues. In Katz v. United States , 389 U.S. 347 (1967), the Court held that the protections of the Fourth Amendment extended to circumstances involving electronic surveillance of oral communications without physical intrusion.7 The Katz Court stated, however, that its holding did not extend to cases involving national security.8 In United States v. United States District Court, 407 U.S. 297 (1972) (the Keith case), the Court regarded Katz as "implicitly recogniz[ing] that the broad and unsuspected governmental incursions into conversational privacy which electronic

surveillance entails necessitate the application of Fourth Amendment safeguards."9 Mr. Justice Powell, writing for the Keith Court, framed the matter before the Court as follows: The issue before us is an important one for the people of our country and their Government. It involves the delicate question of the President's power, acting through the Attorney General, to authorize electronic surveillance in internal security matters without prior judicial approval. Successive Presidents for more than one-quarter of a century have authorized such surveillance in varying degrees, without guidance from the Congress or a definitive decision of this Court. This case brings the issue here for the first time. Its resolution is a matter of national concern, requiring sensitivity both to the Government's right to protect itself from unlawful subversion and attack and to the citizen's right to be secure in his privacy against unreasonable Government intrusion.10

The Court held that, in the case of intelligence gathering involving domestic security surveillance, prior judicial approval was required to satisfy the Fourth Amendment.11 Justice Powell emphasized that the case before it "require[d] no judgment on the scope of the President's surveillance power with respect to the activities of foreign powers, within or without the country."12 The Court expressed no opinion as to "the issues which may be involved with respect to activities of foreign powers or their agents."13 However, the guidance which the Court provided in Keith with respect to national security surveillance in a domestic context to some degree presaged the approach Congress was to take in foreign intelligence surveillance. The Keith Court observed in part:

...We recognize that **domestic surveillance may involve different policy and practical considerations from the surveillance of "ordinary crime."** The gathering of security intelligence is often long range and involves the interrelation of various sources and types of information. The exact targets of such surveillance may be more difficult to identify than in surveillance operations against many types of crime specified in Title III [of the Omnibus Crime Control and Safe Streets Act, 18 U.S.C. § 2510 et seq.]. Often, too, the emphasis of domestic intelligence gathering is on the prevention of unlawful activity or the enhancement of the Government's preparedness for some possible future crisis or emergency. Thus, the focus of domestic surveillance may be less precise than that directed against more conventional types of crimes. Given these potential distinctions between Title III criminal surveillances and those involving domestic security, Congress may wish to consider protective standards for the latter which differ from those already prescribed for specified crimes in Title III. Different standards may be compatible with the Fourth Amendment if they are reasonable both in relation to the legitimate need of Government for intelligence information and the protected rights of our citizens. For the warrant application may vary according to the governmental interest to be enforced and the nature of citizen rights deserving protection.... It may be that Congress, for example, would judge that the application and affidavit showing probable cause need not follow the exact requirements of § 2518 but should allege other circumstances more appropriate to domestic security cases; that the request for prior court authorization could, in sensitive cases, be made to any member of a specially designated court...; and that the time and reporting requirements need not be so strict as those in § 2518. The above paragraph does not, of course, attempt to guide the congressional judgment but rather to delineate the present scope of our own opinion. We do not attempt to detail the precise standards for domestic security warrants any more than our decision in Katz sought to set the refined requirements for the specified criminal surveillances which now constitute Title III. We do hold, however, that prior judicial approval is required for the type of domestic surveillance involved in this case and that such

approval may be made in accordance with such reasonable standards as the Congress may prescribe. 14

Neolib K

1NC Neolib K

The AFF's paranoia of excessive government induces neoliberalism's control of society

Anderson 12

Ben Anderson, Reader in the Department of Geography at Durham University, "Affect and biopower: towards a politics of life," *Transactions of the Institute of British Geographers*, Vol. 37, No. 1, p. 37-8, fwang

By 'affective condition' I mean an affective atmosphere that predetermines how something – in this case the state – is habitually encountered, disclosed and can be related to. Bearing a family resemblance to concepts such as 'structure of feeling' (Williams 1977) or 'emotional situation' (Virno 2004), an 'affective condition' involves the same doubled and seemingly contradictory sense of the ephemeral or transitory alongside the structured or durable. As such, it does not slavishly determine action. An 'affective condition' shapes and influences as atmospheres are taken up and reworked in lived experience, becoming part of the emotions that will infuse policies or programmes, and may be transmitted through assemblages of people, information and things that attempt to organise life in terms of the market. **State-phobia obviously exists in complex coexistence with other affective conditions**. To give but two examples, note how Connolly (2008) shows how **existential bellicosity and ressentiments infuse the networks of think tanks, media and companies that promote neoliberal policies**. Or consider how Berlant (2008) shows how 'nearly utopian' affects of belonging to a world of work are vital to the promise of neoliberal policies in the context of precariousness. In addition **state-phobia has and will vary as it is articulated with distinct political movements**. For example, **the USA 'Tea Party' phenomenon is arguably animated by an intensified state-phobia named in the spectre of 'Big Government' and linked to a reactivation of Cold War anxieties about the threat of 'Socialism'**. But the 'Tea Party' also involves a heady combination of white entitlement and racism, affective-ideational feelings of freedom, and the pervasive economic insecurity that follows from economic crisis.

How, then, **do we get from state-phobia to a logic of governing that purports to govern 'as little as possible' but actually intervenes 'all the way down' through 'permanent activity, vigilance and intervention'** (Foucault 2008, 246)? **State-phobia traverses quite different apparatuses, and changes** across those apparatuses. As Foucault puts it, it has many 'agents and promoters' (2008, 76), meaning that **it can no longer be localised**. It circulates alongside the concern with excessive government, reappears in different sites and therefore overflows any one neoliberalising apparatus (2008, 187). Hinting to a genealogy of state-affects, **Foucault differentiates it from a similarly 'ambiguous' phobia** at the end of the 18th century **about despotism**, as linked to tyranny and arbitrariness (2008, 76). **State-phobia is different. It gives a push to the question of whether government is excessive, and as such animates policies and programmes that are based on extending the market form to all of society. State-phobia is**, on this account, **both cause and effect of the neoliberal identification of an 'economic-political invariant'** (2008, 111) **across disparate forms of economic intervention** (including the New Deal, Keynesianism and Nazism). Developing Foucault's brief comments on its 'inflationary' logic (2008, 187), **we can think of state-phobia as being bound up with the anticipatory hyper-vigilance of paranoia** (Sedgwick 2003). It is based on an 'elision of actuality' that passes over what the state is actually doing **to always find the 'great fantasy of the paranoiac and devouring state'** (Foucault 2008, 188). In short, **neoliberalism is imbued with a suspicion of any state economic action that is not wholly in the service of organising life around the market form**.

This biopolitical neoliberalism creates multiple structural trends towards extinction and cyclical violence

Szentes 8 (a Professor Emeritus at the Corvinus University of Budapest)

(Tamás, “Globalisation and prospects of the world society”, 4/22 http://www.eadi.org/fileadmin/Documents/-Events/exco/Glob.___prospects_-_jav..pdf)

It’ s a common place that human society can survive and develop only in a lasting real peace. Without peace countries cannot develop. Although since 1945 there has been no world war, but --numerous local wars took place, --terrorism has spread all over the world, undermining security even in the most developed and powerful countries, --arms race and militarisation ha[s] not ended with the collapse of the Soviet bloc, but escalated and continued, extending also to weapons of mass destruction and misusing enormous resources badly needed for development, --many “invisible wars” are suffered by the poor and oppressed people, manifested in mass misery, poverty, unemployment, homelessness, starvation and malnutrition, epidemics and poor health conditions, exploitation and oppression, racial and other discrimination, physical terror, organised injustice, disguised forms of violence, the denial or regular infringement of the democratic rights of citizens, women, youth, ethnic or religious minorities, etc., and last but not least, in the degradation of human environment, which means that --the “war against Nature”, i.e. the disturbance of ecological balance, wasteful management of natural resources, and large-scale pollution of our environment, is still going on, causing also losses and fatal dangers for human life. Behind global terrorism and “invisible wars” we find striking international and intrasociety inequities and distorted development patterns , which tend to generate social as well as international tensions, thus pav[e] the way for unrest and “visible” wars. It is a commonplace now that peace is not merely the absence of war. The prerequisites of a lasting peace between and within societies involve not only - though, of course, necessarily - demilitarisation, but also a systematic and gradual elimination of the roots of violence, of the causes of “invisible wars”, of the structural and institutional bases of large-scale international and intra-society inequalities, exploitation and oppression. Peace requires a process of social and national emancipation, a progressive, democratic transformation of societies and the world bringing about equal rights and opportunities for all people, sovereign participation and mutually advantageous co-operation among nations. It further requires a pluralistic democracy on global level with an appropriate system of proportional representation of the world society, articulation of diverse interests and their peaceful reconciliation, by non-violent conflict management, and thus also a global governance with a really global institutional system. Under the contemporary conditions of accelerating globalisation and deepening global interdependencies in our world, peace is indivisible in both time and space. It cannot exist if reduced to a period only after or before war, and cannot be safeguarded in one part of the world when some others suffer visible or invisible wars. Thus, peace requires, indeed, a new, demilitarised and democratic world order, which can provide equal opportunities for sustainable development. “Sustainability of development” (both on national and world level) is often interpreted as an issue of environmental protection only and reduced to the need for preserving the ecological balance and delivering the next generations not a destroyed Nature with overexhausted resources and polluted environment. However, no ecological balance can be ensured, unless the deep international development gap and intra-society inequalities are substantially reduced. Owing to global interdependencies there may exist hardly any “zero-sum-games”, in which one can gain at the expense of others, but, instead, the “negative-sum-games” tend to predominate, in which everybody must suffer, later or sooner, directly or indirectly, losses. Therefore, the actual question is not about “sustainability of development” but rather about the “sustainability of human life”, i.e. survival of mankind – because of ecological imbalance and globalised terrorism. When Professor Louk de la Rive Box was the president of EADI, one day we had an exchange of views on the state and future of development studies. We agreed that development studies are not any more restricted to the case of underdeveloped countries, as the developed ones (as well as the former “socialist” countries) are also facing development problems, such as those of structural and institutional (and even system-) transformation, requirements of changes in development patterns, and concerns about natural environment. While all these are true, today I would dare say that besides (or even instead of) “development studies” we must speak about and make “survival studies”. While the monetary, financial, and debt crises are cyclical, we live in an almost permanent crisis of the world society, which is multidimensional in nature, involving not only economic but also socio-psychological, behavioural, cultural and political aspects. The narrow-minded, election-oriented, selfish behaviour motivated by thirst for power and wealth, which still characterise the political leadership almost all over the world, paves the way for the final, last catastrophe. One cannot doubt, of course, that great many positive historical changes have also taken place in the world in the last century. Such as decolonisation, transformation of socio-economic systems, democratisation of political life in some former fascist or authoritarian states, institutionalisation of welfare policies in several countries, rise of international organisations and new forums for negotiations, conflict management and cooperation, institutionalisation of international assistance programmes by multilateral agencies, codification of human rights, and rights of sovereignty and democracy also on international level, collapse of the militarised Soviet bloc and system-change3 in the countries concerned, the end of cold war, etc., to mention only a few. Nevertheless, the crisis of the world society has extended and deepened, approaching to a point of bifurcation that necessarily puts an end to the present tendencies, either by the final catastrophe or a common solution. Under the circumstances provided by rapidly progressing science and technological revolutions, human society cannot survive unless such profound intra-society and international inequalities prevailing today are soon eliminated. Like a single spacecraft, the Earth can no longer afford to have a 'crew' divided into two parts: the rich, privileged, wellfed, well-educated, on the one hand, and the poor, deprived, starving, sick and uneducated, on the other. Dangerous 'zero-sum-games' (which mostly prove to be “negative-sum-games”) can hardly be played any more by visible or invisible wars in the world society. Because of global interdependencies, the apparent winner becomes also a loser. The real choice for the world society is between negative- and positive-sum-games: i.e. between, on the one hand, continuation of visible and “invisible wars”, as long as this is possible at all, and, on the other, transformation of the world order by demilitarisation and democratization. No ideological or terminological camouflage can conceal this real dilemma any more, which is to be faced not in the distant future, by the next generations, but in the coming years, because of global terrorism soon having nuclear and other mass destructive weapons, and also due to irreversible changes in natural environment.

Our alternative is to refuse neoliberal subjectivity. We control the internal link to political effectiveness of all social movements

Read 9

(Jason, The University of Southern Maine, A Genealogy of Homo-Economicus: Neoliberalism and the Production of Subjectivity, Foucault Studies, No 6, pp. 25-36, February 2009)

Foucault's development, albeit partial, of account of neoliberalism as governmentality has as its major advantage a clarification of the terrain on which neoliberalism can be countered. It is not enough to simply oppose neoliberalism as ideology, revealing the truth of social existence that it misses, or to enumerate its various failings as policy. Rather any opposition to neoliberalism must take seriously its effectiveness, the manner in which it has transformed work subjectivity and social relationships. As Foucault argues, neoliberalism operates less on actions, directly curtailing them, then on the condition and effects of actions, on the sense of possibility. The reigning ideal of interest and the calculations of cost and benefit do not so much limit what one can do, neoliberal thinkers are famously indifferent to prescriptive ideals, examining the illegal drug trade as a more or less rational investment, but limit the sense of what is possible. Specifically the ideal of the fundamentally self-interested individual curtails any collective transformation of the conditions of existence. It is not that such actions are not prohibited, restricted by the dictates of a sovereign or the structures of disciplinary power, they are not seen as possible, closed off by a society made up of self-interested individuals. It is perhaps no accident that one of the most famous political implementers of neoliberal reforms, Margaret Thatcher, used the slogan, "there is no alternative," legitimating neoliberalism based on the stark absence of possibilities. Similarly, and as part of a belated response to the former Prime Minister, it also perhaps no accident that the slogan of the famous Seattle protests against the IMF and World Bank was, "another world is possible," and it is very often the sense of a possibility of not only another world, but of another way of organizing politics that is remembered, the image of turtles and teamsters marching hand and hand, when those protests are referred to.26 It is also this sense of possibility that the present seems to be lacking; it is difficult to imagine let alone enact a future other than a future dominated by interest and the destructive vicissitudes of competition. A political response to neoliberalism must meet it on its terrain, that of the production of subjectivity, freedom and possibility.

Link Extensions

1. Extend the 1NC Excessive Government Link – the aff's state-phobia entrenches the current system of neoliberalism by increasing the fear of all government action, specifically economic action

2. The Border Link - Eliminating borders revitalizes neoliberalism and opens up financial barriers that allows the market to access new sources of capital

Wilkie 2008 [Rob, Assistant Professor of Cultural and Digital Studies at the University of Wisconsin-La Crosse, "Supply Chain Democracy and Circuits of Imperialism", Red Critique Fall/Winter 2008, http://redcritique.org/FallWinter2008/supplychaindemocracyandcircuitsofimperialism.htm, Accessed 7/15/15, *modified for gendered language, AX]

Second, it is argued that the development of post-labor means of production creates the conditions for the expansion of capital globally, in turn disrupting the traditional boundaries between nations, thereby creating a "flat" or "borderless" world of free cultural and financial exchange (Friedman, The World is Flat; Ohmae, The Borderless World). What

"flat" or "borderless" signifies is an increased "capitalization" in the post-WWII period of formerly socialist and colonized nations and their incorporation into the global system of production, either through the shifting of manufacture from the "North" to the "South" ("outsourcing"/"off-shoring") or by becoming integral players in a post-national "supply-chain" that has been enabled by advances in communication as well as the opening up of trade and financial barriers to free up the flow of formerly "trapped" or unproductive capital. Proponents of the "flat world" thesis point to the expansion of international trade which, according to the IMF, "has grown five times in real terms since 1980, and its share of world GDP has risen from 36 percent to 55 percent over this period" (IMF 137). This "flattening" of the global economy, in which it is said that the expansion of production and trade relations between nations constitute the emergence of a level playing field between formerly unequal or hostile nations, is essentially premised upon a theory of a "universal evolution in the direction of capitalism" (Fukuyama xv) in which there is no longer any "outside" to capitalism. In this reading, the "developed" economies of the North have moved beyond the traditional economic cycle, while transplanting the conditions of new growth and prosperity to the "developing" nations in the South. As Martin Wolf writes, "In the post-war era, the most successful route to development seems to have been via the export of labor-intensive manufactures, the route on which China has followed Hong Kong, Singapore, Taiwan and South Korea" (147). The "problem" for the ideologists of capital and this image of globalization as leveling the world is that insofar as concepts are abstractions of reality the continuing existence of deep social and economic inequalities cannot be solved at the level of ideas and thus still have to be explained. That is to say, even though "globalization" has become synonymous in theory with the end of **the economic challenges to capitalism's dominance**, this does not change the reality that the expansion of capitalism globally has corresponded in actuality with a rising level of inequality and a sharpening of the class divide, both between the North and South, as well as within the respective countries of each. This is because capitalism is a system that depends upon the exploitation of labor. Regardless of whether or not the primary location of production is the North or the South, or whether the workers work in factories that are highly mechanized or newly digitalized, it is the production of surplus value extracted from the surplus labor of workers by owners that drives capitalism forward. That exploitation remains even in the "global" factories of today is supported in a recent study from the World Bank which, despite touting the results of "free-market" globalization as having reduced the number of people living in poverty—defined as the ridiculously low, and ultimately arbitrary, sum of less than $1 per day—by 260 million in the period 1990-2004, nonetheless showed that real inequality between the rich and poor has actually increased during this time in 46 of the 59 developing countries surveyed (4). Over the same period, a study by the International Monetary Fund also found that "Inequality has been rising in countries across all income levels, except those classified as low income" and that overall "the income share of the richest quintile has risen, whereas the shares of the remaining quintiles have declined" (158-159). That the two main representatives of capitalist finance found rising inequality and a sharpening of the class divide despite representing globalization as moving beyond class binaries is due to the fact that the economic contradiction between capital and labor does not reside at the level of the concept—in other words, the conflict over globalization is not simply a political or intellectual struggle over how to best define the term—but rather in the property relations that enable the owners of the means of production to accumulate capital at the expense of

those who own only their labor power. As Marx argued more than one hundred fifty years ago and which is proven once again by the increases in global inequality, "even the most favorable situation for the working class, namely, the most rapid growth of capital, however much it may improve the material life of the worker, does not abolish the antagonism between [his/her] interests and the interests of the capitalist" (Wage Labor and Capital 39). Even as developments of labor productivity result in new, higher standards of living for some workers, these developments are always restricted under capitalism to the accumulation of surplus value and thus it is always the interests of the bosses that will take precedence over the needs of the working class.

3. The Cultural Normalization Link - Focusing on specific manifestations of the surveillance state ignores the cultural normalization of surveillance writ large.

Giroux 14

Henry A. Giroux, Global TV Network Chair Professorship at McMaster University in the English and Cultural Studies Department and a Distinguished Visiting Professorship at Ryerson University, "Totalitarian Paranoia in the Post-Orwellian Surveillance State," 2-10, Truth-out, http://www.truth-out.org/opinion/item/21656-totalitarian-paranoia-in-the-post-orwellian-surveillance-state, fwang

Surveillance has become a growing feature of daily life. In fact, it is more appropriate to **analyze the culture of surveillance, rather than address exclusively the violations committed by the corporate-surveillance state**. In this instance, **the surveillance and security state is one that not only listens, watches and gathers massive amounts of information through data mining** necessary for identifying consumer populations **but also acculturates the public into accepting the intrusion of surveillance technologies and privatized commodified values into all aspects of their lives**. **Personal information is willingly given over to social media and other corporate-based websites and gathered daily as people move from one targeted web site to the next across multiple screens and digital apparatuses.** As Ariel Dorfman points out, "**social media users gladly give up their liberty and privacy, invariably for the most benevolent of platitudes and reasons**," all the while endlessly shopping online and texting.7A **This collecting of information might be most evident in the video cameras that inhabit every public space from the streets, commercial establishments and workplaces to the schools our children attend as well as in the myriad scanners** placed at the entry points of airports, stores, sporting events and the like. ¶ Yet **the most important transgression may** not only **be happening through** the unwarranted watching, listening and collecting of information but also **in a culture that normalizes surveillance by upping the pleasure quotient and enticements for consumers who use the new digital technologies and social networks to simulate false notions of community and to socialize young people into a culture of security and commodification in which their identities, values and desires are inextricably tied to a culture of private addictions, self-help and commodification**.

Medicinal PIC

1NC Medicinal PIC

Counter Plan Text: The United States Federal Government should end the "War on Drugs" including the abolition of the DEA, eliminating all federal enforcement of illicit drug laws and stopping all federal assistance of drug law enforcement by state and local governments, except for the enforcement of illicit prescription drugs.

The counter plan solves through the same mechanism of the aff, no solvency deficits.

But, the aff legalizes too many drugs, including pharmaceuticals with dangerous side effects, thalidomide proves

Margaret **Hamburg,** M.D., is Commissioner of the U. S. Food and Drug Administration, 2-7-**2012**, "50 Years after Thalidomide: Why Regulation Matters," FDA, http://blogs.fda.gov/fdavoice/index.php/2012/02/50-years-after-thalidomide-why-regulation-matters/, Date Accessed 7/26/15, JL @ DDI

Fifty years ago, the vigilance of FDA medical officer Dr. Frances Kelsey prevented a public health tragedy of enormous proportion by ensuring that the sedative thalidomide was never approved in the United States. As many remember, in the early 1960's, reports were coming in from around the world of countless women who were giving birth to children with extremely deformed limbs and other severe birth defects. They had taken thalidomide. Although it was being used in many countries, Dr. Kelsey discovered that it hadn't even been tested on pregnant animals. Dr. Kelsey's reaction to thalidomide exemplifies the FDA's mission: protecting and promoting the health of the American people, using science for regulatory decision-making. Now I know that in some circles regulation is viewed as a roadblock to innovation and economic growth. But in actuality, when done right, regulation isn't a roadblock; it's the actual pathway to achieving real and lasting innovation. Smart, science-based regulation instills consumer confidence in products and treatments. It levels the playing field for businesses. It decreases the threat of litigation. It prevents recalls that threaten industry reputation and consumer trust, not to mention levying huge preventable costs on individual companies and entire industries. And it spurs industry to excellence. The tragedy of thalidomide led to changes that strengthened both the regulatory and scientific environment for medical product development and review. In response to the public uproar, in 1962 Congress enacted the Kefauver-Harris amendments to the Federal Food, Drug and Cosmetic Act. Thanks to these new amendments, manufacturers had to prove that a drug was not only safe, but also effective. Approvals had to be based on sound science. Companies had to monitor safety reports that emerged postmarket and adhere to good manufacturing practices that would lead to consistently safe products. And there were new protections for patients. The amendments not only benefited patients, they helped industry, raising scientific standards that eventually ushered in today's sophisticated, science-based life

sciences industry. For the very first time, many companies put in place research and development programs, including the design and implementation of controlled clinical trials. Major therapeutic breakthroughs resulted, including the use of beta blockers in patients after a heart attack and angiotensin-converting enzyme inhibiters to improve survival in patients with heart failure. All of these were good news for public health and for corporate bottom lines. The best drugs and treatments rose to the top, not simply those that were most heavily marketed.

Unapproved Prescription Drugs are Illegal

The FDA's unapproved drugs are illegal drugs

FDA, 9/19/**2011**, "Guidance for FDA Staff and Industry: Marketed Unapproved Drugs – Compliance Policy Guide", FDA: U.S. Department of Health and Human Services: Center for Drug Evaluation and Research; http://www.fda.gov/downloads/drugs/guidancecomplianceregulatoryinformation/guidances/ucm070290.pdf, Date Accessed 8/1/15, JL @ DDI

FDA intends to evaluate on a case-by-case basis whether justification exists to exercise enforcement discretion to allow continued marketing for some period of time after FDA determines that a product is being marketed illegally. In deciding whether to allow such a grace period,9 we may consider the following factors: (1) the effects on the public health of proceeding immediately to remove the illegal products from the market (including whether the product is medically necessary and, if so, the ability of legally marketed products to meet the needs of patients taking the drug); (2) the difficulty associated with conducting any required studies, preparing and submitting applications, and obtaining approval of an application; (3) the burden on affected parties of immediately removing the products from the market; (4) the Agency's available enforcement resources; and (5) any special circumstances relevant to the particular case under consideration. However, as stated above, FDA does not intend to apply any such grace period to an unapproved drug that was introduced onto the market after September 19, 2011.

Unapproved drugs are illegal

FDA, 6-2-**2015**, "Unapproved Prescription Drugs: Drugs Marketed in the United States That Do Not Have Required FDA Approval," FDA, http://www.fda.gov/drugs/guidancecomplianceregulatoryinformation/enforcementactivitiesbyfda/selectedenforcementactionsonunapproveddrugs/default.htm, Date Accessed 8/1/15, JL @ DDI

The Agency has serious concerns that drugs marketed without required FDA approval may not meet modern standards for safety, effectiveness, quality, and labeling. Physicians and other healthcare practitioners, along with consumers, cannot assume that all marketed drugs have been found by the FDA to be safe and effective. For a variety of historical reasons, some drugs, mostly older products, continue to be marketed illegally in the U.S. without required FDA approval. The manufacturers of unapproved drug products have not received FDA approval and do not conform to a monograph for making over-the-counter (OTC) drugs. The lack of evidence demonstrating that these unapproved drugs are safe and effective is a significant public health concern.

Prescription Drug Solvency

FDA regulation of prescription drugs is key to prevent dangerous pharmaceuticals

Taylor and Crowley, 2009

(Tia Taylor, MPH, and Ryan Crowley, 20 April 2009, "IMPROVING FDA REGULATION OF PRESCRIPTION DRUGS", American College of Physicians, https://www.acponline.org/advocacy/current_policy_papers/assets/fda.pdf, Date Accessed 7/27/15, JL @ DDI)

What Does FDA Regulation of Prescription Drugs Entail? Prescription drugs are vital to preventing and treating illness and helping to avoid costlier health problems. The Food and Drug Administration (FDA) is charged with the mammoth and complex task of regulating the safety and effectiveness of new and approved drugs. The FDA reviews proposals for conducting clinical drug trials, evaluates drug applications and proposed drug labeling, and monitors drugs once they are approved and marketed. The current system of drug safety monitoring includes preclinical testing followed by three phases of clinical studies. To obtain approval for a marketing drug in the U.S., drug sponsors must submit a new drug application that details the completed clinical drug trials and includes data on safety and effectiveness, pharmacology, toxicology, chemistry, manufacturing information, and proposed labeling language. The applications are evaluated by FDA reviewers and other experts who help the FDA determine whether to approve a drug for marketing. The FDA Amendments Act of 2007 increased the FDA's regulatory authority for postmarketing surveillance activities, enabling the FDA to require postmarketing testing to identify or assess potential serious risks.

NB Extensions

Dangerous drugs like laetrile will rebound without surveillance

Abc News, 1-6-**2006**, "FDA Cracks Down on Laetrile Resurgence," ABC News, http://abcnews.go.com/Health/story?id=117990, Date Accessed 7/26/15, JL @ DDI

Federal health officials warned Internet users to beware of a concoction made of apricot seeds that's touted as a cancer cure, as a Florida court case became the government's latest attempt to quell a resurgence of laetrile. In the 1970s, thousands of patients went to Mexico seeking laetrile, and some doctors even sold it in the United States, before a National Cancer Institute study concluded that the substance did not fight cancer. Experts also warned that laetrile pills could cause cyanide poisoning. Subsequently, the Food and Drug Administration declared laetrile illegal. Several states fought the FDA action but courts backed the government, ending laetrile's heyday by 1980. Now laetrile is rebounding on the Internet, sometimes sold under the aliases amygdalin or "vitamin B17." On Wednesday, the FDA announced that a U.S. District judge in Miami had issued a preliminary injunction halting sales of laetrile by three Internet sites, and warned consumers to beware. Patients Forego Therapy "We do not want people to take products that have not been proven to be safe and effective," said FDA enforcement chief John Taylor,

noting that the biggest worry is that patients will forego proven cancer therapy. The judge's ruling temporarily stops laetrile sales by World Without Cancer Inc. and Health World International Inc., of Bay Harbor, Fla., and Arizona-based Health Genesis Corp., which also does business in Bay Harbor, while the court considers an FDA lawsuit seeking to permanently halt the sales. The FDA said since 1998 its inspectors have warned David E. Arjona, an official of all three companies, that laetrile is illegal, yet those inspectors were able to buy laetrile from his Web site in June. Arjona did not return a phone call. His attorney, Kirkpatrick Dilling of Chicago, was not aware of the preliminary injunction, but said his client "hasn't sold one thing that's harmful to anybody." The Florida case is the FDA's third laetrile crackdown this year, part of the agency's new attempt to block Internet sales of unapproved drugs. In April, a federal judge ordered a New York company to stop selling laetrile; in July, a federal grand jury indicted an Ohio laetrile seller.

Legalization CP

1NC Legalization CP

Counter Plan Text: The United States should legalize all currently illegal drugs.

US legalization spills over globally

Matthew S. **Jenner,** Articles Editor, Indiana Journal of Global Legal Studies; J.D., 2011, Indiana University Maurer School of Law; B.A. cum laude, 2008, University of Notre Dame, Summer **2011**, "International Drug Trafficking: A Global Problem with a Domestic Solution", Indiana Journal of Global Legal Studies Volume 18, Issue 2, Project Muse, Date Accessed 7/22/15, JL @ DDI

C. The Protagonist: The United States of America

A successful legalization regime implies that, in theory, every nation across the globe should legalize drugs. However, in practice, convincing every nation to do so in the short term is far from plausible. Mexico may seem to be the logical choice to take the first step toward universal legalization because of its recent drug problems. However, Mexico has a relatively low level of consumption of illicit drugs: 0.8% of the population use cocaine and 3.1% use marijuana,133 both near global averages.134 With such a minor share of the demand for drugs, legalization in Mexico would barely affect the global market. Additionally, immediate legalization in Mexico could lead to even more violence because of its ongoing trafficking problem. Without strictly enforced regulation, the traffickers in Mexico could potentially use legalization to their advantage to increase their business in other countries where drugs are still illegal. A better candidate to take the first step toward universal legalization is the United States. In the words of Secretary of State Hilary Clinton, speaking on behalf of the United States, "Our insatiable demand for illegal drugs fuels the drug trade."135 About 3% of U.S. citizens aged fifteen to sixty-four use cocaine (more than six times the global average) and 12.3% use marijuana (more than three times the global average).136 Those numbers equate to about 30% of all cocaine [End Page 923] users globally and 14% of all marijuana users. In addition, the United States—which comprises only 5% of the world's population—consumed 60% of the world's drugs in 1996.137 That number could be different now, but it puts this analysis in perspective. Either way, the United States is one of the

leading consumers of illicit drugs worldwide. If the United States legalized drugs, it would have a profound effect on the market. Mexican President Felipe Calderon said it best: "If there isn't a generalized, universal legalization policy across the world, and mainly in the main drug consumer, the United States, there won't even be any economic benefits, because the price is determined by the American market."138 The United States is also a good candidate because other nations tend to follow its drug policies. Because the United States is the leader of the war on drugs, its drug policies have dominated the United Nations and other global organizations.139 With the United States at the helm of legalization, other countries would quickly follow, and universal legalization could become a reality. D. The Setting: Right Now In the drug legalization debate, the best time to act is now. With each passing day, more people lose their lives to the drug war. Still, skeptics do not see this policy as plausible any time soon. Nevertheless, legalization in the United States is not merely a pipe dream. The recent passing of Mexico's new decriminalization law marks a milestone in global drug policy. A pattern of the United States quashing Mexico's plans to alter its drug policy developed in recent years. Most recently, in 2006, Mexico was close to enacting a similar decriminalization law, but Mexican President Vicente Fox vetoed the bill—one he had supported—after he received pressure from George W. Bush's administration.140 However, Mexico's recent decriminalization law passed in 2009 without U.S. opposition.141 The Obama administration stated that it is taking a "wait-and-see" approach to this legislation.142 Although it is not legalization, it appears that the United States is finally opening the door to the possibility of altering its drug policies after forty years of failures. [End Page 924]

And, that legalization has a laundry list of benefits- decrease in violence, other illicit markets, and a boosted economy

Matthew S. **Jenner,** Articles Editor, Indiana Journal of Global Legal Studies; J.D., 2011, Indiana University Maurer School of Law; B.A. cum laude, 2008, University of Notre Dame, Summer **2011**, “International Drug Trafficking: A Global Problem with a Domestic Solution”, Indiana Journal of Global Legal Studies Volume 18, Issue 2, Project Muse, Date Accessed 7/22/15, JL @ DDI

B. The Plot: Universal Legalization

The most efficient way to affect the global market is to legalize drugs, as prohibition acts as a catalyst in building up the market. It attracts criminals, incentivizes violence, and makes the drug trade one of the most profitable industries in the world. Universal legalization would reverse these trends. It would take the profits out of the industry and put a stop to violent trafficking, possibly ending the drug trade as we know it. When advocates lobby for the legalization or decriminalization of drugs, they often argue from a domestic stance. They see legalization as an opportunity to reallocate police resources, free up prison space, reduce violent crime among drug dealers and consumers, and tax the industry.118 While all of these prospects are inherently part of legalization—and probably bolster this argument even more—this Note focuses on eradicating the global drug trafficking problem. The costs [End Page 919] and benefits of legalization should be assessed on the global level, not on the purely domestic level regarding drug problems each nation inevitably faces.119 The concept of legalization entails legalizing every aspect of the drug trade, from production to consumption, worldwide. The immediate benefit of legalization would be a reduction in the violence associated with the drug trafficking aspect of the trade. Prohibition

creates the opportunity for self-help violence in the drug trade by driving the market underground.120 Legalization would create a legitimate market for drugs, allowing conflicts to be settled in courts of law and attracting commendable market players rather than criminals, much like what happened after the prohibition of alcohol ended in the United States in the 1930s.121 Skeptics may argue that the violent drug trafficking criminals would not simply become peaceful after legalization occurs. This argument has some merit, but these violent criminals would be sifted out of the industry over time. They would most likely focus their attention on other closely linked illicit trade markets that still offer higher profits, like the arms trade and human trafficking. However, without the enormous income of the drug trade, these other illicit industries would also likely suffer. The long-term effects of legalization are most easily illustrated by an economic analysis of the global market. Although the market structures are complicated—drug cartels create a monopoly-like market with fewer players, called an oligopoly—a simple supply and demand analysis will best demonstrate these effects. Due to the increased costs of the global business resulting from prohibition—such as avoiding authorities and violence—the current supply curve for illicit drugs is relatively steep.122 Governments are effectively taxing producers and traffickers by imposing these extra costs; consequently, each unit of drugs is sold at a higher price than it would if drugs were legal.123 In Figure 4 above, the supply curve of drugs under prohibition is labeled S1. If drugs were legalized, the supply curve would flatten out, becoming more elastic, because the additional costs and barriers to entry of the illicit industry would no longer exist.124 The costs of production and distribution would be lower for each unit of drugs, so a lower price would be charged. In Figure 4, the supply curve of drugs under legalization is labeled S2. The demand for drugs, under any policy, is relatively inelastic. The consumption of drugs stays relatively constant when price fluctuates. This is partly due to the addictive nature of drugs—even when price goes up people still need drugs—and the fact that some people will not consume drugs, regardless of how low the price is. In Figure 4, the demand curve under prohibition is labeled D1. If drugs are legalized, demand is likely to increase because the cost to the consumer is lower. However, this increase is likely to be modest because the legal status of drugs tends to have little effect on whether most people choose to consume drugs.125 Evidence of these phenomena can be abstracted from the U.S. experience with the prohibition of alcohol, a similar market. During Prohibition, alcohol consumption did not vary greatly with the change in price, and, after its repeal, consumption did not increase substantially.126 In Figure 4, the demand curve under legalization is labeled D2. The net effect of a change in drug policy from prohibition to legalization is a sharp decrease in price and a modest increase in quantity demanded. Figure 4 above provides price and quantity numbers as an example to better understand this economic situation. As [End Page 921] seen in Figure 4, equilibrium127 price drops from twelve to four, while quantity demanded increases slightly from seven to ten. The difference that most concerns the global drug trade is the net change in revenue. In Figure 4, revenues (the shaded regions) drop drastically from eighty-four under prohibition to forty under legalization, a fifty-two percent reduction. Less revenue in the drug market equates to substantially lower profits for drug traffickers. With lower profits, criminals will likely leave the drug market, abandoning drug production in search of other more profitable, and likely illicit, markets. Additionally, the illicit drug market is closely linked to these other illicit markets, like the arms trade, human trafficking, and terrorism. For instance, illegal investments in the drug trade often fund criminal organizations that procure weapons in the arms trade and train terrorists.128 Without the profits from the $500 billion drug industry, many of these other illicit markets may suffer as well, a substantial benefit to the war on terror.

Solvency Extensions

Both the federal and state governments would regulate drugs after legalization, solves best

Matthew S. **Jenner,** Articles Editor, Indiana Journal of Global Legal Studies; J.D., 2011, Indiana University Maurer School of Law; B.A. cum laude, 2008, University of Notre Dame, Summer **2011**, "International Drug Trafficking: A Global Problem with a Domestic Solution", Indiana Journal of Global Legal Studies Volume 18, Issue 2, Project Muse, Date Accessed 7/22/15, JL @ DDI

Heavy government regulation of the new, legal drug industry is the best solution to these problems. Governments could regulate everything from the cultivation to the consumption of the newly legal drugs, much like the United States has with tobacco and alcohol. In the United States, substantial legislation by both the federal and state governments would be needed to fully regulate the industry and make legalization a success. The cultivation and manufacturing processes would be the first part of the regulatory framework. The government could allow consumers to [End Page 925] cultivate small amounts of drugs for personal use, like the twenty-five square foot plot limit proposed in Proposition 19,148 or could outlaw private growing altogether. This decision would likely turn on which crops are being grown and the corresponding dangers of producing specific drugs. For instance, growing a small amount of marijuana would be relatively harmless and could be permitted. However, if crops, like the coca plant, require further manufacturing to produce the actual drug, governments could limit its private cultivation. For farmers or those growing larger plots, a permit could be required to grow the drug crops. Manufacturers would also need specific regulations detailing the proper manufacturing processes and product specifications. This would ensure a safer product then what may be currently available on the black market. Some might argue that there will still be a demand for these more dangerous forms of drugs. However, the relatively lower price of the safer, legally manufactured drugs and the fear of punishment from consuming the still illegal forms of drugs will likely deter consumption of the illegal, less safe drugs. The distribution of the newly legal drugs could also be heavily regulated. The local distribution of drugs from sellers to consumers would likely be a state law issue. States could regulate which businesses are allowed to sell drugs, potentially requiring permits to sell drugs, similar to liquor licenses. The distribution of drugs would also involve a great deal of federal regulation. First, the federal government could highly tax drug sales to provide the nation with a thriving source of revenue. This tax rate, however, must not be set excessively high. If the tax is set too high, the price of drugs could rise to an artificially high level, inviting competition from violent drug traffickers. Second, the federal government could regulate the international trade of drugs. To prevent drug trafficking by violent traders, importers would be required to acquire some sort of authentication. This would assure that the money for the imported drugs would not be used to support violent or criminal activities. Governments could also impose additional excise taxes on the importation and exportation of the drugs. Possession and consumption could also be heavily regulated. Similar to decriminalization laws in European countries and Mexico, consumers could be allowed to possess drugs up to a certain quantity for personal use. This law would deter distribution by sellers who are not approved. The consumption of drugs would also have limitations. The provisions of Proposition 19 seem to be reasonable: consumption is limited to adults twenty-one years or older, in nonpublic places, and out of the presence of children. States could also enact more specific criminal laws [End Page

926] regarding driving under the influence of drugs, public consumption, and other comparable regulations. State laws on alcohol consumption would provide a good barometer for these newly enacted laws. However, these drug laws should be much more stringent than some laws regarding alcohol to ensure public safety. For example, instead of a "legal limit" similar to driving under the influence of alcohol, there should be a no-tolerance policy for driving under the influence of drugs.

Legalization and regulation of drugs prevents the dangers of currently illegal drugs, MDMA and alcohol prove

Franklin and Hellwich, 2014

(Major Neill Franklin, executive director of Law Enforcement Against Prohibition, a group of more than 100,000 law enforcement officials and supporters opposed to the war on drugs and a 34-year veteran police officer, and Mikayla Hellwich, Horticulture student at the University of Maryland and the outreach coordinator and former president of the university's chapter of Students for Sensible Drug Policy, 01/23/2014, "What We Can't Seem to Remember About MDMA and Why Legalizing Drugs Will Save Your Child's Life", the Huffington Post, http://www.huffingtonpost.com/neill-franklin/mdma-legalization_b_4044755.html, Date Accessed 7/26/15, JL @ DDI)

Thanks to our failed experiment with alcohol prohibition, we know that it's impossible to keep people away from intoxicants, legal or otherwise. The difference is in how we treat those who favor certain substances over others. If Budweiser were suddenly implicated in a salmonella outbreak, there would be a furious investigation. People would ask why nobody had been monitoring the safety equipment, why no one was sanitizing the bottles. We regulate beer so that millions of people who enjoy it every day don't fall ill because of low quality standards or because someone's been pouring paint thinner into the brew. Regulation also keeps us from getting hit by the stray bullets of gangs fighting over the local Bud Light distribution. But for the many illicit drugs that, unlike alcohol, a substance that kills thousands of people every year, do not have the government's seal of approval, there are no such guarantees. MDMA (methylenedioxy-N-methylamphetamine) is a crystalline off-white to brownish substance known to cause feelings of euphoria banned by the U.S. government. This is what Molly, a drug linked to some deaths in the news recently, is intended to be (and can be, depending on the source) but because of large profits to be made, its place on the illegal market, and lack of public drug literacy, Molly is often sold as a mystery bag of off-white powders. There are numerous cheaper chemicals that appear similar but that can be deadly in much lower doses, making buying Molly off the street a dangerous proposition. Victims of the unregulated market include Jeffrey Russ and Olivia Rotondo, who died from overdoses at a recent festival in New York City. Olivia reportedly told paramedics she ingested six hits of Molly before dying. There is no standard unit of measurement for a single "hit" of the drug, however, and Olivia had no way of knowing if what she took was actually MDMA. The difficult truth is that if the drug she wanted were legal, she and Jeffrey might still be alive. They would have known what they were buying and exactly how much to take while minimizing harm. Their drugs would have been labeled with safety precautions necessary to alleviate common symptoms -- such as taking magnesium to reduce

bruxism, sipping on an electrolyte-infused beverage to stay hydrated, and replenishing the brain's serotonin supply with a 5-HTP supplement.

United States = Fed and State Governments

Unites States includes federal and state

Black Law 90 Black's Law Dictionary 1990 p 695

In the United States, government consists of the executive, legislative, and judicial branches in addition to administrative agencies. In a broader sense, includes the federal government and all its agencies and bureaus, state and county governments, and city and township governments.

United States is a collective term – both the federal government and the states

Oakly 9 American Civil Procedure: A Guide to Civil Adjudication in US Courts, Edited by John Bilyeu Oakley, Professor of Law at the University of California, Davis, and Vikram D. Amar, Professor of Law and Associate Dean for Academic Affairs of the School of Law of the University of California at Davis, Kluwer Law International, 2009, page 19

Although it is commonplace today to refer to "the United States" as a single entity and as the subject of statements that grammatically employ singular verbs, it is important to remember that "the United States" remains in many important ways a collective term. The enduring legal significance of the fifty states that together constitute the United States, and their essential dominion over most legal matters affecting day-to-day life within the United States, vastly complicates any attempt to summarize the civil procedures within the United States. Within the community of nations, the United States is a geopolitical superpower that acts through a federal government granted constitutionally specified and limited powers. The organizing principle of the federal Constitution,1 however, is one of popular sovereignty, with governmental powers distributed in the first instance to republican institutions of government organized autonomously and uniquely in each of the fifty states. Although there are substantial similarities in the organization of state governments, idiosyncrasies abound.

The United States is a comprised of 50 states (and Washington DC), overseen legally by federal and state courts, with differences defined by jurisdiction

Michael R. McCurdy, Director, Fairfield and Woods, PC, and Jason B. Robinson, Trial attorney whose practice focuses primarily on complex commercial and environmental litigation, "Tort Law in the United States", December 2010,http://www.fwlaw.com/news/186-tort-law-united-states

The United States of America is unique in that it is *comprised of a federal district and fifty states*. As a result, the legal system in the United States is divided into two separate courts: federal and state

courts. The differences between federal and state courts are defined mainly by jurisdiction, which refers to the types of cases a court is allowed to decide.

A2 Perms

1. Regulation DA – without surveillance, the CP can never regulate drugs, links to the case arguments and NB of the CP

2. The perm links to the (Terror/Cartel) DA(s), without surveillance we cannot prevent a porous border or terror networks

A2 Links to Cartels

1. The 1NC evidence proves that legalization actually decreases violence, whereas the aff makes the business more lucrative

And, more evidence, American illegal drug consumption fuels cartel violence

Muñoz, 2014

(Andrés E., a 2015 JD candidate from Seattle University School of Law, graduated from the University of Washington in 2012 with BAs in History and Latin American & Caribbean Studies, Fall, 2014, "STUDENT SCHOLARSHIP: Blunt the Violence: How Legal Marijuana Regulation in the United States Can Help End the Cartel Violence in Mexico", Seattle Journal for Social Justice, 13 Seattle J. Soc. Just. 691, LexisNexis, Date Accessed 7/26/15, JL @ DDI)

The driving force of cartel power is the demand for drugs in the United States. People in the United States spend approximately $ 65 billion a year on illegal drugs, and drug-related damages amount to about $ 110 billion per year. n40 A report by the US Senate Caucus on International Narcotics Control published in 2012 stated that about 22.6 million people in the United States over the age of 12 were illegal drug users, accounting for almost nine percent of the population and representing the largest proportion in the past decade. n41 Of all illegal drugs used in the United States, marijuana places first, representing over 60 percent of all illegal drug use with 17.4 million users in 2010, followed by 7 million psychotherapeutic users, 1.5 million cocaine users, 1.2 million hallucinogen users, 0.7 million inhalant users, and [*701] 0.2 million heroin users. n42 Thus this article focuses on how current and upand-coming laws that legalize recreational marijuana can be tailored to drive the cartels out of business. The Senate Caucus also found that "[m]ost Americans are unaware of the impact that illegal drug consumption has in fomenting violence in drug trafficking countries in Latin America[,]" citing Mexico as an example. n43 During her term as Secretary of State, Hillary Clinton stated that in the United States, "[o]ur insatiable demand for illegal drugs fuels the drug trade." n44 She also stated, "We know very well that the drug traffickers are motivated by the demand for illegal drugs in the United States and that they are armed by the transport of weapons from the United States." n45 Clinton's comments appear to be the first comments made by a public official of her capacity that admitted that the

United States is largely responsible for the violence in Mexico. It is clear from the abovementioned statistics and the statements made by Hillary Clinton that the enormous demand for illegal drugs in the United States fuels Mexican drug cartels. Although most legal, academic, and media sources differ as to how the drug problem in the United States should be solved, it appears that most sources agree that it is a problem that needs to be resolved, not just by tackling the drug abuse problem in the United States, but also by ending the demand for drugs that provide the cartels with a means to exist.

Politics Links

Marijuana Unpopular

Decriminalization of marijuana is unpopular in Congress, public perception doesn't matter

Will **Oremus**, 2-1-**2012**, "Why Doesn't Anyone in Washington Take Marijuana Legalization Seriously?," Slate Magazine, http://www.slate.com/articles/news_and_politics/politics/2012/02/pot_legalization_why_doesn_t_anyone_in_washington_take_marijuana_policy_seriously_.html, Date Accessed 7/26/15, JL @ DDI

While voters have mellowed out, their representatives in Congress haven't. A legalization bill was introduced in Congress last year for the first time, but few expect it to even come up for a vote. Its sponsors are Barney Frank and Ron Paul, legislators who have built their reputations by taking unpopular stands. Those with something to lose—like, say, an election—still won't touch the issue. When Obama did field a marijuana question in a YouTube chat last year, he laughed at it. "I don't know what this says about the online audience," he chortled. Why won't the president, or anyone else in Washington, take marijuana policy seriously? Pro-legalization types see it as a mere matter of time before the government catches up to the rest of the country. "The conventional wisdom for decades has been that this is a dangerous issue," activist Tom Angell told me. "Behind the scenes people will say, 'I agree, you're totally right, we need to change these laws, but I'm afraid to say so.' For some reason it's still perceived as a political third rail." A primary reason for lawmakers' reticence is that, for decades, the most visible advocates of looser weed laws have been, well, weed smokers—and what serious politician wants to be associated with a bunch of stoners, man? Earlier this decade, wealthy liberals like George Soros and Peter Lewis (once busted for pot-smoking himself) recognized that problem and shifted the debate to medical marijuana, giving the movement a more sympathetic public face: an ailing grandmother rather than a dreadlocked coach potato. Several states have since passed medical marijuana laws, but they don't address the bigger issue at play here. It's recreational users, not glaucoma patients, whose money fuels the illicit drug trade that finances criminal gangs. That's why Angell's group, Law Enforcement Against Prohibition, has taken a different approach. It enlists cops and ex-cops to testify to the societal impacts of the failed drug war, pushing decriminalization and legalization as prudent policy solutions. It's an appeal to reason, not compassion. Downing, the former LAPD cop who asked the YouTube question, is a LEAP board member. The support his video got, from the public if not from Google, testifies to his message's broad appeal. While the tactic seems to be working in some liberal states, it has yet to make pot legalization safe for lawmakers in Washington. Anti-drug leaders see that as evidence that Angell is wrong when he argues that it's just a matter of time. Asa Hutchinson, the former Arkansas congressman who led the Drug Enforcement Administration under George W. Bush, told me he doesn't see a big difference in how the debate is playing out in Washington today as compared to 10 years ago. That may be partly a function of congressional demographics and partly a matter of incentives. Even if 50 percent of the public supports legalization, a pro-pot bill will never pass the Senate if those people are concentrated on the coasts. There's also the fact that potheads tend to be less likely to vote than senior citizens, who came of age in the pre-hippie era and have never inhaled. If legalization opponents are willing to back up their conviction at the ballot box, there's a lot of risk and little reward for a congressman to assume the marijuana mantle. Hutchinson proposed a different explanation for the perceived disconnect between Washington and public opinion: There's not actually a disconnect. Asked by a pollster whether they support legalization, Hutchinson says, voters may shrug and say, "Why not?" But ask them just

how legalized marijuana should be regulated, how it should be taxed, and whether it should be sold at the corner store in their neighborhood, and they'll quickly change their tune. That seemed to happen even in liberal California, where a referendum on legalized marijuana failed in 2010 in part because voters worried about the mechanisms for ensuring proper oversight.

Borders Unpopular

Obama will fight for border control- Recent meeting proves

Wolfgang 14 (Ben Wolfgang: Covers the White House for The Washington Times, "Obama: I've fought against activists who believe there should be open borders", The Washington Times, 12/9/2014, http://www.washingtontimes.com/news/2014/dec/9/obama-ive-fought-against-activists-open-borders/, Accessed: 7/17/15, RRR)

Critics say President Obama went too far with his executive action granting amnesty to more than 4 million illegal immigrants — but behind the scenes, **the president** said he's **pushed back against those who believe the U.S. should have an open border with Mexico**.¶ At a town-hall meeting in Nashville on Tuesday, Mr**. Obama defended the idea of a strong U.S-Mexico border** and said he's had heated debates with activists who want that border to disappear.¶"There have been times, honestly, I've had arguments with immigration rights activists who say, effectively, 'There shouldn't be any rules. These are good people. Why should we have any enforcement like this?' My response is, 'In the eyes of God, everybody is equal … I don't make any claims my child is superior to anybody else's child. But I'm the president of the United States, and nation states have borders,'" the president said. "If we had no system of enforcing our borders and our laws, I promise you, everybody would try to come here."¶ Mr. Obama added that it would be fundamentally unfair to erase the nation's southern border.¶"Sometimes it's just an accident that one person lives in a country that has a border with the U.S. and another person — in Somalia, it's a lot harder to get here," he said.

Changing NSA Surveillance Unpopular

Obama will fight to maintain NSA surveillance – Recent court case proves (links to their DEA solvency evidence)

Ackerman 6/9 (Spencer Ackerman: National security editor for Guardian, "Obama lawyers asked secret court to ignore public court's decision on spying", The Guardian, 6/9/2015, http://www.theguardian.com/world/2015/jun/09/obama-fisa-court-surveillance-phone-records, Accessed: 7/17/15, RRR)

The Obama administration has asked a secret surveillance court to **ignore a federal court that found bulk surveillance illegal** and to once again grant the National Security Agency the power to collect the phone records of millions of Americans for six months.¶ The legal request, filed nearly four hours after Barack Obama vowed to sign a new law banning precisely the bulk collection he asks the secret court to approve, also suggests that the administration may not necessarily comply with any potential court order demanding that the collection stop.¶ US officials confirmed last week that they would ask the Foreign Intelligence Surveillance court – better known as the Fisa court, a panel that meets in secret as a step in the surveillance process and thus far has only ever had the government argue before it – to turn the domestic bulk collection spigot back on.

Schumer Link—Border Surveillance

Schumer supports systematic border surveillance and militarization

On The Issues 14 (On The Issues, "Charles Schumer on Immigration", www.ontheissues.org/International/Charles_Schumer_Immigration.htm, 12/14/2014, sr)

What changes to our current immigration policy do you support? A: I support further securing our borders; prohibiting hiring of undocumented immigrants by requiring job applicants to present a secure Social Security card; creating jobs by attracting the world's best and brightest to America, and keeping them here; requiring undocumented immigrants to register with the government, pay taxes, and earn legal [status or face deportation.] Establishes specified benchmarks which must be met before the guest worker and legalization programs may be initiated: operational control of the border with Mexico; Border Patrol increases; border barriers, including vehicle barriers, fencing, radar, and aerial vehicles; detention capacity for illegal aliens apprehended crossing the US-Mexico border; workplace enforcement, including an electronic employment verification system; and Z-visa alien processing. Within 18 months, achieves operational control over U.S. land and maritime borders, including: **systematic border surveillance through more effective use of personnel and technology; and physical infrastructure enhancements to prevent unlawful border entry Defines "operational control" as the prevention of all unlawful U.S. entries, including entries by terrorists, other unlawful aliens, narcotics, and other contraband.**

Marijuana Popular

Public favors marijuana legalization, significant shifts in state policy prove

Muñoz, 2014

(Andrés E., a 2015 JD candidate from Seattle University School of Law, graduated from the University of Washington in 2012 with BAs in History and Latin American & Caribbean Studies, Fall, 2014, "STUDENT SCHOLARSHIP: Blunt the Violence: How Legal Marijuana Regulation in the United States Can Help End the Cartel Violence in Mexico", Seattle Journal for Social Justice, 13 Seattle J. Soc. Just. 691, LexisNexis, Date Accessed 7/26/15, JL @ DDI)

For the first time in more than 40 years since this issue was first polled, US residents favor legalizing marijuana usage. n113 A national survey found that 52 percent support the legalization of marijuana while 45 percent do not, an increase of 11 percentage points since 2010. n114 This shift in popular opinion regarding marijuana marks a substantial change from 1969, when just 12 percent were in favor of its legalization and 84 percent were opposed. n115 Young voters--those born since 1980, now between the ages of 18 and 34--are the strongest group in favor of its legalization with 65 [*714] percent in favor, n116 reflecting that in the coming years, as younger voters increase in voting turnout, the issue of marijuana legalization will likely shift more rapidly in favor of its legalization. All age groups polled are now more in favor of marijuana's legalization than ever before, including Generation X with 54 percent, the Baby Boomers with 50 percent, and the Silent Generation with 32 percent. n117 The shift in public opinion on marijuana has been so significant that recreational marijuana is now legal in four states and the District of Columbia. Washington and Colorado captured national attention in the 2012 election by legalizing recreational marijuana use. n118 Voters in Washington approved I-502 by 55.7 percent, n119 legalizing possession of up to one ounce of loose leaf marijuana, 16 ounces of a

solid product, and 72 ounces of marijuana infused liquid for adults aged 21 and over. n120 Likewise, 55 percent of Colorado voters approved Amendment 64, the Regulate Marijuana Like Alcohol Act of 2012, legalizing possession of up to one ounce of marijuana and the cultivation of up to six cannabis plants. n121

Drug legalization is becoming more popular

Matthew S. **Jenner,** Articles Editor, Indiana Journal of Global Legal Studies; J.D., 2011, Indiana University Maurer School of Law; B.A. cum laude, 2008, University of Notre Dame, Summer **2011**, "International Drug Trafficking: A Global Problem with a Domestic Solution", Indiana Journal of Global Legal Studies Volume 18, Issue 2, Project Muse, Date Accessed 7/22/15, JL @ DDI

Furthermore, the public perception of legalizing drugs appears to be shifting in the United States. In November 2010, Californians voted on Proposition 19, which was also known as the Regulate, Control and Tax Cannabis Act.143 Proposition 19 would have permitted possession of up to an ounce of marijuana by adults aged twenty-one and older, as well as its consumption in nonpublic places, out of the presence of children.144 Moreover, it would have also allowed the private growing of marijuana in up to twenty-five square foot plots.145 The initiative was narrowly defeated with 46.5% voting in favor of Proposition 19.146 Although the ballot initiative did not pass, experts believe that this issue will be on many states' ballots in the near future, a sign that legalization is a realistic option.147

Cartels DA

1NC Cartels Shell

Violence is declining now which gives Mexico time to solve its legitimacy problems and reinforce the rule of law

Gomez 4/30

(Alan Gomez, "After years of drug wars, murders decline in Mexico," USA TODAY. 4-30-2015. http://www.usatoday.com/story/news/world/2015/04/30/mexico-drug-war-homicides-decline/26574309///ghs-kw)

Murders in Mexico fell for a third straight year in 2014 — **the most pronounced declines occurring along the U.S. border** — a sign the country is slowly stabilizing after gruesome drug wars. There were 15,649 people murdered in Mexico in 2014, a 13.8% reduction from the previous year and down from a peak of 22,480 in 2011, according to a report set to be released Thursday by the University of San Diego's Justice in Mexico Project. The reductions were steeper along the U.S.-Mexican border. Five of the six Mexican states that border the USA reported a combined drop of 17.7% in the number of homicides. "These data really help to underscore that we're talking about a sea change in violence," said David Shirk, co-author of the report and director of the Justice in Mexico Project, a U.S.-based initiative to protect human rights south of the border. "You still have elevated levels of

crime, so we still have a long way to go. But there is improvement, and we have to acknowledge that improvement and understand why it's happening so we can try to further it." The reduction in homicides does not mean Mexico has completely solved its security problems. Maureen Meyer, senior associate for Mexico at the Washington Office on Latin America, said Mexicans still face extremely high levels of kidnappings, extortion and other violent crimes. American travelers have also been attacked. The U.S. State Department issued a warning April 13 that said U.S. citizens continue to be victims of carjackings, robberies and other violent crimes. Meyer said the overall reduction in murders is an encouraging trend that allows Mexican officials time to cement improvements in the judicial system, anti-corruption programs and police practices. She said the government must "make sure that the space opened by having less violence leads to structural changes to Mexico's institutions to guarantee a strong rule of law in the future."

Decriminalization would make the drug trade worse

Matthew S. **Jenner,** Articles Editor, Indiana Journal of Global Legal Studies; J.D., 2011, Indiana University Maurer School of Law; B.A. cum laude, 2008, University of Notre Dame, Summer **2011**, "International Drug Trafficking: A Global Problem with a Domestic Solution", Indiana Journal of Global Legal Studies Volume 18, Issue 2, Project Muse, Date Accessed 7/22/15, JL @ DDI

Other scholars propose decriminalization as the answer.132 However, decriminalization would not have the same effect on the market as legalization. In a decriminalized world, production and trafficking would still be illegal, so there would still be the potential for high profits, yielding an incentive for self-help violence, and the drug trade would remain profitable for dangerous criminal organizations. Additionally, under a decriminalization framework, countries would be faced with the same domestic drug problems as legalization.

Drug crime decreases legitimacy of Mexican government – risks collapse

Thoumi et al. 10 (*Francisco E., expert at the Wilson Center, Ph.D., professor of economics and the director of the Research and Minotiring Center on Drugs and Crime at Universidad el Rosario, former research coordinator at the United National Office of Drug Control and Crime Prevention, **Raúl Benitez, public policy scholar at the Wilson Center, researcher at the Center for Interdisciplinary Research in Science and Humanities, professor and researcher at the North America Rsearch Center of UNAM-Mexico, CNAS Senior Fellow, Distinguished Scholar-in-Residence, School of Public Affairs and Washington College of Law, Ph.D in Latin American Studies at UNAM, Master of International Affairs from the Centro de Investigacion y Docencia Economica, ***professor at the University of San Andrés, Ph.D., University of Salvador, political science, Francine, professor of anthropology at the Central University of Venezuela, political science degree, Friedrich, Ebert, and Stiftung Research, "The impact of organized crime on Democratic Governance in Latin America",

Organized crime is a growing problem worldwide. In Latin America and the Caribbean groups of organized crime are undermining the states capacity to govern. In- stitutions of the political system are undercut by the so called »Narcos« or other non state actors. It is obvious that organized crime has adopted mechanisms of the globalized economy such as a high degree of flexibility, the ability to quickly adjust to market changes and the use of socially weak segments of society for their means. While organized crime gets more access to and through politics, already weakened

states in Latin America are put under serious pressure. The impact on recently democratized states like Mexico is severe. The role of or- ganized crime in the erosion of democratic governance is marked by zones of fragile statehood, the undermin- ing of political institutions, the replacement of social pol- icies by non state actors, the bribing of political actors and the illicit financing of political campaigns. But not only has the existence of criminal activities cre- ated a threat to democratic governance. The repressive politics that often respond to organized crime activities further create a spiral of mistrust, corruption and vio- lent reactions. High levels of violence and public inse- curity often justify the popularity of zero tolerance ap- proaches: Politics of the »hard hand« such as in Mexico and Colombia where the military is fighting in »a war on drugs«. These politics often produce human rights abus- es and thus further undermine democratic forms of gov- ernance. The involvement of politicians and police forces or the military in illegal businesses further undermine the trust of civil society into institutions of the state.

State failure destabilizes the globe – results in disease spread, nuclear terrorism, and rogue nations – this guarantees nuclear war

TASC et al 03

(The Transnational Institute, The Center of Social Studies, Coimbra University, and The Peace Research Center – CIP-FUHEM, "Failed and Collapsed States in the International System," December, found at: http://www.globalpolicy.org/nations/sovereign/failed/2003/12failedcollapsedstates.pdf)

In the malign scenario of global developments the number of collapsed states would grow significantly. This would mean that several more countries in the world could not be held to account for respecting international agreements in various fields, be it commercial transactions, debt repayment, the possession and proliferation of weapons of mass destruction and the use of the national territory for criminal or terrorist activities. The increase in failed states would immediately lead to an increase in international migration, which could have a knock-on effect, first in neighbouring countries which, having similar politico-economic structures, could suffer increased destabilization and collapse as well. Developments in West Africa during the last decade may serve as an example. Increased international migration would, secondly, have serious implications for the Western world. In Europe it would put social relations between the population and immigrant communities under further pressure, polarizing politics. An increase in collapsed states would also endanger the security of Western states and societies. Health conditions could deteriorate as contagious diseases like Ebola or Sars would spread because of a lack of measures taken in collapsed areas. Weapons of mass destruction could come into the hands of various sorts of political entities, be they terrorist groups, political factions in control of part of a collapsed state or an aggressive political elite still in control of a national territory and intent on expansion. Not only North Korea springs to mind; one could very well imagine such states in (North) Africa. Since the multilateral system of control of such weapons would have ended in part because of the decision of the United States to try and check their spread through unilateral action - a system that would inherently be more unstable than a multilateral, negotiated regime - one could be faced with an arms race that would sooner or later result in the actual use of these weapons. In the malign scenario, relations between the US and Europe would also further deteriorate, in questions of a military nature as well as trade relations, thus undercutting any possible consensus on stemming the growth of collapsed states and the introduction of stable multilateral regimes towards matters like terrorism, nuclear weapons and international migration. Disagreement is already rife on a host of issues in these

fields. At worst, even the Western members of the Westphalian system - especially those bordering on countries in the former Third World, i.e. the European states - could be faced with direct attacks on their national security.

Link Extensions

READ ONLY IF THEY SAY DEA IS CONTINUING SURVEILLANCE IN SQUO ON CASE OR TAKE OUT THE CASE DEFENSE

DEA mass surveillance key to stopping cartels

Brad **Heath**, 4-8-**2015**, "U.S. secretly tracked billions of calls for decades," USA TODAY, http://www.usatoday.com/story/news/2015/04/07/dea-bulk-telephone-surveillance-operation/70808616/, Date Accessed 8/1/15, JL @ DDI

The DEA began assembling a data-gathering program in the 1980s as the government searched for new ways to battle Colombian drug cartels. Neither informants nor undercover agents had been enough to crack the cartels' infrastructure. So the agency's intelligence arm turned its attention to the groups' communication networks. Calling records – often called "toll records" – offered one way to do that. Toll records are comparable to what appears on a phone bill – the numbers a person dialed, the date and time of the call, its duration and how it was paid for. By then, DEA agents had decades of experience gathering toll records of people they suspected were linked to drug trafficking, albeit one person at a time. In the late 1980s and early 1990s, officials said the agency had little way to make sense of the data their agents accumulated and almost no ability to use them to ferret out new cartel connections. Some agents used legal pads. "We were drowning in toll records," a former intelligence official said. The DEA asked the Pentagon for help. The military responded with a pair of supercomputers and intelligence analysts who had experience tracking the communication patterns of Soviet military units. "What they discovered was that the incident of a communication was perhaps as important as the content of a communication," a former Justice Department official said. The military installed the supercomputers on the fifth floor of the DEA's headquarters, across from a shopping mall in Arlington, Va. The system they built ultimately allowed the drug agency to stitch together huge collections of data to map trafficking and money laundering networks both overseas and within the USA. It allowed agents to link the call records its agents gathered domestically with calling data the DEA and intelligence agencies had acquired outside the USA. (In some cases, officials said the DEA paid employees of foreign telecom firms for copies of call logs and subscriber lists.) And it eventually allowed agents to cross-reference all of that against investigative reports from the DEA, FBI and Customs Service.

I/L Extensions

Unchecked drug violence threatens Mexican government stability

Chase, 12 (Colonel David Chase of the US Army, graduated from the Army War College, in charge of strategy research on the Southern border; "Military Police: Assisting in Securing the United States Southern Border"; 12/3/12; http://www.dtic.mil/cgi-bin/GetTRDoc?Location=U2&doc=GetTRDoc.pdf&AD=ADA561048) KD

In addition to negative economic effects the drug war has an even more serious consequence – the direct threat to the legitimacy of the Mexican government. Violence has created a condition of lawlessness in some parts of the country leading to deteriorating social conditions and an inability for Mexico to police their side of the border. There is no doubt that DTO ideology is all about profit; however their activities are successfully challenging the Mexican government and has raised serious concerns about Mexico's stability and ability to exercise sovereignty. President Calderon himself stated that DTO initiated violence presented, "a challenge to the state, an attempt to replace the state."13 This lack of control is highlighted by several facts. One is that cartels are imposing their influence on local governments throughout the country. A study prepared for the Mexican Senate entitled, "Municipal Government and Organized Crime" released in August 2010 found that 8% of all municipalities are completely under control of organized crime while a further 63% are infiltrated and influenced by organized crime.14 Shockingly the study found these criminal organizations often operated with logistical support from corrupt municipal police and politicians.15 The same report also declared that DTOs have also exerted control over local businesses. A further indication of the erosion of government legitimacy are recent opinion polls showing that public support for the current Mexican government war on drugs is declining.

Terror DA

1NC Terror DA

Terror risk is high- maintaining current surveillance is key

Inserra, 6-8-2015

David Inserra is a Research Associate for Homeland Security and Cyber Security in the Douglas and Sarah Allison Center for Foreign and National Security Policy of the Kathryn and Shelby Cullom Davis Institute for National Security and Foreign Policy, at The Heritage Foundation, 6-8-2015, "69th Islamist Terrorist Plot: Ongoing Spike in Terrorism Should Force Congress to Finally Confront the Terrorist Threat," Heritage Foundation, http://www.heritage.org/research/reports/2015/06/69th-islamist-terrorist-plot-ongoing-spike-in-terrorism-should-force-congress-to-finally-confront-the-terrorist-threat

On June 2 in Boston, Usaamah Abdullah Rahim drew a knife and attacked police officers and FBI agents, who then shot and killed him. Rahim was being watched by Boston's Joint Terrorism Task Force as he had been plotting to behead police officers as part of violent jihad. A conspirator, David Wright or Dawud Sharif Abdul Khaliq, was arrested shortly thereafter for helping Rahim to plan this attack. This plot marks the 69th publicly known Islamist terrorist plot or attack against the U.S. homeland since 9/11, and is part of a recent spike in terrorist activity. The U.S. must redouble its efforts to stop terrorists before they strike, through the use of properly applied intelligence tools. The Plot According to the criminal complaint filed against Wright, Rahim had originally planned to behead an individual outside the state of Massachusetts,[1] which, according to news reports citing anonymous government officials, was Pamela Geller, the organizer of the "draw Mohammed" cartoon contest in Garland, Texas.[2] To this end, Rahim had purchased multiple knives, each over 1 foot long, from Amazon.com. The FBI was listening in on the calls between Rahim and Wright and recorded multiple conversations regarding how these weapons would be used to behead someone. Rahim then changed his plan early on the morning of June 2. He planned to go "on vacation right here in Massachusetts…. I'm just going to, ah, go after them, those boys in blue. Cause, ah, it's the easiest target."[3] Rahim and Wright had used the phrase "going on vacation" repeatedly in their conversations as a euphemism for violent jihad. During this conversation, Rahim told Wright that he planned to attack a police officer on June 2 or June 3. Wright then offered advice on preparing a will and destroying any incriminating evidence. Based on this threat, Boston police officers and FBI agents approached

Rahim to question him, which prompted him to pull out one of his knives. After being told to drop his weapon, Rahim responded with "you drop yours" and moved toward the officers, who then shot and killed him. While Rahim's brother, Ibrahim, initially claimed that Rahim was shot in the back, video surveillance was shown to community leaders and civil rights groups, who have confirmed that Rahim was not shot in the back.[4] Terrorism Not Going Away This 69th Islamist plot is also the seventh in this calendar year. Details on how exactly Rahim was radicalized are still forthcoming, but according to anonymous officials, online propaganda from ISIS and other radical Islamist groups are the source.[5] That would make this attack the 58th homegrown terrorist plot and continue the recent trend of ISIS playing an important role in radicalizing individuals in the United States. It is also the sixth plot or attack targeting law enforcement in the U.S., with a recent uptick in plots aimed at police. While the debate over the PATRIOT Act and the USA FREEDOM Act is taking a break, the terrorists are not. The result of the debate has been the reduction of U.S. intelligence and counterterrorism capabilities, meaning that the U.S. has to do even more with less when it comes to connecting the dots on terrorist plots.[6] Other legitimate intelligence tools and capabilities must be leaned on now even more. Protecting the Homeland To keep the U.S. safe, Congress must take a hard look at the U.S. counterterrorism enterprise and determine other measures that are needed to improve it. Congress should: Emphasize community outreach. Federal grant funds should be used to create robust community-outreach capabilities in higher-risk urban areas. These funds must not be used for political pork, or so broadly that they no longer target those communities at greatest risk. Such capabilities are key to building trust within these communities, and if the United States is to thwart lone-wolf terrorist attacks, it must place effective community outreach operations at the tip of the spear. Prioritize local cyber capabilities. Building cyber-investigation capabilities in the higher-risk urban areas must become a primary focus of Department of Homeland Security grants. With so much terrorism-related activity occurring on the Internet, local law enforcement must have the constitutional ability to monitor and track violent extremist activity on the Web when reasonable suspicion exists to do so. Push the FBI toward being more effectively driven by intelligence. While the FBI has made high-level changes to its mission and organizational structure, the bureau is still working on integrating intelligence and law enforcement activities. Full integration will require overcoming inter-agency cultural barriers and providing FBI intelligence personnel with resources, opportunities, and the stature they need to become a more effective and integral part of the FBI. Maintain essential counterterrorism tools. Support for important investigative tools is essential to maintaining the security of the U.S. and combating terrorist threats. Legitimate government surveillance programs are also a vital component of U.S. national security and should be allowed to continue. The need for effective counterterrorism operations does not relieve the government of its obligation to follow the law and respect individual privacy and liberty. In the American system, the government must do both equally well. Clear-Eyed Vigilance The recent spike in terrorist plots and attacks should finally awaken policymakers—all Americans, for that matter—to the seriousness of the terrorist threat. Neither fearmongering nor willful blindness serves the United States. Congress must recognize and acknowledge the nature and the scope of the Islamist terrorist threat, and take the appropriate action to confront it.

Surveillance is critical to stopping terror threats

Lewis 14 [James Andrew Lewis, Director and Senior Fellow of the Technology and Public Policy Program at the CSIS, December 2014, "Underestimating Risk in the Surveillance Debate", Center for Strategic and International Studies, http://csis.org/files/publication/141209_Lewis_UnderestimatingRisk_Web.pdf pg 10-11 jf]

Assertions that a collection program contributes nothing because it has not singlehandedly prevented an attack reflect an ill-informed understanding of how the United States conducts collection and analysis to prevent harmful acts against itself and its allies. Intelligence does not work as it is portrayed in films—solitary agents do not make startling discoveries that lead to dramatic, last-minute success (nor is technology consistently infallible). Intelligence is a team sport. Perfect knowledge does not exist and success is the product of the efforts of teams of dedicated individuals from many agencies, using many tools and techniques, working together to assemble fragments of data from many sources into a coherent picture. Analysts assemble this mosaic from many different sources and based on experience and intuition. Luck is still more important than anyone would like and the alternative to luck is acquiring more information. This ability to blend different sources of intelligence has improved U.S. intelligence capabilities and gives us an advantage over some opponents. Portrayals of spying in popular culture focus on a central narrative, essential for storytelling but

deeply misleading. In practice, there can be many possible narratives that analysts must explore simultaneously. An analyst might decide, for example, to see if there is additional confirming information that points to which explanation deserves further investigation. Often, the contribution from collection programs comes not from what they tell us, but what they let us reject as false. In the case of the 215 program, its utility was in being able to provide information that allowed analysts to rule out some theories and suspects. This allows analysts to focus on other, more likely, scenarios. In one instance, an attack is detected and stopped before it could be executed. U.S. forces operating in Iraq discover a bomb-making factory. Biometric data found in this factory is correlated with data from other bombings to provide partial identification for several individuals who may be bomb-makers, none of whom are present in Iraq. In looking for these individuals, the United States receives information from another intelligence service that one of the bombers might be living in a neighboring Middle Eastern country. Using communications intercepts, the United States determines that the individual is working on a powerful new weapon. The United States is able to combine the communications intercept from the known bomb maker with information from other sources—battlefield data, information obtained by U.S. agents, collateral information from other nations' intelligence services—and use this to identify others in the bomber's network, understand the plans for bombing, and identify the bomber's target, a major city in the United States. This effort takes place over months and involves multiple intelligence, law enforcement, and military agencies, with more than a dozen individuals from these agencies collaborating to build up a picture of the bomb-maker and his planned attack. When the bomb-maker leaves the Middle East to carry out his attack, he is prevented from entering the United States. An analogy for how this works would be to take a 1,000-piece jigsaw puzzle, randomly select 200 pieces, and provide them to a team of analysts who, using incomplete data, must guess what the entire picture looks like. The likelihood of their success is determined by how much information they receive, how much time they have, and by experience and luck. Their guess can be tested by using a range of collection programs, including communications surveillance programs like the 215 metadata program. What is left out of this picture (and from most fictional portrayals of intelligence analysis) is the number of false leads the analysts must pursue, the number of dead ends they must walk down, and the tools they use to decide that something is a false lead or dead end. Police officers are familiar with how many leads in an investigation must be eliminated through legwork and query before an accurate picture emerges. Most leads are wrong, and much of the work is a process of elimination that eventually focuses in on the most probable threat. If real intelligence work were a film, it would be mostly boring. Where the metadata program contributes is in eliminating possible leads and suspects. This makes the critique of the 215 program like a critique of airbags in a car—you own a car for years, the airbags never deploy, so therefore they are useless and can be removed. The weakness in this argument is that discarding airbags would increase risk. How much risk would increase and whether other considerations outweigh this increased risk are fundamental problems for assessing surveillance programs. With the Section 215 program, Americans gave up a portion of their privacy in exchange for decreased risk. Eliminating 215 collection is like subtracting a few of the random pieces of the jigsaw puzzle. It decreases the chances that the analysts will be able to deduce what is actually going on and may increase the time it takes to do this. That means there is an increase in the risk of a successful attack. How much of an increase in risk is difficult to determine.

Terrorists will use bioweapons- guarantees extinction

Cooper 13

(Joshua, 1/23/13, University of South Carolina, "Bioterrorism and the Fermi Paradox," http://people.math.sc.edu/cooper/fermi.pdf, 7/15/15, SM)

We may conclude that, when a civilization reaches its space-faring age, it∂ will more or less at the same moment (1) contain many individuals who seek to cause large-scale destruction, and (2) acquire the capacity to tinker with its own genetic chemistry. This is a perfect recipe for bioterrorism, and, given the many very natural pathways for its development and the overwhelming∂ evidence that precisely this course has been taken by humanity, it is hard to∂ see how bioterrorism does not provide a neat, if profoundly unsettling, solution∂ to Fermi's paradox. One might object that, if omnicidal **individuals** are∂ successful in releasing **highly virulent** and **deadly genetic malware** into the∂ wild, they are still unlikely to succeed in killing everyone. However, even if∂

every such mass death event results only in a high (i.e., not total) kill rate and there is a large gap between each such event (so that individuals can build up the requisite scientific infrastructure again**), extinction would be inevitable** regardless. Some of the engineered bioweapons will be more successful than others; the inter-apocalyptic eras will vary in length; and post-apocalyptic environments may be so **war-torn, disease-stricken, and impoverished of genetic variation that they may culminate in true extinction events even if the initial cataclysm 'only' results in 90% death rates**, since they may cause the effective population size to dip below the so-called "minimum viable population." This author ran a Monte Carlo simulation using as (admittedly very crude and poorly informed, though arguably conservative) estimates the following Earth-like parameters: bioterrorism event mean death rate 50% and standard deviation 25% (beta distribution), initial population 1010, minimum viable population 4000, individual omnicidal act probability 10−7 per annum, and population growth rate 2% per annum. One thousand trials yielded an average post-space-age time until extinction of less than 8000 years. This is essentially instantaneous on a cosmological scale, and varying the parameters by quite a bit does nothing to make the survival period comparable with the age of the universe.

Link Extensions

1. Extend the 1NC Metadata Link- the NSA metadata surveillance that the aff stops is key to stopping terrorists by identifying entire terrorist networks

2. The Border Link - Border surveillance is key to preventing terrorism, the aff's curtailment of drug surveillance precludes this

Smarick et al. 12 ,(Kathleen Smarick and Gary D. LaFree of the National Consortium for the Study of Terrorism and Responses to Terrorism at the University of Maryland. 11/12 "Border Crossings and Terrorist Attacks in the United States: Lessons for Protecting against Dangerous Entrants" START, http://www.start.umd.edu/sites/default/files/files/publications/START_BorderCrossingsTerroristAttacks.pdf CCC)

An essential step in this project was determining the frequency and dynamics of **border crossings by individuals who conducted or who wanted to conduct terrorism-related activities in the United States**. Towards that goal, the project built upon the existing holdings of the American Terrorism Study (ATS) in this effort. The ATS, housed at the University of Arkansas, catalogs and systematically codes information on more than 300 Federal court cases **involving Federal terrorist charges since 1980 and, following a review of other possible resources, proved to be the most useful starting point for compiling open-source, quantitative data on terrorist border crossings.** Since 1989, the American Terrorism Study (ATS) has received lists of court cases and associated indictees that resulted from an official FBI terrorism investigation spanning 1980 through 2004. Housed at the University of Arkansas' Terrorism Research Center in Fulbright College (TRC), the ATS now includes almost 400 cases from the FBI lists. Of these, approximately 75% of cases have complete court documentation, and almost all of those collected have been coded into the ATS database, while the ATS team continues to track new cases by collecting, reviewing, and coding new and additional court documentation. The ATS includes **terrorism incidents and attacks, thwarted or planned**

terrorism incidents sometimes referred to as preventions, material support cases for terrorism, general terrorism conspiracies, and in some cases, immigration fraud; the common denominator among all ATS events is that the FBI investigated these events as terrorism-related incidents. During preliminary research for this project, court records from 378 terrorism cases found in the ATS dataset were reviewed for information on potential border crossing events related to terrorism cases. The documents for each court case were manually reviewed by researchers to determine whether the collected records reported that one of the defendants or accomplices in a case crossed a U.S. border at some point. Thirty-eight percent of the reviewed cases—145 cases—from 1980 through 2004 were found to either have: • **direct mention of a border crossing in the court documents, or • a link to a terrorism incident that involved a known border crossing, either before or after an incident.** After compiling this list of court cases for inclusion, **each identified court case was then linked to a criminal incident involving terrorism charges. Initial reviews revealed a connection to a border-crossing event in a total of 58 successful terrorist attacks, 51 prevented or thwarted attacks,** 26 material support cases, 33 immigration fraud incidents, **and 4 general terrorism conspiracies**. Additional reviews of relevant information on indictees and their activities resulted in a reduction in the number of successful terrorist attacks associated with these individuals to a total of 43. Appendix 2 provides more details on the data collection process and how a reliable collection methodology was established to create the U.S. Terrorist Border Crossing Dataset (USTBC), using the ATS as a starting point. National Consortium for the Study of Terrorism and Responses to Terrorism A Department of Homeland Security Science and Technology Center of Excellence Border Crossings and Terrorist Attacks in the United States 12 Systematic evaluation by the research team revealed that the American Terrorism Study is a reliable and useful resource for identifying individuals associated with terrorist attacks or terrorist criminal cases (such as conspiracies) and for determining which of these individuals crossed U.S. borders in advance of or in the wake of their terrorism-related behavior. This is largely because the ATS is based on court documents, which among sources of data on terrorism are the most likely to reference relevant border crossing activity. The Global Terrorism Database, which is based primarily on media sources, can serve a supporting role in this research, but the ATS is the primary source allowing for construction of a new, relational database on U.S. Terrorist Border Crossings (USTBCs). That being said, it is important to recognize that the ATS is not a perfect data source. As noted above, its contents are limited to individuals and information related to court cases in which one or more defendant was charged with Federal terrorism charges. As such, the contents of ATS clearly represent a subset of all terrorists or attempted terrorists in the United States, as it systematically omits those who: • were never arrested or faced any charges, • were charged with offenses not directly related to terrorism, • were charged at the non-Federal level, or • were engaged in dangerous activity that does not meet the FBI's definition of a terrorism case. Throughout this project, the research team was careful to respect the limitations of this data collection and to draw conclusions that recognize that the border crossing events included in this project likely represent a non-representative subset of all border crossing attempts by terrorists or intended terrorists. Despite these limitations, though, the data that was built upon the baseline of ATS provides important insights into the nexus between border crossings and terrorism. The U.S. Terrorism Border Crossing Dataset The final versions of the codebooks used to develop the U.S. Terrorist Border Crossing (USTBC) data collection are presented in Appendix 3. Based upon

knowledge gained from pilot efforts (as discussed above and in Appendix 2), the project resulted in two codebooks—one focused on dynamics of a bordercrossing event involving someone associated with a Federal terrorism court case, and another focused on the characteristics of the individuals associated with Federal charges who were involved in the bordercrossing event. Data collection for the USTBC lasted for approximately one year and was primarily conducted by research assistants at the Terrorism Research Center at the University of Arkansas.3 The resultant data that comprise the USTBC are available in Appendix 4. Table 4 provides a snapshot summary of these data, which include detailed information on the location of an attempted crossing, the timing of a crossing relative to attempted or actual terrorist activity, the origin or destination of an attempted crossing, and more. The data also include specific information on border crossers, including their citizenship status, their criminal history, and key demographics (including level of education, marital status, etc.) Appendix 5 provides descriptive statistics from the border-crossing and border-crosser data. 3 Special thanks to Kim Murray and Summer Jackson of the Terrorism Research Center for their efforts in combing through the courtcase material and assembling these data for the USTBC. National Consortium for the Study of Terrorism and Responses to Terrorism A Department of Homeland Security Science and Technology Center of Excellence Border Crossings and Terrorist Attacks in the United States 13 Border Crossings Identified in USTBC Attempts to Enter the United States Of the 221 border crossings identified in this project as involving individuals who were indicted by the U.S. government in terrorism-related cases, the majority (129 crossings) involved an individual attempting to enter the United States, while the remainder (92 crossings) involved an individual attempting to exit the United States. Eighty-seven percent of the attempted border crossings were successful, rather than being thwarted by law enforcement or foiled by some other events or developments. Additional discussion on the nature of successful crossings versus those who were apprehended at the border is presented below. **Among those attempts to enter the United States, the most frequent origin for these crossing efforts was Canada.4 But, as Figure 2 illustrates, such attempted entries originated from all corners of the world.**

(And, more evidence, Border surveillance prevents terrorist groups from attempting attacks)

Willis et al 10 [Henry H. Willis, 2010, director of the RAND Homeland Security and Defense Center, with Joel B. Predd, Paul K. Davis and Wayne P. Brown, RAND.org,

"Measuring the Effectiveness of Border Security Between Ports-of-Entry", http://www.rand.org/content/dam/rand/pubs/technical_reports/2010/RAND_TR837.pdf, pg 19, jf]

The principal contributions that **border security** makes to counterterrorism relate to **prevent**ing certain kinds of **terrorist attacks dependent on flows into the country** of people or materials. These contributions can be illustrated by considering what opportunities exist to disrupt terrorist attacks while they are being planned and orchestrated. Through a number of planning efforts, **DHS and its components have developed detailed planning scenarios of terrorist events** (DHS, 2006). **Each of these scenarios has been deconstructed into attack trees that are useful for considering how DHS border-security programs contribute to terrorism security efforts**. In their most generic form, these attack trees specify dimensions of attack scenarios with respect to building the terrorist team, identifying a target, and acquiring a weapon (see Figure 4.1). This decomposition of attack planning provides a structure around which to consider how interdiction, deterrence, and networked intelligence contribute to preventing terrorist attacks and, thus, why it is relevant to measure these functions. **DHS border-security eff orts focus on interdiction of terrorist**

team members and weapons or weapon components when they cross U.S. borders. Examples of initiatives that are intended to enhance these capabilities include the Secure Border Initiative, the acquisition of Advanced Spectroscopic Portals for nuclear detection, the Secure Communities Initiative, and US-VISIT. In addition, it is often pointed out that, **when border-security measures are perceived to be effective, terrorists groups may be deterred from attacking in particular ways, or** possibly **from attacking at all.** This could result from awareness of what type of surveillance is occurring or the capability of interdiction systems. In either case, **deterrence refers to the judgment of terrorists that they will not be successful**, leading them to choose another course of action. Finally, many **border-security initiatives also contribute information to the national networked-intelligence picture**. For example, the Secure Communities Initiative has implemented new capabilities to allow a single submission of fingerprints as part of the normal criminal arrest and booking process to be queried against both the FBI and DHS immigration and terrorism databases. This effort makes it easier for federal and local law enforcement to share actionable intelligence and makes it more difficult for terrorists to evade border-security efforts.

I-Law DA

1NC I-Law DA

Uniqueness and Link - The US is in a unique position in the international community, breaking treaties ruins reciprocity

Bennett and Walsh, 2014

(Wells Bennett, Fellow in National Security Law at the Brookings Institution and Managing Editor of Lawfare, and John Walsh, Senior Associate at the Washington Office on Latin America (WOLA), focused on drug policy reforms that protect human rights, public health and public safety, October 2014, "Marijuana Legalization is an Opportunity to Modernize International Drug Treaties", Center for Effective Public Management at Brookings, http://www.brookings.edu/~/media/research/files/reports/2014/10/15-marijuana-legalization-modernize-drug-treaties-bennett-walsh/cepmmjlegalizationv4.pdf, Date Accessed 7/26/15, JL @ DDI)

Having that scenario in mind, we lastly emphasize the United States' unique relationship both to the drug treaties and to the wider international community. The United States was a—if not the—key protagonist in developing the 1961, 1971, and 1988 Conventions, as well as the 1972 protocol amending the 1961 Convention; the United States has for decades been widely and correctly viewed as the treaties' chief champion and defender.40 That fact feeds back onto this one: The United States also occupies a singular place in international relations. It can summon powers no other nation can summon, but it also confronts risks no other nation confronts.41 For that oft-cited reason, the United States has a profound interest in ensuring that counterparties perform their treaty obligations. Reciprocity is always a big deal for any nation that trades promises with other ones—but it is perhaps uniquely so for ours. These factors mean that caution is in order regarding international law and the viability of the Cole Memo in the longer run. If the United States can "flexibly interpret" the drug treaties with regard to marijuana, then Mexico is entitled to no less—though it might view the limits of its flexibility differently, or apply it to another controlled substance within the treaties' purview. Or imagine that a foreign nation's controversial policy butts up against seemingly contrary language, in a treaty covering an extremely important global issue other than drug control. Likely the United States will have a tougher time objecting when, rather than conceding the problem or changing course, that nation's

foreign ministry invokes the need to "tolera[te] different national approaches;" or recasts the relevant treaty as a "living document" subject to periodic, unilateral reinterpretation.

Impact - International law is key to solving conflict, terrorism, human rights, poverty, disease and the environment

O'Connell, 2008, The Power & Purpose of International Law, [Research Professor of International Dispute Resolution at the Kroc Institute and the Robert and Marion Short Professor of Law at Notre Dame; Mary Ellen], p.14

It is perhaps not surprising that just at this time a new attempt to undermine the authority of international law has appeared in the form of The Limits of International Law, but if the authors of this and other attacks on international law believe they are acting in the interest of the United States, or any state, they are mistaken. Given the nature of the problems we face in the world, undermining any tool for the maintenance of peace and stability could not be further from any nation's interest. There is a long, proud and continuing history of US support for international law and the common pursuit of global norms. There is no reason to abandon that tradition now, and every reason to redouble our commitment. Even Goldsmith and Posner seem to think that having some rules, like bilateral trade rules, is valuable. Yet, the only way to have viable international law rules on trade, as already mentioned, is through a general system of international law—with theories of obligation, sources, and processes of application and enforcement. Any effort to weaken international law only serves to undermine the prospects for achieving an orderly world and progress toward fulfillment of humanity's shared goals, including prosperity. The rational and moral choice today is to understand how international law actually works and how it can be made to work better. International law has deficits, yet it persists as the single, generally accepted means to solve the world's problems. It is not religion or ideology that the world has in common, but international law. Through international law, diverse cultures can reach consensus about the moral norms that we will commonly live by. As a result, international law is uniquely suited to mitigate the problems of armed conflict, terrorism, human rights abuse, poverty, disease, and the destruction of the natural environment. It is the closest thing we have to a neutral vehicle for taking on the world's most complex issues and pressing problems.

Uniqueness (most link ev is spec enough to have uniqueness on its own)

Link Extension

Decriminalization and legalization violate international law

Reuters Editorial, 11-12-**2014**, "U.S. states' pot legalization not in line with international law: U.N. agency," Reuters, http://www.reuters.com/article/2014/11/12/us-usa-drugs-un-idUSKCN0IW1GV20141112, Date Accessed 7/26/15, JL @ DDI

Moves by some U.S. states to legalize marijuana are not in line with international drugs conventions, the U.N. anti-narcotics chief said on Wednesday, adding he would discuss the issue in Washington next week. Residents of Oregon, Alaska, and the U.S. capital voted this month to allow the use of marijuana, boosting the legalization movement as cannabis usage is increasingly recognized by the American mainstream. "I don't see how (the new laws) can be compatible with existing conventions," Yury Fedotov, executive director of the United Nations Office on Drugs and Crime (UNODC), told reporters. Asked whether there was anything the UNODC could do about it, Fedotov said he would raise the problem next week with the U.S. State Department and other U.N. agencies. The Oregon and Alaska steps would legalize recreational cannabis use and usher in a network of shops similar to those operating in Washington state and Colorado, which

in 2012 voted to become the first U.S. states to allow marijuana use for fun. Marijuana remains classified as an illegal narcotic under federal law, although the Obama administration has said it was giving individual states leeway to carry out their own recreational-use statutes.

Stopping the surveillance of drugs violates international law **be careful the CP probably links harder to this card**

Bennett and Walsh, 2014

(Wells Bennett, Fellow in National Security Law at the Brookings Institution and Managing Editor of Lawfare, and John Walsh, Senior Associate at the Washington Office on Latin America (WOLA), focused on drug policy reforms that protect human rights, public health and public safety, October 2014, "Marijuana Legalization is an Opportunity to Modernize International Drug Treaties", Center for Effective Public Management at Brookings, http://www.brookings.edu/~/media/research/files/reports/2014/10/15-marijuana-legalization-modernize-drug-treaties-bennett-walsh/cepmmjlegalizationv4.pdf, Date Accessed 7/26/15, JL @ DDI)

Marijuana counts as a "drug" for purposes of this language, the interpretation of which depends in part upon the "subject to the provisions" phrase. We thus must look elsewhere in the 1961 Convention to get a sense of how parties must handle drugs like marijuana. Article 36, paragraph one, discusses "penal provisions." Here, subject in part to their "constitutional limitations,"35 parties are required to take steps necessary to make (among other things) the cultivation, sale, purchase, and possession of drugs contrary to the 1961 Convention's provisions into "punishable offenses." The 1988 Convention is more explicit. Its third article requires signatories to "establish as criminal offences under [their] domestic law" the growing, buying, selling or possessing of drugs including marijuana, contrary to the provisions of the 1961 Convention.36 This and similar provisions drive home the point: the drug treaties together countenance medical and scientific uses, but disapprove of nearly all others. And they plainly obligate signatories to enact laws punishing participants in recreational marijuana markets. The CSA does just that, of course, but under the Cole Memo, the statute seemingly will not be enforced against certain persons, who participate in sufficiently rigorous state regulatory schemes allowing for the production, sale, purchase, or possession of recreational marijuana. It is true that the treaties build in policy latitude—but we think even that only goes so far. For example, the 1961 Convention doesn't block parties from allocating enforcement resources. And it says that when "abusers" of drugs commit Convention offenses, states may then provide, as alternatives to conviction or punishment, for certain treatment or rehabilitation measures.37 But this latter arrangement (and similar ones contemplated by related provisions in the drug treaties) most naturally applies to people seeking help to quit marijuana, not to recreational users seeking enjoyment or commercial growers and state regulators seeking revenue. It is one thing to stay enforcement's hand, and instead to invoke alternatives to incarceration; but it is quite another to announce, in so many words, a qualified tolerance of the cultivation, sale, purchase and possession of marijuana, within the confines of a strictly regulated but still legalized market. This brings us to the prosecutorial discretion—something the 1961 Convention didn't take on specifically, but that the 1988 Convention did. As noted above, the following words from the latter treaty may have informed Assistant Secretary Brownfield's appeal to "policy flexibility," with regard to Washington and

Colorado and the United States' enforcement priorities: The Parties shall endeavour to ensure that any discretionary legal powers under their domestic law relating to the prosecution of persons for offences established in accordance with this article are exercised to maximize the effectiveness of law enforcement measures in respect of those offences, and with due regard to the need to deter the commission of such offences. Note the qualification. The decision not to prosecute an otherwise clear-cut marijuana offense cannot be made willy-nilly, but instead should "maximize" the effect of law enforcement activities "in respect" of that offense; the goal of deterrence should be kept in mind, too. The relationship between the two quoted phrases is somewhat hard to parse, though it certainly encompasses at least some authority to allocate resources or set enforcement priorities— much as Brownfield has claimed. Even so, we fail to see how the Cole Memo policy would deter anyone, per the treaty requirements, from growing, selling, buying or possessing marijuana for recreational purposes;38 the memo essentially explains how Coloradans and Washingtonians (and adult visitors to those states) can engage in that very conduct without facing federal prosecution. Wherever the limits of the United States' enforcement discretion under the drug treaties might be drawn precisely, we know that such discretion by definition cannot be an across-the-board, categorical affair, when the issue is federal tolerance of regulated, comprehensive marijuana markets established by state law. And that's just it: if more states take a legalize-and-regulate approach, a federal-level decision not to prosecute similarly situated persons could start to look like blanket non-enforcement of implementing legislation—something that, in our view, the drug treaties do not contemplate.

