## 1

Hilary will win the general now but it’s not certain – voters are still undecided. **Jackson et al 4/13**

Natalie Jackson [Senior Polling Editor at Huffington Post, coordinating the Pollster section of the site. Natalie has a PhD in political science from the University of Oklahoma, with heavy emphasis on statistics, survey methodology, and American politics, she worked as a survey consultant as a postdoctoral associate at Duke University and as senior analyst at the Marist College Institute for Public Opinion.], Ariel Edwards-Levy [Staff Reporter and Polling Director, The Huffington Post], and Janie Velencia, "HUFFPOLLSTER: Electoral College Estimates Show Hillary Clinton Beating Donald Trump And Ted Cruz," Huffington Post, http://www.huffingtonpost.com/entry/general-election-projections-clinton-trump-cruz\_us\_570e3b60e4b0ffa5937d93a7, April 13, 2016. CC

Projection shows Clinton trouncing Trump and Cruz - Morning Consult: “If the presidential election was held today, businessman Donald Trump and Texas Sen. Ted Cruz would lose to Democratic front-runner Hillary Clinton, according to an extensive Morning Consult analysis of 44,000 poll respondents. Ohio Gov. John Kasich is the only candidate who could beat Clinton in November. Both Trump and Cruz would lose to Clinton by considerable margins in a head-to-head race, winning just 210 and 206 electoral college votes, respectively. By contrast, Kasich comfortably beats Clinton, racking up 304 electoral college votes to her 234….The results show that the race is still up for grabs, with nearly 20 percent of registered voters saying they are undecided about who they’d vote for between Clinton and either Trump, Cruz or Kasich.” [Morning Consult] How they estimated those Electoral College tallies - The analysts at Morning Consult used data they had collected from national surveys since January and a statistical technique called multilevel regression and poststratification (MRP) to estimate which candidate would win each state in a hypothetical election. MRP is a way of using data at a larger geographic level — like the national level — to estimate opinion at a smaller geographic level — in this case, the states. Instead of relying solely on how people say they will vote in the survey, MRP incorporates information about the respondents and the states they live in that’s known to predict vote choice. Morning Consult used respondents’ education, gender and age, plus state-level economic information and outcomes from the 2012 Presidential election. But nothing is certain - Morning Consult specifically notes that this analysis shows a projection of what would happen if the general election were today. And even though it incorporates state-level information, the model still relies on general election polls. Those aren’t yet predictive of what could happen in November, especially when many voters are still undecided. In the Trump vs. Clinton estimates, for example, neither candidate reaches a 50 percent majority in 37 states, and the candidates are within 2 percentage points of each other in seven states. [Morning Consult]

The AFF is political self-destruction for democrats and will cost them the election – there’s a strong distinction between regulations and bans. **Scher 15**

Bill Scher. “Will Any Presidential Candidate Support Banning Handguns?” CommonDreams. October 03, 2015. CC

Politicians generally avoid proposing handgun bans because the position doesn’t fit into the frame of exempting “responsible gun owners” from new regulations. No one needs an assault rifle to hunt or to protect themselves. But plenty of Americans keep handguns thinking that it will protect them from harm. Politicians are loathe to advocate that the government “take their guns away.” However, the reality is, as physicist David Robert Grimes put it, “actually owning and using a firearm hugely increases the risk of being shot.” Of course, this is a political impossibility for the foreseeable future. The current Republican Congress won’t even pass an expansion of background checks, and a previous Republican Congress allowed the Clinton-era assault weapons ban to expire. A handgun ban also could run afoul of the Supreme Court, as it is currently constituted. But will any presidential candidate be willing to push the envelope, shake up the debate, and put a handgun ban on the table? It’s unlikely to be Sen. Bernie Sanders. Gun control is pretty much the only area where Sanders, long-time representative of rural hunting state, could be classified as a moderate. He opposed background checks in 1993, though supported them in 2013. He once supported a law protecting gun manufacturers from lawsuits, but he also voted for the assault weapons ban and supports closing the so-called gun show loophole. His rhetoric on the subject involves a bit of triangulation, “I think that urban America has got to respect what rural America is about, where 99 percent of the people in my state who hunt are law abiding people.” It’s unlikely to be Hillary Clinton. While she is stressing gun control in her campaign — a rare opportunity for her to get to Bernie’s left — she is a pragmatist at heart. Democrats for years have been careful to avoid sounding like “gun grabbers,” skirting the gun control issue so they can be competitive in states with high gun ownership like Colorado, Iowa and Nevada. In fact, if Democrats had not pursued this strategy, arguably Barack Obama never would have become president. For Clinton to push the issue now is shift left from where Obama was rhetorically in 2008 and 2012. But what’s on the table are provisions like “universal background checks, cracking down on illegal gun traffickers, and keeping guns out of the hands of domestic abusers and stalkers.” A handgun ban is not in the cards. But what about former Gov. Martin O’Malley? He too is pushing gun control hard, laying out a multi-pronged strategy to reduce gun violence, including universal background checks and a national gun registry. (An O’Malley Super PAC even ran a negative ad against Sanders regarding guns.) Yet he hasn’t gone as far as banning handguns. O’Malley, languishing near zero percent in the polls, is a candidate in need of a breakout issue, one that would animate base voters and distinguish himself from the pack. Merely proposing a handgun ban certainly wouldn’t make it become law anytime soon. But it would refocus the debate on the actual source of most of our senseless gun deaths.

Handgun bans specifically have record low popularity. **Swift 10-19**

Art Swift. Gallup, “Americans' Desire for Stricter Gun Laws Up Sharply.” October 19, 2015. CC

Civilian Handgun Possession Should Not Be Banned, Americans Say The percentage of Americans who favor a law providing that only authorized persons (including the police) would be allowed to possess handguns has remained low since the 1990s. This year, 27% -- near the record low -- say there should be this type of ban. This trend has been generally declining since Gallup began asking this question in 1959, when 60% said such a law should exist. In 2015, guns are a part of the fabric of American life and much of its discourse. Overall in the U.S., 43% say they have a gun somewhere in their household, and 28% say they personally own a gun.