Decriminalizing drugs violates treaties, collapses entire system

Bewley-Taylor, 2002

(David R., Department of American Studies, University of Wales Swansea, "Challenging the UN drug control conventions: problems and Possibilities", International Journal of Drug Policy 14 (2003) 171/179, December 1, 2002, http://www.unawestminster.org.uk/pdf/drugs/UNdrugsBewley_Taylor_IJDP14.pdf, Date Accessed 7/26/15, JL @ DDI)

Another strategy would be for Parties to simply ignore the treaties or certain parts of them. In this way they could institute any policies deemed to be necessary at the national level, including for example the legalisation of cannabis and the introduction of a licensing system for domestic producers. This option has been gaining support amongst many opponents of the prohibition based international system for some time. Disregarding all or selected components of the treaties, however, raises serious issues beyond the realm of drug control. The possibility of nations unilaterally ignoring drug control treaty commitments could threaten the stability of the entire treaty system. As a consequence states may be wary of opting out. Some international lawyers argue that all treaties can naturally cease to be binding when a fundamental change of circumstances has occurred since the time of signing (Starke, 1989, pp. 473/474). Bearing in mind the dramatic changes in the nature and extent of the drug problem since the 1960s, this doctrine of rebus sic stantibus could probably be applied to the drug treaties. Yet the selective application of such a principle would call into question the validity of many and varied conventions.

Other international treaties stand to fail if the US contravenes drug policies

Bennett and Walsh, 2014

(Wells Bennett, Fellow in National Security Law at the Brookings Institution and Managing Editor of Lawfare, and John Walsh, Senior Associate at the Washington Office on Latin America (WOLA), focused on drug policy reforms that protect human rights, public health and public safety, October 2014, "Marijuana Legalization is an Opportunity to Modernize International Drug Treaties", Center for Effective Public Management at Brookings, http://www.brookings.edu/~/media/research/files/reports/2014/10/15-marijuana-legalization-modernize-drug-treaties-bennett-walsh/cepmmjlegalizationv4.pdf, Date Accessed 7/26/15, JL @ DDI)

**the INCB = The International Narcotics Control Board

The prospect of future marijuana regulation raises a second, more fundamental reason to rethink things: the nation's experiment with legalizing and regulating marijuana might actually go well. Suppose Colorado and Washington both operate their regulated marijuana markets smartly, without offending federal enforcement prerogatives, and—most importantly— without compromising public health and safety. We don't think this is a fanciful or improbable scenario. Our Brookings colleague John Hudak was the first to examine Colorado's implementation effort up close. And he tentatively concluded that so far, the state's initial rollout has been imperfect but quite effective.39 If this path continues or even bends towards improvement, then other states may soon elect to follow Washington and Colorado's lead. And that, in turn, stands to exacerbate an already visible tension between obligations imposed by the drug treaties, and the federal government's enforcement posture towards legalizing states. To put the point another way, if Colorado and Washington augur a real trend, then the costs to the United States of treaty breach could be swiftly ratcheted upwards. The INCB could raise the volume and severity of its criticisms; we wouldn't be surprised to hear protests from more prohibitionist countries about the United States' treaty compliance, or to see other nations start pushing the limits of other no less important treaties to which the United States is party. When some or all of this happens, the United States won't get very far in emphasizing the CSA's theoretical application nationwide, subject to enforcement priorities enunciated in the Cole Memo; or in appealing to larger objectives woven throughout the drug treaties, and their conferral of policy flexibility. What if twenty or thirty states successfully establish, and police, regulated markets for marijuana production and sale?

Not prosecuting drug crimes will break international law and risk the breaking of other treaties

Bennett and Walsh, 2014

(Wells Bennett, Fellow in National Security Law at the Brookings Institution and Managing Editor of Lawfare, and John Walsh, Senior Associate at the Washington Office on Latin America (WOLA), focused on drug policy reforms that protect human rights, public health and public safety, October 2014, "Marijuana Legalization is an Opportunity to Modernize International Drug Treaties", Center for Effective Public Management at Brookings, http://www.brookings.edu/~/media/research/files/reports/2014/10/15-marijuana-legalization-

modernize-drug-treaties-bennett-walsh/cepmmjlegalizationv4.pdf, Date Accessed 7/26/15, JL @ DDI)

If indeed Colorado and Washington do presage fundamental changes in U.S. marijuana law and policy, then the United States' stance regarding its drug-control treaty obligations will need to measure up to the requirements of international law. The U.S. assertion of its treaty compliance on the basis of "flexible interpretation" can be questioned. The International Narcotics Control Board ("INCB" or the "Board")—a body charged with monitoring drug-treaty compliance and assisting governments in upholding their obligations—has already made clear its view that the United States is now in contravention.9 If more U.S. states opt to legalize marijuana, the gap between the facts on the ground in the United States and the treaties' proscriptions will become ever wider. The greater the gap, the greater the risk of sharper condemnation from the INCB; criticism or remedial action by drug-treaty partners and other nations; and rebukes (or, worse, shrugs) from countries that the United States seeks to call out for violating the drug treaties or other international agreements. It is a path the United States—with its strong interest in international institutions and the rule of law—should tread with great caution.

Impact Extension

Strengthening international law is key to solving global problems—trashing it harms everyone

O'Connell, 2008, The Power & Purpose of International Law, [Research Professor of International Dispute Resolution at the Kroc Institute and the Robert and Marion Short Professor of Law at Notre Dame; Mary Ellen], p. 370

International law needs improvement. The new work being done in the areas of natural law and process law theory—and even in rational choice analysis—can improve the system. International law needs improvement, however, not demolition, because it remains the single, generally accepted means to solve the world's problems. These problems will not be solved by armed conflict or the imposition of a single ideology or religion. Through international law diverse cultures can reach consensus about the moral norms that we should commonly live by. People everywhere believe in law, believe in this alternative to force, as they believe in higher things. They want the power of law to be used to achieve the community's most important common goals. International law reflects that the international community's shared goals today are peace, respect for human rights, prosperity, and the protection of the natural environment. Understanding what international law really is and what it is about and promoting acceptance of it should enhance its authority and, thereby, its power to achieve these goals on behalf of us all.

International law & cooperation is key to preventing terrorism

Cortright, 2012, Transnational Law & Contemporary Problems, Winning Without War: Nonmilitary Strategies for Overcoming Violent Extremism, Spring, [Director of Policy Studies at the Kroc Institute for International Peace Studies at the University of Notre Dame; David], p. 215

The alternative to a militarized strategy against terrorism is not inaction or acquiescence; instead, the strategy should focus on the development of rigorous programs for international cooperation in identifying and suppressing criminal conspiracies and ameliorating

the conditions and grievances that give rise to terrorism. John Ikenberry argues that the struggle against terrorism must be based on alliance partnerships and international cooperation, which "entails intelligence, sanctions, diplomacy, financial regulation, development aid, and a multitude of other ongoing efforts - all of which require extensive multilateral cooperation." Security protections are part of the equation, but they must be subordinate to political, economic and social policies that address the root causes of violent extremism. The United States and the international community need a more comprehensive and holistic strategy that balances security concerns with the defense of human rights and prioritizes economic development, good governance programs, conflict transformation, and support for the rule of law. Because al-Qaida's terrorist threat is global in nature, the strategies employed against it must be transnational. Every nation shares a common interest in eliminating the scourge of global terrorism and in working with other nations to eliminate the threat posed by al-Qaida and its associated groups. A broadly collaborative effort involving virtually every nation on earth is necessary to counter this terror threat that is spreading across dozens of countries and that can emerge among self-starter groups. The most effective tools in this fight are not unilateral but cooperative. International law, multilateral institutions, and collaborative action are the essential ingredients of a winning strategy against global terrorism.

DA Turns Case

International law key to solving racial and gender discrimination

Joyner, 2005, International Law in the 21st Century, [Georgetown professor of government; Christopher], p. 4-5

Absent standards of international morality, international law could not exist. Many of its principles—for example, respect for treaties, nonintervention, good neighborliness—remain conditions essential to friendly and stable state relations. Though sometimes used as pretexts, various ideas and sentiments of humanitarian concern constitute the real motives for certain international law—for instance, the legal rules regulating the laws of armed conflict; treatment of prisoners of war; and prohibitions against crimes against humanity, genocide, and acts of torture. While international law might be predicated on a sense of justice and equity, international morality is not synonymous with international law. Still, during the last half of the 20th century, the former moved closer to the latter as numerous international agreements were promulgated concerning the protection of innocent persons and respect for their human rights and personal dignity. These agreements might include the various conventions negotiated in recent decades to condemn and prohibit racial discrimination and apartheid discrimination against women, mistreatment of children, and the abrogation of civil and political rights.

A2 Violated I-Law in the Past

Even though there have been past violations, the US federal government attempted to correct them; the plan's policy is unprecedented **be careful with this card the authors personally agree with the Obama administration's stance, doesn't take out impact though**

Bennett and Walsh, 2014

(Wells Bennett, Fellow in National Security Law at the Brookings Institution and Managing Editor of Lawfare, and John Walsh, Senior Associate at the Washington Office on Latin America (WOLA), focused on drug policy reforms that protect human rights, public health and public safety, October 2014, "Marijuana Legalization is an Opportunity to Modernize International Drug

Treaties", Center for Effective Public Management at Brookings, http://www.brookings.edu/~/media/research/files/reports/2014/10/15-marijuana-legalization-modernize-drug-treaties-bennett-walsh/cepmmjlegalizationv4.pdf, Date Accessed 7/26/15, JL @ DDI)

This is not to suggest that compliance challenges or complexity should always trigger a call to reshape the United States' treaty commitments. Practice and prudence both support a more nuanced, case-specific approach than that. Sometimes the United States has sought to make significant adjustments to multilateral frameworks or even quit them; other times, the United States has weighed costs and benefits, and pressed on within the treaty despite consequential breaches—in situations much more obvious (and less open to reasonable contention) than that regarding marijuana. But in those instances, the United States' compliance failures often have come despite some hard striving by the federal government. The State Department, to name one well known example, tries mightily to make state law enforcement officers aware of the United States' obligations under the Vienna Convention on Consular Relations—notwithstanding some repeated and well-known violations of that treaty by the likes of Texas, Virginia, and Arizona.42 In this case, though, no external factors—federalism, say, or a contrary ruling from the U.S. Supreme Court—have frustrated a strong push by the executive branch to vindicate the drug treaties; the decision not to assert federal supremacy was in fact taken unilaterally by the Obama administration. Given the circumstances, we believe it was the correct decision. The Cole Memo nevertheless establishes at least some friction with a treaty obligation, by holding back on CSA enforcement, so as to accommodate state-level regulation of marijuana. Again, the reasons why are entirely understandable: given the incipient nature of the changes to which the Cole Memo was reacting, the United States essentially opted to take a wait-and-see approach as to how problematic the treaty questions might become. So far as we are aware, this strategy is without precedent in U.S. treaty practice. The United States should approach it carefully and deliberatively, given the country's outsized interest in reciprocal performance of treaty obligations. That depends in part on being able to credibly call out other nations for treaty failings—something which in turn depends on strictly performing our own obligations, or at least making a good show of trying hard to do so before coming up short.

A2 Guantanamo Violates I-Law

Obama has already fought to close Guantanamo Bay and his plan is almost finalized

Toluse **Olorunnipa**, 7-22-**2015**, "Obama's Guantanamo Prison Closing Plan in Final Drafting, Earnest Says," Bloomberg, http://www.bloomberg.com/politics/articles/2015-07-22/guantanamo-prison-closing-plan-in-final-drafting-earnest-says, Date Accessed 7/26/15, JL @ DDI

The Obama administration is nearing completion of a plan to close the U.S. military prison at Guantanamo Bay, Cuba, that it will then send to Congress, White House Press Secretary Josh Earnest said. The plan will shutter the facility in a safe and responsible way, Earnest told reporters on Wednesday. President Barack Obama, who leaves office in less than 18 months, has battled for years with lawmakers over his pledge to close Guantanamo by bringing to trial some detainees and holding others in the U.S. as prisoners of war, while arranging to send the least dangerous ones home or to third countries. In recent months, the administration has sent several detainees from Guantanamo to countries including Oman and Qatar, and the U.S. is seeking additional options for transferring more prisoners, Earnest said at the White House.

Case

Solvency

1NC Solvency Frontline

1. ***Unregulated drugs would cause worse problems than the status quo***

Matthew S. **Jenner,** Articles Editor, Indiana Journal of Global Legal Studies; J.D., 2011, Indiana University Maurer School of Law; B.A. cum laude, 2008, University of Notre Dame, Summer **2011**, "International Drug Trafficking: A Global Problem with a Domestic Solution", Indiana Journal of Global Legal Studies Volume 18, Issue 2, Project Muse, Date Accessed 7/22/15, JL @ DDI

V. The Next Step: Government Regulation

Eradicating the violence associated with drug trafficking is only the first step in successfully containing the global drug problem. After universal legalization one could argue especially after universal legalization drug use and abuse problems would still be prevalent. Drug trafficking violence would subside as the new laws affect the global market, but each nation would still face its own domestic drug problem. Without additional governmental action, legalization could lead to a variety of problems. Manufacturers could produce drugs in more dangerous forms. Street gangs could distribute the drugs legally and then use the profits for other violent activities. Also, consumption in public places and by minors could become prevalent.

2. ***(BE CAREFUL if you want to read this you can't read the extensions on DA link)***

The DEA has already been forced to end its collection of metadata

Drug Policy, 6-3-**2015**, "Congress Votes to End DEA's Invasive Bulk Data Collection Program and Slashes Agency's Budget," Drug Policy, http://www.drugpolicy.org/news/2015/06/congress-votes-end-deas-invasive-bulk-data-collection-program-and-slashes-agencys-budge, Date Accessed 8/1/15, JL @ DDI

WASHINGTON, D.C.—Legislators voted by a simple voice vote last night to end the DEA's controversial bulk data collection programs, as part of the U.S. House of Representatives' consideration of the Fiscal Year 2016 Commerce, Justice, and Science Appropriations bill. The House also passed three amendments that cut $23 million from the DEA's budget, and shifted it to fighting child abuse, processing rape test kits, reducing the deficit, and paying for body cameras on police officers to reduce law enforcement abuses. Representatives debated four amendments to prohibit the DEA and Justice Department from undermining state marijuana laws -- and those votes will happen later today.

"Congress dealt a major blow to the DEA by ending their invasive and offensive bulk data collection programs and by cutting their budget, said Bill Piper, director of national affairs for the Drug Policy Alliance. "The more the DEA ignores commonsense drug policy, the more they will see their agency's power and budget come under deeper scrutiny." Three amendments cutting the DEA's budget passed by voice vote. Rep. Ted Liew's (D-CA) amendment shifted $9 million from the DEA's failed Cannabis Reduction and Eradication program to the VAWA Consolidated Youth Oriented Program ($4 million), Victims of Child Abuse Act ($3 million), and deficit reduction ($2 million). Rep. Steve Cohen's (D-TN) amendment shifted $4 million from the DEA to a program to reduce the nation's backlog in processing of rape test kits. Rep. Joaquin Castro's (D-TX) amendment shifted $9 million from the DEA to body cameras for police officers to reduce police abuse. Last night the House also adopted an amendment preventing DEA and DOJ from using federal funds to engage in bulk

collection of Americans' communications records. It was offered by Representatives Jared Polis (D-CO), Morgan Griffith (R-VA), David Schweikert (R-AZ), and Jerrold Nadler (D-NY).

3. ***Without stopping other racist practices like stop and frisk, the aff cannot solve their impacts***

4. ***The DEA would circumvent surveillance limitations- parallel construction***

Nick **Wing,** writer for the Huffington Post, 10-24-**2014**, "The DEA Once Turned A 14-Year-Old Into A Drug Kingpin. Welcome To The War On Drugs," Huffington Post, http://www.huffingtonpost.com/2014/10/24/dea-war-on-drugs_n_6030920.html, Date Accessed 7/26/15, JL @ DDI

And the DEA instructs agents not to tell the truth about sources of key intelligence. A Reuters report, also from 2013, detailed how the DEA's Special Operations Division, or SOD, teaches agents to cover up vital tips that come from the department. A DEA document obtained by Reuters shows that federal agents are trained in "parallel construction," in which essential intelligence obtained SOD wiretaps, informants or other surveillance methods can be concealed by crediting it to another source. An unnamed former federal agent who received tips from the SOD gave an example of how the process worked: "You'd be told only, 'Be at a certain truck stop at a certain time and look for a certain vehicle.' And so we'd alert the state police to find an excuse to stop that vehicle, and then have a drug dog search it," the agent said. If an arrest was made, agents were instructed to hide the fact that the initial tip had come from SOD, and instead use "normal investigative techniques to recreate the information." This process is sometimes used to hide case details from prosecutors and judges, as well as defense attorneys. Several lawyers told Reuters that the practice could jeopardize a defendant's constitutional right to fair trial and cover up evidence that might otherwise be inadmissible. DEA officials defended the technique, however, calling it a common law enforcement tool that allows the SOD to crack high-profile cases.

5. ***No solvency, the aff doesn't actually end the war on drugs, just makes it harder to catch suspects***

6. ***Forfeiture laws incentivize local police to increase drug policing***

Katherine **Baicker**, UCLA, United States, NBER, United States, **and**, Mireille **Jacobson,** University of California, Irvine, School of Social Ecology I, Irvine, CA, 31 March **2007**, "Finders keepers: Forfeiture laws, policing incentives, and local budgets", Journal of Public Economics 91 (2007) 2113–2136, Elsevier, Date Accessed 7/23/15, JL @ DDI

Because of the many levels of government involved, "asset forfeiture" laws provide a particularly informative example of the implications of using financial incentives to influence the provision of public goods in a federal system. In an effort to induce police to do more anti-drug policing, both the federal government and many state governments introduced laws in the 1980s that allow law

enforcement agencies to keep a substantial fraction of the assets that they seize in drug arrests. This drug-related asset forfeiture is a source of considerable controversy, as the legal hurdles for forfeiture are often lower than for criminal conviction and those subject to seizures can find it difficult to recover their property, even when they are found not guilty of related criminal charges.2 Many claim (and our data confirm) that forfeitures have become a major revenue source for some local police and prosecutors, giving them an incentive not just to deter crime but also to raise funds. The potential response of localities to these laws highlights a fundamental problem in the use of financial incentives to solve agency problems in the provision of public goods in a federal system: different levels of government may have competing goals and constraints. Federal and state governments introduced forfeiture incentives to increase anti-drug policing, but counties can undermine those incentives by adjusting their allocations to police. In fact, some states' laws explicitly acknowledge that local governments could (but should not!) reduce their police allocations in response to seizures.3 Similar agency problems arise in a range of other programs. For example, Baicker and Staiger (2005) show that federal health care funds targeted to poor hospitals are often expropriated by state governments for other uses when the opportunity arises and Duggan (2000) finds that state funds channeled to county and district hospitals treating a"disproportionate share" of publicly insured patients are largely offset by reductions in local spending. Similarly, Gordon (2004) finds that increases in federal spending on low-income school districts are offset by reductions in local spending.

Unregulated Extensions

*****also link on cartels DA** Decriminalization would make the drug trade worse***

Matthew S. **Jenner,** Articles Editor, Indiana Journal of Global Legal Studies; J.D., 2011, Indiana University Maurer School of Law; B.A. cum laude, 2008, University of Notre Dame, Summer **2011**, "International Drug Trafficking: A Global Problem with a Domestic Solution", Indiana Journal of Global Legal Studies Volume 18, Issue 2, Project Muse, Date Accessed 7/22/15, JL @ DDI

Other scholars propose decriminalization as the answer.132 However, decriminalization would not have the same effect on the market as legalization. In a decriminalized world, production and trafficking would still be illegal, so there would still be the potential for high profits, yielding an incentive for self-help violence, and the drug trade would remain profitable for dangerous criminal organizations. Additionally, under a decriminalization framework, countries would be faced with the same domestic drug problems as legalization.

DEA Ended Program Already Extensions

The DEA metadata program has been shut down

Brad **Heath**, 4-8-**2015**, "U.S. secretly tracked billions of calls for decades," USA TODAY, http://www.usatoday.com/story/news/2015/04/07/dea-bulk-telephone-surveillance-operation/70808616/, Date Accessed 8/1/15, JL @ DDI

The Justice Department revealed in January that the DEA had collected data about calls to "designated foreign countries." But the history and vast scale of that operation have not been disclosed until now. The now-discontinued operation, carried out by the DEA's intelligence arm,

was the government's first known effort to gather data on Americans in bulk, sweeping up records of telephone calls made by millions of U.S. citizens regardless of whether they were suspected of a crime. It was a model for the massive phone surveillance system the NSA launched to identify terrorists after the Sept. 11 attacks. That dragnet drew sharp criticism that the government had intruded too deeply into Americans' privacy after former NSA contractor Edward Snowden leaked it to the news media two years ago.

Forfeiture Extensions

Forfeiture policies incentivize anti-drug policing

Katherine **Baicker**, UCLA, United States, NBER, United States, **and**, Mireille **Jacobson,** University of California, Irvine, School of Social Ecology I, Irvine, CA, 31 March **2007**, "Finders keepers: Forfeiture laws, policing incentives, and local budgets", Journal of Public Economics 91 (2007) 2113–2136, Elsevier, Date Accessed 7/23/15, JL @ DDI

Asset forfeiture policies, like performance bonuses for schools, hospitals, or managers, provide financial incentives to align local agents' interests with those of policy-makers. In a federal system, where different intervening levels of government may have competing interests and social goals, such incentive programs may not work as efficiently as intended. Our analysis of asset seizure laws shows that these financial incentives change the behavior of not only police but also county governments. Both respond to the incentives created by seizures laws in a sophisticated way. Local governments capture a significant fraction of the seizures that police make by reducing their other allocations to policing, partially undermining the statutory incentive created by seizure laws. They are more likely to do so in times of fiscal distress. Police, in turn, respond to the real net incentives for seizures once local offsets are taken into account, not simply the incentives set out in statute. When police are really allowed to keep the assets they seize, they increase anti-drug policing. A simple analysis of the effects of asset forfeiture laws, as they appear on the books, would provide a distorted view of their effects. These findings have strong implications for the effectiveness of using financial incentives to solve agency problems in the provision of public goods in a federal system more broadly, from education to health care to welfare. In particular, they suggest that the ability to influence public agents through federal and state laws is limited by the ability of local governments to divert funds to other uses. Ignoring this yields a misleading picture of the responsiveness of local agents to incentives and the effectiveness of federal and state policies. Understanding the financial incentives faced by each agency and each level of government involved in the budget process is a complicated but crucial component of designing policies to affect the provision of public goods. As in private markets, when incentives can be made to reach the agents in question, they can be very effective and powerful tools for influencing behavior. In the case of public goods provided in a federal system, however, optimal policies must account for the responses of intervening levels of governments to incentives as well.

Heg Turn (Can be Impact Scenarios to I-Law)

Breaking drug treaties causes a loss of America's standing

Lopez 9/12/**14**

(German, writer @ Vox, 9/12/14 “How much of the war on drugs is tied to international treaties?”, Vox, http://www.vox.com/cards/war-on-drugs-marijuana-cocaine-heroin-meth/war-on-drugs-international-treaties, Date Accessed 7/27/15, JL @ DDI)

Still, Martin Jelsma, an international drug policy expert at the Transnational Institute, argued that ignoring or pulling out of the international drug conventions could seriously damage America's standing around the world. "Pacta sunt servanda ('agreements must be kept') is the most fundamental principle of international law and it would be very undermining if countries start to take an 'a-la-carte' approach to treaties they have signed; they cannot simply comply with some provisions and ignore others without losing the moral authority to ask other countries to oblige to other treaties," Jelsma wrote in an email. "So our preference is to acknowledge legal tensions with the treaties and try to resolve them." To resolve such issues, many critics of the war on drugs hope to reform international drug laws in 2016 during the next General Assembly Special Session on drugs. "There is tension with the tax-and-regulate approach to marijuana in some jurisdictions," Malinowska-Sempruch said. "But it's all part of a process, and that's why we hope the UN debate in 2016 is as open as possible, so that we can settle some of these questions and, if necessary, modernize the system." Until then, any country taking steps to revamp its drug policy regime could face criticisms and a loss of credibility from its international peers.

Failure to maintain U.S. hegemony would cause global instability—nuclear proliferation, territorial disputes and escalation become inevitable

The Economist, 2013 [“If I ruled the world,” from the print edition, Nov. 23, http://www.economist.com/news/special-report/21590098-being-charge-hard-work-it-has-its-perks-if-i-ruled-world, 7-3-2014, RGorman]
The corollary is that, without the continuing application of American power, the system would begin to fray. If America were to become weaker or to withdraw, its values would erode along with its power. In a recent book Mr Brzezinski set out some of the risks. Regional powers would vie for pre-eminence and assert their historic claims. States such as Georgia, Taiwan and Ukraine, which all live in the shadow of a much bigger neighbour, would be especially vulnerable. Nuclear-threshold powers like Japan and South Korea that today are content to rely on American nuclear protection may proliferate for fear that, in a crisis, its ally would not credibly threaten to push the button. As emerging powers start to feel that institutions such as the UN Security Council no longer reflect the balance of power, they could begin to reject them. The implications are alarming. Autocratic states like China and Russia would not want to see strongmen pushed aside. Coups would be more likely to be defined as internal matters. Territorial disputes in places like the South China Sea, which today America insists must be dealt with diplomatically, may come to be resolved by force. If the Indian and Chinese navies thought that America could no longer guarantee to keep the sea lanes open, they would take the job on themselves, eventually leading to military competition between two nuclear states. Americans have many reasons to feel that primacy benefits them. Being able to set the agenda and shape coalitions is an exorbitant privilege. So is being able to prosper in a system that broadly works according to your own world view. However, world leadership takes constant maintenance. “Democracy and open markets have spread so widely in part because they have been defended by US aircraft-carriers,” notes Charles Kupchan, an American academic. This is especially true when the balance of power is shifting, as it is today. A number of emerging powers are looking at a system made in Washington to see what is in it for them. Ahead of the pack is China.

Heg Turn Extensions

Recent flirtations with retrenchment proves that instability and war will only worsen if heg continues to decline

Hiatt, Editor for the Washington Post, **2014** [Fred, The Washington Post, "Fred Hiatt: Will Obama Rethink his Global Strategy?," March 23, http://www.washingtonpost.com/opinions/fred-hiatt-will-obama-rethink-his-global-strategy/2014/03/23/75ce4eae-af93-11e3-a49e-76adc9210f19_story.html, 8-8-2014, RGorman]

As the United States retrenched, the world became more dangerous. China continued a traditional — 19th-century, Secretary of State John F. Kerry might call it — military buildup, accompanied by aggressive territorial assertions in East and Southeast Asia. Tensions built among Japan, the Koreas and China as all wondered about America's staying power. (The joke was that everyone in the world believed the pivot to Asia was real, except Asian allies, who saw little evidence of it.) North Korea's nuclear buildup proceeded unchecked. Egypt's government is more repressive than in Hosni Mubarak's days — and less friendly to the United States. In 2013, freedom regressed in 54 countries, compared with 40 in which it advanced — the eighth straight year of net decline, according to Freedom House. In Syria, Obama was confident two years ago that Assad's "days are numbered," as he told Jeffrey Goldberg in an interview in the Atlantic. "It's a matter not of if, but when." He periodically promised, but never delivered, substantial arms and training for moderate forces opposed to Assad. Meanwhile, Assad's position strengthened, even as he brought about what a U.N. official calls "the greatest humanitarian disaster since Rwanda." Al-Qaeda forces established havens from which they can threaten the United States and Europe, and they are spreading into Lebanon and Iraq. Now Putin has engineered the baldest violation of state sovereignty since Saddam Hussein invaded Kuwait in 1990. Obama has responded sensibly with sanctions aimed at Putin's inner circle and promises to bolster Ukraine. You can argue whether he has calibrated exactly right, but he has appropriately engaged with and led the United States' European partners. But these are early steps — and they are also only tactical steps. As the administration refashions its policy toward a changed Europe, will it reexamine its broader strategy, too? Will Obama question his confidence that the United States can safely pull back from the world? The instinctive White House response will be to head into the political bunker: to deny that it ever displayed isolationist tendencies while painting critics as wild-eyed warmongers. This reflexive belligerence is understandable given that Obama's political enemies will happily use overseas setbacks to score points. But the stakes are too high to leave the debate in those trenches. Tempting as it may be, the United States doesn't get to choose between nation-building at home and leadership abroad; it has to do both. With almost three years left in his presidency, it's not too late for Obama to change course.

Softpower Turn (Can be Impact Scenarios to I-Law)

Violating treaties collapses US soft power

Koh, 2003

(Harold Hongju, Professor of International Law at Yale Law School, "On American Exceptionalism", Stanford Law Reivew Vol. 55, p. 5000, LexisNexis, Date Accessed 7/27/15, JL @ DDI)

Similarly, the oxymoronic concept of "imposed democracy" authorizes top-down regime change in the name of democracy. Yet the United States has always argued that genuine democracy must flow from the will of the people, not from military occupation. n67 Finally, a policy of strategic unilateralism seems unsustainable in an interdependent world. For over the past two centuries, the United States has become party not just to a few treaties, but to a global network of closely interconnected treaties enmeshed in multiple frameworks of international institutions. Unilateral administration decisions to break or bend one treaty commitment thus rarely end the matter, but more usually trigger vicious cycles of treaty violation. In an interdependent world, [*1501] the United States simply cannot afford to ignore its treaty obligations while at the same time expecting its treaty partners to help it solve the myriad global problems that extend far beyond any one nation's control: the global AIDS and SARS crises, climate change, international debt, drug smuggling, trade imbalances, currency coordination, and trafficking in human beings, to name just a few. Repeated incidents of American treaty-breaking create the damaging impression of a United States contemptuous of both its treaty obligations and treaty partners. That impression undermines American soft power at the exact moment that the United States is trying to use that soft power to mobilize those same partners to help it solve problems it simply cannot solve alone: most obviously, the war against global terrorism, but also the postwar construction of Iraq, the Middle East crisis, or the renewed nuclear militarization of North Korea.

Only soft power solves terrorism – appeals to moderates and public diplomacy

Nye, 04 (Joseph S, Former Dean of Kennedy School of Government at Harvard University and Distinguished Service Professor at Harvard, "The Decline of America's Soft Power: Why Washington Should Worry," Foreign Affairs, Vol. 83, No. 3, May-June 2004, pp. 16-20, JSTOR)

Soft power, therefore, is not just a matter of ephemeral popularity; it is a means of obtaining outcomes the United States wants. When Washington discounts the importance of its attractiveness abroad, it pays a steep price. When the United States becomes so unpopular that being pro-American is a kiss of death in other countries domestic politics, foreign political leaders are unlikely to make helpful concessions (witness the defiance of Chile, Mexico, and Turkey in M arch 2003) And when U.S. policies lose their legitimacy in the eyes of others, distrust grows, reducing U.S. leverage in international affairs. Some hardline skeptics might counter that, whatever its merits, soft power has little importance in the current war against terrorism; after all, Osama bin Laden and his followers are repelled, not attracted, by American culture and values. But this claim ignores the real metric of success in the current war, articulated in Rumsfeld's now-famous memo that was leaked in February 2003: "Are we capturing killing or deterring and dissuading more terrorists every day than the madrassas and the radical clerics are recruiting training and deploying against us?" **The current struggle against Islamist terrorism is not a clash of civilizations**; it is a contest closely tied to the civil war raging within Islamic civilization between moderates and extremists. The United States and its allies will win only if they adopt policies that appeal to those moderates and use public diplomacy effectively to communicate that appeal. Yet the world's only superpower, and the leader in the information revolution, spends as little on public diplomacy as does France or the United Kingdom-and is all too often outgunned in the propaganda war by fundamentalists hiding in caves.

Welfare Northwestern

Virtual Rights CP

1NC

The United States Federal Judiciary should establish an explicit set of virtual rights using information communication technologies

The counterplan solves the welfare surveillance state

Fitzpatrick 2000 (Tony Fitzpatrick University of Nottingham, Tony Fitzpatrick - degree in Literature and Philosophy and a Masters degree in Politics and Political Philosophy -PhD in 1996 from Edinburgh University on the subject of Basic Income "Critical cyberpolicy: network technologies, massless citizens, virtual rights" csp.sagepub.com/content/20/3/375.refs?patientinform-links=yes&legid=spcsp;20/3/375)

How can we formulate alternatives to this kind of approach? The essential point made so far is that cybercriticalism is that which focuses upon (a) the reciprocal interactions of online and offline environments, and (b) the socially damaging results of those interactions due to the virtual reproduction of real inequalities. The job of social policy is to emphasize the influence which deregulatory capitalism is having upon social welfare and collective institutions and values, for if left unchallenged it is the worrying consequences of ICTs [Information and Communication Technologies] that are likely to emerge given the effects of the offline free market environment. The task, then, is to ask the following question: how do we deploy ICTs and how do we reform welfare systems in such a way that cyberpolicies work towards the objective of social justice? This section will provide a preliminary response to this question. We begin with someone whose ideas provide the standard terms of reference: T. H. Marshall.¶ Earlier, I observed that as much attention should be paid to the social rights of cyberusers as to their civil and political rights. The problem is that Marshall provides little guidance in this respect. Many have criticized him for overestimating the extent to which the welfare state had replaced a class society and for ignoring the possibility that the former was itself the latest, though not necessarily the final, stage of class struggle (Turner, 1993). Marshall's conception of a hyphenated citizenship, where market value, democratic value and welfare value are held together in a creative tension, **underestimated the endurance of free market capitalism and the commodifying tendencies of the welfare state itself**. If, by contrast, we interpret the classic welfare state as the bureaucratization and only partly decommodification of market capitalism, then our allegiance to it (as opposed to our allegiance to the principle of social justice) can be profitably weakened. Marshall was on stronger ground when trying to identify entitlements which were 'beyond' social rights, i.e. industrial rights, whereby welfare citizenship could be extended more firmly into the economic sphere. Within the context of market capitalism, however, such industrial rights can never be anything other than an appendage to the other categories of rights (Giddens, 1981) and socialist commentators were correct to point out that the institutional embodiment of industrial rights required another socio-economic context altogether.¶ Yet because of the socio-economic changes that Marshall never lived to fully see I propose an alternative category to that of industrial rights: **virtual rights**, these being rights possessed by massless citizens which overlap with, but are nevertheless distinct from, their civil, political and social rights (see Tambin, 1998: 103–7). In short, we still need a category that is 'beyond' those of the classic triumvirate and which posits a post-capitalistic socio-economic context. (I should add that I regard virtual rights to be a subset of global citizenship alongside 'ecological rights' and 'cultural rights'.) That context, however, has to allow for changes to the nature of production and consumption and so cannot simply refer back to the economistic industrialism of productivist socialism (Fitzpatrick, 1998b). So, the concept of 'virtual rights' has a heuristic intent: to tease out and lead us toward the possible dimensions of that post-productivist context.¶ The 'massless citizen' is the ghostly inhabitant of the information society and the term is meant to conceptualize the fact that with the integration and comparison of computer files we each have an electronic shadow or doppelganger, a 'data-self' (Lacy, 1996: 162–3; Fisher, 1997: 120). Sometimes this virtual self is nothing more than a cyberreflection of the real person; increasingly, though, the flesh and blood person is being treated as an inferior version of their data-shadow, as in the case of a credit check or a CCTV scan. It all depends upon whether we possess our data-selves or whether we are possessed by them. The aim of cybercriticalism is to work out how social policies can be used to ensure that it is individuals who possess their data-selves and not the other way around. So, somebody does not have to be logged into the Internet (a netizen) to become massless: in an information society, even the most computer illiterate person is a massless citizen in that they have an online virtuality which is sometimes a simulation of, and sometimes simulates, their offline realities.¶ We are all massless citizens, then, because we are all caught and implicated within the informational webnet of the state–market nexus. However, and as already argued, some (the wealthy) are more able to control and benefit from this web, evading the predatory dangers within. So, whereas the term 'digital citizen' focuses simply upon online–offline interactions (Morrison, 1999), 'massless citizen' is meant to encompass both digitality and social hierarchy: the 'digital hierarchy' (see Schiller, 1996: 96–107). For masslessness implies both virtuality—streams of data that are without mass (photons)—and post-collectivism—a society where the masses are no longer said

to exist; and it is precisely the shift to an informatic, post-collectivist society that has exacerbated social and class divisions.¶ **Virtual rights can be thought of as the fundamental entitlements of massless citizens: their purpose being to suppress the disempowering tendencies of network technologies by conjoining online and offline environments as a goal of social policy-making and permitting collective forms of identity and association to be reconstructed.** They place the emphasis upon the informatic empowerment of the individual for its own sake (Steele, 1998) rather than upon the competitive needs of the economy (Bangemann, 1994; Moore, 1998). First, they are offline-to-online rights, i.e. possessed by citizens with regard to the accuracy of the information which is held on them by both public and private agencies. Second, they are online-to-offline rights in that they relate to the uses to which that information is put and so to whether it is our virtual selves that do or do not predominate in our social and economic interactions.¶ In many respects, virtual rights have already been placed on the agenda by civil liberties groups campaigning for updated Freedom of Information Acts suited to the cyberage and against proposals such as those for the surrender of encryption keys and those contained in the Communications Decency Act of 1996.13 Equally, we have seen that virtual activity can be unlawful even when no offline effects have been detected. The designers of an anti-abortion website were successfully prosecuted in 1999 for implicitly encouraging violence against doctors and clinics performing abortions; and a male university student was expelled several years earlier for a graphic online description of the rape, mutilation and murder of a female student, even though she never encountered her assailant at all. We can therefore define virtual rights as rights that are concerned (a) with the complex offline–online interfaces which affect all citizens in an information society, and (b) with addressing online and offline inequalities. Virtual rights may be conceived as a fourth right of global citizenship, but perhaps also as a prosthetic addition to the classic triumvirate.14

Legalism K

1NC

The discourse of progressivism and reform conceal legacies of oppression – causes war, administrative violence, and turns the case

Dillon 13 (http://www.tandfonline.com/doi/pdf/10.1080/0740770X.2013.786277, "It's here, it's that time:" Race, Queer Futurity, and the temporality of violence in Born in Flames, May 23, 2013, Stephen Dillon, writer and philosopher)

The revolutionary state replicates the past through discourses of reform, progress, and patience. By tracing the debates, tactics, and theories of aboveground and underground feminist revolutionaries organizing for a revolution against the revolution, Born in Flames challenges the imagination and fantasies of the state and labor, and the future such visions instantiate. It also critically intervenes in futures imagined by the national liberation movements of the 1960s and 1970s: futures often normalized and restrained by the heterosexist and patriarchal regulation of gender and sexuality. To the extent that it builds off of the insights and theories of women-of-color feminism, Born in Flames produces a politics of futurity that exceeds the imagination of the state, labor, and the revolutionary Left. Critically, the film produces a theory of the future and time where the continuation of the present as it is means that the future will not come. A critique of the state is central to this politics. If the state organizes populations, institutions, and forms of knowledge through a regulatory imagination and disciplined vision, it also determines the future in the same manner. The state ensures that the future can be extrapolated from the present by managing, contorting, and eradicating the future before it arrives. It uses preemptive action (war, assassination, incarceration, policing, administrative violence, and surveillance) to make its "imagined future come to pass" (Martin 2007, 63). For the Women's Army, in the future that is no future – when "things are better now" but state and non-state violence continue to target racialized and gendered populations in the same way but under a new name – the only way to usher in a future that is not an end is to make the present expire. Hope means that tomorrow (as it is, as it has been, and as it will be) cannot come. As I understand it, the film's critique of the time of reform and progress holds profound implications for how we think about the future. Unlike traditional dystopic science-fiction films that are often set decades (if not centuries) in the future and that attempt to paint a picture of what will be if an aspect of the present is not undone, the dystopia of Born in Flames – one marked by surveillance, assassination, incarceration, state racism and heterosexism, and sexual violence – is the truth of our past and present. In other words, the future within the film is not the future that awaits us, but the present and past we are and have been living. Born in Flames does not show us what is coming, but what is here – what has always been here. This is evident in the ways that the film undoes the fabricated division between fact and fiction. In an interview, director Lizzie Borden describes the film as inhabiting a "border line between what is present and therefore documentary and what would be fiction, and therefore science fiction" (Borden and Sussler 1983, 27). The film is an ostensible documentary of the near future, but also uses fiction to produce forms of knowledge that exceed the epistemological boundaries of the state, the non-profit, the university, and the social order. Indeed, the film was conceived, filmed, and released at the moment when new modes of governance based on the prison, the market, and the non-profit emerged.2 In particular, the urgency and impatience of the Women's Army produces a politics and epistemology that undermines the temporalities of progress and reform central to the state and the heterosexist and

patriarchal regulations of revolutionary nationalisms (Ferguson 2004). The film's critique of the forms of knowledge central to the state, white supremacy, and heteropatriarchy is evident in its engagement with the relationship between time and violence – what I call the temporality of violence. Women & Performance: a journal of feminist theory 39 Downloaded by [Northwestern University] at 17:19 20 July 2015 In this essay, I consider the different temporalities in the film and their relation to state, non-state, and revolutionary forms of violence in order to think through the debate in queer studies concerning hope and the future. This debate has centered on psychoanalysis, popular culture, and the aesthetics of art and literature, yet what is often missing are the theories and histories of radical and revolutionary activists who contested the unbearable weight of the present in the hope of creating something else. While much of this debate has centered on the ideological and libidinal labor of the concept of the future, here I am concerned with theories of time and violence and their relation to the future.3 Even after 30 years, Born in Flames raises pressing questions about the relationship between time, violence, race, sexuality, and gender. I situate the film's engagement with the politics of temporality within the writings of 1970s activists who theorized the relationship between race, time, and violence. In particular, I argue that by showing the continuity between the racialized and gendered violence of the past, present, and future, the film constructs an anticipatory queer politics of urgency and presentism. Additionally, the film gestures toward an anti-social politics that arise out of, not despite, the constitutive violence that produces and regulates race, gender, and sexuality. In other words, the Women's Army does not deny the future and hope for its end because they miscalculated the power of racialized and gendered subjection. Rather, they hope for the end of the future precisely because they understand the power of anti-blackness, white supremacy, and heteropatriarchy.

Reject the system instead of trying to reform it – the plan just perfects the systems of oppression – vote NEG to burn them down

Farley '05 (Anthony Paul, Professor of Law @ Boston College, "Perfecting Slavery", 1/27/2005, http://lawdigitalcommons.bc.edu/cgi/viewcontent.cgi?article=1028&context=lsfp)

VII. **BURN** What is to be done? Two hundred years ago, when the slaves in Haiti rose up, they, of necessity, burned everything: They burned San Domingo flat so that at the end of the war it was a charred desert. Why do you burn everything? asked a French officer of a prisoner. We have a right to burn what we cultivate because a man has a right to dispose of his own labour, was the reply of this unknown anarchist. 48 The slaves burned everything because everything was against them. Everything was against the slaves, the entire order that it was their lot to follow, the entire order in which they were positioned as worse than senseless things, every plantation, everything. 49 "**Leave nothing white behind you**," said Toussaint to those dedicated to the end of white-overblack. 50 "God gave Noah the rainbow sign. No more water, the fire next time." 51 The slaves burned everything, yes, but, unfortunately, they only burned everything in Haiti. 52 Theirs was the **greatest and most successful revolution in the history of the world** but the failure of their fire to cross the waters was the great tragedy of the nineteenth century. 53 At the dawn of the twentieth century, W.E.B. Du Bois wrote, "The colorline belts the world." 54 Du Bois said that the problem of the twentieth century was the problem of the colorline. 55 The problem, now, at the dawn of the twenty-first century is the problem of the colorline. The colorline continues to belt the world. Indeed, the slave power that is the United States now threatens an entire world

with the death that it has become and so the slaves of yesterday, today, and tomorrow, those with nothing but their chains to lose, must, if they would be free, if they would escape slavery, win the entire world. VIII. TRAINING We begin as children. We are called and we become our response to the call. Slaves are not called. What becomes of them? What becomes of the broken-hearted? The slaves are divided souls, they are brokenhearted, the slaves are split asunder by what they are called upon to become. The slaves are called upon to become objects but objecthood is not a calling. The slave, then, during its loneliest loneliness, is divided from itself. This is schizophrenia. The slaves are not called, or, rather, the slaves are called to not be. The slaves are called unfree but this the living can never be and so the slaves burst apart and die. The slaves begin as death, not as children, and death is not a beginning but an end. There is no progress and no exit from the undiscovered country of the slave, or so it seems. We are trained to think through a progress narrative, a grand narrative, the grandest narrative, that takes us up from slavery. **There is no up from slavery**. The progress from slavery to the end of history is the progress from white-over-black to white-over-black to white-overblack. The progress of slavery runs in the opposite direction of the pastpresent-future timeline. The slave only becomes the perfect slave at the end of the timeline, only under conditions of total juridical freedom. It is only under conditions of freedom, of bourgeois legality, that the slave can perfect itself as a slave by freely choosing to bow down before its master. The slave perfects itself as a slave by offering a prayer for equal rights. The system of marks is a plantation. The system of property is a plantation. **The system of law is a plantatio**n. These plantations, all part of the same system, hierarchy, produce white-overblack, white-over-black only, and that continually. The slave perfects itself as a slave through its prayers for equal rights. The plantation system will not commit suicide and the slave, as stated above, has knowing non-knowledge of this fact. The slave finds its **way back from the undiscovered country only by burning down every plantation**. When the slave prays for equal rights it makes the free choice to be dead, and it makes the free choice to not be. Education is the call. We are called to be and then we become something. We become that which we make of ourselves. We follow the call, we pursue a calling. Freedom is the only calling—**it alone contains all possible directions, all of the choices that may later blossom into the fullness of our lives**. We can only be free. Slavery is death. How do slaves die? Slaves are not born, they are made. **The slave must be trained to be that which the living cannot be.** The only thing that the living are not free to be is dead. The slave must be trained to follow the call that is not a call. The slave must be trained to pursue the calling that is not a calling. The slave must be trained to objecthood. The slave must become death. Slavery is white-over-black. White-over-black is death. White-over-black, death, then, is what the slave must become to pursue its calling that is not a calling.

Replace Welfare CP – Neg

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Text: The fifty states should guaranteed a basic income for persons living each respective state without conditions.

The states can guarantee income

Mitchell, 13

(Dan, "Decentralization and Federalism Is the Libertarian Way to Determine Whether a Basic Income Is Practical or Desirable," http://www.libertarianism.org/columns/decentralization-federalism-is-libertarian-way-determine-whether-basic-income-is-practical)

They're right, but there's actually a better way of approaching the issue. Why not take all income-redistribution programs, **put them into a single block grant**, and then transfer the money – and responsibility – to state governments? In an ideal world, the block grant would gradually diminish so that states would be responsible for both the collection and disbursement of all monies related to welfare. But that's a secondary issue. The main benefit of this federalist approach is that you stop the Washington-driven expansion of the welfare state and you trigger the creation of **50 separate experiments on how best to provide a safety net**. Some states might choose a basic income. Others might retain something very similar to the current system. Others might try a workfare-based approach, while some could dream up new ideas that wouldn't stand a chance in a one-size-fits-all system run out of Washington, DC. And as states adopted different systems, they could learn from each other about what works and what doesn't work. And since it's easier to influence decisions that are closer to home, taxpayers at the state level almost certainly would have more ability to impact what happens with their money. Moreover, there's actually some evidence that this **approach is practical**. The 1996 welfare reform legislation isn't a perfect analogy, but the core feature of that law was the elimination of a national entitlement and the provision of a block grant so that states could decide (with some strings attached) **how to deal with poverty.** By most measures, the 1996 reform was a success, with Ron Haskins of the Brookings Institution explaining that it resulted in lower levels of welfare dependency and reductions in child poverty. This isn't to say the 1996 law was ideal. The advantage of a comprehensive federalist approach is that policy experts can push states to experiment with different policies. And given the vast differences between various American states, it's almost guaranteed that there will be lots of diversity. This diversity not only will inform policy makers about what works and what doesn't work. It also will satisfy the libertarian desire to get Washington out of the business of income distribution, while presumably producing a system that actually does a better job of helping the less fortunate escape government dependency. In other words, **all the advantages of the basic income plan without the potential system-wide downsides.**

A guaranteed income would reduce the humiliations of the current welfare system while promoting individual responsibility

Feeney 13 (Matthew Feeney – Before coming back to the U.S. Matthew worked in London for the Institute of Economic Affairs and at the Headquarters of the Liberal Democrats. He moved to Washington, D.C. to take part in the Institute for Humane Studies' journalism program at The American Conservative and was assistant editor of Reason.com – "Scrap the Welfare State and Give People Free Money" – Reason.com – November 26, 2013 – http://reason.com/archives/2013/11/26/scrap-the-welfare-state-give-people-free)

In 2008, Charles Murray wrote that a guaranteed income for all American adults over the age of 21 who are not in prison of $10,000 a year that **would replace all current welfare programs** as well as agricultural subsidies and corporate welfare **would be cheaper than maintaining the current welfare system** in the coming decades. It is important to point out that under Murray's proposal, which is outlined fully in his book In Our Hands: A Plan to Replace the Welfare State, after someone's total annual income reached

$25,000 a 20 percent surtax tax would be imposed on "incremental earned income," capped at $5,000 once someone earns $50,000 a year. Murray's plans also requires that $3,000 of the $10,000 grant be spent on health insurance. Of course giving every non-incarcerated American over the age of 21 $10,000 (or the current poverty line of $11,490) a year with Murray's surtax plan **in place of all corporate welfare and the entirety of the welfare state** (including Social Security, Medicaid, and Medicare) would not be cheap, but it **would be more efficient**, because it is a simple cash transfer, and would be easier to fund were other libertarian budget proposals considered, such as cuts to defense spending. Those who are not fans of Murray's guaranteed income may be more open to Milton Friedman's negative income tax, which would not guarantee a set income for every adult, but would provide payments to Americans based on how much below a certain threshold they earned. Like Murray's guaranteed income, Friedman's negative income tax would be financed through wealth redistribution. Some libertarians may not be fans of a guaranteed or basic income because such a system would, they argue, disincentivize work. Murray believes that **his surtax scheme would incentivize work** after someone began earning over $25,000. Friedman wrote that the **negative income tax** "reduces the incentives of those helped to help themselves, but it **does not eliminate that incentive** entirely, as a system of supplementing incomes up to some fixed minimum would. An extra dollar earned always means more money available for expenditure."

GI solves poverty – even under worst circumstances

Murray 8 (Charles Murray – Charles Murray is a political scientist, author, and libertarian. He first came to national attention in 1984 with the publication of Losing Ground, which has been credited as the intellectual foundation for the Welfare Reform Act of 1996. His 1994 New York Times bestseller, The Bell Curve (Free Press, 1994), coauthored with the late Richard J. Herrnstein, sparked heated controversy for its analysis of the role of IQ in shaping America's class structure. Murray's other books include What It Means to Be a Libertarian (1997), Human Accomplishment (2003), In Our Hands (2006), and Real Education (2008), and Coming Apart (2012). His most recent book, "By the People: Rebuilding Liberty Without Permission" (Crown Forum, 2015) urges Americans to stem governmental overreach and use America's unique civil society to put government back in its place. – "Guaranteed Income as a Replacement for the Welfare State" – The Foundation for Law, Justice and Society – October 30, 2008 – http://www.fljs.org/files/publications/Murray.pdf)

The immediate effect of the GI is to end involuntary poverty among the working-aged as well as the elderly. In a world where every adult starts with US$10,000 a year, no one needs to go without decent food, shelter, clothing, and the amenities of life. This statement holds even after taking the expenses of retirement and medical care into account. To summarize the detailed calculations presented in the book, assuming that US$3000 of the grant is devoted to health care (by requirement) and US$2000 is devoted to a retirement fund (voluntarily), leaving US$5000 per person per year, **surpassing the official poverty line under the GI is easy for people in a wide range of living circumstances, even in a bad economy with substantial periods of unemployment, and even assuming jobs at the minimum wage.**

Poverty kills billions of people

DS 5/23/15 (Do Something .Org – One of the largest global orgs for young people and social change, our 3.9 million members tackle campaigns that impact every cause, from poverty to violence to the environment to literally everything else. – "11 Facts about Global Poverty" – DoSomething.org – May 23 2015 – https://www.dosomething.org/facts/11-facts-about-global-poverty)

Nearly 1/2 of the world's population — **more than 3 billion people** — live on less than $2.50 a day. More than 1.3 billion **live in extreme poverty** — less than $1.25 a day. 1 billion children worldwide are living in poverty. According to UNICEF, **22,000 children die each day due to poverty**. 805 million people worldwide do not have enough food to eat. Food banks are especially important in providing food for people that can't afford it themselves. Run a food drive outside your local grocery store so people in your community have enough to eat. Sign up for

Supermarket Stakeout. More than 750 million people lack adequate access to clean drinking water. Diarrhea caused **by inadequate drinking water, sanitation, and hand hygiene kills an estimated 842,000 people every year globally**, or **approximately 2,300 people per day**. In 2011, 165 million children under the age 5 were stunted (reduced rate of growth and development) due to chronic malnutrition. Preventable diseases like **diarrhea and pneumonia take the lives of 2 million children a year who are too poor to afford proper treatment**. As of 2013, 21.8 million children under 1 year of age worldwide had not received the three recommended doses of vaccine against diphtheria, tetanus and pertussis. 1/4 of all humans live without electricity — approximately 1.6 billion people. 80% of the world population lives on less than $10 a day. Oxfam estimates that it would take $60 billion annually to end extreme global poverty--that's less than 1/4 the income of the top 100 richest billionaires. The World Food Programme says, "The poor are hungry and their hunger traps them in poverty." **Hunger is the number one cause of death in the world, killing more than HIV/AIDS, malaria, and tuberculosis combined**.

2NC – Solvency

States are the ones who implement the surveillance – the CP solves the case

Rachel **Levinson-Waldman, 15** Senior Counsel to the Brennan Center's Liberty and National Security Program, Why the Surveillance State Is Everybody's Problem, https://www.brennancenter.org/blog/why-surveillance-state-everybodys-problem

There's been much controversy around the New York City Police Department's stop and frisk program, which unfairly ensnared tens of thousands of young minority men. But new reports show the NYPD's tactics are evolving. Now, the Department is monitoring Facebook, Twitter, Instagram, and YouTube accounts — particularly those of young African-American men— and residents have pointed to surveillance cameras liberally sprinkled throughout African-American neighborhoods. 8, and now affecting nearly every American in one way or another. We ignore this history at our peril; if we fail to act when one group finds itself targeted by the government, we will soon find we are all under the microscope. The developing welfare state provided the first opportunity to keep tabs on a disfavored community: the poor. Some states require drug tests for aid recipients. Others strictly limit the items that can be purchased with aid dollars. Most recently, Kansas banned welfare recipients from spending aid money at swimming pools, and if the Missouri legislature has its way, those on food stamps will no longer be able to buy canned tuna. Such restrictions are likely to be accompanied by bureaucratic tracking mechanisms as well as limits on using cash to facilitate monitoring of recipients' spending. The information in some welfare databases is shared extensively within the government, and recipients report that caseworkers are using their electronic welfare benefit cards to monitor their activities. These accumulations of data are also inevitably vulnerable to misuse. Cutting-edge technologies are prone to be targeted at communities of color as well. An advocacy group's deep dive into license plate records from Oakland, Calif., revealed that lower-income minority neighborhoods – regardless of their crime rates – were lined with the devices, while white wealthier neighborhoods could count on having their cars snapped with far less frequency. Another study conducted after a Michigan city installed surveillance cameras in residential neighborhoods found that African-American residents were twice as likely to be surveilled as their white neighbors.

Replacing welfare with guaranteed income solves poverty and inequality of welfare recipients

Feinauer 4/7/15 (JJ Feinauer – a writer and web producer for the National Edition of the Deseret News – "Will a guaranteed basic income replace welfare?" – Desert News National Beta – May 7, 2015 –

http://national.deseretnews.com/article/4381/Will-a-guaranteed-basic-income-replace-welfare.html#UIt4WFIlcxdAQ7Bp.99)

The efficiency of the American welfare state is no minor issue of debate. Each year, the president and Congress negotiate the best ways to distribute funds in the federal budget, and each year there are those who call for major reforms to the social safety net, from both the left and the right. Some, typically from the conservatives in Congress, call for reduced spending on welfare initiatives, while others, typically the liberals, call for increases and expansions. But are there any policies that meet in the middle? Replacing current welfare programs with a guaranteed basic income for all citizens is one idea that pops up now and again, precisely because it has supporters on both sides. According to Vox's Dylan Matthews, who highlighted basic income proposals on May 1 as part of International Worker's Day, **the idea of providing a minimum sum of money to all citizens could work to not only minimize poverty, but close or weaken the widening gap of income inequality**. So what, exactly, is a minimum income? According to the Basic Income Earth Network, "A basic income is an income unconditionally granted to all on an individual basis, without means test or work requirement." BIEN explains that basic income differs from more common welfare programs because it pays the individual, not the household, and it is unconditional. According to Matthews, **fears that providing a basic income would eliminate incentives to work** and throw the budget out of whack **may be reasonable, but there is evidence** (through some small-scale experiments) **that it would have little noticeable impact on these factors**. "The scale is likely to be modest," he wrote, "and the form that reduction in work effort takes could very well be good for the economy in the long run." One of the strangest aspects of basic income proposals, which Matthews handles at length, is that there is substantial support for it from both ideological extremes. On the conservative side, for example, libertarian political philosopher Matt Zwolinski joined the likes of economists Milton Friedman and John Kenneth Galbraith when he argued last year that **such a policy could potentially simplify the current federal bureaucracy, lower costs and provide greater protections to individual privacy**.

2NC – Poverty NB

GI is the best and only way to win the war on poverty – eliminating welfare programs key

VINIK 13 (DANNY VINIK – Before joining Business Insider, Danny Vinik wrote for his own blog, Political Algebra, on economics, politics, and occasionally sports. He graduated from Duke in 2013 with degrees in economics and public policy. He is a political reporter at Business Insider. – "Everyone's Talking about This Simple Solution to Ending Poverty by Just Giving People Free Money" – Business Insider – November 12, 2013 – http://www.businessinsider.com/giving-all-americans-a-basic-income-would-end-poverty-2013-11#ixzz3gY2kfYkn

In 2012, there were 179 million Americans between the ages of 21 and 65 (when Social Security would kick in). The poverty line was $11,945. Thus, giving each working-age American a basic income equal to the poverty line would cost $2.14 trillion. For some comparison, U.S. GDP was almost $16 trillion in 2012 and the defense budget was $700 billion. But a minimum income would also allow us to eliminate every government benefit as well. Get rid of SNAP, TANF, housing vouchers, the Earned Income tax credit and many others. Get rid of them all. A 2012 Congressional Research Service report found that **the federal government spends approximately $750 billion each year on benefits for low-income Americans and that rises to a clean trillion when you factor in state programs**. Eliminate all of those and the net figure comes out to $1.2 trillion needed to pay for a universal basic income, still a hefty sum. That doesn't mean there aren't ways to pay for it. The CBO found that a carbon tax would bring in nearly $100 billion a year for instance. Revenue would also increase automatically since everyone would have a basic income on which to pay taxes. The government could also offer a basic income of $6,000 a year instead of up to the poverty line. Funding a basic income for all working-age adults would not be easy and would

require a substantial increase in the size of government, but it's not impossible either. What are the benefits of a basic income? The clear one is that no American would live below the poverty line. **The U.S. has been waging the War on Poverty for a generation now and still nearly 50 million Americans are below the line. This would end that war with a decisive victory**. There are knock on effects as well. Americans would have greater leverage to demand higher wages and better working conditions from their employer thanks to the increased income security. Families could allow one parent to take time off to raise their kids. **Eliminating the numerous different government welfare programs would also lead to efficiency gains** as adults would simply receive their check in the mail and not have to waste time filling out paperwork at numerous different offices.

Poverty kills billions of innocent people – worse and more probable than their impact

EPC 11 (End Poverty Campaign – Hearts & Minds is a clearinghouse of helpful information, motivating people to get involved and showing how to make self-help, volunteering, and donations more effective. We work to reach people nationwide and globally through our website and public education and activism campaigns. – "Facts on World Hunger and Poverty" – Hearts and Minds – July 21, 2011 – http://www.heartsandminds.org/poverty/hungerfacts.htm)

Global Poverty Facts Every day, **poverty kills more than 50,000 innocent people - 18 million every year**. Source: World Health Organization (2004 report, most recent available, current deaths may be far higher due to global economic setbacks and the rising cost of food) These statistics account for one third of all human deaths. More people die as a result of extreme poverty than of any other cause. Source: WHO 2008 1.37 billion people live on less than $1.25 a day, and 2.56 billion live on less than $2 a day. Moreover, 5.05 billion people (**more than 80 percent of the world's population**) **live on less than $10 a day**. Source: World Bank 2005 Because of the global economic slowdown and rising food prices, FAO projects 100 million more people will suffer from poverty and chronic hunger by the end of 2009 - an 11% increase from 2008. Source: World Food Program 2009 Extreme poverty is increasingly concentrated in fragile states and territories, defined as those with very weak institutions and poor policies. These areas are home to 9 percent of the population living in developing countries, but nearly 27 percent of the extreme poor. These places are often sources of war, terrorism and refugee crises. Source: World Bank, Global Monitoring Report 2007 Top of Page Hunger & Poverty **8 million people die from lack of food and nutrition every year - about 24,000 deaths each day.** Source: FAO Hunger Report 2008 Every year, 5.8 million children die from hunger related-causes. Every day, that's 16,000 young lives lost. Source: FAO Hunger Report 2008 For the first time in history, over 1.02 billion people do not have enough to eat. That's one sixth of humanity - more than the population of the United States, Canada and the European Union combined. Source: FAO Hunger Report 2008 There are around one billion hungry people in the world: 642 million live in Asia and the Pacific, 265 million in Sub-Saharan Africa, 53 million in Latin America and the Caribbean, 42 in the Near East and North Africa. Fifteen million people in developed countries go hungry, around 1.5 percent of the total. Source: FAO 2010 The number of undernourished people in the world increased by 75 million in 2007 and 40 million in 2008, largely due to higher food prices. Source: FAO 2008 Top of Page Inequality & Poverty The GDP (Gross Domestic Product, total of everyone's income) in the poorest 48 nations is less than the combined wealth of the world's three richest people. Source: Global Issues Website 20% of the population in developed nations consumes 86% of the world's goods. Source: Global Issues Website Recent studies find that prices paid by the poor in developing countries are much higher than previous thought. They cannot buy as much food with $1 as they can in a country like United States. This shows that they're even poorer than reported in earlier studies. Source: World Bank 2009 The poorest 40% of the world's population accounts for 5% of the global income. The richest 20% of world's population accounts for three-quarters of world income. Source: Global Issues Website The average yearly income of the richest 20% of people in the world is about 50 times greater than the yearly income of the poorest 20% of people. Source: Human Development Report 2005 Top of Page Children & Poverty Photo of Chinese girl with smile is sitting at her deskAll children should have good food, good education, and an active, happy life Of the 2.2 billion children in the world, 600 million are victims of extreme poverty. Source: UNICEF 2008 Each year, over 10 million children in developing countries die before the age of five. More than half of these deaths are attributed to malnutrition, which claims a child's life every 5 seconds. Sources: World Development Indicators 2007, The

United Nations' World Food Program Under nutrition contributes to 53 percent of the 9.7 million* deaths of children under five each year in developing countries. This means that one child dies every six seconds from malnutrition and related causes. *Note that this statistic is different from the bullet point just above, due to different year of study: UNICEF 2005 Every year more than 10 million children die of hunger and preventable diseases - that's over 30,000 per day, or one every 3 seconds. Source: Global Poverty Facts Approximately 146 million children in developing countries, about 1 out of 4, are underweight. Source: The United Nations' World Food Program An estimated 250 million preschool children are vitamin A deficient. An estimated 250,000 to 500,000 vitamin A-deficient children become blind every year. Half of them die within 12 months of losing their sight. This is easily corrected with an inexpensive vitamin supplement. Source: World Health Organization New: It is estimated that 684,000 child deaths worldwide could be prevented by increasing access to vitamin A and zinc Source: World Food Program 2007 Top of Page Clean Water & Sanitation Photo of the water dropWe all need water to live **1.1 billion people don't have safe water and 2.6 billion lack basic sanitation**. Source: Human Development Report 2006 Dirty water and poor sanitation account for the vast majority of 1.8 million child deaths each year from diarrhea - almost 5,000 every day - making it the second largest cause of child mortality. . Source: Human Development Report 2006 Deaths from diarrhea can usually be prevented with very inexpensive oral rehydration salts. Source: Child Health Research Project Poor sanitation and drainage contribute to malaria, **which claims the lives of 1.3 million people a year, 90% of which are children under the age of five**.

Poverty is worse than death

Olson 14 (Samantha Olson – She earned her BA in Professional Writing with a Business Administration minor at King's College, and her MS in Journalism at Stony Brook University. Her graduate work focused on nutrition and exercise science, and continues to cover public health and wellness for women and children. – "Life of Poverty More Common for Children than Becoming Pregnant or Dying, And Possibly A Worse Fate" – Medical Daily – July 22, 2014 – http://www.medicaldaily.com/life-poverty-more-common-children-becoming-pregnant-or-dying-and-possibly-worse-fate-294274)

There are now more children living in poverty than becoming pregnant or dying prematurely, but it may not necessarily be good news considering the trials and tribulations that accompany a life of straits **could be a fate worse than death**. A new report published in the 25th edition of the Annie E. Casey Foundation's KIDS COUNT Data Book has revealed some startling news for the future of America's children and which states are best and worst to raise them in. The report assesses a child state-by-state on four factors: economic well-being, education, health, and their family and community. It found nearly 23 percent of children were living below the poverty line in 2012, and it's hypothesized the reason is behind low-income families' struggles to recover from the recession. Patrick McCarthy, the foundation's president and CEO, pointed out the pros and cons of what their data indicates and said in a press release that the public should be "encouraged" by improvements on several fronts, but "we must do much more." Teen birth rates dropped from 40 per every 1,000 teens in 2005 to 29 per births in 2012, along with the decrease of babies born at low birth weights. Child and teen deaths also dropped from 32 per every 100,000 in 2005 to only 26 in 2010, which shows a clear improvement. But the nagging numbers of poverty rate increases show less promise for the teens and adults these children will grow into one day. In 2012, there were three million more children living in poor families than in 2005. It's not just a life of wanting that could cripple a child's mental and emotional health, but also their physical well-being as well. One of the improvements for children living in low-income families in the past 20 years has been the increased access to health insurance through Medicaid expansions through the State Children's Health Insurance Program implemented in 1997. From 1990 to 2012, there was a four percent increase in the amount of children who were insured. However, McCarthy says the decrease of resource availability from government programs like Medicaid or Medicare will only make things worse for kids in the future and as higher housing and transportation costs increase, poor families stay poor. "We should strengthen our commitment and redouble our efforts until every child in America develops to full potential," McCarthy said. "We simply cannot afford to endanger the futures of the millions of low-income children who don't have the chance to experience high-quality early childhood programs and the thriving neighborhoods that higher-income families take for granted." Children who live in single-parent families are more likely to live below the poverty line, which generally concludes they'll have access to fewer resources. It's no surprise why it would be alarming to find there were 35 percent more children living in single-parent families in 2012 than in 2005. What Is Life Like For Children Who Live In Poverty? **Being poor is a reality too many children face in America today**. It is a frequent misconception many

well-off Americans have, that the poor are lazy or even take advantage of the government systems we have in place. Children do not choose to be raised in poverty and to scoff at a child who may go wanting day-to-day is an arguably shameful opinion to hold.

2NC – Overpopulation NB

GI decreases teenage pregnancies

Murray 8 (Charles Murray – Charles Murray is a political scientist, author, and libertarian. He first came to national attention in 1984 with the publication of Losing Ground, which has been credited as the intellectual foundation for the Welfare Reform Act of 1996. His 1994 New York Times bestseller, The Bell Curve (Free Press, 1994), coauthored with the late Richard J. Herrnstein, sparked heated controversy for its analysis of the role of IQ in shaping America's class structure. Murray's other books include What It Means to Be a Libertarian (1997), Human Accomplishment (2003), In Our Hands (2006), and Real Education (2008), and Coming Apart (2012). His most recent book, "By the People: Rebuilding Liberty Without Permission" (Crown Forum, 2015) urges Americans to stem governmental overreach and use America's unique civil society to put government back in its place. – "Guaranteed Income as a Replacement for the Welfare State" – The Foundation for Law, Justice and Society – October 30, 2008 – http://www.fljs.org/files/publications/Murray.pdf)

The GI obviously increases the economic penalty of having a baby for a single woman under twenty-one, who no longer has access to any of the existing welfare programmes for single mothers. The GI also increases the economic penalty on the parents of a teenaged mother who is still living at home, thereby also increasing their incentives to pressure the daughter to avoid pregnancy or to have an abortion. Under the GI, having a baby no longer triggers a benefits stream to defray their costs. The GI radically increases the economic penalties for fathers who are unemployed or working off the books. Under the current system, a child support law is meaningless because they have no visible income. Under the GI, every man aged twenty-one or older has a known income stream deposited to a known bank account every month that can be tapped by a court order. For teenaged fathers who are not yet old enough to be eligible for the grant, their obligation would accumulate until they turn twentyone, whereupon the child support law would force them to start paying it back.

Teenage pregnancies contribute to overpopulation

FN 8 (Fox News – The Fox News Insider is the official Blog of Fox News Channel. Established in June 2010, Fox News Insider delivers breaking news and show highlights just moments after they air on FNC. – "Expert: Teen Pregnancies Contribute to Overpopulation" – Fox News – March 14, 2008 – http://www.foxnews.com/story/2008/03/14/expert-teen-pregnancies-contribute-to-overpopulation.html)

Unwanted teen pregnancies and bouts of binge drinking are contributing to the world's unsustainable population growth, a World Health Organization academic said. John Gillebaud, a leading academic on birth control, reproductive health and population issues, told a conference in Canberra, Australia, that unprotected sex leading to unwanted pregnancies is the greatest threat to mankind. "Every single week a new city of 1.7 million could be created, and the current global population growth is unsustainable," he said, speaking via satellite from London. "Each year, there are around 80 million unwanted pregnancies and 30 million of these are aborted," he said. "The inconvenient truth is, the world is already overpopulated and soon we may experience shortages of food and water."

Overpopulation causes extinction

Humes no date (Edward Humes – I'm a Pulitzer Prize-winning journalist and author living in Southern California. My latest books are Garbology: Our Dirty Love Affair With Trash, and A Man and His Mountain: The Everyman Who Created Kendall-Jackson and Became America's Greatest Wine Entrepreneur. – "HUMAN

POPULATION GROWTH AND EXTINCTION" – Center for Biological Diversity – no date – http://www.biologicaldiversity.org/programs/population_and_sustainability/extinction/)

We're in the midst of the Earth's sixth mass extinction crisis. Harvard biologist E. O. Wilson estimates that 30,000 species per year (or three species per hour) are being driven to extinction. Compare this to the natural background rate of one extinction per million species per year, and you can see why scientists refer to it as a crisis unparalleled in human history. The current mass extinction differs from all others in being driven by a single species rather than a planetary or galactic physical process. When the human race — Homo sapiens sapiens — migrated out of Africa to the Middle East 90,000 years ago, to Europe and Australia 40,000 years ago, to North America 12,500 years ago, and to the Caribbean 8,000 years ago, waves of extinction soon followed. The colonization-followed-by-extinction pattern can be seen as recently as 2,000 years ago, when humans colonized Madagascar and quickly drove elephant birds, hippos, and large lemurs extinct [1]. Lange's metalmark butterfly from Amy Harwood. The first wave of extinctions targeted large vertebrates hunted by hunter-gatherers. The second, larger wave began 10,000 years ago as the discovery of agriculture caused a population boom and a need to plow wildlife habitats, divert streams, and maintain large herds of domestic cattle. The third and largest wave began in 1800 with the harnessing of fossil fuels. With enormous, cheap energy at its disposal, the human population grew rapidly from 1 billion in 1800 to 2 billion in 1930, 4 billion in 1975, and over 7 billion today. If the current course is not altered, we'll reach 8 billion by 2020 and 9 to 15 billion (likely the former) by 2050. No population of a large vertebrate animal in the history of the planet has grown that much, that fast, or with such devastating consequences to its fellow earthlings. Humans' impact has been so profound that scientists have proposed that the Holocene era be declared over and the current epoch (beginning in about 1900) be called the Anthropocene: the age when the "global environmental effects of increased human population and economic development" dominate planetary physical, chemical, and biological conditions [2]. Humans annually absorb 42 percent of the Earth's terrestrial net primary productivity,30 percent of its marine net primary productivity, and 50 percent of its fresh water [3]. Forty percent of the planet's land is devoted to human food production, up from 7 percent in 1700 [3]. Fifty percent of the planet's land mass has been transformed for human use [3]. More atmospheric nitrogen is now fixed by humans that all other natural processes combined [3]. The authors of Human Domination of Earth's Ecosystems, including the current director of the National Oceanic and Atmospheric Administration, concluded: "[A]ll of these seemingly disparate phenomena trace to a single cause: the growing scale of the human enterprise. The rates, scales, kinds, and combinations of changes occurring now are fundamentally different from those at any other time in history. . . . We live on a human-dominated planet and the momentum of human population growth, together with the imperative for further economic development in most of the world, ensures that our dominance will increase." Predicting local extinction rates is complex due to differences in biological diversity, species distribution, climate, vegetation, habitat threats, invasive species, consumption patterns, and enacted conservation measures. One constant, however, is human population pressure. A study of 114 nations found that human population density predicted with 88-percent accuracy the number of endangered birds and mammals as identified by the International Union for the Conservation of Nature [4]. Current population growth trends indicate that the number of threatened species will increase by 7 percent over the next 20 years and 14 percent by 2050. And that's without the addition of global warming impacts. Edward Humes When the population of a species grows beyond the capacity of its environment to sustain it, it reduces that capacity below the original level, ensuring an eventual population crash. "The density of people is a key factor in species threats," said Jeffrey McKee, one of the study's authors. "If other species follow the same pattern as the mammals and birds... we are facing a serious threat to global biodiversity associated with our growing human population." [5]. So where does wildlife stand today in relation to 7 billion people? Worldwide, 12 percent of mammals, 12 percent of birds, 31 percent of reptiles, 30 percent of amphibians, and 37 percent of fish are threatened with extinction [6]. Not enough plants and invertebrates have been assessed to determine their global threat level, but it is severe.Extinction is the most serious, utterly irreversible effect of unsustainable human population. But unfortunately, many analyses of what a sustainable human population level would look like presume that the goal is simply to keep the human race at a level where it has enough food and clean water to survive. Our notion of sustainability and ecological footprint — indeed, our notion of world worth living in — presumes that humans will allow for, and themselves enjoy, enough room and resources for all species to live.

AT: Perm Do Both

You can't do welfare and GI – it's too expensive and GI is better

Murray 8 (Charles Murray – Charles Murray is a political scientist, author, and libertarian. He first came to national attention in 1984 with the publication of Losing Ground, which has been credited as the intellectual foundation for the Welfare Reform Act of 1996. His 1994 New York Times bestseller, The Bell Curve (Free Press, 1994), coauthored with the late Richard J. Herrnstein, sparked heated controversy for its analysis of the role of IQ in shaping America's class structure. Murray's other books include What It Means to Be a Libertarian (1997), Human Accomplishment (2003), In Our Hands (2006), and Real Education (2008), and Coming Apart (2012). His most recent book, "By the People: Rebuilding Liberty Without Permission" (Crown Forum, 2015) urges Americans to stem governmental overreach and use America's unique civil society to put government back in its place. – "Guaranteed Income as a Replacement for the Welfare State" – The Foundation for Law, Justice and Society – October 30, 2008 – http://www.fljs.org/files/publications/Murray.pdf)

From a practical standpoint, Professor Etzioni's arguments for a GI in addition to the existing benefit system are moot. No matter how theoretically persuasive those arguments might be, **no Western nation can afford to add a significant GI to its existing commitments**. On the contrary, all Western nations need to restructure their existing benefit systems to avoid bankruptcy. **If a GI is to be financially feasible, it must replace existing programmes rather than augment them**. I regard this practical necessity as serendipitous. The real reason to scrap the advanced welfare state is that its apparatus is outmoded, ineffectual, and often counterproductive. Because this view is so central to the Right's potential support for a GI, some explanation of it is in order. The European and American welfare states evolved under the twin assumptions that resources were scarce and that government could allocate them effectively. The first assumption was true during the first half of the twentieth century, in the sense that no country had ever been so rich that its wealth, divided evenly among everyone, would provide everyone with a comfortable living. After World War II, in a few countries, wealth increased so much that, for the first time, there was enough money to go around. It was technically possible for no one to be poor. Much of the energy behind the social turmoil of the 1960s was fuelled by this revolutionary chang

AT: CP Disincentivizes Work

Studies prove GI doesn't decrease incentive to work

Mallett 2/4/15 (WHITNEY MALLETT – Whitney is a writer and video producer, especially interested in how technology intersects with art, privacy, and criminal justice. – Whitney is a writer and video producer, especially interested in how technology intersects with art, privacy, and criminal justice. – "The Town Where Everyone Got Free Money" – Motherboard – February 2, 2015 – http://motherboard.vice.com/read/the-mincome-experiment-dauphin)

Critics of basic income guarantees have insisted that giving the poor money would disincentivize them to work, and point to studies that show a drop in peoples' willingness to work under pilot programs. But in Dauphin—thought to be the largest such experiment conducted in North America—**the experimenters found that the primary breadwinner in the families who received stipends were in fact not less motivated to work than before**. Though there was some reduction in work effort from mothers of young children and teenagers still in high school—mothers wanted to stay at home longer with their newborns and teenagers weren't under as much pressure to support their families—the reduction was not anywhere close to disastrous, as skeptics had predicted.

AT: Aff Solves Poverty

The current welfare system has failed to life people out of poverty

Tanner 14 (Michael D. Tanner – Cato Institute senior fellow, Michael Tanner heads research into a variety of domestic policies with a particular emphasis on poverty and social welfare policy, health care reform, and Social Security. – "The Basic Income Guarantee: Simplicity, but at What Cost?" – CATO Unbound – August 26, 2014 – http://www.cato-unbound.org/2014/08/26/basic-income-guarantee-simplicity-what-cost)

And obviously we should be concerned that **the existing welfare system has utterly failed at its primary mission: lifting people out of poverty** and enabling them and their children to become independent and self-supporting members of society. Last year alone, the federal government spent nearly $700 billion to fund anti-poverty programs. State and local governments kicked in an additional $300 billion, bringing the total to roughly $1 trillion. Since the Start of the War on Poverty in 1965, we have spent nearly $19 trillion. Recent studies suggest that welfare programs did help to reduce the worst deprivations of material poverty, especially in their early years. But they have long since reached a point of diminishing returns. **We may have reduced the discomfort of poverty, but we have failed to truly lift people out of poverty**. Therefore I am sympathetic to the argument that some form of **guaranteed basic income would be an improvement over what we have today**. For example, while I am skeptical of some of the predicted administrative savings, there would be clear advantages to a simplified system. Second, it would treat poor people like adults, expected to save and budget, rather than doling out small allowances for those specific goods and services that the government believes they should have. Third, as Zwolinski notes, it helps break up the entrenched constituencies that support the welfare state.

A2 Privacy Adv

Privacy Advantage 1nc Frontline - Negative

(__) Status Quo Solves - Mandatory drug testing is already being curtailed in frequency and severity.

Budd 2011 (Jordan, Professor of Law interim dean, "Pledge Your Body for Your Bread: Welfare, Drug Testing, and the Inferior Fourth Amendment", http://scholarship.law.wm.edu/cgi/viewcontent.cgi?article=1576&context=wmborj, pg. 752-753 Last Access 07/18/15 LT)

Following passage of federal welfare reform and its invitation to the states to impose suspicionless drug testing on welfare recipients, several states responded by adopting more limited programs that sought to avoid the most serious constitutional concerns associated with mandatory testing.251 Many of these ongoing programs apply only to convicted drug felons or other individuals for whom the state has some individualized reason to suspect drug abuse.252 Other programs apply generally to the applicant or recipient population but rely on noninvasive screening assessments to identify individuals for whom there is reasonable suspicion to support more invasive drug testing.253 The State of Idaho, for example, "requires substance abuse testing of any [welfare] applicant or recipient, if the [state] has a reasonable suspicion they are engaged in, or at high risk of, substance abuse. Testing will be conducted if screening and assessment give a reasonable suspicion the participant is engaged in substance abuse."254 These programs may exist independently of or in combination with other measures that temporarily or permanently bar the provision of aid to individuals convicted of certain drug-related offenses, as authorized by a separate provision of the 1996 federal statute.255

(__) Dehumanization doesn't outweigh - Life precedes value.

Kateb 1992

George, Professor of Politics at Princeton University, "The Inner Ocean" pg. 141

> But neither of these responses will do in the nuclear situation. To affirm existence as such is to go beyond good and evil; it is to will its perpetual prolongation for no particular reason. To affirm existence is not to praise it or love it or find it good. These responses are no more defensible than their contraries—no more defensible than calling existence absurd, or meaningless, or worthless. All such responses are appropriate only for particulars. Existence does not have systemic attributes amenable to univocal judgments. At least some of us cannot accept the validity of revelation, or play on ourselves

the trick of regarding existence as if it were the designed work of a personal God, or presume to call it good, and bless it as if it were the existence we would have created if we had the power, and think that it therefore deserves to exist and is justifiable just as it is. No: these argumentative moves are bad moves; they are hopeless stratagems. The hope isto go beyond the need for reasons, to go beyond the need for justifying existence, andin doing so tostrengthen,not weaken, one's attachment.Earthly existence must be preservedwhatever we are able or unable to say about it. There is no otherhuman and natural existence. The alternative is earthly nothingness. Things are better than nothing; anything is better than nothing.

(__) Dehumanization is inevitable - Technology.

Shores 11(Michelle, Major at Psychology. University of Maryland University College. "Dehumanization: Is it inevitable or is there room for change?".http://contentdm.umuc.edu/cdm/ref/collection/p15434coll5/id/1021. Accessed 7/31/15)

While reading the TheMcDonaldization of Society 5 (Ritzer, 2008), and Nickel andDimed: On (Not) Getting by in America (Ehrenreich, 2001), I felt as if we as a **society** were**doomed to succumb to dehumanization and** that **there is no turning back**. Although as I thoughtfurther I realized that **there is the possibility of oscillation away from**, although **not fully void of**, dehumanization. In my opinion, **the advancement of technology is a major obstacle in ridding** our society **of dehumanization**. According to Ritzer (2008), **the use of nonhuman technology is a major contributor to the dehumanization** of the worker. Businesses depend on the use ofcomputerized equipment to either replace or control the individual's participation in the workplace. In addition, personal **use of technology** with items such as Blackberries, IPhones, IPads,etc., **allows for what society views as greater efficiency and control**. Many people use scriptedlanguage such as texting as a quick communication compared to face-to-face conversation or atelephone conversation. Society values how quickly things can be accomplished with the use oftechnology, from the scripted texting to the constant contact. Until entire cultures can beconvinced of **the de-humanizing effect that technological advancements has on society**, I fearthat dehumanization **will continue**.In addition, I believe that globalization is another force to be contended with in the fightfor movement away from dehumanization. Globalization refers to how different cultures interactwith one another, whether person to person, politically, or economically. As we need to find acommon ground to work together, it will place more pressure for individuals to become more autonomous in order to survive as a whole (Ritzer, 2008).

(__) Local Fill In DA

(a.) No Solvency - State level surveillance will fill in.

Budd 2011 (Jordan, Professor of Law interim dean, "Pledge Your Body for Your Bread: Welfare, Drug Testing, and the Inferior Fourth Amendment", http://scholarship.law.wm.edu/cgi/viewcontent.cgi?article=1576&context=wmborj, pg. 752-753 Last Access 07/18/15 LT)

The next chapter of this constitutional assault is now being written in legislatures across the country. Over the last three years, over half of the states have considered legislation linking the receipt of public assistance to mandatory screening for drug use.14 Some of the proposals are relatively innocuous, involving written questionnaires and recommended treatment protocols for individuals whose responses suggest the possibility of drug dependence.15 Most of the proposals, however, are far more severe, often requiring that every recipient submit to the invasive extraction of bodily fluids and barring assistance to anyone testing positive.16 Recently, members of the United States Congress have joined the cavalcade and introduced legislation requiring states that administer federal welfare funds to conduct blanket drug testing of all program participants.17

(b.) Turns case - State surveillance is worse.

Budd 2011 (Jordan, Professor of Law interim dean, "Pledge Your Body for Your Bread: Welfare, Drug Testing, and the Inferior Fourth Amendment", http://scholarship.law.wm.edu/cgi/viewcontent.cgi?article=1576&context=wmborj, pg. 752-753 Last Access 07/18/15 LT)

In the wake of federal welfare-reform legislation devolving administrative authority for public assistance to state and local governments,122 many jurisdictions have utilized their new discretion to impose exceptionally harsh verification procedures on aid applicants and recipients.123 Among the requirements is an updated variant of the Wyman home visit that lacks virtually all of its moderating characteristics.124 The prototype for these new home visits is San Diego County's "Project 100%," which employs investigative practices that are among "the most aggressive in the country."125 As a condition of public assistance, all aid applicants in the county must agree to an unscheduled home visit by a sworn law-enforcement investigator from the District Attorney's Public Assistance

Fraud Division.126 Refusal to permit the visit or to accept the scope of the investigator's inspection results in the denial of benefits.127 The visit itself is exclusively for investigatory purposes and has no rehabilitative component.128 Once in the home, the investigator's discretion is unlimited and any area of the home is subject to inspection.129

Investigators accordingly rifle through dresser drawers, medicine cabinets, closets, and refrigerators,130 all in search of evidence of ineligibility or fraud.131

(__) Welfare surveillance is inevitable

(A.) Private companies and industries.

Gary 05(Mark,T. Is a Professor Emeritus from M.I.T. He has worked in the areas of race and ethnicity, collective behavior and social movements, law and society and surveillance studies. Major works in progress are books on new forms of surveillance and social control across borders. He received his Ph.D. from the University of California at Berkeley. Encyclopedia of Social Theory. "Surveillance and Society". http://web.mit.edu/gtmarx/www/surandsoc.html. Accessed 8/1/15)

Several kinds of social structure define surveillance relationships. **There is an important difference between organizational surveillance and the non-organizational surveillance** carried about by individuals. **Large organizations have become ever more important in affecting the life chances of individuals. Organizations are the driving force in the instrumental collection of personal data.** At the organizational level formal **surveillance involves** a constituency. **Constituency** is **used** broadly **to refer to those with some rule-defined relationship or potential connection to the organization, whether** this involves **formal** membership, **or merely** forms of interactionwith it such as renting a video or showing a passport at a border. **All organizations have** varying degrees of **internal and external surveillance.** The many kinds of employee or **inmate monitoring**, such as within the "total institutions" studied by Goffman (1961), are **example**s **of the internal constituency surveillance found in organizations**. Here **individuals "belong" to the organization in a double sense.** They belong **as members**. They **also** in a sense are "belongings" of the organization, being **direct**ly **subject to its control in** ways that non-members are not. There is often a loose **analogy tothe ownership of property. External constituency surveillance involves watching those who have** some **patterned contact with the organization**, e.g., as customers, patients, malefactors or citizens **subject to laws of the state**, but **who do not "belong" to the organization the way that an employee or inmate does**. Credit card **companies and banks for example monitor client transactions and also seek potential clients by mining and combining data bases. Or consider the control activities of a government agency charged with enforcing health and safety regulations. Such an organization is responsible for seeing that categories of person subject to its rules are in compliance**, even though they are not members of the organization. **Non-governmental organizations** that audit, grant ratings, licenses and certifications have the same compliance function. Organizations also **engage in external non-constituency surveillance in monitoring their broader environment in watching other organizations and social trends. The rapidly growing field of business intelligence seeks information about competitors, social conditions and trends that may effect an organization**. **Industrial espionage is one variant. Planning also requires such data**, although it is usually treated in the aggregate rather than in personally identifiable form. **With the widespread accessibility** (democratization?) **of surveillance techniques and the perception that they are needed and justified, whether for protection, strategic or prurient reasons, personal surveillance**, in

which an individual watches another individual apart from an organizational role, is commonplace. This may involve role relationship surveillance as with family members (parents and children, the suspicious spouse) or friends looking out for each other (e.g., monitoring location through a cell phone). Or it can involve non-role relationship surveillance, as with the free-floating activities of the voyeur whose watching is unconnected to a legitimate role.

(B.) Third party surveillance.

Gary 05(Mark,T. Is a Professor Emeritus from M.I.T. He has worked in the areas of race and ethnicity, collective behavior and social movements, law and society and surveillance studies. Major works in progress are books on new forms of surveillance and social control across borders. He received his Ph.D. from the University of California at Berkeley. Encyclopedia of Social Theory. "Surveillance and Society". http://web.mit.edu/gtmarx/www/surandsoc.html. Accessed 8/1/15)

A distinction rich with empirical and ethical implications is whether the situation involves those who are a party to the generation and collection of data (direct participants) or instead involves a third party. **A third party may legitimately obtain personal information through contracting with the surveillance agent** (e.g., **to carry out drug tests or to purchase consumer preference lists**). Or it may be obtained **because confidentiality is violated by the agent, or because an outsider illegitimately obtains it (wiretaps, hacking**). The presence of **third parties raises an important "secondary use" issue –that is can data collected for one purpose be used without an individual's** permission for unrelated purposes? In Europe the answer generally is "no", although that is less the case in the United States where a much freer market in personal information exists**. An important distinction that often involves power differentials is whether the surveillance is non-reciprocal or reciprocal. The former is one-way with personal data going from the watched to the watcher** (e.g., employers, merchants, police, wardens, teachers, parents). **With reciprocal surveillance it is bi-directional** (e.g., many conflicts, contests and recreational games). Surveillance that is reciprocal may be asymmetrical or symmetrical with respect to means and goals. Thus in a democratic society citizens and government engage in reciprocal but distinct forms of mutual surveillance. For example **citizens can watch government through Freedom of Information Requests, open hearings and meetings, and conflict of interest and other disclosures required as a condition for running for office. But citizens can not legally wire tap, carry out Fourth Amendment searches or see others' tax returns**. In bounded settings such as a protest demonstration, there may be greater equivalence with respect to particular means e.g., police and demonstrators videotaping each other. In organizational settings, power is rarely all on one side, whatever the contours of formal authority. Lower status members are not without resources to watch their superiors and to neutralize or limit surveillance. Video and audio monitoring tools are widely available. **Employees may document harassment and discrimination with a hidden recorder and file complaints that will mobilize others to scrutinize a superior. Even with out equipment, being on the scene permits surveillance through the senses**. In spite of the power differences butlers, servants and valets are often believed to know much more about their employers than the reverse, although this is not formally defined by the role. **Many settings of organizational conflict show symmetrical reciprocated surveillance in which the contending partiesare** roughly **equivalent**. Games such as poker involve this, as do some contractual agreements and treaties (e.g., the mutual deterrence of nuclear arms control sought through reciprocal watching).

Privacy Adv Ext - A2 Dehum > Death

(__) Err Negative on Impact Framing - Value to life cannot be measures externally - Saying you know the exact conditions that make someone elses life not worth living is impossible and dehumanizing.

Schwartz 2002

Lisa, Lecturer in Philosophy of Medicine at the Department of General Practice at the University of Glasgow,*Medical Ethic: A case-based approach*, Chapter 6: A Value to Life: Who Decides and How? http://asia.elsevierhealth.com/media/us/samplechapters/9780702025433/9780702025433.pdf

The second assertion made by supporters of the quality of life as a criterion for

decisionmaking is closely related to the first, but with an added dimension. This assertion suggests that the determination of the value of the quality of a given life is a subjective determination to be made by the person experiencing that life. The important addition here is that the decision is a personal one that, ideally, ought not to be made externally by another person but internally by the individual involved. Katherine Lewis made this decision for herself based on a comparison between two stages of her life. So did James Brady. Without this element, decisions based on quality of life criteria lack salient information and the patients concerned cannot give informed consent. Patients must be given the opportunity to decide for themselves whether they think their lives are worth living or not. To ignore or overlook patients' judgement in this matter is to violate their autonomy and their freedom to decide for themselves on the basis of relevant information about their future, and comparative consideration of their past. As the deontological position puts it so well, to do so is to violate the imperative that we must treat persons as rational and as ends in themselves.

A2 Patriarchy Adv

Patriarchy Advantage 1nc Frontline - Negative

(__) No terminal impact - Patriarchy is not the root cause of war.

Hillman 2004

James, psychologist, A Terrible Love of War, pp. 86-87

To imagine war to be a "man's thing," one more example of the abusive, self-inflating activity of "the patriarchy," traps one in the genderist division of the cosmos: all things are either male or female, *tertium non datur*. The genderist division takes on the absolutism of a logical opposition, an either/or which allows no space for the "both" of compromise and ambivalence, and androgyny. This division then influences our fantasies of primordial societies, reducing war to an activity of violent hunter-gatherers versus gentle cultivator-weavers. If, however, we think about war as an emanation of a god, war as an archetypal impulse, then patriarchy does not originate war but serves war to give it form and bring it to order by means of hierarchical control, ritual ceremony, art, and law. Remember Foucault's idea that law is a continuation of war in another form. Patriarchy makes the forms. Rather than the origin of war, patriarchy is its necessary result, preventing Ares from blowing up the world and leaving a few poor remnants a life that is "nasty, brutish, and short." That this hierarchy, these forms can become tyrannical is evident enough, since cruelties of discipline are often secondary consequences of form. Nonetheless, patriarchal tyranny is not the primary cause of war; that cause is the god.

(__) Turn - Privacy increases patriarchy.

Gilman 2001 (Michele Estrin Gilman, Associate Professor and Director, Civil Advocacy Clinic, University of Baltimore School of Law, "WELFARE, PRIVACY, AND FEMINISM", pg 26, http://poseidon01.ssrn.com/delivery.phpID=170124119105000025098127112012072077122024024079020086078020122005121115108105116081017021040022038009060124026101088114013030055090056092048095112100000100026111029086011066090097023072103085089114031103004082015111108004098067117000105121127070&EXT=pdf&TYPE=2 Last Access 7/22/15 L.T*)*

Second-wave feminists attacked the physical privacy and the boundary between public and private that legal systems and social norms historically upheld.83 In the traditional view, the public domain was the world of work and politics, where men dominated and women were excluded.84 By contrast, the private domain was that of home and family, where autonomous individuals lived free from state interference.85 However, feminists made clear that autonomy within families extended only to men, who were free to dominate women and children because of their dependence on men for social goods.86 In turn, this led to the abuse of women within the home and the concomitant failure of the state to intervene.87 Feminists rejected the

view that the government's hands-off approach was neutral, because the state set the legal ground rules that permitted private inequality to flourish unchecked.88 Moreover, feminists argued that the idea of autonomy was a myth for women; they were enmeshed within family relationships of dependency and attachment.89 Catherine MacKinnon raised a radical critique of privacy, arguing that privacy could never be a basis for claiming rights because it is a tool of gender subordination that leaves men alone to oppress women one at a time.90 The feminist critique of the public/private divide had powerful repercussions. For instance, the state today criminalizes domestic violence and provides legal recourse for women demanding equal treatment in the workplace.91

Patriarchy Adv Ext - A2 Patriarchy Causes War

War turns structural violence but not the other way around

Joshua **Goldstein**, Int'l Rel Prof @ American U, **2001**, War and Gender, p. 412

First, peace activists face a dilemma in thinking about causes of war and working for peace. Many peace scholars and activists support the approach, "if you want peace, work for justice." Then, if one believes that sexism contributes to war one can work for gender justice specifically (perhaps among others) in order to pursue peace. This approach brings strategic allies to the peace movement (women, labor, minorities), but rests on the assumption that injustices cause war. The evidence in this book suggeststhat causality runs at least as strongly the other way. War is not a product of capitalism, imperialism, gender, innate aggression, or any other single cause, although all of these influence wars' outbreaks and outcomes. Rather, war has in part fueled and sustained these and other injustices.9 So,"if you want peace, work for peace." Indeed, if you want justice (gender and others),work for peace. Causality does not run just upward through the levels of analysis, from types of individuals, societies, and governments up to war. It runs downward too. Enloe suggests that changes in attitudes towards war and the military may be the most important way to "reverse women's oppression." The dilemma is that peace work focused on justice brings to the peace movement energy, allies, and moral grounding, yet, in light of this book's evidence, the emphasis on injustice as the main cause of war seems to be empirically inadequate.

Counterplans

Congress CP 1nc - Negative

Text - The United States Congress should substantially curtail its welfare surveillance.

Solvency - Congress has the power to curtail executive surveillance programs.

Sethi 2014

Arjun, a writer and lawyer, is legislative counsel for national security and privacy related affairs at the American Civil Liberties Union, A Chance to Limit Spying on Americans, http://www.cnn.com/2014/08/15/opinion/sethi-nsa-surveillance-bill-americans/

For the first time in nearly 40 years, Congress looks poised to limit the powers of the U.S. intelligence community, an opportunity it should seize.¶When Congress returns from its August recess, surveillance reform will be high on the agenda. In May, the House passed the USA Freedom Act, a measure aimed at ending bulk collection of Americans' phone records under the Patriot Act. And in July, a much stronger version of the bill was introduced in the Senate. ¶The Senate version would curb the most egregious abuses of the telephone metadata program and represents a compromise among the White House, civil liberties advocates and private industry.¶ Yet, important work remains.