Democratic candidates are tied to Obama—if Obama’s approval ratings decline, Clinton will lose. **Sabato et al 12-17**

Larry Sabato (founder and director of the University of Virginia Center for Politics. He is also the University Professor of Politics at the University of Virginia), Kyle Kondik (Before joining the Center for Politics in 2011, Kyle served as director of policy and research for former Ohio Attorney General Richard Cordray and as a reporter, editorial page editor, and political columnist at newspapers in Northeast Ohio), and Geoffrey Skelley (Geoffrey received an M.A. in Political Science from James Madison University in 2011). “10 Factors That Will Determine The Next President.” Center for Politics. December 17th, 2015. CC

President Obama is not on the ballot, but he looms over the race. His national standing has remained very consistent — some would say stagnant — throughout much of his presidency. Throughout 2015, Obama’s approval has generally been around 45%, with a little bit of variation. It seems reasonable to expect that he will be around the same point next year, unless further domestic terrorism or other developments send his ratings tumbling. According to Gallup, Obama has averaged a middling 47% approval throughout his presidency, and as we found earlier this year, his approval has been the steadiest in modern history. Postwar history suggests that when a president has weak approval, his party pays a price in the next election. Harry Truman (1952), Lyndon Johnson (1968), Gerald Ford (1976), Jimmy Carter (1980), George H.W. Bush (1992), and George W. Bush (2008) all had mediocre-to-poor approval ratings, and the opposing party won all of those elections (defeating incumbents Ford, Carter, and H.W. Bush, and winning open-seat races in the others). Meanwhile, the strong approval ratings of Dwight Eisenhower (1960) and Bill Clinton (2000) couldn’t save their would-be successors, Vice Presidents Richard Nixon and Al Gore. Both lost excruciatingly close elections. Some of these approval ratings are from months before the election and don’t necessarily reflect where the incumbent’s approval was on Election Day — Truman, for example, was at 40% in late June 1948, but his approval was likely higher by November, when he won an upset victory. There’s one other factor to consider, though. It’s possible that in a partisan age, job approval doesn’t mean what it once did. Just think back to the 2014 midterm. Then-Gov. Pat Quinn (D-IL) was at about 30% approval, but he only lost by four percentage points. Gov. Sam Brownback (R) and Sen. Pat Roberts (R) of Kansas had approval ratings in the mid-30s, but both won reelection. Granted, both of those states have strong partisan tilts (Illinois is Democratic, Kansas is Republican), and these were state-level races in a midterm year, but it’s possible that low approvals aren’t as much of a drag as they might once have been. Perhaps Obama’s approval will drop below the mid-40s, but Clinton could win if the Republicans produce a poor nominee. The other thing is that, with the history of presidential approval ratings cited above, we do not have a huge sample size. There isn’t a hard-and-fast rule here, but there is a reason that Clinton, so far, is generally staying close to the president. Presenting a united Democratic front, and seeing Obama have a successful final year in office, can only be good for her chances. Plus, if Obama tanks, so probably do Clinton’s chances.

The next president is make it or break it for warming – its real and anthropogenic – GOP victory kills any possible progress. **Neuhauser 15**

Neuhauser, 15 - energy, environment and STEM reporter for U.S. News & World Report. (Alan, “The Climate Change Election”, August 14, 2015, US News, http://www.usnews.com/news/the-report/articles/2015/08/14/the-2016-election-is-critical-for-stopping-climate-change)