Courts CP 1nc - Negative

Text - The United States Supreme Court should rule that welfare surveillance is unconstitutional on the grounds that it violates the 4th amendment.

Contention One - Solvency

Supreme Courts solve and will rule on surveillance your court DA's don't apply

CraigTImberg6/25/14 (worked for The Valley News and Concord Monitor, both in New Hampshire, before joining The Baltimore Sun in 1996 and the Post in 1998. He spent three years in Richmond covering Virginia politics and two years in D.C., covering the mayor and city council, before joining the Foreign Staff in 2004. After a stint as Johannesburg Bureau Chief, he became education editor in 2009 and deputy national security editor in 2011Supreme Court cellphone ruling hints at broader curbs on surveillance http://www.washingtonpost.com/business/technology/supreme-court-cellphone-ruling-hints-at-broader-curbs-on-surveillance/2014/06/25/2732b532-fc9b-11e3-8176-f2c941cf35f1_story.html BP)

The words "National Security Agency" appear nowhere in the Supreme Court's opinion Wednesday prohibiting cellphone searches without a warrant. But **the unanimous ruling makes clear that the nation's most important jurists are tuned in to the roiling debate about high-tech surveillance and concerned about government officials going too far.** In broad, passionate language — spiked with the occasional joke — the ruling by Chief Justice John G. Roberts Jr. asserts that the vast troves of information police can find in modern cellphones are no less worthy of constitutional protection than the private papers that Founding Fathers once kept locked in wooden file cabinets inside their homes. Roberts even chides the government for arguing that searching a cellphone is "materially indistinguishable" from searches of other items that can be seized at the scene of an arrest, such as a pack of cigarettes or a handwritten note. "That is like saying a ride on horseback is materially indistinguishable from a flight to the moon. Both are ways of getting from point A to point B, but little else justifies lumping them together," he wrote. **Such declarations, experts said, suggest a willingness to reconsider legal rulings long used to justify modern surveillance tools. That includes some spying technologies that were unimaginable when courts first articulated those arguments but that now are routinely used by a range of government agencies, including the NSA, the FBI and many state and local police forces**. A footnote in Wednesday's ruling cautions against assuming too much about the court's views on data collection "under other circumstances." **But legal experts on both sides of the privacy debate took notice of the unanimity of the ruling and the uncommonly strong language Roberts used when describing the privacy risks in modern technologies. "It's just a big, forceful, bold decision," said Orin S. Kerr, a George Washington University law professor and former Justice Department lawyer specializing in technology issues. "If you're at the [American Civil Liberties Union], you're popping a champagne bottle. If you're at the FBI, you're scratching your head and thinking of what you're going to do next." Many observers date the Supreme Court's reconsideration of high-tech surveillance to the United States v. Jones decision in 2012, which ruled that police had trespassed when placing an electronic tracking device on a suspect's car. In applying a traditional constitutional protection to new technology, the court expressed concerns about the need to update the Fourth Amendment for the modern world**. The ruling on cellphone

searches, experts said, suggested that the court's consensus has grown on such issues over the past two years, a period in which the revelations made by former NSA contractor Edward Snowden have sparked international controversy over the privacy implications of high-tech government spying.

The Supreme Court controls public perception and the direction of the politics link—this is the best comparative evidence

Katerina LInos and Kimberly Twist 10/15/14 (Linos, Professor. UC Berkeley School of Law Twist, Ph.D. from the Travers Department of Political Science at the University of California, Berkeley "The Supreme Court, the Media, and Public Opinion: Comparing Experimental and Observational Methods" https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&ved=0CB8QFjAA&url=http%3A%2F%2Fwww.law.uchicago.edu%2Ffiles%2Ffiles **accessed 7/6/15 BP)**

Inturn, public responses depend heavily on the interaction of the choices of the Court andthe media.The Court can often avoid shifting national opinion by refusing to engage with a controversial case, and thus reduce the likelihood that most Americans will hear about the issue.The media can also prevent a shift in opinion by giving their audiences both the Court majority'sframe and powerful competing frames.National opinion changes only when the Court and the media act in concert: when the Court rules on a controversial case, and the media decide to present their audiences with one-sided coverage of the decision.Threeresearchdesign innovations allow us to test our theory, andto build the literature on public opinion formation more generally.First, we surveyed a nationally representative sample of Americans shortly before and shortly after two major and surprisingCourt decisions on healthcare andimmigration.Prior studies of Court decisions in real-life settings have been based on survey questions fielded for other purposes, such as the General Social Survey. They thus share a major limitation: There is a very long time gap, often one or more years, between the "before" and the "after" sample, and events other than the Court decision could influence opinion in this interval (Hoekstra 1995, 112).The scarcity of real-life data shortly before and shortly after majorevents is a more general limitation of publicopinion research, because researchers cannot anticipate occurrences such as terrorist attacks, political scandals or natural disasters.The most extensive before-and-after research to date surroundselection campaigns,butoften these studies report limited opinion move- meant, as surprising events may not occur in the intervals studied. By combining our data with other poll data, we show both that an opinion shift occurred immediately after the Court decision, and that this shift persisted for many months, as no other actor or event was able to draw as much media attention to the issues as did the Court. Second, we combine public opinion data with detailed media coverage data, and connect individuals' opinion shifts with the content of television programs they watched. "Most published work on media effects does not include measures of media content"(BarabasandJerit2009, 74) and"mostresearchersfail to ascertain,let

alone content-analyze, the media information that, they assume,their subjects encountered" (Graber2004, 516). As a result,major propositionsof public opiniontheory, such as the claim that different frames lead to dfferent opinion shifts, have. In turn, public responses depend heavily on the interaction of the choices of the Court and the media. The Court can often avoid shifting national opinion by refusing to engage with a controversial case, and thus reduce the likelihood that most Americans will hear about the issue. The media can also prevent a shift in opinion by giving their audiences both the Court majority's frame and powerful competing frames. National opinion changes only when the Court and the media act in concert: when the Court rules on a controversial case, and the media decide to present their audiences with one-sided coverage of the decision

DA Links

Plan Unpopular - Politics Links

(__) Reductions in welfare surveillance are unpopular - It's opposed by the public and sparks partisan backlash in Congress.

Diamon 2015

Al, Politics And Other Mistakes: Giving the game away, July 22nd, http://www.keepmecurrent.com/current/politics-and-other-mistakes-giving-the-game-away/article_69c7869c-3085-11e5-a5ab-b3faf4e3dc38.html

The reality is that most welfare recipients cheat a little. They occasionally use their benefits to buy stuff that isn't necessary. They might smoke a little pot they got in exchange for goods they purchased with Electronic Benefits Transfer (EBT) cards or general assistance vouchers. They could be spending time they were supposed to be looking for work drinking beer, instead. In other words, they suffer from the same human frailties as political columnists and normal people.

I'm not saying that's right. I'm just saying that's the way the world operates. Like flabby stomachs on middle-aged public servants, there's not a lot that can be done about it.

Both Republicans and Democrats know this. But what the GOP also knows (that Dems can't seem to grasp) is that the average working person is convinced the state can save millions of dollars if it cracks down on welfare fraud. Once the system is cleansed of chronic layabouts, the delusional public insists, there'd be so much extra cash, we could upgrade our schools, gold-plate our highways and still have plenty left for tax cuts.

It's a beautiful fantasy.

It's also a solid political platform.

What makes welfare reform so effective as a Republican campaign tool is that Democrats seem fundamentally incapable of voting for even the most modest of reforms. Take, for example, food stamps, now known as the Supplemental Nutrition Assistance Program. Most fraud involving SNAP is petty stuff. Prosecuting it would cost more than would be saved. But that doesn't mean a sensible tweak might not be warranted.

Republican state Sen. Roger Katz of Augusta introduced a bill to prohibit the use of SNAP to purchase junk food, defined as candy, pastries, soft drinks and similar items. It won approval in the Senate by an overwhelming margin (four Democrats were the only opposition), because who but blithering idiots (Justin Alfond, Chris Johnson, Anne Haskell and Stan Gerzofsky) could be against that. But when the measure reached the House, it was amended by the Dems to require new spending to encourage welfare recipients to eat healthy foods, something the state already spends $4 million a year in federal money doing to no noticeable effect.

The Senate rejected that change, and this mild reform died between the chambers.

Likewise, Democratic maneuvering killed GOP efforts to drug test welfare applicants with histories of abuse, set lifetime limits on certain benefits, bar the use of welfare to pay for tobacco, booze or gambling, and cut off general assistance to asylum seekers. While that last

one is problematic, what excuse could Dems have for not supporting at least some of these ideas?

Welfare Surveillance Case Neg

Strategies written in this File

1. States CP (politics = only net benefit)
2. Politics Links
3. State Budget DA
4. Topicality – Federal Surveillance
5. Case Turns (generally not a standalone strat)

The structure of the aff was really late breaking, so case defense is a little sparse. Sorry ☹ I will try to put a supplement out.

State Budget DA

1NC – Transportation DA

State budgets on Transportation, education and health care are sufficiently funded

CBPP 15 **[Center on budget and policy priorities, 4/14/15, "Policy Basics: Where Do Our State Tax Dollars Go?",** http://www.cbpp.org/research/policy-basics-where-do-our-state-tax-dollars-go**, date accessed: 7/14/15]Kruger**

By far the largest areas of state spending, on average, are education (both K-12 and higher education) and **health care**. But states also fund a wide variety of other services, including **transportation**, corrections, pension and health benefits for public employees, care for persons with mental illness and developmental disabilities, assistance to low-income families, economic development, environmental projects, state police, parks and recreation, housing, and aid to local governments. **Education has stayed a fairly constant share** of state spending in recent decades. The share of state budgets devoted to Medicaid has grown, however, while the shares devoted to transportation and cash assistance to low-income families have declined. Most State Dollars Go Toward Education and Health Care Three areas of spending make up over half of state spending, on average: K-12 education States are one of the main funders of the nation's public elementary and secondary schools, which some 50 million students -- nine out of ten enrolled school-age children -- attend. One-fourth of state spending on average, or about $280 billion, goes toward public education. States generally provide grants to local school districts (or to cities or counties, where those entities are responsible for administering schools) to fund schools, rather than paying teacher salaries and other school costs directly. Local governments are the other primary funder of public schools. The federal government provides only about 10 percent of public school revenues. Higher education States play a large role in funding higher education through their support of public community colleges, university systems, and vocational education institutions. This support accounts for about 13 percent of state spending, or some $145 billion. Health care Along with the federal government, states fund health insurance for low-income families through Medicaid and the Children's Health Insurance Program (CHIP). These programs provide health coverage or coverage for long-term care to roughly 70 million low-income children, parents, elderly people, and people with disabilities in a typical month. Together, they constitute about 16 percent of state budgets, or about $183 billion. States spend the remaining half of their budgets on a wide variety of programs. For example: Transportation State funding for transportation totals some $55 billion, accounting for 5 percent of state spending on average. These funds are used to build and repair roads and bridges and for public transit systems.

Child support funds are key – the plan takes away key budget allocation for states

Baskerville 8 Stephen Baskerville is Ph.D. in Government, London School of Economics & Political Science, Professor of Political Science at Patrick Henry College Pub Date: 01/01/2008 Independent Review Wntr, 2008 Source Volume: 12 Source Issue: 3, http://www.freepatentsonline.com/article/Independent-Review/172775627.html

This massive growth of law-enforcement machinery and reach was federally driven. In 1984, the Child Support Enforcement amendment to the Social Security Act required states to adopt advisory child-support guidelines. The legislation was promoted by OCSE itself and by private collection companies--again, less to help children than to save the government money under the theory that the system would help to get single-mother families off welfare by making fathers pay more. No statistical data were presented then (or have been since) to indicate that the legislation would have the desired effect (Seidenberg 1997, 107-8). Given that most low-income, single-mother families did not and still do not have valid child-support orders, that most unpaid child support is owing to unemployment, and that "most non-custodial parents of AFDC [Aid to Families with Dependent Children] children do not earn enough to pay as much child support as their children are already receiving in AFDC benefits," higher support guidelines could not and cannot help these children (Garfinkel and McLanahan 1986, 24-25). With no explanation or clear constitutional authority, guidelines and criminal-enforcement machinery conceived and created to help the minority of children in poverty were then extended, under pressure from OCSE and other interests, to all child-support orders, even the majority not receiving welfare, by the Family Support Act of 1988. The law also made guidelines mandatory. By one estimate, the new guidelines more than doubled the size of awards (Comanor 2004, 5). All this legal fanfare dramatically enlarged the program and

continues to do so by bringing in millions of middle-class cases, most of which result from divorce, but for which the system was never designed. As a result, "the number of dollars passing through the government collection system exploded" (Comanor 2004, 8). Nonwelfare cases now dwarf welfare cases. Welfare cases, consisting for the most part of unmarried parents, account for only 17 percent of all cases, and the proportion is shrinking. The remaining 83 percent of nonwelfare cases consist largely of previously married fathers who are usually divorced involuntarily. Nonwelfare cases currently account for 92 percent of the monies collected (U.S. HHS 2003, figs. 1 and 2). Despite this growth in collections--and contrary to what was promised when the program was created--the cost to taxpayers increased sharply. Promoted as a program that would reduce government spending, federal child-support enforcement has in fact incurred a continuously increasing deficit. "The overall financial impact of the child support program on taxpayers is negative," the House Ways and Means Committee reports: federal taxpayers lost $2.7 billion in 2002 (U.S. House 2004, 8-69 and table 8-5). This money does not vanish, of course. It provides a revenue stream for state governments that officials may spend however they wish (U.S. House 1998, 596). Though ostensibly revenue neutral, federal subsidies have made child-support collections a source of general funds. "If the state needs more highway funding," writes one commentator, "all they need to do is raise the state's level of child support and they can spend their resulting welfare incentive increases on highway projects and remain in perfect compliance with the relevant programs funding requirements" (Tersak 2007). Moreover, federal taxpayers subsidize not only state government operations through child support, but also family dissolution because every fatherless child is an additional source of revenue for states. In addition to stiff penalties and high interest assessed on alleged arrearages, states profit through federal payments based on the amount collected as well as through the receipt of 66 percent of operating costs and 90 percent of computer costs (U.S. HHS 1997). (When two states collaborate, both states qualify for the incentive payment as if each state had collected 100 percent of the money.) Federal outlays of $3.5 billion in 2002 allowed Ohio to collect $228 million and California to collect more than $640 million (U.S. House 2004, table 8-4). "There is a $200 million per year profit motive driving this system" in Michigan alone, attorney Michael Tindall points out. "It dances at the string of federal money" (Green 2002).

Specifically, funds solve transportation infrastructure, education, and harm reduction

Blatt 13 (David, blogger for the Oklahoma Policy Institute, 4/1/13, "Revisiting TANF," http://okpolicy.org/revisiting-tanf, 7/10/15 ML)

Following May's devastating tornadoes in Moore, the new Director of the Oklahoma Department of Human Services, Ed Lake, suggested the state use $10 million in unspent Temporary Assistance for Needy Families (TANF) funds as emergency relief to tornado victims, as was done in Tennessee following natural disasters when he led that state's human services agency. Governor Fallin rejected the idea, stating that traditional relief organizations were meeting the needs of tornado victims. Director Lake's well-intentioned suggestion did raise an important question: How is it that $10 million in unspent TANF dollars could be available for allocation, particularly given the continuing impacts of the economic downturn on the very low income families that TANF is designed to help? In this post, we look at Oklahoma's TANF program, who it serves and how TANF dollars are currently being spent. We conclude with some recommendations for how available TANF funds might be allocated. Temporary Assistance for Needy Families, or TANF, is the federal program created by Congress in 1996 as the cornerstone of welfare reform. TANF limited cash assistance payments to a lifetime maximum of 60 months and imposed sanctions, including the loss of assistance, on individuals who failed to meet work requirements. Whereas the traditional welfare program, AFDC (Aid to Families with Dependent Children), primarily took the form of monthly cash assistance payments to single parents and their children, under TANF, states now have much greater flexibility in how to spend federal block grant dollars. Federal TANF funding levels stayed consistent even as states reduced cash assistance levels throughout the late 1990s and 2000s, which freed up money for other allowable purposes related to strengthening families and reducing poverty. Oklahoma has seen an especially steep decline in families receiving cash assistance payments under TANF. In 1994, the state had a monthly average of nearly 50,000 cash assistance families; by 2004, there were just 10,000 TANF cash assistance cases. Even during the worst of the Great Recession, TANF caseloads barely increased. As of March 2013, the program serves 7,782 families. Payments go to working-age parents in barely one-third of these cases (2,743); the rest are child-only cases. As TANF caseloads have plummeted – a result of strict work requirements and sanctions, time limits, and other policies that discourage individuals from cash assistance – the program serves a dwindling share of families in poverty. Oklahoma has gone from providing cash assistance to half of all families in poverty in 1996 to just one in ten today. By comparison, about 25 percent of families in poverty nationally receive cash assistance. TANF and Poverty 1979-2010The combination of declining caseloads and frozen benefit levels – the maximum payment a family of three can receive is $292 per month, the same as in 1986 – has meant that cash assistance now makes up a tiny share of total TANF spending in Oklahoma. In FY 2012, OKDHS spent $177.1 million in TANF funds, of which $22.3 million was for cash assistance. The largest share of TANF dollars ($55.6 million) was allocated for child care services. Of the remaining amount, major expenditures included: ▪$14.5 million transferred to the Social Services Block Grant; ▪$21.6 million for work

support activities, including transportation, client assessments, mental health and substance abuse screenings, literacy classes, post-secondary education, and client reimbursement for training; ▪ $9.4 million for family formation and stabilization services, including $7.6 million for programs associated with the Oklahoma Marriage Initiative; ▪ $5.7 million for family support payments to the developmental disabilities services division; ▪ $47.9 million allocated to agency support services and administrative costs. TANF by Spending category In the years following welfare reform, the TANF fund accrued a large unspent balance that at one point exceeded $100 million, but in recent years, the balance has remained between $18 million and $25 million. This creates some opportunity for modest increases in TANF support for families. In a comprehensive review of Oklahoma's TANF program last year, CAP Tulsa made a number of recommendations for meeting the goals of supporting work, protecting children, and promoting self-sufficiency. They recommend increasing the program's cash benefit, allowing TANF recipients to earn more and to keep child support payments without losing benefits, and increasing the benefit in child-only cases. In the area of work support, the state could promote financial stability by creating a matched savings Individual Development Account program and help recipients become more employable by increasing funding for substance abuse treatment. Perhaps the most productive use of TANF funds might be for research to evaluate the effectiveness of the money we are currently spending. The state spends substantial amounts each year trying to help TANF recipients transition into secure jobs and self-sufficiency. However, OKDHS has not conducted a study of welfare leavers since the 1990s. Such a study could provide valuable data on how well the program is meeting its goals and \ how TANF can be better used to promote stronger, financially secure families.

Infrastructure spending prevents a double dip recession

MARHSALL & THOMASSON '11 - president and founder of the Progressive Policy Institute (PPI); found the Democratic Leadership Council, serving as its first policy director; AND*** Scott Thomasson - director of economic and domestic policy for the Progressive Policy Institute and manages PPI's Innovative Economy Project and E3 Initiative (Will, Scott Thomasson, "Sperling on "Deferred Maintenance"", October 7, http://progressivepolicy.org/sperling-on-%E2%80%9Cdeferred-maintenance%E2%80%9D)

It's hard to imagine a more myopic example of the right's determination to impose premature austerity on our frail economy. From Lincoln to Teddy Roosevelt to Eisenhower, the Republicans were once a party dedicated to internal nation building. Today's GOP is gripped by a raging anti-government fever which fails to draw elementary distinctions between consumption and investment, viewing all public spending as equally wasteful. But as the White House's Gene Sperling said yesterday, **Republicans can't claim credit for fiscal discipline by blocking long overdue repairs of in the nation's transport**, energy and water **systems**. **There's nothing fiscally responsible about "deferring maintenance" on the U.S. economy**. Sperling, chairman of the president's National Economic Council, spoke at a PPI forum on Capitol Hill on "Infrastructure and Jobs: A Productive Foundation for Economic Growth." Other featured speakers included Sen. Mark Warner, Rep. Rosa DeLauro, Dan DiMicco, CEO of Nucor Corporation, Daryl Dulaney, CEO of Siemens Industry and Ed Smith, CEO of Ullico Inc., a consortium of union pension funds. **Fiscal prudence means foregoing consumption of things you'd like but could do without if you can't afford them** – a cable TV package, in Sperling's example. **But if a water pipe breaks in your home, deferring maintenance can only lead to greater damage and higher repair costs down the road**. As speaker after speaker emphasized during yesterday's forum, that's precisely what's happening to the U.S. economy. **Thanks to a generation of underinvestment in roads, bridges, waterways, power grids, ports and railways, the United States faces a $2 trillion repair bill. Our inadequate, worn-out infrastructure costs us time and money, lowering the productivity of workers and firms, and discouraging capital investment in the U.S. economy**. Deficient infrastructure, Dulaney noted, has forced Siemens to build its own rail spurs to get goods to market. That's something smaller **companies** can't afford to do. They **will go to countries – like China, India and Brazil – that are investing heavily in building world-class infrastructure** As Nucor's DiMicco noted, a large-scale U.S. infrastructure initiative would create lots of jobs while also abetting the revival of manufacturing in America. He urged the Obama administration to think bigger, noting that a $500 billion annual investment in infrastructure (much of the new money would come from private sources rather than government) could generate 15 million jobs. The enormous opportunities to deploy more private capital were echoed from financial leaders in New York, including Jane Garvey, the North American chairman of Meridiam Infrastructure, a private equity fund specializing in infrastructure investment. Garvey warned that what investors need from government programs is more transparent and consistent decision making, based on clear, merit-based criteria, and noted that an independent national infrastructure bank would be the best way to achieve this. Bryan Grote, former head of the Department of Transportation's TIFIA financing program, which many describe as a forerunner of the bank approach, added that having a dedicated staff of experts in an independent bank is the key to achieving the more rational, predictable project selection that investors need to see to view any government program as a credible partner. Tom Osborne, the head of Americas Infrastructure at UBS Investment Bank, agreed that an independent infrastructure bank like the version proposed by Senators Kerry, Hutchison and Warner, would empower private investors to fund more projects. And contrary to arguments that a national bank would centralize more funding decisions in Washington, Osborne explained that states and local governments would also be more empowered by the bank to pursue new projects with flexible financing options, knowing that the bank will evaluate projects based on its economics, not on the politics of the next election cycle.

Adding urgency to the infrastructure push was Fed Chairman Ben Bernanke's warning this week that **the recovery is "close to faltering."** Unlike

short-term stimulus spending, money invested in modernizing infrastructure would create lasting jobs by expanding our economy's productive base. **Warning that America stands on the precipice of a "double dip" recession, Sperling said it would be "inexcusable" for Congress to fail to act on the president's job plan. He cited estimates by independent economic experts that the plan would boost GDP growth in 2012 from 2.4 to 4.2 percent, and generate over three million more jobs.**

Double-dip risks nuclear war

FORDHAM '10 (Tina Fordham, "Investors can't ignore the rise of geopolitical risk", Financial Times, 7-17-2010, http://www.ft.com/cms/s/0/dc71f272-7a14-11df-9871-00144feabdc0.html)

Geopolitical risk is on the rise after years of relative quiet – potentially creating further headwinds to the global recovery just **as fears of a double-dip recession are growing**, says Tina Fordham, senior political analyst at Citi Private Bank. "Recently, **markets have been focused on problems within the eurozone and not much moved by developments in North Korea, new Iran sanctions, tensions between Turkey and Israel or the unrest in strategically significant Kyrgyzstan**," she says. "But taken together, we don't think investors can afford to ignore the return of geopolitical concerns to the fragile post-financial crisis environment." Ms Fordham argues **the end of post-Cold War US pre-eminence is one of the most important by-products of the financial crisis. "The post-crisis world order is shifting. More players than ever are at the table, and their interests often diverge. Emerging market countries have greater weight in the system, yet many lack experience on the global stage. Addressing the world's challenges in this more crowded environment will be slower and more complex. This increases the potential for proliferating risks: most notably the prospect of politically and/or economically weakened regimes obtaining nuclear weapons; and military action to keep them from doing so. "Left unresolved, these challenges could disrupt global stability and trade. This would be a very unwelcome time to see the return of geopolitical risk."**

Turns Case – Homelessness

Specifically, state TANF funds are used to fight homelessness

Sard '01 (Barbara Sard, Vice President for Housing Policy for Center on Budget and Policy Priorities**, 4/3/01, "USING TANF FUNDS FOR HOUSING-RELATED BENEFITS TO PREVENT HOMELESSNES",** http://www.cbpp.org/archiveSite/4-3-01TANF.pdf**, 7/10/15 ML)**

Under the final regulations for the Temporary Assistance to Needy Families block grant program (TANF), states and counties may use federal TANF funds for short-term homelessness prevention measures without triggering the federal 60-month lifetime time limit on receipt of TANF-funded assistance or other restrictions associated with TANF funds. This is important because many states and counties are not using their full federal TANF block grant1 and may be willing to initiate or expand homelessness prevention programs using TANF funds. In addition, the flexibility afforded by the federal regulations allows states and counties to design such programs to serve a broad range of low-income families, not just families receiving monthly TANF cash benefits. States and counties that are funding homelessness prevention programs in part with state maintenance-of-effort (MOE) funds may wish to replace these MOE funds with TANF funds, thereby freeing up MOE monies they can use to provide other benefits. TANF restrictions like time limits are triggered when states or counties provide housing-related benefits that are not short-term, unless the benefits are provided entirely with MOE funds that are accounted for separately from TANF funds. States and counties that wish to provide such ongoing housing benefits to families that are not receiving monthly TANF cash benefits would be advised to use MOE funds in these cases so the months of assistance do not count against the federal time limit.2 Homelessness Prevention Benefits Are Largely Excluded from the Clarified Definition of TANF "Assistance" TANF requirements such as time limits, work participation, and child support assignment apply to any family receiving TANF "assistance." Because "assistance" was thought to be defined broadly under early TANF regulations, states and counties often were reluctant to use 3 federal TANF funds for initiatives for working families because they wished to avoid triggering these

requirements. Under the final federal regulations issued in April 1999, however, the definition of "assistance" has been clarified.3 It is now clear that homelessness prevention benefits are excluded from the definition of "assistance" if the benefits meet the following three criteria 1) Benefits are designed to deal with a specific crisis situation or episode of need. 2) Benefits are provided on a one-time basis or for a prospective period that does not exceed four months. 3) Benefits are not intended to meet recurrent or ongoing needs.4 If families receive TANF-funded homelessness prevention benefits that are not considered "assistance" but do not receive monthly cash benefits, they are not subject to the 60month time limit, are not counted in the determination of their state's compliance with work participation requirements, and are not required to assign their child support rights to the state. Short-term or one-time benefits to prevent homelessness that do not invoke the federal restrictions on "assistance" include payment for rent, mortgage, or utility arrears (in any amount and for any number of months) and first and last months' rent deposits and security deposits. For example, a state may establish a TANF-funded program to pay overdue rent or mortgage liabilities and set a maximum benefit level of $3,000 or six months, whichever is less. In addition, states and counties can provide emergency shelter, transitional housing, or short-term rent payments for homeless and other needy families for up to four months. Services that help families prevent eviction or locate new housing also are excluded from the definition of "assistance." Moreover, as long as benefits are provided to meet a short-term, non-recurrent need, they may be provided more than once during a year. For example, during a single 12-month period, a state can use TANF funds to provide a family with both a rent arrearage payment and funds to 5. 6 3 repair a car, pay a utility bill, or meet another short-term crisis; this aid would not count against the family's lifetime TANF time limit or trigger the TANF work participation or child support assignment requirements. States and counties also may make several payments of the same type in a single year as long as each payment is made without the expectation of making additional payments. For instance, a state may provide rent arrearage payments twice in a 12-month period if each payment is made with the expectation that it will solve the family's housing problem. Defining benefits as short-term if they cover a period up to four months, and permitting more than one emergency payment in a 12-month period, are significant changes from the rules that applied to Emergency Assistance (EA) programs under the former Aid to Families with Dependent Children program. Generally, EA benefits were restricted to needs that arose over a 90-day period and could be provided only once in a 12-month period. States that have continued to provide the same emergency benefits under TANF as they did under AFDC-EA may wish to reconsider the type, amount, and frequency of benefits they provide. The clarified definition of "assistance" gives states and counties the flexibility to use TANF funds to help needy families that are not receiving monthly cash welfare benefits, in addition to helping their regular TANF caseloads. States and counties can set financial eligibility levels for TANF-funded homelessness prevention programs that are higher than eligibility levels for TANF "assistance." Families that have only a one-time or brief association with the TANF program to receive emergency benefits are not required to assign their child support rights to the state.5 Allowing more families to qualify for these short-term benefits may help working families retain stable housing and employment and reduce the need for more costly services such as homeless shelters. Responding to emergency needs with TANF-only funds may enable states and counties to free up MOE funds for ongoing rental subsidies for families that are not receiving TANF monthly cash assistance. Ongoing subsidies that make housing affordable — funded with MOE or other state, local or federal funds — may be the most effective tool to prevent homelessness. A recent review of a broad range of studies on the prevention of homelessness concludes: "Based on evidence that subsidized housing, with or without supportive services, is sufficient to end homelessness for most families, and given the important role of subsidized housing (everywhere it has been examined) in ending homelessness among people with serious mental illnesses, we propose a shift to selected strategies of prevention, such as providing housing subsidies to those with worst-case housing needs, supporting employment and transitional assistance to poor, young people setting up households for the first time, and focusing efforts on communities from which large proportions of homeless people originate."6 States and counties also may be able to use MOE funds to provide other benefits. Some states have chosen to provide cash income support to certain families — such as those with a parent working in unsubsidized employment or with a disabled child or parent — with separately administered MOE funds so the months of assistance do not count against the federal time limit.7 The final TANF rules also make it easier for states and counties to contract with community agencies to run homelessness prevention programs by eliminating the need to collect or report data on individual families receiving TANF-funded "non-assistance." Because of another requirement in the final TANF regulations, however, states and counties that wish to use TANF funds to provide homelessness prevention benefits that are not considered "assistance" must use TANF block grant funds for the current fiscal year. If states have insufficient current year funds for this purpose but have surplus funds from prior years' block grants, they can use prior year funds to pay for cash assistance and thereby free up current TANF block grant funds for crisis programs. Many States and Counties Provide Benefits to Prevent Homelessness as Part of Their TANF Programs Many states and counties include a variety of homelessness prevention benefits for families with children as part of their TANF programs. The types of emergency assistance states and counties provide include eviction prevention, short-term rental assistance, assistance to prevent utility shut-offs, emergency housing, and temporary shelter for homeless families. In the last few years, a number of states and counties, including Florida, Minnesota, and Washington, have used TANF funds freed up by declining caseloads to initiate or expand homelessness prevention programs. As of June 1999, 34 states provided housing-related benefits as part of their TANF programs to families in situations that meet state-established emergency criteria. Of these 34 states, 31 provided crisis benefits to families that also received monthly cash benefits, 28 provided emergency assistance to families that are eligible for but not receiving TANF monthly cash benefits and 25 provided homelessness prevention benefits to families that are not eligible for monthly TANF benefits.8 The table below indicates the number of states providing different 5 types of housing-related benefits to prevent or alleviate homelessness and the categories of families eligible for each benefit. More detail on individual state

programs is available at the website identified in note 8. These state programs appear to mix TANF and MOE funds to provide homelessness prevention benefits, though some states and counties may have used MOE funds that were accounted for separately to provide emergency benefits to families not receiving TANF monthly cash assistance. Conclusion Using the flexibility afforded by the definition of "assistance" in the final TANF regulations, states and counties may finance homelessness prevention benefits for all families with children with federal TANF funds without adverse effects on working families or others not receiving monthly TANF benefits. It is not necessary either to deny emergency assistance to certain families because they do not receive TANF cash assistance or to run the clock on families' 60-month federal lifetime TANF time limit to provide them with emergency benefits and services. If states and counties fund homelessness prevention benefits provided through the TANF program entirely with federal TANF funds, they may have additional MOE funds available for ongoing housing assistance to working families and other programs for families that states and counties wish to assist without triggering TANF time limits.

States are using TANF funds to fund anti-homelessness initiatives

Wogan '13 (JB Wogan, In 2010, the Washington Newspaper Publishers Association named him "News Writer of the Year", staff writer, 4/29/13, "Why States Are Using Welfare to Pay for Housing", http://www.governing.com/blogs/view/gov-why-states-are-using-TANF-to-pay-for-rapid-rehousing.html**, 7/10/15 ML)**

For the past three years, states used one-time stimulus funds to supercharge a promising anti-homelessness initiative. Now that the money is gone, at least nine states are leveraging welfare cash assistance to keep the program alive, and the federal government hopes more states will follow. The American Recovery and Reinvestment Act (ARRA) of 2009, also known as the economic stimulus, set aside $1.5 billion for the Homelessness Prevention and Rapid Rehousing Program (HPRP) over three years. But in 2013, states are faced with a question of how to cover the loss of that one-time investment. "We're all having an ARRA hangover," said Karla Aguirre, director of workforce development at Utah's Department of Workforce Services. The basic concept of HPRP was to provide short-term assistance to individuals and families who were in danger of becoming homeless or who were already homeless. The program targeted people experiencing some kind of temporary crisis, such as job loss, that made housing unaffordable. Assistance could mean as many as 18 months of rental subsidies, covering the security deposit, paying off outstanding utility bills and even providing hotel vouchers. The program also covered the cost of support services, such as landlord negotiations, legal assistance and credit counseling. Early results from HPRP were promising. In the second year, the program served about 670,000 people, of which 87 percent exited the program and moved into a permanent home (as opposed to living in a shelter, on the streets or doubling up in someone else's home). Local communities in states such as Idaho and Minnesota reported similar success. There's even some evidence that stable housing correlates with better employment outcomes: In Mercer County, New Jersey, 57 families exited the county's rapid rehousing program between 2010 and 2012, with about 91 percent placed in permanent housing and about 75 percent reporting an uptick in employment income by an average of $1,100 a month. "We credit [HPRP funding] with keeping family homelessness about flat for the past few years," says Katharine Gale, a policy director with the U.S. Interagency Council on Homelessness. "That source is now gone." The number of homeless families with children, according to aggregated point-in-time counts across the country, was roughly the same between 2009 and 2012, with 77,157 homeless family households -- totalling 239,403 people in homeless families -- last year.) "If communities want to continue this good work that they did with HPRP, then how are they going to manage to do that? I think one of the answers is TANF," says Steve Berg, vice president for programs and policy at the National Alliance to End Homelessness. Temporary Assistance for Needy Families (TANF) is a federal cash-assistance program for low-income families with children. State agencies in charge of TANF should consider coordinating with local rapid rehousing programs, said the federal Administration for Children and Families in a February memo. Afterall, about a third of homeless families are "extremely poor," the memo said, with an annual median income below $7,500. Roughly 41 percent of homeless families already receive TANF cash assistance, but many more might be eligible, according to an ongoing multi-city study by the U.S. Department of Housing and Urban Development. Berg called the pairing of welfare cash assistance and rapid rehousing a "philosophical good match" because "the whole idea behind TANF and welfare reform is people should get short-term help getting back on their feet and then let them take care of themselves." In combining TANF with rapid rehousing, two silos in human services are coming together, says Alexandra Cawthorne, a senior policy analyst with the National Governors Association. That's important because after people find a permanent dwelling, they still need help stabilizing their lives, which might include finding a job, opening a savings account, enrolling children in school or building good credit. TANF agencies can connect families with case managers trained in coaching people through those latter stages of self-sufficiency, Cawthorne said. Likewise, TANF agencies can benefit from the rapid rehousing model, Gale said, because once families have a permanent home, they're better positioned to tackle other barriers to leaving public assistance, such as

unemployment and lack of childcare. TANF might appeal to housing agencies as a funding source because it's an ongoing program in all states, but as a short-term benefit it does have the drawback of being limited to four months of assistance, Gale said.* Colorado, Idaho, Massachusetts, Minnesota, New Jersey, New York, Ohio, Utah, Vermont and the District of Columbia already use TANF in tandem with rapid rehousing, according to a tally by the National Alliance to End Homelessness. One of the states being touted by federal agencies as a potential model for coupling TANF and rapid rehousing is Utah. The state's largest homeless shelter provider, The Road Home, partnered with the Utah's Department of Workforce Services to implement a rapid rehousing program using TANF funds as well as HPRP money. The Road Home rehoused 1,237 families between 2009 and February of this year, of which 87 percent did not return to homelessness. The nonprofit also reported a shortening of average shelter stays by homeless families (71 days in 2007 vs. 35 days in 2012). Through 2012, funding came from roughly $1 million in annual stimulus dollars and $950,000 from TANF to pay for its rapid rehousing program. Although the stimulus-backed HPRP no longer exists, HUD's Emergency Solutions Grant Program serves a similar purpose, albeit at a diminished level of support. Last year HUD's budget included $314 million in Emergency Solutions grants. The president's budget for 2014 asks for a slight increase, for an annual total of $356 million, with $60 million set aside for rapid rehousing. By comparison, HPRP offered about $500 million per year explicitly for homelessness prevention and rapid rehousing. A few other options exist for replacing HPRP dollars. In Utah, The Road Home is trying to fill the void of stimulus money with two smaller HUD programs: $225,000 in from Emergency Solutions and $400,000 from the HOME Investment Partnerships Program. Other communities are using money from HUD's Continuum of Care competitive grant program, Gale said, to shore up the loss of the stimulus funds. *The story has been updated to clarify that TANF short-term benefits have a four-month limit. Longer term assistance would trigger reporting requirements and administrative oversight that states might prefer to avoid.

TANF funds are used to rehouse families and prevent homelessness

National Alliance to End Homelessness ND, (Organization that fights homelessness, ND, http://webcache.googleusercontent.com/search?q=cache:i6mlimD7hrwJ:b.3cdn.net/naeh/f38e81ed4cfdd20d14_jvm6bhnfn.pdf+&cd=11&hl=en&ct=clnk&gl=us, Using TANF to Support and Improve Efforts to End Family Homelessness, 7/10/15 ML)

In many states and localities, significant TANF resources are already being spent to provide funding for eviction prevention assistance, motels, emergency shelters and transitional housing programs serving homeless families. The TANF resources provide support to programs that are critically needed to provide an emergency response to families in crisis. However, there are often refinements that can be made in how the money is used and new initiatives that can be supported with funds that can improve families' outcomes. While states facing difficult budget deficits may be reluctant to increase spending to expand programs or support new initiatives, they may be responsive to changing how current spending is used. Demonstrate Effectiveness and Cost-Savings The Commonwealth of Massachusetts has been a leader in re-thinking the use of TANF resources to support family shelter. By legislative statute, the Commonwealth is responsible for ensuring that children experiencing homelessness are sheltered. As more and more families were impacted by the recession, emergency shelter and transitional housing options were quickly depleted and the state resorted to sheltering families in motels. Through prior experience and data, the state recognized that motels and shelters are a poor alternative to helping a family return to housing and had already begun work to transform their investments in family homelessness to one focused on achieving permanent housing outcomes. Local studies found that time limited rental assistance reduced reliance on motels and shelters, was effective in ending family homelessness, and was less costly than shelter stays. As a result, the state is funneling more resources into prevention, diversion, and rapid rehousing strategies while working to reduce the length of time families reside in shelter. Communities that have implemented these successful approaches are reducing their dependence on motels for sheltering families and are now moving families out of homelessness faster than families are entering shelter. While they are achieving improved family and program outcomes, they are also reducing costs. Explore Current TANF Spending on Homelessness Local and state homelessness leaders are exploring how TANF funds are now being used to support homeless families. Based on this, they are developing proposals for how the funds can be used more efficiently through better targeting of prevention assistance and through increased funding of rapid re-housing programs. The reduced demand that can result from effective prevention programs and shorter stays in TANF-supported shelter can result in reduced costs and better outcomes for families. To assess the annual costs of the county-funded homelessness system in Mercer County, New Jersey, Mercer Alliance to End Homelessness hired a consultant who had worked with the State's Department of Human Services. She found that the County was spending close to $10 million annually to support the family homelessness service system, much of it with county TANF funds. Mercer Alliance to End Homelessness then brought in national experts to consult with county and state officials, board

members, and homeless service providers to examine how the funds might be more strategically invested to end family homelessness. The state and local government approved a $250,000 Rapid Re-Housing Pilot for Mercer County which more than doubled when the County won funds from HUD's Rapid Re-Housing Demonstration for Homeless Families Initiative and received new HPRP resources.

Uniqueness/Links

Uniqueness – State Budgets High

State budgets on Transportation and education are good and increasing

Krehbiel 15 **[Randy-World Staff Writer, 4/20/15, "Tight state budget put education and transportation on the spot",http://www.tulsaworld.com/news/capitol_report/tight-state-budget-put-education-and-transportation-on-the-spot/article_a18375ed-6604-5fd5-a168-08421ea545f5.html, date accessed: 7/14/15]Kruger**

Want more for education? **State funding for transportation has increased 38 percent over the past four years**, while state support of public schools has been more or less unchanged over the past five years. One idea being floated, and apparently the one that prompted the ad campaign, is to take money from the county roads and bridges account to help balance the budget. Want bridges that don't collapse and highways that don't wreck your suspension? The money has to come from somewhere, and nobody gets more state and local dollars than education. Common ed is going to get somewhere around $3.5 billion in state and local tax money for operations this year, compared to $661.8 million for transportation.

Uniquness – State Budgets High – Education

States Funding education now

Cuomo 15 **[Andrew-He is the governor of New York, 4/1/15, "Governor Cuomo Announces Highlights from the Passage of the 2015-16 State Budget",** https://www.governor.ny.gov/news/governor-cuomo-announces-highlights-passage-2015-16-state-budget**, date accessed: 7/14/15]Kruger**

"For the fifth year in a row, the State Budget holds spending growth below two percent and continues a record of fiscal discipline that has reversed decades of budgets that increased spending faster than inflation or personal income growth. "This $142 billion budget is the most meaningful that we have agreed to in many years, not because of what we are spending but because of how we are spending it. We are not just maintaining services and the status quo with this budget. We are investing in a new future for our state. "This budget addresses two of the most fundamental and intractable issues that have vexed the state for generations – education and ethics. "**When it comes to education, the budget we approved will transform our school system in comprehensive ways.** The reforms we have included will move us to an education system that rewards results, addresses challenges and demands accountability. "That's why I tied a landmark six percent increase in new school spending – raising state funding of schools to a record-high $23.5 billion in this year's budget – to vital reforms, including improvements to the systems for teacher evaluation, certification and preparation as well as providing new authority to improve failing schools. "This year we are finally ensuring that New York's education system will be about the students it is intended to serve, instead of just perpetuating a bureaucracy. "I described the budget I first proposed just two months ago as an Opportunity Agenda. The importance of education reform that we fought to include in this year's budget shows that we believe there is no greater path to opportunity than a good education.

States funding education now

Campbell 15 **[Jon-State government reporter for Gannett New York, 4/1/15, "State budget's education plan sends shockwaves",** http://www.pressconnects.com/story/news/local/new-york/2015/04/03/ny-teacher-policy/25267789/**, date accessed: 7/14/15]Kruger**

ALBANY – A slate of changes to New York's school system tucked into the state's new $142 billion budget are either a "dramatic shift" or a "sham," depending on your perspective. According to Gov. Andrew Cuomo, the education plan -- which includes a tougher teacher-evaluation system and a plan for taking over long-struggling schools -- will be "one of the greatest legacies" he leaves for the state. The New York State United Teachers union says Cuomo has "refused to consider the educational research" or listen to parents and educators. The union has gone as far to suggest parents should considering opting their children out of state-mandated exams. It's a fight that won't end anytime soon: The ramifications of the education-reform plan spearheaded by Cuomo will play out over years. But the shockwaves are already being felt at the Capitol, where lawmakers in the state Assembly debated the plan for 61/2-hours before approving it Tuesday, which helped push passage of the budget a few hours past a midnight deadline. "We advocated, we agonized, we pushed, we pulled and fought to make a bad situation better," said Assemblyman Ken Zebrowski, D-New City, Rockland County. The state budget includes $23.5 billion in funding for schools, not counting some additional funds that will help expand pre-kindergarten programs and a $75 million fund for 27 struggling schools. It also included a multi-part plan Cuomo says will lead to progress in schools but has led to strife with the teacher's union. That plan deals largely with teachers and "failing schools," including a new process of evaluating educators and a system for appointing a state-approved "receiver" to step in and make changes at schools with poor academic progress.

Link – Ext – Child Support Key to Revenue

Child support used to reimburse states for TANF funds

Solomon-Fears '12 (Carmen, Specialist in social policy for the Congressional Research Service, 7/19/12, "Analysis of Federal-State Financing of the Child Support Enforcement Program" http://greenbook.waysandmeans.house.gov/sites/greenbook.waysandmeans.house.gov/files/2012/documents/RL33422_gb.pdf 7/10/15 **ML)**

Readers should note that the child support payments made on behalf of TANF children are paid to the state for distribution rather than directly to the family. If the child support collected is insufficient to lift the family's income above the state's TANF eligibility limit, the family receives its full TANF grant (i.e., not reduced by the child support payment), and the child support is collected by the state and distributed to the state treasury and the federal government in proportion to their assistance to the family. If the family's income, including the child support payments, exceeds the state's TANF eligibility limit, the family's TANF cash benefits are ended and all current child support payments are then sent directly to the family (via the state's child support disbursement unit). As mentioned above, when the CSE program was first enacted in 1975, one of its primary goals was to recover the costs of providing cash welfare to families with children. To accomplish this cost-recovery goal, child support collected on behalf of families receiving AFDC directly offset AFDC benefit costs, and was shared between the federal and state governments in accordance with the matching formula used for the given state's AFDC program. Under old AFDC law, the rate at which states reimbursed the federal government for child support was the federal matching rate (i.e., the federal medical assistance percentage, or "Medicaid matching rate") for the AFDC program, which varied inversely with state per capita income (i.e., poor states have a high federal matching rate; wealthy states have a lower federal matching rate). In a state that had a 50% matching rate, the federal government was reimbursed $50 for each $100 collected in child support on behalf of an AFDC family, while in a state that had a 70% federal matching rate, the federal government was reimbursed $70 for each $100 collected. In the first example, the state kept $50, and in the second example, the state kept $30. Thus, states with a larger federal medical assistance matching rate kept a smaller portion of the child support collections. The match ranged from a minimum of 50% to a statutory maximum of 83%. Although AFDC was replaced by the TANF block grant under the welfare reform law of 1996, the same matching rate procedure is still used. In terms of CSE collections, this cost-recovery procedure means that poorer states are rewarded less for their CSE efforts than wealthier states. In other words, states that are entitled to a relatively small proportion of child support collections because of paying a smaller share of AFDC benefit costs have to collect more child support payments per administrative dollar than other states to recover their costs (other things being equal). There has been movement away from the cost-recovery goal, in part because of the changing nature of the CSE program. As discussed earlier (in the Caseload section), the component of the caseload that is composed of TANF families is shrinking. Even though overall child support collections increased by 67% over the 11-year period FY1999-FY2010 (see Table A-3), child support collections made on behalf of TANF families decreased by 21% (see Table A-4). In FY2010, only 14% of the CSE caseload was composed of TANF families. Thus, the policy shift—from using the CSE program to recover welfare costs to using it as a mechanism to consistently and reliably get child

support income to families—is not surprising. In FY2009, only 7% of CSE collections ($1.9 billion) were made on behalf of TANF families (see Table A-7); about 12% of that amount went to the families (pursuant to state child support "pass through" provisions), and the rest was divided between the state and federal governments to reimburse them for TANF benefits paid to the families. This meant that in FY2009, 92% of CSE collections Analysis of Federal-State Financing of the Child Support Enforcement Program Congressional Research Service 8 ($24.3 billion) went to the families on the CSE rolls.19 The comparable figure in FY1999 was 85% ($13.5 billion); and the comparable figure in FY1996 was 80% ($9.6 billion). Funding Elements The CSE program is funded with both state and federal dollars. There are five funding streams for the CSE program. First, states spend their own money to operate a CSE program; the level of funding allocated by the state and/or localities determines the amount of resources available to CSE agencies. Second, the federal government reimburses each state 66% of all allowable expenditures on CSE activities.20 The federal government's funding is "open-ended" in that it pays its percentage of expenditures by matching the amounts spent by state and local governments with no upper limit or ceiling. Third, states collect child support on behalf of families receiving TANF to reimburse themselves (and the federal government) for the cost of TANF cash payments to the family. Federal law requires families who receive TANF cash assistance to assign their child support rights to the state in order to receive TANF. In addition, such families must cooperate with the state if necessary to establish paternity and secure child support. Collections on behalf of families receiving TANF cash benefits are used to reimburse state and federal governments for TANF payments made to the family (i.e., child support payments go to the state instead of the family, except for amounts that states choose to "pass through" to the family as additional income that does not affect TANF eligibility or benefit amounts).21 The formula for distributing the child support payments collected by the states on behalf of TANF families between the state and the federal government is still based on the old AFDC federal-state reimbursement rates described earlier, even though the AFDC entitlement program was replaced by the TANF block grant program. Under existing law, states have the option of giving some, all, or none of their share of child support payments collected on behalf of TANF families to the family.22 Pursuant to P.L. 109-171 (effective October 1, 2008), states that choose to pass through some of the collected child support to the TANF family do not have to pay the federal government its share of such collections if the amount passed through to the family and disregarded by the state does not

Link – Ext – Budget Spills Over

Federal welfare spending key to state budgets – spills over to other areas

*specifically education and Drug harm reduction

Schott et al '15 (Liz Schott, LaDonna Pavetti, Ph.D., and Ife Floyd, Schott currently is a Senior Fellow with the Center's Welfare Reform and Income Support Division. Vice President for Family Income Support Policy at the Center on Budget and Policy Priorities, Floyd joined the Center in June 2011 as a Research Associate with the Family Income Support Division. 4/8/15 "How States Use Federal and State Funds Under the TANF Block Grant" http://www.cbpp.org/research/family-income-support/how-states-use-federal-and-state-funds-under-the-tanf-block-grant 7/9/15 ML)

Connecticut In 2013, Connecticut spent over $300 million in "other areas," representing two-thirds of its state and federal TANF spending -- about twice the share of the nation as a whole. It spent 94 percent of its federal TANF funds and 42 percent of its state MOE funds outside of the Department of Social Services, which administers the TANF cash assistance and employment programs. Most of the spending was for child welfare services and early education, using TANF or MOE funds to free up other state funds for uses unrelated to the purposes of TANF: •Child welfare. About $100 million went to the Department of Children and Families for various child welfare-related programs and services. Of this, $56 million was targeted for case management services and $34 million for investigations. Additional programs within DCF accounted for another $10 million. •School readiness. Some $72 million went to the Department of Education for preschool for children ages 3-5 living in economically disadvantaged communities with family incomes below 75 percent of the state median -- that is, below about $65,000 a year for a family of three (more than three times the federal poverty level). Another $30 million went to the Department of Education for other education initiatives. •Other expenditures. Connecticut's remaining spending in "other areas" was spread across numerous programs, mostly outside the state TANF agency. Some $20 million, for example, went to the Department of Corrections for addiction services for non-custodial parents. Another $28 million went to the Department of Mental Health and Addiction Services to serve special populations, targeting young adults (including sex offenders). Connecticut claimed very little in "excess MOE" in 2013, so the spending in other agencies does not reflect "excess MOE." Instead, Connecticut is an example of a state using most of its TANF money for programs and services outside core welfare reform areas. Box 3: Some "Other Areas" Spending May Reflect "Excess" MOE States must spend at least 80 percent of their historic state AFDC spending to meet TANF's MOE requirement or face

a fiscal penalty; the threshold is lowered to 75 percent in a year the state meets its TANF work participation rate. (See Appendix I for additional discussion.) Since the Deficit Reduction Act of 2005 made it harder for states to meet their TANF "work participation rate" requirements -- thereby threatening some states with the loss of some federal TANF funds due to penalties -- a number of states have found it advantageous to claim as MOE certain existing expenditures they hadn't previously claimed. States with MOE spending exceeding their minimum MOE requirement can obtain a "caseload reduction credit" that lowers their work participation rate requirement. Claiming excess MOE also helps a state qualify for additional federal money from the TANF Contingency Fund. Thus, since 2006, total MOE spending across states has risen above the minimum required levels, with 38 states reporting MOE over 80 percent in 2013. This increase does not necessarily represent an increase either in underlying state spending or in benefits or services for low-income families. Some of the reported MOE may represent existing state spending or existing third-party spending (such as by food banks or domestic violence shelters) that the state hadn't previously counted as MOE. Some states have moved aggressively to claim existing expenditures as MOE, whether expenditures in other state agencies or by third parties. In some instances, these expenditures help increase a state's MOE above the minimum requirements. In other instances, they enable states to withdraw substantial state funds they had used for TANF purposes while still meeting their MOE requirement. In analyzing a state's TANF and MOE expenditures, therefore, it is important to understand the extent to which they are part of an "excess MOE" strategy. For example, compare New Jersey, which claimed 197 percent MOE in 2013 ($489 million over its 75 percent MOE requirement), with Louisiana, which claimed 78 percent MOE ($3 million over its 75 percent MOE requirement): •New Jersey spent $558 million in "other areas," representing 43 percent of its TANF/MOE spending. The bulk of this spending was $452 million claimed as MOE for the state's early childhood education program. This is a significant amount, but given the state's $489 million in "excess MOE," it may represent the claiming of existing early childhood education spending as MOE rather than a massive diversion of TANF and MOE funds to other uses. •Louisiana spent $145 million in "other areas," representing two-thirds of its TANF/MOE spending. The bulk went to early education, child welfare, and financial aid. In contrast with New Jersey, only $3 million of this spending can be considered "excess MOE," which means that virtually all of the "other areas" spending represented a diversion of TANF and MOE funds to other uses. Louisiana In 2013, Louisiana spent some $145 million, or two-thirds of its state and federal TANF spending, in "other areas."[18] Most went for child welfare services, early education, and financial aid for college students. Louisiana used TANF funds to supplant state spending or to cover the cost of expansions that otherwise would have required state spending, freeing the up funds for other uses unrelated to the purposes of TANF, including tax cuts. •Child welfare. Some $34 million went for child welfare, including child protective investigations and family services. Another $4.4 million went to providing court-appointed advocates for children placed (or at risk of placement) in foster care. •Early education. Some $34 million went to the state's pre-kindergarten program. •Financial aid. Some $33 million went to the Office of Student Financial Aid Assistance for financial aid to students in post-secondary education. •Other expenditures. Drug courts received $6 million and substance abuse programs received another $3 million. Other programs received smaller amounts. Like Connecticut, Louisiana claimed virtually no "excess MOE" in 2013, so it is another example of a state using most of its TANF funds for programs and services outside core welfare reform areas.

Link – AT: Plan's Effect Is Small

Even if the plan doesn't eliminate budget surpluses, minor changes can force cuts

NYC Independent Budget Office '01 (Provides impartial information on NYC budget statistics, August 2001, "New York's Increasing Dependence on the Welfare Surplus", www.ibo.nyc.ny.us/iboreports/tanf.pdf, 7/10/15 ML

This month marks the fifth anniversary of the 1996 federal welfare reform act. One of the act's sweeping changes was the transformation of the primary federal welfare program from an entitlement with expenditures driven by the size of the caseload to a block grant. The block grant gave the states greater flexibility in running their welfare programs, as well as the opportunity to reap savings if caseloads fell. In New York State, caseloads have fallen far below the levels that had been used to set the state's block grant. With lower spending needed to maintain a baseline level of assistance and a fixed block grant, there has been a surplus of TANF funds in each state fiscal year since 1997-1998. This brief, based largely on information from the New York State Division of the Budget, examines how the surplus has been allocated each year by the state and then reviews how New York City allocated its share of last year's surplus. The brief also addresses some of the implications of the state's and city's dependence on TANF surplus funds. Among the key findings in this fiscal brief: • New York State's TANF surplus has ranged from between $908 million to $1.7 billion, with a cumulative value of $6.7 billion over the last five years. • A major use of TANF surplus funds by the state has been to expand social services, particularly child care and other programs providing welfare-to-work assistance. • The state has also set aside a contingency fund that will grow to nearly $800 million this year to provide a reserve should the caseload begin to grow again, thus shrinking the surplus. • During the city's last fiscal year, $470 million in TANF surplus funds were allocated to provide expanded services that have been baselined in the local budget. • The city's largest use of TANF surplus funds has been for child care, with allocations to support an estimated 26,000 new

slots. • Little of the TANF surplus is used in the city for fiscal relief, replacing local spending with TANF funding. **• With the state and city now both reliant on** the TANF **surplus to help fund baseline services, a smaller surplus in the future would force a choice among reducing services, raising taxes, or shifting budget priorities** • An economic slowdown leading to larger caseloads or a major change in the size of the block grant when TANF is reauthorized next year could reduce—or eliminate—surpluses

Impact – Transportation

AT: No War

Economic decline causes global war – strong stastical support

Royal 10 (Jedediah, Director of Cooperative Threat Reduction – U.S. Department of Defense, "Economic Integration, Economic Signaling and the Problem of Economic Crises", Economics of War and Peace: Economic, Legal and Political Perspectives, Ed. Goldsmith and Brauer, p. 213-215)

Less intuitive is how periods of economic decline may **increase the likelihood of external conflict**. Political science literature has contributed a moderate degree of attention to the impact of economic decline and the security and defence behaviour of interdependent states. Research in this vein has been considered at systemic, dyadic and national levels. Several notable contributions follow. First, on the systemic level, Pollins (2008) advances Modelski and Thompson's (1996) work on leadership cycle theory, finding that rhythms in the global economy are associated with the rise and fall of a pre-eminent power and the often **bloody transition** from one pre-eminent leader to the next. As such, exogenous shocks such as economic crises could usher in a redistribution of relative power (see also Gilpin. 1981) that leads to uncertainty about power balances, **increasing the risk of miscalculation** (Feaver, 1995). Alternatively, even a relatively certain redistribution of power could lead to a **permissive environment for conflict** as a rising power may seek to challenge a declining power (Werner. 1999). Separately, Pollins (1996) also shows that global economic cycles combined with parallel leadership cycles impact the likelihood of conflict among major, medium and small powers, although he suggests that the causes and connections between global economic conditions and security conditions remain unknown. Second, on a dyadic level, Copeland's (1996, 2000) theory of trade expectations suggests that 'future expectation of trade' is a **significant variable** in understanding economic conditions and security behaviour of states. He argues that interdependent states are likely to gain pacific benefits from trade so long as they have an optimistic view of future trade relations. However, if the expectations of future trade decline, particularly for difficult to replace items such as energy resources, **the likelihood for conflict increases**, as states will be inclined to use force to gain access to those resources. Crises could potentially be the trigger for decreased trade expectations either on its own or because it triggers protectionist moves by interdependent states.4 Third, others have considered the link between economic decline and external armed conflict at a national level. Blomberg and Hess (2002) find a s**trong correlat**ion between internal conflict and external conflict, **particularly during** periods of **economic downturn**. They write: The linkages between internal and external conflict and prosperity are strong and mutually reinforcing. Economic conflict tends to spawn internal conflict, which in turn returns the favour. Moreover, the presence of a recession tends to **amplify the extent** to which international and external conflicts self-reinforce each other. (Blomberg & Hess, 2002. p. 89) Economic decline has also been linked with an **increase in the likelihood of terrorism** (Blomberg, Hess, & Weerapana, 2004), which has the capacity to spill across borders and lead to external tensions. Furthermore, crises generally reduce the popularity of a sitting government. "Diversionary theory" suggests **that**, when facing unpopularity arising from economic decline, sitting governments have increased incentives to **fabricate external** military conflicts to create a 'rally around the flag' effect. Wang (1996), DeRouen (1995). and Blomberg, Hess, and Thacker (2006) find supporting evidence showing that economic decline and use of force are at least indirectly correlated. Gelpi (1997), Miller (1999), and Kisangani and Pickering (2009) suggest that the tendency towards diversionary tactics are greater for democratic states than autocratic states, due to the fact that democratic leaders are generally more susceptible to being removed from office due to lack of domestic support. DeRouen (2000) has provided evidence showing that periods of weak economic performance in the **U**nited **S**tates, and thus weak Presidential popularity, **are statistically linked** to an increase in the use of force. In summary, recent economic scholarship positively correlates economic integration with an increase in the frequency of economic crises, whereas political science **scholarship links economic decline with external conflict** at systemic, dyadic and national levels.5 This implied connection between integration, crises and armed conflict has not featured prominently in the economic-security debate and deserves more attention.

Escalates existing crises

Miller 8 – G. Robert M. Miller, journalist for Digital Journal, 10-25, 2008, "Guns vs. Shovels – The Central Question Behind Our Next Economy," online: http://www.digitaljournal.com/article/261595

But before we look at the modern 'Guns versus Butter' model, it first has to be noted that this phrase was originally popularized in a time where securing economic prosperity was a primary concern in nearly every nation. More importantly, when these nations did experience economic collapse, nearly all of them chose Guns. There is no question that Nazi aggression spawned World War II, however, what was happening in Europe became a world war for a purpose as central to the heart of the capitalist as was the instantaneous end of the holocaust to the heart of the compassionate; economic prosperity. Simply said, big wars are big money; and to truly break from the embrace of the Great Depression, a big commitment to the economy was necessary. And due to the leadership that guided the balance between 'Guns and Butter' in the US through World War II, the economy was considerably improved; this was true for many western nations.

Perception alone causes global instability

Harold **James** 7/3/**13** (Professor of History and International Affairs at Princeton University and Professor of History at the European University Institute, Florence, project syndicate, "financial crisis and war" http://www.project-syndicate.org/commentary/financial-crisis-and-war-by-harold-james#6ObpMZcq3uXv7puL.99)

The approach of the hundredth anniversary of the outbreak of World War I in 1914 has jolted politicians and commentators worried by the fragility of current global political and economic arrangements. Indeed, Luxembourg's prime minister, Jean-Claude Juncker, recently argued that Europe's growing north-south polarization has set the continent back by a century. The lessons of 1914 are about more than simply the dangers of national animosities. The origins of the Great War include a fascinating precedent concerning how **financial globalization can become the equivalent of a national arms race**, thereby **increasing the vulnerability of the international order.** In 1907, a major financial crisis emanating from the United States affected the rest of the world and demonstrated the fragility of the entire international financial system. The response to the current financial crisis is replaying a similar dynamic. Walter Bagehot's 1873 classic Lombard Street described the City of London as "the greatest combination of economic power and economic delicacy that the world has ever seen." In one influential interpretation, popularized by the novelist, Labour Party MP, and future Nobel Peace Prize laureate Norman Angell in 1910, the interdependency of the increasingly complex global economy made war impossible. But the opposite conclusion was equally plausible: Given the extent of fragility, a clever twist to the control levers might facilitate a military victory by the economic hegemon. The aftermath of the 1907 crash drove the hegemonic power of the time – Great Britain – to reflect on how it could use its financial clout to enhance its overall strategic capacity. That is the conclusion of an important recent book, Nicholas Lambert's study of British economic planning and the First World War, entitled Planning Armageddon. Lambert demonstrates how, in a grand strategic gamble, Britain began to marry its military – and especially naval – predominance and its global financial leadership. Between 1905 and 1908, the British Admiralty developed the broad outlines of a plan for financial and economic warfare against Europe's rising power, Germany. Economic warfare, if implemented in full, would wreck Germany's financial system and force it out of any military conflict. When Britain's naval visionaries confronted a rival in the form of the Kaiser's Germany, they understood how power could thrive on financial fragility. Pre-1914 Britain anticipated the private-public partnership that today links technology giants such as Google, Apple, or Verizon to US intelligence agencies. London banks underwrote most of the world's trade; Lloyds provided insurance for the world's shipping. These financial networks provided the information that enabled the British government to discover the sensitive strategic vulnerabilities of the opposing alliance. For Britain's rivals, the financial panic of 1907 demonstrated the necessity of mobilizing financial power themselves. The US, for its part, recognized that it needed a central bank analogous to the Bank of England. American financiers were persuaded that New York needed to develop its own commercial trading system to handle bills of exchange in the same way as the London market and arrange their monetization (or "acceptance"). The central figure in pushing for the development of an American acceptance market was Paul Warburg, the immigrant younger brother of a great Hamburg banker who was the personal adviser to Germany's Kaiser Wilhelm II. The Warburg brothers, Max and Paul, were a transatlantic tandem, energetically pushing for German-American institutions that would offer an alternative to British industrial and financial monopoly. They were convinced that Germany and the US were growing stronger year by year, while British power would erode. Some of the dynamics of the pre-1914 financial world are now **reemerging**. In the aftermath of the 2008 financial crisis, financial institutions appear both as dangerous **weapons of mass economic destruction**, but also as potential instruments for the application of national power. In managing the 2008 crisis, foreign banks' dependence on US-dollar funding constituted a major weakness, and required the provision of large swap lines by the Federal Reserve. Addressing that flaw requires renationalization of banking, and breaking up the activities of large financial institutions. For European bankers, and some governments, current efforts by the US to revise its approach to the operation of foreign bank subsidiaries within its territory highlight that imperative. They view the US move as a new sort of financial protectionism and are threatening retaliation. Geopolitics is intruding into banking practice elsewhere as well. Russian banks are trying to acquire assets in Central and Eastern Europe. European banks are playing a much-reduced role in Asian trade finance. Chinese banks are being pushed to expand their role in global commerce. Many countries have begun to look at financial protectionism as a way to increase their political leverage. The next step in this logic is to think about how financial power can be directed to national advantage in the case of a diplomatic conflict. Sanctions are a routine (and not terribly successful) part of the pressure applied to rogue states like Iran and North Korea. But financial pressure can be much more powerfully applied to countries that are deeply embedded in the global economy. In 1907, in the wake of an epochal financial crisis that almost brought a complete global collapse, several countries started to think of finance primarily as an instrument of raw power that could and should be turned to national advantage. That kind of thinking brought **war** in 1914. A century later, in 2007-2008, the world experienced an

even greater financial shock, and nationalistic passions have **flared up** in its wake. **Destructive strategies may not be far behind.**

Failure to act crushes economic leadership which ensures peace – collapse causes war

Posen 9 - deputy director and senior fellow of the Peterson Institute for International Economics (Adam, "Economic leadership beyond the crisis," http://clients.squareeye.com/uploads/foresight/documents/PN%20USA_FINAL_LR_1.pdf)

Thus, the US faces a challenging but not truly threatening global economic situation as a result of the crisis and longer-term financial trends. Failure to act affirmatively to manage the situation, however, bears two significant and related risks: first, that China and perhaps some other rising economic powers will opportunistically divert countries in US-oriented integrated relationships to their economic sphere(s); second, that a leadership vacuum will arise in international financial affairs and in multilateral trade efforts, which will over time erode support for a globally integrated economy. Both of these risks if realised would diminish US foreign policy influence, make the economic system less resilient in response to future shocks (to every country's detriment), reduce economic growth and thus the rate of reduction in global poverty, and conflict with other foreign policy goals like controlling climate change or managing migration and demographic shifts. If the US is to rise to the challenge, it should concentrate on the following priority measures.

A2: No War – A2: No Diversionary Theory

Diversionary theory true

Rothkopf 9 – David Rothkopf, Visiting Scholar at the Carnegie Endowment for International Peace, 3-11, 2009, "Security and the Financial Crisis," Testimony Before the House Armed Services Committee, CQ Congressional Testimony, lexis

--Destabilizing Bilateral or Regional Effects of the Crisis: The weakening of states can produce instability that spills across borders or can produce social pressures that increase migration and create associated tensions along borders. The rise of opposition groups can create an opportunity for like-minded neighbors to support their activities and thus cause rifts and potential conflicts to spread. Political and economic weakness in nations can be **seen by opportunistic neighbors (some wishing to produce distractions from their own crises) as an invitation to intervene in their neighbors politics** or even to step in and take control of neighboring territories **or** to seek to **use force to resolve in their favor long-simmering disputes.** In the same vein, old animosities may be inflamed by the crisis either because they produce tensions that play into the origins of old rivalries or because **political leaders seek to play on those rivalries to produce a distraction from their inability to manage the economic crisis.** Need may enhance tensions and produce conflicts over shared or disputed resources. A desire to preserve national resources, jobs, or capital may produce reactive economic, border or other policies that can increase tension with neighbors. **This can include** both trade and capital markets protectionism (in traditional and new forms see below), closed or more tightly monitored borders, more disputes on cross-border issues and thus both an increase in tensions and **a decreased ability to effectively cooperate with neighbors on issues of common concern.**

A2: No Collapse – Resiliency

Economy not resilient – last line of defense gone

Jon **Nadler**, Senior Investment Products Analyst, Kitco Bullion Dealer, Feb 13, **2009**, "Easy Money. Who Needs It?," http://www.kitco.com/ind/nadler/printerfriendly/feb132009B.html

The first line of defense is gone. The economy is not resilient and is not stable. And the second line of defense is eroding. The Fed already has taken interest rates to zero, and lent out nearly $2 trillion in fruitless attempts to revive demand. In his speech, Bernanke proposed that the central bank "can always generate higher spending and hence positive inflation" by simply printing money as fast as possible. We're nowhere near that point yet. But the Fed hasn't demonstrated convincingly that lowering rates to zero and lending out trillions of dollars has had any impact on increasing final demand. It turns out that the Fed can print all the money it wants, but it can't make anyone spend it."

Economy not resilient – next economic collapse will be permanent

Jan **Lundberg** was previously Senior Vice President, Head of Global Discovery, a position he had since the Astra-Zeneca merger in 1999, June 12, **2006**, "A Call to Action: The Necessity Defense," http://www.culturechange.org/cms/index.php?option=com_content&task=view&id=58&Itemid=65

Let there be a call to action for everyone to consider immediate direct action on behalf of the world's climate. If a small percentage of people actually do it, this would bring the polluting economy to a grinding halt. Due to the nature of our Humpty-Dumpty infrastructure and lack of self-sufficiency, global economic collapse will be permanent. The cheap oil to fuel the scope and levels of today's trade is already mostly gone, and so a new economics and politics will emerge. Granted, a message or goal that would sacrifice industry as we know it - along with the global economy - is an impossible message or goal for the present powers that be. This does not mean the idea is premature, except in terms of widespread acceptance.

Global institutions can't check econ collapse – still too weak and regional financial regimes prevent effective global response to avert crisis

Ngaire **Woods 9/6**/13 (Dean of the Blavatnik School of Government, University of Oxford, project syndicate, "global institutions after the crisis" http://www.project-syndicate.org/commentary/the-empty-promise-of-global-institutions-after-the-crisis-by-ngaire-woods)

When Lehman Brothers collapsed and the global financial crisis erupted five years ago, many glimpsed a silver lining: the promise of more effective global economic governance. But, despite a flurry of early initiatives, **the world remains as far from that goal as ever.** The Financial Stability Board (FSB), established after the G-20 summit in London in April 2009, has no legal mandate or enforcement powers, nor formal processes for including all countries. The **I**nternational **M**onetary **F**und still awaits the doubling of its capital (another early vow), while its existing resources are heavily tied up in Europe and its governance reforms are stalled. The World Bank has received a modest increase in resources, but it has yet to build capacity to lend rapidly and globally beyond existing borrowers and loan arrangements, and its income trajectory is diminishing. Yet the need for effective global economic governance remains more urgent than ever. Banks and other financial firms roam internationally, greatly assisted by market-opening rules embedded in trade and investment treaties, but with no legally enforceable responsibility to provision adequately for their own losses when things go wrong. Instead, massive risks have supposedly been held at bay by voluntary standards promulgated by a patchwork of public and private "standard-setting" organizations. The crisis proved that this was **inadequate**. The titans of Wall Street and the City of London were exposed as hugely over-leveraged. Extraordinary profits when their bets paid off increased their financial and political power – which they still enjoy – with taxpayers left to bail them out when their bets turned bad. The G-20 promised stronger global institutions to prevent this from recurring. But the FSB is not a treaty-based global regulator with enforcement powers. It continues to be a "standard setter" in a world with strong incentives to evade standards and negligible sanctions for doing so. Furthermore, although the FSB's

standards are ostensibly "universal," it does not represent all countries or have formal mechanisms to inform and consult them. Regulators face a **Sisyphean task**, owing to the absence of strong and consistent political support for reining in the financial titans. A well-resourced financial sector intensively lobbies the most influential governments in global finance. The reforms of the IMF, another pillar of global financial management, cannot be implemented until the US Congress approves them – and there is no sign of that. Even the new Basel 3 banking standards have been diluted and postponed. For Brazil, Russia, India, and China, the delay in reforming the IMF is a serious annoyance. They became major contributors to the Fund's emergency loan pool (the New Arrangements to Borrow) immediately after the crisis and now provide 15.5% of the NAB's resources. But the greater voice and voting power that they were promised – commensurate with their status as four of the IMF's top ten shareholders – has not been delivered. Even the selection of the organization's managing director remains a European droit du seigneur. More seriously, an astounding 89.2% of the IMF's General Resources Account is outstanding to European countries, with just three countries (Greece, Portugal, and Ireland) accounting for 68%. The IMF's resources are neither adequate nor available to respond to a crisis elsewhere. Similarly, the G-20's pledge in 2009 to protect the poorest and most fragile countries and communities from the effects of the crisis remains unfulfilled. The World Bank is at the heart of these efforts, because it can pool risks globally and offset the capriciousness of official and private-sector aid flows, which create "donor darlings" (like Rwanda) and "donor orphans." But, while the Bank has more than doubled its lending relative to the four years prior to 2008, this was achieved mostly by front-loading existing loans. Crisis-hit countries that were not already borrowers were largely left out. The Bank's failure to lend to new clients partly reflects its slowness. Even after its loan cycle had been speeded up, the Bank took an average of 13.5 months to approve credits – a long time for a country to await "emergency" help. But the Bank is also hampered by worsening resource constraints, as the biggest post-crisis capital infusions went to regional development banks. The African Development Bank's capital was increased by 200%, as was the Asian Development Bank's. The Inter-American Development Bank got a 70% increase. Meanwhile, the World Bank received an increase of 30%, while its lending arm for the poorest countries, the International Development Association, received an increase of only 18%. Crucially, it is not obvious that the Bank has "buy-in" from emerging economies, with Brazil, Russia, India, and China, which pledged significant resources to the IMF, pledging only about 1% of IDA funding. Further exacerbating the Bank's financial woes, its powerful creditors have opted to "pull back" its lending in order to protect its resources. As a result, compared to the regional development banks, the Bank will be lending less to fee-paying clients, who provide income, and engaging in more "concessional lending," which does not. The 2008 crisis highlighted the need for international cooperation to regulate finance and mitigate the effects of a crisis. Yet the global resources and instruments needed to manage (if not avert) the next crisis have not been secured. Instead, regions and countries are quietly finding their own ways to manage finance, create pooled emergency funds, and strengthen development finance – an outcome that heralds a more fragmented and decentralized set of regulatory regimes and a modest de-globalization of finance and aid.

Global economic recovery is weak and on the brink – global institutions are ineffective and lack of trust between governments prevents effective response to crisis

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In the aftermath of the global financial crisis, world leaders repeated a soothing mantra. There could be no repeat of the Great Depression, not only because monetary policy was much better (it was), but also because international cooperation was better institutionalized. And yet one man, the American former intelligence contractor Edward Snowden, has shown how far removed from reality that claim remains. Prolonged periods of strain tend to weaken the fabric of institutional cooperation. The two institutions that seemed most dynamic and effective in 2008-2009 were the **I**nternational **M**onetary **F**und and the G-20; the credibility of both has been steadily **eroded** over the long course of the crisis. Because the major industrial economies seem to be on the path to recovery – albeit a **feeble** one – no one seems to care very much that the **mechanisms of cooperation are worn out.** They should. There are likely to be many more **financial fires** in various locations, and the world needs a fire brigade to put them out. The IMF's resources were extended in 2009, and the organization was supposed to be reformed in order to give emerging markets more voice. But little progress has been made. The Fund was the centerpiece of the post-1945 global economic system. It subsequently played a central role in the management of the 1980's debt crisis and in the post-communist economic transition after 1989. But every major international crisis since then has chipped away at its authority. The 1997-1998 Asian financial crisis undermined its legitimacy in Asia, as many governments in the region believed that the crisis was being exploited by the United States and US financial institutions. The post-2007 Great Recession discredited the IMF further for three reasons. First, the initial phase of the crisis looked like an American phenomenon. Second, the IMF's heavy involvement in the prolonged euro crisis looked like preferential treatment of Europe and Europeans. In particular, the demand that, because the world was focused on Europe, another European (and

another French national) should succeed the IMF's then-managing director, Dominique Strauss-Kahn, was incomprehensible to the large emerging-market countries. Eventually, as in the Asian crisis, European governments and the European Commission fell out with the Fund and began to blame its analysis for having confused and unsettled markets. On the big issues underlying the global financial crisis – the problem of current-account imbalances and deciding which countries should adjust, and reconciling financial reform with a pro-growth agenda – the IMF cannot say much more, or say it more effectively, than it could before the crisis. The G-20 was the great winner of the financial crisis. The older summits (the G-7 or, with the addition of Russia, the G-8), as well as the G-7 finance ministers' meetings, were no longer legitimate. They consisted of countries that had actually caused the problems; they were dominated by the US; and they suffered from heavy over-representation of mid-sized European countries. The G-20, by contrast, brought in the big emerging markets, and its initial promise was to provide a way to control and direct the IMF. The new mood of global economic regime change was captured in the official photograph that was widely used in coverage of the most successful of the G-20 summits, held in London in April 2009. In the short term, the London summit mitigated financial contagion emanating from southern Europe; gave the World Bank additional resources to deal with the problem of trade finance for emerging-market exports; appeared to give the IMF more firepower and legitimacy; and seemed to catalyze coordinated fiscal stimulus to restore confidence. But only the more technical of these four achievements – the first two – stood the test of time. Everything else that was agreed at the London summit turned sour. The follow-up summits were lame. The idea of **coordinated fiscal stimulus** became problematic when it became obvious that many European governments could not take on more debt without unsettling markets and pushing themselves into an unsustainable cycle of increasingly expensive borrowing. And yet, however limited the London summit's achievements proved to be, the summit process itself was not fully discredited until Snowden's intelligence revelations. It may be that leaders and their staffs were naive in believing that their communications were really secure. But Snowden's revelations that the London summit's British hosts allegedly monitored the participants' communications make it difficult to imagine that the genuine intimacy of earlier summits can ever be recreated. And, with the espionage apparently directed mostly at representatives of emerging economies, the gulf between the advanced countries and those on the rise has widened further. World leaders appear partly ignorant and partly deceptive in responding to the allegations. They are probably right to emphasize how little they really know about surveillance. It is in the nature of complex data-gathering programs that no one really has an overview. But the lack of transparency surrounding data surveillance and mining means that, when a whistleblower leaks information, everyone can subsequently use it to build their own version of how and why policy is made. The revelations thus encourage wild conspiracy theories. The substantive aftermath of the London summit has already caused widespread disenchantment with the G-20 process. The Snowden affair has blown up any illusion about **trust** between leaders – and also about leaders' competence. By granting Snowden asylum for one year, Russian President Vladimir Putin, will have the bomber in his midst when he hosts this year's summit in Saint Petersburg.

A2: No Impact – Collapse Slow

Nature of international relations means that conflict will arise fast from collase

Craig **Turpin**, Executive editor of New Jersey newspapers, 10/14 **2008**, Critical Mass: Economic leadership or dictatorship, http://www.nj.com/cranford/index.ssf/2008/10/critical_mass_economic_leaders.html

A **global economic collapse will** also increase the chance of global conflict. As economic systems shut down, so will the distribution systems for resources like petroleum and food. It is certainly within the realm of possibility that nations perceiving themselves in peril will, if they have the military capability, use force, just as Japan and Nazi Germany did in the mid-to-late 1930s. Every nation in the world needs access to food and water. Industrial nations -- the world powers of North America, Europe, and Asia -- need access to energy. When the world economy runs smoothly, reciprocal trade meets these needs. If the world economy collapses, the use of military force becomes a more likely alternative. And given the increasingly rapid rate at which world affairs move; the world could devolve to that point very quickly.

Impact – Education

Impact – Education Spending/Heg

State budget crisis forces cuts in technical K-12 and university education

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Since states spend more of their budgets on education and health care than anything else, lawmakers imposing large spending cuts are hard-pressed to avoid cutting back on these essential public services. Many states also will lay off state employees or cut their pay and benefits. These actions, coming on top of deep cuts that states have already made over the last three years, place a drag on the nation's economic recovery. Elementary and Secondary Education At least 23 states have made identifiable cuts in support for public schools. In many cases, these cuts undermine school finance systems that are intended to reduce disparities between high-wealth and low-wealth school districts, so the largest impacts may be felt in communities that are least able to compensate for the loss of funds from their own resources. Arizona is cutting $183 million from K-12 education spending in the coming year and continues another $377 million in cuts that were implemented over the previous three years, bringing the total cut relative to pre-recession levels to $560 million, or $530 per pupil. Colorado is cutting state spending on K-12 education by $347 per pupil compared to last school year. Florida is cutting spending on K-12 education by $542 per pupil compared with last year. The state also has cut $13 million from the state's school readiness program that gives low-income families access to high quality early care for their children. The cut means over 15,000 children currently participating in the program will no longer be served. Florida also reduced by 7 percent the per-student allocation to providers participating in the state's universal prekindergarten program for 4-year-olds, which will mean that classrooms have more children per teacher. Georgia cut state and lottery funds for pre-kindergarten by 15 percent, which will mean shortening the pre-K school year from 180 to 160 days for 86,000 four-year-olds, increasing class sizes from 20 to 22 students per teacher, and reducing teacher salaries by 10 percent. Iowa reduced state funding for its statewide pre-kindergarten program for four-year-olds by 9 percent from last year. Schools serving these children will now receive fewer dollars per child and may have to make up for lost funds with reduced enrollment or higher property taxes. The state is also cutting back support for a community-based early childhood program that provides resources to parents with children from birth to age 5, including a cut of nearly 30 percent to preschool tuition assistance. Illinois is cutting general state aid for public schools by $152 million, on top of a loss of $415 million in expired federal recovery dollars — a total decrease of 11 percent. The budget takes $17 million from the state fund that supports early childhood education efforts, which may result in an estimated 4,000 fewer children receiving preschool services and 1,000 fewer at-risk infants and toddlers receiving developmental services. The budget also eliminates state funding for advanced placement courses in school districts with large concentrations of low-income students, mentoring programs for teachers and principals, and an initiative providing targeted, research-based instruction to students with learning difficulties. Kansas cut the basic funding formula for K-12 schools by $232 per-pupil, bringing this funding nearly 6 percent below fiscal year 2011 budgeted levels. For the third year in a row, Louisiana will fail to fund K-12 education at the minimum amount required to ensure adequate funding for at-risk and special needs students, as determined by the state's education finance formula. Per student spending will be $215 below the level set out by the finance formula for FY12. Michigan is cutting K-12 education spending by $470 per student. Mississippi, for the fourth year in a row, will fail to meet the state's statutory obligation to support K-12 schools, underfunding school districts by 10.5 percent or $236 million. The statutory school funding formula is designed to ensure adequate funding for lower-income and underperforming schools. According to the Mississippi Department of Education, the state's failure to meet that requirement over the past three years has resulted in 2,060 school employee layoffs (704 teachers, 792 teacher assistants, 163 administrators, counselors, and librarians, and 401 bus drivers, custodians, and clerical personnel).[11] Missouri is freezing funding for K-12 education at last year's levels. This means that for the second year in a row, the state has failed to meet the statutory funding formula established to ensure equitable distribution of state dollars to school districts. Nebraska altered its K-12 school aid funding formula to freeze state aid to schools in the coming year and allow very small increases thereafter, resulting in a cut of $410 million over two years. New Mexico cut K-12 spending by $42 million (1.7 percent). The governor is requiring school districts to spare "classroom spending" from the cuts, which means greater proportional cuts to other areas of K-12 education like school libraries and guidance counseling. The operating budget of the state education department is being cut by more than 25 percent. New York cut education aid by $1.3 billion, or 6.1 percent. This cut will delay implementation of a court order to provide additional education funding to under-resourced school districts for the third year in a row. Beyond cutting the level of education aid in FY12, the budget limits the rate at which education spending can grow in future years to the rate of growth in state personal income. North Carolina cut nearly half of a billion dollars from K-12 education in each year of the biennium compared to the amount necessary to provide the same level of K-12 education services in 2012 as in 2011. Both the state-funded prekindergarten program for at risk 4-year-olds and the state's early childhood development network that works to improve the quality of early learning and child outcomes were cut by 20 percent. The budget also reduces by 80 percent funds for textbooks; reduces by 5 percent funds for support positions, like guidance counselors and social workers; reduces by 15 percent funds for non-instructional staff; and cuts by 16 percent salaries and benefits for superintendents, associate and assistant superintendents, finance officers, athletic trainers, and transportation directors, among others. Ohio is cutting state K-12 education funding 7.5 percent this year, a cut of $400 per student and equivalent to nearly 14,000 teachers' salaries. Oklahoma is cutting funding for school districts by 4.5 percent, and makes additional cuts to the Department of Education's budget. The Department of Education has voted to eliminate adult education programs, math labs in middle school, and stipends for certified teachers, among other things. Pennsylvania cut K-12 education aid by $422 million, or 7.3 percent, bringing funding down nearly to FY2009 levels. The budget also cuts $429 million dollars in additional funding that the state provides to school districts to implement effective educational practices (such as high quality pre-kindergarten programs) and maintain tutoring programs, among other purposes. Overall state funding for school districts was cut by $851 million or 13.5 percent, a cut of $485 per student. South Dakota cut K-12 education by 6.4 percent, next year, an amount equal to $416 per student, and 8.8 percent in 2013. Texas eliminated state funding for pre-K programs that serve around 100,000 mostly at-risk children, or more than 40 percent of the state's pre-kindergarten students. The budget also reduces state K-12 funding to 9.4 percent below the minimum amount required by the state law. Texas already has below-average K-12 education funding compared to other states, and this cut would depress that low level even further at a time when the state's school enrollment is growing. This would likely force school districts to lay off large numbers of teachers, increase class sizes, eliminate sports programs and other extracurricular activities, and take other measures that undermine the quality of education. Utah cut K-12 education by 5 percent, or $303, per pupil from the prior year's levels. Washington is taking over $1 billion from state K-12 education funds designed to reduce class size, extend learning time, and provide professional development for teachers — a cut equal to $1,100 per student. Wisconsin reduced state aid designed to equalize funding across school districts by $740 million over the coming two-year budget cycle, a cut of 8 percent. The budget also reduces K-12 funds for services for at-risk children, school nursing, and alternative education. Higher Education At least 25 states have made large, identifiable cuts in funding for state colleges and universities, with direct impacts on students. Arizona cut funding for public universities by nearly one-quarter, or $200 million. This would add to deep previous cuts: from 2008 through 2011, state support for universities fell by $230 million, resulting in the elimination of more than 2,100 positions (an 11 percent reduction in the workforce). Universities have raised tuition significantly, closed eight extended campuses, and merged, consolidated, or disestablished 182 colleges, schools, programs, and departments. Combined with those previous cuts, the FY12 reduction brings per-student state funding down to 50 percent below pre-recession levels.[12] Arizona also cut community college funding for operating expenses by about $73 million. The cut amounts to 6.2 percent of total community college operating revenues and half of all state support for community colleges. California is increasing fees at community colleges starting this fall by 38 percent; for the average student, this means an annual fee increase of $300. The state also is reducing funding for the University of California (UC) and the California State University (CSU) systems by $1.3 billion ($650 million each). Since FY2008 California has cut funding for the UC system by 27 percent and has cut funding for the CSU system by almost 28 percent. In response to cuts in funding, the CSU will increase annual tuition by 29 percent, or $1,242 for full time undergraduate students (relative to the tuition rate that was in place at the beginning of last school year). UC will increase annual tuition by 18 percent, or over $1,800 for resident undergraduate students. UC tuition has grown by more than 80 percent since the 2007-08 academic year. Colorado cut state university spending by 11.5 percent over the prior year, which is expected to be offset with tuition increases of 9 percent, on average. The budget also cuts a means-tested stipend program for undergraduate students by 21 percent from what was budgeted for the current year. Florida cut state higher education spending and raised state university tuition for undergraduates by 8 percent. State universities are increasing tuition by another 7 percent to offset cuts in funding. This comes on the heels of tuition hikes equaling over 30 percent since the 2009-10 school year. The state has also cut a university merit-based scholarship program by 20 percent. Georgia cut funding for a popular merit-based college scholarship program serving hundreds of thousands of students by about one-fifth, university funding by 10 percent, and funding for technical colleges by 4 percent. Iowa is cutting state funding for public universities by $20 million, or around 4 percent. This brings state support below fiscal year 2007 levels. Louisiana enacted a 10 percent tuition increase for the state university system, or an average increase of around $600 more per year per student, in order to make up for the loss of federal and state dollars. Technical colleges will raise tuition by an average of $700 for full-time students. Massachusetts cut funding for higher education by $64 million, or 6.3 percent. Since FY2009, after adjusting for inflation, the state has cut funding by $185 million, or 16.3 percent. Michigan cut by 15 percent state support for public universities, and will increase the cut to about 20 percent for universities that raise tuition by more than 7 percent. Universities are already announcing tuition increases just under that limit, amounting to $600 - $900 tuition increases for in-state undergraduate students. The state also cut funding for community colleges by 4 percent. Minnesota is cutting state funding for higher education 12 percent below 2011 levels. This includes a $194 million cut to the University of Minnesota system and a $170 million cut to the Minnesota State Colleges and Universities system. Missouri cut state support for higher education by 7 percent. The cuts continue a trend of declining state support for Missouri's universities and community colleges; over the last decade, state support for universities has fallen by 28 percent per student and support for community colleges has fallen by 12 percent. Nevada reduced state funding for the higher education system by 15 percent, which will result in an increase in undergraduate tuition of 13 percent in FY12 and an increase in graduate school tuition of 5 percent in FY12 and again in FY13. New Hampshire cut support for the university system almost in half in a single year, from $100 million to $52 million. University officials have announced that they will raise tuition 8.7 - 9.7 percent, eliminate around

200 positions, reduce employee benefits, dip into reserves, and take other measures as a result. Community colleges also face a 37 percent cut and will raise tuition 6.5 percent for the coming year, which will cost full time students up to $360 per year. New Mexico reduced by 8 percent state funding for public universities, which will result in a 5.5 percent tuition increase ($304 per student). New York cut state funding for the State University of New York (SUNY) by 7.6 percent, and reduces state funding for the City University of New York (CUNY) by 4.4 percent. To help them absorb the funding cuts, the legislature passed a bill that allows SUNY and CUNY to raise tuition by about 30 percent over the next five years. These tuition increases would affect 220,000 students in the SUNY system and 137,000 in the CUNY system and come on top of increases already imposed since the recession began. At SUNY, for example, substantial reductions in state support resulted in a 14 percent tuition increase in 2009. North Carolina cut nearly half of a billion dollars from higher education in each year of the biennium compared to the amount necessary to provide the same level of higher education services in 2012 as in 2011. The cuts mean that full-time resident community college students could see their tuition increase to $2,128 in FY12 and $2,208 in FY13 from the current $1,808 per year. Funds for community college basic education courses were cut by 12 percent. North Carolina is also forcing the university system to find more than $330 million in savings in each year of the biennium. The state also is reducing by 59 percent (or $26 million each year) the state subsidy to university hospitals to offset the costs of uncompensated care, which the hospital system estimates at $300 million this year. Oklahoma is cutting state funding for higher education by nearly 6.7 percent. Partially as a result, tuition and fees were increased by an average of 5.9 percent, or about $225 per student. The budget also cuts a career and technical education training program by about 6.5 percent. Ohio cut higher education funding 10 percent for FY12, amounting to $590 per student. Students at public universities face a 7 percent tuition increase as well as an undetermined (and uncapped) amount of fee increases. Pennsylvania cut funding for the state's system of higher education by $91 million, or 18 percent. The budget also cuts funding for the state's four "state related" universities (Penn State, the University of Pittsburgh, Temple, and Lincoln University) by roughly 20 percent. As a result, the University of Pittsburgh will increase in-state tuition by 8.5 percent and Temple University will increase in-state tuition by almost ten percent. Other state universities will see tuition increases of 7.5 percent. South Dakota cut higher education (and most other agencies) by 10 percent. The Board of Regents voted to raise tuition by 6.9 percent, or $490 per student, on average. The tuition increase covers only part of the loss of state funding, and each university has to determine how it will make up for the remaining loss of funds. Tennessee cut funds for the University of Tennessee system by 25 percent compared to 2011. Tuition within the system will rise 6 to 10 percent. Texas reduced general revenue spending on higher education by 9 percent over two years. This includes a cut of 5 percent to college and university formula spending, a cut of 10 percent in formula spending for health institutions, such as nursing schools, and a cut of 25 percent to funds for university research centers, graduate programs, and other non-operations spending. Enrollment growth is not funded for any higher education institution. The budget also cuts by 10 percent financial aid awards under the Texas grant program, which combines state and institutional money to cover tuition and fees for public school students with financial need and good academic records. The cut will likely result in smaller awards. Utah is cutting its higher education budget by about 1 percent below last year's level, bringing the total decline in state spending to 2 percent since 2009. These funding cuts come despite rapidly rising enrollment. For example, enrollment in Utah's system of higher education in the spring 2011 semester was 4 percent above enrollment the previous year. The failure of state funding to keep up with enrollment growth will result in an average tuition increase of 7.5 percent. Washington is cutting state funding for colleges and universities by more than $500 million and raising tuition in the upcoming school year by anywhere from 11 percent to 16 percent compared with last year. Wisconsin is cutting $250 million from the state university system, with nearly $100 million of that cut coming from funds for UW-Madison. The budget freezes financial aid at current levels despite expected tuition increases of 5.5 percent system-wide and a recently approved tuition increase of 8.3 percent for UW-Madison, creating an even larger funding gap that students and their families will have to fill. The budget also cuts state support for technical colleges by about $70 million over the biennium, or 25 percent, and places a two-year freeze on local property tax levies that allow communities to raise funds for technical colleges.

That destroys American primacy

NAS '7 (Committee on Prospering in the Global Economy of the 21st Century: An Agenda for American Science and Technology Committee on Science, Engineering, and Public Policy, "RISING ABOVE THE GATHERING STORM Energizing and Employing America for a Brighter Economic Future", National Academy of Sciences, National Academy of Engineering, Institute of Medicine, July, http://www.nap.edu/catalog/11463.html)

China and India indeed have low wage structures, but the United States has many other advantages. These include a better science and technology infrastructure, stronger venture-capital markets, an ability to attract talent from around the world, and a culture of inventiveness. Comparative advantage shifts from place to place over time and always has; the earth cannot really be flattened. The US response to competition must include proper retraining of those who are disadvantaged and adaptive institutional and policy responses that make the best use of opportunities that arise. India and China will become consumers of those countries' products as well as ours. That same rising middle class will have a stake in the "frictionless" flow of international commerce—and hence in stability, peace, and the rule of law. Such a desirable state, writes Friedman, will not be achieved without problems, and whether global flatness is good for a particular country depends on whether that country is prepared to compete on the global playing field, which is as rough and tumble as it is level. Friedman asks rhetorically whether his own country is proving its readiness by "investing in our future and preparing our children the way we need to for the race ahead." Friedman's answer, not surprisingly, is no. This report addresses the possibility that our lack of preparation will reduce the ability of the United States to compete in such a world. Many underlying issues are technical; some are not. Some are "political"—not in the sense of partisan politics, but in the sense of "bringing the rest of the body politic along." Scientists and engineers often avoid such discussions, but the stakes are too high to keep silent any longer. Friedman's term quiet crisis, which others have called a "creeping crisis," is reminiscent of the folk tale about boiling a frog. If a frog is dropped into boiling water, it will immediately jump out and survive. But a frog placed in cool water that is heated slowly until it boils won't respond until it is too late.Our crisis is not the result of a one-dimensional change; it is more than a simple increase in water temperature. And we have no single awakening event, such as Sputnik. The United States is instead facing problems that are developing slowly but surely, each like a tile in a mosaic. None by itself seems sufficient to provoke action. But the collection of problems reveals a disturbing picture—a recurring pattern of abundant short-term thinking and insufficient long-term investment. Our collective reaction thus far seems to presuppose that the citizens of the United States and their children are entitled to a better quality of life than others, and that all Americans need do is circle the wagons to defend that entitlement. Such a presupposition does not reflect reality and neither

recognizes the dangers nor seizes the opportunities of current circumstances. Furthermore, it won't work. In 2001, the Hart–Rudman Commission on national security, which foresaw large-scale terrorism in America and proposed the establishment of a cabinet-level Homeland Security organization before the terrorist attacks of 9/11, put the matter this way:4 The inadequacies of our system of research and education pose a greater threat to U.S. national security over the next quarter century than any potential conventional war that we might imagine. President George W. Bush has said "Science and technology have never been more essential to the defense of the nation and the health of our economy."5 US Commission on National Security. Road Map for National Security: Imperative for Change. Washington, DC: US Commission on National Security, 2001. A letter from the leadership of the National Science Foundation to the President's Council of Advisors on Science and Technology put the case even more bluntly:6 Civilization is on the brink of a new industrial order. The big winners in the increasingly fierce global scramble for supremacy will not be those who simply make commodities faster and cheaper than the competition. They will be those who develop talent, techniques and tools so advanced that there is no competition.

Great power wars

ZHANG AND SHI 11 - *Yuhan, a researcher at the Carnegie Endowment for International Peace, Washington, D.C. *** AND*** Lin, Columbia University. She also serves as an independent consultant for the Eurasia Group and a consultant for the World Bank in Washington, D.C. "America's decline: A harbinger of conflict and rivalry" http://www.eastasiaforum.org/2011/01/22/americas-decline-a-harbinger-of-conflict-and-rivalry/)

Over the past two decades, no other state has had the ability to seriously challenge the US military. Under these circumstances, motivated by both opportunity and fear, many actors have bandwagoned with US hegemony and accepted a subordinate role. Canada, most of Western Europe, India, Japan, South Korea, Australia, Singapore and the Philippines have all joined the US, creating a status quo that has tended to mute great power conflicts. However, as the hegemony that drew these powers together withers, so will the **pulling power** behind the US alliance. The result will be an international order where power is more diffuse, American interests and influence can be more readily challenged, and conflicts or wars may be harder to avoid. As history attests, power decline and redistribution result in military confrontation. For example, in the late 19th century America's emergence as a regional power saw it launch its first overseas war of conquest towards Spain. By the turn of the 20th century, accompanying the increase in US power and waning of British power, the American Navy had begun to challenge the notion that Britain 'rules the waves.' Such a notion would eventually see the US attain the status of sole guardians of the Western Hemisphere's security to become the order-creating Leviathan shaping the international system with democracy and rule of law. Defining this US-centred system are three key characteristics: enforcement of property rights, constraints on the actions of powerful individuals and groups and some degree of equal opportunities for broad segments of society. As a result of such political stability, free markets, liberal trade and flexible financial mechanisms have appeared. And, with this, many countries have sought opportunities to enter this system, proliferating stable and cooperative relations. However, what will happen to these advances as America's influence declines? Given that America's authority, although sullied at times, has benefited people across much of Latin America, Central and Eastern Europe, the Balkans, as well as parts of Africa and, quite extensively, Asia, the answer to this question could affect global society in a profoundly detrimental way. Public imagination and academia have anticipated that a post-hegemonic world would return to the problems of the 1930s: regional blocs, trade conflicts and strategic rivalry. Furthermore, multilateral institutions such as the IMF, the World Bank or the WTO might give way to regional organisations. For example, Europe and East Asia would each step forward to fill the vacuum left by Washington's withering leadership to pursue their own visions of regional political and economic orders. Free markets would become more politicised — and, well, less free — and major powers would compete for supremacy. Additionally, such power plays have historically possessed a zero-sum element. In the late 1960s and 1970s, US economic power declined relative to the rise of the Japanese and Western European economies, with the US dollar also becoming less attractive. And, as American power eroded, so did international regimes (such as the Bretton Woods System in 1973). A world without American hegemony is one where **great power wars re-emerge**, the liberal international system is supplanted by an authoritarian one, and trade protectionism

devolves into restrictive, anti-globalisation barriers. This, at least, is one possibility we can forecast in a future that will inevitably be devoid of unrivalled US primacy.

AT: Education Won't Get Cut

States slash education spending – 2011 proves

CBPP 11

(Center on budget and Policy Priorities, Think tank specializing in federal and state policies, 10/7/11, "New School Year Brings Steep Cuts in State funding for Schools, http://www.cbpp.org/cms/?fa=view&id=3569)

Elementary and high **schools are receiving less state funding than last year** in at least 37 states, and in at least 30 states school funding now stands below 2008 levels – often far below. **These cuts are attributable**, in part, **to the failure of the** federal **government to extend emergency fiscal aid to states and school districts** and the failure of most **states** to enact needed revenue increases and instead to **balance their budgets solely through spending cuts**. The cuts have significant consequences, both now and in the future: They are causing immediate public- and private-sector job loss, and in the long term are likely to reduce student achievement and economic growth. Our review of budget documents finds that, of 46 states that publish education budget data in a way that allows historic comparisons: 37 **states are providing less funding** per student to local school districts in the new school year **than they provided last year**. 30 states are providing less than they did four years ago.. 17 states have cut per-student funding by more than 10 percent from pre-recession levels. Four states— **South Carolina, Arizona, California, and Hawaii** — each have **reduced** per student funding to K-12 schools **by more than 20 percent.**

Empirically proven – education gets the axe first

CNN 12

(Cable News Network, Major National News Source, 3/27/12, Economic Recovery Skips the Classroom, http://money.cnn.com/2012/03/27/news/economy/education-budget-cuts/index.htm)

More than **eight in 10 districts** say they **are inadequately funded**, **and more than half anticipate a decrease in state** and local **revenues** for the coming school year, according to a recent survey from the American Association of School Administrators. Even in districts where state aid is stabilizing, local funding is shrinking or costs are rising faster than revenues. Many are only now feeling the effects of the housing bust as **towns lower property assessments**, which affects the property tax revenues that many **schools depend on.** A model for addressing college costs Yet another year of cuts is prompting a greater share of districts to slash teachers, classes and more. Two-thirds of districts expect to eliminate positions in 2012-13, while one-quarter are looking at furloughs. Some 57% anticipate having to increase class size. More than 48% say they may have to eliminate or delay instruction improvements, such as updating textbooks, computers and science labs. Nearly three in 10 are considering canceling summer school. "The cuts are so drastic because those who have already made cuts have already made the easy ones," said Noelle Ellerson, the association's assistant director. Tough choices The recovery has yet to come to Wicomico County, a rural area in eastern Maryland. Tax revenue is up only slightly and unemployment remains high. So Superintendent John Fredericksen is struggling to find another way to slash $1.8 million, about 1.5%, out of his district's budget after cutting millions more in recent years. He's trying to do it without affecting the children, who are already packed tighter into classrooms than their peers in neighboring districts. This coming year, Wicomico will charge many kids $2,000 to go to pre-K instead of letting them in for free. It plans to close its buildings on Fridays in the summertime, and it will hold onto its vehicles for up to 15 years instead of 12. The district also hopes to save $900,000 through an early retirement incentive plan. **Fredericksen had hoped the cuts would be over by now**. "I thought I was at the end of my last straw last year," he said. North Penn School District outside of Philadelphia isn't as fortunate. **To reduce its budget by $2.5 million, or about 1.3%,** it will have to make cuts that the students will feel. "We're just starting to see a few months of positive economic data in our community," said Superintendent Curtis Dietrich. "It's too soon to plan it into our budgets." As a result, administrators are targeting elective classes, assistant coaches and

clubs for the coming school year. The district may also cut back on paying for students to travel to debate team, mock trial, music competitions and the like. It could also consolidate certain classes, such as art, and not replace retiring and departing staffers. **The** North Penn **School District already cut 5% of its teachers, 6% of support staff and 14% of its administrators this current school year**. But it's also feeling the pinch from higher pension contribution costs. The story is similar in Seminole County, Fla., which is still reeling from last year's budget slashing. Though the suburban district north of Orlando is getting more money from the state, it still has to cut more than $16 million, or 3.8%, for the coming year. So when kids return in the fall, they'll find fewer elective classes, such as art, music and languages, said Superintendent Bill Vogel. There will be 50 fewer teachers and 20% fewer coaches, which will hit the junior varsity and 9th grade teams particularly hard. Vogel is especially concerned about the district's inability to upgrade its technology due to lack of funds. It needs to do that to better prepare students for the innovation industry jobs in its backyard.

Ext – Heg Impact

Effective power projection stops hotspot escalation to nuclear war

O'Hanlon 7 – Frederick Kagan, Resident Scholar at the American Enterprise Institute, and Michael O'Hanlon, Senior Fellow and Sydney Stein Jr. Chair in Foreign Policy Studies at the Brookings Institution, "The Case for Larger Ground Forces", Stanley Foundation Report, April, http://stanleyfoundation.org/publications/other/Kagan_OHanlon_07.pdf

We live at a time when wars not only rage in nearly every region but threaten to **erupt** in many places where the current relative calm is tenuous. To view this as a strategic military challenge for the United States is not to espouse a specific theory of America's role in the world or a certain political philosophy. Such an assessment flows directly from the basic bipartisan view of American foreign policy makers since World War II that overseas threats must be countered before they can directly threaten this country's shores, that the basic stability of the international system is essential to American peace and prosperity, and that no country besides the United States is in a position to lead the way in countering major challenges to the **global order**. Let us highlight the threats and their consequences with a few concrete examples, emphasizing those that involve key strategic regions of the world such as the **Persian Gulf** and **East Asia**, or key potential threats to American security, such as the spread of **nuclear weapons** and the strengthening of the global Al Qaeda/jihadist movement. The Iranian government has rejected a series of international demands to halt its efforts at enriching uranium and submit to international inspections. What will happen if the US—or Israeli—government becomes convinced that Tehran is on the verge of fielding a nuclear weapon? **North Korea**, of course, has already done so, and the ripple effects are beginning to spread. Japan's recent election to supreme power of a leader who has promised to rewrite that country's constitution to support increased armed forces—and, possibly, even nuclear weapons— may well alter the delicate balance of fear in Northeast Asia fundamentally and rapidly. Also, in the background, at least for now, **Sino- Taiwanese tensions** continue to flare, as do tensions between **India and Pakistan**, Pakistan and Afghanistan, Venezuela and the United States, and so on. Meanwhile, the world's nonintervention in Darfur troubles consciences from Europe to America's Bible Belt to its bastions of liberalism, yet with no serious international forces on offer, the bloodletting will probably, tragically, continue unabated. And as bad as things are in **Iraq** today, they could get worse. What would happen if the key Shiite figure, Ali al Sistani, were to die? If another major attack on the scale of the Golden Mosque bombing hit either side (or, perhaps, both sides at the same time)? Such deterioration might convince many Americans that the war there truly was lost—but the costs of reaching such a conclusion would be enormous. Afghanistan is somewhat more stable for the moment, although a major Taliban offensive appears to be in the offing. Sound US grand strategy must proceed from the recognition that, over the next few years and decades, the world is going to be a very unsettled and quite dangerous place, with Al Qaeda and its associated groups as a subset of a much larger set of worries. The only serious response to this international environment is to develop **armed forces** capable of protecting America's vital interests throughout this dangerous time. Doing so requires a military capable of a wide range of missions—including not only deterrence of **great power conflict** in dealing with potential hotspots in **Korea**, the **Taiwan** Strait, and the Persian **Gulf** but also associated with a variety of Special Forces activities and stabilization operations. For today's US military, which already excels at high technology and is increasingly focused on re-learning the lost art of counterinsurgency, this is first and foremost a question of finding the resources to field a large-enough standing

Army and Marine Corps to handle personnelintensive missions such as the ones now under way in Iraq and Afghanistan. Let us hope there will be no such large-scale missions for a while. But preparing for the possibility, while doing whatever we can at this late hour to relieve the pressure on our soldiers and Marines in ongoing operations, is prudent. At worst, the only potential downside to a major program to strengthen the military is the possibility of spending a bit too much money. Recent history shows no link between having a larger military and its overuse; indeed, Ronald Reagan's time in office was characterized by higher defense budgets and yet much less use of the military, an outcome for which we can hope in the coming years, but hardly guarantee. While the authors disagree between ourselves about proper increases in the size and cost of the military (with O'Hanlon preferring to hold defense to roughly 4 percent of GDP and seeing ground forces increase by a total of perhaps 100,000, and Kagan willing to devote at least 5 percent of GDP to defense as in the Reagan years and increase the Army by at least 250,000), we agree on the need to start expanding ground force capabilities by at least 25,000 a year immediately. Such a measure is not only prudent, it is also badly overdue.

Other Impacts

Impact – Disease

State budget cuts hamper disease prevention

TAH '11 (Trust for America's Health. "Protecting the Public from Diseases, Disasters, and Bioterrorism". December, 2011. http://healthyamericans.org/report/92/)

Ready or Not? Protecting the Public from Diseases, Disasters, and Bioterrorism finds key programs that detect and respond to bioterrorism, new disease outbreaks and natural or accidental disasters are at risk due to federal and state budget cuts. The report, supported by the Robert Wood Johnson Foundation (RWJF), identifies some key programs at risk due to continued cuts to federal public health emergency preparedness funds include: 51 of the 72 cities in the Cities Readiness Initiative are at risk for elimination; the Initiative supports the ability to rapidly distribute and administer vaccines and medications during emergencies; All 10 state labs with "Level 1" chemical testing status are at risk for losing top level capabilities, which could leave the U.S. Centers for Disease Control and Prevention (CDC) with the only public health lab in the country with full ability to test for chemical terrorism and accidents; 24 states are at risk for losing the support of Career Epidemiology Field Officers - CDC experts who supplement state and local gaps to rapidly prevent and respond to outbreaks and disasters, such as during the H1N1 flu pandemic and responding to the health impact of the Gulf Oil Spill in 2010; and The ability for CDC to mount a comprehensive response to nuclear, radiologic and chemical threats as well as natural disasters is at risk due to potential cuts to the National Center for Environmental Health. All 50 states and Washington, D.C. would lose the support CDC provides during these emergencies. "We're seeing a decade's worth of progress eroding in front of our eyes," said Jeff Levi, PhD, Executive Director of TFAH. "Preparedness had been on an upward trajectory, but now some of the most elementary capabilities - including the ability to identify and contain outbreaks, provide vaccines and medications during emergencies, and treat people during mass traumas - are experiencing cuts in every state across the country." Combined federal, state and local budget cuts mean public health departments can no longer sustain a number of basic elements of preparedness. In the past year, 40 states and Washington, D.C. cut state public health funds - with 29 of those states and D.C. cutting their budgets for a second year in a row and 15 states for three years in a row. Federal funds for state and local preparedness declined by 38 percent from fiscal year (FY) 2005 to 2012 (adjusted for inflation) - and additional cuts are expected under budget sequestration. "Americans expect the public health system to have the capability to competently protect their health during emergencies. This is not an optional service," said Mel Kohn, MD, MPH, State Health Officer and Public Health Director of the Oregon Health Authority. "We will be unable to absorb reductions of this magnitude simply by finding efficiencies. We have reached the point where our ability to do this work will be seriously compromised, with life and death consequences." "During the anthrax attacks and Hurricane Katrina, we witnessed what happens when public health doesn't have the technology, resources, workforce or training needed to respond to emergencies," said James S. Marks, Senior Vice President and Director of the Health Group of RWJF. "The old adage is that it's better to be safe than sorry. Unfortunately if we ignore preparedness now, we'll be sorry later when the next emergency strikes."

Mutated disease cause extinction

Discover '00 ("Twenty Ways the World Could End" by Corey Powell in Discover Magazine, October 2000, http://discovermagazine.com/2000/oct/featworld)

If Earth doesn't do us in, our fellow organisms might be up to the task. Germs and people have always coexisted, but occasionally the balance gets out of whack. The Black Plague killed one European in four during the 14th century; influenza took at least 20 million lives between 1918 and 1919; the AIDS epidemic has produced a similar death toll and is still going strong. From 1980 to 1992, reports the Centers for Disease Control and Prevention, mortality from infectious disease in the United States rose 58 percent. Old diseases such as cholera and measles have developed new resistance to antibiotics. Intensive agriculture and land development is bringing humans closer to animal pathogens. International travel means diseases can spread faster than ever. Michael Osterholm, an infectious disease expert who recently left the Minnesota Department of Health, described the situation as "like trying to swim against the current of a raging river." The grimmest possibility would be the emergence of a strain that spreads so fast we are caught off guard or that resists all chemical means of control, perhaps as a result of our stirring of the ecological pot. About 12,000 years ago, a sudden wave of mammal extinctions swept through the Americas. Ross MacPhee of the American Museum of Natural History argues the culprit was extremely virulent disease, which humans helped transport as they migrated into the New World.

Impact – BioDiversity

State Budget Cuts shut down the Biodiversity Program

DeSantis '12 (Nick, DeSantis, January 12, 2012 http://chronicle.com/article/Budget-Cuts-Force-Biodiversity/130331/, "Budget Cuts Force Biodiversity Program to Close")

Budget cuts have forced a key biodiversity database to close, leaving scientists and researchers without a unified tool to access biological data from across state and federal agencies.¶ The U.S. Geological Survey's National Biological Information Infrastructure program and its popular Web site will shut down on Jan. 15 due to the elimination of the program's 2012 federal budget. The program's closure follows a series of drastic cuts that reduced its budget to zero in 2012 from $7 million in 2010.¶ Created in 1994 within what was then the National Biological Service of the Department of the Interior, **the program gives researchers a direct link to biodiversity information** that would otherwise be spread across a range of government agencies. With a few clicks**, researchers can access a variety of environmental data, from taxonomic information about plants and animals to news covering the spread of wildlife diseases.** Experts said the futures of some databases supported by the program are now uncertain, even as efforts are under way to archive the material.¶ **Researchers "could do one-stop shopping with NBII**", according to Henry L. Bart Jr., a professor of ecology, evolution, and organismal biology at Tulane University who directs a biodiversity research institute there. But after the program closes Sunday, he said, "they'll have to use a new resource." Mr. Bart said he expects the closure to have a significant effect on researchers who rely on the site to browse data sets outside their areas of expertise.¶ Maria A. Jankowska, chair of the American Library Association's task force on the environment, said she was "shocked" to learn of the impending closure. By the time she received the news in late December, she said, it was too late to protest**: Her associations's midwinter meeting, at which she could have proposed a resolution on behalf of the closing program, meets five days after it is scheduled to shut down.¶ Frederick W. Stoss, an associate librarian at the University at Buffalo**, said the resource is part of a "soft underbelly" of government programs that is easy for outsiders to criticize, but actually provides vital information on some of the most pressing environmental problems. Mr. Stoss said some institutions are trying to work together to preserve the material, but they are unlikely to match the convenience and breadth of the program's resources. Researchers looking for biodiversity data in the future will likely have to hunt down individual sources instead of visiting a single access point.¶ **"Someone has to go back and essentially reinvent the wheel because somebody has hidden the wheel,"** Mr. Stoss said.¶ Before the closure, the Geological Survey is working with its partner organizations to ensure that some of the data sets available through the program will be maintained, though long-term access remains uncertain, according to Michael McDermott, the agency's deputy director of core science, analytics, and synthesis. But Mr. Stoss said even if the agency's partners are able to sustain the data over the long term, the

information will still be more difficult for scholars to locate.¶ **"It just makes the search for the information and data that much more time-consuming, if it can be done at all,"** he said.

Extinction

Clark 6 (Dana, Adjunct Professor – The American University's Washington College of Law, & David Downes, Senior Trade Advisor in the Office of the Secretary of the United States Department of the Interior, adjunct faculty of the American University's Washington College of Law, 12-29, http://www.ciel.org/Publications/summary.html)

Biodiversity is the diversity of life on earth, **on which we depend for our survival**. The variability of and within species and ecosystems helps provide some of our basic needs: food, shelter, and medicine, as well as recreational, cultural, spiritual and aesthetic benefits. Diverse ecosystems create the air we breathe, enrich the soil we till and purify the water we drink. Ecosystems also regulate local and global climate. No one can seriously argue that biodiversity is not valuable. Nor can anyone seriously argue that biodiversity is not at risk. There are over 900 domestic species listed as threatened or endangered under the Endangered Species Act, and 4,000 additional species are candidates for listing. We are losing species as a result of human activities at hundreds of times the natural rate of extinction. The current rate of extinction is the highest since the mass extinction of species that wiped out the dinosaurs millions of years ago. The Economics of Biodiversity Conservation The question which engenders serious controversy is whether society can afford the costs associated with saving biodiversity. Opponents of biodiversity conservation argue that the costs of protecting endangered species are too high. They complain that the regulatory burden on private landowners is too heavy, and that conservation measures impede development. They seek to override scientific determinations with economic considerations, and to impose cost/benefit analyses on biodiversity policy making. An equally important question, however, is whether we can afford not to save biodiversity. The consequences of losing this critical resource could be devastating. As we destroy species and habitat, we endanger food supplies (such as crop varieties that impart resistance to disease, or the loss of spawning grounds for fish and shellfish); we lose the opportunity to develop new medicines or other chemicals; and we impair critical ecosystem functions that protect our water supplies, create the air we breathe, regulate climate and shelter us from storms. We lose creatures of cultural importance - the bald eagle is an example of the cultural significance of biodiversity and also of the need for strong regulations to protect species from extinction. And, we lose the opportunity for mental or spiritual rejuvenation through contact with nature. There are many other costs associated with the loss of biodiversity, and other values associated with its preservation. Researchers are finding that protection of ecosystems rich in biodiversity can strengthen and diversify regional economies. For example, the estimated economic value of intact natural forests for recreation, production of fish and wildlife, and other benefits, is one-third to three times as much as their value for timber alone, according to the World Resources Institute. These are significant costs and benefits which should be included in any economic analysis of biodiversity conservation. Much of the current controversy stems from private landowners who resent government regulation of their lands. Government regulation is necessary to protect a critical public resource from private destruction. However, individual citizens should not bear the full cost of protecting biodiversity, since their actions benefit society at large. Within the context of a strong regulatory framework with defined conservation goals, economic incentives can help defuse political controversy by providing increased flexibility and rewarding private sector conservation efforts. Conservation strategies must be developed that make private landowners willing partners in biodiversity conservation. This is particularly important given that seventy percent of U.S. land outside of Alaska is privately owned. Even more significantly, more than fifty percent of species listed under the Endangered Species Act are found only on private lands, and many more have substantial parts of their remaining range on private property. In many cases, reforms to benefit biodiversity will require the revision of existing incentives offered to the private sector by government policies. In many cases, economic policies send signals which conflict with the goal of species conservation. If biodiversity considerations are linked to the economic incentive, the signal sent to the private sector is harmonized rather than conflicting. Private landowners benefit from public assistance in many ways. These benefits include subsidized access to vital resources like water and roadways, price supports, and tax breaks, all of which increase the value of property. For example, the American Farm Bureau Federation has estimated that farm support payments have increased the value of farmland in this country by $250 billion. Public support could be conditioned upon requiring recipients to comply with existing laws and to implement management practices that embody sound principles of land stewardship. In order to fully integrate economic and environmental policy, we must also examine the biodiversity impact of government subsidies. Government subsidies often stimulate or encourage activities that damage biodiversity. Tax breaks for extractive industries are a prime example of this problem. In addition, agricultural policies have a dramatic effect on land use in the United States. As currently structured, farm support programs provide perverse incentives that contribute to **soil erosion**, **overuse of agricultural chemicals**, and **loss of** wildlife **habitat**. Commodity price support programs are tied to production levels. At the same time, acreage reduction programs restrict the amount of acreage that can be planted. These policies work together to encourage intensive cropping and high levels of chemical inputs on land that is planted, in order to boost production and maximize the government subsidy. These negative effects of agriculture policy could be ameliorated by removing the perverse incentives, linking support to best management practices and purchasing conservation easements to keep certain lands out of agricultural production.

Other Off Case

T - Federal

1NC Shell

Interpretation- Federal is not states

OED 89 (Oxford English Dictionary, 2ed. XIX, p. 795)

b. Of or pertaining to the **political unity so constituted**, as **distinguished from** the **separate states composing it**.

And, "Its" refers to the United States Federal Government and is possessive

Updegrave 91 (W.C., "Explanation of ZIP Code Address Purpose", 8-19, http://www.supremelaw.org/ref/zipcode/updegrav.htm)

More specifically, looking at the map on page 11 of the National ZIP Code Directory, e.g. at a local post office, one will see that the first digit of a ZIP Code defines an area that includes more than one State. The first sentence of the explanatory paragraph begins: "A ZIP Code is a numerical code that identifies areas within the United States and its territories for purposes of ..." [cf. 26 CFR 1.1-1(c)]. **Note the singular possessive pronoun "its", not "their", therefore carrying the implication that it relates to the "United States" as a corporation domiciled in the District of Columbia (in the singular sense), not in the sense of being the 50 States of the Union (in the plural sense).** The map shows all the States of the Union, but it also shows D.C., Puerto Rico and the Virgin Islands, making the explanatory statement literally correct.

Violation – States run welfare

Rubin 12 (Jennifer Rubin, July 15, 2012, Obama to Clinton welfare reform: Drop dead, She covers a range of domestic and foreign policy issues Prior to her career in journalism, Rubin practiced labor law for two decades. http://www.washingtonpost.com/blogs/right-turn/post/obama-to-clinton-welfare-reform-drop-dead/2012/07/14/gJQAM49XkW_blog.html, DSS)

President Obama is the chief executive, obligated by the Constitution to "take Care that the Laws be faithfully executed." Obama, however, seems to have — by executive order — altered that to read "take Care that the Laws [which he likes or wished Congress had passed] be faithfully executed. The list of laws he won't enforce or is unilaterally amending is getting long: Defense of Marriage Act, immigration laws, voting laws, and anti-terror laws. He won't even enforce all the provisions of his signature legislation as we've seen in the bushels-full of Obamacare waivers. The latest and most inexplicable gambit is his decision to undo bipartisan welfare reform. ABC News explained: "After the Obama administration announced this week that it is opening up waivers to states from the work requirements contained in welfare reform, Republicans began to speak out against the move, complaining it completely undercuts the law. . . . Congressional Republicans decried the move as 'a blatant violation of the law' and contend the waivers will actually cause harm to the impoverished Americans because beneficiaries will come to rely on the handout with little motivation to seek employment." The outrage is bipartisan. Speaker of the House Rep. John Boehner (R-Ohio) released a furious statement : By gutting the work requirements in President Clinton's signature welfare reform law, President Obama is admitting his economic policies have failed. "While President Clinton worked with Congress in a bipartisan way on welfare reform and economic opportunity, President Obama has routinely ignored Republican proposals, rejected House-passed jobs bills, and imposed an agenda that's helped keep the unemployment rate above eight percent for 41 months. Instead of working with Republicans to boost job creation, the president is simply disregarding the requirement that welfare recipients find work. "Welfare reform was an historic, bipartisan success – this move by the Obama administration is a partisan disgrace." Sen. Orrin Hatch (R-Utah), ranking member of the Senate Finance Committee, was likewise incensed, sending a letter together with Rep. Dave Camp (R-Mich.), head of the House Ways and Means Committee, to the Health and Human Services Department demanding an explanation. Hatch also put out a statement that read in part: The 1996 welfare reform bill, otherwise known as the Temporary Assistance for Needy Families (TANF), ended welfare as an entitlement and empowered states with the **authority** to create unique and robust welfare to work programs. A central feature of devolution of federal authority back to the states was a vigorous work requirement for states, including a specific set of activities that qualified as "work."

Voting Issue-

<u>Limits</u>- state and local actions creates infinite affs with no central lit base – wrecks preparedness

<u>Ground</u>- They allow the Aff to defend <u>completely different</u> processes like "oversight" that dodge core DAs and the best counterplan ground.

Ext – Interpretation – Fed=/= State

National government, not states or localities

Black's Law 99 (Dictionary, Seventh Edition, p.703)

<u>A national government that exercises some degree of control over smaller political units that have surrendered</u> some degree of <u>power in exchange for the right to participate in national political matters</u>

Central government

AHD 92 (American Heritage Dictionary of the English Language, p. 647)

federal—3. Of or <u>relating to the central government</u> of a federation as <u>distinct from</u> the governments of <u>its member units</u>.

Ext – Interpretation – Its' = Possessive

'Its' is possessive

English Grammar 5 (Glossary of English Grammar Terms, http://www.usingenglish.com/glossary/possessive-pronoun.html)

Mine, yours, his, hers, <u>its</u>, ours, theirs <u>are</u> the <u>possessive pronouns used to substitute a noun and to show possession or ownership.</u> EG. This is your disk and that's mine. (Mine substitutes the word disk and shows that it belongs to me.)

Grammatically, this refers solely to U.S. policy

Manderino 73 (Justice – Supreme Court of Pennsylvania, "Sigal, Appellant, v. Manufacturers Light and Heat Co"., No. 26, Jan. T., 1972, Supreme Court of Pennsylvania, 450 Pa. 228; 299 A.2d 646; 1973 Pa. LEXIS 600; 44 Oil & Gas Rep. 214, Lexis)

On its face, the written instrument granting easement rights in this case is ambiguous. The same sentence which refers to the right to lay a 14 inch pipeline (singular) has a later reference to "said lines" (plural). The use of the plural "lines" makes no sense because the only previous reference has been to a "line" (singular). <u>The writing is</u> additionally <u>ambiguous because</u> other key words which

are "also may change the size of its pipes" are dangling in that the possessive pronoun "its" before the word "pipes" does not have any subject preceding, to which the possessive pronoun refers. The dangling phrase is the beginning of a sentence, the first word of which does not begin with a capital letter as is customary in normal English [***10] usage. Immediately preceding the "sentence" which does not begin with a capital letter, there appears a dangling [*236] semicolon which makes no sense at the beginning of a sentence and can hardly relate to the preceding sentence which is already properly punctuated by a closing period. The above deviations from accepted grammatical usage **make difficult, if not impossible, a clear understanding** of the words used or the intention of the parties. This is particularly true concerning the meaning of a disputed phrase in the instrument which states that the grantee is to pay damages from ". . . the relaying, maintaining and operating said pipeline. . . ." The instrument is ambiguous as to what the words ". . . relaying . . . said pipeline . . ." were intended to mean.

And it's a term of exclusion

Frey 28 (Judge – Supreme Court of Missouri, Supreme Court of Missouri,

320 Mo. 1058; 10 S.W.2d 47; 1928 Mo. LEXIS 834, Lexis)

In support of this contention appellant again argues that when any ambiguity exists in a will it is the duty of the court to construe the will under guidance of the presumption that the testatrix intended her property to go to her next of kin, unless there is a strong intention to the contrary. Again we say, there is intrinsic proof of a [*1074] strong intention to the contrary. In the first place, testatrix only named two of her blood relatives in the will and had she desired [***37] them to take the residuary estate she doubtless would have mentioned them by name in the residuary clause. In the second place, if she used the word "heirs" in the sense of blood relatives she certainly would have dispelled all ambiguity by stating whose blood relatives were intended. Not only had [**53] she taken pains in the will to identify her own two blood relatives but she had also identified certain blood relatives of her deceased husband. Had it been her intention to vest the residuary estate in her blood relatives **solely**, she would certainly have used the **possessive pronoun** "my" instead of the indefinite article "the" in the clause, "the above heirs."its is geographical.

Ext – Violation – Welfare = State Controlled

Federal involvement is limited to collecting payments, states control paternity monitoring

Baskerville 8 Stephen Baskerville is Ph.D. in Government, London School of Economics & Political Science, Professor of Political Science at Patrick Henry College Pub Date: 01/01/2008 Independent Review Wntr, 2008 Source Volume: 12 Source Issue: 3, http://www.freepatentsonline.com/article/Independent-Review/172775627.html

The federal funding also creates incentives to implicate men who are not even fathers and pull them into the criminal-enforcement machinery. One requirement for collecting federal payments is that states must institute paternity-establishment procedures, and nothing in the federal law prohibits or penalizes designating the wrong man as the father. "Eligibility ... depends only upon tagging the largest possible number of men, and there is no review or requirement that it be the right men," writes Ronald Henry (2006, 54). The result is "paternity fraud," the practice of forcing men to pay support for children who are acknowledged not to be their offspring. Most victims are low-income minority males, and many are young and even underage, with few of the skills or means to defend themselves in what Henry describes as a mass judicial "assembly line" that bears little relation to a hearing. "The paternity fraud victim is hustled through the formality, often in less than five minutes, and may not even realize what has happened until the first garnishment of his paycheck." Henry estimates that the number of such victims may exceed one million. "Every child support agency in America knows that it . .. has worked injustice upon appalling numbers of innocent men." In 2002, California governor Gray Davis vetoed a bill that would have rectified paternity fraud. After registering concern "for the children," Davis revealed his fear that the state would lose $40 million in federal funding. Thus, an elected official openly rationalized imposing criminal penalties on citizens known to be innocent simply in order to avoid losing money. "California has long been notorious for its high rate of 'sewer service,' high rate of default judgments, and high rate of false paternity establishments," notes Henry (2006, 54, 58, 63, 60-62, 66, 76, 55).

The whole aff is about PRWORA – that explicitly gave states power over welfare activities

Mandell 07 (Betty Reid Mandell, summer 2007, is Professor Emerita at Bridgewater State College, expert on welfare, Homeless Shelters: A Feeble Response to Homelessness, http://newpol.org/content/homeless-shelters-feeble-response-homelessness, DSS)

MOST SHELTERS FOR INDIVIDUALS operate on a first-come-first-served basis, although most refuse people who are drunk or abusing drugs. Family shelters have eligibility criteria that vary from agency to agency, and from state to state. In Massachusetts, the eligibility criteria stipulates that a family should have no more income than 130 percent of the federal poverty line ($12,740 for 1; $17,160 for 2; $21,580 for 3). The legislature lowered it to 100 percent a couple of years ago, but advocates lobbied aggressively to bring it back up to 130 percent. If a family has $1 over that amount, they are not eligible. The program is called Emergency Assistance, and is funded by the state Department of Transitional Assistance (DTA, a.k.a. Department of Welfare). Undocumented immigrants are allowed access to shelters only if a child was born in the U.S. and is therefore a citizen. For legal immigrants to be eligible, at least one family member must be a citizen or a legally present immigrant. The Personal Responsibility and Work Opportunity Reconciliation Act of 1996, which turned welfare over to the states and made it no longer an entitlement program, also made sweeping changes in the rules governing immigrants' eligibility for federally funded public benefits. The law denies most immigrants, including lawful permanent residents, access to many federal public benefit programs, and gives states the option to adopt similar restrictions for state-funded benefits. A list of family shelters published by the Massachusetts Coalition for the Homeless9 shows that some family shelters do not accept adolescent boys. The age limits they set vary from 12 to 18. Some accept women and children only. One shelter accepts women and children only, but no boys over age 9. The welfare department accepts men as part of the family only if the man is the father of the children. No boy friends allowed. The application process for admission to a family shelter is grueling. Most family shelters in Massachusetts are funded by the state DTA, and workers are obsessed with documents. Applicants must produce a document to prove they have no place else to stay. The goal is to keep people out, not to let them in. One worker told a mother to look through her high school yearbook and ask anyone she knows to give her a place to stay. Workers ask endless questions, some of them intimate. One of the worst application interviews that I witnessed occurred between a stylishly dressed African-American worker and an African-American mother of five children. I was so outraged by the worker's insensitivity that I wrote a letter to the worker and the director of the homeless unit, also sending a copy to the director of the state DTA. The director of the homeless unit was angry at me for going over his head by sending a copy of the letter to the central office, but shortly afterwards the state director put an article in the workers' internal newsletter urging workers to treat clients with respect. The client thanked me for sending the letter and expressed her disappointment that a fellow African-American had treated her so badly, saying, "We're supposed to stick together." She said her children (who accompanied her to the interview) were shocked to witness such insensitive treatment of their mother.

States run welfare–PRWORA decreases federal spending and gives all the authority to the states

Burke 3 **[Vee-member of CRS, 7/1/03, "The 1996 Welfare Reform Law",** http://royce.house.gov/uploadedfiles/the%201996%20welfare%20reform%20law.pdf**, date accessed: 7/10/15]**Kruger

The Personal Responsibility and Work Opportunity Reconciliation Act (**PRWORA**, P.L. 104-193), signed on August 22, 1996, **dramatically reshaped cash and food welfare programs and helped reduce federal welfare spending**. It replaced the Depression-born program of Aid to Families with Dependent Children (AFDC) **with** fixed annual **grants to states for** Temporary Assistance to Needy Families (**TANF**) for six years, ending on September 30, 2002. It imposed a citizenship requirement for many benefits. It reduced spending on food stamps, Supplemental Security Income (SSI), child nutrition, and the Social Services Block Grant (SSBG). However, it increased funding for child care and created a mandatory block grant for care of children in low-income families. At the time of passage, the Congressional Budget Office (CBO) estimated that the law would cut mandatory federal spending by a net total of $54.1 billion over 6 years. Restrictions on benefits for noncitizens accounted for 44% of this total, and food stamp revisions for 43%. The 105th Congress rescinded and modified some 1996 budget cuts, restoring SSI, Medicaid and food stamp benefits to many aliens at an estimated 5-year cost of $12.3 billion. Further, Congress in 1997 created Welfare-to-Work (WtW) grants ($2.7 billion in estimated outlays for 2 years**) to help states move severely disadvantaged TANF recipients into jobs, and it boosted funding for food stamp employment and training.** Highlights of Program Changes Family Cash Aid. TANF ended unlimited matching funding for family cash welfare (AFDC) and created fixed block grants for **state-designed programs** of time-limited and work-conditioned aid to needy families with children. It broadened the goals of welfare to include reducing non-marital pregnancies and promoting two-parent families. It imposed a 5-year limit on basic ongoing aid paid with federal funds**.** It required states to engage recipients in **state defined** "work" after 24 months of aid, achieve minimum participation rates in federally recognized work activities, and spend on needy families from their own funds at least 75% of the sum they spent in FY1994 on programs replaced by TANF -- maintenance-of-effort (MOE) rule. Current TANF Legislation. Since September 30, 2002, when their original appropriations ended, TANF and related programs of mandatory child care, transitional medicaid, and abstinence education have been operating under quarterly extensions of spending authority, on the same terms as in FY2002. The most recent extension was made June 30, 2003, by P.L. 108-40. In 2002 the House passed a bill (H.R. 4737) to reauthorize TANF, but the Senate did not. Main issues of contention were work rules and child care spending. On February 13, 2003, the House passed a new TANF reauthorization bill (H.R. 4), almost identical to the 2002 bill; and on February 14 the Senate received a very similar bill from the Senate Republican leadership (S. 5). Both H.R. 4 and S. 5 propose to continue TANF basic grants at $16.5 billion annually for 5 years, and to increase work requirements -- imposing a 40 hour work week and an eventual work participation standard of 70%. S. 5 includes some additional changes, notably to the food stamp program. Food Stamps. The 1996 law gave **states** more control over food stamp operations **and coordination with family cash aid**, added work rules for adults without dependents and expanded existing work requirements, cut future benefits, placed greater limits on eligibility, and expanded penalties for violating rules**.** Followup legislation (P.L. 105-18) allowed states to pay for food stamps for persons made ineligible for federally financed stamps by the 1996 law, and P.L. 106-387 increased benefits for those with high shelter costs. The 2002

farm bill (P.L. 107-171) increased food stamp spending by $5.7-$5.9 billion over 10 years. Changes include granting food stamp eligibility to noncitizens after their first 5 years in this county).

2NC/1NR - Limits

They explode the topic – too many mechanisms that lack uniformity

Greenblatt 11 (ALAN GREENBLATT, NOVEMBER 2011, States Cut Welfare Benefits – Again, Alan covers politics as well as policy issues for Governing. He is the coauthor of a standard textbook on state and local governments. He previously worked as a reporter for NPR and CQ and has written about politics and culture for many other outlets, print and online. http://www.governing.com/topics/health-human-services/states-cut-welfare-benefits-again.html, DSS)

States such as New Mexico, South Carolina and Washington have slashed cash payments by 15 to 20 percent. Other states are tightening work requirements, or lowering payments to those who also receive federal disability assistance. And many states are limiting the amount of time people can spend on welfare. "We need to encourage people to say this is truly a temporary program," says Brian Rooney, director of policy and compliance at the Michigan Department of Human Services. Michigan, which had been one of the few states without a time limit on benefits, imposed a four-year lifetime limit on recipients last month. In addition to the desire to push people off the rolls and into the workforce, the state simply could not afford to keep paying benefits indefinitely, according to officials. The federal block grant for TANF has not budged for the past 15 years. "The fiscal reality is that we cannot afford to provide lifetime cash assistance benefits to recipients who are able to work," says Maura Corrigan, the state's Human Services director. Michigan's budget troubles are among the worst in the nation. Obviously, a lot of that has to do with the weakness in its economy. Given the state's growing poverty rates and higher-than-average unemployment, kicking people off welfare due to retroactively applied limits strikes many people as unfair or even callous.

Politics Links

1NC Link

Congressional desire for INCREASED welfare surveillance – the plan draws in huge fights with Obama

Fobes 6-10 **[Aaron-press secretary for Orrin Hatch, 6-10-15, "Hatch Urges Administration to Work with Congress on Child Support Enforcement",** http://www.finance.senate.gov/newsroom/chairman/release/?id=98f2986e-fb54-4d21-aa67-f090533e4fa7**, date accessed: 7/8/15]Kruger**

WASHINGTON – In a speech on the Senate floor today, Finance Committee Chairman Orrin Hatch (R-Utah) **called on the Obama Administration to work with Congress on welfare reform** and child support enforcement. Earlier this week, Hatch, along with Finance Committee member Senator John Cornyn (R-Texas), House Ways and Means Committee Chairman Paul Ryan (R-Wis.) and Ways & Means Committee member Charles Boustany (R-La.) introduced legislation to prevent the Obama Administration from bypassing the Congress on welfare reform policy. "**I firmly believe that there is room for common ground**. In fact, there are a number of features of the administration's **proposed rule that could generate bipartisan support**. But any workable solution would have to include the full participation and ultimate consent of the Legislative Branch. Any changes to the law would have to go through Congress and not simply be dictated by the administration," Hatch said.The complete speech, as prepared for delivery, is below: Mr. President, I'd like to take a few minutes to talk about another matter of great importance. Last year, after the mid-term elections, the Obama Administration – quietly and without much fan-fare – proposed a massive, far-reaching rule that would overturn a number of bedrock principles of child support enforcement and welfare reform. Chief among them being the principle that parents should be financially responsible for their children. This was just the latest attempt on the part of the Obama Administration to bypass Congress in order to enact policies through

executive fiat. And, sadly, it wasn't even the first time this administration has tried to gut welfare reform. Indeed, we all remember a few years back when the administration granted itself the unprecedented authority to waive critical welfare work requirements. Put simply, this latest rule would make it easier for non-custodial parents to evade paying child support. It would undermine a key feature of welfare reform, which is that single mothers can avoid welfare if fathers comply with child support orders. I am **fundamentally opposed** to policies that allow parents to abdicate their responsibilities, which, in turn, results in more families having to go on welfare. I think most Americans would agree with me. That is why I, joined by Senator Cornyn and House Ways and Means Committee Chairman Paul Ryan, have introduced legislation that would prevent the Obama Administration from bypassing Congress in yet another attempt to subvert key features of welfare reform.

2NC Link

Republicans love welfare surveillance –perceived as good for the economy

Seymour 12 **[Don-Reporter for the speaker of the house.gov, 7/13/12, "With No Jobs in Obama Economy, White House Guts Clinton Welfare Work Requirement",http://www.speaker.gov/general/no-jobs-obama-economy-white-house-guts-clinton-welfare-work-requirement, date accessed: 7/8/15]Kruger**

The Heritage Foundation says the "rigorous new federal work standards that state governments were required to implement" were the core of the welfare reform law. Whereas "[i]n the four decades prior to welfare reform, the welfare caseload never experienced a significant decline," the work requirements were "very successful" in reducing welfare rolls and getting Americans back to work. In an op-ed marking welfare reform's 10-year anniversary, President Clinton said the law and its work requirements "create[ed] a new beginning for millions of Americans." Welfare rolls "dropped substantially, from 12.2 million in 1996 to 4.5 million" in 2006, and "more than 20,000 businesses hired 1.1 million former welfare recipients." But with the Obama economy hung over from a failed 'stimulus' spending binge, job creators handcuffed by excessive regulations, and small businesses frightened by the president's tax hike plan, jobs are hard to come by. So the White House simply gutted the work requirements that have been so successful. Instead of creating new jobs, the Obama administration is creating more dependency.

The pursuit of deadbeat dads is massively popular

Baskerville 8 Stephen Baskerville is Ph.D. in Government, London School of Economics & Political Science, Professor of Political Science at Patrick Henry College Pub Date: 01/01/2008 Independent Review Wntr, 2008 Source Volume: 12 Source Issue: 3, http://www.freepatentsonline.com/article/Independent-Review/172775627.html

Child support became politicized by the early 1990s, when parents who allegedly fail to pay--"deadbeat dads'--became the subjects of a national demonology, and child support went from being a minor matter affecting a few people on the margins of society to **a sacred political cow** in the national vocabulary. "**On the left and on the right**, the new phrase to conjure with is 'child support,'" writes Bryce Christensen, who notes that politicians see it as "the best rhetoric in the world": "a rhetoric unifying political figures" from both parties (2001, 63). Although Ronald Reagan seems to have coined the term deadbeat dads, it was Bill Clinton who took it on the campaign trail. "We will find you!" he famously intoned at the 1992 Democratic National Convention. "We will make you pay!" During the debate leading up to welfare reform, George Gilder warned of the **bipartisan bandwagon** being marshaled to punish private citizens who had been pronounced guilty by general acclaim: (Presidential candidate Barack Obama recently revived this political line. "We have too many children in poverty in this country," he told a civil rights group in early 2007. "And don't tell me it doesn't have a little to do with the fact that we got too many daddies not acting like daddies.")

Pursuing dads who don't pay child support has bipartisan support

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The campaign escalated dramatically during the Clinton years, especially following PRWORA. In 1998, Clinton signed the Deadbeat Parents Punishment Act, which enjoyed overwhelming bipartisan support. In that same year, U.S. Department of Health and Human Services (HHS) secretary Donna Shalala announced the Federal Case Registry, a massive system of government surveillance that aimed to include 16-19 million citizens, even those current in their payments. "Combined with the National Directory of New Hires," Shalala said, "HHS now has the strongest child support enforcement resource in the history of the program" (U.S. HHS 1998b). Clinton announced soon afterward yet another "new child support crackdown." "This effort will include new investigative teams in five regions of the country to identify, analyze, and investigate cases [that is, parents[for criminal prosecution, and an eightfold increase in legal support personnel to help prosecute these cases" (U.S. HHS 1998a).

AT: Obama Doesn't get the Blame (Also a good link)

Republicans loves welfare reform–removal gets blamed on Obama

Rubin 12 **[Jennifer-opinion writer for the Washington post that is an expert on congressional republicans,7/15/12, "Obama to Clinton welfare reform: Drop dead", The Washington Post,** http://www.washingtonpost.com/blogs/right-turn/post/obama-to-clinton-welfare-reform-drop-dead/2012/07/14/gJQAM49XkW_blog.html**, date accessed: 7/8/15]Kruger**

ABC News explained: "After the Obama administration announced this week that it is opening up waivers to states from the work requirements contained in welfare reform, **Republicans began to speak out against the move, complaining it completely undercuts the law**. . . . Congressional Republicans decried the move as 'a blatant violation of the law' and contend the waivers will actually cause harm to the impoverished Americans because beneficiaries will come to rely on the handout with little motivation to seek employment**." The outrage is bipartisan**. Speaker of the House Rep. John Boehner (R-Ohio) released a furious statement: By gutting the work requirements in President Clinton's signature welfare reform law, President Obama is admitting his economic policies have failed. "While President Clinton worked with Congress in a bipartisan way on welfare reform and economic opportunity, President Obama has routinely ignored Republican proposals, rejected House-passed jobs bills, and imposed an agenda that's helped keep the unemployment rate above eight percent for 41 months. Instead of working with Republicans to boost job creation, the president is simply disregarding the requirement that welfare recipients find work. **"Welfare reform was an historic, bipartisan success – this move by the Obama administration is a partisan disgrace."**

States CP

1NC States CP

States choose their own way to run welfare- Even if the CP doesn't end Government surveillance, it ends all uses of that surveillance

HANSAN 11 Hansan, J.E. (2011) is a career social worker with a doctorate in social welfare policy from Brandeis University. He worked for 45 years in human service programs at the local, state, and national levels. His early career was staffing and directing settlement houses in Kansas

City, MO, Philadelphia, PA, Peoria, IL and Cincinnati, O A brief overview of the state-federal relationship in public welfare programs, 1935-1996 Retrieved 7/9/15from

http://www.socialwelfarehistory.com/programs/public-welfare-state-federal-welfare-relationships/

Under the terms of the Act, each state had to first choose whether or not to participate in one or more of these new public welfare programs. When a state decided to participate in one of the programs, it was then required to submit a plan (i.e., state plan) that demonstrated that its proposed program adhered to the minimal standards in the law. States retained major control over the terms of eligibility and the level of benefits to be paid to recipients. Initially, federal financial participation in the cost of benefits was determined according to a formula that fixed federal reimbursement to the level of benefits established by a state. In addition, the federal government agreed to pay fifty percent of administrative costs, or a greater percentage in what were designated poor states. It is very important to note, these new state-federal welfare programs were "categorical" in nature: It was not enough for an individual/family to be deemed poor or eligible on the basis of not having any income or assets; it was also a condition of eligibility that the individual fit one of the established categories, that is, to be aged, blind, disabled or a child living in a household without a father. For this reason, public welfare programs were often referred to as "means-tested categorical programs."

2NC Solvency

States pay billions for children on welfare and are full responsibility the state -most of these cases being fatherless children

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to Families with Dependent Children (AFDC) provided income assistance to families where children lacked adequate parental financial support. Assistance was granted in the form of cash benefits funded through a combination of federal, state and (in several states) local revenues. While federal and state rules jointly govern the determination of eligibility and payment levels, administration is the full responsibility of the states and their political subdivisions. n FY 1982 an average 11.1 million persons per month, of whom 7.5 million were children, received AFDC benefits at a cost for the year of about $13.5 billion, $6 billion of which was paid by the states. Assistance levels were largely determined by the states. As a result, AFDC benefit levels varied widely. In 1980 the average monthly payment per person ranged from $29.83 to $162.61. The actual disparity of these amounts was narrowed by the availability of food stamp benefits for public assistance recipients. Food stamp benefits were inversely related to AFDC income. A basic profile of AFDC mothers, from the 1979 study of AFDC by the Department of Health and Human Services, showed that more than half were over age 30, most had not graduated from high school, and fewer than one in six was employed while on assistance; fathers in the program were generally older than mothers, slightly better educated, and employed. The basic reason for family eligibility in the majority of cases was the absence of a parent–chiefly the father– because of divorce, separation or desertion, or because the parents were never married. (In 1980, families with unemployed fathers were eligible for AFDC in only 27 states.)

Approximately 70 percent of the families in the study had two or fewer children receiving assistance.

The State level is where our welfare programs have been surveyed and oppressed

Heinlein, 14 - ("Snyder OKs rule establishing paternity for welfare" by Gary Heinlein The Detroit News 8:17 p.m. EST December 17, 2014)

http://www.detroitnews.com/story/news/politics/2014/12/17/snyder-oks-rule-establishing-paternity-welfare/20564765/

Gov. Rick Snyder has signed bills into law that lay down new rules aimed at establishing paternity and making fathers more accountable for the support of children on welfare. A key provision in the legislation, which he signed Wednesday, sets up a procedure for determining paternity, including allowing a prosecutor to order genetic testing of a man suspected of fathering or being the father of a child on welfare. Snyder said he approved the package of bills because it "keeps our child support system running efficiently to ensure Michigan children and families have access to the benefits they deserve." One bill amends state law to specify that Family Independence Program benefits could be denied or terminated if a recipient fails, without good cause, to comply with applicable child support requirements that include efforts to establish paternity and assign or obtain child support. The 13 bills also: Declare that a positive genetic test is a conclusive method of determining paternity, if certain conditions are met, and without requiring a court determination. Create a new Summary Support and Paternity Act with streamlined methods for establishing paternity and child support court orders. Give parents who are struggling to make child support payments the ability to apply for alternative court-monitored options for payment. Ensure child support is paid before assistance is granted through the Family Independence Program. Allow prosecution for nonsupport the support payer was aware of the case. Move the authority for child support allocation and determination to the Office of Child Support, instead of the State Court Administrative Office. "Eliminating confusion within the law will help increase the effectiveness of our system while reducing unnecessary court costs," Snyder said.

States solve best–1996 law means they control the majority of welfare

Burke 3 [Vee-member of CRS, 7/1/03, "The 1996 Welfare Reform Law",
http://royce.house.gov/uploadedfiles/the%201996%20welfare%20reform%20law.pdf**, date accessed: 7/10/15]**Kruger

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AT: Race to the Bottom

States have immediate effects on each other's welfare

Figlio* and Kolpin 99, Department of Economics, University of Florida and Department of Economics, University of Oregon, 1999 (Received May 15, 1998; revised January 1999 Journal of Urban Economics 46, 437]454, 1999 Article ID juec.1999.2131 David N. Figlio, Van W. Kolpin, William E. Reid "Do States Play Welfare Games?"

http://www.sciencedirect.com/science/article/pii/S0094119099921319

This paper uses a panel of state-level annual data from 1983 to 1994 for each of the contiguous United States and the District of Columbia, to explore the degree to which states simultaneously set welfare benefits. Using instrumental variables estimation, we find substantial empirical evidence that is supportive of the notion of welfare competition. Furthermore, we find that state responses to neighbor benefit decreases tend to be significantly larger in magnitude as their responses to neighbor benefit increases. Our results, therefore, have potential implications for public policy in the wake of the increased decentralization of welfare policy associated with the welfare reform of 1996. Q 1999 Academic Press We must insure that Pennsylvania resources are available to Pennsylvania residents. }From U.S. District Court testimony of the state of Pennsylvania, in defense of its new policy to offer different welfare benefit levels to migrants from other states, as reported in the New York Times, October 14, 1997. At least 13 other states have adopted similar policies. Few current public policy issues have received the attention that has been afforded to the decentralization of welfare benefit-setting. The * Corresponding author: David Figlio. An earlier version of this paper appears as Institute for Research on Poverty Discussion Paper 1154-98. We are grateful to Bruce Blonigen, Jan Brueckner, David Card, Julie Berry Cullen, Bill Evans, Jim Hines, Sam Peltzman, David Ribar, Mark Shroder, Joe Stone, Wes Wilson, Jim Ziliak, two anonymous referees, and workshop participants at Indiana University, the Universities of California]San Diego, Ž.Illinois, Maryland, Michigan, Missouri, and Oregon, and Washington University St. Louis for helpful comments and conversation. Thanks also to Mark Shroder for providing us with some of the data for this project. All errors are our own. FIGLIO, KOLPIN, AND REID438 Personal Responsibility and Work Opportunity Reconciliation Act of 1996, passed with bipartisan support, considerably increased individual states' autonomy to supervise their own welfare programs. Specifically, the new law replaced the federally managed Aid to Families with Dependent Ž. Children AFDC program with a system of block grants to states. While hailed by some as efficiency-enhancing} states now have considerably more flexibility to devise their own welfare programs than they did under the previous law} the possibility exists that further-decentralized benefitsetting may exacerbate an interjurisdictional externality. That is, the new law increases the possibility, at least in theory, that states will be affected by their neighbors' welfare benefit policies. We are by no means the first authors to make this argument. For instance, researchers such as Stigler w x w x w x 13 , Gramlich 7 , and Brown and Oates 2 have suggested that decentralized welfare benefit-setting could lead to a ''race to the bottom.'' How do states respond to their neighbors' policies? Several interesting recent papers address the issue of state policy interdependence. Case, wx Hines, and Rosen 5 , for instance, find empirical evidence that state fiscal wx policies are interdependent. Besley and Case 1 also show that a state's tax changes are significantly correlated with those of the state's neighbors. w x w x Brueckner 3 and Brueckner and Saavedra 4 demonstrate that localities set their policies interdependently. All of these papers use different empirical approaches that explicitly model interjurisdictional interactions as simultaneous. The existing evidence on state welfare policy interdependence is much wx less conclusive: while Gramlich and Laren 8 , finds evidence of a positive wx correlation between own-state and neighbor-state benefits, Shroder 12 , estimating a structural model and using a different time period, concludes that there is little evidence to suggest that states set welfare benefit policies interdependently. However, we know of no currently published paper that models state welfare benefit-setting using empirical approaches akin to those used in the literature on other policy interactions.1 This paper makes several key contributions to the published literature on state welfare benefit-setting. First, using annual state-level data from 1983 to 1994, this paper presents estimates of the interrelationship of states' welfare benefits that treat neighbor states' decisions as endogenous, and that implicitly account for spatial correlation in the errors. Second, this paper introduces an additional test for interjurisdictional welfare competition by presenting a theoretical model

suggesting that such compet. 1 Two other current working papers work toward rectifying this shortcoming. Ribar and wx Wilhelm 10 estimate some models in which neighbor benefit-setting is endogenous using instrumental variables estimation, though this is not the main thrust of their paper. Saavedra wx 11 simultaneously estimates state benefit-setting using spatial econometric models. 2. EVIDENCE OF INTERJURISDICTIONAL WELFARE COMPETITION We are interested in estimating the relationship between changes in real own-state welfare benefits and changes in real neighbor welfare benefits,2 in which we treat neighbor benefits as endogenous. Our dependent variŽ. able is the change in the real 1982 dollars combined maximum AFDC and food stamp benefits for a family of three in a state,3 and our explanatory variable of interest is the weighted sum of changes in neighbors' maximum AFDC and food stamp benefits for a family of three.4 These data are published in the ''Green Book,'' Background Material and Data on Programs within the Jurisdiction of the Committee on Ways and Means, for each relevant year. In a handful of cases, these data were clearly miscoded in the Green Book; in the analysis that follows we omit seven suspicious observations from the analysis. However, it turns out that the choice of including or excluding these observations does not fundamentally change our results. Determining Neighborhood One important task in determining the relationship between a state's benefit level and that of its neighbors involves deciding on the appropriate definition of who are the state's neighbors. Our empirical approach requires us to take a stand on how states weight each others' decisionmaking when devising their own policies, but since the decision rules are not observed by the econometrician, we can only speculate to which states actually might look to when determining policy. While there are countless possible ways of identifying which states are neighbors, we propose an admittedly arbitrary measure of ''neighborhood'' based on state to state migration flows from 1985 to 1990, using Census data.5 In this scheme, 2 All dollar values are adjusted to be in constant dollars using the Consumer Price Index. 3 We have also estimated models in which the dependent variable is solely the AFDC benefit, and in each case have obtained similar results to those reported herein. 4 We describe how we derive neighbor weights later in this section. 5 We have also estimated models using proximity-based weighting schemes, as well as wx purely contiguity-based weighting schemes, such as those utilized by Ribar and Wilhelm 10 , and the outcomes tend to be very similar to those reported herein. In addition, our results from the migration-based model are similar if we do not constrain the sum of neighbor weights to equal one. Therefore, our fears that our results might be driven solely by idiosyncracies of our definition are mitigated. FIGLIO, KOLPIN, AND REID440 where res is the number of 1990 residents of state i who resided in state ij j in 1985.6 State i assigns itself a weight of zero, and all weights sum to one. We choose one-way migration inflows, rather than two-way net migration flows, to avoid the possibility of negative neighbor weights, as well as to avoid weighting states with virtually no migration flows in either direction the same as states with large but offsetting population flows in both directions.7 We use total population migration rather than lowincome migration to mitigate the potential endogeneity of the weighting scheme. Empirical Model We seek to relate a state's own benefits to the weighted sum of its neighbors' benefits to determine whether states are engaged in welfare competition. We choose to estimate the model in first-differences, rather than levels, to account for the fact that over this time period, state benefits have been trending downward. To account for the possibility that some states' trends may be sharper than others', we control for a full set of state-specific constants, which in the first-difference context represent state-specific trends. In addition, to account for the possibility that certain common shocks affect all states in the country simultaneously, we control for a set of year effects. Therefore, all of our identification is coming off of de¨iations from state-specific trends in welfare benefits, after netting out de¨iations that are common to all states contemporaneously.8 We adopt the set of control variables used in prior empirical papers on the topic of welfare policy interdependence. Specifically, we control for Ž changes in the ratio of families on AFDC to those not on AFDC the 6 wx Shroder 12 also uses a migration-based neighbor weighting scheme. 7 To illustrate our concerns with using net migration flows as our basis for this weighting scheme, doing so would lead us to the conclusion, for instance, that Oregon weights Vermont higher than it does California when determining its policies. 8 We also experimented with including lagged neighbor benefits in the model, but found that lagged benefits added little in the way of additional explanatory power. DO STATES PLAY WELFARE GAMES? 441 . 9 ''recipiency ratio'' , changes in the Republican share of votes in Congres10 Ž sional elections we also looked at the ''conservativeness'' of voting behavior by the state's congressional contingent, as captured by Americans for Democratic Action voting scores, which led to no real changes in the . results , changes in real per capita state disposable income, changes in the state's federally-set AFDC funds matching rate, changes in the state's percentage of AFDC recipients who are white, changes in the state's percentage of AFDC recipients who are unmarried, changes in the state's female unemployment rate, changes in the state's ratio of females to employed males, and changes in the state's average weekly wages in variety stores.11 The last three variables are intended to represent characteristics of the female and low skill labor market.12 Our results are robust to changes in this control variable set. Specifically, our results hold up qualitatively regardless of the set of control variables employed, at least among the sets of controls that we have tried thus far. Sample means and Ž. standard deviations of all variables measured in first-differences are reported in the first column of Table 1. In order to treat states' benefit policy determination as potentially interdependent, we must model state benefit-setting as simultaneous. To do so, we model neighbor benefit changes as endogenous, using a two-stage instrumental-variables approach similar to that used by Besley and Case wx 1 to capture simultaneity of tax policy

across states. Since our supposition, which we also put forth in our theoretical model introduced later in the paper, is that changes in benefit levels come about because of a change Ž. in one state's or a set of states' primitives, we seek instruments that are likely to reflect these types of changes. We instrument for neighbor benefit

Competition states will never allow the Federal Government to maintain common welfare plans

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//SKI Radial concavity holds for a large set of reasonable preferences. To Ž.demonstrate this fact, note that the identity us , s r s s0 implicitlyii yii defines the best reply function b . It is straightforward to implicitly differentiate this identity and establish differential conditions which ensure that b does indeed satisfy radial concavity. As a simple example, i suppose that the number of welfare recipients in a given state is a linear function r : S^{a}R which is increasing in own benefits and decreasing in i the benefits of ''competitor'' states. Suppose also that state i's utility function can be decomposed into the social utility received from own benefits and the social disutility accruing from the total number of recipients, i.e., uss¨ s ycrs. Lastly, assume ¨ is strictly concave, c i i i i i i i ZŽ. 2 ZŽ Y.2is strictly convex, best replies are nonzero, and ¨ c0 yc ¨ - 0 i i i Ž Ž . . Žwhen evaluated at bs , s for any s in S. The latter condition isi yi satisfied if, for instance, the third derivatives of both y¨ and c are ii . everywhere positive. As the reader may verify, such preferences induce strictly radial concave best reply functions, in turn implying that the symmetry bias is as noted in Proposition 2. wx Walker 14 finds very little evidence supporting the existence of welfare benefit-induced migration from state to state. It is important to note, however, that our theoretical results do not actually require the presence of welfare-induced migration. Nor do they require migration, when it occurs, to impose varying costs depending on the state of origin. All that is required is that policy makers are concerned with the benefit levels offered elsewhere. There is plenty of evidence the differential welfare benefit levels pegged to prior residency referred to in the introductory quote of this paper is one example that many policymakers share this concern. This is not to say that a lack of observed migration cannot itself be the result of strategic reaction explicitly designed to mitigate migration.16 Instead, our point is that when modeling this behavior one must recognize that public policy is often founded on the ''reality'' of public opinion as much, if not more so, as on economic fact. Moreover, new evidence Ž wx . Meyer 9 suggests that interstate welfare benefit differentials have a statistically significant, if small in magnitude, effect on migration after all. Our model generates the principal testable implication that states will respond asymmetrically to other states' benefit decreases than to other states' benefit increases. Failure to empirically model this asymmetry Ž . Ž when directed in Proposition 2 might lead to downward-biased in . absolute value estimates of responses to other states' benefit decreases and upward-biased estimates of responses to other states' benefit in 16 One can also think of the phenomenon of Tiebout competition, in which ''foot voting'' need not be observed for its potential presence to have an effect on local government decision making. Both models have coefficients with a negative sign, though this result is not . near statistical significance . On the other hand, the interaction between neighbor benefits and an indicator for whether the neighbor benefits dropped is strongly statistically significant in the OLS model and marginally significant in the instrumental variables specification, suggesting that states tend to respond more to neighbor benefit decreases than to increases. With the notable exception of the possibility that the empirical design of Ž. this test would naturally generate this result discussed immediately below , it is difficult to conceive of factors other than welfare competition that would generate this asymmetry in estimated responses to neighbor benefits. Therefore, these results further support the notion that the welfare competition described above is real, rather than an artifact of the data. Neglect as an Alternative e Hypothesis In any given year, the modal change in nominal AFDC benefits is zero, though nominal food stamp benefits increased somewhat for most states from year to year.17 Since we deflate benefits by the consumer price index, we consider a nominal zero change in benefits as a real decline in benefits. As such, there remains a chance that our results do not really reflect strategic interaction among the states and rather reflect a ''neglect hypothesis.'' Specifically, our

asymmetry results could conceivably be generated if most states simply change their nominal benefits occasionally, and increase their nominal benefits independently. In this case, we would observe little relation between neighboring states' increases in benefits but most states would appear to be moving in lock-step to each others' benefit declines. Of course, this ''neglect hypothesis,'' if true, could very well be a manifestation of strategic behavior, in which states, cognizant of their neighbors' actions, strategically elect not to change their nominal benefits when their neighbors do not change their nominal benefits. Hence, simply not raising benefits and letting real benefits atrophy is consistent with a strategic welfare benefit-setting equilibrium. However, the fact that we cannot distinguish with certainty strategic behavior from non-strategic neglect is somewhat unsatisfying. There are, however, other ways to determine the degree to which our results are merely picking up a general pattern of failure to change nominal benefits, rather than strategic behavior. Specifically, if our results are merely picking up a general pattern of benefit neglect, it would not really matter how we define neighborhood}we should observe the same types of effects as we report above. To explore this possibility, we construct two new types of neighborhood definitions, one based on the relative 17 We note, however, that real combined benefits increased from year to year in 34% of the observations.

Texas and California are imitation states for welfare policies

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The results of this exercise are reported in the final four columns of Ž Table 1. We observe that in three of the four regions south, west, and. midwest the estimated response to neighbor benefit changes remains statistically significant {despite the dramatically reduced sample sizes} and is of modestly larger magnitude than that found in the nationwide sample. In the fourth region, the estimated relationship is not statistically significant, though the magnitude of the coefficient remains Ž nontrivial. A coefficient of this magnitude would be strongly statistically significant if the standard error were the same as the national instrumental variables standard error, so part of the insignificance is due to the . increased standard errors associated with small sample size. Therefore, this region-specific analysis helps to further convince us that the results found herein are not due to some unobserved region-specific variable. A second way of testing the veracity of these results would be to abandon altogether the concept of identifying neighbor states and instead look at states' apparent responses to large, politically important states, relative to their apparent responses to the neighbors of these large states. The idea behind this exercise is that if there is some omitted variable correlated with the benefit changes of all states in an area, and this is driving our results, then there should be no real reason, in the absence of strategic interaction, to expect other states' benefits to be differentially correlated with the benefits of the large state, relative to its small neighbors. If, on the other hand, states do engage in welfare competition, then it is reasonable to expect that they would pay more attention to Texas than to, say, Louisiana or Arkansas, because of Texas's magnitude and political clout. To test whether this is the case, we replace our neighbor benefit variables with separate variables reflecting the changes in benefits in the two largest states in the United States, California and Texas, as well as the complete set of these states' neighbors, Oregon, Nevada, Arizona, New Mexico, Oklahoma, Louisiana, and Arkansas, for a total of nine other state variables, in an ordinary least squares regression. Table 2 reports the coefficients on the benefit levels of, in turn, California and Texas, and the a¨erage benefit coefficients for, in turn, California's neighbors and Texas's neighbors. We observe that other states' benefit changes are statistically significantly more correlated with California's benefit changes than with California's neighbors' benefit changes, and while the statistical significance level is lower in the case of Texas, the same qualitative finding holds up for other states' relative correlation with Texas vis-a-vis Texas's neigh` bors. The final column of Table 2 pools California and Texas together. Here, we observe that while state benefit changes tend to be completely uncorrelated

with the average benefit change of California's and Texas's neighbors, state benefit changes are highly correlated with the average

Texas and California have proven to geographically and competitively to affect the welfare plans of all states

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GLIO, KOLPIN, AND REID446 TABLE 2 Additional Evidence of Simultaneous State Benefit-Setting: Differential Responses to Large States versus their Neighbors Ž. OLS evidence Note: Standard errors, adjusted for statewide clustering of errors, are in parentheses beneath estimated effects. All regressions include the same set of variables in the Table 1 regressions, except that instead of weighted neighbor benefits, the regression includes nine separate variables for the changes in the benefits of California, Oregon, Nevada, Arizona, Texas, New Mexico, Oklahoma, Arkansas, and Louisiana. The average response to large state Ž neighbors averages the coefficients and reports the appropriate standard error of the .Ž average of the coefficients on the benefits of Oregon, Arizona, and Nevada in the case of. Ž .California or New Mexico, Oklahoma, Louisiana, and Arkansas in the case of Texas. The first row of the last column presents the average coefficient on California and Texas benefits, while the second row of the last column presents the average coefficient on the other seven state benefits. Benefit change of California and Texas.15 This difference is statistically significant at the five percent level. In sum, therefore, we observe evidence that state benefit changes tend to be more correlated with the benefit changes of big, influential states than with the benefit changes of small states likely to share common shocks with the influential states. This finding lends additional credence to the notion that our finding of welfare benefit competition is not driven by some omitted geography-specific variable. 3. ASYMMETRIC RESPONSES TO NEIGHBOR BENEFITS This section provides additional evidence that the results presented above are likely due to welfare competition, rather than some geographically-correlated omitted variable. To do so, we present a theoretical model of interstate competition in state welfare benefit-setting that generates the testable prediction that states should tend to differentially respond to decreases in neighbor benefit levels, relative to neighbor benefit increases. We then return to the data to examine the degree to which this conjecture holds up empirically. 15 This result also holds up when we limit the geography of the ''responding'' states to any region of the country, except the southwest and far west, which we exclude for obvious reasons. DO STATES PLAY WELFARE GAMES? 447 Theoretical Model We begin by presenting an abstract framework for analyzing welfare gaming between multiple states. This framework is then used to argue that it is unlikely that states will consistently respond symmetrically to both increases and decreases in the welfare benefits offered by competitors. Moreover, one may well expect the benefit decreases of competitors to have a more pronounced impact than would benefit increases of a comparable magnitude. State governments are the decision makers in our model and will be 4denoted by the set Ns 1,...,n . Each state must select a nonnegative level of welfare benefits to be made available to eligible recipients. Strategy sets are thus characterized by S R for each igN and Ss i q = S represents the space of all collective strategy profilesroutcomes. igNi To complete the specification of our model, we assume each state igN has preferences over the outcome set S which are characterizable by a real valued utility function u :Sª R. These preferences are assumed to thoroughly account for the benefits as well as costs associated with various strategic outcomes. In addition to direct effects from a state's own decision Že.g., benefits of an ''income safety net'' for the state's citizenry and the . financial burdens associated with its provision there are also indirect effects caused by the choices of other states. Examples of the latter include the cost savings from interstate migration induced by interstate benefit differentials. Finally, we note that political pressure on state officials may depend on interstate benefit differentials independently from interstate migration. State utility functions are assumed to capture these incentives as well. We are particularly interested in how the behavior of individual states may be affected by perturbations in the behavior of others. A necessary condition for such comparative

statics to be everywhere well defined is for Ž each state to have a single valued ‘‘best reply’’ correspondence an as. sumption we adopt throughout our analysis . Formally, we assume that for each igN there exists a function b :SªS such that for every sgS, ii Ž Ž . . Ž X . X Ž.4 Ž X ..ubs ,s)us , s for all s gS _ bs; where we let s , sii yi i i yi i i i i yi denote the strategy profile which agrees with sX and s for players i and i yi Ž Ž .j /i respectively. As bsis independent of s our definition is equivaii Ž.lent to the notationally messier, but more natural formulation of ‘‘ bs .’’ . i yi Note also that an equilibrium of our model can be defined as a fixed point Ž . Ž Ž . .of the best reply correspondence, i.e., s*sbs * s bs*. ii gN In a technical sense, there can be no debate about whether or not states ‘‘play welfare games’’ as each state is free to unilaterally modify its benefit levels. What can be questioned, however, is whether or not the game played is in some sense degenerate. For instance, the game may be thought of as degenerate if each state’s optimal benefit levels can be

Case

Case D – Sort

1NC – Solvency

Surveillance is self-correcting – no abuse

Children's Bureau 6/18/**15** ("Monitoring" http://www.acf.hhs.gov/programs/cb/monitoring)

To help states achieve positive outcomes for children and families, the Children's Bureau monitors state child welfare services through the Child and Family Services Reviews (CFSRs), title IV-E foster care eligibility reviews, the Adoption and Foster Care Analysis and Reporting System (AFCARS) assessment reviews, and the Statewide Automated Child Welfare Information System (SACWIS) assessment reviews. AFCARS Assessment Reviews The Adoption and Foster Care Analysis and Reporting System (AFCARS) collects case-level information from state and tribal title IV-E agencies on all children in foster care and those who have been adopted with title IV-E agency involvement. The purpose of the AFCARS assessment reviews is to more fully assess and evaluate how an agency gathers, records, extracts, and submits its AFCARS data. The AFCARS review process is a rigorous evaluation of the agency's information system and allows the review team to identify problems, investigate the causes, and suggest solutions during the review. Child and Family Services Reviews (CFSRs) The CFSRs, which are periodic reviews of state child welfare systems, enable the Children's Bureau to: Ensure conformity with federal child welfare requirements Determine what is actually happening to children and families as they are engaged in child welfare services Assist states in enhancing their capacity to help children and families achieve positive outcomes Our CFSR factsheet explains the history, purpose, and process of the CFSRs. After a CFSR is completed, states develop a Program Improvement Plan (PIP) to address areas in their child welfare services that need improvement. Our PIP instructions and matrix document provides guidance to states about developing their PIPs. SACWIS Assessment Reviews SACWIS is a federally funded, yet voluntary, case management system. SACWIS is the record hub for children and families receiving child welfare support and contains a complete case management history. After a state's automated child welfare system is operational for approximately 1 year, the Division of State Systems (DSS) conducts a review to assess the system's functionality. SACWIS data are used to support the Adoption and Foster Care Analysis and Reporting System (AFCARS) and the Child and Family Services Review (CFSR) process. Title IV-E Reviews The regulatory reviews of the title IV-E Foster Care program determine whether children in foster care meet the federal eligibility requirements for foster care maintenance payments. During these reviews, the Children's Bureau examines child and provider case records, as well as payment documentation, to validate the accuracy of a state's reimbursement claims of foster care payments. Each eligibility review details the strengths and weaknesses of each state's program and identifies technical assistance that may be needed for program improvement.

Modern surveillance targets everyone equally

Freeman '14 (Kymone, director of the National Black LUV Festival, Washington, D.C. Mayor's Art Award Finalist for Excellence in Service to the Arts in 2006 and received a Mayoral Proclamation in 2007 He is the subject of one chapter of the book Beat of A Different Drum: The Untold Stories of African Americans Forging Their Own Paths in Work and Life (Hyperion). He has authored a collection of poetry entitled Blood.Sweat.Tears. NYC spokesperson and official poet of Ralph Nader during his campaign in '04. Award Winning Playwright and Radio

Personality, 2/11/14, "In the age of mass surveillance, we are all black," http://www.dailydot.com/opinion/surveillance-we-are-all-black-kymone-freeman/ **7/8/15, ML)**

On Oct. 26, 2013, I had the pleasure and honor to host the Stop Watching Us Rally against National Security Agency surveillance on the National Mall. It was an honor to have had an opportunity to speak truth to power on national TV and it was a pleasure to see a massive sea of White faces respond to the provocative assertion that we are all black today. I told them that equality has finally come to the shores of America. It is called surveillance, and it is for everyone. The often-ignored truth is that surveillance is nothing new for black people in America. From the times of slavery that made it illegal for the enslaved to congregate without a white person present to the modern U.S. intelligence agencies who have historically engaged in political repression, black people have always been closely monitored. In 1971, activists burglarized an FBI field office in Media, Pa., taking several dossiers that exposed the existence of COINTELPRO (COunter INTELligence PROgram). They passed the material to news agencies, but many organizations initially refused to publish them. The information documented long-time FBI Director J. Edgar Hoover ordering his agents to "expose, disrupt, misdirect, discredit, or otherwise neutralize" the activities of the civil rights movement and its leaders. COINTELPRO was a series of covert and often illegal projects conducted by the FBI aimed at surveying, infiltrating, discrediting and disrupting domestic political organizations. These actions even included the constant surveillance of Dr. Martin Luther King, Jr. What is surprising and should be most disturbing is that then Attorney General Robert F. Kennedy personally approved the FBI's request to expand its surveillance of Dr. King by tapping his phones, breaking into his home, office, and hotel rooms to plant bugs for electronic monitoring. This was, of course, "justified" to determine if he was under the influence of communists. No such link was ever found, but they did produce evidence of King's extramarital affairs. Following his own dictates of COINTELPRO's mission statement, J. Edgar Hoover moved to exploit this information and had copies of those tapes sent to King's wife, and the FBI drafted a letter encouraging that King commit suicide to avoid national shame and humiliation before being exposed. King refused and the tapes were never made public after determining that it may have backfired and equally have embarrassed the Bureau itself, but the surveillance only intensified after King's acceptance of the Nobel Peace Prize. This resulted in the Bureau convening a meeting of department heads to "examine a complete analysis of the avenues of approach aimed at neutralizing King as an effective Negro leader." It is important to point out that during the Church Committee hearings that examined the COINTELPRO's illegal activities, the FBI's stated motivation was "protecting National Security, preventing violence, and maintaining the existing social and political order." After perfecting the tactics used to pursue this agenda that included psychological warfare; smearing individuals and groups using forged documents and planting false reports in the media; harassment; wrongful imprisonment; and illegal violence, including assassinations, these tactics were all effectively applied to the Black Panther Party and other organizations. Ironically, it was the FBI's own wiretaps that resulted in the late Black Panther Party leader Geronimo "Ji Jaga" Pratt being released from prison after serving 27 years for a murder he did not commit. The FBI surveillance of Geronimo documented he was 350 miles away from the scene of the crime when it occurred. However, COINTELPRO's mandate was to "neutralize Geronimo as an effective BPP functionary," so the FBI purposely withheld this information at his trial. Geronimo's attorney, the late Johnnie Cochran, was later able to obtain his freedom when the tapes were finally released. After 27 years, eight of which were spent in solitary confinement, Geronimo "Ji Jaga" Pratt eventually received $4.5 million as settlement for false imprisonment. This is just a brief snapshot of the history of "surveillance" in the black community. Dr. Cornel West has often used the term "Niggarization of America" to further describe how these tactics developed under COINTELPRO have now been extended to all Americans, regardless of age, race, creed, color, sex, national origin, religion or sexual orientation. Many people who accepted the virtues of surveillance when it targeted primarily Muslims, black people, or activists now understand how disturbing it is to be surveilled as enemies of the state themselves. Equality has finally come to the shores of America in the form of surveillance. We are all in the same boat now, and when the lights go out, we are all black

AT: Welfare Queen Stereotype

The stereotype of the 'welfare queen' will continue past ending welfare surveillance due to its fitting of white American's preconceived notions of poor inner-city people on welfare.

Blake '12 (John, reporter for CNN Politics, 1/23/12, "Return of the 'Welfare Queen'" http://www.cnn.com/2012/01/23/politics/weflare-queen/**, 7/8/15 ML)**

President Reagan's "Welfare Queen" is still shaping U.S. politics, but did she exist and why has her story remained so potent? She's out there, lurking in the 2012 presidential race like a horror movie villain who refuses to die. She has 12 Social Security cards, mooches on benefits from four fake dead husbands, and collects food stamps while driving a Cadillac. She rakes in about $150,000 a year in welfare benefits and, of course, people assume she must be African-American. President Ronald Reagan gave America a sunny "Morning in America" optimism, but he also gave it the "Welfare Queen," an infamous character who has re-emerged in this year's presidential race. Critics have accused the three leading Republican presidential candidates of resurrecting Reagan's Welfare Queen by calling President Obama the "food stamp president," implying that blacks live off other people's money, and by declaring that America is moving toward an "entitlement society." Yet few people have examined the story behind the birth of the Welfare Queen. Did she really exist? Why do people still talk about her when welfare ended 15 years ago? Can her story still swing voters at a time when the great recession has forced more whites to rely on government assistance? For some, the Welfare Queen is an epic political lie. Reagan invented her, and Americans keep buying the lie. "It's one of those persistent symbols that come up every election cycle," says Kaaryn Gustafson, author of "Cheating Welfare: Public Assistance and the Criminalization of Poverty." "This image of the lazy African-American woman who refuses to get a job and keeps having kids is pretty enduring. It's always been a good way to distract the public from any meaningful conversations about poverty and inequality. " For others, the Welfare Queen reveals an uncomfortable truth: More Americans have turned the social safety net into a hammock. "You hear these horror stories going around that people are buying junk food with food stamps and paying cash for vodka and beer and things not covered with food stamps -- that gets people mad," says Steven Hayward, author of "The Age of Reagan: The Fall of the Old Liberal Order: 1964-1980." The Welfare Queen has become such a legendary character in political circles that her existence is treated like Bigfoot. Most scholars say she never existed, while a few insist the truth is out there. Gustafson went in search of the Welfare Queen and discovered something surprising. There wasn't one Welfare Queen, she says. There were three. The birth of the Welfare Queen story Here's how Reagan first told the story when he ran for the Republican presidential nomination in 1976. At virtually every campaign stop, he attacked welfare chiselers by bringing out the same character, according to press accounts. "There's a woman in Chicago," Reagan said, according to an article in the now-defunct Washington Star. "She has 80 names, 30 addresses, 12 Social Security cards. ... She's got Medicaid, getting food stamps and she is collecting welfare under each of her names. Her tax-free cash income alone is over $150,000." It was a powerful story, but reporters investigating it concluded it wasn't quite true. Some said it may have been based on a then-47-year-old woman in Chicago, but that Reagan wildly exaggerated her abuses. In time, though, it didn't matter what reporters said. People started repeating the story as true. "It hangs together as a good story because it's consistent with people's perception of the real world," says Craig R. Smith, who was a speechwriter for former President Gerald Ford and a consulting writer with President George H.W. Bush. "Like in any good mythology, you need heroes and villains and in the Welfare Queen, you had a villain who was taking advantage of the system." Was the Welfare Queen a racist story? Smith doesn't think so. He says Reagan always opposed segregation, and had a "terrific record" combating racism as president of the Screen Actors Guild. "Reagan was very sensitive about being called a racist," says Smith, author of "Rhetoric and Human Consciousness: A History." "The minute anybody would say something about that, he would get upset. He would say fraud is fraud." Others say the Welfare Queen story stuck because it exploited white America's racial fears. Reagan never said the Welfare Queen was black, but he didn't need to. People assumed she was because of rhetorical clues Reagan dropped, says John Hinshaw, a history professor at Lebanon Valley College in Pennsylvania. "The Welfare Queen driving a pink Cadillac to cash her welfare checks at the liquor store fits a narrative that many white, working-class Americans had about inner-city blacks," Hinshaw says. "It doesn't matter if the story was fabricated, it fit the narrative, and so it felt true, and it didn't need to be verified." For at least one woman on welfare at the time, the story was brutal. Madeleine Burbank grew up in the 1950s in a white family in which everybody worked. She says she was forced to go on welfare in the 1970s after her marriage suddenly ended and she had to raise three children alone. She still remembers the humiliation of going into crowded, dirty waiting rooms to answer embarrassingly personal questions posed by welfare screening officials. Reagan's story validated some of the worst assumptions some Americans have about poor people, she says. Burbank escaped welfare after enrolling in a government program that retrained her as a counselor. She eventually retired as a psychology teacher at a community college. Still, she remembers being ashamed to tell people she was on welfare, even those who were close to her. Once, she was standing in a supermarket checkout line when her sister whispered disparaging comments about a woman in front of them who was using food stamps to buy junk food. "When I told her I was on food stamps, she told me that I was different. I wasn't somehow like 'those people,' ' Burbank says. "She couldn't' stand the reality that I really wasn't that different. It's too painful for people to admit that their life can be like that." Resurrection of the Welfare Queen? Are Republican presidential candidates offering voters an updated version of the Welfare Queen? That's the question ricocheting around political circles today as commentators argue over recent comments made by Newt Gingrich, Rick Santorum, and Mitt Romney. Many have heard snippets of them by now: While campaigning in Iowa, Santorum said "I don't want to make black people's lives better by giving them somebody else's money." He later said he didn't mean to say black people, but meant people. Romney has repeatedly said that Obama wants to transform America into an "entitlement society." Gingrich has attracted the most attention for his language. He called Obama a food-stamp president, questioned poor children's work ethic, and said poor people should want paychecks, not handouts. There was nothing racist about any of that language, or the Welfare Queen story, says Hayward, author of "The Age of Reagan," and a fellow at the American Enterprise Institute in Washington, which includes conservative leaders such as Lynne Cheney, wife of former vice president Dick Cheney. Gingrich was simply being factual when he said more Americans are on food stamps under Obama than any other president, he says. He was making a point about an unhealthy economy. "Gingrich would say that if Obama was white," Hayward says. The candidates are using

such language to highlight philosophical differences between liberals and conservatives, Hayward says. Liberals believe that government can offer the best path to advancement. Conservatives believe a growing private economy provides more upward mobility than government. The "entitlement society" phrase has nothing to do with race, either, Hayward says. It reflects the belief that people should create their own opportunities, not government. "Somewhere in the entitlement mentality is the idea of redistribution: You transfer resources from the relatively richer to the poorer," Hayward says. The problem Republicans run into when they talk about race and economics is that most don't know how to talk about race, says Michael Tanner, a senior fellow at the Cato Institute, a libertarian think-tank in Washington. What some people perceive as racism is often just a Republican politician's poor choice of words, he says. "They trip over themselves and it sounds terribly awkward. By and large, they tend to live in white communities, and they don't know how to talk to blacks because they don't do it. " Former Republican presidential candidate Jack Kemp was an exception in Tanner's mind. Kemp sounded comfortable talking to a black audience, Tanner says, noting that he was a former NFL quarterback. "He shared locker rooms with black players. He knew them on a personal level in a way that Romney or Gingrich don't." Demise of the Welfare Queen Candidates will no doubt need to learn how to better communicate with nonwhite voters in the future: They're going to be the majority by 2050, according to the U.S. Census Bureau. Demographic changes will do to the Welfare Queen story what fact-checking couldn't do -- discredit it, says Saladin Ambar, a political scientist at Lehigh University in Pennsylvania. No candidate in the future will be able to win over a majority of voters by spouting racially loaded messages. Ambar says Republican presidential nominee John McCain received about 59% of the white vote in the 2008 presidential election, but still lost. "He got the same percentage of the white vote that Reagan got in 1980, but lost by seven points to Obama," Ambar says. Welfare Queen-like rhetoric won't work anymore, because the face of poverty is no longer dark, others say. Recent census data revealed that a record number of Americans, 48.6%, live in a household receiving some form of government benefits, the Wall Street Journal reported. "The Welfare Queen has lost its potency during this recession because all over this country you see white people lining up to get unemployment, feeding their families at food pantries, sleeping in cars and using food stamps at the local grocery," says Mark Naison, a history professor at Fordham University in New York. Perhaps the Welfare Queen actually should have died a long time ago. President Clinton and a Republican-controlled congress ended welfare in 1996. Its successor is called TANF, or Temporary Assistance for Needy Families. Gustafson, author of "Cheating Welfare," says TANF is not an unconditional entitlement. It comes with time-limits and work requirements and recipients have to go through a bureaucratic gantlet to verify their eligibility. "A lot of poor people are working," she says. "They are the people giving you change when you buy coffee in the morning or handing you your dry cleaning. These are the people who rely on public benefits." Still, an actual Welfare Queen did exist, Gustafson says. A database search of all major newspapers turned up the first use of the term in 1974, when a woman in Chicago was given the label. Two additional women were also dubbed welfare queens in subsequent years by local newspapers. Both were based in Los Angeles. One collected $377,458 in welfare benefits in seven years and lived in a house with a swimming pool. She did drive a Cadillac, along with a Rolls Royce and Mercedes Benz, Gustafson discovered. Reagan merged the identities of all three and exaggerated their abuses, Gustafson says. "Reagan twisted them around and created one character, and tried to leave everyone with the impression that it was happening all over the place," Gustafson says. "It's totally false that these women typified welfare recipients." While others believe the Welfare Queen will be dethroned, Gustafson remains unconvinced. "I would love to think that will happen," she says. "But I'm hearing politicians say poor people need to learn how to work or that we need to drug test welfare recipients -- it makes me think that even if people aren't directly invoking the Welfare Queen stereotype, they are indirectly. "The ghost of the Welfare Queen is still lurking."

Surveillance Good Turn

1NC – Fraud Turn

Welfare surveillance is key to check fraud which disproportionately affects minorities- that link turns the case

Peatling 12 [Stephanie-senior writer for the Sydney Morning Herald, 12/18/12, "Welfare fraud becomes harder", http://www.smh.com.au/federal-politics/political-news/welfare-fraud-becomes-harder-20121217-2bjfk.html**, Date Accessed: 7/9/15]Kruger**

SOPHISTICATED data-mining techniques combined with old-fashioned private detectives and dobbing in wrongdoers are resulting in fewer people being prosecuted for welfare fraud and allowing the federal government to claw back **hundreds of millions of dollars**. But, according to a report to be released on Tuesday, the idea of prevention being better than cure comes at a cost of high levels of government surveillance over the public as it tries to make sure the complicated tax, welfare and payments system pays the correct amount to each recipient. "The overwhelming majority of people are honest in their dealings with the government," Human Services Minister Kim Carr

says. "But responsible custodianship of this money through an e**ffective compliance program means help goes where it should** - to those most in need.

Fed surveillance key – states fudge the data to collect more money *– proves the CP solves the deadbeat dad narrative and the aff can't*

Baskerville 8 Stephen Baskerville is Ph.D. in Government, London School of Economics & Political Science, Professor of Political Science at Patrick Henry College Pub Date: 01/01/2008 Independent Review Wntr, 2008 Source Volume: 12 Source Issue: 3, http://www.freepatentsonline.com/article/Independent-Review/172775627.html

The federal funding also creates incentives to implicate men who are not even fathers and pull them into the criminal-enforcement machinery. One requirement for collecting federal payments is that states must institute paternity-establishment procedures, and nothing in the federal law prohibits or penalizes designating the wrong man as the father. "Eligibility ... depends only upon tagging the largest possible number of men, and there is no review or requirement that it be the right men," writes Ronald Henry (2006, 54). The result is "paternity fraud," the practice of forcing men to pay support for children who are acknowledged not to be their offspring. Most victims are low-income minority males, and many are young and even underage, with few of the skills or means to defend themselves in what Henry describes as a mass judicial "assembly line" that bears little relation to a hearing. "The paternity fraud victim is hustled through the formality, often in less than five minutes, and may not even realize what has happened until the first garnishment of his paycheck." Henry estimates that the number of such victims may exceed one million. "Every child support agency in America knows that it . .. has worked injustice upon appalling numbers of innocent men." In 2002, California governor Gray Davis vetoed a bill that would have rectified paternity fraud. After registering concern "for the children," Davis revealed his fear that the state would lose $40 million in federal funding. Thus, an elected official openly rationalized imposing criminal penalties on citizens known to be innocent simply in order to avoid losing money. "California has long been notorious for its high rate of 'sewer service,' high rate of default judgments, and high rate of false paternity establishments," notes Henry (2006, 54, 58, 63, 60-62, 66, 76, 55).

Ext – Key to Check Fraud

More ev-Surveillance solves fraud

Lichtblau 14 [et al, Eric-writer for NYT, William Arkin-writer for NYT, 11/15/14, "More Federal Agencies Are Using Undercover Operations", http://www.nytimes.com/2014/11/16/us/more-federal-agencies-are-using-undercover-operations.html**, date accessed: 7/9/15]Kruger**

WASHINGTON — The federal government has significantly expanded undercover operations in recent years, with officers from at least 40 agencies posing as business people, **welfare recipients**, political protesters and even doctors or ministers to ferret out wrongdoing, records and interviews show. At the Supreme Court, small teams of undercover officers dress as students at large demonstrations outside the courthouse and join the protests to look for suspicious activity, according to officials familiar with the practice. At the Internal Revenue Service, dozens of undercover agents chase suspected tax evaders worldwide, by posing as tax preparers, accountants drug dealers or yacht buyers and more, court records show. At the Agriculture Department, more than 100 undercover agents pose as food stamp recipients at thousands of neighborhood stores to spot suspicious vendors and fraud, officials said.

Impact – Quality of Life

Welfare money improves quality of life for low income families

Hill 10 **[Eric-Writer for The commonwealth times, 4/19/10,"Shifting the American dream, how social welfare will improve our lives",** http://www.commonwealthtimes.org/2010/04/19/shifting-the-american-dream-how-social-welfare-will-improve-our-lives/**, date accessed: 7/9/15]Kruger**

3. **Social welfare improves quality of life**. Everyone wants to be taken care of in some way or another, but not everyone has that. **Low**er **income families struggle to provide the bare necessities for their children, and because of this they tend to educate and provide only enough for their children to become trapped in the same cycle of destitution**. If there are free community centers, children and parents can provide a safe environment away from negative influences, they can receive free parenting training, use exercise facilities and develop career skills. Lately there has been a move away from community growth because of migration to cities, changes in the American economy to a credit and banking system and financial collapse of community industries. When the government invests in social welfare, it improves community structures for generations to come. For instance, Michelle Obama is working on a program called Let's Move, which is designed to eliminate childhood obesity within one generation. The First Lady has lobbied the food industry to improve the health of their products, and is re-energizing the national lunch program and President Physical fitness award to encourage more physical exercise in schools and more nutritious lunches.

Impact – Economy/Turns Case

Fraud disproportionately affects minorities and prevents economic growth

Roustan 10 **[Wayne-writer for the sun sentential, 11/19/10, "62 charged with welfare fraud totaling nearly $300,000",** http://articles.sun-sentinel.com/2010-11-19/news/fl-public-assistance-fraud-20101118_1_food-stamp-welfare-fraud-housing-fraud**, date accessed: 7/10/15]Kruger**

Boynton Beach — Sixty-one Palm Beach County residents and one from Tampa were charged with welfare fraud after an 18-month investigation dubbed Operation Easy Money, according to the Palm Beach County State Attorney's Office. Investigators have arrested 44 of the food stamp recipients and 18 are still being sought, said the Florida Department of Law Enforcement, which also worked on the case with the Palm Beach County Sheriff's Office and other agencies. The suspects illegally obtained $298,000 in cash from government-issued Electronic Benefit Transfer, or EBT, cards which were supposed to be used to buy food, said FDLE Special Agent in Charge Amos Rojas Jr. "In one egregious case, up to $14,000 [was obtained by one person] along with other prohibited items such as cigarettes, beer and phone calling cards," Rojas said. An earlier investigation, called Operation Money for Nothing, led to the April 2009 arrests of two brothers who ran Billy's Market, at 464 Dr. Martin Luther King Jr. Blvd, in Belle Glade. "Gassan Ali and Imad Ali were accused of trafficking in EBT food stamp benefits to the tune of more than **$1 million**," Rojas said. Both have pleaded guilty to grand theft and public assistance fraud worth $1.5 million between 2008 and 2009, he said. That's when the FDLE, Sheriff's Office and State Attorney launched Operation Easy Money to review EBT transactions at the store dating back to January 2006. Investigators said they found that Billy's Market employees would ring up false food purchases, return the cash to the card holder and keep a cut for the store, sometimes up to 50 percent, with little or no food changing hands. The store itself had "sparsely stocked shelves, sometimes with cans of expired food and no shopping carts or baskets," according to Rojas. Among the 61 accused of food stamp fraud are 16 also facing housing fraud charges for misrepresenting their incomes or employment status to qualify for housing assistance, according to the FDLE. In addition to the housing fraud, current Tampa resident Felicia Miller Johnson, 29, is also accused of lying about working for the Department of Corrections to fraudulently receive subsidized child day care while living in Palm Beach County, according to FDLE investigator Bob Nelson. Some of the 62 suspects were "driving luxury cars and they were in possession of luxury accessories that the working public" could not afford, said prosecutor Angela Miller with the State Attorney's Office. **"It's this type of fraud that not only hurts those who need it most, but it also hinders our nation's economic** recovery **efforts**," Sheriff's Office Chief Deputy Michael Gauger said.