For as long as Americans have voted and pundits have bloviated, **each presidential election cycle has seemed The Most Important in All History**. **Next year, though, may truly – actually, seriously – be different**, if climate scientists are right. **The next candidate Americans send to the Oval Office**, experts say, **may also be the very last who can avert catastrophe from climate change.** "**It is urgent and the timeframe is critical and it has to be right now**," says Vicki Arroyo, executive director of the Georgetown Climate Center at Georgetown Law. **"We can't lose another four years, much less eight years."** This is not an overnight ice age or a rise of the apes. **But global warming is already here, parching the American West, flooding coastal cities, strengthening storms, erasing species and inflaming armed conflict, with a rise of just 0.85 degrees Celsius from pre-industrial levels**. And it's going to get worse, experts say. Last year**, a U.N. panel of scientists predicted the world had until 2050 to slash emissions by as much as 70 percent to keep temperatures from rising another 1.15 degrees by the end of the century**. **That's the threshold of an unstoppable cycle of Arctic and Antarctic melting**, the release of heat-trapping gases that had been caught in the ice, more warming, more melting, more warming, more melting – until the glaciers and ice caps disappear. But some researchers – including the man who first presented the facts on climate change to Congress in 1988 – say that that **tipping point may come even sooner**, perhaps as **early as 2036:** Humans, in short, are having an even greater impact than expected. "Sea level projections and upcoming United Nations meetings in Paris are far too sluggish compared with the magnitude and speed of sea level changes," the scientist, Columbia professor James Hansen, wrote Wednesday in a Q&A on the web forum Reddit, discussing a study he published in July. The needed changes are monumental: Halting climate change and heading off its worst consequences is going to require a wholesale switch from fossil fuels like coal, oil and gas to renewables like wind and solar – potentially upending utilities, energy producers and construction contractors, the sort of change "of the magnitude of the invention of the steam engine or the electrification of society," says Jules Kortenhorst, CEO of the Rocky Mountain Institute, a nonpartisan energy research group. "How quickly can we transform one of the most complex industrial systems – our energy system – across the globe in order to move toward low carbon?" he asks . "**There is absolutely no doubt we have to act now."** This presents an election – and a choice – with no historical analogues. "**This will be a make-or-break presidency as far as our ability to avert a climate change catastrophe**," says Michael Mann, meteorology professor and director of the Earth System Science Center at Penn State University, whose "hockey-stick" shaped graph warned of sharply rising emissions and temperatures. **Pick any issue throughout history**, he and others argue, **none has shared the three qualities that make climate change stand apart:** its threat to the entire planet, the short window to respond, and how sharply it has divided the two parties' candidates. "Republicans and Democrats have argued over issues for years, but I can't think of an example where one party didn't even say that the issue exists," says Katharine Hayhoe, a climate scientist at Texas Tech University who has advised Evangelical and conservative climate action groups, and who has urged policymakers to address warming. ​​ **Four of the five Democratic candidates has pledged or supported Obama administration efforts to cut the heat-trapping emissions** that cause climate change: Hillary Clinton, Bernie Sanders, Martin O'Malley and Lincoln Chafee. Former Sen. Jim Webb has said he'd expand the use of fossil fuels and once voted to block the Environmental Protection Agency from regulating certain greenhouse gas emissions. **Among the Republicans, eight of the 17 candidates have hedged**: Jeb Bush, Carly Fiorina, Lindsey Graham, Jim Gilmore, Bobby Jindal, John Kasich, George Pataki and Rand Paul have **acknowledged that humans do contribute to global warming, but have questioned or stopped short of saying how much – a position at odds with the findings of a vast majority of scientists.** "The climate is changing; I don't think anybody can argue it's not. Human activity has contributed to it," Bush said in an email interview with Bloomberg BNA in July – a statement that notably did not mention how much humans were at fault. During a campaign stop in New Hampshire in June, he had previously told listeners, "The climate is changing, whether men are doing it or not," one month after calling it "arrogant" to say climate science is settled. **The rest of the GOP field** – **including three senators who rejected a January amendment tying human activity to climate change – has dismissed the issue outright**. Paul also voted against the amendment. "As a scientist it's very frustrating to hear politicians basically saying, 'This isn't true,' or, 'They're just making it up to get government money,'" Hayhoe says. "**A thermometer is not Democrat or Republican. What observations are telling us is not political – it is what it is."** And there are conservative solutions for warming. Some party members, in fact, see it as an inherently Republican issue: Carbon emissions, for example, distort the free market, forcing others to pay the higher and indirect costs of climate change (storm recovery, disaster relief) plus the health costs associated with air pollution. ​​ ​​​"We allow the coal industry to socialize its costs, and we conservatives don't like allowing people to socialize anything," says former South Carolina Rep. Bob Inglis, who now explores free-market solutions to climate change as head of the Energy and Enterprise Institute at George Mason University. A revenue-neutral carbon tax, one that does not support other programs and instead goes back to households, could fix that distortion, he and others argue. "The question is not, 'Is there going to be a tax on carbon?' It's, 'Do you want a tax that you have a voice in and control, or do you want to keep writing checks after disasters that you have no control over?'" says retired Rear Admiral David Titley, who has advised some of the GOP presidential candidates and directs the Center for Solutions to Weather and Climate Risk at Penn State University. "That $60 billion relief bill for Hurricane Sandy that passed very quickly through a Republican-led House, did you get a vote on that tax? Because that's a tax." **Yet Inglis, himself is a living example of what can happen to conservatives who call for climate action**. The recipient of the JFK Profile in Courage Award in April, **he was unseated in the Republican primary in 2010 after shifting his position on global warming.** "Republicans say, 'Look at what happened to him when he said it was real. Do you want that to happen to you?'" Hayhoe describes. **Oil, gas and coal companies, along with billionaire Libertarian industrialists David and Charles Koch, rank among the biggest campaign donors**, and often **seem as allergic to new taxes as a bubble boy to fresh pollen**. But popular sentiment among voters appears to be changing: Most Republican voters say they support climate action, and last week, Shell did not renew its membership in the Koch-backed American Legislative Exchange Council because of the group's opposition to climate action. Even the climate statements by the eight Republicans who have hedged on warming, vague as they were, may signify a kind of progress – especially during the primaries, when candidates play to their parties' more extreme bases. "In the Great Recession in 2010, it was this very atheistic position with regard to climate change: 'We don't believe,'" Inglis says. "Then, in the 2014 cycle, 'I'm not a scientist,' that was an agnostic position. These are data points on a trend line toward a tipping point." Republicans can exploit a distinct advantage on climate action, too, he adds: Voters tend to support the presidents who buck party stereotypes. "Nixon goes to China, Bill Clinton signs welfare reform – the country will trust a conservative to touch climate," Inglis argues. Bu**t climate scientists, environmental advocates and Democrats remain deeply skeptical. The most recent Republican president**, for one, **backpedaled on his** 2000 campaign **pledge to rein-in carbon emissions**. **Campaign donations remain hugely influential, and as Republican candidates lambaste the environmental agenda of the Obama administration, stopping climate change will actually require they expand upon Obama initiatives**: **resist industry pressure to slow the roll-out of tighter fuel standards for cars, push states to reduce emissions from their power sectors and uphold and ratchet-up international commitments to slow carbon emissions. There's also the Supreme Court**: with four Supreme Court justices now over the age of 70, and Ruth **Bader Ginsburg pushing 80, the next president will likely have the chance to nominate new jurists to the court – a court that will almost certainly decide challenges to various environmental actions aimed at slowing global warming.** "**If we are going to avoid catastrophic, irreversible climate change impacts, we have to be ramping down our carbon emissions dramatically in the years ahead**. The current administration has begun that process, but **our next president must not only continue but build on that progress**," Mann says. It is on the global stage where perhaps the spotlight – and climate scientists' hopes and expectations – will shine brightest. In December, negotiators from nearly 200 nations will meet in Paris to hammer-out an international climate accord. It is expected to include commitments from China and India, heavy polluters spurred to rein-in their emissions and invest in clean energy by America's own commitment to slash carbon emissions from its power sector. "The rest of the world is going to expect the U.S. to live up to its commitment [made at the Paris meeting], no matter who is in the White House," says Henrik Selin, professor of international relations at the Pardee School of Global Studies at Boston University. "**If you have a president who comes in and starts rolling back the Obama initiatives, you're going to have international leaders being very unhappy about this** – and they are not just countries, they are trading partners. This is not just a domestic issue, it's also very much a foreign policy issue." And so far, he and others argue, **none of the Republican candidates have offered a clear vision on climate, let alone any plan to slow warming**. "If we want to get to that low-carbon future, **we have to agree that's where we're going to go, and then we can fight over the speed at which we're going to get there**," Kortenhorst, of the Rocky Mountain Institute, says. As David Sandalow, who held senior posts in the State Department and Energy Department under Obama and is an inaugural fellow at the Columbia University Center on Global Energy Policy, describes: "**There's a very big difference between electing a candidate who's committed to seriously addressing this problem and one who isn't. The implications of failing to address the problem in the next four years could be very serious."**

Warming causes extinction – need to act now McCoy 14

(Dr. David McCoy et al., MD, Centre for International Health and Development, University College London, “Climate Change and Human Survival,” BRITISH MEDICAL JOURNAL v. 348, 4—2—14, doi: <http://dx.doi.org/10.1136/bmj.g2510>, )

The Intergovernmental Panel on Climate Change (IPCC) has just published its report on the impacts of global warming. Building on its recent update of the physical science of global warming [1], the IPCC’s new report should leave the world in no doubt about the scale and immediacy of the threat to human survival, health, and well-being. The IPCC has already concluded that it is “virtually certain that human influence has warmed the global climate system” and that it is “extremely likely that more than half of the observed increase in global average surface temperature from 1951 to 2010” is anthropogenic [1]. Its new report outlines the future threats of further global warming: increased scarcity of food and fresh water; extreme weather events; rise in sea level; loss of biodiversity; areas becoming uninhabitable; and mass human migration, conflict and violence. Leaked drafts talk of hundreds of millions displaced in a little over 80 years. This month, the American Association for the Advancement of Science (AAAS) added its voice: “the well being of people of all nations [is] at risk.” [2] Such comments reaffirm the conclusions of the Lancet/UCL Commission: that climate change is “the greatest threat to human health of the 21st century.” [3] The changes seen so far—massive arctic ice loss and extreme weather events, for example—have resulted from an estimated average temperature rise of 0.89°C since 1901. Further changes will depend on how much we continue to heat the planet. The release of just another 275 gigatonnes of carbon dioxide would probably commit us to a temperature rise of at least 2°C—an amount that could be emitted in less than eight years. [4] “Business as usual” will increase carbon dioxide concentrations from the current level of 400 parts per million (ppm), which is a 40% increase from 280 ppm 150 years ago, to 936 ppm by 2100, with a 50:50 chance that this will deliver global mean temperature rises of more than 4°C. It is now widely understood that such a rise is “incompatible with an organised global community.” [5]. The IPCC warns of “tipping points” in the Earth’s system, which, if crossed, could lead to a catastrophic collapse of interlinked human and natural systems. The AAAS concludes that there is now a “real chance of abrupt, unpredictable and potentially irreversible changes with highly damaging impacts on people around the globe.” [2] And this week a report from the World Meteorological Office (WMO) confirmed that extreme weather events are accelerating. WMO secretary general Michel Jarraud said, “There is no standstill in global warming . . . The laws of physics are non-negotiable.” [6]

Climate change disproportionately affects people of color and causes extinction. **Pellow 12**

David Naguib Pellow 12, Ph.D. Professor, Don Martindale Endowed Chair – University of Minnesota, “Climate Disruption in the Global South and in African American Communities: Key Issues, Frameworks, and Possibilities for Climate Justice,” February 2012, <http://www.jointcenter.org/sites/default/files/upload/research/files/White_Paper_Climate_Disruption_final.pdf>

It is now known unequivocally that significant warming of the atmosphere is occurring, coinciding with increasing levels of atmospheric CO2. Dr. John Holdren, Director of the White House Office of Science and Technology Policy, prefers the term “global climate disruption” to “climate change” because it more fully captures the harm being done to the planet (Holdren 2007). The term “climate change” infers a naturally occurring process rather than a disruption created by specific human activity. Moreover, the terms “global warming” and “climate change” might be construed as occurring in a uniform, even, gradual, and benign fashion, none of which is true. One solid indicator of Holdren’s point is the fact that climate disruptions affect communities, nations, and regions of the globe in vastly different ways. While contributing the least of anyone to the causes of climate disruption, people of color, women, indigenous communities, and global South nations often bear the brunt of climate disruption in terms of ecological, economic, and health burdens—thereby giving rise to the concept of climate injustice (Roberts and Parks 2007). These communities are among the first to experience the effects of climate disruption, which can include “natural” disasters, rising levels of respiratory illness and infectious disease, heat-related morbidity and mortality, and large increases in energy costs. They also bear the burdens created by ill-conceived policies designed to prevent climate disruption. The effects of climate injustice have been evident for years. Flooding from severe storms, rising sea levels and melting glaciers affect millions in Asia and Latin America, while sub-Saharan Africa is experiencing sustained droughts. Consider that nearly 75 percent the world’s annual CO2 emissions come from the global North, where only 15 percent of the global population resides. If historic responsibility for climate change is taken into account, global North nations have consumed more than three times their share of the atmosphere (in terms of the amount of emissions that we can safely put into the atmosphere) while the poorest 10 percent of the world’s population has contributed less than 1 percent of carbon emissions. Thus the struggle for racial, gender, and economic justice is inseparable from any effort to combat climate disruption. Climate justice is a vision aimed at dissolving and alleviating the unequal burdens created by climate change. The topic of climate justice is a major point of tension in both U.S. and international policy efforts to address climate disruption because it would require wealthy nations that have contributed the most to the problem to take on greater responsibilities for solutions. For many observers, the path is clear: for humanity’s survival, for justice, and for sustainability, they maintain that we must reduce our emissions and consumption here at home in the global North.

## 2

Counterplan text: The United States federal government ought to end the war on drugs and decriminalize controlled substances including marijuana, cocaine, ecstasy, and heroine.

Gun control is ineffective and the counter-plan better solves the impetus for inner-city gun violence. **Slade 13**

\*\*edited for “black market”

Stephanie Slade, What Will Gun Control Do for Inner City Violence?, US News, 2013. NS

This is because the overwhelming majority of people who die in gun-related homicides are not murdered by crazed strangers in schools, malls, and movie theaters. Most of the nonsuicide gun deaths in this country happen in densely populated, lower-income urban environments like New Orleans, Detroit, and Washington, D.C. Here, gangs and poverty are the proximate causes of the violence, not a lack of access to counseling. It is poor and minority Americans who are disproportionately affected by gun violence. The Brady Campaign estimates that 21.5 African-Americans per 100,000 population died in a firearm violence in 2007, more than twice the rate for white Americans According to the Law Center to Prevent Gun Violence, African-Americans make up 13 percent of the population but account for a staggering 54 percent of all firearm murders. People who enter into the gun debate without understanding this reality tend to be attracted to policies that make them feel good because "something has been done" to make firearms slightly harder to come by. Rarely do they take the time to weigh how much those policies would actually do to combat the problem on the ground. In fact, addressing the incentives that lead young people in our inner cities to gravitate toward crime—incentives like the ability to gain money and status by trafficking in drugs when few other opportunities are available—would do more to begin to address the gun violence endemic in America than any of the well-intentioned but likely ineffectual "gun control" laws that could be passed. Ending the drug war and legalizing drugs is probably the single most dramatically positive step that could be taken to rehabilitate these places, because without a[n] [illegal] black market to sustain and enable them, much of the rationale for gangs to exist at all dries up. Yet the conversation since Newtown has been devoid of honest dialogue over what we could do to stop the drug trade from being the most promising method of social advancement for our most vulnerable young people. No meaningful debate about guns can ignore the fact that our impoverished inner cities are the true ground zero of homicides in this country. And no meaningful debate about our inner cities can overlook the hard truth that much of the violence they're afflicted with is itself a product of drug prohibition, which makes the youths with the least to lose perfect candidates for careers in crime.

Criminalization of drugs is the root cause of inner-city violence due to artificially inflated prices that incentivize violent supply mechanisms – the CP solves. **Lindeen 10**

Lindeen, Lance Michael. "Keep Off the Grass! An Alternative Approach to the Gun Control Debate." Indiana Law Journal 85 (2010): 1659. CC