Economic growth prevents extinction

Kemp 10 (Geoffrey Kemp, Director of Regional Strategic Programs at The Nixon Center, served in the White House under Ronald Reagan, special assistant to the president for national security affairs and senior director for Near East and South Asian affairs on the National Security Council Staff, Former Director, Middle East Arms Control Project at the Carnegie Endowment for International Peace, 2010, The East Moves West: India, China, and Asia's Growing Presence in the Middle East, p. 233-4

The second scenario, called Mayhem and Chaos, is the opposite of the first scenario; everything that can go wrong does go wrong. The world economic situation weakens rather than strengthens, and India, China, and Japan suffer a major reduction in their growth rates, further weakening the global economy. As a result, energy demand falls and the price of fossil fuels plummets, leading to a financial crisis for the energy-producing states, which are forced to cut back dramatically on expansion programs and social welfare. That in turn leads to political unrest: and nurtures different radical groups, including, but not limited to, Islamic extremists. The internal stability of some countries is challenged, and there are more "failed states." Most serious is the collapse of the democratic government in Pakistan and its takeover by Muslim extremists, who then take possession of a large number of nuclear weapons. The danger of war between India and Pakistan increases significantly. Iran, always worried about an extremist Pakistan, expands and weaponizes its nuclear program. That further enhances nuclear proliferation in the Middle East, with Saudi Arabia, Turkey, and Egypt joining Israel and Iran as nuclear states. Under these circumstances, the potential for nuclear terrorism increases, and the possibility of a nuclear terrorist attack in either the Western world or in the oil-producing states may lead to a further devastating collapse of the world economic market, with a tsunami-like impact on stability. In this scenario, major disruptions can be expected, with dire consequences for two-thirds of the planet's population.

Ext – Fraud Turns Case

More ev-Fraud disproportionately affects minorities-that turns case

WPXI 12 [WPXI-TV station in Pittsburgh,2/7/12, "Cracking down on welfare fraud: Is it hurting the innocent?", http://www.wpxi.com/news/news/local/cracking-down-welfare-fraud-it-hurting-innocent/nHXBT/**, date accessed: 7/9/15]Kruger**

Another measure requires the use of a fraud detection program that would run welfare applicants' information through an income eligibility verification system before providing benefits. Another reform would prevent "benefit shopping," where people apply for welfare benefits in a county other than the one in which they live in order to receive higher benefit payments. **"If somebody is applying for benefits they don't deserve, then we have a responsibility**, from a governmental perspective and a societal perspective, **to take those benefits away and use the dollars in a better form to help other folks in need**," said Reed.

Surveillance is key to solve fraud which effects people that are inflicted with poverty-turns case

Roustan 10 [Wayne-writer for the sun sentential, 11/19/10, "62 charged with welfare fraud totaling nearly $300,000", http://articles.sun-sentinel.com/2010-11-19/news/fl-public-assistance-fraud-20101118_1_food-stamp-welfare-fraud-housing-fraud**, date accessed: 7/10/15]Kruger**

***SAME CARD AS THE FIRST CARD IN THE ECON IMPACT-ONLY NEED TO READ IT ONCE**

Boynton Beach — Sixty-one Palm Beach County residents and one from Tampa were charged with welfare fraud after an 18-month investigation dubbed Operation Easy Money, according to the Palm Beach County State Attorney's Office. Investigators have arrested 44 of the food stamp recipients and 18 are still being sought, said the Florida Department of Law Enforcement, which also worked on the case with the Palm Beach County Sheriff's Office and other agencies. The suspects illegally obtained $298,000 in cash from government-issued Electronic Benefit Transfer, or EBT, cards which were supposed to be used to buy food, said FDLE Special Agent in Charge Amos Rojas Jr. "In one egregious case, up to $14,000 [was obtained by one person] along with other prohibited items such as cigarettes, beer and phone calling cards," Rojas said. An earlier investigation, called Operation Money for Nothing, led to the April 2009 arrests of two brothers who

ran Billy's Market, at 464 Dr. Martin Luther King Jr. Blvd, in Belle Glade. "Gassan Ali and Imad Ali were accused of trafficking in EBT food stamp benefits to the tune of more than **$1 million**," Rojas said. Both have pleaded guilty to grand theft and public assistance fraud worth $1.5 million between 2008 and 2009, he said. That's when the FDLE, Sheriff's Office and State Attorney launched Operation Easy Money to review EBT transactions at the store dating back to January 2006. Investigators said they found that Billy's Market employees would ring up false food purchases, return the cash to the card holder and keep a cut for the store, sometimes up to 50 percent, with little or no food changing hands. The store itself had "sparsely stocked shelves, sometimes with cans of expired food and no shopping carts or baskets," according to Rojas. Among the 61 accused of food stamp fraud are 16 also facing housing fraud charges for misrepresenting their incomes or employment status to qualify for housing assistance, according to the FDLE. In addition to the housing fraud, current Tampa resident Felicia Miller Johnson, 29, is also accused of lying about working for the Department of Corrections to fraudulently receive subsidized child day care while living in Palm Beach County, according to FDLE investigator Bob Nelson. Some of the 62 suspects were "driving luxury cars and they were in possession of luxury accessories that the working public" could not afford, said prosecutor Angela Miller with the State Attorney's Office. **"It's this type of fraud that not only hurts those who need it most, but it also hinders our nation's economic** recovery **efforts**," Sheriff's Office Chief Deputy Michael Gauger said.

AT: No Link – States Laws Solve Fraud

Maine Proves-States are awful at stopping fraud-prefer specific ev

Covert 14 [Bryce-is the Economic Policy Editor for ThinkProgress. She was previously editor of the Roosevelt Institute's Next New Deal blog and a senior communications officer, 1/8/14, "Governor's Attempt To Find Massive Welfare Fraud Turns Up Next To Nothing", http://thinkprogress.org/economy/2014/01/08/3136631/lepage-welfare/**, date accessed: 7/9/15]Kruger**

On Tuesday, Maine Gov. Paul LePage (R) released data on purchases made with state welfare benefits that he claimed exposed abuse, **but they only add up to less than a percent of all benefit transactions**. The data show that there were more than 3,000 transactions at bars, sports bars, and strip clubs made with EBT (electronic benefit transfer) cards loaded with **TANF** (Temporary Assistance for Needy Families, or welfare) and food stamp **benefits** between January 1, 2011 and November 15, 2013. The state doesn't track what was actually purchased, and some transactions can be withdrawals from ATMs at those locations. Given that there are about 50,000 of these transactions every month, or nearly 1.8 million in that time frame, as the state's Department of Health and Human Services (DHHS) spokesman told the Bangor Daily News, they only make up "about two-tenths of 1 percent of total purchases and ATM withdrawals," the paper calculates.

AT: Surveillance Ineffective/Fraud Inevitable

Fraud will increase in the future only surveillance can detect it and stop it

Wallack 14 [Todd-is a reporter for the Globe's metro section, mainly working on investigative stories. A graduate of Northwestern University, 3/4/14, "Reports of potential EBT fraud increase",
https://www.bostonglobe.com/metro/2014/03/04/state-data-shows-increase-reports-potential-fraud-food-benefits/Tcwb4rnheW1Nhf7Pq9W2XO/story.html**, date accessed: 7/10/15]Kruger**

After widespread complaints about welfare fraud, Governor Deval Patrick's administration appears to be stepping up efforts to reduce abuses of state food benefits, typically distributed through electronic benefit transfer cards, or EBTs. Staff members at the Department of Transitional Assistance reported 14,431 cases of potential fraud or abuse of food benefits to investigators through the first 10 months of 2013, an 87 percent increase over the same period in 2012, according to a report by Inspector General Glenn A. Cunha released Friday. The Supplemental Nutrition Assistance Program (formerly known as food stamps) serves about 880,000 individuals. Department officials attributed most of the increase to a streamlined system to report potential fraud. Transitional Assistance Commissioner Stacey **Monahan said her office more than quadrupled the number of investigators last year to root out fraud and tweaked the computer system to make it much easier for staff to file a report when they find something amiss.**

Wikimedia SDI

CASE DEBATE

--- NGO Advantage ---

Atrocities

Int'l law

1NC: NGOs Fail – Laundry List

These NGOs can't solve atrocities or civil society reform – multiple reasons.

- NGOs are one off projects – no sustainable change
- Responsive to donor demands, not local needs
- Flips the aff – makes civil society and governance worse – no checks

Hawthorne 4. [Amy, associate in the Democracy and Rule of Law Project @ Carnegie Endowment for International Peace, specialist on Middle East politics and on democracy promotion and is the editor of the Endowment's Arab Reform Bulletin, "MIDDLE EASTERN DEMOCRACY: Is Civil Society the Answer?" Carnegie -- March -- http://carnegieendowment.org/files/CarnegiePaper44.pdf]

Aid for prodemocracy groups often suffered from the opposite problem: too much informality. This assistance was typically for short-term, one-off projects, with little follow-up. Across the board, the evaluation of civil society projects was superficial, rarely getting past the question of how many activities were completed to probe the deeper issue of whether the assistance contributed to political change. Many civil society assistance programs were also overly instrumental. That is, the United States often looked upon NGOs as instruments to advance its own agenda. The result was that too often civil society assistance was designed around an American agenda of what issues NGOs should focus on and how. Financially strapped NGOs usually try to be responsive to such donor agendas in the hope of receiving funding, even when the recommended activities do not have much local resonance. This phenomenon is evident in the large numbers of Arab NGOs working on the environment and on women's issues, recent donor favorites, as well as in the launching of advocacy campaigns by service NGOs that have never before undertaken such activities. The line between donors' useful suggestion of new ideas and the imposition of an external agenda is a fine one. When the latter takes over, the result is programs that undermine the concept of civil society as a sphere where indigenous citizen groups pursue causes and activities of their own choosing. The second and larger problem was the fact that civil society aid was based on a flawed vision of civil society, its weaknesses, and its role in democratization. The U.S. conception of civil society equated the sectors it considered politically acceptable—service NGOs and certain prodemocracy groups—with civil society writ large. This had the effect of targeting assistance to the groups with the least political influence or the shallowest roots in the community and thus placing unrealistic expectations on them. In adopting such a narrow definition of civil society, assistance providers lacked a full understanding of how these groups fit into the broader sphere of civil society and why some citizens were more drawn to other forms of associative life. Narrowly targeted aid also missed the opportunity to help groups develop links to and build coalitions across sectors. Assistance providers also misdiagnosed the reasons for civil society organizations' weaknesses as agents of democratic change. Too often, NGOs' lack of political influence was attributed mainly to their lack of professionalism—often meaning the ways in which they differed from Western NGOs. Many NGOs do suffer from poor financial management and undemocratic internal practices, and many influential American NGOs are well managed. But there is no proven direct link between stellar accounting procedures and staff management and influence as an agent of democratic change in an authoritarian setting. More often, civil society groups derive political influence from charismatic leadership, activities and messages that appeal to a broad audience, deep community support, and the ability to mobilize diverse followers around their cause. As was explained above, service NGOs were unlikely to become the vanguard of democratic

change or lead governments to relax political controls on civil society, regardless of these groups' professionalism; prodemocracy groups struggled with the problem of isolation as much as they faced management challenges.

1NC: NGOs Fail – Corruption

No Solvency – NGOs are puppets of corrupt regimes.

Godrej 14 (Dinyar,associated with New Internationalist since 1989, but joined as an editor in 2000, "NGOs - do they help?", http://newint.org/features/2014/12/01/ngos-keynote/)

Along with governments and corporations, the two torrents of power in the global landscape, NGOs are seen as a third force. Indeed, the big international ones – the BINGOs – with budgets of hundreds of millions of dollars are pretty powerful. But are they a countervailing force, striving tirelessly for social justice and the underdog? Poverty alleviation may be the rhetoric, critics argue, but in practice little that is lasting has been achieved on this front by NGO activism. There is the compromising nature of their funding to consider – today contributions from governmental and intergovernmental aid agencies and from corporate donors often form the largest chunks of their income. Although some BINGOs will still deny it, this influences their outlook, making them increasingly accommodated to the wishes of their donors. Their language becomes all about forming partnerships with these interests, rather than challenging them. Work within the system, and business will transform the lives of the poor – it's the Bono school of development, but with taxes. In a recent article Dhananjayan Sriskandarajah, the secretary-general of Civicus, a global network of civil society organizations and activists, wrote: 'We have become a part of the problem rather than the solution. Our corporatization has steered us towards activism-lite, a version of our work rendered palatable to big business and capitalist states. Not only does this approach threaten no-one in power, but it stifles grassroots activism with its weighty monoculturalism.'6 In a short educational film called 'Does aid work?' made by Oxfam ('produced with the financial assistance of the European Union') the argument is that increased aid by rich countries will help people lift themselves out of poverty and make it a thing of the past.7 How exactly? By providing health interventions (anti-retroviral drugs for 1.4 million people in the last few years) and education (40 million children being educated). These are excellent things, no doubt about it. But Oxfam fails to mention how a poor, educated person on anti-retrovirals manages to magic themselves out of poverty in a system that is only interested in extracting their labour at the cheapest possible price. On the other hand its latest report, 'Even it Up: time to end extreme inequality', is more to the point, informing us that the world's richest 85 people have grabbed wealth equivalent to the poorest half of the world's population.8 It makes an urgent case for progressive taxation, action on tax evasion and for governments to invest in public services. It details some of the violence inequality does, cautiously praises some countries (Brazil, China – but oddly not the more revolutionary Venezuela) for achieving higher wages for workers, and is a model of reasonableness. It makes a series of excellent recommendations – including telling governments to govern in the public interest – but stops short of calling full out for a redistribution of this obscene wealth. Instead it suggests a cap on the income of the richest 10 per cent equivalent to that of the poorest 40 per cent. A fine advocacy document no doubt, but the coalface is elsewhere. And we have heard such noises before. Indeed, many a campaign to hold transnationals to account has petered out into 'working with business' and corporate social responsibility projects. We are at such a pass that some BINGOS actively seek corporate 'partners' with the promise to make the latter look good by association (see 'The company they keep'). Funding dependency and a hierarchical, corporate culture – many heads of BINGOs come from the business world – are a large part of the problem. According to Sriskandarajah: 'Our conception of what is possible has narrowed dramatically. Since demonstrating bang for your buck has become all-important, we divide our work into neat projects, taking on only those endeavours that can produce easily quantifiable outcomes. Reliant on funding to service our own sizeable organizations, we avoid approaches or issues that might threaten our brand or upset our donors. We trade in incremental change.'6

Ext: NGOs = Corrupt

Corrupt briefcase NGOs just pocket funds.

Lee 13 (Eugenia, ethnographer and qualitative researcher, "Donor funding and briefcase NGOs", http://actlocalfirst.org/2013/12/donor-funding-and-briefcase-ngos/)

What is a briefcase NGO and why do they exist? The term elicits imagery of an impeccably dressed individual holding a well-written proposal in a briefcase. The individual leading the briefcase NGO receives funding for their proposals, but ultimately pockets the money for themselves rather than use it for any programs. The instances of briefcase NGOs are numerous, ranging from Freetown in Sierra Leone to Arusha in Tanzania. In my time working in the informal settlements of Kibera and Mathare in Kenya, I've personally witnessed briefcase NGOs. The reasons for briefcase NGOs are quite complex. To understand the causes further, I spoke with Steve Kariithi, a local community leader who has devoted his life to working in Mathare Valley, the oldest slum in Nairobi, Kenya. Mathare Valley has an estimated population of 600,000 people. The entire community is comparable to the size of Boston in the USA, though it fits into a space 1/30th the latter's size. International organizations such as Médecins Sans Frontières can be found there, along with local organizations like Mathare Youth Sports Association. It's an interesting microcosm of what happens when international ideas meet local priorities. Based on Kariithi's and my own experiences working in local communities with briefcase NGO presence, we identified a number of reasons behind their formation, which we reflect on in this post. We also provide recommendations for funders to involve and understand the local community, as we believe this to be a critical component to prevent the funding and further rise of briefcase NGOs. Why do briefcase NGOs form in the first place? Briefcase NGOs don't always start out that way; some organizations launch with noble intentions. However, international funding agencies and foundations often dictate funding and program priorities, leaving cash-strapped NGOs few options other than to chase funding and adjust their strategic priorities in the process. Throughout the years in Mathare, local organizations have been forced to shift focus in order to obtain funding. As Kariithi says, "About 13 years ago, the big thing was education… all the big NGOs would support anyone doing scholarships… And then the next cycle after that [was] child nutrition. Then you went to HIV and AIDS. This one was humongous. This was probably one of the biggest after education." As a consequence of chasing the funding, organizations shift their focus and expertise to sustain themselves, moving even further from work they do well and making commitments that they can't deliver on; this is how the unintentional briefcase NGO is formed. To prevent unintentional briefcase NGOs, international funding partners need to understand priorities on the ground and solicit meaningful feedback from local partners. Currently, funding priorities are often communicated in a top-down manner, with no indication that feedback from local organizations is being considered. Local First's "Putting Local First into Practice" suggests that organizations stop acting essentially as contractors, but seek funding that stays true to the organization's mission and priorities, and that funders work with local implementing partners to achieve this. Supporting local talent and administrative costs is key to the long-term success of an organization. When the basic needs of employees aren't met, the line between where money should or shouldn't go blurs.

Briefcase NGOs weaken wages and labor protections in the name of good governance.

Carothers 99. [Thomas, Vice President for Global Policy and Co-Director of the Democracy and Rule of Law Project @ the Carnegie Endowment for International Peace, Formerly a Legal Adviser @ the US Department of State, an International Affairs Fellow @ the Council on Foreign Relations, and Guest Scholar @ the Woodrow Wilson Center for Scholars, Aiding Democracy Abroad: The Learning Curve]

As NGO development proceeds in some transitional countries, NGOs representing business interests areclearly becoming more powerful relative to public interest NGOs. The most effective part of the NGO sector in Romania is the growing set of NGOs that represent businesses, such as the National Council of Small and Medium

Enterprises. Unlike the public interest NGOs, these groups have their own domestic sources of funding (membership dues from businesses), a pool of talented, organized, energetic people to carry out their work, and above all, advocacy methods with teeth, such as member businesses pressuring the government on an issue by refusing to pay their taxes. Similarly, in Zambia, the NGOs that have most influence on government policy and the legislative process are not the human rights and democracy NGOs but the National Association of Manufacturers and other business groups. In some countries USAID supports business NGOs as part of civil society programs, in the hope that they will become advocates of anticorruption, governmental reform, and rule-of-law development. The advocacy agenda of business groups in transitional societies is less highminded in many cases, however, concentrating instead on measures specifically favorable to business, such as alow minimum wage, weak environmental laws, and minimal labor rights.

NGOs are massively corrupt – tanks solvency.

Sandbrook-3/11/15- Jeremy Sandbrook is the Ceo of Integritas360,and an Anti-Corruption, Integrity, Governance & International Development Expert "Corruption: What NGOs Don't Want You to Know!" LinkedIn. N.p., 11 Mar. 2015. Web. 22 July 2015 <https%3A%2F%2Fwww.linkedin.com%2Fpulse%2Ftrouble-paradise-ngo-accountability-corruption-part-2-sandbrook>.

Despite the growing level of funds channelled through NGOs (or maybe because of it), fraud and corruption continue to be a highly sensitive topic, with most NGOs reluctant to openly discuss it. This was highlighted a few years ago, when Médecins du Monde initiated a study in an attempt to open up discussion on corruption within the humanitarian aid sector (one of the most corruption prone areas of development). Of the 17 largest French NGOs contacted for a confidential interview, accounting for more than 80% of all French humanitarian aid, 11 refused to participate. Attitudes such as this, a general lack of transparency within the sector, and a scarcity of empirical evidence available on fraud and corruption, has resulted in the topic avoiding appropriate scrutiny.¶ Following on from my article on NGO accountability, this is the second in a series of three blogs examining NGO accountability and corruption. Its focus will be on what we know about actual corruption within the NGOs.¶ 'Rose-tinted' glasses': Corruption only happens in NGOs working in the developing world … or does it!¶ When the topic of corruption is raised, the natural inclination is to point the finger elsewhere. In the case of Northern NGOs, this tends to be at their counter-parts operating in the developing environments of the South. This was brought home to me in a discussion with a CEO & President of a North American based INGO last week, who stated with absolute conviction, that the 'real' need for anti-corruption measures was in Southern NGOs, as those in the North (like his) could safely "rely" on their external auditors and internal risk management systems to prevent it from happening. When I pointed out that the latest ACFE fraud survey showed that he had twice the chance of uncovering a fraud within his INGO by accident (at 6%) then it being uncovered by his external auditors (at 3%), he was a little taken aback. That aside, just how accurate was his assertion that the problem of fraud and corruption within the NGO / non-profit sector is limited to certain parts of the world?¶ While research available on NGO corruption is predominantly drawn from newspaper articles of fraud reported in national NGOs in the North, it represents the tip of the iceberg, as a KPMG survey has found that 77% of all fraud investigations never reach the public domain, and 54% are not even communicated internally. In a 2014 survey into fraud in the Australian NGO sector, 54% of respondents advised that they did not report fraud to the Police because of "concerns relating to the impact of future funding opportunities, and potential damage to the organisation's reputation". While over 90% of respondent's viewed it as a problem for the non-profit sector as a whole (in another show of 'finger pointing'), only 1 in 4 saw it as a problem for their own organisation!

NGOs fail – bureaucratic nightmare.

Bunting 11. [Madeleine, columnist and associate editor, "NGO hopes to benefit from failure" The Guardian -- Jan 17 -- www.theguardian.com/global-development/poverty-matters/2011/jan/17/ngos-failure-mistakes-learn-encourage]

On balance, it's probably a risk worth taking. A more grown-up conversation about NGOs and their work is overdue. BBC Radio 4's Ed Stourton did a very thought-provoking programme last week, arguing that "the aid sector is facing a crisis of identity" over its impact and effectiveness. **In 60 years of aid, it hasn't delivered what people expected,** he said. A range of interviewees pointed out how NGOs have grown into bureaucratic organisations that are often very distant from the people they claim to be empowering. Many have "internalised the logic of the marketplace", keen to get their hands on as much money as possible, creating tensions with their ethical commitments. One of the interviewees was Linda Polman, whose excellent book War Games raises many of these issues, and in particular shows how the media and NGOs use one another – and in the process often disastrously distort the reality on the ground.

Ext: Bureaucracy → Fail

Bureaucratic mismanagement dooms NGO effectiveness.

Wild et al 12 (Leni, Victoria Chambers, Maia King and Dan Harris, expert in political economy and service delivery, accountability and aid, focusing on fragile and post-conflict countries, experienced researcher in the politics of service delivery, with extensive field experience in sub-Saharan Africa, Overseas Development Institute ,Macro-Fiscal Analysis Unit, Ministry of Finance, Liberia ,Ministry of Economy, Trade and Industry, Madagascar, political economist with an interest in the relationship between policy and practice in reform processes, "Common constraints and incentive problems in service delivery", Overseas Development Institute, http://www.odi.org/sites/odi.org.uk/files/odi-assets/publications-opinion-files/7791.pdf)

Common symptoms linked to forms of political market imperfections include the diversion or misuse of resources (e.g. where resources are redirected to the dominant political party or to dominant kin or ethnic groups) and the poor supervision of politically appointed staff, contributing to poor performance or behaviour and undermining organisational accountability relationships. There are various examples of resources for service delivery being misused or diverted, contributing to their inequitable distribution. In Malawi, funds collected for water kiosks were instead kept by chairs of the committees and funnelled to the dominant party. The Water Board often felt unable to press for payment as committees were linked to the ruling party (Cammack, 2012; Cammack and Kanyongolo, 2011). In Zimbabwe, the dominance of elite coalitions reportedly led to a focus on large infrastructure projects, such as the building of a new pipeline to access water from the Pungwe River, rather than addressing the real causes of significant water losses (Gumbo and van der Zaag, 2002). In South Sudan, it meant high salary expenditures and poorly qualified staff in ministries, contributing to shortfalls in other areas, such as capital and operational costs (EuroTrends 2006). In other contexts, poor human resource management has contributed to poor performance and to understaffing. In Nepal, for instance, accountability and performance oversight were limited owing to the political connections of staff and influence of political parties (Jones, 2012). In Niger, 16 problems of political interference with human resources contributed to the frequent understaffing of rural health units (Diarra, 2009).

1NC: NGOs Fail – Neo-Colonialism

Western funded NGOs re-entrench systems of paternalism and neo-colonialism.

Frantzman 13. [Seth, Ph.D from the Hebrew University of Jerusalem in 2010 and is a fellow at the Jerusalem Institute for Market Studies, "Neo-colonialism and the failure of NGO culture" Jerusalem Post -- March 16 -- www.jpost.com/Opinion/Columnists/Neo-colonialism-and-the-failure-of-NGO-culture-309985]

This is part of a wider Russian crackdown on NGOs that receive foreign money. The government has forced them to register as foreign agents, and has raided their offices. This seems to be a one-sided story of thuggish authorities threatening sweet little NGOs that only seek to advance human rights and an open civil society. But there is another question that should be asked. Has all the foreign funding revealed an institutional weakness in the model of advancing the goals NGOs supposedly have? After the fall of the Soviet Union, Westerners flocked to the "new Russia" and donors such as George Soros sought to fund the nascent civil society that was testing the new democracy. The total amount plowed into NGOs in Russia that sought to work on all manner of projects, from gay rights to government transparency, will never be known but the BBC estimated Soros alone gave $1b. over 15 years.∂ Suffice it to say many NGOs in Russia were set up by foreign donors, with foreign advisers, and worked to advance notions common in the West of democracy and human rights.∂ In two decades of foreign-funded activity it seems very little financial support for the work of NGOs like Memorial ever came from local sources. How is it possible that in a country as wealthy as Russia locals didn't support the work of these groups? Why is it that local NGOs never saw this as a fundamental problem, that they didn't seek to wean themselves of foreign donations and survive locally? The major problem is that funding for NGOs is so generous that these local NGOs never feel they need to even bother looking for local sources of cash. In a now infamous leaked 2010 cable from the US embassy in Tel Aviv, it was revealed that Jessica Montell of the Israeli NGO B'Tselem met the American political officer and "estimated her NIS 9 million budget is 95 percent funded abroad." How is it possible that in a country where the GDP is $242b., that $2.4m. could not be found for B'Tselem? There are no wealthy people on the Left in Israel that might donate to this organization? B'Tselem's funding is similar to most of Israel's left-wing NGOs. Almost all of their funding, approaching 100% in many cases, comes from European governments, EU funds or American donors.∂ This gives their work the clear imprimatur of being a foreign influence in Israel.∂ IN MANY cases European countries seek to advance their own political goals in the region, such as monitoring settlements, encouraging Israel to accept asylum seekers, or removing Jewish outposts in the West Bank, by funding Israeli NGOs that hire lawyers to argue cases before the Supreme Court. It is easier for a European country to pretend that "Israelis" took a case against a Jewish outpost in the West Bank to the Supreme Court than for the European country to demand Israel remove the outpost.∂ This provides the veneer of a "local" role in antisettlement activity. Similarly EU countries fear meddling in Israel's sovereignty by saying that the country should provide free land to Beduin or settle foreign migrants who claim to be refugees – but if these same countries provide $200,000 in funding to a group fighting for migrant or Beduin rights, the policy may be achieved without a diplomatic row with Israel.∂ This model of NGO funding has become common throughout the world. The EU and North American funders support most human rights NGOs. Whether it is freeing monkeys from their trainers in India, or fighting female genital mutilation in Africa, the money flows from Europe to help "educate" the locals. In many ways this constitutes part of a neocolonialism that replaces the old-style colonial administration with buying influence through local groups to encourage the spread of certain values.

That turns solvency.

Frantzman 13. [Seth, Ph.D from the Hebrew University of Jerusalem in 2010 and is a fellow at the Jerusalem Institute for Market Studies, "Neo-colonialism and the failure of NGO culture" Jerusalem Post -- March 16 -- www.jpost.com/Opinion/Columnists/Neo-colonialism-and-the-failure-of-NGO-culture-309985]

In general the foreign funding acts not only as a form of neo-colonialism and creates dependency, but it also has the negative side effect of reinforcing local elites and retarding the growth of local civil society. When every NGO working on women's rights in a place like Morocco is funded from abroad, it creates a culture where no NGO that wants to work on women's rights feels the

need to go to locals for funding.∂ For instance, EuropeAid (a part of the European Commission) provided 255,000 euros to the Egyptian Women's Center, funding 80% of a program for women in elections. In another case EuropeAid provided 16m. euros to fund 95% of a Save the Children project in Bangladesh "to promote access and increase basic education outcomes for 160-400 hardest to reach and marginalized children."∂ There is no localization of the skills needed to increase protection of issues like women's rights in society. No broad-based support is created. Instead the result is a local NGO elite that involves several people who have connections to foreign funding and who are able to enrich themselves at the breast of the EU or other Westerner countries.

Ext: Neo-Colonialism Turn

Western supported NGOs fail – true reform only comes from the bottom up.

Frantzman 13. [Seth, Ph.D from the Hebrew University of Jerusalem in 2010 and is a fellow at the Jerusalem Institute for Market Studies, "Neo-colonialism and the failure of NGO culture" Jerusalem Post -- March 16 -- www.jpost.com/Opinion/Columnists/Neo-colonialism-and-the-failure-of-NGO-culture-309985]

Western donors should consider the great ill that their funding policy is creating in the world. Why donors think that throwing money at a "human rights" issue in India or Thailand will help the problem is unclear. Western culture would not change at the behest of Chinese-funded NGOs. Would Germans suddenly stop eating meat just because a Hindu-funded NGO encouraged them to treat cows with respect and stop wearing leather? No. Only indigenous vegetarian activism might encourage a change in such habits.∂ Every human rights achievement that has progressed in the West, such as gay rights, has been at the behest of local changes in attitudes and culture, not because of a few wealthy businessmen from another continent. And yet people somehow assume that throwing hundreds of millions of dollars will change local attitudes. The result is that local attitudes remain unchanged, and the money simply enriches a few people in a foreign country.

1NC: Alt Caus

Multiple Alternate Causalities to NGO Ineffectiveness;

A. Lack of resources.

Johnson 14. [Giff, editor of the Marshall Islands Journal, "Pacific NGOs need government support" Pacific Institute of Public Policy -- September 15 -- pacificpolicy.org/2014/09/pacific-ngos-need-government-support/]

It may seem like an oxymoron to say non-government organizations should receive government funding. But in most Pacific islands, NGOs provide key community-level services yet are notoriously under-funded for the work they do. A key fact exacerbating the difficult financial situation for most NGOs is that foreign donors frequently will provide funding only for activities, but none for employees to carry out the activities. The contribution to national development, and delivery of health, youth and women's services by NGOs around the region is obvious and irrefutable. One outstanding example is Wan Smolbag, a theater company in Vanuatu that recently celebrated its 25th anniversary of operations and now, in addition to engaging drama programs, operates health clinics, youth programs and other community services. Particularly in the smaller islands, though—such as Marshall Islands, Kiribati, Tuvalu, Federated States of Micronesia—there is no corporate funding base for NGOs to gain support. While businesses do contribute to NGOs, these tend to be modest few hundred-dollar donations from time to time. These islands don't have Ford or Rockefeller Foundations waiting to provide grants to worthy organizations. NGOs, meanwhile, are driven by vision, motivation and energy—or they wouldn't exist. These attributes are, sadly, too often missing in government agencies, but fuel NGO work at the grassroots level. It is this very reason why NGOs can do impressive work and provide unmatched services to the community. And the NGOs that have operated for a decade or longer have demonstrated perseverance and, to borrow some jargon from the climate sector, "resilience" in the face of overwhelming funding challenges and odds against their continuing as going concerns. Donors repeatedly flip-flop between directly funding NGOs or channeling grants through government departments as the grant brokers, adding another layer of bureaucracy—and difficulty—for NGOs to overcome. Or international donors stop funding accomplished NGOs altogether, saying they should replace their donor aid with domestic funding. The big question, particularly for small islands, is: are there any non-government sources for core operations funding? NGOs need funding to pay staff to deliver programs, but where can they find it at home?

B. Demands from donors ensure corruption.

Lee 5-2-14- Eugenia Lee worked as an international development worker before becoming a social impact ethnographer. "Does Foreign Aid Make NGOs Corrupt?" The Guardian, 2 May 2014. Web. 22 July 2015. <http%3A%2F%2Fwww.theguardian.com%2Fglobal-development-professionals-network%2F2014%2Fmay%2F01%2Faid-local-ngos-dishonest-development>.

You may never have heard the term "briefcase NGO" but you may well know the type of organisation it describes. A briefcase NGO exists, metaphorically or literally, inside a briefcase. It may have well-written proposals and access to western donors but for one reason or another, any funding it receives for programmes goes into the pockets of those running the NGO. These NGOs can be run by foreigners and local community members alike but here I will focus on the latter.¶ No one knows how prevalent briefcase NGOs are. I've personally come across several while working in Mathare – the oldest slum in Nairobi, Kenya, where international NGOs such as Médecins Sans Frontières mingle with local organisations like Mathare Youth Sports Association.¶ The reasons briefcase NGOs exist are complex but from extensive conversations with Steve Kariithi, a local community leader, I have been able to draw out two key points that can help funders encourage genuine community work: understand local strengths and values and support local capacity.¶ Understand local strengths and values¶ Many briefcase NGOs begin with noble intentions. But international funding agencies often dictate funding and programme priorities, causing cash-strapped NGOs to chase funding and adjust strategic visions.¶ This has happened with local organisations in Mathare. Steve Kariithi says: "13 years ago, the big thing was education. All the big NGOs would support scholarships … after that [came] child nutrition. Then HIV and Aids."¶ As a consequence of chasing funding, organisations shift their focus away from their areas of expertise into where the money is to sustain themselves. This causes them to make commitments they can't deliver on; thus, the briefcase NGO can be unintentionally formed.¶ Funding priorities are often communicated in a top-down manner, with few systems in place for considering feedback from local organisations. To prevent this, major international funders must work to understand the unique expertise local organisations offer.¶ Understanding and acknowledging local values while funding is also important to preventing briefcase NGOs. "We have people who come in to assist without being sure about what dreams, what values people have … I really believe in partnerships where people come alongside [each other]. There's nothing wrong with people giving money. But I think a crucial component is that that money goes in not to fund a western dream, but a local dream," says Kariithi.¶ If a vision is also owned and co-developed with the community, it's more likely to be locally driven and sustainable, not become a briefcase NGO.¶ Support local capacity¶ Supporting local talent and administrative costs is key. Donors generally stipulate that a certain percentage of the budget be allocated to

administrative costs. This is a controversial practice, and unfortunately that percentage sometimes isn't enough to support the entire staff. When the basic needs of employees aren't met, the line between where money should or shouldn't go can start to blur.¶ As the report 'Dishonesty in the Charitable Sector' (pdf) describes, briefcase NGOs spread because of high unemployment and lack of opportunities. Within Mathare, local partners may support change but also see working with NGOs as an opportunity to earn salaries.¶ "A lot of NGOs start out with genuine people," Kariithi says. But when employees cannot pay their bills, they use the funding to pay their salaries first, and then spend the remainder for their programmes. "People sometimes feel like, 'You [the funder] have more than me. Why shouldn't I have some of your money? Let me make my life better in some way.'"¶ Funders should ensure that fair wages are paid – which means allowing an individual to sustain basic living costs with savings left over. This will help funders build stronger local relationships and commitment to project goals. While it's true that many drawn to this work are also motivated by opportunity and entrepreneurship, that and empowering others to do good need not be mutually exclusive.¶ What next?¶ The message here isn't to cut funding of NGOs in the developing world, but to encourage funders to work more with local communities to understand how capabilities, needs, and aspirations can be reflected in NGO presence and funding needs. While community partners sometimes have different priorities, this doesn't inherently have to be in tension with the idea of doing good. Understanding how to develop positive, mutually-beneficial relationships between local organisations and funders is key to preventing briefcase NGOs.

Ext: NGO's Fail

NGOs fail:

A. they ignore atrocities and prop up systems of inequality.

Godrej 14 (Dinyar,associated with New Internationalist since 1989, but joined as an editor in 2000, "NGOs - do they help?", http://newint.org/features/2014/12/01/ngos-keynote/)

We could start with Bangladesh, which has the world's largest national NGOs, effectively operating as a parallel government – they put more money into development activities than the government does. Most of their beneficiaries remain firmly below the poverty line. There is criticism, too, of the market model of development they have followed. This has been over-reliant on microcredit, which produces 'rational profit-seeking individuals' rather than community efforts – to say nothing of the debt traps many have found themselves in. Or we could look at the Philippines, where I had the opportunity to observe first-hand how joined up small radical NGOs were, both with each other and the communities they were reaching out to, unafraid of supporting people's resistance. Successive governments have actively encouraged NGO participation in government departments and on all kinds of local boards. Has this co-opted them? The successes they have achieved remain localized. They have been able to make no dent in the fundamental problem that has plagued the country – the concentration of wealth and land in just a few hands and continued élite governance. The 25 richest Filipinos continue to grow richer, with assets almost equal to the annual income of the country's 55 million poorest citizens.11 It is perhaps unrealistic to expect such large structural changes to be delivered by NGOs when governments don't tackle them either. When it comes to emergency humanitarian assistance, certain specialist NGOs are the first port of call. Criticism often follows later about duplication of efforts, mishandling of the situation or of not being consultative enough in reconstruction efforts. But no assistance is the worse option in this instance. On the environmental front we have some of the most activist large NGOs, whose members are unafraid to put their bodies on the line, as well as some of the most corporate friendly and compromised (read about the latter on page 20). NGOs have achieved much in single-issue campaigning, ranging from the abolition of slavery to the landmines ban and access to HIV medication. When it comes to defending human rights, whether it be espousing the causes of political prisoners or mounting challenges to the persecution of sexual minorities, they have often invited the ire of governments. It is this kind of work that governments want to shut down when they seek to ban NGOs or to stop them receiving foreign funds. Sadly, this is not a disinterested field with universal values. Western NGOs can be quicker to condemn human rights abuses in the Majority World than in their own. Human Rights Watch has come under fire for its revolving door with the US government: in 2009 its advocacy director Tom Malinowski, who had previously served as special assistant to Bill Clinton and

speechwriter to Madeleine Albright, even justified CIA renditions 'under limited circumstances'.12 It has also shown bias in its reporting of war crimes committed by Israel and Palestine.13 Even the clumsy, lumbering BINGOs achieve much in material terms, but will they really put their shoulders to the wheel behind the greatest liberation struggle of our times, the struggle of the 99 per cent for greater equality? If the largest appropriators of the planet's wealth want to pose as grand philanthropists, should NGOs really line up to take their cash? Can they please get beyond donor benevolence – and being delivery vehicles for highly politicized and often harmful aid – to reconnect with people's struggles for justice? NGOs are expected to be non-political, but everything they do, operating within highly skewed systems of power, cannot but be political. They might as well get their hands truly dirty.

NGOs has no significant impact – Diamond mining proves.

Miller 15 (Jeff Miller, 6.26.15, Article writer for Diamonds.net, ∂ "U.S. Human Rights Report Notes Child Labor in Many Diamond Regions," http://www.diamonds.net/News/NewsItem.aspx?ArticleID=52686&ArticleTitle=U.S.+Human+Rights+Report+Notes+Child+Labor+in+Many+Diamond+Regions) J.C

The reported noted that Botswana respected constitutional law regarding freedom of internal movement, foreign travel, emigration and repatriation; however, there were no programs addressing discrimination against Basarwa and with the exception of a 2006 court ruling, there were no demarcated cultural lands -- generally considered to be the Central Kalahari Game Reserve (CKGR). Since 2006, a number of NGOs made efforts to promote the rights of the Basarwa, or to help provide economic opportunities, but such programs had only limited impact, the U.S. concluded. Survival International, along with other independent organizations, continued to criticize the government for allowing diamond mining in the CKGR, arguing that diamond exploration has a significant negative impact on the life and environment of the Basarwa

Ext: Alt Caus – No Funding

Lack of funding causes NGOs to cover up failures – be skeptical of aff claims.

Sullivan 13(Rory, Dr. Rory Sullivan is Strategic Advisor, Ethix SRI Advisers and a Senior Research Fellow at the University of Leeds, and was previously Head of Responsible Investment at Insight Investment, Financial sustainability: why NGOs are failing to engage investors,http://www.theguardian.com/sustainable-business/financial-sustainability-ngos-fail-to-engage-investors)

It is far too common to find an NGO's token "investment campaigner" trying to cover a variety of issues and, importantly, a variety of investors and investor types. This, inevitably, means that the campaigner's efforts are diluted beyond any point of effectiveness. This lack of resources reflects the common lack of understanding within NGOs' senior management teams of the complexity of the investment/finance sector and – not entirely unrelated – the relatively novel nature of capital market campaigning means they are often reluctant to commit significant resources to this area of work.

NGOs suck at fundraising – lack of capital guts their effectiveness.

Sullivan 13(Rory, Dr. Rory Sullivan is Strategic Advisor, Ethix SRI Advisers and a Senior Research Fellow at the University of Leeds, and was previously Head of Responsible Investment at Insight Investment, Financial sustainability: why NGOs are failing to engage investors,http://www.theguardian.com/sustainable-business/financial-sustainability-ngos-fail-to-engage-investors)

It is far too common to find an NGO's token "investment campaigner" trying to cover a variety of issues and, importantly, a variety of investors and investor types. This, inevitably, means that the campaigner's efforts are diluted beyond any point of effectiveness. This lack of resources reflects the common lack of understanding within NGOs' senior management teams of the complexity of the investment/finance sector and – not entirely unrelated – the relatively novel nature of capital market campaigning means they are often reluctant to commit significant resources to this area of work.

NGOs are structurally incapable of maintaining consistent funding.

Sullivan 13(Rory, Dr. Rory Sullivan is Strategic Advisor, Ethix SRI Advisers and a Senior Research Fellow at the University of Leeds, and was previously Head of Responsible Investment at Insight Investment, Financial sustainability: why NGOs are failing to engage investors,http://www.theguardian.com/sustainable-business/financial-sustainability-ngos-fail-to-engage-investors)

Lack of understanding Sometimes an NGO clearly does not understand the basics of the capital markets, assuming that they are a monolithic whole rather than a whole series of actors with different investments and investment timeframes, objectives and interests. To put the point starkly, having to explain the difference between, for example, investment management and retail banking does not engender investor confidence in the credibility of the NGO or the NGO's agenda. Lack of resources It is far too common to find an NGO's token "investment campaigner" trying to cover a variety of issues and, importantly, a variety of investors and investor types. This, inevitably, means that the campaigner's efforts are diluted beyond any point of effectiveness. This lack of resources reflects the common lack of understanding within NGOs' senior management teams of the complexity of the investment/finance sector and – not entirely unrelated – the relatively novel nature of capital market campaigning means they are often reluctant to commit significant resources to this area of work. Short-termism It is rare to see NGOs that are prepared to invest the time in understanding the capital markets, developing relationships and identifying and understanding the potential points of leverage. Far too often, NGOs do some initial work, such as a research report, and start to develop the knowledge and expertise they need to engage effectively. Then, whether because of other internal priorities or a desire to move on, they simply forget about investors and move on to the next issues. This is such a common feature of NGO campaigns that investors know that, when they are approached or targeted by NGOs, the best response in most cases is simply to wait, knowing that the NGO will soon move on to the next issue.

1NC: International Law Defense

Zero impact - International law doesn't prevent conflict

Hiken, 12 (Associate Director Institute for Public Accuracy, 7-17-'12 (Luke, "The Impotence of International Law" http://www.fpif.org/blog/the_impotence_of_international_law)

Whenever a lawyer or historian describes how a particular action "violates international law" many people stop listening or reading further. It is a bit alienating to hear the words "this action constitutes a violation of international law" time and time again – and especially at the end of a debate when a speaker has no other arguments available. The statement is inevitably followed by: "…and it is a war crime and it denies people their human rights." A plethora of international law violations are perpetrated by every major power in the world each day, and thus, the empty invocation of international law does nothing but reinforce our own sense of impotence and helplessness in the face of international lawlessness. **The United States, alone**, and on a daily basis **violates every principle of international law ever envisioned:** unprovoked wars of aggression; unmanned drone attacks; tortures and renditions; assassinations of our alleged "enemies"; sales of nuclear weapons; destabilization of unfriendly governments; creating the largest prison population in the world – the list is virtually endless. Obviously one would wish that there existed a body of international law that could put an end to these abuses, but such laws exist in theory, not in practice. Each time a legal scholar points out the particular treaties being ignored by the superpowers (and everyone else) the only appropriate response is "so what!" or "they always say that." If **there is no enforcement mechanism** to prevent the violations, and no military force with the power to intervene on behalf of those victimized by the violations, what possible good does it do to invoke principles of "truth and justice" that border on fantasy? The assumption is that by invoking human rights principles, legal scholars hope to reinforce the importance of and need for such a body of law. Yet, in reality, the invocation means nothing at the present time, and goes nowhere. In the real world, it would be nice to focus on suggestions that are enforceable, and have some potential to prevent the atrocities taking place around the globe. Scholars who invoke international law principles would do well to add to their analysis, some form of action or conduct at the present time that might prevent such violations from happening. Alternatively, praying for rain sounds as effective and rational as citing international legal principles to a lawless president, and his ruthless military.

Ext: Int'l Law Fails

International law doesn't deter conflict

Wippman 96 (David, Associate Professor – Cornell Law School, Columbia Human Rights Law Review, 27 Colum. Human Rights L. Rev. 435, Spring, Lexis)

What international law has long attempted to prohibit, or at least to regulate, is foreign involvement in internal conflict. 4 Foreign [*436] participation in an internal conflict heightens the risk that the conflict will spread to other states and transform an internal struggle into an interstate war. In addition, foreign involvement may deny the people of the affected state the right to determine their own political future. As a result, foreign involvement in internal conflicts often undermines two of the principal goals of the international legal order: the containment of conflict and the preservation of the internal autonomy of each state. 5 Accordingly, contemporary international law is formally non-interventionist: no state is supposed to interfere in civil strife in another state. [6] Nonetheless, foreign intervention in internal conflicts is more the rule than the exception. 7 In the past, foreign intervention consisted almost exclusively of unilateral acts by individual states. During the Cold War, political polarization between East and West made it virtually impossible to achieve the consensus necessary to support collective interventions. With the end of the Cold War, however, collective interventions have become more common. When individual states intervene unilaterally in internal conflicts, they typically seek to justify their involvement under legal principles deemed consistent with, or in some cases, deemed more important than, the principle of non-intervention. In some cases, states rely

on consent of the affected state, on the theory that the principle of non-intervention only bars conduct that amounts to "dictatorial interference" in a state's internal affairs. 8 States also frequently justify intervention as necessary to insulate a state from the effects of another state's prior, illegal intervention, or as necessary to defend a state from an illegal external attack. 9 On occasion, states rely on international human rights norms or democratic principles to justify their support for one faction or another in a particular conflict.

No enforcement for int'l law.

Posner and Sykes 11 ("Efficient Breach of International Law: Optimal Remedies, 'Legalized Noncompliance,' And Related Issues" Eric A. Posner-Kirkland & Ellis Professor of Law, University of Chicago Law School- and Alan O. Sykes-James & Patricia Kowal Professor of Law, Stanford Law School, November 2011, http://www.michiganlawreview.org/assets/pdfs/110/2/Posner.pdf pg. 257)

For many areas of international law, however, nothing comparable to the WTO dispute settlement system is available. In some contexts, no adjudicative body—or none to which all parties will submit themselves—exists to assess the existence of a breach of international law. In other contexts, even if a ruling on the existence of a violation is obtainable, a mechanism for authorizing sanctions or retaliation is absent. The preeminent international court, the International Court of Justice, has no enforcement mechanism; nations can (and do) defy its rulings and withdraw from it in order to avoid its jurisdiction.48 The International Criminal Court, the most recently established international court, also lacks an enforcement mechanism and must depend on member states to arrest, detain, and imprison defendants.49 As a consequence, formal noncompliance with some aspect of international law may be the best option for addressing violations of international law by other nations. In Part II, we will offer various examples in which this situation arise

--- Court Advantage ---

1NC: Rodriguez Thumper

Rodriguez decision thumps their 4th amendment internal link.

Root 15. [Damon, senior editor and author, "Supreme Court Says Police Violated 4th Amendment When Use of Drug-Sniffing Dog Prolonged Routine Traffic Stop" Reason Magazine -- April 21 -- reason.com/blog/2015/04/21/supreme-court-says-police-violated-4th-a#.fahp0w:xNBY]

In a 6-3 decision issued today in the case of Rodriguez v. United States, the U.S. Supreme Court held that Nebraska police violated the Fourth Amendment by extending an otherwise lawful traffic stop in order to let a drug-sniffing dog investigate the outside of the vehicle.∂ According to the majority opinion of Justice Ruth Bader Ginsburg, which was joined by Chief Justice John Roberts and Justices Antonin Scalia, Stephen Breyer, Sonia Sotomayor, and Elena Kagan, "a police stop exceeding the time needed to handle the matter for which the stop was made violates the Constitution's shield against unreasonable seizures."∂ While "an officer...may conduct certain unrelated checks during an otherwise lawful traffic stop," Ginsburg held, "a dog sniff, unlike the routine measures just mentioned, is not an ordinary incident of a traffic stop."∂ At issue was a 2012 traffic stop conducted by a Nebraska police officer who happened to have his K-9 dog in the cruiser with him. When the stopped driver, Dennys Rodriguez, refused to consent to letting the drug dog walk around the outside of his vehicle, the Nebraska officer called for back-up,

thereby prolonging the stop by an additional eight minutes. According to the Court's ruling today, those extra minutes violated Rodriguez's constitutional rights under the Fourth Amendment.∂ During the January 2015 oral argument in the case, Justice Sonia Sotomayor previewed the Court's skepticism towards the police officer's approach. "We can't keep bending the Fourth Amendment to the resources of law enforcement," Sotomayor declared. "Particularly when this stop is not incidental to the purpose of the stop. It's purely to help the police get more criminals, yes. But then the Fourth Amendment becomes a useless piece of paper."

1NC: Riley Thumper

Squo solves the aff – liberal Court ruling on NSA surveillance inevitable.

Nelson 14. [Steven, "Supreme Court Cellphone Ruling May Tilt NSA Fight" US News and World Report -- July 3 -- www.usnews.com/news/articles/2014/07/03/supreme-court-cellphone-ruling-may-tilt-nsa-fight]

The U.S. Supreme Court declined to hear two challenges to the National Security Agency's dragnet collection of American phone records during its 2013-2014 term, but lawyers challenging the NSA program hope the court's landmark decision on cellphone privacy foreshadows a snooping stomping.∂ In a unanimous June 25 ruling, the court said in Riley v. California and U.S. v. Wurie that police must generally acquire a warrant before searching a person's cellphone.∂ "[I]t is no exaggeration to say that many of the more than 90 [percent] of American adults who own a cellphone keep on their person a digital record of nearly every aspect of their lives – from the mundane to the intimate," Chief Justice John Roberts wrote in the court's majority opinion, finding the Fourth Amendment shields even arrested people from warrantless phone searches.∂ Roberts carved out exceptions when there's an imminent risk of death or injury or when evidence may be lost, but discounted generalized fears of evidence-destruction.∂ [READ: Privacy Watchdog Says NSA Spying Legal, Effective]∂ The cellphone ruling referenced the court's 2012 U.S. v Jones decision, which prohibited warrantless GPS tracking. Surveillance foes hope the Jones ruling will guide a rebuke to the NSA's warehousing of billions of phone records.∂ "Historic location information is a standard feature on many smartphones and can reconstruct someone's specific movements down to the minute, not only around town but also within a particular building," Roberts wrote, quoting Justice Sonia Sotomayor's concurring opinion in Jones that "GPS monitoring generates a precise, comprehensive record of a person's public movements that reflects a wealth of detail about her familial, political, professional, religious and sexual associations."∂ Roberts also noted it's not always clear if content is stored on the phone itself or on the digital cloud. Searching phone content that's stored on remote servers is "like finding a key in a suspect's pocket and arguing that it allowed law enforcement to unlock and search a house," he wrote.∂ Even low-tech flip-phones, he wrote, are protected from warrantless searches because such searches might identify information such as a suspect's home address.∂ [ALSO: White House Ignores Snowden Petition for Full Year]∂ The NSA's bulk collection of U.S. phone records – including numbers dialed, the duration and time of calls and location data – isn't precisely analogous to the cellphone searches proscribed by the court.∂ But Larry Klayman, a conservative legal activist challenging the NSA phone record collection, says the writing is on the wall.∂ "**It pretty much cements victory in our case,"** he says.∂ Attorneys defending the NSA phone program lean heavily on the Supreme Court's 1979 decision in Smith v. Maryland, which allows the warrantless acquisition of third-party-held phone metadata, over which that decision says phone customers lack a reasonable expectation of privacy.∂ **"Smith no longer applies, Smith was basically trashed**," Klayman says. "All of the government's briefs are now null and void."∂ He expects that claim to be validated in future court rulings.

1NC: No Model

No modeling – newest ev.

Law and Versteeg 12. [David, Prof. of Law and Prof of PoliSci @ Washington University, St Louis, PHD @ Stanford, JD @ Harvard Law, Mila, Assoc. Prof, U of Virginia Law, D.Phil @ Oxford, "The Declining Influence of the United States Constitution" New York University Law Review -- Vol 87:762 -- www.law.nyu.edu/ecm_dlv2/groups/public/@nyu_law_website__journals__law_review/documents/documents/ecm_pro_072892.pdf]

There are growing suspicions, however, **that America's days as a¶ constitutional hegemon are coming to an end**. ¶ 12¶ It has been said that **the U**nited **S**tates **is losing constitutional influence because it is¶ increasingly out of sync with an evolving global consensus** on issues of¶ human rights.¶ 13¶ Indeed, **to the extent that other countries still look to¶ the U**nited **S**tates **as an example, their goal may be less to imitate**¶ American constitutionalism **than to avoid its** perceived **flaws** and mistakes.¶ 14¶ Scholarly and popular attention has focused in particular¶ upon the influence of American constitutional jurisprudence. **The¶ reluctance of the U.S. Supreme Court to pay "decent respect to the¶ opinions of mankind" 15 by participating in an ongoing "global judicial¶ dialogue"¶ 16¶ is** supposedly **diminishing the global appeal and influence¶ of American** constitutional **jurisprudence**.¶ 17¶ **Studies conducted by scholars** in other countries have begun to **yield empirical evidence that¶ citation to U.S. Supreme Court decisions by foreign courts is** in fact **on the decline**.¶ 18¶ By contrast, however, the extent to which the U.S.¶ Constitution itself continues to influence the adoption and revision of¶ constitutions in other countries remains a matter of speculation and¶ anecdotal impression.¶ With the help of an extensive data set of our own creation that¶ spans all national constitutions over the last six decades, this¶ Article explores the extent to which various prominent¶ constitutions—including the U.S. Constitution—epitomize generic¶ rights constitutionalism or are, instead, increasingly out of sync with¶ evolving global practice. **A stark contrast can be drawn between the¶ declining attraction of the U.S. Constitution as a model** for other¶ countries **and the increasing attraction of the model provided by**¶ America's neighbor to the north, **Canada**. We also address the possibility that **today's constitution makers look for inspiration not only to¶ other national constitutions, but also to regional and international¶ human rights instruments such as the Universal Declaration of¶ Human Rights and the European Convention on Human Rights**. **Our findings do little to assuage American fears of diminished influence in¶ the constitutional sphere**.

No one models the US anymore.

- Citations declining now.
- New courts are liberal so they don't cite us.
- USSC doesn't cite foreign law
- Prefer our ev – cites legal scholars, foreign legal experts.

Liptak 8. [Adam, JD @ Yale, NYT Supreme Court correspondent, former professor of media law and the Supreme Court at Columbia University Graduate School of Journalism, UCLA School of Law, University of Southern California Gould School of Law and Yale Law School, "US Court is now guiding fewer nations" New York Times -- September 17 -- www.nytimes.com/2008/09/18/us/18legal.html?pagewanted=all&_r=0]

Judges around the world have long looked to the decisions of the United **S**tates **Supreme Court for guidance**, citing and often following them in hundreds of their own rulings since the Second World War. **But now American legal influence is waning**. Even as a debate continues in the court over whether its decisions should ever cite foreign law, **a diminishing number of foreign courts seem to pay attention to the writings of**

American justices.¶ "**One of our great exports used to be constitutional law**," **said** Anne-Marie **Slaughter, the dean of the Woodrow Wilson School of Public and International Affairs at Princeton**. "**We are losing one of the greatest bully pulpits we have ever had."¶ From 1990 through 2002,** for instance, **the Canadian Supreme Court cited decisions** of the United States Supreme Court **about a dozen times a year**, an analysis by The New York Times found. **In the six years since, the annual citation rate has fallen by half,** to about six.¶ **Australian state supreme courts cited American decisions 208 times in 1995,** according to a recent study by Russell Smyth, an Australian economist. **By 2005, the number had fallen to 72.¶ The story is similar around the globe**, legal experts say, particularly in cases involving human rights. **These days**, **foreign courts** in developed democracies **often cite** the rulings of **the European Court** of Human Rights in cases concerning equality, liberty and prohibitions against cruel treatment, said Harold Hongju Koh, the dean of the Yale Law School. In those areas, Dean Koh said, "**they tend not to look to the rulings of the U.S. Supreme Court**."¶ **The rise of new and sophisticated constitutional courts elsewhere is one reason for the Supreme Court's fading influence**, legal experts said. **The new courts are**, moreover, generally **more liberal than the** Rehnquist and **Roberts courts and** for that reason **more inclined to cite one another.**¶ Another reason is the diminished reputation of the United States in some parts of the world, which experts here and abroad said is in part a consequence of the Bush administration's unpopularity around the world. Foreign courts are less apt to justify their decisions with citations to cases from a nation unpopular with their domestic audience.¶ "It's not surprising, given our foreign policy in the last decade or so, that American influence should be declining," said Thomas Ginsburg, who teaches comparative and international law at the University of Chicago.¶ Aversion to Foreign Law¶ **The adamant opposition of some Supreme Court justices to the citation of foreign law in their own opinions also plays a role,** some foreign judges say.¶ "Most **justices of the United States Supreme Court do not cite foreign case law** in their judgments," Aharon Barak, then the chief justice of the Supreme Court of Israel, wrote in the Harvard Law Review in 2002. "They fail to make use of an important source of inspiration, one that enriches legal thinking, makes law more creative, and strengthens the democratic ties and foundations of different legal systems."¶ Partly as a consequence, Chief Justice Barak wrote, **the United States Supreme Court "is losing the central role it once had among courts in modern democracies."¶** Justice Michael Kirby of the High Court of Australia said that his court no longer confined itself to considering English, Canadian and American law. "Now we will take information from the Supreme Court of India, or the Court of Appeal of New Zealand, or the Constitutional Court of South Africa," he said in an interview published in 2001 in The Green Bag, a legal journal. "**America**" he added, "**is in danger of becoming something of a legal backwater."**

2NC: General No Model

Other countries think we're a bad model.

Law and Versteeg 12. [David, Prof. of Law and Prof of PoliSci @ Washington University, St Louis, PHD @ Stanford, JD @ Harvard Law, Mila, Assoc. Prof, U of Virginia Law, D.Phil @ Oxford, "The Declining Influence of the United States Constitution" New York University Law Review -- Vol 87:762 -- www.law.nyu.edu/ecm_dlv2/groups/public/@nyu_law_website__journals__law_review/documents/documents/ecm_pro_072892.pdf]

Part III documents **the growing divergence of the U.S.¶ Constitution from the global mainstream of written constitutionalism**.¶ Whether the analysis is global in scope or focuses more specifically¶ upon countries that share historical, legal, political, or geographic ties¶ to the United States, the conclusion remains the same**: The U.S.¶ Constitution has become an increasingly unpopular model for constitutional framers elsewhere**. **Possible explanations include the sheer¶ brevity of the Constitution, its imperviousness to formal amendment,¶ its omission of some of the world's generic constitutional rights, and¶ its inclusion of certain rights that are increasingly rare by global¶ standards.**

Stats prove the US isn't a model – specifically takes out their Africa internal.

Law and Versteeg 12. [David, Prof. of Law and Prof of PoliSci @ Washington University, St Louis, PHD @ Stanford, JD @ Harvard Law, Mila, Assoc. Prof, U of Virginia Law, D.Phil @ Oxford, "The Declining Influence of the United States Constitution" New York University Law Review -- Vol 87:762 -- www.law.nyu.edu/ecm_dlv2/groups/public/@nyu_law_website__journals__law_review/documents/documents/ecm_pro_072892.pdf]

Whatever the ongoing appeal of American constitutional jurisprudence happens to be,¶ 36¶ **the U.S. Constitution** itself **appears to have¶ lost** at least some of **its attraction as a model for** constitution writers in¶ **other countries**. If the components of the rights index are used as the¶ yardstick, **the world's constitutions have on average become less similar to the U.S. Constitution over the last sixty years**. As Figure 2¶ reveals, **average similarity to the U.S. Constitution was higher in 1946¶ than in 2006**.¶ 37¶ It is an unfortunate irony, moreover, that the onset of¶ this decline roughly coincided with celebration of the Constitution's¶ bicentennial in 1987.¶ 38¶ **Although the 1990s were a period of intense¶ constitution-making activity**¶ 39¶ during which American victory in the¶ Cold War might have been expected to translate into American constitutional influence, **this decade actually saw a noticeable decline in¶ average similarity to the U.S. Constitution**. **During this time, dozens¶ of Central and Eastern European countries overhauled their** Sovietera constitutions,¶ 40¶ **while countries in Africa** and Asia **underwent a contemporaneous wave of constitutional reforms**.¶ 41¶ **Whatever constitutional script prevailed** amidst the ostensible triumph of liberal¶ democracy,¶ 42¶ however, **it was not that of the venerable U.S.¶ Constitution.**

1NC: India Impact Defense

Deterrence checks India-Pakistan war.

Khan 12. (Ikram Ullah, analyst for the South Asian Strategic Stability Institute, "Nuclear Pakistan: Defence Vs Energy Development," 7/26, http://www.eurasiareview.com/26072012-nuclear-pakistan-defence-vs-energy-development-oped/)

We must be clear that nuclear weapons are here to maintain peace and stability between Pakistan and India. Pakistan was forced to run its nuclear weapon program due to India's nuclear weapon program and its hegemonic ambition. Pakistan has long said that its nuclear weapon program is security driven. While on other hand Indian nuclear weapon program is not security driven, rather it is based on its regional and global aspirations.¶ The security threats still exist for Pakistan, but due to its credible nuclear deterrence Pakistan is capable of crushing such threats or plans. In the recent past, the tragedy, which many historians remember as the "Fall of Dhaka", carries some lessons for us to be learnt. If India could intervene at that time, then it is quite possible it could intervene in Baloachistan. Now the nuclear capability of Pakistan deters India from perusing any kind of intervention because of the fear of perceived consequences.¶ It is Pakistan's credible nuclear deterrence capability that effectively neutralizes any ill intent of its opponent against its integrity and sovereignty. It is evident that after the December 13, 2001 terrorists attack on Indian Parliament, India mobilized its armed forces to attack on Pakistan, but refrained from doing so as it realized that any such irrational action would lead to a nuclear war. The same was the case after Mumbai attacks on November 26, 2008 – the nuclear deterrence prevailed and it prevented the likelihood of an all out nuclear war in South Asia.

India-Pakistan tensions will never escalate to the point where nuclear deployments on seriously on the table.

Loudon 8. (Bruce Loudon has worked as a foreign correspondent since 1968. He has been visiting and reporting on Pakistan since the 1970s. He is currently The Australian's South Asia correspondent. The Australian, "Doomsday dread", December 04, 2008, http://www.theaustralian.news.com.au/story/0,25197,24746635-25837,00.html)

THE doomsayers' published assessments tell the grim story: upwards of 12 million people killed on the first day of a nuclear exchange, more than 150 million dead in a longer nuclear conflict. Devastation and destruction on a scale that is almost unimaginable. A catastrophe that would vastly transcend that seen at Hiroshima and Nagasaki at the end of World War II. That is why, as India and Pakistan muscle up to each other after the Mumbai massacre and leaders from across the world hurry to counsel cool heads and caution in New Delhi and Islamabad, the unspoken fear everywhere is that the two South Asian neighbours could be pushed into the unthinkable: their fourth war, and one in which they would mobilise their nuclear arsenals. It is, it must be said, an unlikely prospect. No one in either capital -- **even** among **the hotheads** -- is thinking in those terms. **Experienced strategic analysts rule it out.** "Don't even think about it. It ain't going to happen," one says. But as the crisis over terrorism across South Asia deepens and jihadist groups linked to al-Qa'ida launch devastating attacks such as the one in Mumbai last week -- attacks designed to exacerbate tensions between India and Pakistan -- there is, in the view of most analysts, always the potential for events to tumble out of control and lead to a doomsday nuclear conflagration, with enormous loss of life. "South Asia's a nuclear tinderbox," a leading military analyst in New Delhi tells The Australian. "Yes, of course, I'd just about rule it out in the context of the face-off following the Mumbai attack. "But it's always there, always nagging at the edges of the constant tensions in the subcontinent. And there's no doubt that Osama (bin Laden) is doing his bit to stir the pot and do what he can to increase those tensions, since conflict between India and Pakistan serves the jihadist cause." Yesterday, US military officials in Washington, DC, closely monitoring the situation described the military temperature between the two neighbours as "pretty low right now", adding that although Pakistan has moved some aircraft and air defence units closer to the Indian border since the Mumbai attack, "on the nuclear side there is nothing". Which is hardly surprising, for the political will in both sides, **despite the** muscle-**flexing**, **is overwhelmingly against resort to** their nuclear **arsenals.** India, since it demonstrated its nuclear capability in 1998, has maintained a firm no-first-strike policy and a few days ago Pakistan's President Asif Ali Zardari turned longstanding Pakistani policy on its head (some believe to the annoyance of the country's powerful generals) by articulating a similar stance. On both sides there is a mood of extreme caution on the subject of any possible use of nuclear weapons, matched only by the intense secrecy that surrounds their arsenals.

Ext: No Indo-Pak War

Deterrence checks India-Pakistan war

Tellis '2 (Ashley, Foreign Policy Research Institute, Orbis, Winter, p. 24-5)

In the final analysis, this situation is made objectively "meta-stable" by the fact that neither India, Pakistan, nor China has the strategic capabilities to execute those successful damage-limiting first strikes that might justify initiating nuclear attacks either "out of the blue" or during a crisis. Even China, which of the three comes closest to possessing such capabilities (against India under truly hypothetical scenarios), would find it difficult to conclude that the capacity for "splendid first strikes" lay within reach. Moreover, even if it could arrive at such a determination, the political justification for these actions would be substantially lacking given the nature of its current political disputes with India. **On balance**, therefore, it is reasonable to conclude that a **high degree of deterrence stability**, at least with respect to wars of unlimited aims, exists within the greater South Asian region.

Deterrence prevents war in South Asia – high level of stability

Tellis '2 (Ashley, Foreign Policy Research Institute, Orbis, Winter, p. 23-4)

Where deterrence stability is concerned, both the Indo-Pakistani and the Sino-Indian dyads will likely experience reasonably high levels of stability in the policy-relevant future because the two most important states, China and India, are not currently locked into the pursuit of any reciprocal revisionist objectives. Both India and China have also adopted a pacific posture with respect to their outstanding territorial disputes.35

Pakistan, in contrast, is the most prominent revisionist entity in South Asia, given its commitment to altering the prevailing status quo in Kashmir. But even Islamabad has for all practical purposes ruled out the alternative of securing political change through the pursuit of nuclear or conventional war, though it continues to engage in nuclear coercion at the subconventional level and could occasionally lapse into the temptation of engaging in shallow cross-border operations in order to attract international attention to its claims on Kashmir. 36 These actions, in turn, might provoke comparable Indian counterresponses, but such eventualities probably represent the current limits of premeditated war in South Asia. 37 The prospects for deterrence stability are therefore relatively high, because no South Asian state is currently committed to securing any political objectives through the medium of major conventional, and by implication nuclear, wars of unlimited aims. This condition is only reinforced by the high levels of "defense dominance" obtaining at the military level. Deterrence stability in South Asia today flows from the Indian, Pakistani and Chinese inability to successfully prosecute decisive conventional military operations quickly, especially in the context of wars of unlimited aims. As research elsewhere has demonstrated, India's gross numerical superiorities over Pakistan are misleading and do not enable it to rapidly win a high-intensity land war, even if it acquits itself favorably in the air and naval campaigns occurring in the theater. 38 India and Pakistan can both defend their territorial integrity adequately with the forces they currently have in place, but would be hard pressed to dramatically change the territorial status quo through a quick conventional, or even nuclear, attack. The Sino-Indian balance along the Himalayas is similarly stable for now because the Chinese do not have the logistics capability to sustain any major conventional conflict in support of their more ambitious territorial claims, while the strong and refurbished Indian land defenses, coupled with the Indian superiority in air power, enables New Delhi to adequately defend its existing positions but not to sustain any large-scale acquisition of new territory. Consequently, deterrence stability exists along this frontier as well.

No chance for miscalc.

Tellis 2 (Ashley, Foreign Policy Research Institute, Orbis, Winter, p. 23-4)

Obviously, these judgments say little about inadvertent wars or wars brought about by miscalculation or misperception, the likely causes of any deterrence breakdown in the future.40 It is pertinent to note, however, that historically the subcontinent has not witnessed any conflicts brought about through pure inadvertence or misperception, and while conflicts rooted either in miscalculation or in catalytic causes have indeed occurred, it is not unreasonable to expect that the acknowledged presence of nuclear weapons now on all sides would inhibit any interactive sequences that could lead to the most serious forms of deterrence breakdown in the future. As Avery Goldstein argued, "Indians are likely to refrain from military operations that can escalate to the nuclear incineration of Pakistanis (and vice versa) not because they have mastered Brodie, Schelling, Waltz and Jervis, nor because they care about their neighbors, but rather simply because they care about their own countrymen." 41

--- Tech Comp Advantage ---

heg

Us-China war

1NC: Alt Caus – US Decline

Multiple Alt Causes to US decline.

- Education Gap
- Median household income
- Income inequality

Coplan 7-20. [Jill, writer and editor and regular contributor to Fortune, "12 signs America is on the decline" Fortune -- July 20, 2015 -- fortune.com/author/jill-hamburg-coplan/]

"Capitalism has been amazingly successful," write Friedman and co-author Sarah Hertz of Empire State College. But it has grown so unfettered, predatory, so exclusionary, it's become, in effect, crony capitalism. Now places like Qatar and Romania, "countries you wouldn't expect to be, are doing better than us," said Friedman. "You can become a second-rate power very quickly," added Hertz. To be sure, the debate over whether America is on the decline has raged for years. The US National Intelligence Council said in its global trends report a decade ago American power was on a downward

trajectory. Others making the case say the US is overstretched militarily, ill-prepared technologically, at-risk financially, or lacking dynamism in the face of influential, new competitors. Arguing decline has been exaggerated, others point to a rising US stock market, manufacturing strength, a growing population, and a domestic energy boom. The authors collect many previously published rankings, and the picture that emerges, however, is sobering: 1. Median household income Rank of U.S.: 27th out of 27 high-income countries Americans may feel like global leaders, but Spain, Cyprus and Qatar all have higher median household incomesthan America's (about $54,000). So does much of Europe and the industrialized world. Per capita median income in the US ($18,700) is also relatively low–and unchanged since 2000. A middle-class Canadian's income is now higher. 2. Education and skills Rank of U.S.: 16th out of 23 countries The US ranked near the bottom in a skills survey by the Organization for Economic Co-operation and Development, which examined European and other developed nations. In its Skills Outlook 2013, the US placed 16th in adult literacy, 21st in adult numeracy out of 23, and 14th in problem-solving. Spots in prestigious US universities are highly sought-after. Yet higher education, once an effective way out of poverty in the US, isn't anymore – at least not for lower-income and minority students. The authors quote studies showing, for example, that today 80% of white college students attend Barron's Top 500 schools, while 75% of black and Latino students go to two-year junior colleges or open-admissions (not Top 500) schools. Poor students are also far less likely to complete a degree. 3. Internet speed and access Rank of U.S.: 16th out of 34 countries Broadband access has become essential for industry to grow and flourish. Yet in the US, penetration is low and speed relatively slow versus wealthy nations—thought the cost of internet is among the highest ($0.04 per megabit per second in Japan, for example, versus $0.53 in the US). The problem may be too much concentration and too little competition in the industry, the authors suggest. 4. Health Rank of U.S.: 33rd out of 145 countries When it comes to its citizens' health, in countries that are home to at least one million people, the US ranks below many other wealthy countries. More American women also are dying during pregnancy and childbirth, the authors note, quoting a Lancet study. For every 100,000 births in the United States, 18.5 women die. Saudi Arabia and Canada have half that maternal death rate. 5. People living below the poverty line Rank of U.S.: 36th out of 162 countries, behind Morocco and Albania Officially, 14.5% of Americans are impoverished — 45.3 million people–according to the latest US Census data. That's a larger fraction of the population in poverty than Morocco and Albania (though how nations define poverty varies considerably). The elderly have Social Security, with its automatic cost-of-living adjustments, to thank, the authors say, for doing better: Few seniors (one in 10) are poor today versus 50 years ago (when it was one in three). Poverty is also down among African Americans. Now America's poor are more often in their prime working years, or in households headed by single mothers. 6. Children in poverty Rank of U.S.: 34th out of 35 countries surveyed When UNICEF relative poverty – relative to the average in each society—the US ranked at the bottom, above only Romania, even as Americans are, on average, six times richer than Romanians. Children in all of Europe, Canada, Australia, New Zealand, and Japan fare better. 7. Income inequality Rank of U.S.: Fourth highest inequality in the world. The authors argue that the most severe inequality can be found in Chile, Mexico, Turkey — and the US. Citing the Gini coefficient, a common inequality metric, and data from Wall Street Journal/Mercer Human Resource Consulting, they say this inequality slows economic growth, impedes youths' opportunities, and ultimately threatens the nation's future (an OECD video explains). Worsening income inequality is also evident in the ratio of average CEO earnings to average workers' pay. That ratio went from 24:1 in 1965 to 262:1 in 2005. 8. Prison population Rank of U.S.: First out of 224 countries More than 2.2 million Americans are in jail. Only China comes close, the authors write, with about 1.66 million. 9. Life satisfaction Rank of U.S.: 17th out of 36 countries The authors note Americans' happiness score is only middling, according to the OECD Better Life Index. (The index measures how people evaluate their life as a whole rather than their current feelings.) People in New Zealand, Finland, and Israel rate higher in life satisfaction. A UN report had a similar finding. 10. Corruption Rank of U.S.: 17th out of 175 countries. Barbados and Luxembourg are ahead of the US when it comes to citizens' perceptions of corruption. Americans view their country as "somewhat corrupt," the authors note, according to Transparency International, a Berlin-based nonprofit. In a separate survey of American citizens, many said politicians don't serve the majority's interest, but are biased toward corporate

lobbyists and the super-rich. "Special interest groups are gradually transforming the United States into an oligarchy," the authors argue, "concerned only about the needs of the wealthy." 11. Stability Rank of U.S.: 20th out of 178 countries. The Fragile States Index considers factors such as inequality, corruption, and factionalism. The US lags behind Portugal, Slovenia and Iceland. 12. Social progress index Rank of U.S.: 16th out of 133 countries A broad measure of social well-being, the index comprises 52 economic indicators such as access to clean water and air, access to advanced education, access to basic knowledge, and safety. Countries surpassing the US include Ireland, the UK, Iceland, and Canada. "If America's going to be great again, we've got to start fixing things," Friedman said.

1NC: Cloud Computing Strong Now

Cloud computing industry strong now – multiple warrants.

- Forecasts predict massive growth
- Mass market expansion

McCue-14. consults on content strategy and produce web content for technology companies"Cloud Computing: United States Businesses Will Spend $13 Billion On It." Forbes. Forbes Magazine, 29 Jan. 2014. Web. 19 July 2015. <http://www.forbes.com/sites/tjmccue/2014/01/29/cloud-computing-united-states-businesses-will-spend-13-billion-on-it/>.

Instead of a slow-moving fluffy white cloud image, the cloud computing industry should use a tornado – that might be a better way to visualize how fast cloud computing is growing today. Amazon is dominating, but is followed by the usual suspects: IBM IBM +0.88%, Apple AAPL +0.83%, Cisco, Google GOOG +15.96%, Microsoft MSFT -0.13%, Salesforce, and Rackspace, to name a few. (Disclosure: I am on the paid blogger team for IBM Midsize Insider, which covers technology pertinent to midsize companies, including the cloud, among other topics.)¶ "The cloud" is frequently in the news, but there is also a fair amount of confusion, outside of technology teams. What is cloud computing and why do businesses need to care? IBM published this handy infographic: 5 Reasons Businesses Use The Cloud. Among the reasons: Collaboration, better access to analytics, increasing productivity, reducing costs, and speeding up development cycles.¶ By 2015, end-user spending on cloud services could be more than $180 billion.¶ It is predicted that the global market for cloud equipment will reach $79.1 billion by 2018¶ If given the choice of only being able to move one application to the cloud, 25% of respondents would choose storage¶ By 2014, businesses in the United States will spend more than $13 billion on cloud computing and managed hosting services.¶ IBM 5 Reasons Businesses Use The Cloud¶ According to Jack Woods at Silicon Angle, there's some serious growth forecasted and he lists 20 recent cloud computing statistics you can use to make your case for why you need the cloud or to understand why you should consider it for your business. The above bullet points come from his post.¶ At the simplest level, cloud computing lets you share files and resources via the web. If you run a small business, you read about cloud storage as a way to backup and protect your data. Companies, such as, Google Docs (now Drive), DropBox, Carbonite, Cubby, and a slew of others. If you need to choose an online backup provider, take a look at Tim Fisher's post: 40 Online Backup Services Reviewed.¶ Looking beyond online backup, to understanding where the cloud is going, I look to Louis Columbus who writes extensively about the cloud here on Forbes and elsewhere. After reading Louis' Big Data post a couple of weeks ago, 2014: The Year Big Data Adoption Goes Mainstream In The Enterprise, (linked in left column) it made it clear that big data takes big crunching power and is part of why many midsized and large enterprises are not leveraging in-house servers – there is no leverage. You want to leverage a cloud provider like those listed above that can scale up and down with your computing needs.¶ Well known tech guru, Om Malik, can help you wrap your head around cloud computing and its enormous, rapid growth in his interview with Amazon CTO Werner Vogels. Vogels spells out how the big impact of the cloud will take place overseas, outside the USA, especially for small and midsized businesses. You can read additional 2014 from GigaOm here.¶ Forbes contributor, Joe McKendrick, penned a useful post as I was writing this today: 9 'Worst Practices' To Avoid With Cloud Computing. It includes some great ideas to help you evaluate whether the cloud can help your business or not (listed to the left).¶ From improved collaboration to productivity increases, the cloud has the potential to change your business. The cloud is rapidly growing, moving quickly – if you've been on the fence around investing in new infrastructure, you should look to the cloud. This post from Network Computing lists out a bunch of recent stats around big data and the cloud.

Zero Internal Link – cloud computing companies don't care about surveillance issues – Snowden reaction proves.

Perez -13. Juan Carlos Perez covers e-commerce, Google, Web application development, and cloud applications for the IDG News Service,Perez, Juan Carlos. "Why CIOs Stick with Cloud Computing despite NSA Snooping Scandal." PCWorld. N.p., 5 Dec. 2013. Web. 24 July 2015. <http://www.pcworld.com/article/2069681/why-cios-stick-with-cloud-computing-despite-nsa-snooping-scandal.html>. N.T

Explosive revelations in the past six months about the U.S. government's massive cyber-spying activities have spooked individuals, rankled politicians and enraged privacy watchdogs, but top IT executives aren't panicking—yet.¶ So far, they are monitoring the issue, getting informed and taking steps to mitigate their risk in various ways. But the alarming reports haven't prompted them to roll back their decisions to host applications and data in the cloud.¶ That's the consensus from about 20 high-ranking IT executives interviewed in North America and Europe about the effect that the U.S. National Security Agency's snooping practices have had on their cloud computing strategy. The news broke in June, after former NSA contractor Edward Snowden began leaking the earth-shaking secrets to the media.¶ Many of the IT executives interviewed say that they're not thrilled with the situation, and that it has made them more careful about cloud computing plans and deployments, prompting them to review agreements with vendors, double-check best practices and tighten security controls.¶ However, these IT executives haven't been completely surprised by the revelations. Whether by overt means or through covert operations, it's well known that governments engage in surveillance of telecommunications and Internet traffic.¶ "Government surveillance hasn't changed our opinion about cloud computing. The cloud model is attractive to us, and I was never that naive to think that this type of government monitoring wasn't going on," said Kent Fuller, director of enterprise infrastructure services at BCBG MaxAzria Group, a Los Angeles-based women's fashion designer and seller that uses Microsoft's Office 365 public cloud suite primarily for employee email.¶ Stealthy monitoring of computer systems and communications by governments currently doesn't rank among the top IT security concerns for many IT leaders. "Every CIO will tell you we worry every minute of every day about security, privacy, redundancy, operational continuity, disaster recovery and the like," said Michael Heim, Whirlpool's corporate vice president and global CIO. "We're probably the most paranoid guys on the planet."¶ Jacques Marzin, director of Disic, France's interministerial IT and communications directorate, said the NSA scandal confirmed the known risks associated with the use of public cloud services. "We are of course concerned about any third party access to our data although we have limited usage of public clouds," he said.¶ However, having everything behind the firewall also carries risks. CIOs worry about the cost and complexity of running servers on their own premises and the potential loss of competitiveness if rivals are taking advantage of the benefits of cloud computing.¶ "At the end of the day, the capabilities and economics around the cloud computing model are so compelling that when you artificially try to not take advantage of them you impact your ability to compete, because others will take advantage of them," Heim said. Whirlpool recently decided to move about 30,000 employees from an on premises IBM Lotus Notes system to the Google Apps public cloud email and collaboration suite.¶ "We believe we have a very good plan in place to make sure we're just as compliant and secure, if not more so, than we were before," Heim said.¶ There are ways to mitigate risks associated with cloud computing, as well as precautions, safeguards and best practices that can be adopted, IT executives said. For example, companies should examine what prospective cloud vendors offer in terms of data center redundancy, IT and physical security, risk mitigation, operational practices and government and industry certifications. IT executives can also complement cloud vendor offerings in these areas with best practices and security wares on their end, like systems that encrypt data before it's transmitted to the public cloud servers.¶ More than government snooping, IT chiefs appear to consider insider threats a more concrete and likely danger, including disgruntled employees or contractors like Snowden who out of malice or in retaliation expose confidential data or damage IT systems.¶ In fact, Snowden should serve as a reminder to CIOs to take precautions when hiring IT staffers and to put in place monitoring systems to alert them

about rogue system administrators, said Alex Gorbachev, board member of the Independent Oracle Users Group and CTO of remote database administration company Pythian Group.¶ For example, email administrators may have unfettered, unaudited access to all mailboxes, he said. That means they could potentially browse through the CFO's messages and take a peek at preliminary financial reports. If such information were to leak, it could become a dicey situation for publicly traded companies.¶ Many database administrators have similar power. "Most organizations don't have a mechanism to track their activities 100 percent," Gorbachev said.¶ IT executives also worry about careless employees who may inadvertently compromise company systems in a variety of ways.¶ "Personally, I am more concerned about safe data handling practices by our users—flash drives, use of public Internet access, lost or stolen tablets, phones and laptops, passwords on sticky notes—than I am about the security capabilities of cloud service providers and the intrusion of governments or other entities," Brandon Robinson, network services director at ACES, a power management company in Carmel, Indiana, said via email. ACES uses cloud services for payroll, purchasing, expense reporting and some line-of-business transactional systems.¶ Another risk that shows up prominently on CIOs' radar screens are external threats, like malicious hackers and malware.¶ Government surveillance could become a bigger concern if a large company got burned by it—for example, if a government had surreptitiously collected a considerable amount of confidential data from a company, and a malicious hacker broke into the government's system and exposed the data. But there hasn't been a high-profile case of that sort yet.¶ "If something like that happened, it would change the picture and have a profound impact," said Jay Heiser, a Gartner analyst. "Otherwise, it's premature for organizations to forgo the benefits of cloud computing, but it's also an opportunity to revisit security concerns in general."¶ At Needham Bank in Needham, Massachusetts, IT Vice President James Gordon, said the NSA scandal hasn't horrified enterprise IT leaders because "I don't think there's been a relevant connection to how it impacts an organization yet."¶ "Until they have a material loss or one of their peers has an accidental information disclosure, it won't hit home," Gordon said.¶ The level of concern about leaks due to government spying also hinges on the type, size and industry of a company. "I'm not aware of any instances of this happening to a mid-size wholesale company like us," said Hal Greene, vice president of IS at Composites One, a distributor of plastic and glass products in North America that uses Google Apps.¶ But Paul Grewal, CEO of Sage Human Capital in San Bruno, California, an executive search and recruitment firm, worries about a nightmare scenario in which government snooping on his company's data could result in a leak. "We are definitely concerned. It creates a liability," he said.¶ A leak could be extremely harmful to the candidates seeking jobs, their current employers and the companies that are hiring. "Our data is extremely confidential," he said.¶ The company would find itself potentially liable for breaching confidentiality agreements with clients, and it would also see a major trust breakdown.¶ Sage Human Capital deployed a business intelligence tool from Jaspersoft on the Amazon EC2 cloud service about six months ago to give clients a granular analytics view of how a search is going. "The reason we went to the cloud was ease of implementation and deployment," Grewal said, adding he doesn't plan on rolling back that decision.¶ He's confident Amazon will provide top-notch encryption and security, but he's also aware that "NSA has a heavy hand and can make offers people can't refuse."¶ Analysts say CIOs need to weigh risks and rewards and adhere to best practices, whether the government is snooping on their systems or not.¶ "The answer to whether the risks outweigh the benefits will be different for different companies and CIOs," said Scott Strawn, an IDC analyst.¶ "Our advice to organizations is to recognize the sensitivity of their data, and if it's highly sensitive, they should take very careful precautions about where they put it, and place heroic levels of protection around it," Gartner's Heiser said.¶ For starters, companies need to decide which applications and data can be put in a public cloud service, which can go in a private cloud service and which should remain behind the on premises firewall.¶ "You must be observant and think about data integrity before putting sensitive, mission-critical information in the cloud," said Lars-Göran Eklöf, CIO at construction company Lindab in Sweden.¶ "We only use cloud services on a limited basis, and the information stored in the cloud, including sales statistics, doesn't have a very high security classification," Eklöf said.¶ Criteria that CIOs can use to calculate appropriate levels of security include how critical data is, and what the applicable laws and regulations for privacy and data security in their country and for their industry are.¶ IRB Services, an Ontario, Canada-based company which conducts independent reviews of clinical research involving humans, choose a software-as-a-service product from Intralinks for secure collaboration on review files because Intralinks can house the data outside of the U.S.¶ IRB Services customers in Europe have for some time not wanted their data stored in the U.S., according to Simon Corman, the company's director of business operations. Before the NSA scandal, "we were just getting that question from compliance groups. Now we're getting it more from an operational level," he said.¶ IRB customers have always been concerned about the privacy of their data but the NSA controversy has "absolutely amplified the issue," Corman said.¶ It's also essential for companies to have clear, detailed usage guidelines for employee use of IT systems and handling of data. Companies should use stringent criteria for choosing their cloud computing vendors, examining their track record, security policies, data protection technology and service-level agreements.¶ In particular, CIOs should watch out for opportunistic and hyperbolic claims from vendors claiming to have technology that can completely shield data from government snooping.¶ "Vendors have absolutely no ability to make those claims," IDC's Strawn said. "They can't execute on them. The NSA has a lot of power to do what they do. You can't do much about it."¶ If an agency like the NSA wants to monitor a particular system, it will, and if it can't, it will get a court order to get the access it needs.¶ Also, just because data, systems and applications are hosted on premises doesn't mean that government snoops can't get to them. In fact, it's likely harder for government spies to break into data centers run by Google, Microsoft, IBM, Salesforce.com and Amazon than to tap into the average enterprise network.¶ "I'm more comfortable with Microsoft's security for our email than with handling that internally," BCBG MaxAzria's Fuller said. "We're a fashion company, not a tech company. We need to focus our resources on producing great dresses people want to buy."¶ Still, the NSA scandal worries cloud computing vendors, as they sense concern from current and prospective customers. "It's not having a material impact. But it's certainly causing people to stop and then rethink decisions, and that is, I think, reflected in our results," said Rob Lloyd, Cisco Systems' president of development and sales, during the company's most recent quarterly earnings call.¶ The level of security offered by cloud vendors is mixed; from vendors that are new and inexperienced, to others that are outstanding and provide a better and safer environment than many organizations could afford themselves, according to Jos Creese, head of information, corporate resources, IT services at the Hampshire County Council in the UK.¶ "We need to be prudent as to who we select in cloud providers," said Brian D. Kelley, CIO at Portage County government in Ravenna, Ohio.¶ Portage County is dipping its toes in cloud computing, and the NSA revelations made him and his team more aware of the cloud risks. "In IT, we've always had control of our systems and data, and with the new cloud model, we're now relinquishing that control," Kelley said.¶ "We

certainly need to engage ourselves much more to know where our data is, how it is accessed and who can access it, and what to do when the cloud bursts," he said.

1NC: Innovation

Zero uniqueness – US is crushing everyone – econ is resilient.

Dill 5/26 (Kathryn, writer for Frobes on The workforce, the workplace, and the future of both,http://www.forbes.com/sites/kathryndill/2015/05/26/united-states-leads-ranking-of-the-most-competitive-countries-in-the-world/2/)

In the global race to remain competitive, the U.S. emerges as the strongest contender. Each year, the IMD World Competitiveness Center, a part of Lausanne-based business school IMD, considers the ability of countries around the world to "create and maintain an environment in which enterprises can compete." To determine the countries around the world where competition is thriving, the center looks at data from organizations including the World Bank and IMF , private enterprises like PriceWaterhouseCoopers and Mercer HR Consulting, national data from partner organizations, and survey data collected from executives about circumstances in their country. Countries are evaluated against a host of criteria, including economic performance, government efficiency, business efficiency and infrastructure. At the top of the list for the second consecutive year is the United States, which earns its place at the the head of the line through robust business efficiency, a strong financial sector, innovation and efficient infrastructure. "**The U.S. is a very resilient economy**," said Professor Arturo Bris, the center's director. "It has an amazing financial sector, it provides capital to large, small and medium enterprises. On top of that, it ranks number one in infrastructure. It's a big economy, and it's very difficult to beat." Though some European countries–including Poland, the Czech Republic, and Slovenia–saw improvement, the conflict between Russia and Ukraine took its toll elsewhere in the region. Russia fell seven places in the ranking to to 45th, Ukraine fell a staggering 11 places to 60th. At the end of the day, all of these geopolitical problems in the world have materialized into economic problems," said Bris. "Low oil prices, volatility in commodity prices, exchange rate and currency wars–they've had significant effects in many countries. From Germany to Japan, Russia, the U.A.E.–these are all countries whose competitiveness has declined in 2015." Greece, one of the world's most fraught economies, climbs seven rungs to 50th place in this year's 61-country ranking. "Obviously for example the competitiveness of Greece has increased," said Bris. "In terms of Greece, it was so low, the only way was up. We have seen certain reforms in the business context, business regulation, that have had a positive effect already." Asia also saw inconsistent results. Though Taiwan, South Korea, and the Philippines all improved slightly, the majority of Asian countries fell in the ranking due to worsening infrastructure. Improvements in education and infrastructure bumped China from 23rd place to 22nd, evidence, according to Bris, that the country's once miraculous economy may be approaching equilibrium. Though Chile, Peru and Argentina saw marginal improvement this year, on the whole Latin American countries also lost competitive ground. "We see countries doing the right things–Chile, Mexico, Colombia–implementing the right reforms in education and government, but [the effects] will take time to materialize." Ultimately, said Bris, countries looking to move up in next year's ranking need to take a careful look at government and judicial policy in order to create an environment that fosters competition. "A competitive systems requires a good government that promotes good legal infrastructure. We need to start with that, governments that have the right principles–regulation, infrastructure, education. Whenever we see good governments we see competitiveness."

Innovation isn't key – military developments are inevitable and they're being more efficient.

Sargent, 2013 Anne-Wainscott, forbes citing NSR senior analyst, "Military Bets: Balancing Bandwidth Needs with Increased Efficiency" http://www.satellitetoday.com/publications/2013/11/19/military-betsbalancing-bandwidth-needs-with-increased-efficiency/

"We're focused on how we can be **more efficient with our bandwidth**, how we compress data **more efficiently,** and how we can get access to places that have less-than-adequate infrastructure," says Bruce Bennett, program executive officer for DISA, who oversees the bulk of DoD's strategic satcom transport infrastructure for warfighters. With fewer eyes on the ground, the military will deploy increasingly more sensors. That is especially true as

the U.S. military pivots towards Asia, a far-flown geography six times the size of Europe, and two and a half the expanse of North America. Having a mix of space and terrestrial, access and flexibility are key. "I don't care if you give me another 10 WGSs, it would be doubtful that we could cover all the scenarios in the Pacific," says Bennett. He adds that fewer ground forces and the sheer size of the Asia landscape will increase the government's need to partner with commercial operators. Assessing the Asia region, **NSR senior analyst Claude Rousseau doesn't believe the bandwidth concerns are as dire as some think**, considering the number of Ka-band systems coming online in the next few years. NSR reports that from 2012 to 2022, the global government and military satellite communications **market will grow from 632,000 in-service units to close to 1.1 million by the end of 2021**."There are going to be a lot more sensors on airplanes and UAVs, which will make it much easier for anyone in the region to scan and see who is out there," he notes. Miguel Angel Garcia Primo, chief operating officer of Spanish government satellite operator, HisdeSat, says there has alredy been an increase of activity. "We're seeing more requests for providing connectivity to mobile platforms, be it land, sea or aircraft, and the need to use smaller and smaller terminals with higher and higher data rates," he says. Greater Commercial Collaboration At least one global operator, Astrium Services, personifies the power of a public-private partnership (PPP) model. For the last nine years, the company has operated first the Skynet 4 and then the hardened Skynet 5 constellation for the U.K. Ministry of Defense, an approach that Simon Kershaw, executive director, government communications, Astrium Services, contends has enabled his company to better anticipate and respond to the U.K. military's changing requirements. "The PPP model can often work very well for that because we are able to move much faster or anticipate more than the institutions themselves can. We're able to be very nimble, very flexible and be in front when we see a requirement," says Kershaw. "We're seeing much more rapid deployments around the world," he adds, noting that when something happens in a region, it requires a quick response – one that embodies flexibility. In addition, operators need a complete picture of the situation, which underscores the need for integrating UAV imagery with other sources such as telemetry and communications on the ground. **Multi-band, Smaller Terminals on the Rise** As the demand for bandwidth to support high-definition sensors grows, satellite operators and terminal manufacturers alike are achieving **much greater throughput using much smaller systems.** More rugged, lightweight, high bandwidth satcom on the move can be found in terminals such as Astrium's SCOT Patrol terminals being deployed on six U.K. Royal Navy ships over the next five years, and their smaller airborne equivalent, AIR Patrol, flying with the Canadian Department of National Defense. "It uses the world's first three-Axis carbon fiber antenna – the lightness of it makes it an easy fit for a small vessel," explains Kershaw.

Ext: Innovation High

Multiple reasons why the US econ is crushing it – zero uniqueness.

Perlberg 13 (Steven, reporter for Business Insider covering markets and finance, "10 Reasons Why America Will Continue To Dominate The Global Economy For Years", http://www.businessinsider.com/10-ways-us-competitive-advantage-2013-6)

The U.S. economy is in recovery mode right now. Sure, investors have been spooked by Fed taper talks, the Bank of Japan's unprecedented economic experiment, persistent jitters out of Europe, and concerns of a credit crisis in China. But by in large, investors should be pleased with the way things are going domestically, according to a new report from Joseph Quinlan, Chief Market Strategist for U.S. Trust. We walk you through U.S. Trust's 10 theses that show "what's right with America." 1) The U.S. economy is the largest and most productive in the world - The U.S. accounts for one-fifth of global GDP with only 4.5% of the world's population. America's economy is nearly twice the size of China's in nominal dollars. Plus, the U.S. is one of just a few developed countries with real GDP higher than it was before the crisis, according to the report. 2) The U.S. leads the world in manufactured goods - Nominal manufacturing output totaled $1.9 trillion in 2012, a rise of 27% from 2009. Employment in the sector has increased by 500,000 workers since 2010, according to U.S. Trust. 3) The U.S. is among the largest exporters of goods and services - Exports since the recession have taken off. In 2012, total

exports totaled $2.2 trillion, nearly a 40% rise from 2009 levels, according to the report. 4) **Foreign investors still love the U.S.**- U.S. Foreign Direct Investment inflows in the post-crisis years racked up $736 billion. That's 15% of the global total, according to U.S. Trust. And while people talk about investment in China, America is still on top by a landslide. 5) America has the top global brands - In 2008, eight out of 10 of the world's top brands were American. 6) The U.S. is the world leader in technology - **People still flock to America to become tech innovators**. The U.S. is home to the major social media players and beats out other countries in spending levels. 7) America has the world's best colleges - American college kids fill their minds with kegs worth of knowledge at some of the world's best universities. Six out of the top 10 universities in the 2012 Quacquarelli Symonds World Rankings' were American. 8) The U.S. dollar is king - It's the world's reserve currency. From the U.S. Trust report: "The greenback accounted for roughly 62% of global central bank reserves as of the fourth quarter of 2012, according to the IMF, a share down slightly from 2008 but relatively constant over the post-crisis years." It crushed the beleaguered Euro. 9) **The U.S. has one of the most competitive economies** - In the latest competitiveness survey from the World Economic Forum, the U.S. slipped to seventh place, down two spots, according to the report. Still, U.S. Trust guesses America will head north on the list in the future. 10) America is in the middle of an energy Renaissance - Much to the chagrin of some environmentalists, U.S. domestic oil production is in revival mode. It exceeded imports for the first time in 16 years, according to the report. Thanks to "fracking" that unlocked shale in North Dakota, Oklahoma, and Texas, the U.S. has seen a major surge in production, the report notes.