The price of marijuana in the United States is artificially inflated by prohibition.8 2 Prohibition enforcement, through the detection and arrest of drug distribution networks and seizure of drugs, increases the street price of the good. 8 3 Prohibition imposes additional risks and costs on marijuana production and distribution.I1 4 Only those dealers who evade law enforcement efforts to disrupt supplies and bring their product to market by selling drugs to retail ("street") dealers or directly to consumers realize profits from the trade. Therefore, those dealers who successfully execute sales command a premium on the sale of their product. Prohibition of the drug itself may lead to even more violence. The amount of law enforcement resources devoted to prohibition creates greater incentives for drug suppliers to use violence for at least two reasons. 189 First, the black [illicit] market share of the drug's production increases as enforcement reduces legal exceptions for a drug, including those legal uses for marijuana. Second, enforcement creates turnover among suppliers: when the police arrest a drug dealer, they remove that supplier from the market; other suppliers-who use violence to enforce their claims to territory and markets-move in to fill the vacuum of business left by the arrested supplier. The jockeying for dominance of the market, to establish reputation, and ultimately control of some portion of the market results in still more violence. 193 Enforcement may also lead to additional violent consequences as dealers avoid legal dispute-resolution mechanisms (for issues not related to drugs) and government diverts resources away from countering other violent, non-drug-related crimes to enforce drug prohibition.' 94 In the absence of a transparent and legal market, the drug trade thrives in a world of shadows. Without legal remedies to enforce contracts, guarantee the physical safety and quality of supplies, or uphold humane labor practices, the drug trade turns to its own methods of control and enforcement. These methods often involve the use of violence-in particular, gun violence-to maintain "stability" and enforcement in drug markets. In the drug trade, guns are an essential tool of commerce. At the street level, gangs and dealers fight over the control of turf to safeguard the delivery and sale of drugs. For protection and enforcement, these dealers and gangs resort to easily concealed handguns. To increase market share, competing dealers and gangs use violence (or the threat of violence) to dominate specific areas of turf or access to customers. Violence ensues. Because drugs are illegal, the supply is as abundant or as scarce as the rate of success in defying drug-prohibition enforcement. In other words, the more that police and other authorities crack down on the drug trade, the greater the value of the turf and the supply of drugs. As a general measure, a drugprohibition approach in the United States (as opposed to a public health or medical approach as in many European countries and parts of Latin America) 95 increases the value of the object of the regulation-drugs and the access to buy and sell them. As a matter of broad generalization, the greater the degree of drug-prohibition enforcement, the more valuable and contested the drug trade is. 196 Thus, more violence ensues. The exact amount by which the legalization of some drugs would reduce gun violence cannot be stated with certainty. The most reliable estimates come from the Bureau of Justice Statistics (BJS), which relies on self-reporting from inmates incarcerated at the time of the sample to account for the interaction of drugs and crime. These estimates underreport the overall level of crime as not every offender is caught or convicted, and some offenders will refuse to list drugs as their motivation to commit a crime for which they were tried and convicted. According to the BJS, as of 2004, roughly 17% of state prisoners and 18% of federal inmates reported committing the crimes for which they were convicted to obtain money for drugs. 197 Also, the Uniform Crime Reporting Program (UCR) of the Federal Bureau of Investigation (FBI) estimated that 5.3% of the approximately 15,000 homicides in 2006 occurred during a narcotics felony. 9 8 This estimate does not include data for murders committed during activities associated with, but peripheral to, the commission of narcotics felonies (e.g., armed robbery, gang/criminal retaliation or protection activities, etc.). In the case of violent crimes, this data indicates that 27.7% ofprisoners reported that they were under the influence of drugs and alcohol at the time of the offense. 199 Obviously, at some level there is some lack of precision in determining the effect of legalization of specific drugs in reducing gun violence. However, the legalization of drugs will make some drugs available in a safer, legal context to the degree that black market demand is reduced. In turn, the decrease in demand for illegal drugs means a reduction in market size, and therefore, the use of violence to perpetuate it. Some drug- related violence would decrease. In proposing this recommendation, however, one must consider the perpetuation of gun violence due to noncriminal activity. This Comment does not address these activities.

## 3

A handgun ban feeds the system of mass incarceration and targeting of black communities. Guns would recreate the war on drugs in worse form to increase police power. **Levin 15**

Levin, Benjamin [Climenko Fellow and Lecturer on Law at Harvard University. His writings have appeared or will appear in the Fordham Law Review, the Boston College Law Review, the Harvard Civil Rights-Civil Liberties Law Review, the Berkeley Journal of Employment and Labor Law, the Harvard Journal on Legislation, the Southern California Interdisciplinary Law Review, and the Albany Law Review. Mr. Levin earned his B.A., with distinction, from Yale University and his J.D., cum laude, from Harvard Law School, where he received the Irving Oberman Memorial Award for the best paper on law and social change.] "Guns and Drugs." Fordham Law Review, Forthcoming (2015). CC

From a policing standpoint, possessory drug crimes allow for the sort of aggressive and interventionist preventative policing discussed in the prior section.158 In his paean to stop-and-frisk as the cure for gun violence, Wilson not only conceded the troubling racial politics of his proposal,159 but also embraced a broadly aggressive and interventionist view of policing: Each patrol officer can be given a list of people on probation or parole who live on that officer’s beat and be rewarded for making frequent stops to insure that they are not carrying guns. Officers can be trained to recognize the kinds of actions that the Court will accept as providing the “reasonable suspicion” necessary for a stop and frisk. Membership in a gang known for assaults and drug dealing could be made the basis, by statute or Court precedent, for gun frisks. And modern science can be enlisted to help. . . . What is needed is a device that will enable the police to detect the presence of a large lump of metal in someone’s pocket from a distance of 10 or 15 feet. Receiving such a signal could supply the officer with reasonable grounds for a pat-down. Underemployed nuclear physicists and electronics engineers in the post-cold-war era surely have the talents for designing a better gun detector.160 Wilson’s proposal for a gun detector may sound far-fetched, but we should not discount the significance of its underlying rationale. He had identified a major threat to public safety—gun violence—and determined that one important component of the threat was the ubiquity of unlicensed or unlawfully possessed guns.161 Wilson even conceded that enforcing gun laws might disproportionately affect men of color.162 But the structure of Wilson’s argument appears to take for granted the sorts of civil libertarian concerns outlined in Part I.B. The implication of Wilson’s embrace of aggressive and intrusive surveillance and policing is that the societal benefits of reducing gun violence substantially outweigh any possible concerns about privacy or state power. But the failure to mention these concerns also suggests that they simply did not rank very high on Wilson’s order of priorities. My intention here is not to venture further into Wilson’s oeuvre or to make this section about one scholar and his views on crime, police, and policing. Rather, by highlighting Wilson’s priorities in this single, short piece from 1994, I mean to emphasize the tension between the view of law enforcement that Wilson endorsed and the skeptical view that has come to dominate many critiques of the War on Drugs: to Wilson, preventing crime justified racially disparate intrusions on civil liberties; to drug war critics, the social costs of enforcement might be as great as the costs of crime.163 Notably, Wilson has argued elsewhere that “real progress in reducing gun violence almost certainly requires methods—aggressive patrolling, undercover operations, tougher sentences—that liberals instinctively dislike.”164 It may be that Wilson is wrong that his favored criminal solutions to gun violence are the best (or only) solutions to the social scourge of gun violence. But he certainly is right to note the illiberal nature of the remedy. Gun control proponents might conclude—as Wilson does165—that the benefits of an aggressive criminal regulatory approach to gun possession trump any costs. And it is important to note that many of the particularly aggressive criminal regulation schemes arose in response to deadly waves of gun violence.166 But a theory of criminal law and law enforcement consistent with the civil libertarian critiques raised in the drug context should require a much more nuanced cost-benefit analysis that takes seriously the growing power of police and the potential risks to individual liberties. In practice, the policing of gun possession raises many of the same concerns as the policing of drug possession. Indeed, in scholarly literature, judicial opinions, and political rhetoric, drugs and violent gun crime are often treated as inextricably tied.168 In her recent account of the relationship between drugs and violence, Shima Baradaran Baughman argues that the perceived nexus between drugs and violence has served as a driving force for much of the draconian legal treatment of drugs and drug users.169 This rhetorical link between drug crime and violent crime has effectively elided the distinction, practically rendering it moot.170 For example, courts frequently allow the presence of a gun to trigger an inference that a defendant who possessed drugs was engaged in higher-level drug dealing.171 The focus on the nexus between drugs and violence, therefore, should be critical to our understanding of the relationship between guns and drugs in the policing context. As discussed above, critics of the War on Drugs have accurately identified an erosion in Fourth Amendment rights brought about by judicial deference to law enforcement officers in drug contexts.172 But it is important to recognize that the perceived violence of the drug trade has shaped these pro-police decisions—a concern for “officer safety” underlies courts’ endorsement of intrusive and aggressive policing.173 While courts refer to the dangers of drugs and the social importance of squelching drug use,174 the critical language that the courts deploy is one of safety and security—not just for the public, but also for the officer. My claim relates to Baradaran Baughman’s—many of the erosions and carve-outs in Fourth Amendment jurisprudence, which are frequently attributed to the War on Drugs, are actually traceable directly to the criminal regulation and policing of firearms.175 The judicially created “drug exception to the Constitution”176 finds root in a set of assumptions about drugs and violence. More specifically (but perhaps less explicitly), it relies on assumptions about the relationship between guns and the drug trade and about the sorts of people who use and deal drugs.177 The operative concern that has shaped the judicial expansion of police powers in the drug context is not only deference to legislative determinations about drugs and their danger, but also fear for officer safety in communities and contexts in which guns might be ubiquitous. Indeed, as noted in the stop-and-frisk context, it was guns as much, if not more so, than drugs that justified the aggressive and intrusive practice.178 Additionally, modern Fourth Amendment jurisprudence finds its roots in the context of possessory gun offenses.179 Even as the Warren Court was expanding the protections afforded to criminal defendants and curbing police abuses,180 it relied on the concern for officer safety in the gun possession context to carve out what would become the critical exception to the Fourth Amendment’s prohibition on unreasonable searches and seizures.181 In Terry v. Ohio, 182 a case involving the unlawful carrying of a concealed firearm, the Supreme Court authorized a class of warrantless searches and carved out an exception to the newly expanded exclusionary rule, laying the groundwork for contemporary police practices.183 Specifically, the Court held that a search was “reasonable” under the Fourth Amendment when a police officer observes unusual conduct which leads him reasonably to conclude in light of his experience that criminal activity may be afoot and that the persons with whom he is dealing may be armed and presently dangerous, where in the course of investigating this behavior[,] . . . nothing in the initial stages of the encounter serves to dispel his reasonable fear for his own or others’ safety, he is entitled for the protection of himself and others in the area to conduct a carefully limited search of the outer clothing of such persons in an attempt to discover weapons which might be used to assault him. 184 Predating the declaration of the War on Drugs, then, Terry and its logic remain clearly rooted in the fear of violence that guns produce. The Court’s calculus does not require a broader examination of gun violence in society or of the broader state interest in regulating gun possession. Rather, the Court’s focus in Terry and its progeny remained on the officer’s safety. We can trace this enforcement dynamic and its similarity to drug policing to the peculiarity of possession offenses. Indeed, the two Fourth Amendment cases decided alongside