Ext: Econ High (General)

Econ rebounding now – manufacturing, employment, job growth.

CNN-5/8/2015. CNN is among the world's leaders in online news and information delivery. "Good News: U.S. Economy Adds 223,000 Jobs." CNNMoney. Cable News Network, 8 May 2015. Web. 22 July 2015. <http://money.cnn.com/2015/05/08/news/economy/april-jobs-report-economy-pick-up/>.

¶ America can breathe a sigh of relief The economy is improving with the spring weather.¶ The U.S. added 223,000 jobs in April a healthy pick up after a disappointing March and about in line with what economists surveyed by CNNMoney projected.¶ April's strong job gains reflect a trend the country saw last year: job growth cooling in the winter months, then gaining momentum into the spring.¶ "They are good numbers," says Kate Warne, investment strategist at Edward Jones. "It's reassuring that we saw job growth rebound to above 200,000."¶ The good news doesn't stop there. The unemployment rate dropped to 5.4%, its lowest mark since May 2008. This is likely to be helpful to Democratic presidential candidate Hillary Clinton. Many believe she needs the economy to keep growing until Election Day in order for her to win the presidency.¶ Wall Street was very happy with the report. The Dow is soaring over 250 points (nearly 1.5%) in Friday trading, and the yield on the 10-year government bond fell substantially as investors cease worrying so much about a slowdown.¶ dow friday¶ The one thing regular Americans still want is better pay. There are finally signs it's picking up. Wages are now growing at 2.2%, above the expectations from CNNMoney's survey. Experts say pay should continue to bump up if unemployment remains low.¶ Where the jobs are: **Hiring has been strong in many industries** with one big exception: Energy.¶ About 15,000 energy jobs -- oil drillers, coal miners and others -- were lost in April, the worst month for the sector since May 2009. Low gas prices are great for Americans at the pump, but they're causing energy companies to cut jobs.¶ Energy jobs "took it on the chin once again," says Sam Bullard, senior economist at Wells Fargo Securities. "It certainly suggests the stronger dollar and lower oil prices are having a substantial impact."¶ Despite the bad energy news, other industries picked up the slack Construction and health care each added 45,000 jobs Business services -- marketing, accountants, consultants -- was the best performer in April, adding 62,000 jobs.¶ chart jobs report 050815¶ What's ahead: The April jobs report gives more fuel to the optimists who believe the U.S. economy will continue to expand. Last year was the best year for job gains since 1999.¶ Then the winter of 2015 came.¶ The economy barely grew in the first quarter this year. Many experts thought low gas prices would encourage Americans to spend during the winter months. Shoppers stayed home though as retail sales -- computers, clothes and cars -- were negative or near flat.¶ ¶ The cold weather, strong U.S. dollar and West Coast port strike were the culprits for weak economic growth.¶ Although April's job gains were good, they probably aren't enough to convince the Federal Reserve to raise its key interest rate in June, experts say. The Fed hasn't raised rates in almost a decade, and a rate hike would be the bank's two thumbs up for the economy's health. Most economists believe the Fed will raise rates in September or later now.¶ Still, Friday's good job news suggests the tide could be turning in the right direction for the U.S. economy.¶ "This is a net positive," says Bullard.

1NC: Competitiveness Not Key

Competitiveness not key to heg

Wohlforth et al., Dartmouth government professor, 2008

(William, World out of Balance, International Relations and the Challenge of American Primacy, pg 32-5, ldg)

American primacy is also rooted in the county's position as the world's leading technological power. The United States remains dominant globally in overall R&D investments, high-technology production, commercial innovation, and higher education (table 2.3). Despite the weight of this evidence, elite perceptions of U.S. power had shifted toward pessimism by the middle of the first decade of this century. As we noted in chapter 1, this was partly the result of an Iraq-induced doubt about the utility of material predominance, a doubt redolent of the post-Vietnam mood. In retrospect, many assessments of U.S. economic and technological prowess from the 1990s were overly optimistic; by the next decade important potential vulnerabilities were evident. In particular, chronically imbalanced domestic finances and accelerating public debt convinced some analysts that the United States once again confronted a competitiveness crisis.23 If concerns continue to mount, this will count as the fourth such crisis since 1945; the first three occurred during the 1950s (Sputnik), the 1970s (Vietnam and stagflation), and the 1980s (the Soviet threat and Japan's challenge). None of these crises, however, shifted the international system's structure: multipolarity did not return in the 1960s, 1970s, or early 1990s, and each scare over competitiveness ended with the American position of primacy retained or strengthened.24 Our review of the evidence of U.S. predominance is not meant to suggest that the United States lacks vulnerabilities or causes for concern. In fact, it confronts a number of significant vulnerabilities; of course, this is also true of the other major powers.25 The point is that adverse trends for the United States will not cause a polarity shift in the near future. If we take a long view of U.S. competitiveness and the prospects for relative declines in economic and technological dominance, one takeaway stands out: **relative power shifts slowly.** The United States has accounted for a quarter to a third of global output for over a century. No other economy will match its combination of wealth, size, technological capacity, and productivity in the foreseeable future (tables 2.2 and 2.3). The depth, scale, and projected longevity of the U.S. lead in each critical dimension of power are noteworthy. But what truly distinguishes the current distribution of capabilities is American dominance in all of them simultaneously. The chief lesson of Kennedy's 500-year survey of leading powers is that nothing remotely similar ever occurred in the historical experience that informs modern international relations theory. The implication is both simple and underappreciated: the counterbalancing constraint is inoperative and will remain so until the distribution of capabilities changes fundamentally. The next section explains why.

Ext: Competitiveness Not Key

US can absorb innovation from anywhere-ensures competitiveness

Beckley, Harvard International Security Program research fellow, 2012

(Michael, "China's Century? Why America's Edge Will Endure", International Security 36.3, lexis, ldg)

In theory, globalization should help developing countries obtain and absorb advanced technology. In practice, however, this may not occur because some of the knowledge and infrastructure necessary to absorb certain technologies cannot be specified in a blueprint or contained within a machine. Instead they exist in peoples' minds and can be obtained only through "hands-on" experience. The World Bank recently calculated that 80 percent of the wealth of the United States is made up of intangible assets, most notably, its system of property rights, its efficient judicial system, and the skills, knowledge, and trust embedded within its society. If this is the case, then a huge chunk of what separates the United States from China is not for sale and cannot be copied. Economies and militaries used to consist primarily of physical goods (e.g., conveyor belts and tanks), but today they are composed of systems that link physical goods to networks, research clusters, and command centers. 72 Developing countries may be able to purchase or steal certain aspects of these systems from abroad, but many lack the supporting infrastructure, or "absorptive capacity," necessary to integrate them into functioning wholes. 73

For example, in the 1960s, Cummins Engine Company, a U.S. technological leader, formed joint ventures with a Japanese company and an Indian company to produce the same truck engine. The Japanese plant quickly reached U.S. quality and cost levels while the Indian plant turned out second-rate engines at three to four times the cost. The reason, according to Jack Baranson, was the "high degree of technical skill . . . required to convert techniques and produce new technical drawings and manufacturing specifications." 74 This case illustrates how an intangible factor such as skill can lead to significant productivity differences even when two countries have access to identical hardware. Compared to developing countries such as China, the United States is primed for technological absorption. Its property rights, social networks, capital markets, flexible labor laws, and legions of **m**ulti**n**ational **c**ompanies not only help it innovate, but also absorb innovations created elsewhere. Declinists liken the U.S. economic system to a leaky bucket oozing innovations out into the international system. But in the alternative perspective, **the United States is more like a sponge, steadily increasing its mass by soaking up ideas, technology, and people from the rest of the world. If this is the case, then the spread of technology around the globe may paradoxically favor a concentration of technological and military capabilities in the United States.**

1NC: Heg Defense

Stability exists independently of US power – advocates of unipolarity are biased by a superiority complex

Fettweis, 2014 Christopher, Associate Professor of Political Science at Tulane University, former post-doctoral fellow at the Mershon Center for International Security at Ohio State University, Ph.D. in international relations from the University of Maryland, October 7, "Delusions of Danger: Geopolitical Fear and Indispensability in US Foreign Policy," *A Dangerous World?: Threat Perception and U.S. National Security*, Kindle Edition

According to what might be considered the indispensability fallacy, many Americans believe that U.S. actions are primarily responsible for any stability that currently exists. "All that stands between civility and genocide, order and mayhem," explain Lawrence Kaplan and William Kristol, "is American power." 37 That belief is an offshoot, witting or not, of what is known as "hegemonic stability theory," which proposes that international peace is possible only when one country is strong enough to make and enforce a set of rules. 38 Were U.S. leaders to abdicate their responsibilities, that reasoning goes, unchecked conflicts would at the very least bring humanitarian disaster and would quite quickly threaten core U.S. interests. 39 Brzezinski is typical in his belief that "outright chaos" and a string of specific horrors could be expected to follow a loss of hegemony, from renewed attempts to build regional empires (by China, Turkey, Russia, and Brazil) to the collapse of the U.S. relationship with Mexico as emboldened nationalists south of the border reassert 150- year-old territorial claims. Overall, without U.S. dominance, today's relatively peaceful world would turn "violent and bloodthirsty." 40 The liberal world order that is so beneficial to all would come tumbling down. Like many believers, proponents of hegemonic stability theory **base their view on faith alone.** 41 There is precious **little evidence** to suggest that the United States is responsible for the pacific trends that have swept across the system. In fact, the world remained equally peaceful, relatively speaking, while the United States cut its forces throughout the 1990s, as well as while it doubled its military spending in the first decade of the new century. 42 Complex statistical methods should not be needed to demonstrate that levels of U.S. military spending have been essentially **unrelated to global stability.** Hegemonic stability theory's flaws go way beyond the absence of simple correlations to support them, however. The theory's supporters have never been able to explain adequately how precisely 5 percent of the world's population could force peace on the other 95 percent, unless, of course, **the rest of the world was** simply **not intent on fighting.** Most states are quite free to go to war without U.S. involvement but choose not to. The United States can be counted on, especially after Iraq, to steer well clear of most civil wars and ethnic conflicts. It took years, hundreds of thousands of casualties, and the use of chemical weapons to spur even limited interest in the events in Syria, for example; surely internal violence in, say, most of Africa would be unlikely to attract serious attention of the world's policeman, much less intervention. The

continent is, nevertheless, more peaceful today than at any other time in its history, something for which U.S. hegemony cannot take credit. 43 Stability exists today in many such places to which U.S. hegemony simply does not extend. Overall, proponents of the stabilizing power of U.S. hegemony should keep in mind one of the most basic observations from cognitive psychology: rarely are our actions as important to others' calculations as we perceive them to be. 44 The so-called egocentric bias, which is essentially ubiquitous in human interaction, suggests that although it may be natural for **U.S. policymakers** to interpret their role as crucial in the maintenance of world peace, they are almost certainly **overestimating their own importance.** Washington is probably not as central to the myriad decisions in foreign capitals that help maintain international stability as it thinks it is. The indispensability fallacy owes its existence to a couple of factors. First, although all people like to bask in the reflected glory of their country's (or culture's) unique, nonpareil stature, Americans have long been **exceptional in their exceptionalism.** 45 The short history of the United States, which can easily be read as an almost uninterrupted and certainly unlikely story of success, has **led to a** (perhaps natural) **belief that it is morally, culturally, and politically superior to other**, lesser **countries.** It is no coincidence that the exceptional state would be called on by fate to maintain peace and justice in the world. Americans have always combined that feeling of divine providence with a sense of mission to spread their ideals around the world and battle evil wherever it lurks. It is that sense of destiny, of being the object of history's call, that most obviously separates the United States from other countries. Only an American president would claim that by entering World War I, "America had the infinite privilege of fulfilling her destiny and saving the world." 46 Although many states are motivated by humanitarian causes, no other seems to consider promoting its values to be a national duty in quite the same way that Americans do. "I believe that God wants everybody to be free," said George W. Bush in 2004. "That's what I believe. And that's one part of my foreign policy." 47 When Madeleine Albright called the United States the "indispensable nation," she was reflecting a traditional, deeply held belief of the American people. 48 Exceptional nations, like exceptional people, have an obligation to assist the merely average. Many of the factors that contribute to geopolitical fear — Manichaeism, religiosity, various vested interests, and neoconservatism—also help explain American exceptionalism and the indispensability fallacy. And **unipolarity makes hegemonic delusions possible.** With the great power of the United States comes a sense of great responsibility: to serve and protect humanity, to drive history in positive directions. More than any other single factor, the people of the United States tend to believe that they are indispensable because they are powerful, and power tends to blind states to their limitations. "Wealth shapes our international behavior and our image," observed Derek Leebaert. "It brings with it the freedom to make wide-ranging choices **well beyond common sense.**" 49 It is quite likely that **the world does not need the United States to enforce peace.** In fact, if virtually any of the overlapping and mutually reinforcing explanations for the current stability are correct, the trends in international security may well prove difficult to reverse. None of the contributing factors that are commonly suggested (economic development, complex interdependence, nuclear weapons, international institutions, democracy, shifting global norms on war) seem poised to disappear any time soon. 50 The world will probably continue its peaceful ways for the near future, at the very least, **no matter what the United States chooses to do** or not do. As Robert Jervis concluded while pondering the likely effects of U.S. restraint on decisions made in foreign capitals, "It is very unlikely that pulling off the American security blanket would lead to thoughts of war." 51 The United States will remain fundamentally safe no matter what it does—in other words, despite widespread beliefs in its inherent indispensability to the contrary.

Ext: Heg Impact D

Alliances are out dated, multi-polarity is stable and there is no scenario for war in a world of US decline

Friedman et al., MIT political science PhD candidate, 2012

(Benjamin, "Why the U.S. Military Budget is 'Foolish and Sustainable", Orbis, 56.2, Science Direct)

Standard arguments for maintaining the alliances come in two contradictory strains. One, drawn mostly from the run-up to World War II, says that without American protection, the ally would succumb to a rival power, either by force or threat of force, heightening the rival's capability and danger to the United States. The other argument says that without the United States, the ally would enter a spiral of hostility with a neighbor, creating instability or war that disrupts commerce and costs America more than the protection that prevented it. The main problem with the first argument is that no hegemon today threatens to unify Europe or Asia. Europe is troubled by debt, not conquest. Russian GDP is today roughly equivalent to that of Spain and Portugal combined. Whatever Russia's hopes, it has no ability to resurrect its Soviet Empire, beyond perhaps those nations in its near abroad that Americans have no good reason to defend. Even today, the military capabilities of Europe's leading powers are sufficient to defend its eastern flank, and they could increase their martial exertions should a bigger threat arise. Asia is tougher case. South Korea's military superiority over its northern neighbor is sufficient to deter it from an attempt at forcible reunification. By heightening North Korea's security, nuclear weapons may reinforce its capacity for trouble-making, but they do not aid offensive forays. U.S. forces long ago became unnecessary to maintaining the peninsula's territorial status quo. Chinese efforts to engage in old-fashioned conquest are unlikely, at least beyond Taiwan. Its more probable objective is a kind of Asian Monroe doctrine, meant to exclude the United States.6 China naturally prefers not to leave its maritime security at the whim of U.S. policymakers and, thus, has sought to improve its anti-access and area-denial capabilities. In the longer term, China's leaders will likely pursue the ability to secure its trade routes by building up longer-range naval forces. They may also try to leverage military power to extract various concessions from nearby states. Washington's defense analysts typically take those observations as sufficient to establish the necessity that U.S. forces remain in Asia to balance Chinese military power. But to justify a U.S. military presence there, one also needs to show both that Asian nations cannot or will not balance Chinese power themselves and that their failure to do so would greatly harm U.S. security**. Neither is likely**. Geography and economics suggest that the states of the region will successfully balance Chinese power—even if we assume that China's economic growth allows it to continue to increase military spending.7 Bodies of water are natural defenses against offensive military operations. They allow weaker states to achieve security at relatively low cost by investing in naval forces and coastal defenses. That defensive advantage makes balances of power more stable. Not only are several of China's Asian rivals islands, but those states have the wealth to make Chinese landings on their coast prohibitively expensive. India's mountainous northern border creates similar dynamics. **The prospects of Asian states successfully deterring future Chinese aggression will get even better if, as seems likely, threats of aggression provoke more formal security alliances**. Some of that is already occurring. Note for example, the recent joint statement issued by the Philippines and Japan marking a new "strategic partnership" and expressing "common strategic interests" such as "ensuring the safety of sea lines of communication."8 This sort of multilateral cooperation would likely deepen with a more distant U.S. role. Alliances containing disproportionately large states historically produce free-riding; weaker alliance partners lose incentive to shore up their own defenses.9 Even if one assumes that other states in the region would fail to balance China, it is unclear exactly how U.S. citizens would suffer. China's territorial ambitions might grow but are unlikely to span the Pacific. Nor would absorbing a few small export-oriented states slacken China's hunger for the dollars of American consumers. The argument that U.S. alliances are necessary for stability and global commerce is only slightly more credible. One problem with this claim is that U.S. security guarantees can create moral hazard—emboldening weak allies to take risks they would otherwise avoid in their dealings with neighbors. Alliances can then discourage accommodation among neighboring states, heightening instability and threatening to pull the United States into wars facilitated by its benevolence. Another point against this argument is that even if regional balancing did lead to war, it would not obviously be more costly to the U.S. economy than the cost of the alliance said to prevent it. **Neutrality historically pays**.10 The larger problem with the idea that our alliances are justified by the balancing they prevent is that **wars generally require more than the mutual fear that arms competition provokes**. Namely, there is usually a territorial conflict or a state bent on conflict. Historical examples of arms races alone causing wars are few.11 This confusion probably results from misconstruing the causes of World War I—seeing it as a consequence of mutual fear alone rather than fear produced by the proximity of territorially ambitious states.12 Balances of power, as noted, are especially liable to be stable when water separates would-be combatants, as in modern Asia. Japan would likely increase defense spending if U.S. forces left it, and that would likely displease China. But that **tension is very unlikely to provoke a regional conflagration. A**nd even that remote scenario is far more likely than the Rube Goldberg scenario needed to argue that peace in Europe requires U.S. forces stationed there. It is not clear that European states would even increase military

spending should U.S. troops depart. If they did do so, one struggles to imagine a chain of misperceived hostility sufficient to resurrect the bad old days of European history.

No transition wars – interdependence and diplomacy check
Fettweis, Poli Sci Prof @ Tulane University, 10

(Christopher, "Dangerous Times?: The International Politics of Great Power Peace," pp. 173-175)

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

1NC: US-China War

No US-China War

Roy 12 (Bhaskar, writer for the South Asia Analysis Group, a non-profit, non-commercial think tank, "China Pushing Asia From India To Japan – Analysis," 7/18, http://www.eurasiareview.com/18072012-china-pushing-asia-from-india-to-japan-analysis/)

Militarily, if Russia's lethal strategic strike capability is set aside, China is the second most powerful military power in the world after the USA. Certainly, the military gap between China and the US is very wide and will continue to be so for some more decades. China is aware of this. The recent Chinese foreign policy track is very clear that they do not want to confront the USA, and have refused to be overly provoked by America's Asia 'pivot' or "rebalance". For China's Asian neighbours, especially the South East Asian nations, Beijing's military and economic power are overwhelming. They are also not sure how far they can depend on the US in a military confrontation with China. The ASEAN countries are also not united. China's military strategy vis-a-vis the US is to make it unacceptably costly for the US if it intervenes in China's move to consolidate its territorial claims in the South China Sea and the Sea of Japan, as well as in the Taiwan issue.

War is impossible – Chinese democratization will facilitate cooperation

Friedberg, 05 **(Aaron L. Friedberg, Professor of Politics and International Affairs at Princeton University. International Security, Vol. 30, No. 2 (Fall 2005) http://belfercenter.ksg.harvard.edu/files/is3002_pp007-045_friedberg.pdf)**

Liberal optimists believe that, although it is still far from finished, the process of democratization is already well under way in China.20 This process is being driven largely by economic development, which, in turn, is being accelerated by China's increasing openness to trade. Rising per capita incomes are creating a growing Chinese middle class. In Europe and North America, and more recently in Asia, those whose rising incomes allow them to do more than attend to the struggle for daily existence have been the prime movers behind progress toward democracy, and there is every reason to hope that they will play a similar role in China.21 Liberals also believe that, in addition to stirring the desire for political rights, economic development creates an objective, functional need for political liberalization. Without courts, contracts, and a reliable rule of law, economic progress will surely falter. Moreover, in an era in which sustained growth depends increasingly on free flows of information, regimes that seek to restrict speech and control communications will be at a fatal disadvantage. Over time, if it wishes even to approach the levels of well-being already attained by its advanced industrial counterparts (all of which are democracies), China too must become democratic.22 As it does, the liberal optimists expect that its relations with the United States will stabilize and that, ultimately, it will enter into the democratic "zone of peace." Although the process may take time fully to unfold, before too long open conflict between the United States and a democratic China will be as improbable as war among the members of the European Union appears to be today.

History doesn't matter–nuclear weapons and modern threats make China more likely to rise peacefully

Brzezinski, 05 (Zbigniew, Counselor at CSIS, Foreign Policy, Jan/Feb, http://www.worldthreats.com/Asia/Clash%20of%20Titans.htm)

As an occasional scholar, I am impressed by the power of theory. But theory—at least in international relations—is essentially retrospective. When something happens that does not fit the theory, it gets revised. And I suspect that will happen in the U.S.-China relationship. We live in a very different world than the one in which hegemonic powers could go to war without erasing each other as societies. The nuclear age has altered power politics in a way that was already evident in the U.S.-Soviet competition. The avoidance of direct conflict in that standoff owed much to weaponry that makes the total elimination of societies part of the escalating dynamic of war. It tells you something that the Chinese are not trying to acquire the military capabilities to take on the United States. How great powers behave is not predetermined. If the Germans and the Japanese had not conducted themselves the way they did, their regimes might not have been destroyed. Germany was not required to adopt the policy it did in 1914 (indeed, German Chancellor Otto von Bismarck followed a very different path). The Japanese in 1941 could have directed their expansionism toward Russia

rather than Britain and the United States. For its part, the Chinese leadership appears much more flexible and sophisticated than many previous aspirants to great power status.

AT: Business Perception

Business confidence is high – no unique perception internal.

PCW 15 (PricewaterhouseCoopers, global perspective along with in-depth knowledge of local, state and US issues., "Leading in extraordinary times", http://www.pwc.com/us/en/ceo-survey/index.html)

For the first time in five years in PwC's Annual Global CEO Survey, more business leaders rate the US as their most important market for overseas growth ahead of all others, including China's. As the US recovery gains traction, it is gaining more adherents. Challenges remain, yet key measures of US economic health are improving. Business hopes are building that the American consumer market will start firing on more than one piston in 2015. PwC projects US GDP growth of 3.2% this year. Yet even as US economic indicators recalibrate to a more normal setting, it is likely the business environment will not. If there has been one constant throughout the shifts in risk/rewards over the past five years for US CEOs, it's been this: with every upgrade and new Internet hook-up, devices got smarter, customers got smarter, employees got smarter. Businesses resigned to dealing with the effects of extreme transparency on pricing models at a time of constrained US spending may find a new set of challenges as the US market gains the global leadership spot. CEOs everywhere are forging ahead in an environment they believe is more volatile and unpredictable. Across a number of areas, more CEOs are worried about threats to business growth in 2015 than they were three years ago. Yet 61% of CEOs globally—and this is even more so for US CEOs (67%)—believe there are more growth opportunities today for their companies than three years ago. What's more, 46% of US CEOs are 'very confident' of achieving revenue growth this year, a five-year Survey high. What's changed? Great advances in technology and science are giving us building blocks to solve problems that in turn, are giving rise to new business models that can better meet and even create demand. For CEOs, it means great opportunities to create value in areas they have not gone before by combining the right building blocks together. Michael Dell, Chairman and CEO of Dell Inc., put it this way in an interview with PwC: technology is at the center of all the big changes in business, but the industry's expanding. "Nobody has an enormous lock on the market. The markets are always changing, and it's a great time to be listening, learning, figuring out what problems are unsolved with customers, because there are always emergent problems. And that's how you win." Actions US CEOs are planning for 2015 show how US businesses are being positioned for this new era where growth in their important markets balance more evenly between developed and emerging economies, and where mainstream adoption rates for digital technologies everywhere are surging. PwC surveyed 1,322 business leaders across 77 countries between September 25 and December 9 in 2014, including 103 CEOs in the US, for insights on how businesses are setting a course for growth. PwC also sat down with 28 US CEOs to gain greater context.

--- Solvency ---

Circumvention: 4th Amendment Specific

Ruling on the 4th Amendment fails – multiple loopholes for circumvention.

Arnbak and Goldberg 15 (Axel and Sharon, Arnbak is a Faculty Researcher at the Institute for Information Law, University of Amsterdam and a Research Affiliate at the Berkman Center for Internet & Society, Harvard University,Goldberg is Associate Professor of Computer Science, Boston University and a Research Fellow, Sloan Foundation, "Michigan Telecommunications & Technology Law Review", (Dave didn't give me the original site were this was posted))

Although the string of revelations on surveillance operations conducted by the United States (US) intelligence community has overloaded the general public and the media, we are only beginning the process of precisely describing the legal and technical details behind these operations. This multi-disciplinary Article discusses interdependent legal and technical loopholes that US intelligence agencies could use to circumvent Fourth Amendment protections and statutory safeguards for Americans. There are several loopholes in current US surveillance law that allow for largely unrestrained surveillance on Americans by collecting their network traffic abroad while not intentionally targeting a US person. Because the US legal framework regulating intelligence operations has not been updated to account for new technical realities, the loopholes we identify could leave Americans' Internet traffic as exposed to network surveillance and as unprotected, from a legal perspective, as foreigners' Internet traffic. This Article aims to broaden the understanding of how technical realities of the Internet impact US surveillance law and suggest remedies that can close the loopholes identified. This Article focuses on surveillance operations conducted by US government agencies but does not speculate on the extent to which the intelligence community is exploiting the loopholes identified. This Article also does not address the morality of surveillance based on the (assumed) nationality of Internetusers. This analysis fits into a recurring regulatory conundrum. The application of any law is, ultimately, tied to jurisdiction. For centuries, jurisdiction has been determined primarily by geographic borders, or the physical space that states consider sovereign territory. Because global communication networks do not necessarily respect such borders, regulators and courts across the globe are struggling to adapt law to this new technical reality. Transnational surveillance (i.e., surveillance conducted from one country, directed towards users in another country) on global communications networks presents us with one of the most urgent examples of this conundrum. n1 Although short term technical and legal solutions are available to address some of the issues outlined in this Article, they are no panacea. In the end, safeguarding the privacy of American Internet users requires a reconsideration of three legal principles underlying US surveillance law. First, the geographical point of collection determines which legal regime applies to a surveillance operation. Second, the collection of network traffic, before processing and analysis, is not firmly protected by the Fourth Amendment of [*320] the US Constitution. Third, constitutional protection is limited to "US persons," a term that is not defined uniformly across different regimes of US surveillance laws. These principles emerged in different times than ours. If they are maintained, loopholes in antiquated law - particularly Executive Order (EO) 12333 - will work in conjunction with ever-advancing technical capabilities to enable largely unrestrained surveillance on Americans from abroad.

Circumvention: EO 12333

Plan will be circumvented – EO 12333.

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The legal notion of "targeting a US person" does not rule out bulk collection of Internet traffic, even in situations where the traffic actually contains millions of Americans' communication records. By collecting the traffic abroad, authorities can presume the traffic belongs to foreigners. Any US person's traffic

that happens to be captured during bulk collection is considered "incidentally collected" and may be retained for further processing. Users are only "targeted," in the legal sense, once collection is complete and the surveillance operation moves into its retention and analysis phases. Indeed, documents revealed on August 25, 2014 indicate that metadata from retained traffic can be shared between multiple intelligence agencies, including domestic law enforcement and the Drug Enforcement Agency, and used for purposes that include "target development." n8 [*322] Thus, collecting Americans' network traffic abroad creates a legal loophole for surveillance on them. A surveillance operation acting in a manner consistent with EO 12333 allows foreignness to be presumed for data that is intercepted abroad. This circumvents Americans' Fourth Amendment protections that are assumed (in the legal sense) to be US persons under FISA and § 215 of the Patriot Act during domestic surveillance operations. n9

Circumvention: Obama

Obama will circumvent – previous actions prove.

Heyes- 6/12/15. J.D Heyes is writer for The Centre for Research on Globalization (CRG), an independent research and media organization.Heyes, J. D. "Obama Orders Secret Surveillance Court to Ignore Lower Court Decision and Spy on Americans Illegally." Global Research. N.p., 12 June 2015. Web. 21 July 2015. <http://www.globalresearch.ca/obama-orders-secret-surveillance-court-to-ignore-lower-court-decision-and-spy-on-americans-illegally/5455297>.

Just hours after President Obama said he would sign new federal legislation ostensibly aimed at ending the National Security Agency's bulk collection of Americans' metadata, he instructed his Department of Justice to seek permission from a secret court to continue the program for at least another six months.¶ As reported by the UK's Guardian newspaper, the DOJ essentially asked the Foreign Intelligence Surveillance Court, which considers all government surveillance requests behind closed doors, to ignore an earlier federal appeals court ruling that found the bulk collection of data unconstitutional.¶ The request also suggested that the administration had no intention of complying with a potential court order banning the collection, the paper reported.¶ The paper said U.S. officials had confirmed earlier that the administration intended to seek permission from the FISA court to restart the domestic bulk collection program.¶

Transparency Bad

Transparency allows countries to spot weaknesses- hostility, proliferation and aggression

Lord '6 (Kristin Lord is the president and CEO of IREX, "The Perils and Promise of Global Transparency", http://cryptome.org/2013/01/aaron-swartz/Global-Transparency-Perils-Promise.pdf, accessed: 7/19/15, SP)

Unfortunately, transparency is a double-edged sword. Though transparency does reduce uncertainty, less uncertainty will not always mean more security or peace. Rather, the effects of greater transparency depend on what it shows and how states react. We cannot assume that transparency will show

behavior that supports peace and cooperation or that states will react to information in ways that will lead to a more just or peaceful world. Greater transparency can indeed enhance international peace and security if it shows that other states are genuinely peace-loving, but **transparency can make conflicts worse if it illuminates hostility, aggression, or arms buildups**. By illuminating weakness, transparency can undermine deterrence and encourage aggression. It can alert states to closing windows of opportunities and give them incentives to fight. By taking away strategic ambiguity, transparency can encourage states to find less visible, more pernicious means of defending their interests.

DISAD LINKS

--- Terrorism DA ---

Metadata Links

Mass metadata collection is vital to prevent nuclear terrorism

Yoo '14 (John, a Korean-American attorney, law professor, and author, "THE LEGALITY OF THE NATIONAL SECURITY AGENCY'S BULK DATA SURVEILLANCE PROGRAMS", http://scholarship.law.berkeley.edu/cgi/viewcontent.cgi?article=3432&context=facpubs, Summer '14, accessed 7/22/15, SP)

A. Phone Call Metadata Collection Like business records, phone call metadata falls within Section 215's definition of tangible items. Collection of such metadata relates to an authorized investigation to protect against international terrorism. Several investigations into al Qaeda plots remain open, as shown by the repeated indictments [*908] against bomb plotters in the last five years. The examination of records also helps protect the nation against terrorist attacks. According to the NSA, only the information contained in the billing records is collected; the content of calls is not. n26 There can be no First Amendment violation **if the content of the calls remains untouched**. A critic might argue that the terms of the search are too broad because ninety-nine percent of the calls are unconnected to terrorism. But an intelligence search, as Judge Richard Posner has described it, "is a search for the needle in a haystack." n27 Rather than focus on foreign agents who are already known, counterterrorism agencies must search for clues among millions of potentially innocent connections, communications, and links. "The intelligence services," Posner writes, "must cast a wide net with a fine mesh to catch the clues that may enable the next attack to be prevented." n28 For this reason, the FISC approved the NSA program in 2006 and has continued to renew it since. n29 Members of the al Qaeda network can be detected, with good intelligence work or luck, by examining phone and e-mail communications, as well as evidence of joint travel, shared assets, common histories or families, meetings, and so on. n30As the time for an attack nears, "chatter" on this network will increase as operatives communicate to coordinate plans, move and position assets, and conduct reconnaissance of targets. n31 When our intelligence agents successfully locate or capture an al Qaeda member, they must be able to move quickly to follow new information to other operatives before news of the capture causes them to disappear. The NSA database is particularly [*909] important because it will point the way to al Qaeda agents within the United States, where they are closest to their targets and able to inflict the most harm on civilians. The September 11 hijackers themselves provide an example of the way that the NSA could use business record information to locate an al Qaeda cell. Links suggested by commercially available data might have turned up ties between every single one of the al Qaeda plotters and Khalid al Mihdhar and Nawar al Hazmi, the two hijackers known to the CIA to have been in the country in the summer of 2001. n32 Mihdhar and Hazmi had rented apartments in their own names and were listed in the San Diego phone book. n33 Both Mohammad Atta, the leader of the September 11 al Qaeda cell, and Marwan al-Shehi, who piloted one of the planes into the World Trade Center, had lived there with them. n34 Hijacker Majed Moqed used the same frequent flier number as Mihdhar; five hijackers used the same phone number as Atta when booking their flights; the remaining hijackers shared addresses or phone numbers with one of those hijackers, Ahmed Alghamdi, who was in the United States in violation of his visa at the time. n35 Our intelligence agents, in fact, had strong leads that could conceivably have led them to all of the hijackers before 9/11.n36 CIA agents had identified Mihdhar as a likely al Qaeda operative because he was spotted at a meeting in Kuala Lumpur and mentioned in Middle East intercepts as part of an al Qaeda "cadre." n37 Hazmi too was known as likely to be al Qaeda.n38 But in neither case was there enough evidence for a criminal arrest because they had not violated any American laws. If our intelligence services had been able to track immediately their cell phone calls and e-mail, it is possible that enough of the hijacking team could have been rounded up to avert 9/11. n39 Our task is much more difficult today, because we might not have even [*910] this slender information in hand when the next al Qaeda plot moves toward execution. As the United States fought the Afghanistan and Iraq wars, and as it has continued to pursue al Qaeda groups in the Middle East and Africa, it has captured al Qaeda laptops, cell phones, financial documents, and other instruments of modern high-tech life. This has given intelligence officers information on dozens or hundreds of e-mail addresses, telephone numbers,

bank and credit account numbers, and residential and office addresses used by al Qaeda networks. n40 To exploit this, U.S. intelligence services must follow those leads as fast as possible, before the network of al Qaeda operatives can migrate to a new leader. An e-mail lead can disappear as quickly as it takes someone to open a new e-mail account. **FISA and the law enforcement mentality it embodies create several problems**. FISA requires "probable cause" to believe that someone is an agent of a foreign power before one can get a warrant to collect phone calls and e-mails. n41 An al Qaeda leader could have a cell phone with 100 numbers in its memory, ten of which are in the United States and thus require a warrant. Would a FISA judge have found probable cause to think the users of those ten numbers are al Qaeda too? Probably not. Would our intelligence agencies even immediately know who was using those numbers at the time of the captured al Qaeda leader's calls? The same question can be asked of his e-mail, as it will not be immediately obvious which addresses in his inbox are held by U.S. residents. In our world of rapidly shifting e-mail addresses, multiple cell phone numbers, and internet communications, FISA imposes slow and cumbersome procedures on our intelligence and law enforcement officers. n42 These laborious checks are based on the [*911] assumption that we remain within the criminal justice system, which looks backward at crimes in order to conduct prosecutions, rather than within the national security system, which looks forward in order to prevent attacks on the American people. n43 FISA requires a lengthy review process, in which special FBI and DOJ lawyers prepare an extensive package of facts and law to present to the FISC. n44 The Attorney General must personally sign the application, and another high-ranking national security officer, such as the President's National Security Advisor or the Director of the FBI, must certify that the information sought is for foreign intelligence. n45 Only a quickly searchable database of numbers will allow the government to take advantage of captured al Qaeda numbers abroad, before the cells within the United States break their contacts. A critic, however, might argue that billions of innocent calling records are not "relevant" to a terrorism investigation. n46Even if terrorist communications take place over the phone, that cannot justify the collection of all phone call records in the United States, the vast majority of which have nothing to do with the grounds for the search. The FISC rejected this argument because, to be useful, **a database has to be broad enough to find terrorist calls**. "Because known and unknown international terrorist operatives are using telephone communications, and because it is necessary to obtain the bulk collection of a telephone company's metadata to determine those connections between known and unknown international terrorist operatives as part of authorized investigations," the Court observed, "the production of the information sought meets the standard for relevance under Section 215." n47 Aggregating calling records [*912] into a database, the court found, was necessary to find the terrorist communications and the links between terrorists. n48 It may not even be possible to detect the links unless such a database is created. If a database is not comprehensive, in other words, then the government will only be able to glimpse incomplete patterns of terrorist activity, if it can glimpse any at all.

Metadata collection under the NSA key to prevent terrorism,

Nakashima 13 (Ellen, Reporter — Washington, D.C., June 18, 2013, Officials: Surveillance programs foiled more than 50 terrorist plots, https://www.washingtonpost.com/world/national-security/officials-surveillance-programs-foiled-more-than-50-terrorist-plots/2013/06/18/d657cb56-d83e-11e2-9df4-895344c13c30_story.html)

In testimony last week, Alexander said the surveillance programs had helped prevent an attack on the subway system in New York City and the bombing of a Danish newspaper. Sean Joyce, deputy director of the FBI, described two additional plots Tuesday that he said were stopped through the surveillance — a plan by a Kansas City, Mo., man to bomb the New York Stock Exchange and efforts by a San Diego man to send money to terrorists in Somalia. The officials said repeatedly that the operations were authorized by Congress and subject to oversight through internal mechanisms and the Foreign Intelligence Surveillance Court, whose proceedings are secret. Alexander said that more than 90 percent of the information on the foiled plots came from a program targeting the communications of foreigners, known as PRISM. The program was

authorized under Section 702 of a 2008 law that amended the Foreign Intelligence Surveillance Act (FISA). The law authorizes the NSA to collect e-mails and other Internet communications to and from foreign targets overseas who are thought to be involved in terrorism or nuclear proliferation or who might provide critical foreign intelligence. **No American in the country or abroad can be targeted without a warrant**, and no person inside the United States can be targeted without a warrant. A second program collects all call records from U.S. phone companies. It is authorized under Section 215 of the USA Patriot Act. The records do not include the content of calls, location data, or a subscriber's name or address. That law, passed in 2001 and renewed twice since then, also amended FISA. Snowden, a high school dropout who worked at an NSA operations center in Hawaii for 15 months as a contractor, released highly classified information on both programs, claiming they represent government overreach. He has been in hiding since publicly acknowledging on June 9 that he leaked the material. Several lawmakers pressed for answers on how Snowden, a low-level systems administrator, could have had access to highly classified material such as a court order for phone records . "We need to seal this crack in the system," said Rep. C.A. Dutch Ruppersberger (Md.), the ranking Democrat on the intelligence panel. Alexander said he is working with intelligence officials to come up with a "two-person" rule to ensure that the agency can block unauthorized people from removing information from the system. But Alexander and the other witnesses focused more heavily on justifying the programs and arguing that they operate under legal guidelines. "As Americans, we value our privacy and our civil liberties," Alexander said. "As Americans, we also value our security and our safety. In the 12 years since the attacks on September 11th, we have lived in relative safety and security as a nation. That security is a direct result of the intelligence community's quiet efforts to better connect the dots and learn from the mistakes that permitted those attacks to occur on 9/11."

NSA Links

Unrestricted NSA key to national security.

Shorrock 15 (Tim Shorrock, 5.27.15, "How Private Contractors Have Created a Shadow NSA," Author and publisher of books and articles like Democracy Now! And The Nation, http://www.thenation.com/article/how-private-contractors-have-created-shadow-nsa/) J.C

The keynote speaker was Matthew Olsen, who was then the director of the National Counterterrorism Center (NCTC). He used his talk to bolster the morale of his colleagues, which had recently been stung by the public backlash against the NSA's massive surveillance programs, the extent of which was still com-ing to light in the steady release of Edward Snowden's huge trove of documents. "NSA is a national treasure," Olsen declared. "Our national security depends on NSA's continued capacity to collect this kind of information." There was loud, sustained applause. One of those clapping was a former Navy SEAL named Melchior Baltazar, the CEO of an up-and-coming company called SDL Government. Its niche, an eager young flack explained, is providing software that military agencies can use to translate hundreds of thousands of Twitter and Facebook postings into English and then search them rapidly for potential clues to terrorist plots or cybercrime. It sounded like the ideal tool for the NSA. Just a few months earlier, Snowden had leaked documents revealing a secret program called PRISM, which gave the NSA direct access to the servers of tech firms, including Facebook and Google. He had also revealed that the NSA and its British counterpart, the GCHQ, had special units focused on cracking encryption codes for social media globally. SDL's software is perfectly designed for such a task. It might be useful, say, for a team of SEALs on a covert operation trying to make sure their cover wasn't blown by somebody on social media—something that almost happened when an alert Twitter user in Pakistan picked up early signs of the secret US raid on Osama bin Laden's compound. And, of course, we don't know the extent to which the NSA could deploy it.

Data Mining Link

Data mining is crucial to security efforts.

Glees 13 (Anthony Glees, 6.12.13, Director of the Centre for Security and Intelligence Studies at Buckingham University, Like Assange before him, Snowden is no 'whistleblowing hero,' http://www.publicserviceeurope.com/article/3584/like_assange_before_him_snowden_is_no_whistleblowing_hero) J.C

Secondly, because all western states face a sustained threat from potential terrorists on the right and left as well as others - from organised crime, sex traffickers and child abusers - we need the spooks to protect us. It follows that data mining is essential. Thirdly, to collect data is not to mine it. While everyone's data could in effect be stored, what is important in intelligence terms is to analyse it. Even Snowden accepted it was storing that was going on, not analysis. This is not about 'snooping' or the GCHQ reading everyone's emails or accounts at Amazon. It is about investigating those against whom there are already serious suspicions; it is not about 'everyone' but 'anyone' who is a serious threat. Snowden is no whistleblowing hero. To some, he is allegedly a traitor. He has revealed something that should have stayed secret to keep us safe. Like Julian Assange, he has managed to manipulate public opinion to provide a media story against the spooks. Bletchley's success resided in the fact that those who worked there kept the secret - otherwise the Germans would have changed their codes, as did the Russians in the 1920s. It is a shame Snowden has not understood the importance of secrecy in the 21st century. If he didn't like the job at the NSA, he could have found another one.

--- Politics ---

National Security Link

Surveillance reform causes bipartisan backlash – national security concerns.

Lavander 13 (Paige, senior politics editor at The Huffington Post and a graduate of West Virginia University, Marco Rubio Suggests NSA Surveillance Programs Likely Here To Stay, http://www.huffingtonpost.com/2013/06/08/marco-rubio-nsa_n_3408771.html)

Edited for offensive language

Amid news that the National Security Agency has secretly been collecting the phone records of millions of Americans, Sen. Marco Rubio (R-Fla.) suggested surveillance programs aren't going anywhere anytime soon. "The threat that we face -- largely radical, political ~~Islamists~~ (terrorists)-- is probably a threat that is going to exist for the rest of our lifetimes. It's just the reality. We have to deal with it," Rubio told reporters Thursday, according to the Tampa Bay Times. "The world changed after 9/11, and it changed after Boston. It's just a struggle to try to balance our deeply held convictions of privacy and freedoms and liberties with our need to

provide for national security." Rubio -- a member of the Intelligence Committee -- said the programs are "part of intense congressional oversight" and something Congress "members are aware of." "They get to review from time to time and see how it's being applied," Rubio said. President Barack Obama insisted Friday "that every member of Congress has been briefed" on the programs. "These are programs that have been authored by large bipartisan majorities repeatedly since 2006," Obama said. "Your duly elected representatives have consistently been informed." But revelations of the data mining have prompted a blame game between the White House and Congress, HuffPost's Sam Stein reports: The president made references to congressional oversight 15 times during his remarks. In a separate comment to The Huffington Post, a senior administration official said on the condition of anonymity that the administration has held at least 13 briefing sessions with members of Congress on the Patriot Act and its provisions. While the administration sought to share responsibility for the surveillance -- which reportedly gathered phone records from Verizon, AT&T and Sprint Nextel customers -- lawmakers weren't eager to accept it. Several quickly denied they had been kept apprised of the NSA's actions. "I knew about the program because I specifically sought it out," Sen. Jeff Merkley (D-Ore.) said on MSNBC. "It's not something that's briefed outside the Intelligence Committee. I had to get special permission to find out about the program." Merkley said he was not briefed on the NSA's email surveillance program, PRISM. Rubio said he's "very careful about the comments" he makes on the NSA program. "I think our intelligence community works really hard and does an excellent job of trying to protect Americans," Rubio said. "They won't always get it right. There are always ways to improve programs and ongoing oversight is important. But they have a tough job." As HuffPost's Matt Sledge reported earlier, Rubio refused to comment on Sen. Rand Paul's (R-Ky.) statement that the NSA program was an "assault on the Constitution." Paul introduced legislation Friday that would prevent the government from obtaining the phone records of Americans without "a warrant based on probable cause."

COUNTERPLANS

--- FISA Reform ---

FISA Improvements Act

Nolan and Thompson 14 Andrew and Richard, legislative attorneys, July 19th, "Reform of the Foreign Intelligence Surveillance Courts: Procedural and Operational Changes" (http://digitalcommons.ilr.cornell.edu/cgi/viewcontent.cgi?article=2235&context=key_workplace) ANH

Several have suggested that **Congress should establish a formal mechanism whereby the FISC, in its discretion, could solicit the independent views of an amicus curiae in appropriate cases.**119 For example, the FISA Improvements Act, which was approved by the Senate Select Committee on Intelligence (SSCI) in October of 2013, if enacted would authorize the FISC and the FISA Court of Review to designate, when needed, one or more individuals to serve as amicus curiae "to assist the court in the consideration of" certain government applications made under FISA, such as those that present a "novel or significant interpretation of the law."120 The SSCI bill provides examples of the needed expertise to be an amicus curiae, such as being an "expert on privacy and civil liberties," and outlines the duties for a FISA amicus, in that the FISC's "friend" may assist the court in reviewing "any application, certification, petition, motion, or other submission that the court determines is relevant to the duties assigned by the court."121 Congressional regulation of how the FISA courts hear from amici generally does not appear to raise serious constitutional questions. As noted earlier, the Supreme Court has stated that "Congress has undoubted power to regulate the practice and procedure of federal courts,"122 which would presumably include the power to prescribe regulations with respect to amici that appear before a federal court. Indeed, Congress has in the past enacted several laws that allow courts to hear from a particular amici. 123 Proposals like the FISA Improvements Act, which simply authorizes a court to appoint from a broad range of qualified individuals an amicus to assist in the proceedings, impose no firm mandates on the FISC that would threaten the "essential attributes of the judicial power,"124 the constitutional limit to Congress's broad power to regulate federal practice and procedure.125 **Instead of allowing "encroachment or aggrandizement of one branch at the expense of the other," the hallmark of a separation of powers violation,126 proposals that provide the FISA courts with formal statutory authority to appoint amici arguably enhance the power of the federal courts without simultaneously detracting from the power of the political branches.**127 While providing broad statutory authority to the FISA courts allowing them to appoint amici likely does not raise serious constitutional issues, a question remains as to whether such a statute is needed as a legal matter. As noted above, the ability of a court to appoint an amicus curiae to assist in the judicial proceedings has a long history that predates the Constitution,128 and federal courts have held that they possess inherent authority to appoint amici and permit the filing of briefs by them.129 In this vein, both the FISC130 and the FISA Court of Review131 have accepted amicus briefs during their proceedings. While **formally codifying the FISA courts' authority in statute could arguably clarify the scope of the courts' authority with respect to amici and encourage the courts to exercise that authority more frequently,**132 it is unclear what legal difference a codification of the amicus authority ultimately makes, as the statutory authority is largely duplicative of the authority the FISA courts already possess as a matter of their inherent power.

FISA Reform – General

FISA reform key – solvency advocate *

Goitein and Patel 15 Elizabeth, co-director of the Brennan Center for Justice's Liberty and National Security Program, and Faiza, same, July 19th, "What Went Wrong With the FISA Court" (http://litigation.utahbar.org/assets/materials/2015FedSymposium/3c_What_Went_%20Wrong_With_The_FISA_Court.pdf) ANH

As the above discussion makes clear, **the key to reforming the FISA Court is ending programmatic surveillance.** If such surveillance continues, serious Article III and Fourth Amendment problems will be unavoidable. It is nonetheless worth noting that, as a policy matter, incorporating the reforms set forth in Parts V.B and V.C, above, into programmatic surveillance would enhance privacy and strengthen the judiciary's role. Specifically, if programmatic surveillance continues, **Congress should amend Section 702 to require that the target of surveillance must be a foreign power or its agent**. It should narrow the definition of foreign intelligence as discussed above. **It should require the executive branch to certify that the collection of foreign intelligence is both the primary purpose and the likely outcome** of the programmatic activities, and empower the FISA Court to review that certification on its substance. All of these changes would nudge programmatic surveillance in the right direction on the Fourth Amendment reasonableness spectrum — even if, in our view, they would not go far enough.288 Moreover, additional steps should be taken that would make the court's limited role more meaningful. More specific statutory requirements for targeting and minimization procedures would enhance the FISA Court's ability to ensure that the agencies conducting surveillance are complying with the law. Currently, the criteria for these procedures are so subjective and open-ended, they provide no useful benchmark for the court to apply. They also permit a level of vagueness in the agency's own procedures that renders the court's facial review a hollow exercise.289 Finally, Congress should require the government, on a periodic basis, to submit to the FISA Court for its review a list of the selection terms used to acquire electronic communications under Section 702. For each selection term, the government should summarize succinctly the facts supporting its use. This would provide the FISA Court with a concrete factual basis on which to evaluate the constitutionality of foreign intelligence surveillance activities. The government's determinations should be reviewed by the court for clear error, with the government required to cease collection (and purge any already collected information) in cases that fall below that low bar.290

Section 1803 of FISA creates an imbalance in power, pro-government bias, and homogeneity that is unable to resolve diverse surveillance critiques

Harvard Journal on Legislation 14 legal journal consisting of contributions from scholars and legislators, July 19th, "THE POWER TO APPOINT FISA JUDGES: EVALUATING LEGISLATIVE PROPOSALS TO REFORM 50 U.S.C. § 1803 AND IMPROVE THE SURVEILLANCE COURT" Harvard Journal on Legislation vol. 51, p. 378 – 382 ANH

III. THREE MAJOR CRITICISMS TARGETING § 1803. The central claim of this note is that the modern trio of criticism is credible, and therefore should guide our legislative reform efforts. This credibility is evidenced both by the critiques' endurance—as we have seen, today's arguments mirror those of thirty-five years ago—as well as by the their power to explain aspects of the FISC's empirical record. The three major criticisms while related, are analytically distinct. The criticisms are related because they all target the current structure of § 1803, which vests the power of appointment exclusively in the office of the Chief Justice, subject only to limited geographic conditions. They are distinct because each criticism raises a separate, troubling consequence produced by § 1803: **(1) a gross concentration of power, (2) a powerful pro-government bias, and (3) a homogenous court that poorly reflects our nation's diverse views on privacy and surveillance.** Each criticism is considered in the discussion that follows. A. Concentration of Power: Practical Constraints and Legitimacy Concerns The concentration of power critique includes both a practical and a theoretical element. The practical concern, voiced previously by Dr. Christopher Pyle, argues that § 1803 risks overburdening the Chief Justice, and that the Chief Justice is not particularly well positioned to identify and select a balanced slate of judges. A modern version of this argument asks with trepidation, "whether we

have given the chief justice—any chief justice, not just this one—too much to do?"88 Answering her own question, one scholar notes that, "[t]he office of Chief Justice of the United States has grown enormously in recent decades in responsibility and complexity— not because of power-grabbing chief justices but because Congress has piled into the office a large number of added responsibilities."89 Another writes, "[g]iven the distrust of undue concentrations of power in one person and increased interest in including multiple perspectives in decisionmaking, the recently expanded (but now seen as customary) repertoire of powers of the Chief Justice becomes troubling."90 In my view, this practical concern, however valid, is secondary to the theoretical one: that **§ 1803's concentration of power creates the perception of partiality and impropriety. This perception**, even if never borne out in reality, **undermines the FISC's legitimacy**. As one recent article notes, "the specter of a politicized appointment process will linger as long as the Chief makes the appointments himself."91 This point echoes Professor William Van Alstyne's remarks, discussed in Part II, that such an expansive role for the Chief Justice is simply unseemly. B. Pro-Government Bias: Reviewing Empirical Data on FISC Decisions 92 Contemporary arguments regarding the FISC's pro-government bias find their foundation in the empirical record of the Court's thirty-five year history. From 2008–2012, the government filed 8,388 applications for electronic surveillance.93 Of these, the FISC approved 8,369 applications, which equates to a 99.77% approval rate.94 Separately, from 1979–1983, the government filed 1,984 applications with the FISC, of which 1,973—or 99.45%—were approved.95 The growth in applications to the Court, while gradual and persistent over several decades, increased markedly after the adoption of the Patriot Act in 2001. In 2003 and 2004, the government made 1,727 and 1,758 applications respectively. In contrast, the number of applications for 1999 and 2000 were 886 and 1005 respectively. In one sense, this sharp increase in the volume of surveillance applications strengthens the position of FISC critics: if criticisms of § 1803 are meritorious, then they only become more consequential as the scope and scale of the government's surveillance activities grows. A counterargument to this data points out that, rather than revealing a pro-government court, these high rates of approval may merely reveal an Executive Branch that is finely attuned to the limits of surveillance.96 This point is persuasive, but falls short of fully undermining the allegations of bias. Even if it is presumed that the Executive Branch effectively self-regulates the quality of its surveillance applications, it seems unlikely that our Presidents, operating in a post-9/11 environment that saw a sharp increase in surveillance requests and the initiation of novel surveillance programs pursuant to the Patriot Act, so seldom encroached on legal boundaries to justify such infrequent court intervention. C. Homogeneity: Geographic, Political, and Experiential What I have termed the homogeneity critique is essentially an argument for greater diversity on the FISA Court. Although our earlier discussion focused on geographic diversity, which is, to a certain extent, addressed even in the current language of § 1803, the modern iteration of this critique also encapsulates political and experiential diversity. The lack of diversity is evident when one considers both the current and historical membership of the court. Chief Justice John Roberts has appointed each of the eleven members on the current court.97 Of these eleven members, **nine were nominated to their judgeship by Republican presidents**.98 Moreover, at least half of these judges were themselves former federal prosecutors, while several others held high-ranking positions in the Executive Branch prior to joining the court.99 Since FISA's adoption in 1978, only two other Chief Justices have made appointments to the court: Warren E. Burger and William Rehnquist. Like Roberts, the two men were appointed to the Supreme Court by a Republican president and previously held senior positions in the Executive Branch. Perhaps unsurprisingly, then, the historical makeup of the Court reflects the ideologies of the three Chief Justices who controlled the power of appointment. Of the fifty-five judges that have served on the FISC, just seventeen, or 31%, were appointed by Democratic presidents.100 Viewed in these terms, **the court has grown less diverse over the last ten years**. While one law professor has noted that "critics have suggested that the Chief might use the appointment power to influence policy," others have gone further to argue that, for example, "Chief Justice Rehnquist adopted a partisan approach to his judicial appointments."101 Even this cursory examination of the Court's homogeneity serves to highlight what makes many critics uncomfortable.102

--- Grab Bag CP's ---

Cyber Warfare Cp

We control all major internal links to solving cyber warfare.

Lord and Sharp 11. [Kristin, Vice President and Director of Studies at the Center for a New American Security, Travis, Bacevich Fellow at the Center for a New American Security, "America's Cyber Future: Security and Prosperity in the Information Age" Center for a New American Security -- June -- www.cnas.org/files/documents/publications/CNAS_Cyber_Volume%20I_0.pdf]

To help American policymakers lead national and international efforts to address cyber insecurity, this report offers detailed recommendations, which are summarized below. Adopt a Comprehensive Strategy for a Safe and Secure Cyberspace: The U.S. government should aim to keep malicious activity in cyberspace below a threshold at which it might imperil general confidence in the security of the Internet. To do this, the Department of Homeland Security (DHS) should strengthen its capacity for risk assessment and incident response. Congress should pass legislation that creates a new quasi-governmental "fusion" center to improve information sharing, clarifies DHS's legal authority to monitor U.S. government networks, enables Internet service providers to better cooperate with the U.S. government, and bolsters cyber security education and recruitment programs. Forge an International Agenda for Cyber Security: The U.S. government should strengthen its international agenda for cyber security. In the near-term, it should foster greater cooperation with U.S. treaty partners to enhance information sharing, crisis response and joint military exercises. In the medium to long term, it should strengthen law enforcement by engaging a variety of international stakeholders to produce multilateral agreements and codes of conduct. The U.S. government should promote key norms in international fora, including protecting innocent civilians and minimizing collateral damage, upholding Internet freedom, and exercising proportionality and restraint in response to cyber attack. Finally, the U.S. government should address cyber security more directly, and if necessary more publicly, with China and Russia; initiate a coordinated cyber security foreign assistance plan; and encourage American companies to participate in international standard-setting organizations related to cyber security. Establish U.S. Declaratory Policy on Cyber Security: The U.S. government should outline the broad contours of a declaratory policy for cyberspace. Doing so will help deter the most threatening actions and strengthen America's role as a shaper, not a victim, of developments in cyberspace. While the policy should remain ambiguous about how the United States might respond in specific situations, it should communicate America's view of which behaviors are acceptable and which behaviors are intolerable. Raise Costs for Cyber Attackers: The U.S. government should increase the economic, political and military costs for cyber attackers while defending against them more effectively. To do this, it should clarify legal authorities related to military and intelligence cyber operations, improve cyber defenses, sustain America's offensive military advantage in cyberspace, implement a crossdomain prevention strategy, ensure that the U.S. military can operate in a command and control environment degraded by cyber attacks, and tap into the National Guard and Reserves for high-tech cyber skills. Prepare for the Future of the Internet: The U.S. government should launch a national commission on the future of the Internet that provides recommendations to the president. It should evaluate the feasibility of changing the underlying architecture of the Internet to increase security and forming separate networks with higher levels of security. The commission should include the science and technology community, private companies and U.S. government representatives. Build the Institutional Capacity Necessary to Coordinate U.S. Government Responsibilities for Cyberspace: The U.S. government should create an Office of Cyber Security Policy, within the Executive Office of the President, headed by a Senate-confirmed chief cyber security advisor to the president and director of cyber security policy. The office should remain small and nimble, maintain close links to the National Security Council (NSC) and National Economic Council, and avoid duplicating functions already performed by other agencies. The U.S. government also should continue to strengthen DHS's cyber security efforts, which are increasingly respected (if still far from sufficient) according to experts in the government, military and private sector. Enhance Oversight of U.S. Government Cyber Security Activities: The U.S. government, particularly Congress, should conduct stronger and more comprehensive oversight of cyber security activities. The U.S. government should maintian command and control procedures for cyber operations by the U.S. military and intelligence community to ensure that senior civilian leaders retain the ability to review and approve significant activities; appoint

two separate leaders for∂ U.S. Cyber Command and the National Security∂ Agency (NSA); create a President's Cyber Security∂ Advisory Board to provide independent advice∂ directly to the president; form a high-level joint∂ contact group for DHS, the Department of Defense∂ (DOD) and the intelligence community; establish∂ a bipartisan, bicameral Cyber Security Task Force∂ in Congress; and create objective cyber security∂ performance metrics.∂ Protect the Nation's Most Critical Infrastructure:∂ The U.S. government should remain proactively∂ and consistently involved in protecting America's∂ critical infrastructure, which includes vital assets∂ such as energy, financial and transportation∂ systems. Government involvement should not∂ be heavy-handed or excessively regulatory, and∂ should favor market solutions whenever possible.∂ Congress should pass legislation that provides∂ DHS with more explicit authority to coordinate the∂ protection of U.S. critical infrastructure in cyberspace,∂ offers tailored regulatory strategies that∂ comport with the needs of specific infrastructure∂ sectors, strengthens the authority and capacity of∂ the Federal Energy Regulatory Commission and∂ DHS, and uses military bases as test beds for cyber∂ security innovation related to the smart grid. Harness the Private Sector's Innovative Power∂ for Cyber Security: The U.S. government should∂ streamline government classification guides to∂ enable better information sharing, protect private∂ companies that cooperate with the U.S. government,∂ extend liability protection to providers of∂ innovative cyber security products and services,∂ prioritize security when writing requirements∂ and awarding contracts for information technology,∂ fund new research on cyber security business∂ models, assign foreign service officers to help U.S.∂ companies partner with responsible cyber security∂ stakeholders abroad, and clarify what support∂ the private sector can and cannot expect from the∂ U.S. government.

2NC: Prefer Our Ev

prefer our ev – based on a longitudinal study involving all experts and relevant agencies in the field.

Lord and Sharp 11. [Kristin, Vice President and Director of Studies at the Center for a New American Security, Travis, Bacevich Fellow at the Center for a New American Security, "America's Cyber Future: Security and Prosperity in the Information Age" Center for a New American Security -- June -- www.cnas.org/files/documents/publications/CNAS_Cyber_Volume%20I_0.pdf]

To help Americans and their government better∂ understand the growing risks posed by cyber∂ threats, the Center for a New American Security∂ (CNAS) conducted a year-long study co-chaired∂ by Robert Kahn, Mike McConnell, Joseph Nye and∂ Peter Schwartz – four esteemed leaders who contributed∂ a wealth of experience and knowledge. We∂ conducted extensive research and commissioned∂ 13 chapters (published in Volume II of this report)∂ from a wide array of experts. We also convened∂ eight working group sessions and interviewed∂ senior leaders from the private sector, academia,∂ civil society, and the U.S. government and military∂ – a total of more than 200 experts.∂ Within the U.S. government, we interviewed representatives∂ from the NSC, DHS, Department of∂ State, Department of Commerce, DOD (including∂ the NSA, Cyber Command, Joint Chiefs of Staff,∂ Office of the Secretary of Defense and the military∂ services), the intelligence community, Federal∂ Communications Commission (FCC), FBI, House∂ of Representatives, and Senate.∂ Within the private sector, we met with representatives∂ from Internet service providers, large and∂ small technology companies, critical infrastructure∂ providers (including from the energy, financial services∂ and defense sectors), Internet entrepreneurs,∂ venture capitalists, and military and intelligence∂ consulting firms. To hear perspectives from outside∂ Washington, we traveled to California in February∂ 2011 to meet with business and technology leaders∂ from Silicon Valley.∂ The intent of this study is threefold. First, we seek∂ to educate the broader national security policy∂ community about cyber security, an issue that is∂ often still relegated to technical experts and highly∂ classified discussions.6∂ It is now too entwined with∂ America's national interests and economic future∂ to be a niche issue. All those who seek to promote∂ American security now must confront the challenge∂ of cyber security. Though many details and∂ operational plans should remain classified, an open∂ national conversation is sorely needed. Second, we seek to advance conceptual understanding∂ of cyber security to aid the United States' decision makers. Cyber threats are evolving

faster∂ than our understanding of them, a frightening∂ circumstance given the consequences of either∂ inaction or mistakes. Cyber security seems so hard∂ to grasp that it is compared endlessly to something∂ else, whether nuclear weapons policy in the∂ 1950s, guerilla warfare or epidemiology.7∂ There are∂ few case studies of cyber conflict, and those that∂ do exist – most notably the cyber attacks against∂ Estonia in 2007 and Georgia in 2008 – are often∂ hyped.8∂ Used excessively, improper comparisons∂ and exaggerated case studies can cloud understanding∂ and oversimplify decision-making rather∂ than clarifying complex issues.9∂ Third, we offer policy recommendations to those∂ who must protect the United States from the many∂ emerging threats in cyberspace. While many actors∂ must contribute to cyber security, this report's∂ recommendations focus on the U.S. federal government.∂ We provide actionable recommendations∂ that, we believe, are in line with CNAS' mission to∂ provide strong, pragmatic and principled national∂ security policies that advance American interests∂ and protect American values.

One off policies like the aff can't solve – prefer the counterplan's multidimensional approach.

Lord and Sharp 11. [Kristin, Vice President and Director of Studies at the Center for a New American Security, Travis, Bacevich Fellow at the Center for a New American Security, "America's Cyber Future: Security and Prosperity in the Information Age" Center for a New American Security -- June -- www.cnas.org/files/documents/publications/CNAS_Cyber_Volume%20I_0.pdf]

Because cyber security is complex, it will require∂ multidimensional solutions.∂ The complexity of cyberspace means that leaders∂ must pursue cyber security policies through multiple∂ channels**. No single policy prescription will provide∂ complete cyber security**, just as no single U.S. government∂ agency on its own can protect the nation.36∂ Technological or organizational "silver bullets" do not∂ exist and efforts to find them will be impractical at∂ best and counterproductive at worst. The U.S. government∂ should employ multidimensional strategies to∂ strengthen its cyber security, including the use of∂ domestic and international law, international diplomacy∂ and cooperation, declaratory policy, strategic∂ research and development, technological advancement,∂ governmental organization and oversight,∂ information sharing, military preparedness and close∂ collaboration with the private sector.

2NC: CP Solves

Lord and Sharp 11. [Kristin, Vice President and Director of Studies at the Center for a New American Security, Travis, Bacevich Fellow at the Center for a New American Security, "America's Cyber Future: Security and Prosperity in the Information Age" Center for a New American Security -- June -- www.cnas.org/files/documents/publications/CNAS_Cyber_Volume%20I_0.pdf]

Pol icy Recommendations∂ The United States must capitalize on the opportunities∂ and diminish the vulnerabilities presented∂ by its growing reliance on cyberspace. This will∂ require the U.S. government to exercise strong∂ leadership, engage the private sector more effectively∂ and develop new strategies, policies and∂ capabilities. The U.S. government must lead internationally∂ and domestically since solutions require∂ focused cooperation among all relevant stakeholders.∂ Based on our assessment of interests and∂ threats, we recommend that the U.S. government∂ implement the following policies.∂ Adopt a Comprehensive Strategy∂ for a Safe and Secure Cyberspace∂ The U.S. government should adopt a strategy that∂ promotes the safety and security of cyberspace∂ and endeavors to stop malicious activity from∂ imperiling general confidence in the security∂ of the Internet.179 The U.S. government should∂ promote safety in cyberspace because, although∂ individuals and organizations have an interest in∂ maintaining security on their own computers and∂ networks, their failure to do so carries risks for all∂ other users. To promote a safe and secure

cyberspace, the U.S. government should adopt a "cyber hygiene" mindset akin to addressing public health challenges.180 (For more on this approach, see the chapter in Volume II by Gregory Rattray and Jason Healey.) Though analogous paradigms should be used with caution, the public health model is useful for approaching cyber security because it implies a persistent level of "infection" that policymakers cannot cure and so must manage. It also links individual actions to the broader health of the Internet; emphasizes reporting, measurement, public education and prevention; demands cooperation among diverse actors; and places responsibility on individuals, private organizations and governments.

Wave Two
--- Privacy Advantage ---

1NC: Storage Restrictions

No Impact - Storage restrictions check privacy violations.

Nakashima 13 (Ellen, Reporter — Washington, D.C., June 18, 2013, Officials: Surveillance programs foiled more than 50 terrorist plots, https://www.washingtonpost.com/world/national-security/officials-surveillance-programs-foiled-more-than-50-terrorist-plots/2013/06/18/d657cb56-d83e-11e2-9df4-895344c13c30_story.html)

The officials described the privacy protections in detail. Under Section 702, the NSA must destroy any data collected about U.S. persons — citizens or lawful permanent residents — that have nothing to do with foreign intelligence, a crime or terrorism, officials said. The agency may keep the data for five years and then must purge it. Phone data are stored in a separate repository at the NSA that can be accessed by only 22 specially trained people, officials said. A query can be made only if the analyst has "reasonable, articulable suspicion" that the phone number to be searched is associated with a specific terrorist organization, they said. Both programs are subject to reporting requirements, though the reports are not public. For instance, if there is a compliance problem — a wrong number is punched in — the error must be reported to the court immediately. In addition, the Justice Department and the Office of the Director of National Intelligence conduct regular reviews and report to Congress and the courts on compliance. Some lawmakers have raised doubts about just how critical Section 215 authority has been to foiling plots and asserted that much the same data may be obtained without amassing a government database of Americans' call records. Alexander said he was reviewing the feasibility of having the companies retain the records and conduct searches at government request. The potential drawback, he said, is loss of agility in a crisis.

1NC: Alt Caus – Private Companies

Alt caus to privacy – private company surveillance.

Shorrock 15 (Tim Shorrock, 5.27.15, "How Private Contractors Have Created a Shadow NSA," Author and publisher of books and articles like Democracy Now! And The Nation, http://www.thenation.com/article/how-private-contractors-have-created-shadow-nsa/) J.C

This small company, and INSA itself, are vivid examples of the rise of a new class in America: the cyberintelligence ruling class. These are the people—often referred to as "intelligence professionals"—who do the actual analytical and targeting work of the NSA and other agencies in America's secret government. Over the last 15 years, thousands of former high-ranking intelligence officials and operatives have left their government posts and taken up senior positions at military contractors, consultancies, law firms, and private-equity firms. In their new jobs, they replicate what they did in government—often for the same agencies they left. But this time, their mission is strictly for-profit. Take Olsen, who served as general counsel for the NSA and as a top lawyer for the Justice Department before joining the NCTC. He is now the president for consulting services of IronNet Cybersecurity, the company founded last year by Army Gen. Keith Alexander, the longest- serving director in the history of the NSA. The firm is paid up to $1 million a month to consult with major banks and financial institutions in a "cyber war council" that will work with the NSA, the Treasury Department, and other agencies to deter cyberattacks that "could trigger financial panic," Bloomberg reported last July. Some members of this unique class are household names. Most cable-news viewers, for example, are familiar with Michael Chertoff and Michael Hayden, two of the top national-security officials in the Bush administration. In 2009, they left their positions at the Justice Department and the NSA, respectively, and created the Chertoff Group, one of Washington's largest consulting firms, with a major emphasis on security

Workplace Raids HSS

Topicality

1NC T – Surveillance

Surveillance" must be systematic---one-shot, random recording isn't topical

Stefanick 11 – Lorna Stefanick, Associate Professor in the Governance, Law, and Management Program in the Centre for State and Legal Studies at Athabasca University, Controlling Knowledge: Freedom of Information and Privacy Protection in a Networked World, p. 129-130

According to the report prepared for the Information Commissioner, **surveillance can be thought of as a set of activities that share certain characteristics:**

Where we find purposeful, routine, systematic and focused attention paid to personal details, for the sake of control, entitlement, management, influence or protection, we are looking at surveillance. To break this down:

■ **The attention is first *purposeful*; the watching has a point that can be justified**, in terms of control, entitlement, or some other publicly agreed goal.

■ **Then it is *routine***; it happens as we all go about our daily business, it's in the weave of life.

■ **But surveillance is also *systematic*; it is planned and carried out according to a schedule that is rational, not merely random**.

■ Lastly, **it is *focused*; surveillance gets down to details**. While some surveillance depends on aggregate data, much refers to identifiable persons, whose data are collected, stored, transmitted, retrieved, compared, mined and traded." (Emphasis in the original.)

What this means is that **walking through a tourist area videotaping** your **surroundings with your Handycam** video recorder **is not considered surveillance because it is a one-off event that records randomly selected things** for your own pleasure. **In contrast, a camera installed at a strategic spot along that same street to film** the **patrons** who routinely come out of a local bar intoxicated and proceed to urinate on the street or vandalize local businesses is purposeful (identifying wrongdoers), routine, systematic, and focused. **Similarly, a** proud **parent videotaping** his child playing with her nanny **in a park** on a sunny Sunday afternoon **would not fit the definition of surveillance. Installing a camera at a daycare** to enable parents **to view** the interaction of their children with their **caregivers on demand would be considered surveillance**. Many parents insert the so-called "nanny cams" surreptitiously in items like teddy bears to ensure that their children are taken care of in a manner that they find appropriate. Instances of abuse caught by this surveillance have been posted to the Internet, creating predictable rage among those viewing the videos — an example of how panopticon surveillance can become synopticon surveillance. While the latter brings with it its own set of problems, it gives hope to those who fear that surveillance will result in the top-down surveillance described by George Orwell.

Voting issue---

1. Limits---they explode the topic to include limited, single-event recording of specific events. Each has distinct advantages and significantly expands the research burden.

2. Ground---our interpretation forces the Aff to defend broad, system-wide changes that force a dramatic departure from the status quo---that's key to unique links on a topic that's contemporary and constantly changing

Semiconductors DA

1NC Semiconductors DA

ICE worksite enforcement effectively preventing counterfeit semiconductors now. Reducing raid ability leads to poor enforcement.

Committee on **H**omeland **S**ecurity 20**11**, HOUSE OF REPRESENTATIVES, ONE HUNDRED TWELFTH CONGRESS, FIRST SESSION, Peter T. King, New York, Chairman, Lamar Smith, Texas, Bennie G. Thompson, Mississippi, Daniel E. Lungren, California Loretta Sanchez, California Mike Rogers, Alabama Sheila Jackson Lee, Texas Michael T. McCaul, Texas Henry Cuellar, Texas Gus M. Bilirakis, Florida Yvette D. Clarke, New York Paul C. Broun, Georgia Laura Richardson, California Candice S. Miller, Michigan Danny K. Davis, Illinois Tim Walberg, Michigan Brian Higgins, New York Chip Cravaack, Minnesota Jackie Speier, California Joe Walsh, Illinois Cedric L. Richmond, Louisiana Patrick Meehan, Pennsylvania Hansen Clarke, Michigan Ben Quayle, Arizona William R. Keating, Massachusetts Scott Rigell, Virginia Kathleen C. Hochul, New York Billy Long, Missouri Vacancy Jeff Duncan, South Carolina Tom Marino, Pennsylvania Blake Farenthold, Texas Mo Brooks, Alabama, GPO, "HOMELAND SECURITY INVESTIGATIONS: EXAMINING DHS'S EFFORTS TO PROTECT AMERICAN JOBS AND SECURE THE HOMELAND," http://www.gpo.gov/fdsys/pkg/CHRG-112hhrg72254/html/CHRG-112hhrg72254.htm. SBL

American innovation is the envy of the world. It is a constant target for competitors, including rogue nations that prefer to steal and copy rather than create. In addition to overcoming a depressed business climate, our Nation's job creators must protect their intellectual property from sophisticated counterfeiters all over the world, make sure their exports do not end up in the wrong hands, and **comply with immigration laws**. The consequences of failure are serious. When counterfeit prescription drugs enter the marketplace or cheap imitation parts breach a semiconductor manufacturing plant, it costs American businesses revenues and jobs. When sensitive equipment manufactured for the Department of Defense falls into the wrong hands of rogue nations, it poses a threat to our National security. And when businesses seek assistance from the Government, it is the responsibility of the Department of Homeland Security to protect intellectual property, safeguard against counterfeit goods, maintain the integrity of export supply chains, and to ensure that businesses are in compliance with immigration laws in order to maintain a high- level playing field. So today we ask these questions: Is the help they receive from DHS, in collaboration with other Government agencies, adequate? What improvements can be made? What more needs to be done? Indeed, several cases in recent years indicate that there is room for improvement in these measures that directly impact the bottom line of businesses and their ability to create jobs. A 2008 investigation by Business Week magazine uncovered a polluted supply chain in some of our Nation's military equipment. According to Business Week, counterfeit products have been linked to the crash of mission-control networks, and they contain hidden back doors enabling network security to be bypassed and sensitive data accessed by hackers, thieves, and spies. The same investigation found that as many as 15 percent of the spare parts and microchips the Pentagon buys are actually counterfeit. Recently, Wired magazine reported that the military purchased 59,000 counterfeit microchips from China in 2010. These chips were to be installed into an array of equipment, including U.S. missile-defense systems. This problem has been highlighted in many Federal prosecutions, including one in Houston where the defendant was sentenced to prison for selling counterfeit network cards to the U.S. Marine

Corps for use in combat in Iraq and Afghanistan. Pharmaceutical companies are seeing more of their products counterfeited. These counterfeits are often ineffective and, in some cases, dangerous. A recent report by CBS News found that the counterfeit drug network is worth an estimated $75 billion per year. This market has produced pharmaceutical drugs that contain little, none, or too much of the drug's active ingredient, and in some cases they contain harmful substances. One recent case involved Mr. Ken Wang, the owner of a Houston-based company, who was convicted of conspiring with individuals in China to traffic in counterfeit and misbranded prescription drugs. ICE began its investigation after CBP seized 6,500 Viagra tablets from a mail facility in San Francisco addressed to Mr. Wang. Pfizer Pharmaceuticals, the manufacturer of Viagra, confirmed that these tablets were counterfeit and contained a substance used to manufacture sheetrock. I am sure some buyers were severely disappointed upon the receipt of these counterfeit Viagra. After being convicted, Mr. Wang fled to China, where he is still in hiding. Such cases often involve a bizarre, multijurisdictional chain supply, making it difficult to prosecute and harder to track. In one instance the supply chain began with the medication being manufactured in mainland China, shipped to Hong Kong, then to the United Arab Emirates, and then, lastly, to the Bahamas. Once in the Bahamas, the individual prescriptions were filled, put into packets, addressed, and sent to the United Kingdom. From the United Kingdom, the drugs were then shipped to the consumers in the United States, who at the time believed--when they placed an order on-line believed they were purchasing them from a Canadian pharmacy. ICE is the only Federal law enforcement entity with full statutory authority to pursue violations of U.S. export laws related to military items and controlled dual-use commodities, which will be another focus of this hearing. These are products that may have a seemingly innocuous civilian use, but also can have a potent military use as well. A glaring example is the triggered spark gap. This device is used legally by doctors to break up kidney stones in patients; however, it can also be used to detonate a nuclear device. In one case, a Pakistani businessman with close ties to Pakistan military and linked to the militant ISBLamic groups attempted to use a third party in South Africa to purchase 200 triggered spark gaps. Under U.S. law, as a dual-use item, it is legal to export the devices to South Africa, but illegal to export them to Pakistan. The third-party buyer was arrested, but the Pakistani businessman has not yet been apprehended. Finally, this subcommittee will examine the issue of worksite enforcement. In 2009, ICE, citing finite resources, instituted a shift in strategy from targeting undocumented employees to the employers that hire them. The results have been striking. According to the Congressional Research Service, since 2008, administrative arrests have declined 77 percent, criminal arrests have declined 59 percent, and criminal convictions have declined 66 percent. These figures strongly suggest that the shift in strategy has led to a scaling back of worksite enforcement efforts that allow bad actors to get away with breaking the law with little or no penalty.

Counterfeit semiconductors install spyware that can shut down weapons systems – specifically anti-ICBM missiles.

John **Reed** 7-22-**13**, national security reporter for Foreign Policy, internally quoting David Shedd, deputy director of the Defense Intelligence Agency, Foreign Policy, "The U.S. Might Be Buying Weapons With Enemy Access Built In," http://foreignpolicy.com/2013/07/22/the-u-s-might-be-buying-weapons-with-enemy-access-built-in/ SBL

It's bad enough that U.S. intelligence officials are constantly discovering new plans to insert spyware and back doors into the Defense Department's supply chain. But what may be worse is

that American analysts are only discovering indirect evidence of this infiltration, according to a senior DOD intelligence official. The back doors themselves remain maddeningly hard to find. "Our adversaries are very active in trying to introduce material into the supply chain in ways that threaten our security from the standpoint of their abilities to collect [intelligence] and disrupt" U.S. military operations, said David Shedd, deputy director of the Defense Intelligence Agency during a speech at the Aspen Security Forum in Colorado on July 19. DIA is finding more and more plots to deliver these parts through front companies that are "the instrument of the hostile service that's guiding and directing them," Shedd told Killer Apps during the forum. "My concern is that our adversaries — and they're multiple in the supply chain context — have been very active for a very long time," David Shedd, deputy director of the Defense Intelligence Agency told Killer Apps at the Aspen Security Forum in Colorado. "We're finding things, not in the supply chain itself but plans and intentions through" front companies posing as legitimate DOD parts suppliers. This is hardly a new threat. (Yours truly has written about the epidemic of counterfeit parts poisoning DOD supply chains since 2008.) A 2011 Senate investigation discovered an unbelievable amount of fake semiconductors in brand new DOD weapons such as the **Navy's P-8 Poseidon sub-killing plane and anti-ICBM missiles** used by the Missile Defense Agency. Perhaps unsurprisingly, the vast majority of the parts were found to come from China. In addition to the obvious safety threat posed by say, fake aircraft bolts or wiring harnesses, one of the main dangers to the supply chain is that spyware or back doors can be built into critical electronic circuits. Spyware and backdoors could allow an enemy to easily monitor U.S. operations or even disable American weapons systems. Israel is rumored to have used digital back doors planted in the software of Syrian air defenses to disable their radars during its 2007 air strike against the Dayr as-Zawr nuclear facility. Just as scary as the fact that this kind of espionage has been going on for years, is the fact that the massive advantage the U.S. military has in hardware and manpower doesn't exist in the digital world. "As we learn more about our own cyber requirements and needs, we have a better understanding that the world is a flatter world in terms of what our adversaries can do in the supply chain," Shedd told Killer Apps. While DOD has poured counterintelligence resources at the problem, "I sense a little bit that it's insufficient" said Shedd during his speech. "I'm generally an optimist, [but] in the supply chain area, I'm very concerned" given the fact that he doesn't truly know the full extent of adversary penetration into DOD weapons systems, said Shedd. "You don't know what you don't know and the old agage of the weakest link is obviouSBLy what we need to be concerned about." Despite all this, there aren't enough people looking at the problem, and sequestration may make this worse. "It's an area where I have a significant number of analytic resources attached to it and [this] is still less than adequate, in my personal view," said Shedd during his speech. "I'm trying to think about that in a time of fiscal austerity and all the rest because I'm trading it off with other missions that are critical." You can bet this issue will see more and more attention as hardware becomes increasingly networked and therefore vulnerable to cyber attack. For all the noise about outsiders hacking American systems, the best way for a foreign adversary to get inside U.S. networks might be to ship some counterfeit parts with the spyware already built in.

Semiconductor spyware installed in missile systems leads to Chinese military modernization

John **Reed** 7-23-**13**, national security reporter for Foreign Policy, internally quoting David Shedd, deputy director of the Defense Intelligence Agency, Foreign Policy, "Here's How Foreign Spies Are Now Getting U.S. Weapons Tech," http://foreignpolicy.com/2013/07/23/heres-how-foreign-spies-are-now-getting-u-s-weapons-tech/ SBL

That's according to a new report by one of Pentagon branches responsible for preventing such spying. Not coincidentally, perhaps, half of all successful incidents in 2012 of espionage against American defense contractors originated in Asia, up from 43 percent the previous year. THis report higlights what plenty of us have come to grasp intuitively, cyber attacks are steadliy replacing — or at least complementing — attempts to flat-out purchase U.S. defense technology or simply ask for more information about it as the top MO of industrial intelligence operators. This shift from overt attempts at collecting information on U.S. weapons to cyber theft means that it may become more difficult to detect when a rival is trying to gain access to America's defense secrets. It also shows why the Obama administration has been in such a tizzy of China's alleged industrial espionage. According to the report from the Defense Security Service, these spies were particularly interested in gathering information on U.S. electronics; worldwide collection attempts in this sector spiked 94 percent from the year before. A "substantial" number of those electronics were radiation-resistant electronics that can be used in nuclear weapons, ballistic missiles, aerospace and space programs, according to the report. "Foreign entities, especially those linked to countries with mature missile programs, increasingly focuses collection efforts on U.S. missile technology, usually aimed at particular missile subsystems," reads the report. Why are nations with mature missile programs trying to steal secrets about American missile parts? To make their missiles even more deadly, of course. "After a country masters the chemistry and physics required to launch a missiles, scientists and engineers can focus on accuracy and lethality, the desired characteristics of modern missiles," the report notes. Getting their hands on U.S. missile parts will also help these countries defend against American weapons. "Reverse-engineering would probably give East Asia and the Pacific scientists and engineers a better understanding of the capabilities of the targeted and acquired technology to develop countermeasures to U.S. weapons systems," reads the document. Overall, foreign spies' top four American targets were "information systems; electronics; lasers, optics and sensors; and aeronautic systems technologies," according to the report. All of these are crucial parts of the weapons that have given the U.S. a clear advantage on battlefields for the last 20 years. Information systems are how the US military passes massive amounts of intelligence and communications data. Meanwhile optics, lasers and sensors are key technologies that help American drones spy on enemies and that guide its smart weapons onto targets. Aeronautic systems technologies, as you know, are the parts that make up the Pentagon's next-generation rockets, stealth drones and fighters — exactly the types of weapons that nations like China are trying to replicate. The report doesn't specifically call out China as the home of these spies. But let's be honest, the vast majority of espionage attempts originating from Asia are likely coming from China. "DSS continues to take the politically correct route and hide China within the 'East Asia and Pacific' category, disappointing," Richard Bejtlich, chief security officer of the cybersecurity firm Mandiant, told Killer Apps after reading the report. The Defense Security Service document was published on July 17, two days before David Shedd, deputy director of the Defense Intelligence Agency told Killer Apps that his agency is constantly finding new attempts by foreign government to install spyware on U.S. weapon systems. (In 2011, a Senate investigation found that tons of counterfeit electronic parts made in China were making their way into U.S. weapons; these parts could hide spyware or 'back doors' allowing enemies to take over or disable the weapons.) Far East countries — who accounted for 54 percent of the interest in American missile tech — targeted everything from the Standard Missiles and Ground Based Interceptors used for missile defense to TOW antitank missiles, Trident Submarine launched nuclear missiles, Tomahawk cruise missiles and Patriot anti-aircraft missiles and Harpoon anti-ship missiles. Unlike overall trends in espionage, spies kept things old fashioned when going after missile tech, trying to either buy it

outright or simply requesting information about such technology. Interestingly, DSS found that successful attempts to get information on missile technology via cyber means are "relatively low." However, because digital espionage allows spies to be even sneakier than outright attempts to steal information, such efforts may go unnoticed. When cyber espionage "goes unrecognized or unreported by cleared contractors, industry does not generate a report, making such instances unavailable for analysis in this data set," reads the DSS report. The DSS report largely confirms what any casual news reader has seen over the last few years — the Far East, led by China, is pushing to build military technology rivaling the U.S.'s by any means necessary.

Chinese modernization causes nuclear war. Causes US draw in and escalation. Other studies don't assume current Chinese military strategy.

Stephen J. **Cimbala** 20**15**, Distinguished Professor of Political Science at Pennsylvania State University Brandywine, Strategic Studies Quarterly, "Chinese Military Modernization Implications for Strategic Nuclear Arms Control," http://www.au.af.mil/au/ssq/digital/pdf/Summer_2015/cimbala.pdf. SBL

China's military modernization is going to change the distribution of power in Asia, including the distribution of nuclear and missile forces. This modernization draws not only on indigenous military culture but also on careful analysis of Western and other experiences. As David Lai has noted, "The Chinese way of war places a strong emphasis on the use of strategy, stratagems, and deception. However, the Chinese understand that their approach will not be effective without the backing of hard military power. China's grand strategy is to take the next 30 years to complete China's modernization mission, which is expected to turn China into a true great power by that time." Chinese military modernization and defense guidance for the use of nuclear and other missile forces hold some important implications for US policy. First, Chinese thinking is apparently quite nuanced about the deterrent and defense uses for nuclear weapons. Despite the accomplishments of modernization thus far, Chinese leaders are aware that their forces are far from nuclear-strategic parity with the United States or Russia. Conversely, China may not aspire to this model of nuclear strategic parity, such as between major nuclear powers, as the key to war avoidance by deterrence or other means. China may prefer to see nuclear weapons as one option among a spectrum of choices available in deterring or fighting wars under exigent conditions and as a means of supporting assertive diplomacy and conventional operations when necessary. Nuclear-strategic parity, as measured by quantitative indicators of relative strength, may be less important to China than the qualitative use of nuclear and other means as part of broader diplomatic-military strategies. Second, China is expanding its portfolio of military preparedness not only in platforms and weapons but also in the realms of command, control, communications, computers, intelligence, surveillance, and reconnaissance (C4ISR) and information technology. Having observed the US success in Operation Desert Storm against Iraq in 1991, Chinese military strategists concluded that the informatization of warfare under all conditions would be a predicate to future deterrence and defense operations.5 As Paul Bracken has noted, the composite effect of China's developments is to make its military more agile—meaning, more rapidly adaptive and flexible.6 The emphasis on agility instead of brute force reinforces traditional Chinese military thinking. Since Sun Tzu, the acme of skill has been winning without fighting, but if war is unavoidable, delivering the first and decisive blows is essential. This thinking also stipulates that one should attack the enemy's strategy and his alliances, making maximum use of deception and basing such attacks on superior intelligence and estimation. The combination of improved platforms and command-control and information warfare should provide options for the selective

use of precision fire strikes and cyberattacks against priority targets while avoiding mass killing and fruitless attacks on enemy strongholds. Another characteristic of the Chinese military modernization that is important for nuclear deterrence and arms control in Asia is the problem of escalation control. Two examples or aspects of this problem might be cited here. First, improving Chinese capabilities for nuclear deterrence and for conventional warfighting increases Chinese leaders' confidence in their ability to carry out an A2/AD strategy against the United States or another power seeking to block Chinese expansion in Asia. This confidence might be misplaced in the case of the United States. The United States is engaged in a "pivot" in its military-strategic planning and deployment to Asia and, toward that end, is developing US doctrine and supporting force structure for "AirSea Battle" countermeasures against Chinese A2/AD strategy. Another problem of escalation control is the question of nuclear crisis management between a more muscular China and its Asian neighbors or others. During the Cold War era, Asia was a comparative nuclear weapons backwater, since the attention of US and allied North Atlantic Treaty Organization policy makers and military strategists was focused on the US-Soviet arms race. However, the world of the twenty-first century is very different. Europe, notwithstanding recent contretemps in Ukraine, is a relatively pacified security zone compared to the Middle East or to South and East Asia, and post–Cold War Asia is marked by five nuclear weapons states: Russia, China, India, Pakistan, and North Korea. The possibility of a nuclear weapon use, growing out of a conventional war between India and Pakistan or China and India, is nontrivial, and North Korea poses a continuing uncertainty of two sorts. This latter nation might start a conventional war on the Korean peninsula, or the Kim Jung-un regime might implode, leaving uncertain the command and control over the nation's armed forces, including nuclear weapons and infrastructure.9 The problem of keeping nuclear-armed states below the threshold of first use or containing escalation afterward was difficult enough to explain within the more simplified Cold War context. **Uncertainties would be even more abundant with respect to escalation control in the aftermath of a regional Asian war**. **There is also the possibility of a US Chinese nuclear incident** at sea or a clash over Taiwan escalating into conventional conflict, accompanied by political misunderstanding and the readying of nuclear forces as a measure of deterrence. The point is US and Chinese forces would not actually have to fire nuclear weapons to use them. **Nuclear weapons would be involved in the conflict from the outset**, as offstage reminders that the two states could stumble into a mutually unintended process of escalation. An important correction or cautionary note must be introduced at this point. Policy makers and strategists have sometimes talked as if nuclear weapons always serve to dampen escalation instead of exacerbating it. This might be a valid theoretical perspective under normal peacetime conditions. However, once a crisis begins—and especially after shooting has started—the other face of nuclear danger will appear. Thereafter, **reassurance based on the assumption that nuclear first use is unthinkable may give way to such an attack becoming very thinkable**. As Michael S. Chase has warned, miscalculation in the middle of a crisis is a "particularly troubling possibility," heightened by uncertainty about messages the sides are sending to one another and/or leaders' overconfidence in their ability to control escalation. Chinese decisions about nuclear force modernization will not take place in a political vacuum. One important issue for US-Chinese strategic planning is whether China and the United States will allow their political relations to fall into the "Thucydides trap," which refers to the relationship between a currently leading or hegemonic military power and a rising challenger—as in the competition between a dominant Athens and a rising Sparta preceding the Peloponnesian War. The Thucydides trap occurs when a leading and rising power sees their competition as a zero-sum game in which any gain for one side automatically results in a commensurate loss in power or prestige for the other

side. It is neither necessary nor obvious that US-Chinese diplomatic-strategic behavior be driven to this end. However, China's challenges in Asia against US or allied Pacific interests might provoke a regional dispute with the potential to escalate into a more dangerous US-Chinese confrontation, including resort to nuclear deterrence or threats of nuclear first use. Even if both Washington and Beijing avoid the Thucydides trap, China has the option of using nuclear weapons for diplomatic or strategic objectives short of war or explicit nuclear threats. We miss important possibilities for the political exploitation of nuclear weapons if we confine our analysis of China's options to threats or acts of nuclear first use or first strike. The following list includes some of the ways China might signal nuclear weapons use to support its foreign policy in possible confrontations with the United States or US Asian allies: • Nuclear tests during a political crisis or confrontation • Military maneuvers with nuclear-capable missile submarines or naval surface forces • Generated alert for air defense forces to reinforce declaration of an expanded air defense identification zone closed to all foreign traffic • Open acknowledgment of hitherto unannounced—and undetected by foreign intelligence—long- and intermediate-range missiles based underground in tunnels on moveable or mobile launchers • Adoption of a launch-on-warning policy in case of apparent enemy preparations for nuclear first use • Cyberattacks against military and critical infrastructure targets in the United States or against a US ally, including important military and command-control networks in Asia, preceded or accompanied by movement of forces to improve first-strike survivability against conventional or nuclear attack • Relocation of People's Liberation Army Second Artillery command centers to more protected sites • Preparation for antisatellite launches against US or other satellites in low earth orbit • Mobilization of reserves for military units that are nuclear capable • Shake-up of the chain of command for political or military control of nuclear forces or force components None of the preceding activities would necessarily be accompanied by explicit threats of nuclear first use or retaliation. Chinese political and military leaders would expect US intelligence to notice the actions and hope for US forbearance. China's expectation might include either a willingness to settle a disagreement based on the status quo or on some newly acceptable terms. Creative analysts or experienced military and intelligence professionals could expand the preceding list; it is neither exhaustive nor definitive of China's options for nuclear-related signaling. Contrary to some expert opinion, the relationship between China's ability to exploit its nuclear arsenal for political or military-deterrent purposes and China's apparent expertise in cyberwar deserves closer scrutiny. It is true nuclear war and cyberwar inhabit separate universes in terms of organization, mission, and technology. Moreover, the consequences of a nuclear war would certainly be more destructive than any cyberwar fought between the same states or coalitions. In addition, deterrence seems easier to apply as a concept to nuclear war, compared to cyberwar. Among other reasons, the problem of attribution in the case of a nuclear attack is simple compared to the case of a cyberattack.12 Notwithstanding the preceding caveats, in the information age it is likely that cyber and nuclear worlds will have overlapping concerns and some mutually supporting technologies. For the foreseeable future, nuclear-strategic command and control, communications, reconnaissance and surveillance, and warning systems—unlike those of the Cold War—will be dependent upon the fault tolerance and fidelity of **information** networks, hardware and software, and security firewalls and encryption. Therefore, these systems and their supporting infrastructures are candidate targets in any enemy version of the US Nuclear Response Plan (formerly Single Integrated Operational Plan). In thinking about this nuclear and cyber nexus, it becomes useful to distinguish between a state's planning for a preventive versus a preemptive attack. During the Cold War, most of the nuclear-deterrence literature was focused on the problem of nuclear preemption, in which a first-strike nuclear attack would be taken under the

assumption that the opponent had already launched its nuclear forces or had made a decision to do so. On the other hand, preventive nuclear war was defined as a premeditated decision by one state to weaken a probable future enemy before that second state could pose an unacceptable threat of attack. Most Cold War political leaders and their military advisors rightly regarded preventive nuclear war as an ethically unacceptable and strategically dysfunctional option.13 In a world in which the day-to-day functioning of military forces and civil society is now dependent upon the Internet and connectivity, the option of a preventive war with two phases now presents itself to nuclear-armed states. In the first phase, selective cyberattacks might disable key parts of the opponent's nuclear response program—especially nuclear-related C4ISR. In the second phase, a nuclear threat of first use or first strike might follow against an enemy partially crippled in its ability to analyze its response options or to order those responses into prompt effect. If this scenario seems improbable in the context of large states like the United States, Russia, and China because of their force and command-control diversity and protection, consider how it might work in the context of confrontations between smaller nuclear armed states, including hypothetical future India-Pakistan or Israel-Iran showdowns.14 Even in the cases of US conflict with China or Russia (or between China and Russia), nuclear crisis management would certainly include preparation for possible cyber attacks preceding or accompanying nuclear first use or first strike.

2nc - ICE k2 semiconductors

ICE operations key to target counterfeit semiconductors – successful now.

DHS 20**14**, Department of Homeland Security, "Written testimony of ICE Homeland Security Investigations, National Intellectual Property Rights Coordination Center Director Lev Kubiak for a Senate Committee on Appropriations, Subcommittee on Homeland Security hearing titled 'Strengthening Trade Enforcement to Protect American Enterprise and Grow American Jobs,'" 7-21-14, http://www.dhs.gov/news/2014/07/16/written-testimony-ice-senate-committee-appropriations-subcommittee-homeland-security. SBL

Operation Chain Reaction (OCR) is an IPR Center initiative that combines the effort of 16 federal law enforcement agencies to target counterfeit items entering the supply chains of the Department of Defense and other U.S. Government agencies. By partnering together, the participants in OCR are coordinating their efforts to more productively protect the U.S. Government supply chain. In a case investigated by ICE, DCIS, and NCIS, a Massachusetts man pleaded guilty in June 2014 to importing thousands of counterfeit integrated circuits (ICs) from China and Hong Kong and then reselling them to U.S. customers, **including contractors supplying them to the U.S. Navy for use in nuclear submarines**. The subject told his customers, many of whom specified in their orders that they would not accept anything but new ICs which were not from China, that the ICs were brand new and manufactured in Europe. Testing by the Navy and one of their contractors revealed the ICs had been resurfaced to change the date code and to affix counterfeit marks, all in order to hide their true pedigree. In order to purchase these ICs, the subject wired nearly $2 million to his suppliers' bank accounts in China and Hong Kong, in violation of federal money laundering laws. This was the second conviction ever under trafficking in counterfeit military goods, a provision in the U.S. criminal code which was enacted as part of the National Defense Authorization Act of 2011. In another case, the former Chief Executive Officer (CEO) of Powerline, Inc., a battery distributor, was found guilty of five counts of wire fraud and one count of conspiracy to defraud the United States by selling more than $2.6 million in cheap, counterfeit batteries to the U.S. Department of Defense. In joint case by ICE and DCIS, with assistance from DLA and the Defense Contract Audit Agency, investigators discovered that Powerline sold more

than 80,000 batteries and battery assemblies that the U.S. Navy used for emergency back-up power on aircraft carriers, minesweepers and ballistic submarines. The company would affix counterfeit labels falsely identifying the batteries as originating from approved manufacturers and used chemicals to remove "Made in China" markings from the batteries. The CEO fled the United States, but was apprehended when undercover HSI special agents hired him to sail his yacht to the U.S. Virgin ISBLands after spending more than two years on the yacht near St. Martin. Once the CEO entered U.S. Territory, he was arrested and his yacht was seized. OCR has resulted in 40 criminal arrests, 70 indictments, 42 convictions, and 1,078 seizures worth $21.2 million (MSRP) in counterfeit parts, currency, and vehicles. Counterfeit items seized through OCR include commercial-grade devices re-marked as military-grade and counterfeit semiconductors intended for use on nuclear submarines.

Counterfeit semiconductors are on the rise – ICE key to prevent intrusion into the supply chain.

RE 20**11**, Rochester Electronics, the world's most comprehensive solution for mature and end-of-life semiconductors, he only manufacturer that is dedicated to ongoing support of critically needed semiconductors for the entire lifecycle, Rochester Electronics, "Counterfeit and Substandard Semiconductors: The Solution to the Threats," https://www.rocelec.com/media/uploads/documents/solution-to-threats.pdf.

It might be interesting to calculate how many semiconductors we rely on during a typical day … coffee maker, radio, TV, cell phone (and the satellite that sends the signal), automobile, traffic lights, airplane, computer, maybe a CT scanner or blood analysis machine. Virtually every industry today uses semiconductors: aerospace, industrial, medical, military, security, contract manufacturing, space, telecom, utilities, transportation, communications, and more. It is estimated that the annual sales of semiconductors increases at a substantial rate each year. It has already exceeded $US300 billion and will approach $US400 billion in the not-too-distant future. Unfortunately, the percentage of sales that involves counterfeit and substandard parts is also expected to increase – exponentially. The U.S. Immigration and Customs Enforcement (ICE) reports that, between November 2007 and May 2010, ICE and U.S. Customs and Border Protection (CBP) made over 1,300 seizures involving 5.6 million counterfeit semiconductors. The counterfeits were marked with the trademarks of nearly 100 North American, Asian, and European semiconductor companies and were destined for importers in the United States and fifteen other countries. Despite the efforts of industry and international government officials, these seized components represent only a small percentage of the parts that actually make their way undetected into the international marketplace. It is difficult to gather exact figures; counterfeiters, of course, will not divulge their success stories. But their victims are also reluctant to admit being caught in the counterfeit trap for fear of degrading customer confidence, lowering stock price, and compromising brand strength. Counterfeit sales of all products (including pharmaceuticals, jewelry, electronics, and other goods) has been estimated to be 7% of total sales. Seven percent of the total projected semiconductor sales for 2010 is over $US20 billion. This represents a considerable number of dangerous parts.

2nc - ICE k2 IPR enforcement

ICE enforcement key to prevent counterfeiting and IPR violations.

JOHN **MORTON** 3-8-**12**, DIRECTOR U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT DEPARTMENT OF HOMELAND SECURITY, American Immigration Lawyers Association, "REGARDING A HEARING ON "U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT FISCAL YEAR 2013 BUDGET REQUEST," http://www.aila.org/File/Related/12031367a.pdf. SBL

Last fiscal year, ICE's criminal investigators in ICE's HSI initiated nearly 45,700 new cases and made over 31,300 criminal arrests. Special agents seized $561 million in currency and negotiable instruments, 2.4 million pounds of narcotics and other dangerous drugs, and $209 million worth of counterfeit goods. ICE's FY 2013 budget request will strengthen efforts to target transnational criminal enterprises seeking to exploit America's legitimate trade, travel, and financial systems, and enforce customs and immigration laws at and beyond our nation's borders. The request includes an enhancement of $17.6 million for the transfer of Visa Overstay Analysis functions from US-VISIT to ICE to consolidate this work under one agency. The request also increases resources dedicated to commercial trade fraud investigations; funds to continue DHS' focus on worksite enforcement (promoting compliance with worksite-related laws through criminal prosecutions of egregious employers, Form I-9 inspections, civil fines, and debarment, as well as education and compliance tools); and continued enforcement of laws against illegal immigration and customs violations and disruption and dismantlement of transnational criminal threats facing the United States. In addition, the Visa Security Program, as part of HSI, will use requested funds to continue to leverage IT solutions to increase ICE's efficiency in screening, vetting, and recording visa applications. ICE aims to have the capability to screen all visa applications and identify patterns and potential national security threats in process through technology and by leveraging the capabilities of our law enforcement and intelligence community partners. National Security ICE leads efforts in national security investigations through five interconnected programs that prevent criminals and terrorists from using our nation's immigration system to gain entry to the United States. Intellectual Property Rights and Commercial Fraud Investigations Through the National Intellectual Property Rights Coordination Center (IPR Center), ICE leads efforts to stop intellectual property rights (IPR) and commercial fraud violations that threaten our economic stability, impact the competitiveness of U.S. industry, and endanger public health and safety. In FY 2011, ICE initiated 1,998 IP and commercial fraud investigations, made 686 arrests, obtained 421 indictments and had 353 convictions. In addition, ICE seized illegal goods with a combined manufacturer's suggested retail price of over $480 million. Commercial fraud investigations resulted in the seizure of illegal goods with a combined domestic value of over $26 million.

ICE enforcement key to prevent IP and counterfeiting violations

DHS 2-27-**14**, Department of Homeland Security, Written testimony of ICE Homeland Security Investigation, National Intellectual Property Rights Coordination Center Director Lev Kubiak for a House Committee on Energy and Commerce, Subcommittee on Oversight and Investigations hearing titled "Counterfeit Drugs: Fighting Illegal Supply Chains," http://testimony163.rssing.com/browser.php?indx=4136680&item=28. SBL

ICE has a legacy of engagement in enforcement against intellectual property (IP) crime that spans from our past as U.S. Customs Service investigators to our present role as Homeland Security

investigators. **ICE is the lead agency in the investigation of intellectual property violations involving the illegal importation and exportation of counterfeit merchandise and pirated works**, as well as associated money laundering violations. In coordination with U.S. Customs and Border Protection (CBP), **we target and investigate counterfeit merchandise and pirated works and we seize and forfeit goods associated with these investigations**, such as those that infringe on trademarks, trade names, and copyrights. Investigating counterfeit pharmaceuticals falls within ICE's broad IP mandate. ICE recognizes that no single U.S. law enforcement agency alone can succeed in the fight against IP crime. Rather it is essential that all relevant federal agencies work together and with IP industry partners to confront this challenge. Furthermore, law enforcement efforts alone will not fully address this growing problem. Indeed, public education, demand reduction, and global collaboration are critical to the success of this effort. To focus government efforts and to enhance efficiency, the former U.S. Customs Service, now known as ICE, formed the National Intellectual Property Rights Coordination Center (IPR Center), which combats violations of intellectual property rights, with a focus on trademark and copyright infringement. Pursuant to the Prioritizing Resources and Organization for Intellectual Property Act of 2008 (Pro-IP Act, Public Law 110-403), U.S. government-wide intellectual property enforcement is coordinated by the White House Office of the U.S. Intellectual Property Enforcement Coordinator (IPEC), which is responsible for strategic planning and coordinating Federal efforts to address IP infringement. The IPR Center collaborates regularly with IPEC on IP policy issues. The IPR Center The former U.S. Customs Service established the IPR Center in 1999, but following the events of 9/11, priorities were necessarily shifted and the IPR Center could not be adequately staffed. ICE rejuvenated the IPR Center in 2008, and it now stands at the forefront of the U.S. Government's law enforcement response to global intellectual property theft. The mission of the IPR Center is to address the theft of innovation that threatens U.S. economic stability and national security, undermines the competitiveness of U.S. industry in world markets, and places the public's health and safety at risk. The IPR Center brings together many of the key domestic and foreign investigative agencies to efficiently and effectively leverage resources, and promotes the skills and authorities to provide a comprehensive response to IP crime. The IPR Center, located in Arlington, Virginia, operates on a task force model and is comprised of 21 relevant federal and international partners. While I serve as the Director of the IPR Center, I work with Deputy Directors from both CBP and the Federal Bureau of Investigation (FBI). The IPR Center includes embedded team members from: HSI, CBP, the Food and Drug Administration (FDA), the FBI, the U.S. Postal Inspection Service (USPIS), the Department of Commerce's International Trade Administration and U.S. Patent and Trademark Office, the Defense Criminal Investigative Service, the U.S. Consumer Product Safety Commission (CPSC), the National Aeronautics and Space Administration (NASA), the Naval Criminal Investigative Service, the Army Criminal Investigative Command Major Procurement Fraud Unit, the U.S. Air Force Office of Special Investigations, the Nuclear Regulatory Commission, the U.S. Department of State's Office of International Intellectual Property Enforcement, the Defense Logistics Agency, and the Inspector General's Office from the General Services Administration. In 2010, the Government of Mexico and INTERPOL joined the IPR Center as our first international partners. Since then, the Royal Canadian Mounted Police and Europol have joined as partners as well. While the Department of Justice (DOJ) is not a formal partner at the IPR Center, trial attorneys from the Computer Crime and Intellectual Property Section (CCIPS) regularly provide input on ongoing enforcement operations and policy. Protecting Health and Safety The illegal importation, distribution and sale of counterfeit pharmaceuticals pose a significant and growing threat to public health and safety. Working collaboratively with our law enforcement partners, the IPR

Center has developed numerous initiatives and interdiction efforts to combat the infiltration of counterfeit, unapproved, and/or adulterated drugs entering the United States through a variety of means, including ports of entry, international mail facilities and express courier hubs. Our strategy is to attack the entire international supply chain, from manufacturer to distribution point and identify, disrupt, and dismantle the international criminal networks responsible for distributing counterfeit pharmaceuticals, by seizing the counterfeit product, criminal proceeds, and assets facilitating the crime, and bringing the individuals responsible for the criminal activity to the justice system to hold them accountable for their actions. This strategy requires a robust collaboration through our Attaché network with foreign counterparts where the majority of counterfeit items are made or through which they are transshipped en route to the United States and all of our trading partners worldwide. Operation Guardian Operation Guardian (Guardian) is the IPR Center's public health and safety initiative. Guardian was initiated in October 2007 in response to the Interagency Working Group on Import Safety and several incidents in which hazardous imports into the United States caused serious public safety concerns. In developing Guardian, HSI, through the IPR Center, solicited the assistance of numerous law enforcement and regulatory agencies, including CBP, FDA , USPIS, DOJ CCIPS, CPSC, and the U.S. Department of Agriculture (USDA). These agencies formed a Headquarters Working Group to target high-risk commodities from foreign sources. The template we use today for surge group operations is based on the findings of this working group. Since the inception of Guardian in FY 2008, HSI has initiated 916 investigations resulting in 334 criminal arrests, obtained 419 indictments, secured 288 convictions, and worked with CBP to make more than 3,000 seizures valued at over $195 million (based on the Manufacturers Suggested Retail Price (MSRP) for the items if genuine). Operation Apothecary Operation Apothecary (Apothecary), which falls under the auspices of Operation Guardian, works to combat the growing use of the Internet in illegal drug distribution. Criminals, posing as legitimate pharmaceutical providers, use the Internet to advertise purportedly FDA-approved prescription drugs, and/or less expensive unapproved foreign alternatives, all without requiring a valid prescription. The consumer purchases the pharmaceutical with the belief that the product advertised is a legitimate product, but in fact, is often purchasing a counterfeit or unapproved version of the drug manufactured under unknown conditions or not subjected to any safeguards or quality control regimes. Apothecary addresses, measures, and attacks potential vulnerabilities in the entry process to attack the smuggling of commercial quantities of counterfeit, unapproved, and/or adulterated drugs through the Internet, international mail facilities, express courier hubs, and land borders. Through Apothecary, participants detect, seize and forfeit commercial shipments of illegally sold, shipped, and/or imported pharmaceuticals and scheduled drugs. The ultimate goal of Apothecary is to identify and dismantle domestic and foreign organizations that illegally sell, ship, import and/or distribute pharmaceuticals and scheduled drugs in the United States. In support of the Apothecary mission, IPR Center personnel coordinated and conducted periodic enforcement surges in conjunction with ICE, CBP, FDA and USPIS at international mail facilities and express courier hubs throughout the United States. Since FY 2010, as part of Apothecary, HSI has arrested 115 individuals and obtained 112 indictments resulting in 99 convictions. There also have been 1,048 seizures worth approximately $20 million (MSRP). Operation Pangea Websites offering counterfeit pharmaceuticals are a growing global phenomenon in the area of IP crime. Patients and consumers around the world are suffering from the negative side effects of counterfeit medications, which often contain unapproved, dangerous, substandard products. In response, Operation Pangea was organized by INTERPOL, with participation by ICE, CBP, FDA, and USPIS, to target the advertisement, sale, and distribution of counterfeit drugs and medical devices

that threaten worldwide public health and safety. Conducted on a yearly basis, the intent of each Pangea operation is to build upon global best practices identified from previous operations and collectively develop a collaborative worldwide approach to combat the illegal trade of counterfeit and illicit medical products, particularly products that represent a serious risk to public health. In addition to the individual countries participating in Pangea, other major international organizations have joined the effort as well, including the Universal Postal Union and the World Customs Organization (WCO). In 2013, nearly 100 countries participated in Pangea VI, which resulted in 213 arrests worldwide and the seizure of more than 10 million potentially dangerous medicines worth approximately $36 million. More than 13,763 websites linked to illicit online pharmacies were identified and shut down, in addition to the suspension of payment facilities of illegitimate pharmacies. Worldwide, approximately 534,562 packages were inspected by customs and regulatory authorities, of which 41,954 were seized. Among the fake medicines seized during Operation Pangea were antibiotics, cancer medication, anti-depression pills, and erectile dysfunction medication, in addition to illegal products labeled as dietary supplements. Other Interagency Efforts ICE shares its border security and trade mission responsibilities with its sister agency, CBP1. Therefore, ICE and CBP work closely to target counterfeit pharmaceuticals and other illicit goods crossing the borders, including through the co-location of personnel at the first Trade Enforcement Coordination Center (TECC). In May 2012, ICE and CBP formed the first TECC in Los Angeles, which services the Ports of Long Beach and Los Angeles. The TECC enhances communication and combines resources to identify and combat trade fraud and IP crime, including counterfeit pharmaceuticals. The TECC proactively identifies, interdicts, and investigates inbound cargo that may enter the U.S. commerce in violation of U.S. customs and trade laws. TECCs ensure joint CBP and ICE oversight and prioritization of the enforcement and interdiction process in the local area, and involve ICE early in the enforcement process. The TECC concept is under development to be expanded to other ports of entry, with the next in Port Elizabeth, New Jersey, which will service ICE and CBP in New York City and Newark. ICE also collaborates closely with personnel at CBP's Centers of Excellence and Expertise (CEE), including their CEE focused on pharmaceuticals, the Commercial Targeting and Analysis Center, and through the creation of the HSI-led National Targeting Center – Investigations (NTC-I). CBP established the CEE as a central point of contact for inquiries and resolution of issues regarding pharmaceutical, health and chemical imports. By having a central point of contact for importer participants at the CEEs, CBP is able to increase uniformity of practices across ports of entry, facilitate the timely resolution of trade compliance issues nationwide, and further strengthen critical agency knowledge on key industry practices. The CTAC is a CBP facility designed to streamline and enhance federal efforts to address import safety issues by improving communication and information-sharing and reducing redundant inspection activities. The NTC-I is a CBP and HSI collaboration to enhance the current partnership with the existing CBP equities at the NTC-Passenger and NTC-Cargo and ICE's Trade Transparency Unit. The cornerstone of the NTC-I is enhance and support ongoing HSI investigations, provide quality investigative referrals and intelligence to HSI field offices, and expand current collaboration with CBP. ICE participates in several other interagency efforts to protect the health and safety of the public, including through initiatives led by the Intellectual Property Enforcement Coordinator (IPEC). For example, ICE played a significant role in helping develop the IPEC's 2013 Joint Strategic Plan on Intellectual Property Enforcement and the Counterfeit Pharmaceutical Inter-agency Working Group Report to the Vice President and Congress, and is carrying out the pertinent recommendations in those report. Through the IPEC, the U.S. Government is pursuing an innovative and multi-pronged strategy to combat infringing foreign-based and foreign-controlled

websites by encouraging cooperation by law enforcement, development of voluntary best practices, and international leadership. The IPR Center shares the investigative outcomes and trend information that we obtain with interagency partners and the IPEC to further inform their policy development, including strategic plans, the U.S. Trade Representative's Special 301 Process and the Administration's legiSBLative recommendations.

2nc – link - interdependence

ICE key to IP enforcement – interdependence means decline of one agency hampers other efforts.

GAO 20**08**, United States Government Accountability Office, Report to the Ranking Member, Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia, Committee on Homeland Security and Government Affairs, U.S. Senate, GAO, "Intellectual Property: Federal Enforcement Has Generally Increased, but Assessing Performance Could Strengthen Law Enforcement Efforts," March 2008, http://www.gao.gov/assets/280/273601.html,

Based on our prior work and background research, we determined that CBP, ICE, FBI, and DOJ are the four key law enforcement agencies that play an active role in IP enforcement, and that FDA also plays an important role. To examine the key federal agencies' roles and priorities for IP-related enforcement, we met with agency officials in their headquarters and in seven field locations[Footnote 6] and reviewed strategic plans and other agency documents. To examine agencies' resources for IP-related enforcement, we obtained information on staff resources, where available. To evaluate IP-related enforcement trends and achievements, we reviewed agency statistics for fiscal years 2001 through 2006, including IP-related seizures, investigations, and prosecutions. We also reviewed agencies' internal strategic planning documents to determine their priorities, goals, and objectives for IP enforcement and compared them to the types of data agencies collected. To examine the status of the National Intellectual Property Rights Coordination Center, we met with ICE, FBI, DOJ, and FDA officials to discuss its evolution, role, and staffing levels; reviewed agency documents that articulated the center's purpose; and analyzed congressional appropriators' conference reports that directed agencies to staff and fund the center. Some of the information we reviewed was considered sensitive for law enforcement purposes, and our report only discusses publicly available information. We obtained private sector views on federal IP enforcement efforts through interviews with representatives from 22 companies and eight industry associations across eight sectors, such as the entertainment, pharmaceutical, and manufacturing industries. We conducted this performance audit from December 2006 through March 2008 in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives. See appendix I for a more detailed description of our scope and methodology. Results in Brief: For the five key federal agencies that play a role in enforcing IP laws, such enforcement is not a top priority, and determining the resources they have devoted to this function is challenging. IP law enforcement actions consist of three primary functions--seizing goods, investigating crimes, and prosecuting alleged criminals. CBP is responsible for seizing IP-infringing goods at the U.S. border, a function that also includes assessing penalties and excluding--or denying entry to--certain types of IP-infringing goods. ICE

and FBI share responsibility for investigating those suspected of IP crimes, and FDA investigates counterfeit versions of the products it regulates. DOJ is responsible for prosecuting those accused of committing IP crimes. IP enforcement activities are generally a small part of these agencies' much broader missions, and, according to agency officials and documents, IP enforcement is not the top priority for these agencies. However, within their IP enforcement activities, these agencies have given enforcement priority to IP crimes that pose risks to public health and safety, such as counterfeit pharmaceuticals, batteries, and car parts. Determining the federal resources allocated to IP enforcement is challenging because few agency staff are dedicated exclusively to IP enforcement, and only investigative agencies tracked the time spent by non-dedicated staff on IP criminal investigations. The information we obtained shows declining staff resources in some agencies and increases or little change in others. **Because agencies' IP enforcement roles are interdependent, the emphasis one agency places on IP enforcement can affect the actions of others**. For example, officials from several investigative agencies' field offices said their decisions to open IP investigations were influenced in part by the willingness of the local U.S. Attorney's Office to prosecute certain types of IP enforcement cases. Federal IP enforcement activity generally increased from fiscal year 2001 through 2006, but agencies have not taken key steps to assess their IP enforcement achievements. Our review of agencies' enforcement statistics over the 6-year period found that IP enforcement activities generally increased, with fluctuations in activity across fiscal years and type of enforcement action. Specifically, the number of CBP's seizures have steadily increased, but the domestic value of goods seized varied by fiscal year. However, we found that CBP collected less than 1 percent of penalties assessed during 2001 through 2006. We also found a lack of data on CBP's exclusion of imports subject to "exclusion orders" and certain procedural issues, such as delays in creating enforcement guidance and minimal electronic targeting in certain cases.[Footnote 7] The number of IP-related criminal investigations that ICE, FBI, and FDA opened each year fluctuated during 2001 through 2006, but the number of arrests, indictments, and convictions stemming from these investigations generally increased during that time period. The number of IP prosecutions by DOJ for fiscal years 2001 through 2005 hovered around 150 cases before increasing to about 200 cases in fiscal year 2006. Although agencies' enforcement activities show general increases, agencies have not taken key steps to evaluate their own enforcement trends in ways that would better inform management decisions and resource allocation. For example, agencies have generally not conducted systematic analyses of IP-related enforcement activities, such as by field offices or type of violation pursued. Our analysis of agency data shows that a small number of CBP and DOJ field offices are responsible for the majority of these agencies' total IP enforcement activity. Further, all the agencies have given priority within their IP enforcement efforts to IP crimes that affect public health and safety, but most have not clearly identified which IP enforcement actions relate to public health and safety or lack data to track their achievements in this area. Finally, agencies have generally not established performance measures or targets to aid them in assessing their IP enforcement achievements and reporting their progress to Congress and interagency coordinating bodies.

2nc - Malicious insertion

Counterfeits with malicious insertion cause shutdown and illegal intell gathering.

RE 20**11**, Rochester Electronics, the world's most comprehensive solution for mature and end-of-life semiconductors, he only manufacturer that is dedicated to ongoing support of critically needed semiconductors for the entire lifecycle, Rochester Electronics, “Counterfeit and

Substandard Semiconductors: The Solution to the Threats," https://www.rocelec.com/media/uploads/documents/solution-to-threats.pdf.

An even more sinister sideline of the counterfeit industry is a technology known as malicious insertion. In this fairly sophisticated form of counterfeiting, which is usually effected for military and communications applications, components are outfitted with hidden capabilities intended to cause the shutdown or the malfunction of the equipment in which they are installed. Additional capabilities may allow the gathering of sensitive intellectual property or intelligence.

2nc - Electronic failure

Counterfeit semiconductors cause catastrophic electronic failure – 6 reasons.

SIAACTF 20**13**, Semiconductors Industry Association Anti-Counterfeiting Task Force, a trade association and lobbying group at represents the United States semiconductor industry, SIA, "WINNING THE BATTLE AGAINST COUNTERFEIT SEMICONDUCTOR PRODUCTS," August 2013, http://www.semiconductors.org/clientuploads/Anti-Counterfeiting/SIA%20Anti-Counterfeiting%20Whitepaper.pdf

Package cracking, package delamination, and/or die cracking may be induced by component removal from scrap Printed Circuit Boards (PCBs). Counterfeiters rarely take any precautions against package damage during board removal. Flexing of PCBs and removal of components from boards can cause subtle cracking, either on the outside or inside of the package, that is not visible with component inspection. A common form of damage caused by board removal is stress fracturing at the metal pins or metal solder balls on the outside of the package. Components having pins or solder balls with subtle stress fracturing may pass electrical testing after they are re-mounted on new PCBs. However, during customer application, particularly in harsh environments, the stress fracturing can progress to the point that the component fails intermittently or continuously. Components removed from PCBs and re-marked to indicate they are new may fail at the worst possible time. For example, if the flight control system for a jet plane has a counterfeit component with a micron-scale crack in the silicon chip, the mechanical stress on the chip from flight turbulence could cause the crack to propagate, resulting in complete electrical failure of the component. The resulting failure of the flight control system could result in loss of control of the plane, jeopardizing the lives of everyone onboard. 2. "Popcorning" of counterfeit components may occur during PCB assembly since counterfeiters rarely handle or store components properly. Many components, including components with mold compound (plastic) encapsulant, will absorb significant moisture. While OCMs always properly bake and dry-pack moisture-sensitive components, counterfeiters usually skip one or both of these manufacturing operations or take shortcuts to save time and cost. Even if counterfeit components are dry-packed in sealed moisture barrier bags, they may not have been properly baked first. The net result is that during component mounting on PCBs using high-temperature reflow ovens, the moisture in the counterfeit components expands very rapidly (since steam forms above 100 °C = 212 °F), causing the package to "popcorn," which can result in cracking or delamination inside the package. As in the previous case, this internal cracking or delamination can become worse during end-customer use, resulting in total electrical failure of the component. 3. Counterfeit components are often marked to indicate they do not contain the element lead (Pb) or other restricted materials when they in fact do, and this can result in major component reliability risks. Components "harvested" from old scrap PCBs are often years or even decades old, and most of these components contain Pb and/or other materials covered by the Restriction of Hazardous

Substances Directive (RoHS). Often, the Pb was incorporated in the solder used in component packages to reduce the melting point of the solder. For example, tinlead (SnPb) solder was very common until RoHS and other environmental legislation went into effect over the past decade. Since component packages with SnPb solder were generally mounted on PCBs using relatively low peak solder reflow temperatures (typically between 220 °C = 428 °F and 235 °C = 455 °F), the materials in the package did not need to be reliable to particularly high temperatures. However, with the industry transition to Pb-free packages over the past decade, component packages are now usually mounted on PCBs using significantly higher peak reflow temperatures (typically between 240 °C = 464 °F and 260 °C = 500 °F). Semiconductor companies therefore re-engineered component package materials (such as mold compound and die attach) so that they would be reliable at these higher temperatures. Since most of the electronics industry has transitioned to Pb-free packages to meet RoHS requirements, the demand for Pb-bearing packages has dropped precipitously. Thus, counterfeiters usually re-mark old components to indicate they are Pb-free (when they are not). In addition to the use of such counterfeit components causing RoHS compliance issues, PCB manufacturers that assume these components are Pb-free and mount them on PCBs at temperatures of up to 260 °C = 500 °F can unknowingly induce major reliability hazards since the package materials were not designed to handle these high temperatures. For example, counterfeit Pb-bearing packages that are mounted at such high temperatures may "popcorn," resulting in cracking or delamination of the package. As previously detailed, internal package cracking or delamination can worsen during component field use, resulting in a sudden catastrophic failure. In addition to die cracks propagating in the field, delamination can spread to the point that internal bond wires snap, again causing the component to completely stop functioning. While marking Pb-bearing packages as Pb-free is very common, counterfeiters sometimes do the inverse and mark Pb-free packages as Pb-bearing to meet remaining demand for legacy Pb-bearing packages. Due to the lack of controls in "manufacturing" and handling these counterfeits, this results in a different set of reliability risks, such as the potential for tin whisker formation that can result in shorting between electrical terminals on components. 4. Electrostatic discharge (ESD) damage may occur to semiconductors during component removal from scrap PCBs or during subsequent operations such as stripping of original package markings, adding new counterfeit markings, etc. All these "manufacturing" operations for counterfeit components can cause them to become electrically charged, especially since counterfeiters almost never take any precautions against ESD (such as using ESD ground straps and using ionizers to safely discharge components). When the charged components subsequently contact metal surfaces such as a metal storage bins, they will discharge via highcurrent transients that can slightly damage thin dielectric layers in the component circuitry, such as nanometer-scale gate and capacitor dielectrics. These dielectric layers, which are meant to be insulators, then conduct leakage currents. These leakage currents may be too low to result in electrical failures during initial use. However, after weeks or months of operation, the leakage currents can increase to the point that components suddenly fail catastrophically. 5. Chemicals used by counterfeiters to strip original markings and/or to clean component package connections can result in reliability failures due to corrosion. In their effort to make old or used components look new, counterfeiters often use harsh chemicals to "recondition" packages. These chemicals are sometimes incompatible with the package materials, and thus the integrity of the packages will be compromised by these chemicals. Even if the chemicals are compatible with the packages, they may not be fully rinsed off by the counterfeiters. For example, acid used by counterfeiters to clean oxide layers and other contaminants from package pins, pads, and solder balls will initially penetrate only the surfaces of packages. However, weeks, months, or years later, the acid can

work its way to active circuitry on the semiconductor chip, thus corroding away this circuitry and resulting in loss of functionality. This corrosion mechanism is accelerated by temperature and humidity; the time-to-failure of the counterfeit components will decrease as the temperature and/or humidity they are exposed to increases. Even if the PCB manufacturer washes circuit boards and/or applies conformal coatings to circuit boards, any acid that had partially penetrated packages during counterfeiting will be trapped in the packages and can eventually lead to catastrophic failure. Finally, counterfeiters can introduce reliability issues by incorrect laser marking of component packages. As the semiconductor industry has largely transitioned from ink-marked components to laser-marked components, counterfeiters have followed suit. Conducting laser marking on components in plastic packages has become increasingly challenging as these packages have become thinner. More specifically, the laser marking needs to be sufficiently deep into the package to make it legible without reaching bond wires or other critical internal package features. Due to their expertise at developing, characterizing, qualifying, and monitoring laser marking processes, semiconductor companies do not compromise package integrity during laser marking operations. However, counterfeiters usually do not know the depth of bond wires and other critical features on a given component. This is especially the case if counterfeiters have chemically or mechanically removed the original package markings and have thus reduced the thickness of the package. When bond wires or other interconnects inside packages are hit by lasers used by counterfeiters, the current-carrying capability of these interconnects is reduced. This can result in time-dependent failures when the damaged interconnect eventually fuses open during component use. Hermetic packages may likewise have poor reliability due to laser marking by counterfeiters. For example, in the case of iron-based lids that are plated with nickel and/or gold, if laser marking removes the plating, subsequent exposure of the package to moisture will cause the iron to corrode. Prolonged exposure to moisture will cause the iron to corrode away to the point that holes develop in the package lid, resulting in loss of package hermeticity and likely catastrophic failure due to moisture entering the package. The net result of the above issues is that counterfeit components that pass electrical testing after board mounting may still have significant field reliability problems. If even one counterfeit semiconductor component ends up in an electronic system with hundreds or thousands of components, the reliability of the entire system may be greatly compromised by this one bogus component. Classic system-level Mean Time Between Failure (MTBF) reliability calculations, such as those detailed in MIL-HDBK-217, are completely meaningless if one or more components in the system are counterfeit.

2nc - AT: authenticity tests check

Counterfeit semiconductors cannot be identified by manufacturers and purchasers – lack of IP and high costs.

RE 20**11**, Rochester Electronics, the world's most comprehensive solution for mature and end-of-life semiconductors, he only manufacturer that is dedicated to ongoing support of critically needed semiconductors for the entire lifecycle, Rochester Electronics, “Counterfeit and Substandard Semiconductors: The Solution to the Threats,” https://www.rocelec.com/media/uploads/documents/solution-to-threats.pdf.

One of the treacherous aspects of counterfeit and substandard semiconductor devices is that they are not easy to identify, especially as components become smaller and more complex. The smaller the device, the more difficult it is to use sophisticated marking techniques. Inspection

protocols can be applied to determine authenticity; however, because there are so many different counterfeiting methods and variations within those methods, definitive authenticity verification is not easy to achieve. Parts can be tested for quality and reliability; however, there are some caveats. The accuracy and usefulness of test results are dictated by the quality of the test. The only reliable tests are tests done with the exact same test protocols, equipment, and specifications used by the original component manufacturer. Unauthorized distributors and third-party test houses do not have access to this intellectual property (IP). Poorly conceived, inadequate test protocols do not result in accurate results. Only highly trained, experienced engineers have the skill and knowledge necessary to select and implement the proper test methodologies for each component. In addition, there is a difference between quality and reliability testing, though both are important in analyzing and projecting the life cycle performance of a semiconductor. Quality is the ability of the device to perform its specified function under specified conditions when it is first used. Reliability is the ability of the device to perform its specified function under specified conditions for a stated period of time. In most cases, testing adds additional cost to the purchase price of a component. The overall cost of testing must balance with the required quality and reliability level for the end-use of the component. Cost of testing by independent and third-party test labs are frequently dictated by competition and the demand for quick turnaround times; and cost-cutting shortcuts can negatively impact the quality of the test process.

Authenticity determinations are unreliable AND OCM's only limit to their own products.

SIAACTF 20**13**, Semiconductors Industry Association Anti-Counterfeiting Task Force, a trade association and lobbying group at represents the United States semiconductor industry, SIA, "WINNING THE BATTLE AGAINST COUNTERFEIT SEMICONDUCTOR PRODUCTS," August 2013, http://www.semiconductors.org/clientuploads/Anti-Counterfeiting/SIA%20Anti-Counterfeiting%20Whitepaper.pdf

As counterfeiters have refined their "manufacturing" processes, making authenticity determinations has become increasingly difficult for everyone except the Original Component Manufacturer (OCM). Years ago, many counterfeit semiconductors had irregular solder on external package pins, poorly-marked logos, sloppy alphanumeric characters, and/or evidence of package surface sanding or "blacktopping." These and other telltale signs of counterfeiting made it easy for anyone with a good, low-power microscope and some general training to identify the more blatant counterfeits. Some of these older, relatively crude counterfeits are still available through non-authorized purchase sources. More recently, however, counterfeiters have become far more sophisticated. For example, semiconductor package surfaces and external pins/solder balls as well as package markings (including logos) may be essentially identical to those on legitimate products. In addition, tubes, trays, reels, dry-pack bags, desiccants, humidity indicator cards, shipping boxes, shipping labels, certificates of conformance, and other packing materials and documents may be counterfeit or forged and may be indistinguishable from those used for legitimate shipments. Moreover, while very low retail prices were historically an indicator that components were likely bogus, counterfeits now often cost nearly as much as legitimate components, thus boosting the profits for counterfeiters and their supply chains while making retail prices a poor indicator of product authenticity. Many third-party laboratories and some Original Equipment Manufacturers (OEMs) and/or Contract Manufacturers (CMs) claim they can make authenticity determinations with a high degree of accuracy, but this often is not the case. Various standards, including SAE AS5553 and IDEA-STD-1010, provide detailed guidelines on identifying counterfeit components. [References 11-12.] These standards are sometimes helpful in

identifying counterfeits where component packages have obviously been "refurbished" and/or components have been re-marked. However, SIA member companies have numerous examples where third-party laboratories reportedly using these standards have made incorrect authenticity determinations. Moreover, these standards are generally ineffective for identifying the latest forms of counterfeiting. For example, counterfeits where used, low-grade, or second-source die are assembled in new packages and are marked as higher-grade components would likely escape detection. In addition, some of the test techniques used for counterfeit detection that are considered non-destructive can cause subtle damage to components. For example, x-ray inspection can result in shifts in key electrical parameters for components, particularly in the case of high-performance products. Third-party laboratories and OEMs/CMs routinely conclude that components are legitimate based on their own electrical testing, which usually consists of curve tracer testing that measures the current vs. voltage characteristics of component pins. However, while curve tracer testing can identify the most obvious counterfeits, this and other simple bench-top electrical testing cannot begin to replicate OCMs' thorough electrical testing of ICs using expensive Automatic Test Equipment (ATE) running up to thousands of lines of test code as detailed in Section VII. Curve tracing only checks a few transistors connected directly to each IC pin, while ATE testing by OCMs with proprietary test programs assesses the full functionality of even the most complex ICs that can each have millions of transistors. Thus, unless ICs have been tested on OCMs' ATE that is designed to ensure only high quality and reliability products are shipped, conclusions about product authenticity should never be based on ICs "passing" electrical testing. A common problem with authenticity testing is working on the false assumption that testing samples pulled from a population of suspect parts will allow conclusions to be drawn about all the parts. Due to the time and expense of conducting laboratory tests to try to identify counterfeits along with the destructive nature of some tests (e.g., package decapsulation followed by die visual inspection), usually only a small fraction of the parts in a shipment of suspect components is tested. However, counterfeiters are familiar with sampling protocols, and thus they often "seed" legitimate units at the beginning and end of tubes and reels so that if these easily-sampled parts are tested they will pass. Even in cases where good parts are not "seeded" in an otherwise counterfeit reel, tray, or tube of parts, any assumption that a population of parts is homogenous is almost always incorrect in the case of counterfeits. More specifically, due to the variability in the processes used during the "manufacturing" of counterfeits, only some of the parts may be damaged by mechanisms such as ESD, corrosion, die or package cracking, etc. The bottom line on authenticity determinations made by anyone other than the OCM is that they are time-consuming, expensive, and often inaccurate. Moreover, even if testing correctly identifies that components are authentic, there is no way to prove that components outside the authorized supply chain have not been mishandled or improperly stored, thus jeopardizing their quality and reliability. Although counterfeiters have become very sophisticated, OCMs can readily make authenticity determinations on suspect products marked with their logos. OCMs incorporate overt and covert features into semiconductor packages as well as packing materials. In many cases, technical experts at OCMs can quickly make authenticity determinations when provided with high-resolution photos of the top-side and bottom-side of semiconductor packages as well as associated shipping labels and packing materials. OCMs' methodologies for making authenticity determinations are only valuable when they are kept secret, so OCMs do not divulge any details on covert features and authenticity methodologies. In cases where authenticity determinations cannot be made from photos, OCMs can consistently make accurate determinations when provided with physical samples of suspect components marked with their logos. While OCMs are proficient at making authenticity determinations on "their" components, most OCMs limit their

authenticity determination services to suspect products detained by Customs and to suspect products that are the subject of law enforcement investigations. OCMs generally do not provide authenticity determinations as a free service for non-government agencies. This is because many billions of suspect components are available on the open market, and OCMs would need to staff large departments to try to respond to tens of thousands of authenticity requests from independent distributors and brokers as well as individuals or companies buying from these non-authorized sources. OCMs provide extensive post-sales support to customers that buy their products from authorized sources, but, as with other industries, there is no viable business model for OCMs to provide free support on suspect products that may not have been manufactured by the OCM. Again, as with other industries, OCMs support products they sell through authorized channels; OCMs are not in the business of supporting counterfeits and other suspect products available on the open market.

Authenticity tests can't check – don't account for upstream counterfeiting.

SIAACTF 20**13**, Semiconductors Industry Association Anti-Counterfeiting Task Force, a trade association and lobbying group at represents the United States semiconductor industry, SIA, "WINNING THE BATTLE AGAINST COUNTERFEIT SEMICONDUCTOR PRODUCTS," August 2013, http://www.semiconductors.org/clientuploads/Anti-Counterfeiting/SIA%20Anti-Counterfeiting%20Whitepaper.pdf

A major misconception is that if an authenticity determination is made (by whatever means) and the associated semiconductor components are deemed legitimate, then they will have high quality and reliability levels. In many cases, nothing could be farther from the truth. Any components outside the authorized supply chain (whether authentic or not) may not have been handled, stored, and transported properly. Even if a customer buys components from a broker or an independent distributor that has always handled and stored components correctly, the broker/independent distributor may have obtained the components from an "upstream" source that did not do so. Unfortunately, unlike with some other products, semiconductor components can be mishandled or stored improperly yet show little or no physical evidence that they have been abused. Examples of damage that can occur due to improper handling and storage when components are outside the authorized supply chain include: 1. Electrostatic Discharge (ESD) damage due to handling without adequate ESD controls; 2. Bent pins, scratched pads, and deformed solder balls due to rough handling; 3. Solderability issues caused by exposure to excessive temperature and/or humidity; 4. Package contamination due to handling and storage in a dirty environment; 5. Package "popcorning" caused by incorrect or missing dry-packing. Unfortunately, as detailed in Section VIII, some of the above issues do not always result in immediate component failure. Both ESD damage and package contamination can result in time-dependent failures. Since the quality and reliability of components can be severely degraded by improper handling and storage, semiconductor companies do not offer warranties on components that are outside the authorized supply chain. Thus, if components bought on the open market have high fail rates in electronic systems, semiconductor companies have no liability. Although the component purchaser may try to pass warranty costs and other large financial liabilities on to the company they bought the parts from, most open market sources are not in a financial position to pay out large liability claims. For example, fly-by-night operators often "disappear" when faced with liability claims or lawsuits. The net result is that the Original Equipment Manufacturers (OEMs) and/or their Contract Manufacturers (CMs) are saddled with high financial liabilities and in many cases damaged reputations due to selling systems with poor reliability. The OEMs/CMs can avoid all

these problems by buying components directly from OCMs or directly from their Authorized Distributors/Resellers.

2nc - AT: Authorized supply chain

No assurance for non-authorized channels. The military has already purchased counterfeits from such channels.

SIAACTF 20**13**, Semiconductors Industry Association Anti-Counterfeiting Task Force, a trade association and lobbying group at represents the United States semiconductor industry, SIA, "WINNING THE BATTLE AGAINST COUNTERFEIT SEMICONDUCTOR PRODUCTS," August 2013, http://www.semiconductors.org/clientuploads/Anti-Counterfeiting/SIA%20Anti-Counterfeiting%20Whitepaper.pdf

OCMs and their Authorized Distributors have proven systems for ensuring that components bought from them are legitimate and are handled, stored, and transported properly. However, once components are out of the authorized channel there are no assurances that the component is legitimate or functional. Components on the open market often pass through many different hands. For example, during his opening statement at the Senate Armed Services Committee (SASC) Hearing on Counterfeit Electronic Parts in the Department of Defense's Supply Chain, SASC Chairman Senator Carl Levin described how one set of suspect counterfeit parts went through six different brokers/independent distributors in three different countries before they were assembled into an electronic system. [Reference 14.] Given the number of parties involved and the associated extensive shipping and handling operations, there are numerous opportunities for counterfeit components to enter nonauthorized supply chains. In many cases, the majority of parties in the supply chain are unaware that they are dealing with counterfeits. It is not surprising these parties usually plead ignorance if an investigation takes place and civil or criminal charges are filed. However, any individual or company that is knowingly or unknowingly involved in the distribution of counterfeit components can be charged with trafficking in counterfeit goods. While many brokers/independent distributors are diligent about avoiding counterfeits, some open market sources intentionally engage in the distribution and sale of counterfeit components. For example, the SIA Anti-Counterfeiting Task Force worked with US government agencies to analyze suspect components, many of which were determined to be counterfeit, sold by brokers MVP Micro, J.J. Electronics, VisionTech Components, Epic International Electronics, and their affiliated companies. [References 15-18.] The defendants in the MVP Micro case manufactured counterfeit semiconductors in the US, thus illustrating that the manufacturing of counterfeit components is not just limited to countries with a history of providing minimal Intellectual Property (IP) protection. In the J.J. Electronics, MVP Micro, and VisionTech Components cases, the defendants knowingly sold counterfeit electronic components to the US military and other customers via their professional-looking websites. The defendants in these cases later served time in prison for trafficking in counterfeit components and other unlawful activities. The defendant in the Epic International Electronics case was charged in July 2013 with importing counterfeit semiconductors for sale in the US. Some of these counterfeits were intended for use in nuclear submarines, thus underscoring the major risks that counterfeit semiconductors pose to health, safety, and security.

2nc Econ module

Counterfeit semiconductors ruin semiconductor industry competitiveness and electrical grids.

SIAACTF 20**13**, Semiconductors Industry Association Anti-Counterfeiting Task Force, a trade association and lobbying group at represents the United States semiconductor industry, SIA, "WINNING THE BATTLE AGAINST COUNTERFEIT SEMICONDUCTOR PRODUCTS," August 2013, http://www.semiconductors.org/clientuploads/Anti-Counterfeiting/SIA%20Anti-Counterfeiting%20Whitepaper.pdf

In addition to jeopardizing health, safety, and security, counterfeit semiconductors cause significant harm to the economy. Semiconductor companies spend tens of billions of US dollars per year developing, manufacturing, and supporting products that will operate reliably for many years in customer applications. In contrast, counterfeiters spend minimal money developing and "manufacturing" products, and they provide no post-sales customer support. When an Original Component Manufacturers' products are counterfeited, the low quality and poor reliability of the counterfeit components can cause damage to an OCM's reputation, especially if the parties that experience failing components do not realize that these components are counterfeit. This damage to an OCM's reputation can result in loss of business even though the "manufacture" and sale of the counterfeits was completely outside the control of the OCM. Due to their low-cost operations based on theft of OCMs' Intellectual Property (IP), counterfeiters can usually undercut the Average Selling Prices (ASPs) of OCMs and their Authorized Distributors. While component purchasers may think they are getting a good deal in terms of pricing and/or availability by turning to the open market and ordering components based on quick Internet searches, there are no assurances that these components are consistently authentic and reliable. Just one counterfeit semiconductor component in an electronic system can cause the entire system to completely fail unexpectedly during end-customer use. If this system is a video game console or an electronic toy, the economic consequences of failure are minimal. However, if this system is a computer server for financial transactions or a control system for electric power grids, the economic damage from failures can be very substantial. Components bought through the open market carry no factory warranties, and most non-authorized sources are too small to be in a financial position to pay large liability claims stemming from high rates of OEM system failures caused by counterfeit components. Thus, component purchases from the open market that are initially viewed as inexpensive can turn into an extremely costly mistake, particularly if system failures result in millions of dollars in warranty expenses and/or liability claims against the OEM or their CM. Moreover, the cost of high failure rates on electronic systems due to counterfeit components can be even greater if these failures result in major damage to the OEM's/CM's reputation and the loss of future business. The **economic harm can be almost incalculable if counterfeit semiconductors result in critical infrastructure failure or if counterfeits in safety-critical electronic equipment cause loss of life**. The OEMs/CMs can avoid these major risks by always buying components directly from OCMs or directly from their Authorized Distributors/Resellers. By avoiding counterfeits and otherwise inferior products by adopting procurement policies requiring purchases through authorized sources, the OEMs/CMs will protect the health, safety, and security of everyone that depends on reliable electronic products and systems on a daily basis. Individuals and companies involved in the sale of counterfeit components/electronic systems to the US Department of Defense (DoD) can face nearly unlimited financial liabilities along with severe criminal penalties. Section 818 of the National Defense Authorization Act for

Fiscal Year 2012 (NDAA) requires defense contractors to establish effective policies and procedures to detect and avoid counterfeit components. [Reference 3.] Even if defense contractors have implemented comprehensive safeguards against counterfeits, they may be financially liable for all costs associated with completely remediating any issues stemming from counterfeit components in electronic systems. As detailed in Section IX, authentication determinations on suspect components are difficult to make and are often erroneous. Consequently, most counterfeit mitigation programs will not be effective unless they require that component purchases be exclusively through authorized sources. If counterfeit components are incorrectly deemed authentic and integrated into complex military systems deployed worldwide, the financial costs may be enormous to replace suspect or confirmed counterfeits. Thus, any savings that defense OEMs or their CMs may have realized by purchasing semiconductor components from the open market would be dwarfed by the costs of replacing previously-installed counterfeit components in fielded military systems. Moreover, the reputations of defense contractors and their suppliers involved in counterfeit issues can be badly damaged. NDAA Section 818 and subsequent related legislation cover additional provisions including reporting requirements for suspect counterfeit components and criminal penalties for trafficking in counterfeit goods and services. For example, per Section 818, an individual who intentionally traffics in counterfeit goods to the DoD can be fined up to $2 million and/or imprisoned for up to 10 years, double the penalties under previous laws.

Semiconductor industry key to the economy – its key to all major sectors and innovation.

Matti **Parpala** 20**14**, Research Fellow for the Semiconductor Industry Association, Master in Public Policy '15 at Harvard Kennedy School, SIA, "The U.S. Semiconductor Industry: Growing Our Economy through Innovation," August 2014, http://www.semiconductors.org/clientuploads/Industry%20Statistics/141008%20Innovation%20White%20Paper%20Final%20as%20posted.pdf

Semiconductor technology started conquering the world soon after the Second World War. Jorgenson, Ho & Samuels (2011) have done extensive research into information technology's impact on U.S. economic growth from 1960 to 2007. 12 During that period, the U.S. semiconductor industry accounted for as much as 30.3 percent of total economic growth due to innovation (Figure 3). The U.S. semiconductor industry was third to wholesale and retail trade industries, which only had bigger innovation effects because of their massive size relative to the U.S. semiconductor industry. Jorgenson et al. (2011) also calculated the total contribution of different industries to aggregate value added (GDP) growth from 1960-2007, and the U.S. semiconductor industry's share proved to be outsized. The industry accounted for as much as 2.9 percent of the total real GDP growth (i.e. after adjusting for price changes) – seven times more than the industry's share of nominal GDP from 1960 to 2007. Figure 3 illustrates how outsized the U.S. semiconductor industry's contribution to U.S. economic growth and innovation is compared to its share of GDP and to all other U.S. industries, categorized by IT-producing, IT-using, and non-IT-using industry groups Dividing U.S. industries into IT-using, IT-producing, and non-IT-using industry groups provides a striking illustration of the major indirect effect the U.S. semiconductor industry has on the U.S. economy. As Figure 3 shows, IT-producing or IT-using industries – which are all deeply reliant on semiconductor technology – had a 52.7 percent share of nominal GDP (left bar) and accounted for a 59.7 percent share of real GDP growth (middle bar). Importantly, all growth due to innovation occurred due to IT-using and IT-

producing industries (right bar). 15 Even as a direct contributor to real U.S. GDP growth, the U.S. semiconductor industry beats many other major traditional U.S. industries. Table 1 shows the U.S. semiconductor industry's contribution (0.10 percent units of total GDP) in comparison with other selected industries. Innovation and IT Continue to Play a Major Role in U.S. Economic Growth Between 1947-2010, average annual U.S. economic growth was approximately 3.0 percent. Innovation played a major role in this growth, generating nearly a quarter of it, or 23 percent. Amazingly, from 2000-2005, innovation accounted for nearly a half of total economic growth. 17 Figure 4 illustrates, in yellow, the effect of innovation (TFP) as a share of total labor productivity growth from 1990- 2010, and projections for 2010-2020. The base case estimate expects GDP to grow by 1.93 percent annually during this decade, of which productivity growth is estimated to account for roughly 1.1 percentage points, as shown in the graph. According to the estimate, roughly a quarter of the labor productivity growth will be generated by innovation. Importantly, economists also estimate that all productivity growth during the current decade will likely be generated by IT-using and IT-producing industries. The non-IT-using industries are only expected to improve their productivity in the optimistic case, as described in Figure 5**. Given all IT systems' dependence on semiconductor technology, this information indicates that the U.S. semiconductor industry's outsized direct and indirect impact on U.S. economic growth will continue**.

Prefer our statistics—decline causes war

Royal '10

(Jedediah, Director of Cooperative Threat Reduction at the U.S. Department of Defense, 2010, Economic Integration, Economic Signaling and the Problem of Economic Crises, in Economics of War and Peace: Economic, Legal and Political Perspectives, ed. Goldsmith and Brauer, p. 213-215)

Less intuitive is how periods of economic decline may increase the likelihood of external conflict. Political science literature has contributed a moderate degree of attention to the impact of economic decline and the security and defence behaviour of interdependent stales. Research in this vein has been considered at systemic, dyadic and national levels. Several notable contributions follow. First, on the systemic level. Pollins (20081 advances Modclski and Thompson's (1996) work on leadership cycle theory, finding that rhythms in the global economy are associated with the rise and fall of a pre-eminent power and the often bloody transition from one pre-eminent leader to the next. As such, exogenous shocks such as economic crises could usher in a redistribution of relative power (see also Gilpin. 19SJ) that leads to uncertainty about power balances, increasing the risk of miscalculation (Fcaron. 1995). Alternatively, even a relatively certain redistribution of power could lead to a permissive environment for conflict as a rising power may seek to challenge a declining power (Werner. 1999). Separately. Pollins (1996) also shows that global economic cycles combined with parallel leadership cycles impact the likelihood of conflict among major, medium and small powers, although he suggests that the causes and connections between global economic conditions and security conditions remain unknown. Second, on a dyadic level. Copeland's (1996. 2000) theory of trade expectations suggests that 'future expectation of trade' is a significant variable in understanding economic conditions and security behaviour of states. He argues that interdependent states arc likely to gain pacific benefits from trade so long as they have an optimistic view of future trade relations. However, if the expectations of future trade decline, particularly for difficult to replace items such as energy resources, the likelihood for conflict increases, as states will be inclined to use force to gain access to those resources. Crises could potentially be the trigger for decreased trade expectations either on its own or because it triggers protectionist moves by interdependent states.4 Third, others have considered the link between economic decline and external armed conflict at a national level. Momberg and Hess (2002) find a strong correlation between internal conflict and external conflict, particularly during periods of economic downturn. They write. The linkage, between internal and external conflict and prosperity is strong and mutually reinforcing. Economic conflict lends to spawn internal conflict, which in turn returns the favour. Moreover, the presence of a recession tends to amplify the extent to which international and external conflicts self-reinforce each other (Hlomhen? & Hess. 2(102. p. X9> Economic decline has also been linked with an increase in the likelihood of terrorism (Blombcrg. Hess. & Wee ra pan a, 2004). which has the capacity to spill across borders and lead to external tensions. Furthermore, crises generally reduce the popularity of a sitting government. "Diversionary theory" suggests that, when facing unpopularity arising from economic decline, sitting

governments have increased incentives to fabricate external military conflicts to create a 'rally around the flag' effect. Wang (1996), DcRoucn (1995), and Blombcrg. Hess, and Thacker (2006) find supporting evidence showing that economic decline and use of force arc at least indirecti) correlated. Gelpi (1997). Miller (1999). and Kisangani and Pickering (2009) suggest that Ihe tendency towards diversionary tactics arc greater for democratic states than autocratic states, due to the fact that democratic leaders are generally more susceptible to being removed from office due to lack of domestic support. DeRouen (2000) has provided evidence showing that periods of weak economic performance in the United States, and thus weak Presidential popularity, are statistically linked to an increase in the use of force. In summary, rcccni economic scholarship positively correlates economic integration with an increase in the frequency of economic crises, whereas political science scholarship links economic decline with external conflict al systemic, dyadic and national levels.' This implied connection between integration, crises and armed conflict has not featured prominently in the economic-security debate and deserves more attention.

Politics DA

1NC Politics Link

The plan is politically unpopular

Chen 12--Associate Professor, University of Colorado Law School [Ming Hsu, Where You Stand Depends on Where You Sit: Bureaucratic Incorporation of Immigrants in Federal Workplace Agencies (March 9, 2012). Berkeley Journal of Employment and Labor Law, 2012; U of Colorado Law Legal Studies Research Paper No. 12-03. http://ssrn.com/abstract=2019181 or http://dx.doi.org/10.2139/ssrn.2019181]RMT

Notwithstanding President Obama's re-election in 2012, immigration scholars in the legal academy have been exceedingly pessimistic about the federal government's commitment to undocumented1 workers' rights over the last decade. **A majority of the criticisms focus on the need for comprehensive immigration reform in Congress**.2 A considerable number of these critiques focus on Hoffman as case law limiting the protective remedies of undocumented workers against employers who exploit the most vulnerable among their labor force.3 The minority of legal scholars who seriously consider agency actions contend that such actions are insufficient and inadequate, even if well-intended.4 Immigration scholars have especially expressed dismay about the deleterious effects of White House policies relying on the Department of Homeland Security (DHS) worksite enforcement actions as a strategy for immigration control and the inability of workplace agencies to counter these actions.5 The **criticisms extend across Republican and Democratic administrations**.

2NC Politics Link Wall

Plan is tied to Obama

Immigration Impact 11 --Immigration Impact is a project of the American Immigration Council (The American Immigration Council exists to promote the prosperity and cultural richness of our diverse nation by: Educating citizens about the enduring contributions of America's immigrants; Standing up for sensible and humane immigration policies that reflect American values; Insisting that our immigration laws be enacted and implemented in a way that honors fundamental constitutional and human rights; Working tirelessly to achieve justice and fairness for immigrants under the law.) [""Obama Administration Seeks Balance Between Labor and Immigration Law Enforcement" 5/19/11, http://immigrationimpact.com/2015/04/15/ice-director-saldana-faces-critics-in-congress/]RMT

Last week President Obama issued a blueprint for a twenty-first century immigration policy that highlighted, among other things, the need to promote accountability for employers who deliberately hire and exploit undocumented workers. The Administration's recommendations for achieving this goal include a better employment verification system, more comprehensive anti-retaliation protections for workers, and a legalization program that requires the current undocumented population to get right with the law. Pending the success of these ambitious goals, the Administration has taken another important step to prevent unscrupulous employers from retaliating against undocumented workers who seek to assert their labor rights—a revised Memorandum of Understanding (MOU) between the Departments of Homeland Security (DHS) and Labor (DOL). The MOU obligates DHS's enforcement arm (ICE) to refrain from civil immigration enforcement at any worksite that is the subject of an ongoing DOL investigation or any related proceeding. The memorandum supersedes a 1998 agreement with the former Immigration and Naturalization Service and contains detailed

provisions for coordination of ICE and DOL enforcement activities. It provides further that ICE will consider allowing witnesses to remain in the country if they are needed for DOL enforcement efforts. The agreement also acknowledges that effective enforcement of labor and immigration law requires freedom from "inappropriate manipulation," including false representations by ICE agents that they represent DOL. –

Republicans hate the plan – they want more enforcement

Brian **Bennett 11**, Washington Bureau, January 27, 11, 1-27-2011, "Republicans want a return to workplace immigration raids," latimes, http://articles.latimes.com/2011/jan/27/nation/la-na-immigration-raids-20110127 ||RS

Reporting from Washington — Deportations of illegal immigrants have reached new heights for two years running under President Obama, statistics show, but **Republicans** say they'll use their new majority in the House to press for more **aggressive enforcement** without any path to legal status. Republican lawmakers called on the Obama administration to return to the era of workplace raids to arrest illegal employees, an approach that contrasts sharply with the president's continued push to create a path to citizenship for "responsible young people" and deport only those illegal immigrants charged with serious crimes. Deportations under Obama have reached new heights for two years running, statistics show, but Republicans said they would use their new majority in the House to press for more aggressive enforcement without any path to legal status. Large-scale workplace arrests of illegal workers were hallmarks of the George W. Bush administration's approach in its final years. But two years ago Obama decided to shift enforcement efforts to focus on employers who knowingly hire illegal workers. Arrests from worksite raids for immigration-related offenses, such as using a forged driver's license or a fake Social Security number, have dropped by 70% since the end of the Bush administration, when a series of large raids of factories and meatpacking plants received national media attention. Because Democrats hold a Senate majority and Obama has veto power, the GOP cannot force a change in the enforcement policy. But with illegal immigration likely to be a hot-button issue in the 2012 campaign season, House Republicans on the House Judiciary subcommittee on Immigration Policy and Enforcement plan to hold hearings to criticize an administration they claim allows illegal immigrants to take American jobs.

Loose enforcement measure spark political backlash

Stephen **Dinan 15**, writer on Immigration issues, 4-14-2015, "Sarah Saldana, ICE chief, takes heat over agency's record," Washingtion Times, http://www.washingtontimes.com/news/2015/apr/14/sarah-saldana-ice-chief-takes-heat-over-agencys-re/?page=all |RS

The administration released dozens of convicted illegal immigrant murderers and rapists back onto the streets last year, even as it began to hold more women and children, according to the latest statistics that have President Obama and his immigration team **taking fire** from all sides in the debate. **Republicans** said releasing murderers and rapists, as well as thousands of drunken-drivers, drug users, burglars and thieves is the latest step for an administration bent on **ignoring enforcement**, confronting Immigration and Customs Enforcement Director Sarah Saldana over her agency's record. The 30,558 criminal aliens released into the community by ICE in 2014 had amassed 250 homicide convictions, 186 kidnappings and 373 sexual assaults, according to agency statistics put into the official records of the House Judiciary Committee. "The nonsensical actions of this administration demonstrate its lack of desire to enforce the law even against unlawful aliens convicted of serious crimes," said Rep. Robert W. Goodlatte, Virginia Republican and chairman of the committee. Even as she was accused of releasing serious criminals, Ms. Saldana faced charges from the **political left** that she was treating noncriminal refugees too harshly. Illegal immigrant mothers who have fled Central

America as part of the latest surge of border-jumpers said they and their children are being subject to poor treatment and deserve to be set free.

Courts CP

1NC Courts CP

The Supreme Court should rule on the grounds of the fourth amendment that no present statute authorizes workplace raids and investigations by the Immigration and Customs Enforcement agency absent a tailored warrant.

Solves the case – 4th amendment precedent restricts ICE raids - SCOTUS precedent AND ICE standards.

Katherine **Evans** 20**09**, Teaching Fellow at the Center for New Americans at the University of Minnesota Law School, member of the American Immigration Lawyers Association and serves as the federal court liaison for the Minnesota-Dakotas Chapter, NYU School of Law, "THE ICE STORM IN U.S. HOMES: AN URGENT CALL FOR POLICY CHANGE," https://socialchangenyu.files.wordpress.com/2012/09/homes.pdf.

This section argues that the Fourth Amendment protects all individuals lawfully present in the United States as well as many who are present unlawfully, and that the administrative nature of immigration law does not mitigate its protections in the context of home raids. Additionally, this section argues that agency regulations, internal manuals, and official statements recognize the requirements of the Fourth Amendment in immigration enforcement and, therefore, that ICE agents' actions should conform to the Constitution. Finally, this section discusses the limited application of the exclusionary rule in removal proceedings and the calls for the Supreme Court to revisit its decision on this issue. The first question is to whom does the Fourth Amendment apply in the criminal context. If the Fourth Amendment does not apply in the criminal context, it is unlikely to apply in the less demanding context of administrative law. With respect to the application of the Fourth Amendment to noncitizens, the Supreme Court has held that the Fourth Amendment protects a Mexican citizen, lawfully present in the United States, in a criminal proceeding.114 It was left uncertain, however, whether the exclusionary rule would be available in removal proceedings to remedy Fourth Amendment violations. 115 In deciding the reach of the exclusionary rule in INS v. Lopez-Mendoza, the Court assumed that the Fourth Amendment protected illegal aliens." 6 In United States v. VerdugoUrquidez, the Court explained that the assumption made by the LopezMendoza Court was not binding and specifically declined to answer the question of whether the Fourth Amendment protects illegal aliens in criminal investigations." 7 In Verdugo-Urquidez, U.S. officials searched a Mexican national's home in Mexico, confiscated drugs, and brought the Mexican national to the United States to be arraigned on criminal charges. The Court suggested that an individual would be one of "the people" protected by the Fourth Amendment if she were present in the United States voluntarily and had "accepted some societal obligations" or "developed substantial connections with this country."" 8 The precedential value of this portion of the Court's opinion is complicated by the fact that Justice Kennedy concurred in the opinion but rejected the idea that the text "the people" provides any authority for restricting the category of persons protected by the Fourth Amendment.119 Justice Kennedy went on to say that if the search had been conducted in the United States, he had "little doubt that the full protections of the Fourth Amendment would apply., 120 Therefore, despite the Court's holding, it does not appear that there were actually five votes for the proposition that some individuals living in the United States might not be protected by the Fourth Amendment. 2 1 Additionally, the Court stated that the "illegal aliens in Lopez-Mendoza were in the United States voluntarily and presumably had accepted some societal obligations," thereby suggesting that the protections of the Fourth Amendment are not limited to noncitizens who are lawfully present in the United States.122 But the Court did not describe what constitutes sufficient societal obligations. Many of the families described in this article whose homes have been raided are of mixed immigration status, often including U.S. citizen children and some lawful permanent resident members. As such, many occupants of these homes would enjoy the full protection of the Fourth Amendment under Verdugo-Urquidez in the criminal context. Those occupants who are not lawfully in the United States are still here

voluntarily and may have accepted sufficient "societal obligations" to be protected by the Fourth Amendment. As a result, the immigration status of a home's occupants is unlikely to limit the application of the Fourth Amendment in home raids. Also, the immigration status of a home's occupants or the extent of their "societal obligations" is not immediately apparent to ICE agents. This information is only learned later in the encounter. Agents should assume that the Fourth Amendment applies from the outset. Otherwise, agents would be justifying state action that does not conform to the Fourth Amendment with information gathered only after the action was taken. Such ex-post findings cannot be the basis for unconstitutional behavior. In an analogous situation, the Court in Hamdi v. Rumsfeld reasoned that the Due Process Clause applies to a U.S. citizen challenging her status as an enemy combatant and, therefore, only after that status was confirmed could fewer constitutional protections attach.123 The nature of the law being enforced also affects the level of protection afforded by the Fourth Amendment. Probable cause and a warrant, or circumstances that constitute an exception to the warrant requirement, are requirements of criminal law enforcement. However, in civil law enforcement, courts determine whether an administrative search was reasonable by balancing the state interest in the search against the degree of invasion the search entails.'24 In evaluating the level of intrusion, courts have considered the following factors: prior notice of the search,'25 the amount of discretion exercised by the officer in choosing whom to search,126 a diminished expectation of privacy,"7 the location of the search,2l8 the duration of a seizure required to effectuate a search,12 9 and the invasiveness of the search. 30 The government's interest in enforcing immigration laws is certainly legitimate and substantial. On the other hand, all of the factors indicating level of intrusion point toward a severe intrusion of privacy in home raids. In particular, the invasion of privacy in one's own home implicates the core of the Fourth Amendment. The Supreme Court described arbitrary searches of one's home as the "chief evil" against which the Fourth Amendment aims to protect' and has referred to "the Fourth Amendment sanctity of the home."'32 The Court in Camara v. Municipal Court of San Francisco addressed whether probable cause and a warrant were required for entry into a home to conduct an administrative safety inspection in the absence of consent.133 In balancing the competing interests, it determined that probable cause of a safety violation in a specific building was not required, but a warrant was.134 A modified warrant procedure was required because "administrative searches of the kind at issue here are significant intrusions upon the interests protected by the Fourth Amendment."13' 5 Given the significant privacy interests at stake and the Court's previous holding on administrative searches of homes, the administrative nature of immigration law should not reduce the protections afforded by the Fourth Amendment in the context of home raids. ICE's own position has conformed to the doctrinal arguments suggesting that the Fourth Amendment applies in immigration home raid. ICE's regulations,'" internal guidelines,137 and policy statements138 all draw on the standards and requirements of the Fourth Amendment. As a result, the actions of ICE agents when conducting home raids should be judged against the requirements of the Fourth Amendment.

2NC Courts CP

The 4th amendment applies to ICE raids – SCOTUS precedent AND ICE standards.

Katherine **Evans** 20**09**, Teaching Fellow at the Center for New Americans at the University of Minnesota Law School, member of the American Immigration Lawyers Association and serves as the federal court liaison for the Minnesota-Dakotas Chapter, NYU School of Law, "THE ICE STORM IN U.S. HOMES: AN URGENT CALL FOR POLICY CHANGE," https://socialchangenyu.files.wordpress.com/2012/09/homes.pdf.

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criminal context, it is unlikely to apply in the less demanding context of administrative law. With respect to the application of the Fourth Amendment to noncitizens, the Supreme Court has held that the Fourth Amendment protects a Mexican citizen, lawfully present in the United States, in a criminal proceeding.114 It was left uncertain, however, whether the exclusionary rule would be available in removal proceedings to remedy Fourth Amendment violations. 115 In deciding the reach of the exclusionary rule in INS v. Lopez-Mendoza, the Court assumed that the Fourth Amendment protected illegal aliens." 6 In United States v. 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Otherwise, agents would be justifying state action that does not conform to the Fourth Amendment with information gathered only after the action was taken. Such ex-post findings cannot be the basis for unconstitutional behavior. In an analogous situation, the Court in Hamdi v. Rumsfeld reasoned that the Due Process Clause applies to a U.S. citizen challenging her status as an enemy combatant and, therefore, only after that status was confirmed could fewer constitutional protections attach.123 The nature of the law being enforced also affects the level of protection afforded by the Fourth Amendment. Probable cause and a warrant, or circumstances that constitute an exception to the warrant requirement, are requirements of criminal law enforcement. 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raids. ICE's own position has conformed to the doctrinal arguments suggesting that the Fourth Amendment applies in immigration home raid. ICE's regulations,"' internal guidelines,137 and policy statements138 all draw on the standards and requirements of the Fourth Amendment. As a result, the actions of ICE agents when conducting home raids should be judged against the requirements of the Fourth Amendment.

ICE uses unconstitutional entry – deception and coercion. Precedent proves.

Katherine **Evans** 20**09**, Teaching Fellow at the Center for New Americans at the University of Minnesota Law School, member of the American Immigration Lawyers Association and serves as the federal court liaison for the Minnesota-Dakotas Chapter, NYU School of Law, "THE ICE STORM IN U.S. HOMES: AN URGENT CALL FOR POLICY CHANGE," https://socialchangenyu.files.wordpress.com/2012/09/homes.pdf.

The legal validity of "consent" for ICE agents to enter a home, if obtained at all, can be challenged on the basis that it is routinely coerced. In a typical home raid, ICE agents violate the Constitution from the minute they enter the premises. The Supreme Court articulated the test for consent in Schneckloth v. Bustamonte, stating that "the question whether a consent to search was in fact 'voluntary' or was the product of duress or coercion, express or implied, is a question of fact to be determined from the totality of all the circumstances."' 83 Although the Court did not articulate all of the factors relevant to assessing the totality of the circumstances in Schneckloth, it acknowledged that knowledge of one's right to refuse is one factor to be taken into account.184 In addition, the Court highlighted "subtly coercive police questions, as well as the possibly vulnerable subjective state of the person who consents" as additional factors to consider.185 Consent cannot be "coerced, by explicit or implicit means, by implied threat or covert force."1'86 The Court has also stated that consent cannot be shown by "no more than acquiescence to a claim of lawful authority."'87 In developing the totality of the circumstances test, the Schneckloth Court relied heavily on the Court's cases analyzing the admissibility of a confession, because these cases balanced similar competing interests: the need for effective law enforcement and protection of individuals against overwhelming police power.18s In order for a confession to be admissible, it must be voluntary. Otherwise "if [the defendant's] will was overborne and his capacity for self-determination critically impaired, the use of his confession offends due process."'89 In cases that assess whether the individual's will was overborne, the Court has looked to (1) the circumstances of the confession, such as the number of interrogators and the length and time of day of the interrogation; (2) the conduct of the officers, such as the use of physical abuse or deceptive tactics; and (3) the characteristics of the individual interrogated, including her level of education and her nationality or experience with U.S. law.190 These factors are instructive in analyzing whether consent is voluntary in a typical home raid.' All of the factors looked to by the court in assessing voluntariness indicate that consent is coerced in a typical home raid. First, **ICE engages in deceptive tactics**. Agents often identify themselves as police, which is misleading at best and false at worst.' 9 2 Agents sometimes state that they have a "warrant," which, in fact, carries no authority to search the home and no authority to enter the premises to effectuate an administrative arrest. This confusing nomenclature affects policymakers as well. In response to criticism of local raids, the mayor of Passaic, New Jersey, stated: "Immigration warrants are warrants. If they came and took them away, they must have had the right to take them."193 Alternatively, agents frequently say that they are looking for a "criminal," either as a pretext or in a misleading manner wherein it refers to a "fugitive alien" who has already been apprehended and convicted of a crime as opposed to someone who is suspected of committing a crime and has not yet been captured.

The person allowing ICE agents to enter her home generally believes that she has no choice because these are police officers with a warrant, or that she is allowing local police to come inside in order to further an ongoing criminal investigation in some way. **ICE's deceptive tactics are combined with coercive circumstances**. Home raids are generally conducted early in the morning when most residents are sleeping, capitalizing on the confusion and disorientation of the home's occupants when they are awoken.194 They involve at least five and as many as twenty-five ICE agents.195 Finally, the residents of the home are often foreign-born with varying levels of education, and many have no knowledge of their right to refuse entry. 96 Together, these factors indicate that consent is typically coerced in home raids. The use of Warrants of Deportation/Removal to gain entry is also problematic in its own right. In Bumper v. North Carolina, the Supreme Court found that consent is rendered involuntary if it is given in response to a false statement of possession of a valid warrant. 97 The "warrant" possessed by ICE agents is not akin to a judicial arrest warrant because it does not confer authority to enter the home in order to effectuate an arrest or conduct a search.1 98 While it may be true that the piece of paper ICE agents carry is nominally a warrant, this piece of paper is a far cry from a judicial warrant. ICE agents know this.1 99 While their statements regarding possession of a "warrant" may not be literally false, they are false in substance, and consent given on this basis should be deemed involuntary under Bumper. The most common practice described in accounts of home raids is ICE agents pushing their way into a home after a resident opens the door to speak with the agents. In discussing a raid on a Nassau County home, Christopher Shanahan, the Director of Deportation and Removal for ICE in the New York region, stated: "Once Erica's grandmother let agents over the threshold, there was no turning back.' 2° Importantly, Mr. Shanahan specified that the agents must be permitted to cross the threshold. Simply opening the door is not the equivalent of consenting to ICE agents' entry.

ICE uses unconstitutional searches – no basis for protective sweeps. Precedent proves.

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Protective sweeps are exceptions to the Fourth Amendment's requirement of a warrant and probable cause in order for a search to be reasonable. The Buie Court held that, as a precautionary measure, officers may look in areas immediately adjacent to an arrest "from which an attack could be immediately launched" without reasonable suspicion or probable cause.222 To conduct a protective sweep beyond this area, the Court held that officers must have reasonable suspicion, based on specific and articulable facts, that other people are present and represent a risk of harm to the officers or other individuals in the home. 223 The Court was clear in limiting officers' incident search powers to spaces large enough to contain a person, of which they could perform only a cursory inspection lasting "no longer than is necessary to dispel the reasonable suspicion of danger., 224 In the context of home raids, as illustrated above, a search often occurs before any arrest, if an arrest takes place at all. This practice conflicts with the facts and rationale in Buie, which was based on the Court's decisions in Terry v. Ohic25 and Michigan v. Long."26 These cases did not involve indiscriminate and dragnet-type searches. Instead, officers possessed probable cause and an arrest warrant for Buie,227 reasonable suspicion that Terry was armed and dangerous, 8 and reasonable suspicion that Long was dangerous and might have a weapon in his

adjacent car. 229 The Court in these cases emphasized that the encounter itself might have been dangerous either because the officers had reasonable suspicion that the person could access a weapon or because of the general risk of ambush when arresting someone in her own home for a criminal offense."' This danger justified an incident search to protect officer safety. 3 In contrast, in home raids, ICE agents do not have probable cause to support a criminal arrest and may not even have probable cause that any particular person in the home committed an immigration violation, if they are relying on outdated or incomplete information. Nor do agents generally have a particularized ground to believe that other residents represent a danger when they search all rooms of a home. The Court has been careful to cabin searches justified by officer safety, rather than probable cause and a warrant, in order to prevent fishing expeditions.232 Where agents search first, no formal law enforcement encounter recognized by the Fourth Amendment (e.g., a stop or arrest) has yet occurred. Therefore, at the time of the search in a typical home raid, there is no dangerous event that would justify a search to protect officer safety. **ICE is mischaracterizing its searches**. Searches conducted by ICE agents are not protective sweeps; they are not part of the process of arresting a person for whom the agents possess probable cause and a warrant. Searches by ICE agents are typically roundups that generate the arrests in home raids. As such, the purpose of these searches is investigative, not protective-exactly what the Buie Court rejected in scope and rationale. 33

ICE uses unconstitutional seizures –precedent proves.

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In Florida v. Bostick, the Supreme Court recognized that the Fourth Amendment encompasses seizures that fall short of a full arrest and articulated the test for a seizure, stating that "a court must consider all the circumstances surrounding the encounter to determine whether the police conduct would have communicated to a reasonable person that the person was not free to decline the officers' requests or otherwise terminate the encounter. 2 64 In an earlier decision, the Court noted circumstances that might indicate seizure, including "the threatening presence of several officers, the display of a weapon by an officer, some physical touching of the person or the use of language or tone of voice indicating that compliance with the officer's request might be compelled., 265 In California v. Hodari D., the Court required that in cases in which an officer has not physically touched an individual, the individual must actually submit to a show of authority for a seizure to occur. 266 And in INS v. Delgado, the Court made clear that a police officer's request for identification or questioning as to an individual's identity is unlikely, by itself, to constitute a seizure under the Fourth Amendment.267 In a typical home raid, ICE agents seize residents before requesting identification or questioning an individual about her immigration status. Numerous accounts of raids include descriptions of individuals being physically touched by ICE agents and often handcuffed at the start of the encounter, which automatically constitutes a seizure under HodariD. 268 In addition, residents typically report submitting to a show of force. Individuals subjected to raids report being woken by flashlights or shouting and banging, finding numerous ICE agents in their home, and being told either to produce identification at that point or to go to a common area where they are then told to produce identification.269 Individuals invariably report being yelled at by agents and seeing agents block

the doors to the home. 27 ' Numerous individuals report being told they could not put on additional clothes or use the bathroom in private. This last element is particularly indicative of a seizure, because if an agent does not allow an individual to decline the encounter in order to engage in an exceedingly private activity, an individual is reasonable in believing the agents would not permit her to decline a request for identification. If agents gather occupants in a common area before interrogating them, it is common practice for agents to block the exits from that room as well.272 As discussed, many accounts include reports of agents pulling out their guns or motioning at their guns and, because of such conduct, most residents follow the agents' orders. As a result, questioning by ICE officers generally takes place after residents have been seized. For a seizure to be reasonable under the Fourth Amendment, officers must have reasonable suspicion that illegal activity is occurring."3 While reasonable suspicion is a somewhat amorphous concept, the Court in United States v. Cortez articulated the baseline requirement that "[b]ased upon the whole picture the detaining officers must have a particularized and objective basis for suspecting the particular person stopped of criminal activity."2'74 Additionally, the Court held in United States v. BrignoniPonce that race or ethnicity can be a factor that supports reasonable suspicion, but it cannot be the only factor.275 In other words, the fact a home's resident appears Latino is not enough on its own to support her seizure by ICE agents. ICE agents may have reasonable suspicion that an individual named in a Warrant of Deportation/Removal is violating immigration laws. However, it is difficult to imagine how agents would have the necessary reasonable suspicion for each and every person in a home sufficient to justify seizing them. ICE Officer Belluardo's testimony regarding the agency's policy of corralling all residents and holding them for questioning276 lends further support to the conclusion that the seizure of most home raid victims is unconstitutional. The Court in Florida v. Royer held that any consent to being searched which is the product of an illegal seizure is not valid consent.277 While it is possible to give consent voluntarily while being seized,278 that seizure must be lawful. In the context of home raids, residents' responses to ICE agents' demands for identification and immigration status are not voluntary if their seizure is unlawful, which it typically is. As a result, ICE agents are using unconstitutionally-obtained statements as the basis for their arrests.

Reject these policies as a means of protecting individual privacy. Lack of 4th amendment application should not justify invasive policies.

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There are strong arguments that ICE's practices in home raids regularly violate the Constitution in numerous ways, and many would agree that home raids involve extremely intrusive actions by the state. Yet, by parsing out each stage of a typical home raid-entry into the home, searching all rooms for individuals, collecting and questioning all individuals-it is also possible to see that what appear to be violations might be deemed constitutional. Nonetheless, the existence of possible obstacles to constitutional claims does not justify ICE's current practice. **Official policy should conform to the foundational principle of the Fourth Amendment: protecting individuals' privacy**. Consent based on deception is not typically considered voluntary. The only reason for ICE agents to call themselves police or say they have a warrant is to encourage

residents to draw the wrong conclusions regarding the agents' authority, since few people would consent to immigration agents entering their homes. Similarly, justifying searches based on safety and then arresting most of the individuals found in the home uses an exception to the Fourth Amendment to swallow the rule itself. Finally, characterizing responses to agents' questions as "voluntary," after residents have been pulled out of bed and held in a room while agents block the exits, defies belief. When taken as a whole, **ICE's current practice seems intuitively wrong**. **The fact that the practice might be upheld as constitutional reflects limitations in the doctrine, not a justification for public policy**. The final section of this article builds on the constitutional arguments to abandon the current policy and examines the broader social costs of home raids in their current form. It concludes with proposals for policymakers in the Obama Administration.

ICE court rulings can challenge the power of the state

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More fundamentally, the raids erode the sense that the U.S. government abides by the rule of law and protects everyone equally. In an interview with the ABA Journal, Michael Neifach, ICE's principal legal adviser, discussed the numerous legal challenges brought against ICE related to raids.318 Pointing to the limitations on the exclusionary rule in immigration proceedings established in INS v. Lopez-Mendoza, he stated that "even if agents didn't have the residents' approval [to enter their homes], such searches and any subsequent arrests may not be disqualified in immigration courts." He added: "**Aliens and citizens are protected by the Constitution, but the protections are different**."3'19 Mr. Neifach's statement implies that ICE may be taking advantage of the fact that noncitizens have few remedies available for constitutional violations. This implication was made explicit by Professor Jan Ting from Temple University's Beasley School of Law: "It is well-established in immigration law that you can do a lot of stuff you couldn't if it were concerning American citizens. If the exclusionary rule does not apply, is there anything wrong about law enforcement going in and getting the people they're looking for?, 320 In other words, it is fine for the government to enter homes and arrest individuals in a way that is unconstitutional because there is no penalty for this behavior. This attitude is troubling to say the least. The government should not be testing the line of what is permissible by intruding into a private home and seizing of all of its occupants. An individual has an interest in pushing the bounds of the law in order to have more space to act free from government interference. 32' The state's interest is only the aggressive enforcement of administrative law, which is insufficient to justify the government's practice of pushing, if not crossing, the limits of the Constitution.322 Instead, the government should ensure that its actions conform to the law.323 The absence of effective constraints on ICE's practices in the form of the exclusionary rule does not change the analysis. ICE's current policy in home raids erodes the government's credibility because it disrespects constitutional rights the Executive is charged to protect. The editorial board of the New York Times discussed the question of why ICE's current practice is wrong, regardless of the legal consequences, in an editorial on the "war on illegal immigration." It wrote: "The true cost is to the national identity: the sense of who we are and what we value. It will hit us once the enforcement fever breaks, when we look at what has been done and no longer recognize the

country that did it.' '324 A government policy requiring federal agents, without warrants, to force or manipulate their way into private homes, to search the premises, and to interrogate residents does not respect the country's founding principles of individual liberty and protection from the coercive power of the state.

Bioterror CP

1NC Bioterror CP

Text: The United Nations should use the UNSCR 1540 Framework to create an independent UN body for ad hoc verification of states' implementation of UNSCR 1540's mandates

CP results in an international verification regime to prevent global bioterrorism

Eric **Merriam 14**, Lieutenant Colonel at the United States Air Force, June 2014, The International Legal Regime Affecting Bioterrorism Prevention, National Security Law Journal, http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2478444 ||RS

With a routine reporting and verification mechanism politically untenable, recommendations for improvement are modest. Some improvement can be made. The BWC is likely the wrong vehicle; **UNSCR 1540 may be the right one**. Given the gaping holes in verification under the BWC, and its non-application to nonstate actors, the BWC is clearly not the primary legal agreement for preventing bioterrorism. Even as applied to its original purpose -- preventing states from developing, acquiring, and possessing bioweapons -- it is largely considered a failure. In the words of one commentator, "[T]he BWC has been relegated to the status of an infirm elderly relative worthy of affection and respect yet not really expected to provide meaningful answers to current challenges."97 Its primary role now should be, as the United States now advocates, as a mechanism for refining "cooperation, information exchange, and coordination," and as "the premier forum for discussion of the full range of biological threats – including bioterrorism – and mutually agreeable steps States can take for risk management."98 In other words, the BWC will be a forum for discussion, not an instrument of enforcement. Clearly, the BWC does not, and will not in the foreseeable future, contain a verification mechanism. UNSCR 1540, though not focused solely on biological weapons, has served as an important improvement in legal attention to biological weapons proliferation and preventing bioterrorism. The recent developments in state implementation of UNSCR 1540 discussed above are very encouraging. However, as with the BWC before it, UNSCR 1540's verification mechanism is weak, relying on state self-reporting to the 1540 Committee. The creation of the 1540 Committee can be viewed as a first step toward a compliance body. To improve verification, the Security Council should give the 1540 Committee additional authority -- an idea that might be politically viable given the Security Council's recent decision to extend the 1540 Committee's existence for another 10 years -- or create a new body under the auspices of UNSCR 1540. In either case, the primary source of "verification" of compliance with UNSCR 1540 would remain states reporting their implementation efforts, but the new compliance body would have broader capability to assess such reports and, when called upon by the Security Council to do so, investigate suspected non-compliance. Such investigations should be conducted by experienced and preexisting teams, rather than ad hoc teams whose experience investigating compliance with the BWC or UNSCR 1540 may be minimal.

2NC Extension Bioterror CP

CP solves – Multilateral verification system would prevent bioterrorism

Eric **Merriam 14**, Lieutenant Colonel at the United States Air Force, June 2014, The International Legal Regime Affecting Bioterrorism Prevention, National Security Law Journal, http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2478444 ||RS

Though the practical difficulties of inspecting biological weapons production facilities caused by dual use are imposing, UNSCR 1540 could be improved by creating a body for the physical inspection and monitoring of biological weapons development and enforcement in states where specific concerns are raised and the Security Council believes greater attention is required. Though the nuclear and chemical weapons enforcement bodies are created by treaty, there is no legal need to use a treaty to do so. As with UNSCR 1540 itself, Chapter VII of the UN Charter is sufficient authority for the Security Council clearly to create such a body, and imbue it with rights to inspect and gather additional information from without and within states' borders. Additionally, given the lack of enthusiasm for instituting substantive changes to the BWC, and seeming positive contemporary efforts under UNSCR 1540, utilizing the Security Council may be a politically more realistic option. Such a body -- similar to the IAEA or OPCW, though with far less authority --

would be able to provide to the Security Council what is sorely missing from the current regime: data regarding the presence of biological weapons development, production, and storage programs and facilities in states from an experienced and independent inspection team. This proposed independent body would not have authority to inspect absent specific authorization from the Security Council. Dependence on the Security Council for situation-specific inspection authority in specific instances of concern would allow permanent Security Council member states like the United States to control perceived overreaching. Once given authority, it could conduct physical inspections of biological research, development, and production facilities in a way no currently constituted international body can. Unlike the "challenge inspections" of the CWC, these inspections could not be triggered solely by another state's allegations. Further, no routine and reoccurring inspections would be conducted. A multilateral verification body's physical inspection and monitoring activities could themselves serve as a deterrent, both to states who may support or allow biological weapons development by non-state actors, or by the non-state actors themselves. Perhaps more importantly, such a body's reports would offer independent and therefore more credible information upon which the Security Council could take action. Evidence from an independent inspection agency, or even a state's unwillingness to permit such inspections, would surpass the weight of evidence offered only by a state considered a rival of the alleged offending state. At a minimum, if one state were to offer such evidence, an independent body could verify it prior to the Security Council authorizing sanctions or military action against that state. If such a body were already in existence, rather than having to be constituted for the sake of a particular situation, the Security Council would have the information necessary to take or authorize action much more quickly and effectively than otherwise. Finally, such a body could actually investigate and provide additional data and analysis regarding the efficacy of states efforts to implement and enforce prohibitions on biological weapons development by non-state actors, rather than simply cataloging such efforts as is currently the case.

2NC – AT: Commitments/Politics

Commitment are not an issue – Malaysia proves

Chatam House 14, King's College London, 11/5/14, UNSCR 1540 Ten Years On: Challenges and Opportunities, International Security Department Meeting Summary, http://www.chathamhouse.org/sites/files/chathamhouse/field/field_document/UNSCR%201540-summary.pdf ||RS

Despite the challenges associated with the adoption of laws, it was noted that **considerable progress** has been made since UNSCR 1540's adoption in 2004. Notable examples include Malaysia and the UAE, which previously served as key nodes of the AQ Khan proliferation network, and both of which have adopted comprehensive export control laws in the last decade. **The success of countries like Malaysia and the UAE can provide encouragement to and models for other states**, although it is recognized that the laws should be adapted to the specific needs of individual countries.

1NC/2NC Labor Rights

1NC Labor Rights

Developing countries are becoming more stable now

Abiad et al 12 - Deputy Division Chief in the IMF's Research Department, Senior Economist Advanced Economies [Abdul Abiad, John Bluedorn, Jaime Guajardo, and Petia Topalova "The Rising Resilience of Emerging Market and Developing Economies" 2012 International Monetary Fund, http://www.imf.org/external/pubs/ft/wp/2012/wp12300.pdf]RMT

Economic performance in many emerging market and developing economies (EMDEs) improved substantially over the past twenty years. **The past decade was particularly good**— for the first time EMDEs spent more time in expansion and had smaller downturns than advanced economies. In this paper we document the history of EMDEs' resilience over the past sixty years, and investigate what factors have been associated with it. We find that their improved performance in recent years is accounted for by both good policies and a lower incidence of external and domestic shocks—better policies account for about three-fifths of their improved resilience, while less frequent shocks account for the remainder.

No poverty trap and human development is increasing globally

Kenny and Summer 11--Charles Kenny is a research fellow at the Center for Global Development and the author of Getting Better: Why Global Development Is Succeeding - And How We Can Improve the World Even More. • Andy Sumner is a research fellow at the Institute of Development Studies and a visiting fellow at the Center for Global Development [Charles and Andy, "How 28 poor countries escaped the poverty trap", The Guardian, 7/12/11, http://www.theguardian.com/global-development/poverty-matters/2011/jul/12/world-bank-reclassifies-28-poor-countries]RMT

Remember the poverty trap? Countries stuck in destitution because of weak institutions put in place by colonial overlords, or because of climates that foster disease, or geographies that limit access to global markets, or simply by the fact that poverty is overwhelmingly self-perpetuating. Apparently the trap can be escaped. The World Bank did its annual assessment of poor countries last week. Low-income countries are those with average gross national incomes (GNIs) of less than $1,005 per person per year. And there are only 35 of them remaining out of the countries and economies that the World Bank tracks. That's down from 63 in 2000. New middle-income countries this year include Ghana and Zambia. Lower middle-income countries are those with per capita GNIs of between $1,006 and $3,975 per year; while upper middle-income countries are those with per capita GNIs between $3,976 and $12,275. The remaining 35 low-income countries have a combined population of about 800 million. Tanzania, Burma, the Democratic Republic of the Congo, Ethiopia and Bangladesh account for about half of that total, and there are about 350 million people living on under $1.25 a day in the remaining low-income countries. So what's behind all of this sudden income growth? Is it a story about aid? One prominent Zambian, Dambisa Moyo, has written of her country that "a direct consequence of the aid-driven interventions has been a dramatic descent into poverty. Whereas prior to the 1970s, most economic indicators had been on an upward trajectory, a decade later Zambia lay in economic ruin". In the 1980s, aid to Zambia averaged about 14% of the country's GNI. In the 2000s, a decade of strong growth, the same proportion was 17%. If Zambia's ruin in the 1980s was the result of aid, is Zambia's graduation to middle-income status in the new millennium a sign that aid now works really well? Of course both the ideas that previous stagnation was all the fault of aid, or current growth was all the result, are ridiculous. The price of copper (Zambia's major export) was depressed in the 1980s and saw its price rocket in the middle of the last decade as China and India's economies grew and demand for the metal soared. But growth among low-income countries in Africa and elsewhere isn't just limited to big mineral exporters. And the continent is fast drawing in more investment. Foreign direct investment to Africa is projected to rise to $150bn by 2015, reports the Africa Attractiveness Survey (that's more than the total global aid budget) – and domestic resources are being mobilised at a faster rate, too, as the Commission for Africa 2010 report discussed. Even gold and diamond-producing Ghana, which declared itself 63% richer at the end of last year than previously thought, didn't suggest the newfound riches were the result of mineral exports. Instead,

the recalculation was driven by the fact the country's services sector was a lot bigger than previously calculated. Part of that will reflect the incredible success of the telecoms sector - 75% of the country's population are mobile subscribers. And, of course, the expansion of telecoms is a worldwide phenomenon. So a lot of the growth we are seeing in poor countries is broad-based, not just reliant on the current commodity boom – which is good news for the future. Of course there's much to do to translate this growth into better and faster poverty reduction. Looking at the progress data for the millennium development goals (MDGs) for Ghana and Zambia there's nowhere near the kind of progress you would hope to see on income poverty. Twenty years of growth in Ghana has reduced the number of people living on $1.25 or less from just over 7 million to just under 7 million – and inequality (as measured by the Gini coefficient) rose significantly. However, in both Ghana and Zambia, the number of children in primary school has climbed along with literacy rates, and infant mortality has fallen. Even if they're not on track to meet the MDGs, **quality of life is getting much better**.

Increased remittances cause Dutch Disease – appreciation and higher non tradable prices.

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This study has shown that rising levels of remittances in emerging economies potentially possess an important spending effect that culminates in an increase in the relative price of non tradables and real exchange rate appreciation. The results also suggest that a resource movement effect that favors the non tradable sector at the expense of tradable goods follows an increase in remittances. In particular, the evidence shows that the share of services in total output rises while the share of manufacturing declines, these being characteristics of the phenomenon known as the "Dutch disease". These results still hold after dealing with endogeneity issues and controlling for economic growth, terms of trade, trade openness, monetary aggregates and fiscal policy. There is also an indication that resource movement effects that favor the non tradable sector operate stronger under fixed exchange rate regimes. One plausible explanation is that countries with a nominal peg cannot adjust international relative prices after a negative shock to the tradable sector. The inflow of remittances aimed at compensating the resulting decline in households' income may help to sustain the over-appreciated long-run equilibrium for the real exchange rate. These results represent a novel approach in studying real exchange rate effects and resource reallocation of an increase in remittances in particular, and in capital inflows in general under different monetary regimes.

Remittances foster corruption – governments divert spending form welfare.

Faisal Z. **Ahmed** 20**10**, Post-doctoral fellow, Woodrow Wilson School, Professor of political economy and international development at Princeton University, NYU, "Remittances Foster Government Corruption," http://politics.as.nyu.edu/docs/IO/18787/Ahmed.pdf.

The re-allocation of expenditures from welfare payments to increased government patronage in response to higher remittance inflows is not unique to Jordan, nor its high level of aggregate remittance inflows. Small increases in remittances can shift the allocation of government expenditures to patronage.34 For instance, in countries that receive remittances less than 2 percent of GDP, government's on average allocate 27 and 38 percent of their budget to employee compensation and government transfers respectively. As remittance inflows rise, governments tend to allocate a greater share of their budget to employee compensation. In countries that receive moderate

inflows of remittances (between 2 to 4 percent of GDP), for instance, governments allocate 30 percent of their expenditures on employee compensation and 26 percent to government transfers. In countries that receive inflows of remittances exceeding 4 percent of GDP, around 33 percent of government expenditures are spent on patronage and 31 percent is transferred to the population. This re-allocation of government resources to patronage as remittance inflows rise is robust to the inclusion of variables that capture a country's economic growth, average income, population, and underlying degree of autocratic governance. In a 2SLS specification that ontrols for these effects, a one percentage point in remittances reduces the share of expenditures a government allocates to subsidies and transfers by 4.5 percentage point (table 13, column 1). This is consistent with the earlier finding that remittances raise government expenditures on employee compensation (patronage). The ability of governments to reduce expenditures on public goods in response to remittances has tangible harmful effects on the population. For example, remittances reduce childhood immunizations to measles in the population (column 2). This type of health service represents a welfare good a government or household provides on a regular basis (and the class of substitutable welfare goods envisioned in the formal model in Appendix B). The IV coefficient suggests that a 1 percentage point increase in remittances (% GDP) reduces the percentage of infants immunized to measles by 5.7 percentage points. Remittances also tend to shift expenditures on health care between households and the government. Remittance inflows exhibit a negative effect public health care expenditures (column 3), but tend have a positive effect on private health care expenditures (column 4). While these estimated effect on remittances on public and private health care expenditures are not statistically significant at conventional levels, the direction of the effects are informative and provide additional evidence that remittances may re-orient a government's willingness to spend funds on welfare goods. Together, the results in table 13 suggest that governments may reduce the provision of welfare goods in response to remittance inflows.