Terry—Sibron v. New York185 and People v. Peters186—both dealt with the issues of proxy or possession crimes. In Peters, an off-duty officer apprehended a suspect who he thought had tried to break into an apartment and searched him, ultimately recovering burglary tools.187 In Sibron, an officer stopped and frisked a suspect who he thought might be selling drugs and found bags of heroin.188 Not only was the Court concerned with officer safety, but it also confronted the enforcement of possessory proxy crimes.189 The combination of the preoccupation with officer safety and the presence of possessory offenses means that an officer’s suspicions can quickly trigger not only questioning, but a search. And how does an officer form such suspicions? Absent random searches or searches based on some sort of bias, it is not entirely clear. For possessory crimes, one of the primary concerns from a civil libertarian perspective remains the lack of external indicators. In fact, the search itself becomes the core mechanism for the enforcement of possessory crimes. An essay originally published in 1976 bemoaning the lack of civil libertarian critiques of gun control highlighted this very dynamic: [T]he keeping of marijuana or a handgun in home, office, auto, or on the person is virtually impossible to detect except by searching those things. In general, the Fourth Amendment allows such searches only if there is probable cause to believe contraband will be found. But if ownership of the banned item is sufficiently widespread, and/or the incentive to acquire sufficiently great, the number of searches that can legally be made will simply not be enough to deter continued violation. To give the ban any chance of substantial success, the police must use random or other illegal searches, which it is hoped can provide enough evidence against enough violators so that they can be convicted and severely enough punished to frighten the unapprehended majority of violators into voluntary compliance.190 Forty years later, these critiques are no more prevalent than in the 1970s, but they remain pertinent. The same elements of drug possession that make it a crime that invites intrusive policing—difficulty to detect, prevalence of offense, and lack of easily identifiable victim—are similarly present in the case of gun possession. The point is not that most people own guns, or that most gun owners own their guns illegally.192 Rather, the issue is what enforcement of gun possession statutes looks like. Because the crimes do not require any conduct outside of pure possession, they raise a puzzle for police—how to identify and weed out misconduct that might have no outward indicators or manifestations. An individual might keep an arsenal of unlicensed guns in her home, but unless she displays one publicly, fires one, or in some way makes others aware of her guns, how can police find out about the weapons? This was, of course, the conundrum that Wilson addressed by advocating widespread stops.194 The concern about invasions of privacy or, more specifically, invasions of the home or private property might serve as a rallying cry for gun rights advocates and voices on the Libertarian Right. If the only way to detect possessory gun violations is for the state to invade, to inspect, and to intrude, don’t these statutes fly in the face of the Enlightenment principles animating the Bill of Rights? Viewed through this lens, gun possession— like drug possession—serves as a public welfare offense that threatens the public/private distinction by inviting state intrusion into private spaces like the home, the vehicle, and the person.195 But this line of criticism only gets us so far. Given that this Article aims to address drug war critics, many of whom align with the political Left, a property-rights-based critique of gun-centric policing probably offers limited appeal. Certainly, gun and drug possession crimes may undermine the public/private distinction, but the concerns about the War on Drugs traced in Part I were hardly premised on a property-rights-centric world view.196 These shared critiques of possessory gun and drug offenses may prove compelling to many who already oppose both gun control and drug prohibition, but if our goal is to construct a broader critical paradigm from attacks by the Left on the War on Drugs, then we need to dig beyond the sanctity of the home or private property.198 Central to this project is stripping away the cultural and political coding in which discussions of criminal law and criminalization have become embedded. That is, the purpose of the frame established in Part II is to suggest that the same critiques that have been embraced in one context might have real bite in the context of a legal debate with very different political valence.199 In the gun context, a look back at Terry, stop-andfrisk, and the distributive consequences of policing suggests that enforcing gun possession statutes raises concerns beyond property rights, concerns that have rightly gained ground in the context of the War on Drugs. In one of the few scholarly works to examine the peculiar properties of possessory crimes, Markus Dubber has compared the broad class of offenses to vagrancy statutes—generally applicable laws that raise the specter of unrestrained policing and the state preying on the powerless.200 In Dubber’s narrative, possessory crimes function as a dragnet of sorts, granting the state a broad legal authorization for criminal social control.201 Possessory offenses do not address harm directly; rather, they target risks that might ultimately grow into harms. They are a proxy for past, future, or ongoing criminality. If the state seeks to identify and incarcerate individuals suspected of posing a greater risk to public safety, then criminal statutes that allow for more stops, more searches, and more arrests provide an ideal weapon in the War on Crime. These offenses become emblematic of an expansive approach to criminalization and law enforcement: So broad is the reach of possession offenses, and so easy are they to detect and then to prove, that possession has replaced vagrancy as the sweep offense of choice. Unlike vagrancy, however, possession offenses promise more than a slap on the wrist. Backed by a wide range of penalties, they can remove undesirables for extended periods of time, even for life. Also unlike vagrancy, possession offenses so far have been insulated against constitutional attack, even though they too break virtually every law in the book of cherished criminal law principles.204 Viewed through this lens, possessory gun offenses by their nature reinscribe the power dynamics, prejudices, and suspicions that have led critics to decry drug policing. Searching for guns—like searching for drugs—can easily become pretextual, a proxy for some general prediction of risk, danger, or lawlessness. As discussed above, the data compiled by Fagan and Davies show that, in the late 1990s, NYPD officers used alleged weapons violations as the justification for many stops.205 Further, the data show that these stops resulted on average in markedly fewer arrests than stops for other crimes.206 Taking their study in conjunction with both Dubber’s theory and the broader critical literature on predictive policing, we might well conclude that the policing of possessory gun crime looks a great deal like what Wilson hoped for and what critics should fear.207 Many searches yield little evidence of wrongdoing but increase a system of hyper-policing for individuals (particularly men of color) who are deemed “suspicious.”208 Just as police in the drug context have been empowered to fight a war against the citizenry, in the gun context, officers now operate in a space in which they are trained to view citizens as armed—potential threats not only to the public, but also to the officers’ personal safety.209 Certainly, guns pose a direct threat to officers that drugs simply do not.210 And guns clearly possess a closer tie to violence and immediate third-party harms. But if we were concerned about the escalation of a war mentality and a proliferation of potentially violent confrontations between police and civilians in the drug context, then we cannot discount possessory gun crime as a space that has yielded both massive judicial deference to officers and also a normalization of officer force.