Corruption is an alt cause and causes poverty, conflict and underdevelopment.

Vincent 9 – Research Institute for Law, Politics and Justice Keele University [Brian, "The Relationship between Poverty, Conflict and Development" March 2009, Vol. 2 No. 1, Journal of Sustainable Development]RMT

This paper establishes the relationship between poverty, conflict and development (PCD) in analysing instability in the African continent. In its analysis, the paper examines several variable factors that can help in the explanations of the relationship between PCD in Africa. These variable factors includes: economic, political, population, climate and environment, ethnic composition, militarization, poor growth and political corruption. None of these varying factors can unilaterally explain the relationship between poverty, conflict and development as issues behind Africa's instability. However, the paper argues that **political corruption stands out as the most persuasive, compelling and primary explanation for the (causal) relationship(s) between PCD**, though, it is not an exclusive one. While, the paper recognises that there are both exogenous and endogenous trends that influence political corruption, the paper adopts the endogenous (domestic political corruption) perspective, because political governance is now more controlled at home. The paper employs the human needs theory for analysis.

Remittances set to rise

World Bank 4/13 [The World Bank, "Remittances growth to slow sharply in 2015, as Europe and Russia stay weak; pick up expected next year" April 13, 2015,

http://www.worldbank.org/en/news/press-release/2015/04/13/remittances-growth-to-slow-sharply-in-2015-as-europe-and-russia-stay-weak-pick-up-expected-next-year]RMT

In line with the expected global economic recovery next year, the global flows of remittances are expected to accelerate by 4.1 percent in 2016, to reach an estimated $610 billion, rising to $636 billion in 2017. Remittance **flows to developing countries are expected to recover in 2016** to reach $459 billion, rising to $479 billion in 2017. The top five migrant destination countries continue to be the United States, Saudi Arabia, Germany, Russia and the United Arab Emirates (UAE). The top five remittance recipient countries, in terms of value of remittances, continue to be India, China, Philippines, Mexico and Nigeria. The global average cost of sending $200 held steady at 8 percent of the value of the transaction, as of the last quarter of 2014. Despite its potential to lower costs, the use of mobile technology in cross-border transactions remains limited, due to the regulatory burden related to combating money laundering and terrorism financing, says the Brief. International remittances sent via mobile technology accounted for less than 2 percent of remittance flows in 2013, according to the latest available data. In addition to sending money to their families, international migrants hold significant savings in their destination countries. 'Diaspora savings' attributed to migrants from developing countries were estimated at $497 billion in 2013, the latest data available.

2NC Extension: Remmitances Rising

Mexico proves remittances rising

Telesur 6/4 – a pan-Latin American terrestrial and satellite television network headquartered in Caracas, Venezuela [TelesurTV, "Rising Remittances Surpass Foreign Investment in Mexico" June 4 2015 http://www.telesurtv.net/english/news/Rising-Remittances-Surpass-Foreign-Investment-in-Mexico-20150604-0013.html]RMT

Remittances have surpassed foreign direct investment as the leading source of foreign exchange in Mexico, according to a report published Wednesday by the country's largest provider of financial services, BBVA Bancomer.

This year, Mexico is expected to receive US$22 billion in foreign direct investment and US$25 billion in remittances, BBVA Bancomer's Chief Economist for Mexico Carlos Serrano estimated. Economist forecasts project that rising remittances will hit levels of US$667 billion by 2017.

2NC Extension – Developing Countries Improving

Pew polls prove, life in developing countries is improving

Pew 14--nonpartisan fact tank that informs the public about the issues, attitudes and trends shaping America and the world. We conduct public opinion polling, demographic research, content analysis and other data-driven social science research. We do not take policy positions. [Pew Research Center, "Emerging and Developing Economies Much More Optimistic than Rich Countries about the Future" OCTOBER 9, 2014, http://www.pewglobal.org/2014/10/09/emerging-and-developing-economies-much-more-optimistic-than-rich-countries-about-the-future/]RMT

Looking ahead, people in the emerging and developing world see better opportunities at home than abroad. Majorities or pluralities in 30 of the 34 emerging and developing nations surveyed say they would tell young people in their country to stay at home in order to lead a good life, instead of moving to another country.

2NC Extension – Corruption Turn

Remittances foster corruption – studies prove.

Faisal Z. **Ahmed** 20**10**, Post-doctoral fellow, Woodrow Wilson School, Professor of political economy and international development at Princeton University, NYU, "Remittances Foster Government Corruption," http://politics.as.nyu.edu/docs/IO/18787/Ahmed.pdf.

Excessive patronage is frequently a tactic governments in many developing countries employ to remain in power. In these countries, this "misuse of government office for private gain" often paves the way for rampant government corruption (Bardhan 1997), lower economic performance (e.g., Mauro 1995; World Bank 2004) and worse social and health conditions (e.g., Gupta et al 2002).1 In light of this, existing studies frequently find that rising household income (e.g., Treisman 2000, 2007), achieved in part through the tremendous growth of remittances, may serve as a conduit for mitigating government excess and improving the quality of governance (e.g., G8 Center 2004; Obama 2009; Pfutze 2009).2 **This sentiment is misguided**. This paper harnesses a natural experiment to demonstrate that remittances foster government corruption in poor countries with weak democratic institutions. The natural experiment uses plausibly exogenous variation in the price of oil interacted with a Muslim country's distance to Mecca as an instrument for remittances received in poor Muslim countries. This instrument allays major worries about endogeneity bias arising from reverse causality and non-random measurement error. The instrumental variables results demonstrate that a one standard deviation increase in remittances corresponds to a more than one standard deviation increase in government corruption. This is equivalent to a 1.5 point jump in the 6-point index of government corruption (which amounts to a $600 decrease in per-capita GDP). The mechanism through which remittances can foster mis-governance is not obvious. While scholars have long recognized that direct financial transfers to governments, such as foreign aid, can generate rent-seeking behavior and fund corruption (e.g., Friedman 1958; Bauer 1972; Alesina and Weder 2002), the relationship between financial transfers to households (e.g., remittances) and government corruption is not so direct. Governments do not directly "observe" these transfers since a large share of remittances are sent through backchannels and via technologies (e.g., automated teller machines) that bypass their tracking by international development agencies and predominantly poor governments. Given these problems, remittances are largely untaxed by governments (de Luna Martinez 2005; Chami et al 2008) and thus cannot directly finance corruption. Instead, given their political incentives, governments in more autocratic polities may harness remittance inflows to substitute resources from the provision of welfare goods (e.g., government transfers, public health care) to the supply of patronage (e.g., corruption).3 This "substitution effect" supports existing theories and empirical evidence that governments in autocracies divert expenditures to engage in corruption to reward key supporters and stay in power (Bueno de Mesquita et al 2003; Acemoglu and Robinson 2006). Gauging the effects of remittances on governance (as well as economic outcomes), however, will suffer from endogeneity bias related to both reverse causality (i.e., countries with more corrupt governments and inferior socio-economic conditions tend to attract higher remittances) and measurement error (i.e., officially recorded flows of remittances tend to under-report actual flows). To combat these concerns, I harness a natural experiment of oil price driven remittance flows from the Persian Gulf to construct an innovative cross-country and time-varying instrument for remittances. < Figure 1 around here > For largely cultural and religious reasons, Gulf oil producers have tended to "import" a large share of their workforce from other Muslim countries (Choucri 1986). As figure 1 shows remittances to these poor, non-oil producing Muslim countries have tracked the price of oil. The price of oil provides plausibly exogenous variation in remittances that is uncorrelated with the internal economic and political conditions in poor, remittance receiving countries. Moreover, Muslim countries closest to oil producers in the Persian Gulf tended to receive more remittances. The inclusion of distance is key in generating a statistically strong instrument, and differentiates this study from Werker et al's (2009) examination of oil price driven foreign aid flows.4 These two facts underlie the instrument. Specifically, I use exogenous variation in the price of oil interacted with a Muslim country's distance from Mecca as a time-varying instrument for remittances. The instrument, therefore, identifies the average treatment effect for poor, non-oil producing Muslim, and predominantly non-democratic countries.5 For a sample of 57 poor, non-oil producing countries between 1984-2004, the instrumental variables (IV) results show that remittances raise government corruption. The results imply that a one standard deviation increase in remittances is equivalent to moving from a low corruption country like Costa Rica (with corruption on par with Germany and the United States) to a moderately corrupt nation, such as Niger or Sri Lanka. These findings are robust to outliers, alternate econometric

specifications, differential trends and potential violations of the exclusion restriction. There are three plausible channels through which oil prices could affect corruption independently of remittance inflows: foreign aid, prices (inflation, exchange rate), and trade flows. The findings are robust to specifications that take these other channels into account. Finally, I provide "micro" evidence from Jordan and cross-national analysis that the link between remittances and corruption plausibly operates through the reduction of welfare goods, such as health care and social spending. This paper's findings counter the prevailing view that remittances are a conduit for improved governance. Many studies tend to focus on the potential democratization effect of remittances in home countries, particularly in Latin America. For instance, Mexican migrants in the United States have had a sizeable impact on the domestic Mexican political process, through home town associations that provide financial assistance to their home communities. Home town associations are often involved in financing public infrastructure activities, such as the construction of roads, schools, and health facilities (Orozco and Lapointe 2003) as well as in political mobilization (de-la Garza and Hazan 2003). Such mobilization may contribute to improved public policies, governance, and the ousting of an incumbent government (Pfutze 2009).6 This sentiment has surfaced at the upper echelons of public policy. Leaders of the G8 countries, for instance, have officially acknowledged that remittances promote development and committed resources to policy initiatives to attract remittance inflows (G8 Centre 2004). More recently, in a speech promoting human rights and democracy in Cuba, President Obama (2009) declared "measures that decrease dependency of the Cuban people on the Castro regime and that promote contacts between Cuban-Americans and their relatives in Cuba are means to encourage positive change in Cuba. The United States can pursue these goals by facilitating greater contact between separated family members in the United States and Cuba and increasing the flow of remittances and information to the Cuban people." These studies and views of policymakers, however, frequently ignore the political incentives faced by public officials in countries with weak democratic institutions to engage in patronage (and out-right theft) that fosters corruption and unaccountable governance. The findings from this paper also introduce a new explanation for cross-national variation in corruption. These studies consistently find that that countries with Protestant traditions, histories of British rule, more developed economies, and (probably) higher imports are less corrupt (for an overview see Treisman 2000, 2007). Scholars have also associated cross-national differences in corruption to economic transactions involving firms engaged in international trade (e.g., Ades and Di Tella 1999) and foreign direct investment (e.g., Wei 2000) and governments receiving foreign aid (e.g., Alesina and Weder 2002). To my knowledge, there are no published works documenting whether international financial transfers to households, in the form of remittances, deteriorate the quality of governance. Thus, this is the first paper to do so.

2NC Extension – Dutch Disease

Increased remittances cause Dutch Disease – appreciation and higher non tradable prices.

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This study has shown that rising levels of remittances in emerging economies potentially possess an important spending effect that culminates in an increase in the relative price of non tradables and real exchange rate appreciation. The results also suggest that a resource movement effect that favors the non tradable sector at the expense of tradable goods follows an increase in remittances. In particular, the evidence shows that the share of services in total output rises while the share of manufacturing declines, these being characteristics of the phenomenon known as the "Dutch disease". These results still hold after dealing with endogeneity issues and controlling for economic growth, terms of trade, trade openness, monetary aggregates and fiscal policy. There is

also an indication that resource movement effects that favor the non tradable sector operate stronger under fixed exchange rate regimes. One plausible explanation is that countries with a nominal peg cannot adjust international relative prices after a negative shock to the tradable sector. The inflow of remittances aimed at compensating the resulting decline in households' income may help to sustain the over-appreciated long-run equilibrium for the real exchange rate. These results represent a novel approach in studying real exchange rate effects and resource reallocation of an increase in remittances in particular, and in capital inflows in general under different monetary regimes.

Increased remittances cause dutch disease - laundry list of effects.

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In the previous chapters, we have argued that remittances may have a number of beneficial effects for the welfare of the receiving countries. The evidence presented so far in this book suggests that at the country level, higher remittances inflows tend to be associated with lower poverty indicators and higher growth rates. Beyond these typical income dimensions of welfare, remittances seem to reduce output volatility (a measure of risk faced by countries1), and at least in some countries and for some socioeconomic groups, lead to improvements in social indicators. Yet the magnitude of these flows relative to the size of the receiving economies2 implies that remittances may also pose an important number of challenges. For while these inflows may ease external financing constraints and therefore hold the potential for higher investment by developing countries, in many circumstances remittances are so large that they can impact macroeconomic stability and more specifically carry the potential for a Dutch disease type of phenomena (see the International Monetary Fund's World Economic Outlook 2005 [IMF 2005], and the Work Bank's Global Economic Prospects 2006 [World Bank 2006]). Workers' remittances can be viewed as a capital inflow, and therefore the theory of the Dutch disease phenomenon associated with a surge in inflows (perhaps because of the discovery of new natural resources) can also be applied in this context. In order to isolate the specific channels transmitting remittances shocks through the economy, consider first a small open economy model with no leisure-consumption trade-off. In this setup, an increase in remittances is equivalent to a (permanent) increase in incomes of the households. Assuming that nontradables are normal goods, this positive income shock results in extra spending on both tradables and nontradables. Because most Latin American countries are price takers in international markets, growing demand does not raise the prices of tradables. However, because the prices of nontradables are determined in the domestic economy, they increase due to additional demand, or the so-called spending effect. There is also a "resource movement effect." The relative price change between tradables and nontradables makes production of the latter more profitable. Output growth in the nontradable sectors will push up factor demands, especially for those factors used intensively in these sectors. Increased factor demand by the expanding sectors will be accommodated by factors released from other sectors (the resource movement effect) and, depending on the behavior of total supply of the factor, will normally result in higher factor returns in the final equilibrium. The

price shift and resource reallocation in favor of nontradables erode the competitiveness of export-oriented sectors and hurt import-competing sectors. The final result of this real exchange rate appreciation is normally increased import flows and lower export sales. When the above assumption of no consumption-leisure trade-off in the household utility function is removed, the above effects are exacerbated. Without this assumption, an increase in nonlabor income, as is the case with remittances, influences household decisions to supply labor—namely, individuals can now consume more of both goods and leisure (that is, the income effect dominates), and thus their labor supply is reduced. In turn, reduced labor supply implies rising wages, and this additional pressure on wages intensifies the effects of real exchange rate appreciation described earlier. Obviously, the pressure on the real exchange rate will be somewhat mitigated if (i) there are productivity gains, particularly in the nontradable sector, that offset the effects of the increasing demand; (ii) governments implement policies that aim at stimulating labor demand by reducing labor costs3; and (iii) a large share of the remittances are channeled to the external sector via additional imports so that the price effect on nontradable goods is limited. Yet, in principle it seems difficult to justify that these effects are enough to mitigate appreciating pressures. In turn, there are a number of connected macroeconomic effects that can result from a real exchange rate appreciation associated with remittances flows. They include: • Adverse effects on the tradable sector of the economy. Although remittances flows are likely to lead to an expansion of the nontradable sector (as a result of the increase experienced in domestic demand), both export- and import-competing industries (that is, the tradable sector of the economy) would be adversely affected by real exchange rate appreciation and the associated loss of international competitiveness. The negative impact of remittances on the tradable sector may be reinforced if they also fuel inflation and higher prices result in higher economywide wages.4 As mentioned above and as was documented in chapter 5, this effect would be further magnified if remittances also reduce the labor supply. In these circumstances, the nontradable sector may be in the position of passing some of the wage pressures on to prices, but this is likely to be much more difficult for a tradable sector facing international competition, which, as a result, will lose competitiveness. • Widening of the current account deficit. In principle, it is difficult to justify that an increase in domestic demand will be passed in full to the nontradable sector. So, to the extent that some of the remittancesinduced consumption is directed toward tradable goods, there will be an increase in the demand for imports. This, coupled with the loss of international competitiveness for domestic firms mentioned in the previous paragraph, would likely result in deteriorations of the external position. For example, according to the World Bank (2003), the surge in remittances observed in El Salvador during the 1990s was the most likely factor behind the worsening of the country's trade deficit, which over the 1990s deteriorated from less than 7 percent of GDP to almost 14 percent of GDP. • Weaker monetary control, inflationary pressures, and the sectoral allocation of investment. If remittances flows do not leave the country (at least in full) through a widening of the current account, large flows will push up monetary aggregates, potentially derailing inflation targets. Experience also indicates that prices of financial assets, and particularly of real estate, can rise rapidly following a surge in remittances, something that in turn may introduce significant distortions in the economy and affect the sectoral allocation of investment and lead to overinvestment in some sectors (for example, real estate).

Remittances cause dutch disease – litany of studies.

Artatrana **Ratha** 20**13**, Professor of Economics at St. Cloud State University, Fulbright Fellow 2010 – 2011, Ph.D. University of Wisconsin, Milwaukee, St. Cloud State University, theRository at St. Cloud State, "Remittances and the Dutch Disease: Evidence from Cointegration and Error-

Correction Modeling,"
http://repository.stcloudstate.edu/cgi/viewcontent.cgi?article=1025&context=econ_wps

Remittances are known to be larger than official aid flows. They are also found to be counter-cyclical and more stable than and for many countries, larger than FDI flows (World Bank, 2003; Frankel, 2011). The migrants' firsthand knowledge of the recipients also mitigates the problems of adverse selection and moral hazards, resulting in better utilization of the scarce foreign exchange in the developing world. Thus, remittances are gaining in importance as an effective tool promoting GDP growth and reducing poverty and inequality (Adams and Page, 2005). However, remittances are essentially inflows of foreign exchange and any large inflow of foreign exchange can potentially cause currency appreciations in the receiving countries and hurt their exports. Known as the Dutch-Disease phenomenon in the literature, this side effect of remittances has received relatively scant empirical attention, partly because remittances' ascendance to the limelight is also relatively recent. This paper investigates the Dutch disease effect for some of the largest destinations of remittances. The Dutch-disease effect of remittances may be attributed to various channels. Being purely income transfers, remittances can lead to a spending effect increasing the consumption of both tradable and non-tradable goods. With prices of tradable goods essentially determined in world markets, the relative prices of the domestic, non-tradable goods, rise and push up the overall price level in the economy. This translates into a higher real exchange rate, both fueling and fueled by a resource movement effect: Rising non-tradable prices divert resources away from the tradable- and toward the non-tradable sector and exert upward pressure on wages and other production costs, prices, and real exchange rate of the domestic currency. Thus, an increase in remittance inflow would lead to the incidence of the Dutch Disease. The increased income of households, as a result of the increased remittances would also increase imports. This, coupled with the decline in the export competitiveness of the tradable sector, would hurt exports and contribute to current account deficits. 2 Remittances may also exert an income effect on the consumption-leisure tradeoff, reducing the overall supply of labor in the economy. At a time when demand is growing (because of increased remittance inflows), this reduction in labor supply will only exacerbate price increases, especially in the non-tradable sector, and cause the domestic currency to appreciate even further. Many of the top remittance destinations being in the developing world (e.g., China, India, Mexico, and Philippines), the applicability of the above channels may be qualified further. For example, if there is surplus labor in the economy (as is the case with most LDCs), at least part of the excess demand for labor in the non-traded sector would be met by the surplus labor and the resource movement effect may not be as pronounced. However, there would still be a spending effect leading to real exchange rate appreciation and hence, a decline in export competitiveness. Also, and more likely perhaps, labor mobility between LDCs' tradable and non-tradable sectors is quite limited (either because of labor market imperfections and/or specific-skills required by these sectors), in which case the relative price of non-tradable goods can still rise and raise the real exchange rate further. As we mentioned earlier, empirical investigations of remittances' Dutch disease effects are still quite few. Rajan and Subramaniam (2005) conducted a large cross-country study and found that foreign aid inflows lead to the Dutch disease, but not remittances. They attributed this finding to remittances drying up as receiving country's currency appreciates (thus, remittances become endogenous). From a panel study of 13 Latin American countries, Ameudo-Dorantes and Pozo (2004), however, find that remittances do lead to the Dutch Disease by lowering export competitiveness. Lopez, Molina, and Bussolo (2008) reconfirmed this findings for a larger sample of countries, followed by Lartey, Mandelman, and Acosta (2012) who also segregated the

resource movement and the spending effects and found remittances to shrink the tradable sector (relative to the non-tradable sector) – a finding consistent with the foregoing discussion.

1NC/2NC Cooperation

1NC Cooperation

Status quo solves - DOD solves and mitigates the impact

Jennifer L. **Robison 12**, LTC in the US Army, Building Civilian-Military Collaboration to Enhance Response Following an Anthrax Release, 4/5/12, US Army College, http://www.dtic.mil/dtic/tr/fulltext/u2/a592823.pdf ||RS

Protecting the Homeland and Defense Support of Civilian Authorities have been longstanding missions for the military and will remain a priority. **DoD is uniquely capable** of augmenting local and state entities in the case of a bioterror event. As local public health departments face the challenges of multiple competing missions and decreasing federal and state funding, they will have to turn to coalition building to augment services and resources, especially in time of disaster. Local DoD installation leadership and personnel are prepared to support the communities in which they are located. Building partnerships and coalitions, forging joint councils, developing mutual aid agreements and MOAs, and providing realistic training exercises will prepare these civilian-military communities to respond to disasters together to decrease the morbidity and mortality from a catastrophic event. The unique challenges of CBRN response, including the timely distribution of medical countermeasures in the event of a deliberate anthrax release, have been addressed by the federal CBRN Response Enterprise. These federal and National Guard units are prepared to rapidly deploy as requested when local and state resources are overwhelmed. Collaborative agreements and synchronizations must continue at local, state and federal level to optimize emergency response plans with regards to CBRN incidents. **DoD capabilities can provide key manpower augmentation, logistical support, and subject matter expertise** especially with bioterror preparedness planning and distribution of MCMs in the event of a deliberate anthrax release. **Mitigation can result from early assistance from DoD partners** at all levels in a truly whole of nation effort. DoD is committed to providing DSCA to save lives and decrease the pain and suffering of American citizens in the case of a catastrophic event. DoD's support to civilian authorities and the ongoing cooperation at the local, state, and federal levels will: improve disaster response plans, bolster homeland defense, support vital national 20 security interests, and increase the publics' trust and confidence in our government, military, and public health agencies.

Alt cause—police misconduct

Williams and Feshir 6/17--Minnesota Public Radio ,General assignment reporter for MPR News. [Bryant, Riyam, "Program aims to boost police-community ties but some doubt it will work", Jun 17 2015, http://www.mprnews.org/story/2015/06/17/national-initiative-for-building-community-trust-justice]RMT

Leaders of a national initiative to promote dialogue after police killings of African-Americans stirred outrage stopped in Minneapolis this week. It was the last stop in a series of meetings across the country. In March, Minneapolis was one of six cities chosen for the $4.75 million program, the National Initiative for Building Community Trust and Justice, in response to the Ferguson, Mo., shooting of Michael Brown by a white police officer. Department of Justice officials are working with researchers from Yale University, UCLA and John Jay College of Criminal Justice to study implicit bias, how law enforcement interactions affect crime rates and racial reconciliation. They held a public forum at the Minneapolis American Indian Center Tuesday night and plan to meet with the Minneapolis City Council Wednesday. Phillip Goff, a social psychology associate professor at UCLA, said the project is not a police-led initiative. "This is an initiative that is based in evidence, based in science with the goal of repairing and improving police-community relations," he said. "The goal is not to be doing something from just the policing side." The three-year program aims to use social psychology research to explore the underlying issues

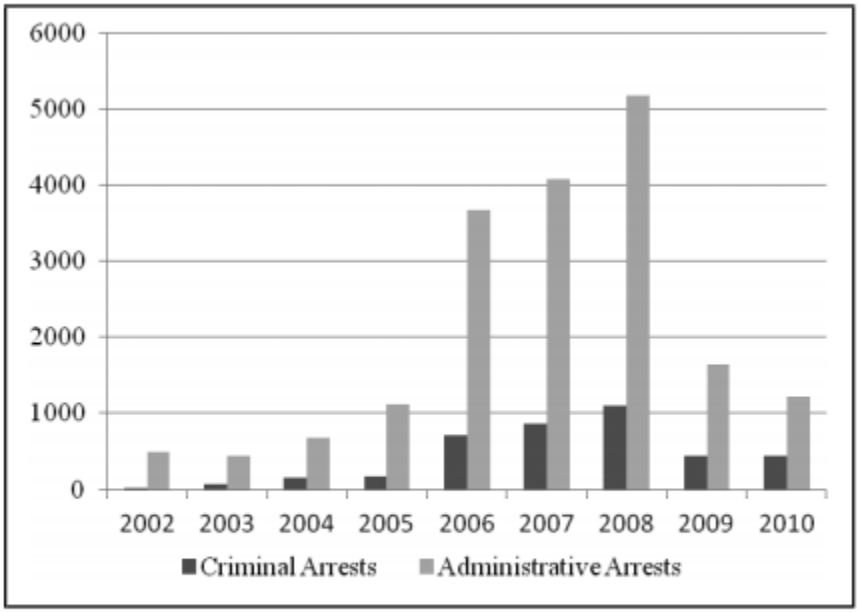
that could lead to police misconduct. Mark Kappelhoff, deputy assistant to the U.S. attorney general, said police are joining in the conversation over conduct. "There has really never been, that I have seen, a time in our country where policing, police reform and community trust has been at the forefront of this conversation that our nation now is having," Kappelhoff said. "The community feels in many ways that the criminal justice system is biased." Some in the diverse audience of about 35 people criticized the timing of the meeting and said it didn't give working families the opportunity to engage. Attendees included the group Communities United Against Police Brutality, who said they don't trust that the program will solve police and community relations. "**The problem is about police conduct," said CUAPB's President Michelle Gross, "I don't want to see that somebody gets beat up while the police smiles. That's not the right idea of procedural justice."**

1AC Uniqueness author concludes NEG—squo levels of workplace raids are going down—lower arrests and better employee protections—MOU proves—we have a graph

Griffith 12 [Kati L., Proskauer Assistant Professor of Employment and Labor Law, Industrial and Labor Relations School, Cornell University, "UNDOCUMENTED WORKERS: CROSSING THE BORDERS OF IMMIGRATION AND WORKPLACE LAW", http://poseidon01.ssrn.com/delivery.php?ID=114069009009103113028023106081001106004049020088012091073071102111009118067008106024018110017063062049097118007105028112120012008043088026052070111121091094004123105027052007111074120005004113001080089005069103077089121071109094029101112100029090029&EXT=pdf&TYPE=2] alla

In contrast to its heightened enforcement focus on employers, **the federal government has recently downplayed workplace-based immigration enforcement measures that target employees**. Homeland Security Secretary Janet Napolitano, for instance, recently stated that workplace immigration raids "made no sense" as an immigration enforcement strategy.36 According to Napolitano, while federal immigration authorities expended considerable time and resources to conduct large-scale workplace immigration raids **during the Bush administration**, too many lawbreaking employers were left unpunished and "criminal aliens were free to roam our streets."37 **As a result of this reduction in workplace immigration raids**, the total number of arrests that result from the federal government's workplace-based immigration efforts has **decreased**. **Table 4 illustrates this trend.**

TABLE 4: WORKSITE IMMIGRATION ENFORCEMENT ARRESTS*



* For 2002–08 data, see Fact Sheet, United States Immigration and Customs Enforcement Agency, Worksite Enforcement Overview (Apr. 30, 2009, http://www.ice.gov/news/library/factsheets/worksite.htm. For 2009–10 data, see ANDORRA BRUNO, CONGRESSIONAL RESEARCH SERVICE, IMMIGRATION-RELATED WORKSITE ENFORCEMENT MEASURES 7, tb. 3 (2011), *available at* http://assets.opencrs.com/rpts/R40002_20110301.pdf.

Federal agencies have acknowledged the interaction between workplace-based immigration enforcement and employees' workplace protections to some extent. The Obama administration's "Comprehensive Worksite Strategy," for instance, proclaims that it "promotes national security, protects critical infrastructure and **targets employers who violate employment laws or engage in abuse or exploitation of workers**."38 Coordination between immigration authorities and the U.S. Department of Labor (DOL) similarly illustrates a kind of immployment law enforcement strategy. Namely, the two agencies have stated that they would like to better coordinate their efforts in order to reduce immigration law's negative effects on workplace protections. For example, the DOL has coordinated with federal immigration authorities to obtain "U" visas for undocumented workers who are victims of workplace crimes.39 Moreover, the DOL and the U.S. Immigration and Customs Enforcement agency (ICE) recently **co-signed a Memorandum of Understanding (MOU)**, which **states that immigration authorities will not misrepresent themselves to workers as DOL agents and will refrain from worksite immigration enforcement when there is an ongoing DOL investigation at that worksite**.40 Among other things, the MOU states that immigration authorities will be cautious of "tips and leads" which "are motivated by an improper desire to manipulate a pending labor dispute, retaliate against employees for exercising labor rights, or otherwise frustrate the enforcement of labor laws."41 Similarly, the MOU clarifies that the DOL will have a chance to interview undocumented workers who are detained as a result of workplace-based immigration enforcement measures but who may have suffered workplace law abuses.42

I'm sorry but you don't have an aff anymore—Latino populations don't like law enforcement now, are not willing to share information regardless of raids, find local law more invasive, and CITIZENSHIP doesn't matter

Theodore 13 [Nik, PhD, Professor at UIC Department of Urban Planning and Policy, BA Macalester College (1986); MUPP, University of Illinois at Chicago (1989); PhD, University of Illinois at Chicago (2000), Insecure Communities: Latino Perceptions of Police Involvement in Immigration Enforcement, May 2013, http://www.policylink.org/sites/default/files/INSECURE_COMMUNITIES_REPORT_FINAL.PDF] alla

This report presents findings from a survey of Latinos regarding their perceptions of law enforcement authorities in light of the greater involvement of police in immigration enforcement. Lake Research Partners designed and administered a randomized telephone survey of 2,004 Latinos living in the counties of Cook (Chicago), Harris (Houston), Los Angeles, and Maricopa (Phoenix). The survey was designed to assess the impact of police involvement in immigration enforcement on Latinos' perceptions of public safety and their **willingness to contact the police when crimes have been committed.** The survey was conducted in English and Spanish by professional interviewers during the period November 17 to December 10, 2012. **Survey results indicate that the increased involvement of police in immigration enforcement has significantly heightened the fears many Latinos have of the police, contributing to their social isolation and exacerbating their mistrust of law enforcement authorities**. Key findings include: • 44 percent of Latinos surveyed reported they are less likely to contact police officers if they have been the victim of a crime because they fear that police officers will use this interaction as an opportunity to inquire into their immigration status or that of people they know. • 45 percent of Latinos stated that they are less likely to voluntarily offer information about crimes, and **45 percent are less likely to report a crime because they are afraid the police will ask them or people they know about their immigration status**. • 70 percent of undocumented immigrants reported they are less likely to contact law enforcement authorities if they were victims of a crime. • **Fear of police contact is not confined to immigrants. For example, 28 percent of US-born Latinos said they are less likely to contact police officers** if they have been the victim of a crime because they fear that police officers will use this interaction as an opportunity to inquire into their immigration status or that of people they know. • 38 percent of Latinos reported they feel like they are under more suspicion now that **local law enforcement authorities** have become involved in immigration enforcement. This figure includes 26 percent of US-born respondents, 40 percent of foreign-born respondents, and 58 percent of undocumented immigrant respondents. • When asked how often police officers stop Latinos without good reason or cause, 62 percent said very or somewhat often, including 58 percent of US-born respondents, 64 percent of foreign-born respondents, and 78 percent of undocumented immigrant respondents.

Majority of terror suspects are US citizens – no reason why racially profiled communities are key to info. Their author.

International Association of Chiefs of Police, **IACP, 14**, a dynamic organization that serves as the professional voice of law enforcement, 2014, Using Community Policing to Counter Violent Extremism, http://www.theiacp.org/Portals/0/documents/pdfs/Final%20Key%20Principles%20Guide.pdf

Homegrown violent extremists, foreign fighters, and domestic extremists continue to evolve and contribute to the threat that faces law enforcement agencies of all sizes . Individuals and groups within each of these categories are extremely diverse, as are their justifications and targets . Homegrown violent extremists are citizens or long-term residents of a Western country who have

rejected Western cultural values, beliefs, and norms in favor of a violent ideology and intend to commit acts of terrorism in Western countries or against their interests overseas .18 Approximately **70 percent of individuals "arrested, indicted, or otherwise identified" as being involved in attempted terrorism plots between 9/11 and 2010 were United States citizens** —either born or naturalized—**and even more were legal permanent residents** .19 Foreign fighters are individuals — especially individuals from Western countries—who are recruited to travel abroad to train and fight with a particular extremist group based on the belief that the conflict is politically, ideologically, or religiously justified and that they have a divine obligation to engage in violence .20 Often, the training and extremist ideology are brought back to the United States to radicalize Americans with similar views and justify acts of violence here . Meanwhile, domestically-radicalized individuals are citizens or long-term residents of a country whose primary social influence has been the cultural values and beliefs of their country of current residence .21 These individuals include anti-federalists, fundamentalists, political extremists, and sovereign citizens .

Status quo solves bioterror - DOD solves and mitigates the impact

Jennifer L. **Robison 12**, LTC in the US Army, Building Civilian-Military Collaboration to Enhance Response Following an Anthrax Release, 4/5/12, US Army College, http://www.dtic.mil/dtic/tr/fulltext/u2/a592823.pdf ||RS

Protecting the Homeland and Defense Support of Civilian Authorities have been longstanding missions for the military and will remain a priority. **DoD is uniquely capable** of augmenting local and state entities in the case of a bioterror event. As local public health departments face the challenges of multiple competing missions and decreasing federal and state funding, they will have to turn to coalition building to augment services and resources, especially in time of disaster. Local DoD installation leadership and personnel are prepared to support the communities in which they are located. Building partnerships and coalitions, forging joint councils, developing mutual aid agreements and MOAs, and providing realistic training exercises will prepare these civilian-military communities to respond to disasters together to decrease the morbidity and mortality from a catastrophic event. The unique challenges of CBRN response, including the timely distribution of medical countermeasures in the event of a deliberate anthrax release, have been addressed by the federal CBRN Response Enterprise. These federal and National Guard units are prepared to rapidly deploy as requested when local and state resources are overwhelmed. Collaborative agreements and synchronizations must continue at local, state and federal level to optimize emergency response plans with regards to CBRN incidents. **DoD capabilities can provide key manpower augmentation, logistical support, and subject matter expertise** especially with bioterror preparedness planning and distribution of MCMs in the event of a deliberate anthrax release. **Mitigation can result from early assistance from DoD partners** at all levels in a truly whole of nation effort. DoD is committed to providing DSCA to save lives and decrease the pain and suffering of American citizens in the case of a catastrophic event. DoD's support to civilian authorities and the ongoing cooperation at the local, state, and federal levels will: improve disaster response plans, bolster homeland defense, support vital national 20 security interests, and increase the publics' trust and confidence in our government, military, and public health agencies.

Technology barriers and distribution fails

Keller 13 – (Rebecca, 7 March 2013, Analyst at Stratfor, "Bioterrorism and the Pandemic Potential," Stratfor, http://www.stratfor.com/weekly/bioterrorism-and-pandemic-potential)

The risk of an accidental release of H5N1 is similar to that of other infectious pathogens currently being studied. Proper safety standards are key, of course, and experts in the field have had a year to determine the best way to proceed, balancing safety and research benefits. Previous work with the virus was conducted at biosafety level three out of four, which requires researchers wearing respirators and disposable gowns to work in pairs in a negative pressure environment. While many of these labs are part of universities, access is controlled either through keyed entry or even palm scanners. There are roughly 40 labs that submitted to the voluntary ban. Those wishing to resume work after the ban was lifted must comply with guidelines requiring strict national oversight and close communication and collaboration with national authorities. The risk of release either through accident or theft cannot be completely eliminated, but given the established parameters **the risk is minimal**. The use of the pathogen as a biological weapon requires an assessment of whether a non-state actor would have the capabilities to isolate the virulent strain, then weaponize and distribute it. Stratfor has long held the position that while terrorist organizations may have rudimentary capabilities regarding biological weapons, the likelihood of a successful attack is very low. Given that the laboratory version of H5N1 – or any influenza virus, for that matter – is a contagious pathogen, there would be two possible modes that a non-state actor would have to instigate an attack. The virus could be refined and then aerosolized and released into a populated area, or an individual could be infected with the virus and sent to freely circulate within a population. There are **severe constraints** that make success using either of these methods unlikely. The technology needed to refine and aerosolize a pathogen for a biological attack is **beyond the capability** of most non-state actors. Even if they were able to develop a weapon, other factors such as wind patterns and humidity can render an attack ineffective. Using a human carrier is a less expensive method, but it requires that the biological agent be a contagion. Additionally, in order to infect the large number of people necessary to start an outbreak, the infected carrier must be mobile while contagious, something that is doubtful with a serious disease like small pox. The carrier also cannot be visibly ill because that would limit the necessary human contact.

There's no motive for bioterror

Mauroni 12 – Al Mauroni, Air Force senior policy analyst, "Nuclear Terrorism: Are We Prepared?", Homeland Security Affairs, http://www.hsaj.org/?fullarticle=8.1.9

The popular assumption is that terrorists are actively working with "rogue nations" to exploit WMD materials and technology, or bidding for materials and technology on some nebulous global black market. They might be buying access to scientists and engineers who used to work on state WMD programs. The historical record doesn't demonstrate that. An examination of any of the past annual reports of the National Counterterrorism Center reveals that the basic modus operandi of terrorists and insurgents is to use conventional military weapons, easily acquired commercial (or improvised) explosives, and knives and machetes.8 It is relatively easy to train laypersons to use military firearms, such as the AK-47 automatic rifle and the RPG-7 rocket launcher. These groups have technical experts who develop improvised explosive devices using available and accessible materials from the local economy. Conventional weapons have known weapon effects and minimal challenges in handling and storing. **Terrorists get their** material and **technology where they can. They don't have the time, funds, or interests to get exotic**. It's what we see, over and over again.

2NC – Alt Cause: Police Conduct

Police misconduct is causing broad anti-police coalitions—destroy cooperation or trust

Obeidallah, '14, (Dean, "Michael Brown, Gaza, and Muslim Americans," The Daily Beast, 08.20.14, http://www.thedailybeast.com/articles/2014/08/20/michael-brown-gaza-and-muslim-americans.html)//erg

The Muslim-American community of which I'm part hasn't been great in standing up with and for African Americans. A lack of empathy and racism are the main culprits. What makes this especially astonishing is that 30 percent of the Muslim-American

population is African-American. You would think that there would be natural alliances, but that hasn't been the case. At least not up until now. The shooting of Michael Brown and the heavy-handed response by the police that followed has struck a nerve among Muslims. It has motivated American-Muslim leaders to speak out publicly in ways we hadn't seen before on police misconduct directed against African Americans. Why? A few reasons. But one that can't be discounted is Gaza. More specifically, young Palestinians who commented on Twitter about the shooting of Michael Brown drew direct connections between the two. For example, Inas Safadi, a Palestinian living in Gaza, tweeted: "Revolution of #Ferguson, can't be prouder of these people who won't let their son's blood go for nothing #MikeBrown." Another tweeted a photo of himself holding a sign that read, "The Palestinian people know what means to be shot while unarmed for your ethnicity" #Ferguson #justice." Other Palestinians, including a doctor, even offered advice via Twitter to the protesters in Ferguson on how to deal with the tear gas being fired at them based on their own experiences with Israeli security forces. Comments included, "Don't keep much distance from the police, if you're close to them they can't tear gas. To #Ferguson from #Palestine." Another tweeted: "Always make sure to run against the wind/to keep calm when you're teargased, the pain will pass, don't rub your eyes! #Ferguson Solidarity." The support by Palestinians for Brown and the protesters is not surprising. Oppressed people often stand together in solidarity. That's why it has amazed me and so many other Muslim Americans that we don't see broad support in our community for the broader struggles of African Americans. Instead, I have personally heard, from Muslim friends who are black, tales of racism directed toward them by other Muslims, such as being made to feel unwelcome when visiting a new mosque or not having more leadership positions in national Muslim organizations. A growing number of Muslim Americans are pushing back against this type of racism. One is Margari Aziza Hill, an African-American Muslim who serves as programming director of the Muslim Anti-Racism Collaborative. Hill told me that after Trayvon Martin was shot in 2012, she called on her fellow Muslims to take a stand demanding justice but was met with silence.

Alt cause to Muslim American/immigrant cooperation—police misconduct and racism

Akbar, '10, (Farah, Teaching Fellow (TESOL). Education, Teaching and Leadership (ETL) University of Edinburgh, "City's Muslims Report Harassment by Police," Gotham Gazette, Jan 04, 2010, http://www.gothamgazette.com/index.php/civil-rights/4276-citys-muslims-report-harassment-by-police)//erg

Coming from a family with members who work in law enforcement, Yasmin Nasser used to look at police officers as honest, upstanding and there to protect all members of society. Today, though, Nasser said, she feels uneasy when she walks by cops and, for a brief period, tried staying away from them altogether. The 20-year-old American citizen who resides in Saudi Arabia had come to New York City to visit family. Her trust in New York City's finest eroded the day she claims a police officer pulled her by the arm, told her to leave Rockefeller Center, where she had gone to see the Christmas tree, and called her a "terrorist." She was asked to provide identification to the officer, was subsequently accused of having phony identification and allegedly told, "Leave you terrorist, you shouldn't be here." "It's so hard for me to believe that a cop could do this," said the Muslim woman who covers her head with the traditional headscarf (hijab) worn by some women who follow the Islamic faith. "I couldn't get over it. I was in shock," she said. Nasser has reported the matter to the Council of American Islamic Relations and plans on filing a report with the city Civilian Complaint Review Board once she returns to Saudi Arabia. She fears that making a complaint prior to her departure could disrupt her travel plans. Advocates say that Nasser's story is not an isolated incident. Monami Maulik, executive director of Desis Rising Up And Moving (DRUM), an immigrants' rights organization in Jackson Heights, said that she has heard many similar stories. Several other organizations say police harassment of Muslims is a genuine problem. Encounters with Police The Council of American Islamic Relations analyzed civil rights cases in 2008 by circumstances of occurrence. The group found encounters with police ranked sixth, following schools and prison. "Underreporting of hate crimes and police misconduct cases remains a real issue with American Muslims," said the council's New York civil rights director Aliya Latif. Since the Sept. 11, 2001 attacks, law enforcement officials have worked on building a cooperative relationship with the American Muslim community in an effort to obtain valuable information related to terrorism and safety issues. Muslim groups worry that allegations of misconduct by law enforcement damage the fragile ties between the two groups. "We are concerned that **incidents like these further alienate community members and contribute to an atmosphere of mistrust with law**

enforcement authorities," Latif said. Edina Lekovic, communications director for the Muslim Public Affairs Council, agrees. "The **evidence of any problem with law enforcement undermines any cooperation they may seek from Muslims**," she said. "Even if there is a perception of harassment, it very naturally leads individuals to be cautious and reluctant to seek help from law enforcement, let alone report any suspicious activity." A police officer, though, may see the situation differently. "Police officers may not always realize how they have come across to a civilian," said Graham Daw, a spokesperson for the Civilian Complaint Review Board, the all-civilian board that investigates civil complaints about alleged misconduct on the part of the New York City Police Department. "Civilians are not always aware of the pressures under which police officers work or the powers with which they are vested in order to do their job." The New York City Police Department was contacted numerous times to comment on this issue but did not respond. According to DRUM, many Muslims have complained about being randomly approached by members of law enforcement in their own neighborhoods and apartment buildings and being asked about their whereabouts and about what they did for a living. Maulik said that her organization has received hundreds of accounts of cases regarding police misconduct since Sept. 11, many from blue-collar workers such as street vendors and taxi drivers. She also hears stories from youth.

Immigrant harassment tanks cooperation

Akbar, '10, (Farah, Teaching Fellow (TESOL). Education, Teaching and Leadership (ETL) University of Edinburgh, "City's Muslims Report Harassment by Police," Gotham Gazette, Jan 04, 2010, http://www.gothamgazette.com/index.php/civil-rights/4276-citys-muslims-report-harassment-by-police)//erg

Slurs and Questions In 2006, DRUM and the Urban Justice Center Community Development Project surveyed 662 South Asian youths living in Queens, most of them Bangladeshi and Pakistani Muslims, about the impact of school safety policies on them. The report revealed that nearly a third of the youths reported having seen harassment by police officers or experienced harassment. The study defined harassment to include "verbal abuse or harassment such as racial slurs and names, yelling and cursing; physical abuse or harassment, including physical harm, grabbing, pushing, forcing to do something the person does not want to do; and intimidation, including asking for identification or calling over for no reason, threatening to report person or their family to immigration and bullying." "Since 9/11, there are a lot more security agents and police," said one young person. "They treat us differently." "There is more hatred against South Asians [post 9/11]. The police pay more attention to you; they think you are suspicious. They wait for you to screw up," said another. DRUM received a report on one incident in which a teenage girl who wore a hijab on the streets of Times Square was allegedly asked by a police officer if she was a terrorist. Ayesha Mahmooda, who works with DRUM, spoke to at least 100 South Asian families in Flushing during an outreach effort and found many reported experiencing harassment by law enforcement. She said that many South Asians described feeling scared while being questioned by officers. She mentioned the case of a Muslim man who was questioned by law enforcement officials inside his own apartment. They asked him numerous personal questions, such as where he was born, what his immigration status was and if he smelled anything funny in his building, an apparent reference to possible bomb-making activities. An alarmed South Asian woman asking Mahmooda why her husband was stopped and questioned by law enforcement on his way home from working the late shift. "I told her that it was because of the color of his skin, he is not white. He is a person of color," Mahmooda said. A Reluctance to Protest Those questioned are often afraid to protest, according to DRUM. Latif of CAIR, though, urges Muslims to exercise their right to have a lawyer present if questioned by the FBI or police. "Refusing to answer questions without an attorney present cannot be held against you and does not imply that you have something to hide," she said. Few Muslims take their cases to the Civilian Complaint Review Board. Of the 14 allegations of offensive language based on religion reported to the board in 2008, only two involved Muslims or Islam, and the board was unable to conduct a full investigation in either case. One complaint was withdrawn by the complainant, and the complainant in the other case did not respond to requests to be interviewed by board. "100 percent of the cases that we've ever gotten, no one has ever called the CCRB," says Maulik. "We really don't have faith in the CCRB. It is not a mechanism that has worked for many years in New York, so for the most part, Muslim immigrants don't call the CCRB and file complaints. People do not think the board will hold police accountable for harassment or profiling, she said adding that **Muslims who are undocumented immigrants are particularly hesitant to report any instances of misconduct to the complaint board**. Instead, she said, **they live their lives in fear.** Daw said the board would be glad to make a presentation to the Muslim community to educate them about its work, but Monami has no plans of reaching out to them. She has been working on a project to create a formal

complaint process with CUNY School of Law. Lekovic of the Muslim Public Affairs Council encourages Muslims to report all instances of misconduct to whomever they feel comfortable with, whether it be to Muslim organizations or city agencies . "Without individuals sharing their experiences, we do not have leverage to make change," she said. Meanwhile, Yasmin Nasser thinks about what happened to her on her most recent visit to New York. "People in Saudi Arabia ask if people discriminate in New York City, and I always say 'people are nice,'" said Yasmin Nasser. When she lands in Saudi Arabia this time, though, she may offer a different answer.

Relations/trust is horrible—especially in the context of ICE

TORRENS, '15, (CLAUDIA, "Immigration officials see danger as local cooperation wanes," Washington Times, Associated Press, March 10, 2015, http://www.washingtontimes.com/news/2015/mar/10/immigration-officials-laws-limiting-detainers-risk/?page=all)//erg

NEW YORK (AP) - Diminished local cooperation is putting federal immigration officers in dangerous situations as they track down foreign-born criminals, Immigration and Customs Enforcement officials say. They say that more of their officers are out on the streets, eating up resources, because cities and states have passed legislation that limits many of the detention requests issued by immigration authorities. For years, ICE has issued the detainers to local and state law enforcement agencies, asking them to hold immigrants for up to 48 hours after they were scheduled for release from jail. Most detainees are then either taken into federal custody to face an immigration judge or be deported. But more than 300 counties and cities, plus California, Connecticut, Illinois, Rhode Island and the District of Columbia, have chosen to release immigrants, claiming too many people who have committed low-level offenses or no crime at all were being deported and unnecessarily separated from their families. Courts have said that honoring detainers without probable cause could result in a civil rights offense. ICE insists that its priorities have changed and it is only focused on foreign-born criminals who are a threat to society. It deported nearly 316,000 people in fiscal year 2014. In the first eight months of 2014, immigration officers filed roughly 105,000 requests for local enforcement agencies to hold immigrants, but local agencies declined 8,800 of the requests, according to data provided by immigration authorities. Officers now face more danger because they can't just pick up foreign-born criminals in a safe environment like the Rikers Island jail, said Christopher Shanahan, field office director for Enforcement and Removal Operations in New York. "We are in a situation in which we have to provide more men, more workers, more manpower in the streets, where it is more dangerous to take custody of somebody," said Shanahan. "On the street, when you go into a house, a place of employment, when you are arresting somebody, you don't know if they have weapons, you don't know the surroundings." Last week, an Associated Press reporter and photographer accompanied officers as they conducted a series of early-morning arrests in the Bronx and Manhattan, part of a nationally-coordinated operation that netted 2,059 people. A half-dozen ICE officers met at 5:30 a.m. in the parking lot of a Bronx coffee shop, put on black bulletproof vests and reviewed the three people they would try to arrest that morning. After driving quickly to each location in unmarked cars with sirens blaring, they made two arrests: a Mexican man and a Dominican man accused of illegally re-entering into the country, which is considered a high priority for ICE. The Mexican man had been arrested 10 times by local police for driving without a license and then deported. The man, who was not identified per Department of Homeland Security policy, re-entered the U.S. illegally and then was accused of menacing a neighbor with a machete. ICE said it had issued a detainer for the man that was not honored by the city.

Aff can't solve police brutality and racial profiling—alt causes to community trust

Nittle, '12, (Nadra Kareem, "Latinos on the Receiving End of Racial Profiling and Police Brutality," Race Relations: The Legal System, 2012, http://racerelations.about.com/od/thelegalsystem/a/Latinos-On-The-Receiving-End-Of-Racial-Profiling-And-Police-Brutality.htm)//erg

In the early 21st century, there have not only been a growing number of hate crimes against Latinos but also a growing number of police misconduct cases involving Latinos. Racism, xenophobia and rising concerns about undocumented immigration have collectively led to greater incidences of law enforcement agents racially profiling, harassing and brutalizing Hispanics. Across the nation, police departments have made headlines for their mistreatment of Latinos. Discrimination Border Patrol Officer Police

Latinos Police Illegal Search Car These cases have not only involved undocumented immigrants but also Hispanic Americans and permanent legal residents. In states as diverse as Connecticut, California and Arizona, Latinos have suffered at the hands of police in egregious manners. Latinos Targeted in Maricopa County Racial profiling. Unlawful detainment. Stalking. These are some of the inappropriate and illegal behaviors that officers in Arizona have allegedly engaged in, according to a 2012 complaint the U.S. Justice Department filed against the Maricopa County Sheriff's Office. MCSO officers stopped Latino drivers anywhere from four to nine times more than other drivers, in some cases only to detain them for long periods. In one instance, MCSCO officers pulled over a car with four Latino men inside. The driver hadn't violated any traffic laws, but the officers proceeded to force him and his passengers out of the car and make them wait on the curb, zip-tied, for an hour. The Justice Department also detailed incidents where the authorities followed Hispanic women to their homes and roughed them up. The federal government also alleges that Maricopa County Sheriff Joe Arpaio **routinely failed to investigate cases of sexual assault against Hispanic women.** The aforementioned cases refer to police interaction with Latinos on the streets of Maricopa County, but inmates in the county jail have also suffered at the hands of law enforcement. Female prisoners have been denied feminine hygiene products and called derogatory names. Hispanic male inmates have been on the receiving end of racial slurs and put downs such as "wetbacks" and "stupid Mexicans."

Withdrawal alt cause—also proves that their "law enforcement" spillover claim is non-unique

Theodore 13 [Nik, PhD, Professor at UIC Department of Urban Planning and Policy, BA Macalester College (1986); MUPP, University of Illinois at Chicago (1989); PhD, University of Illinois at Chicago (2000), Insecure Communities: Latino Perceptions of Police Involvement in Immigration Enforcement, May 2013, http://www.policylink.org/sites/default/files/INSECURE_COMMUNITIES_REPORT_FINAL.PDF] alla

2. Withdrawal: Many Latinos feel isolated and admit to withdrawing from their community. A large share feels under suspicion and is afraid to leave their homes. This sense of withdrawal by a substantial portion of Latinos in the counties surveyed has short- and long-term negative consequences for public safety and community life. **In the short term, crimes become more difficult to solve as the social distance between police and residents increases.** Over the long term, a significant segment of the population may withdraw and develop a fear of law enforcement authorities.

Alt causes – local enforcement, 287(g) program, and SAFE act.

Matthew **Kolodziej** 9-13-20**13**, author for Immigration Impact, Immigration Impact, "Local Immigration Enforcement Harms Community Policing and Public Safety," http://immigrationimpact.com/2013/09/13/local-immigration-enforcement-harms-community-policing-and-public-safety/

The Prince William County study cited by CIS does not conclude that the implementation of the 287(g) program had no chilling effect on crime reporting by immigrants. To the contrary, it concludes that 287(g) "created fear and a sense of being unwelcome among immigrants in general, and it seems to have caused some legal immigrants, or Hispanics generally, to leave or avoid the County". The program created "a serious ethnic gap in perception of the police, ratings of the County as a place to live, and trust in the local government; Hispanic opinions on these matters plunged to unprecedented lows." The study states "police officers express concern that crimes against illegal immigrants are less likely to be reported, and the department knows of

specific crimes in the Hispanic community that were not reported to police." Officers thought that crime reporting was inhibited by the policy and community informants were unanimous in saying that crime victims or witnesses who were not citizens and did not speak English well would not report crimes. (See this documentary for information on the Prince William County experience.) The other studies CIS cites also contradict their own claims, or don't address how fear of police affects crime reporting. The 2001 survey by Davis, Erez and Avitabile (the title is not given but the citation is probably meant to refer to Access to Justice for Immigrants Who are Victimized: The Perspectives of Police and Prosecutors) concludes that fear of deportation does in fact deter immigrants from reporting crimes, but does not claim to measure the effect of enforcement policies. The 2008 Bureau of Justice Statistics data simply provides statistics on crime reporting by different racial groups, and says nothing about how reporting might be affected by fear of police or of immigration enforcement. Academic studies and major police associations agree that that local immigration enforcement programs create fear and distrust between immigrant communities and local police and threaten public safety. Most recently, a 2013 report from the University of Illinois found that more than four in ten Latinos say that they are less likely to volunteer information about crimes because local police have become more involved in immigration enforcement, and they are afraid of immigration consequences for themselves or for family or friends. According to a 2009 report by the Police Foundation, the majority of police executives did not see the benefit of local police participating in immigration enforcement because public safety would suffer due to damage to trust and communication with immigrant communities and would undermine community policing efforts and lead to racial profiling. The Major City Chiefs Association also opposes local immigration enforcement because it undermines the trust and cooperation with immigrant communities which are essential elements of community oriented policing. The enforcement of immigration laws is also very expensive for local communities, contrary to the anecdotal claims by CIS. A report by the Brookings Institute found that Prince William County, Va., had to raise property taxes and take from its "rainy day" fund to implement its 287(g) program. The report found the program cost $6.4 million in its first year and would cost $26 million over five years. A report by the University of North Carolina at Chapel Hill and The Latino Migration Project found the total cost for the first year of operating the 287(g) program in Mecklenburg County, N.C., to be $5.5 million. Meanwhile, costs for the first full year of operation in Alamance County, N.C., were found to be $4.8 million. Increasingly local law enforcement authorities, like those in Chicago, New York, New Jersey and New Orleans, are declining to participate in aspects of immigration enforcement in the interest of strengthening relations with immigrant populations and creating safer communities. They recognize that local immigration enforcement is not just expensive, it encourages racial profiling, undermines community safety, and ultimately contributes little to apprehending violent criminals. Enforcement programs like 287(g) and extreme legislative proposals such as the SAFE act that impose immigration enforcement on local governments divide the communities they claim to protect and work against the law enforcement objectives they claim to pursue.

2NC—No Bioterror Internal Link

No internal link to bioterror – their author is in the context of small attacks.

International Association of Chiefs of Police, **IACP, 14**, a dynamic organization that serves as the professional voice of law enforcement, 2014, Using Community Policing to Counter Violent

Extremism,
http://www.theiacp.org/Portals/0/documents/pdfs/Final%20Key%20Principles%20Guide.pdf

The targets of violent extremist attacks are just as diverse as the ideologies and are not limited to "spectacular," high-casualty attacks . Instead, plotters identify "soft targets" in open areas that offer the ability to get in and out easily . Soft targets are generally fixed locations or structures that hold a large number of unprotected civilians or symbolize economic prosperity, religious freedom, and business .These targets include shopping malls and movie theaters, bars and restaurants, schools, places of worship, office buildings and business districts, stadiums and other large venues, and hotels . From 2001 to 2011, the most common targets of terrorists in the United States were businesses and private citizens and property .24 An increasing number of attacks have also targeted military recruitment centers because they tend to be less secure than military bases . Personnel at these centers and other off-duty military personnel have also become popular targets because they tend to be unarmed and may be less expectant .They also have a symbolic meaning for those groups with anti-American sentiments . By expanding their interests to include smaller-scale attacks against political, economic, symbolic, and infrastructure targets, these individuals and groups have adopted the mentality that staging a successful attack doesn't depend on size .25 This increase in potential targets requires that communities and law enforcement agencies remain vigilant .

The Aff cant solve—too many other things go into prevention AND the aff doesn't focus on how to respond (could be a cp card)

Hamburg 02 [Margaret A. Hamburg, Commissioner of the U.S. Food and Drug Administration, "Preparing for and Preventing Bioterrorism", http://issues.org/18-2/p_hamburg/] JMOV

Developing a response¶ Although there are enormous challenges before us, many of the elements of a comprehensive approach are relatively straightforward. Some of the necessary activities are already under way, though they may need to be expanded or reconfigured; other programs and policies still need to be developed and implemented.¶ Perhaps most fundamental to an effective response is the understanding that public health is an important pillar in the national security framework and that public health professionals must be full partners on the U.S. security team. In fact, the president should appoint a public health expert to the National Security Council, and Governor Ridge must include public health experts among his key staff in his new Office of Homeland Security.¶ Today, experts agree that there is an urgent need to increase the core capacities of the public health system to detect, track, and contain infectious disease. State and local public health departments represent the backbone of our ability to respond effectively to a major outbreak of disease, including a bioterrorist attack. Yet **these public health agencies have never been adequately supported or equipped to fulfill this mission.** In fact, many hesitate to call the array of health structures at the state, county, and local level a public health "system," because years of relative neglect and underfunding have left them undercapitalized, fragmented, and uncoordinated.¶ Upgrading current public health capacities will require significantly increased and sustained new investments. First and foremost, this means providing resources to strengthen and extend effective surveillance systems that can rapidly detect and investigate unusual clusters of symptoms or disease. This will entail expanding and strengthening local epidemiologic capabilities, including trained personnel and increasing laboratory capacity to rapidly analyze and identify biological agents. In addition, communication systems, including computer links, must be improved to facilitate collection, analysis, and sharing of information among public health and other officials at local, state, and federal levels. Beyond these critical domestic needs, successful strategies must also include a renewed commitment to improving **global** public health.¶ To improve detection, it is essential that physicians and other health care workers be trained to recognize unusual

disease or clusters of symptoms that may be manifestations of a bioterroist attack. This must also include strengthening the relationship between medicine and public health so that physicians understand their responsibility to report disease or unusual symptoms to the public health department. Physicians must know whom to call and be confident that their call will contribute to the overall goal of providing information, guidance, and support to the medical community. Health care professional organizations, academic medical institutions, and public health officials must come together to develop appropriate training curricula, informational guidelines, and most important, the working partnerships that are critical to success.¶ Those same partnerships will be very important in addressing another critical concern: the urgent need to develop emergency plans for a surge of patients in the nation's hospitals. We must enhance systems to support mass medical care and develop innovative strategies to deliver both protective and treatment measures under mass casualty and/or exposure conditions, especially when there may be an additional set of very difficult infection-control requirements as well. This will require careful advance planning since most hospitals are operating at or near capacity right now. Systematic examination of local capabilities and how they can be rapidly augmented by state and federal assets must be part of this effort.¶ Federal health leadership will be important in this effort to define needs and provide model guidelines and standards; federal resources may also be essential to support planning efforts and to create the incentives necessary to bring the voluntary and private health care sector fully on board. However, **the final planning process must be undertaken on the local or regional level**, engaging all the essential community partners and capabilities. It is critical to remember that the front line of response, even in a national crisis, is always local. Thus, across all these domains of activity, we must make sure that we have adequate capacity locally and regionally, which can then be supplemented as needed.¶ Another important example of this involves access to essential drugs and vaccines. A large-scale release of a biological weapon may require rapid access to quantities of antibiotics, vaccines, or antidotes that would not be routinely available in the locations affected. Given that such an attack is a low probability and unpredictable event in any given place, it would hardly be sensible or cost effective to stockpile supplies at the local level.¶ The first step in blocking the proliferation and use of biological weapons is to significantly bolster our intelligence.¶ As we ramp up our public health and medical capacity to respond to bioterrorism, we should continue to strengthen our national pharmaceutical stockpile so that vital drugs and equipment can be rapidly mobilized as needed. The federal Centers for Disease Control and Prevention (CDC) has the responsibility to maintain and oversee use of this stockpile, which currently represents a cache of supplies located in strategic locations across the country that can be delivered within 12 hours to any place in the nation. Current concerns make it clear that the nature and quantities of materials maintained in the stockpile must be enhanced, and the stockpile contents should be periodically reviewed and adjusted in response to intelligence about credible threats. New investments in the stockpile should also include contractual agreements with pharmaceutical manufacturer's to ensure extra production capability for drugs and vaccines in a crisis as well as heightened security at the various storage and dispersal sites.¶ Beyond simply having the drugs and vaccines available, we must develop plans for how those critical supplies will be distributed to those who need them. CDC needs to provide strong leadership and support for state and local health departments to undertake contingency planning for distribution. We must also think about the broader mobilization of essential drugs, vaccines, or other materials in the event that they are needed outside the United States. Although this may raise complex diplomatic issues, especially when the necessary pharmaceutical is in short supply, addressing potential global need is essential for political and disease-control reasons.¶ To make sure that the United States can remain strategically poised, further investments must be made in biomedical research to develop new drugs, vaccines, rapid diagnostic tests, and other medical weapons to add to the arsenal against bioterrorism. We must learn more about the fundamental questions of how these organisms cause disease and how the human immune system responds so that we can develop better treatments and disease-containment strategies. It is also essential that we improve technologies to rapidly detect biological agents from environmental samples and develop new strategies and technologies to protect the health of the public.¶ Scientists will need the full support and encouragement of the public and the government confront this threat. Success will entail research endeavors and collaboration involving numerous government agencies, universities, and private companies. Looking to the future, an effective, well-funded research agenda may give us the tools to render the threat of biological weapons obsolete.¶ An ounce of prevention¶ Stopping a biological attack before it happens is obviously the most desirable way to avoid a crisis. The first step in blocking the proliferation and use of biological weapons is to significantly bolster our intelligence. **The intelligence community could use additional scientific and medical expertise to help enhance the quality of data collection and analysis. This will require greater partnership and trust between the intelligence community, law enforcement, and public health and biomedical science.** These disciplines do not routinely work together, and their professional cultures and practices are not easily merged. Nonetheless, greater coordination of effort is very important to our national defense and must be an element of our nation's developing homeland security strategy.¶ Sadly, we must recognize that the possibility of bioweapons threats emerging from legitimate biological research is certainly real and embedded in the very science and technology that we herald in laboratories around the world. Vigilance is needed to ensure that the tools of modern genomic biology are not used to create new and more dangerous organisms. This is a complex challenge, for no one would want to impede the progress of legitimate and important science. However, we also have a responsibility to face up to a very real set of concerns. **With leadership from the scientific community, we must begin to examine what opportunities may exist to constructively reduce this threat.**¶ Related to this, we must continue to reduce access to dangerous pathogens by helping the scientific community improve security and ensure the safe storage and handling of these materials. Over the past five years, new regulations and requirements have tightened access to biological materials from culture collections in the United States and strengthened the government's ability to monitor the shipping and receipt of dangerous pathogens through a registration process, which also requires disclosure of the intended use for the agents. These are important steps, but more can and should be done to assure that our nation's laboratories have adequate oversight of the use and storage of these materials.¶ **International cooperation will be essential to achieving these goals. The safety and control methods developed for domestic must be extended across the globe if they are to make a real and enduring difference.** Coupled with this,

we should enhance efforts to provide socially useful research opportunities to scientists who had been employed in the Soviet Union's bioweapons program. Many of these scientists are under- or unemployed, and it is in our interest to see that economic need does not drive them to peddle their knowledge to potential terrorists. We must also support efforts to help them secure or destroy potentially dangerous materials. The U.S. government has supported such efforts through the Cooperative Threat Reduction (CTR) program, but these programs desperately need to be strengthened and expanded. Opportunities to extend the reach of the program to include university and industry R & D collaborations will also be essential to long-term success.¶ In the final analysis, it may prove impossible to prevent future bioweapons attacks from occurring, but planning and preparation could greatly mitigate the death and suffering that would result. As a nation, we need comprehensive, integrated planning for how we will address the threat of bioterrorism, focusing both on prevention and response. We need to define the relative roles and responsibilities of the different agencies involved, and identify the mechanisms by which the various levels of government will interact and work together. The new Office of Homeland Security is well situated to take on this task. Congress and the president must give this office the resources and authority necessary to develop and implement protective measures. Likewise, federal officials must vigorously pursue interantional cooperation in this effort.¶ The United States has always been willing to meet the requirements and pay the bills when it came to our defense systems and security needs. We must now be willing to do the same when it comes to funding critical public health needs. Public health has too often received short shrift in our planning and public funding. This must change. Congress and the public need to understand that strengthening disease surveillance, improving medical consequence management, and supporting fundamental and applied research will be essential in responding to a biological weapons attack in this nation or anywhere in the world. These investments will also enhance our efforts to protect the health and safety of the public from naturally occurring disease. We have a chance to defend the nation against its adversaries and improve the public health system with the same steps. We cannot afford not to do this.¶

1NC/2NC Solvency

1NC - Solvency

States and local law enforcement can just raid places—MOU doesn't check—plan can't solve

Theodore 13 [Nik, PhD, Professor at UIC Department of Urban Planning and Policy, BA Macalester College (1986); MUPP, University of Illinois at Chicago (1989); PhD, University of Illinois at Chicago (2000), Insecure Communities: Latino Perceptions of Police Involvement in Immigration Enforcement, May 2013, http://www.policylink.org/sites/default/files/INSECURE_COMMUNITIES_REPORT_FINAL.PDF] alla

IIRIRA also revised Section 287(g) of the Immigration and Nationality Act to authorize the U.S. Attorney General to enter into written memoranda of understanding (MOUs) with **state and local law enforcement authorities** to formally involve them in immigration enforcement.3 The IIRIRA states that "the Attorney General may enter into a written agreement with a State, or any political subdivision of a State, pursuant to which an officer or employee of the State or subdivision, who is determined by the Attorney General to be qualified to perform a **function of an immigration officer** in relation to the investigation, apprehension or detention of aliens in the United States …, **may carry out such function at the expense of the State or political subdivision** and to extent consistent with State and local law."4 **Should a state or local law enforcement agency consent to entering into an MOU**, officers must receive training in federal immigration law, the agency must provide written certification that officers are trained in immigration law, and any officer who engages in immigration enforcement is subject to the direction and supervision of the US Department of Homeland Security. **According to US Immigration and Customs Enforcement (ICE), as of December 31, 2012, more than 1,300 state and local law enforcement officers in 19 states have been trained and certified to enforce immigration law, and the budget devoted to 287(g) agreements has increased from $5 million in fiscal year 2006 to $68 million in fiscal year 2012** (ICE, 2013a,b).

DOL won't protect unauthorized workers – empirics

Lee 11 --Acting Professor of Law University of California, Irvine School of La [Stephen, "Monitoring Immigration Enforcement", (December 19, 2011). Arizona Law Review, Vol. 53, 2011; UC Irvine School of Law Research Paper No. 2012-01. Available at SSRN: http://ssrn.com/abstract=1974624 or http://dx.doi.org/10.2139/ssrn.1974624] RS

A question embedded within the interagency monitoring framework is whether an agency like the DOL can be trusted to protect the interests of unauthorized workers. Although the DOL's primary mission is to protect workers against work-related exploitation, **historically, the DOL has privileged the interests of citizen workers over noncitizen workers**. This suggests that DOL officials might be tempted to shirk their monitoring duties to the extent that a particular workplace inspection implicates **unauthorized workers and only unauthorized workers**. Despite the status-neutral nature of U.S. labor laws, the immigration enforcement origins of the DOL do give some traction to the concern that it

maintains a citizen- centric orientation.160 At least three reasons help assure that such a distortion, to the extent it exists, will not be overly pronounced.

DOL fails – changes in political administration

Jayesh M. **Rathod 11**, Assistant Professor of Law at American University Washington College of Law, Arizona Law Review, Protecting Immigrant Workers Through Interagency Cooperation, 2011, http://heinonline.org/HOL/Page?handle=hein.journals/arz53&div=45&g_sent=1&collection=journals ||RS

The proposed interagency monitoring agreement must also consider the **political winds that might dampen the DOL's enthusiasm to embrace an ex ante oversight role**. Unlike some agencies, where bureaucratization has solidified certain core operations, the posture of the DOL has varied dramatically depending on the administration in power. For example, during the George W. Bush administration, the federal government was largely silent about the 1998 Memorandum of Understanding ("MOU") between the DOL and the Immigration and Naturalization Service ("INS"), with advocates questioning its ongoing applicability.14 During the Bush administration, the DOL scaled back its 15 enforcement activities. Within some DOL subagencies, voluntary compliance 16 **Ideally**, any interagency monitoring agreement would be insulated from the political whims of appointees who might choose to let their oversight authority languish. This could be accomplished through the creation of an external advisory committee or by requiring periodic reports-from the DOL and DHS-that assess the effectiveness of the agreement

Interagency monitoring fails – vague language

Jayesh M. **Rathod 11**, Assistant Professor of Law at American University Washington College of Law, Arizona Law Review, Protecting Immigrant Workers Through Interagency Cooperation, 2011, http://heinonline.org/HOL/Page?handle=hein.journals/arz53&div=45&g_sent=1&collection=journals ||RS

Lee's article effectively describes the purpose and broad contours of an interagency monitoring agreement between the DOL and ICE relating to worksite enforcement. One type of arrangement that Lee describes involves "requir[ing] ICE to obtain permission from the DOL before investigating a particular workplace."35 Lee's intriguing proposal invites additional thinking about exactly how such an arrangement would be structured. Below, I share a few initial queries and offer further content to Lee's proposal. Let me begin with a few threshold questions. First, when exercised, what exactly would the DOL "pre-clearance power" look like? Would the DOL be able to prevent ICE enforcement actions from taking place? Or would the DOL's interests simply mean that ICE enforcement actions will be delayed for a fixed period of time? Second, what type of circumstance flagged by the DOL would be sufficient to chill action by ICE? Would a single complaint brought by an individual worker suffice? Would the complaint have to be brought by a worker or workers who are being targeted by ICE in the enforcement action? (And would such information be knowable in most cases?) Or, would the DOL speak with more authority vis-d-vis ICE if the employer had already been found to have violated certain workplace laws?

Plan is ineffective and gets circumvented - the MOU isn't legally binding

Freeman and Rossi 12 - Archibald Cox Professor of Law, Harvard Law School. Professor Freeman worked on a number of policy initiatives described in this Article when she served as Counselor for Energy and Climate Change in the White House in 2009–2010. The discussion of

these examples is based exclusively on documents available to the public. ∗∗ Harry M. Walborsky Professor and Associate Dean for Research, Florida State University College of Law [Jody and Jim, "AGENCY COORDINATION IN SHARED REGULATORY SPACE" VOLUME 125 MARCH 2012 NUMBER 5 http://harvardlawreview.org/wp-content/uploads/pdfs/vol125_freeman_rossi.pdf]RMT

The fourth category of MOU listed above describes agreements that typically involve multiple agencies. A good example is a 2009 MOU among nine federal agencies regarding the siting of electric transmission lines on federal lands.152 The example merits detailed discussion because it suggests how Congress sometimes recognizes coordination problems and how challenging they can be to address. In 2005, frustrated with long delays in siting large transmission projects, Congress instructed DOE to coordinate the federal permitting process.153 DOE and eight other federal agencies signed an MOU in 2006 to clarify their respective roles, with DOE retaining lead authority.154 Yet the collective action problem persisted. **The initial MOU had little effect, and permit applicants continued to proceed sequentially, agency by agency, resulting in considerable delays**. The Obama Administration revisited this state of affairs out of concern that transmission projects on federal lands were still proceeding too slowly. After months of negotiation, the nine key agencies signed a new agreement in which they established a process for integrated rather than sequential review. The new MOU does not retain DOE as the lead coordinator but rather specifies that the major land managers — the Department of the Interior (DOI) and USDA — will be the lead agencies for projects on federal lands.155 For all other applications, the MOU provides that the lead agency will be the primary regulator, FERC. The agreement also establishes clear timelines for agency review and coordination and provides for a single administrative record.156This example illustrates both the benefits and challenges presented by MOUs. By simplifying a multiagency approval process and eliminating needless duplication, interagency agreements can reduce transaction costs for both applicants and agencies.157 And by converting a sequential decisionmaking process into an integrated one with a single record, the agencies can improve the expertise on which their decisions are based. Still, the fact that a new agreement was necessary at all shows that even when Congress recognizes a collective action problem and instructs agencies to coordinate, agencies sometimes fail to do so. **Agencies may negotiate MOUs but then let them languish, sometimes for years**.158 Moreover, despite their often being quite detailed and substantive, **these agreements are generally not legally enforceable**.159 And they may prove unstable across administrations, or even throughout the life of a single administration, since disgruntled agencies can block implementation simply by refusing to cooperate. Thus, while MOUs may be promising instruments, their successful implementation may require a central coordinator, especially where agencies are reluctant to agree.

Agency incompetence is an alt cause OR Obama focus means squo solves

Hylton 11 [Wil S. Hylton, New York Times, October 30, 2011, "How Ready Are We for Bioterrorism?", http://www.nytimes.com/2011/10/30/magazine/how-ready-are-we-for-bioterrorism.html] JMOV

Even if the leadership and financing for biodefense were to shift toward a national-security framework, **the task would still require complex coordination among agencies with expertise in disparate spheres. This challenge is not made easier by the personal hostility that has emerged among many current program heads** — some of whom have close ties to the competing companies they oversee. In the course of several months of reporting, I heard senior officials from each of the major countermeasure agencies question the motives and professional credentials of the others, sometimes in a manner involving spittle. At times it seemed that the most virulent pathogen in biodefense was mutual hostility, and everybody had it.¶ **Senior officials in the Obama administration say that the president is committed to improving coordination on biodefense** and is entering a fourth major overhaul of the countermeasure enterprise. Last year, officials from the countermeasure agencies met weekly with the White House staff to discuss the merits and drawbacks of the current approach. Officials who attended those meetings say the administration hopes to develop a more "nimble, flexible" program, in which a single drug can treat multiple diseases and a single manufacturing plant can produce multiple drugs. If that plan, after 10 years and hundreds of millions of dollars trying to create a new anthrax vaccine that is still not ready, sounds optimistic, it is. Whether it is also realistic, only time will tell. Critics are quick to note that, three years after taking office, the

administration is still holding meetings and announcing bold new plans.¶ A number of former and current officials also point out that no one in the Obama White House is focused exclusively on biodefense. In both the Clinton and Bush administrations, there was a biodefense director whose primary job was to coordinate the agencies. Today, there are four senior White House officials with partial responsibility for biodefense, but each of them is also responsible for a raft of other issues, like natural disasters, terrorism and large-scale accidents like the Deepwater Horizon oil spill. Whatever you think U.S. biodefense policy should be, it is difficult to imagine that it would not benefit from clear, central leadership. Kenneth Bernard, the biodefense czar in both the Clinton and Bush administrations, told me, "The only way that you can get all of those people in the room is to call them into the White House, and to have a coordinating group under a single person." Robert Kadlec, who was the senior official for biodefense in the second Bush term, said, "Unless someone makes this a priority, it's a priority for no one."¶ Randall Larsen, who first smuggled a tube of weaponized powder into the meeting with Dick Cheney 10 years ago — and went on to become the executive director of the Congressional Commission on Weapons of Mass Destruction — said: "Today, there are more than two dozen Senate-confirmed individuals with some responsibility for biodefense. Not one person has it for a full-time job, and no one is in charge."

2NC – Alt Cause: Beauracracy

The aff's only internal link is about Latino Populations—they cannot overcome local law enforcement policies and negative perceptions

Theodore 13 [Nik, PhD, Professor at UIC Department of Urban Planning and Policy, BA Macalester College (1986); MUPP, University of Illinois at Chicago (1989); PhD, University of Illinois at Chicago (2000), Insecure Communities: Latino Perceptions of Police Involvement in Immigration Enforcement, May 2013, http://www.policylink.org/sites/default/files/INSECURE_COMMUNITIES_REPORT_FINAL.PDF] alla

These findings reveal one of the unintended consequences of the involvement of **state and local police in immigration enforcement** – a reduction in public safety as Latinos' mistrust of the police increases as a result of the involvement **of police in immigration enforcement.** The following conclusions can be drawn from the survey findings: **1. Isolation and disconnectedness from police**: Many Latinos feel isolated from the law enforcement officers who are sworn to protect them. More than four in ten say that because police are more involved in enforcing immigration laws they have become less likely to volunteer information about crimes because they fear getting caught in the web of immigration enforcement themselves or bringing unwanted attention to their family or friends.

Tons of alt causes - their 1ac card.

International Association of Chiefs of Police, **IACP, 14**, a dynamic organization that serves as the professional voice of law enforcement, 2014, Using Community Policing to Counter Violent Extremism, http://www.theiacp.org/Portals/0/documents/pdfs/Final%20Key%20Principles%20Guide.pdf

Engaging Immigrant Communities through Community Policing Law enforcement agencies nationwide have used community policing principles to build bridges with immigrant communities that may be wary of law enforcement because of past experiences in their home country .13 Law enforcement agencies have also used these principles, and continue to use them today, to demonstrate their commitment to balancing the needs of protecting their communities while also protecting individuals from hate crimes and civil rights and liberties violations . However, groups that share, or have been perceived to share, the national background or religions of the perpetrators of the 9/11 attacks may still be hesitant to share tips and may be cautious about partnering with law enforcement .This hesitancy can only be overcome by building trusting relationships, being transparent, and communicating with community members, regardless of

their citizenship or immigration status . The principles of community policing extend beyond the residents of a specific community and encompass working in partnership with other government agencies, public and private stakeholders, and faith- and community-based organizations . For example, enhanced information exchange between local, state, tribal, and federal law enforcement and homeland security partners; improved partnerships between federal, state, and local officials; information sharing between law enforcement and private entities; and, advances in communications technology and interoperable databases, can all be used to address terrorism and violent extremism .14 Using interoperable databases and sharing information with nonprofits and the private sector provides law enforcement with additional opportunities to prevent violent attacks by extremist individuals and groups .

2NC- MOU Bad

MOU ineffective – raises costs for agencies

Freeman and Rossi 12 - Archibald Cox Professor of Law, Harvard Law School. Professor Freeman worked on a number of policy initiatives described in this Article when she served as Counselor for Energy and Climate Change in the White House in 2009–2010. The discussion of these examples is based exclusively on documents available to the public. ∗∗ Harry M. Walborsky Professor and Associate Dean for Research, Florida State University College of Law [Jody and Jim, "AGENCY COORDINATION IN SHARED REGULATORY SPACE" VOLUME 125 MARCH 2012 NUMBER 5 http://harvardlawreview.org/wp-content/uploads/pdfs/vol125_freeman_rossi.pdf]RMT

— At first glance, coordination appears to raise agency decision costs. This observation is certainly true compared to a baseline of agencies deciding policy matters independently. But where agencies share regulatory space, the appropriate baseline should include the cost, or at least the risk, of inconsistency, waste, confusion, and systemic failure to deliver on the putative statutory goals. The actual question is whether coordination reduces these cumulative costs, even if it requires a greater up-front investment of resources. These up-front investments in fact might be substantial. For example, even the relatively mild procedural consultation requirements described in Part II require the agency to expend time and staff to process comments — resources that might otherwise be deployed elsewhere. And these costs tend to rise with the burdensomeness of the consultation provisions. At the extreme end, **giving one agency veto power over another's decision has the potential to elevate costs considerably by sometimes requiring extensive negotiations**. Thus, **for example, the joint DOJ-FTC horizontal merger guidelines likely consumed significant staff time and resources**.

The Plan just revises the MOU AGAIN—it failed before—that's a 1AC Uniqueness claim—ICE will just raid regardless of the MOU--here's the Text of the REVISED MOU for contextual proof

Morton and Smith 11 [John Morton: Director U.S. Immigration and Customs Enforcement, M. Patricia Smith: Solicitor of labor at the Department of Labor, "Revised Memorandum of Understanding between the Departments of Homeland Security and Labor Concerning Enforcement Activities at Worksites", December 7, 2011, http://www.dol.gov/asp/media/reports/DHS-DOL-MOU.pdf] alla

D. This MOU is an agreement between DHS and DOL, and does not create or confer any right or benefit on any other person or party, public or private. **Nothing in this MOU or its implementation is intended to restrict the legal authority of ICE or the relevant DOL components in any way.**

2NC—Squo Solves

Police-community relationships are high now – new law enforcement efforts. Their author.

International Association of Chiefs of Police, **IACP, 14**, a dynamic organization that serves as the professional voice of law enforcement, 2014, Using Community Policing to Counter Violent Extremism, http://www.theiacp.org/Portals/0/documents/pdfs/Final%20Key%20Principles%20Guide.pdf

In the years since 9/11, the law enforcement community has been faced with credible threats of violent extremism from an ever-evolving collection of determined enemies from overseas and within the United States .While terrorism remains a real and persistent problem—and the changing nature of the threat has made the chances of a successful attack more likely—law enforcement agencies have continually risen to the challenge .Whether the threats have come from international terrorist organizations, domestic extremist groups, or homegrown violent extremists, law enforcement has made considerable progress in developing methods and strategies for proactively detecting and thwarting new plots . One of the most important strategies has been the repurposing and refining of community oriented policing practices . Law enforcement agencies have used these practices for decades to address other criminal and quality-of-life issues, such as gang violence and vandalism, and are now using them to address CVE . State, local, and tribal law enforcement agencies are focusing on fostering and enhancing partnerships with the community, building trust, using a whole-of-community approach, engaging the community, assisting with the creation of counter-narratives, helping build resilient communities, balancing engagement and information gathering, and training officers with special focus on preventing extremist attacks and reducing the number of individuals who radicalize to violence . The marriage of community policing and countering violent extremism leverages the most valuable resource of each: local communities and their members . Law enforcement is empowering communities to impress upon individuals that everyone has an important role to play in the community .While radicalization to violence is occurring in homes across the country, thanks in large part to the Internet, community policing is being used to reach out to disenfranchised individuals and redirect them from the path of radicalization to violence . Community members are being invited to teach law enforcement about their religion, culture, and beliefs, so that officers are able to identify specific legal or constitutionally protected behaviors and not mistake those practices for criminal behavior . Community members are being encouraged to report suspicious activities, and communities are being empowered to demonstrate that they are stronger than the virtual community and that freedom, justice, and dignity can coexist with religion, culture, and citizenship .

Crack-down on ICE already happening within the government—it's very unpopular

TORRENS, '15, (CLAUDIA, "Immigration officials see danger as local cooperation wanes," Washington Times, Associated Press, March 10, 2015, http://www.washingtontimes.com/news/2015/mar/10/immigration-officials-laws-limiting-detainers-risk/?page=all)//erg

Mayor Bill de Blasio signed the legislation that limited cooperation with ICE in November. The law bars cooperation with detainers unless there's a federal warrant and the person is on the terrorist watch list or committed a serious crime in the past five years. From October 2013 through September 2014, the New York City Police Department received 2,635 immigration detainers. Of those, it held 196 individuals. The city says no ICE detainers have been honored this year. New York City Council Speaker Melissa Mark-Viverito, who proposed the limitations, said ICE officials for years "cast a dragnet at Rikers Island" that resulted in unnecessary deportations. "In addition to being unfair, ICE's policies were an offense to the rule of law and yet another symptom of our broken immigration system," Mark-Viverito said in a statement. In California, only immigrants illegally in the United States who have been convicted of a serious offense are eligible for the 48-hour hold. David Marin, deputy field office director for Enforcement and Removal Operations in Los Angeles, said that of the seven counties that form the Los Angeles area of operation only two honor detainers that meet those standards. More than one-fourth of the people arrested by ICE in the Los Angeles area last week had recently been released onto the street by local authorities despite ICE detainer requests. Fifty-nine of the 218 individuals detained by ICE during the enforcement action had been the subject of immigration detainers, said ICE spokeswoman Virginia Kice. The issue is not black-and-white, says Muzaffar Chishti, New York director of the Migration Policy Institute. "My feeling is that, at some level, both (sides) are right", said Chishti. "This is a classic case of where you stand on issues depends on where you sit. The concerns and the priorities of the city and police are very different from the concerns and priorities of the federal government."

Immigrant communities hate law enforcement—no trust

Nittle, '12, (Nadra Kareem, "Latinos on the Receiving End of Racial Profiling and Police Brutality," Race Relations: The Legal System, 2012, http://racerelations.about.com/od/thelegalsystem/a/Latinos-On-The-Receiving-End-Of-Racial-Profiling-And-Police-Brutality.htm)//erg

Border Patrol Killings It's not just local law enforcement agencies that have been accused of racially profiling Latinos and committing acts of police brutality against them, it's also the U.S. Border Patrol. In April 2012, Latino advocacy group Presente.org launched a petition to raise awareness about the Border Patrol's fatal beating of Anastasio Hernández-Rojas, which took place two years earlier. The group launched the petition after a video of the beating surfaced in hopes of pressuring the Justice Department to take action against the officers involved. "If justice isn't served for Anastasio, even when video clearly shows injustice, Border Patrol agents will continue their pattern of abuse and lethal force," the Presente team said in statement. Between 2010 to 2012, Border Patrol agents were involved in seven killings, according to Presente. LAPD Officer Found Guilty of Profiling Hispanics In an unprecedented move in March 2012, the Los Angeles Police Department determined that one of its officers had engaged in racial profiling. Which group did the officer in question target? Latinos, according to the LAPD. Patrick Smith, a white officer on the job for 15 years, pulled over a disproportionate amount of Latinos during traffic stops, the Los Angeles Times reported. He allegedly tried to conceal the fact that he'd so often targeted Hispanic drivers by misidentifying them as white on paperwork. Smith may be the first LAPD officer found guilty of racial profiling, but he's unlikely the only one engaging in the practice. "A 2008 study of LAPD data by a Yale researcher found blacks and Latinos were subjected to stops, frisks, searches and arrests at significantly higher rates than whites, regardless of whether they lived in high-crime neighborhoods," the Times noted. Moreover, 250 allegations of racial profiling are made against officers annually. East Haven Police Under Fire News broke in January 2012 that federal investigators had charged police in East Haven, Conn., with obstruction of justice, excessive force, conspiracy and other crimes concerning their treatment of Latinos in the city. According to the New York Times, East Haven police officers, "**stopped and detained people, particularly immigrants, without reason...sometimes**

slapping, hitting or kicking them when they were handcuffed, and once smashing a man's head into a wall." They tried to cover up their behavior by targeting bystanders who witnessed and tried to document their illegal acts. They also allegedly tried to recover surveillance tapes from area businesses that captured their abuses on video.

New DHS policy solves the aff—less raids, more focus on workers' rights, investigations before arrests all prove

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The Obama administration has pledged to continue—and in fact increase—vigorous criminal enforcement against employers that employ unauthorized workers. The Bush administration conducted a series of high-profile raids that resulted in criminal charges against employers as well as the apprehension of large numbers of undocumented workers. For example, in 2008 under the Bush administration, Immigration and Customs Enforcement (ICE) made 5,184 administrative arrests of unauthorized alien workers and 1,103 criminal arrests tied to work site enforcement. Of the individuals criminally arrested, however, only 135 were owners, managers, supervisors, or human resource employees. The majority of the remainder were workers charged under identity theft statutes. Janet Napolitano, Obama's secretary of homeland security, has indicated **a shift away from apprehension of the undocumented workers in large-scale raids** to a clear focus on employers including detailed up-front investigation on employer compliance **prior to enforcement** activity. The large-scale raids under the Bush administration enraged the Latino community and religious leaders, immigrant advocates, and civil liberties groups important to the Democratic base and they stepped up pressure on Obama to stop them. In response, Janet Napolitano has charted a middle course, ordering a review of which immigrants will be targeted for arrest and emphasizing that she intends to focus even more on prosecuting criminal cases of wrongdoing by companies. Such action is consistent with her testimony during her confirmation hearing in which she stated that she expects "to increase the focus on ensuring that employers of unlawful workers are prosecuted for their violations." Moreover, she pledged to subject employer violators to "appropriate criminal punishment" and to encourage employers to work with federal immigration agents "to establish sound compliance programs that prevent unlawful hiring." On April 30 of this year, the Department of Homeland Security (DHS) and ICE, the enforcement branch of DHS, issued a new Worksite Enforcement Overview and Worksite Enforcement Strategy Fact Sheet. Consistent with prior statements, both these documents announced that Napolitano has issued a directive "outlining that ICE will focus its resources in the work site enforcement program on the criminal prosecution of employers who knowingly hire illegal workers in order to target the **root cause** of illegal immigration." The Strategy Fact Sheet emphasizes that ICE will aggressively investigate using an array of sources including "tips from the public, reports from a company's current or former employees, even referrals from other law enforcement agencies" as well as a variety of techniques commonly used in criminal prosecutions. The fact sheet emphasizes that, through these methods, ICE will aggressively investigate and pursue trafficking, smuggling, harboring, visa fraud, document fraud, money laundering, and other criminal conduct by employers. It is clear that **the Obama administration is focusing on significant up-front investigation rather than large-scale raids.**

Obama administration solves—Plan also cannot overcome ICE I-9 Audits and Social Security letters—these are different from raids

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David Cox was at his desk in September 2009, when his receptionist announced an unexpected visitor, a special agent from Immigration and Customs Enforcement, also known as ICE. Mr. Cox is chief executive of L. E. Cooke Company, a fourth-generation, family-owned nursery in Visalia, Calif., that grows deciduous trees and shrubs. The agent handed Mr. Cox a letter and informed him he had three days to produce I-9 employment-eligibility forms for all current employees. Mr. Cox said the agent was "pleasant and nonthreatening," but he noticed she carried a gun. L. E. Cook was one of 1,444 businesses to receive an introduction to ICE's stepped-up worksite enforcement program in 2009 — almost three times the number audited in 2008. Last year, 2,196 businesses were audited. An ICE representative said the agency did not categorize audits by business type and that the law applied across industries. "Any company is at risk at any given time," said Leon Versfeld, an immigration lawyer in Kansas City, Mo. In one prominent case, American Apparel, the clothing manufacturer, was forced to terminate 1,800 undocumented workers after a 2009 audit. Chipotle Mexican Grill, the restaurant chain, has let go hundreds of workers since its audit began last year. **While the administration of George W. Bush focused on headline-making raids that resulted in arrests of immigrant workers, the Obama administration has gone after employers with ICE's I-9 audits on the theory that employers who hire unauthorized workers create the demand that drives most illegal immigration**. In addition, the Social Security Administration has resumed sending "no-match" letters after a three-year hiatus. The letters, which alert employers that information on an employee's W-2 form does not match information on file with the Social Security Administration, had been halted in 2007. The main purpose is ostensibly to ensure that employee Social Security accounts are credited properly, but the letters can also be used by ICE to show that an employer had reason to believe an employee might not have documentation. "The master narrative of immigration reform is being crafted around the notion of unscrupulous employers seeking cheap labor," said Craig Regelbrugge, a lawyer and lobbyist with the American Nursery and Landscape Association. Unscrupulous employers exist, Mr. Regelbrugge said, but more often he sees business owners who are just trying to follow the law. When a new hire produces seemingly legitimate forms of documentation required by the I-9 form, the employer must accept them. (To refuse could expose the owner to charges of employment discrimination.) "The employer is not required to be a forensics expert," said Monte Lake, an immigration lawyer in Washington. The upshot of the more aggressive enforcement is that even employers who have followed the rules can be devastated by an audit that compels them to fire valuable, long-time employees. The I-9 audit of Mr. Cox's nursery revealed that 26 of his 99 employees were not authorized to work in the United States. Because ICE determined he had acted reasonably in hiring them, Mr. Cox was not fined or held criminally liable. But after confirming that the 26 employees could not produce authentic documents, he was forced to fire them. All had been with him for five to 10 years, and he lost half of his budding crew, a highly specialized team that grafts trees. "Telling them was probably the worst day of my life," he said. "I don't just sit at a desk here, I'm actually out in the field harvesting with them." Mr. Cox said he was lucky the audit hit midrecession, after he had already reduced his work force and inventory. Still, he estimates that his 2009 expenses climbed 10 percent as a result of the terminations. And, despite California's high unemployment rate, finding replacement employees has proved challenging. "I've gone through more workers this year than I have in the past 10 years combined," Mr. Cox said. While most such workers earn the $8-an-hour minimum wage in California, Mr. Cox said he generally paid $8.90 an hour for a 50-hour week. The terminated budding crew workers made $10 an hour. Compensation includes state-mandated overtime of time and a half, health insurance and two weeks' paid vacation. "If I raised the wage," he said, "I'd have to shut my doors." Meanwhile, after an audit, ICE does not round up the affected workers for deportation. That meant Mr. Cox's former workers were free to seek employment elsewhere — including with his competitors. Mr. Cox said that he knew through his remaining workers that the terminated employees were all working in the area. After the audit, Mr. Cox started using E-Verify, a federal program that lets employers confirm the authenticity of a job applicant's Social Security and green card numbers

electronically. Although the program's use is mandatory in some states, its reliability has been debated, and it remains voluntary in California. A bill in Congress that would require all American employers to use the program could go to a vote this month. The owner of another agricultural business, this one on the East Coast, requested anonymity because he was currently undergoing an I-9 audit that had resulted in the loss of half of his work force. He said the employees he was forced to terminate were 25 to 40 years old and had been in the United States for five to 10 years. Many were raising children born here. "They're all staying here and working for someone else," he said. After the terminations, the East Coast owner said he was struggling to get replacement workers up to speed. He has endured a substantial increase in customer complaints — to 30 a week from about three — and has reduced his 2011 sales goals by 15 percent. The terminated employees included members of his management team who earned $12 to $15 an hour. He paid them all their vacation pay, and said he was bothered by the perception that employers like him were unscrupulous and treated undocumented workers unfairly. "We did everything by the book," he said. "There were a lot of tears here." While the human side of the issue is compelling, employers must comply with the law, said Mr. Lake, the immigration lawyer. **There is no way to avoid an ICE audit**, but establishing and maintaining the right procedures can help you survive one. Mr. Lake recommends that employers review their practices and seek professional assistance if they are not knowledgeable about legal requirements. Sloppy record-keeping can lead to fines for technical violations. If a review reveals incomplete I-9 forms, employers should fill in the missing information and initial it with the date and time it was added. Mr. Lake advises random checks to ensure that employees are completing the forms. Be sure to retain I-9 forms for the legally required period of time — the longer of three years or one year after the employee leaves the company. Business owners should understand their obligations upon receiving a no-match letter. Mr. Lake advises employers who receive these letters to meet one-on-one with the designated worker to ensure that a clerical error did not cause the confusion, confirming that names are spelled correctly and no numbers have been transposed. Assuming there is no mistake, Mr. Lake said the owner must instruct the worker to pursue the issue with the Social Security Administration and report back within a "reasonable time." Document your actions and treat all workers the same, Mr. Lake said. If an employee reports that everything is fine, and you get another no-match letter the next year, you know it is not fine. After that, Mr. Lake said, there is no good answer if ICE conducts an audit and asks, "Why didn't you take action the second time?"