The impacts of drug laws take power away from communities and place them into the hands of police and the law – this directly responds to the claim that marginalized communities call for the AFF. **Levin 15**

Levin, Benjamin [Climenko Fellow and Lecturer on Law at Harvard University. His writings have appeared or will appear in the Fordham Law Review, the Boston College Law Review, the Harvard Civil Rights-Civil Liberties Law Review, the Berkeley Journal of Employment and Labor Law, the Harvard Journal on Legislation, the Southern California Interdisciplinary Law Review, and the Albany Law Review. Mr. Levin earned his B.A., with distinction, from Yale University and his J.D., cum laude, from Harvard Law School, where he received the Irving Oberman Memorial Award for the best paper on law and social change.] "Guns and Drugs." Fordham Law Review, Forthcoming (2015).

One challenge for a critical inquiry into the costs of possessory gun criminalization, or the broader use of flawed criminal statutes or policing techniques, is the practical advantage that criminal law often enjoys. This tendency to favor increasingly harsh criminal law solutions embodies what Stuntz described as the “pathological politics” of criminal law.314 In the gun context, the story of criminal law’s prominence highlights criminalization as an easier alternative and easier space for bipartisanship. ACCA and Project Exile provide useful illustrations of this point. Both pieces of “tough on crime” legislation represent compromises of a sort. In popular and scholarly discourse, gun control generally is treated as a polarized issue that breaks down along predictable political lines. Those on the political Left tend to support gun control, while those on the Right favor fewer restrictions on gun ownership. But ACCA and Project Exile represent a compromise between a law-and-order Right and an antigun Left. 315 For gun control proponents, these statutes represent not only a powerful public statement condemning the unlawful possession of guns, but also a rare moment of agreement with gun control opponents.316 While many gun rights advocates certainly may be absolutists in their opposition to regulation on gun ownership, the NRA and other opponents of gun control regulation have frequently made an exception for criminal statutes. These statutes reflect a popular motto of the NRA—“guns don’t kill people; people kill people.”317 That is, these statutes make regulating guns about targeting or identifying bad actors and punishing them, rather than directly regulating a product or market. As discussed above, there is reason to be suspicious of both programs based on their distributional effects and collateral costs. Such initiatives might curb gun violence or might allow for political action in a climate of polarization. Further, these programs (like many other gun control measures) might enjoy strong support from the communities most affected by gun violence. But for critics of the expanding criminal justice system, these bipartisan compromises should be a source of concern. Tough-on-crime initiatives remain tough-on-crime initiatives, regardless of their supporters’ motivations or good intentions. In these compromises, the vulnerable groups that suffer directly from tough-on-crime policies (e.g., individuals with criminal records and young men of color in heavily policed areas) often do not have a seat at the bargaining table. The same sort of compromises that shaped U.S. drug policy and led to the mass incarceration and hyper-policing of entire communities pose the same risks to the same individuals who often find themselves the target of such preventative policies. Communities might certainly conclude that the costs of intrusive policing or widespread incarceration might be justified if these methods could prevent gun violence.321 But it is important to recognize that such a decision may ultimately shift power away from the community and into the hands of police and prosecutors. That aggressive policing and harsh criminal sentences have become the dominant paradigm for discussions of managing gun violence and gun possession does not mean that there might not be alternatives. As the gun control movement gained steam in the 1990s, criminal penalties were not the only goal sought by gun control proponents.322 Beginning in the 1980s, tort litigation became a popular mechanism for victims of gun crime to seek redress, with litigation increasing over the following decades.323 Gun control advocates, plaintiffs’ lawyers, and tort law scholars advanced a number of creative arguments, ranging from public nuisance claims against handgun manufacturers,324 to the use of strict liability for enabling torts,325 to negligent entrustment claims against retailers and dealers.326 Additionally, some cities have introduced community-based or extralegal strategies—including buyback programs and financial incentives to discourage offending.327 Others have provided extensive accounts of these various theories, their successes, and their failures.328 But I include this brief mention here to emphasize that many of those involved in devising legal solutions to the problems of gun violence have not always been constrained by a criminal regulatory paradigm. Based on judicial hostility and legislative responses (particularly the Protection of Lawful Commerce in Arms Act of 2005),329 a tort-based framework for gun regulation might well be a legal and political nonstarter. But, if the critiques raised in this Article are at all resonant, it might be worthwhile to consider whether this or other models (e.g., publichealth based, civil regulatory, or perhaps other tort theories) might provide alternatives or supplements to the criminal law regime. Further, any criminal regulation of gun possession need not resemble ACCA, Project Exile, or the current web of mandatory minimum sentencing provisions.330 Neither racialized enforcement nor prosecutorial overreach is inevitable. Indeed, it is conceivable that a modification in the drafting of criminal statutes, an alteration in police training, a new turn in the Court’s jurisprudence, or a more sustained engagement with structural inequalities might reduce the social costs discussed above, so that they no longer stand as such a significant counterweight to criminal law’s perceived benefits. That is, perhaps an application of these critiques to the gun context suggests the need for legislative action along the lines that yielded the FSA. All of which is to say that depending on the reader’s political, ideological, or experiential priors, the takeaway regarding the ideal way in which to regulate gun possession might be very different. The Libertarian reader might view the analysis as supporting decriminalization. The strong gun control proponent might conclude that we should temper our use of mandatory minimum sentences and rethink policing techniques, but that criminal law remains the appropriate regulatory regime. The proponent of tort law as a social gap-filler might contend that this Article provides support for private law remedial schemes either in addition to or instead of criminal liability for nonviolent gun offenses.331 Regardless, the point remains that if these analogies to the drug critiques hold any water, they should force us to confront the social costs of criminal gun regulation. At the outset of this Article, I identified guns as a test case for the drug war’s critical rubric. Regardless of how much mileage the application of these critiques to gun possession yields, my argument is a broader, methodological one—what so many scholars have done compellingly with the War on Drugs should serve as a framework for the way that we approach criminal law going forward. The drug war’s popular demise has brought us a clear language and set of theoretical tools through which to address the collateral and distributional costs of governing through crime. If these critiques are so convincing in the drug context, a space that was a hard case for many people for many decades, then why not elsewhere? In some sense, the question comes down to what we will take away from the War on Drugs. We now know that at least some of the banned substances were less dangerous than experts believed and that addiction poses a serious public health problem that requires treatment.332 These lessons are important. Yet they are limited in their application and tell us little about law, about governance, and about what to do when the next progressive criminalization effort rears its head.333 If we focus only on these lessons, we are left with debates and policy proposals that rely on the “magic wand” view of criminalization. But what if the lesson is broader? We live in a world of hard cases, and criminalization and turning to criminal punishment should be hard. Recognizing the seriousness of a social problem should not necessarily be enough to trigger a harsh criminal solution. Recognizing criminal law’s staggering social costs should be the legacy of the War on Drugs.

The war on drugs and incarceration are the root cause of gun violence – which both proves CP solves the case and their incarceration reproduces the types of violence of the AFF in alternative forms – the worst forms of violence came during prohibition and from police violence. **Thompson 14**

Heather Ann Thompson, "Inner-City Violence in the Age of Mass Incarceration," Atlantic, http://www.theatlantic.com/national/archive/2014/10/inner-city-violence-in-the-age-of-mass-incarceration/382154/, October 30, 2014. CC

Today's rates of incarceration in America's poorest, blackest, and brownest neighborhoods are historically unprecedented. By 2001, one in six black men had been incarcerated and, by the close of 2013, black and Latino inmates comprised almost 60 percent of the nation’s federal and state prison population. The numbers of incarcerated black women are also stark. According to the Bureau of Justice Statistics, young black women ages 18 to 19 were almost five times more likely to be imprisoned than white women of the same age in 2010. When President Lyndon B. Johnson passed the Law Enforcement Assistance Act in 1965—legislation which, in turn, made possible the most aggressive war on crime this nation ever waged—he was reacting not to remarkable crime rates but to the civil rights upheaval that had erupted nationwide just the year before. This activism, he and other politicians believed, represented not participatory democracy in action, but instead a criminal element that would only grow more dangerous if not checked. Notably, the national policy embrace of targeted and more aggressive policing as well as highly punitive laws and sentences—the so-called “War on Crime” that led eventually to such catastrophic rates of imprisonment—predated the remarkable levels of violence that now impact poor communities of color so disproportionately. In fact, the U.S. homicide rate in 1965 was significantly lower than it had been in several previous moments in American history: 5.5 per 100,000 U.S. residents as compared, for example, with 9.7 per 100,000 in 1933. Importantly, though, whereas the violent crime rate was 200 per 100,000 U.S. residents in 1965, it more than tripled to a horrifying 684.6 per 100,000 by 1995. Though mass incarceration did not originate in extraordinarily high rates of violence, mass incarceration created the conditions in which violence would surely fester. The quadrupling of the incarceration rate in America since 1970 has had devastating collateral consequences. Already economically-fragile communities sank into depths of poverty unknown for generations, simply because anyone with a criminal record is forever “marked” as dangerous and thus rendered all but permanently unemployable. Also, with blacks incarcerated at six times and Latinos at three times the rate of whites by 2010, millions of children living in communities of color have effectively been orphaned. Worse yet, these kids often experience high rates of post-traumatic shock from having witnessed the often-brutal arrests of their parents and having been suddenly ripped from them. De-industrialization and suburbanization surely did their part to erode our nation’s black and brown neighborhoods, but staggering rates of incarceration is what literally emptied them out. As this Pew Center of the States graphic on Detroit shows, the overwhelmingly-black east side of the Motor City has been ravaged by the effects of targeted policing and mass incarceration in recent years with one in twenty-two adults there under some form of correctional control. In some neighborhoods, the rate is as high as one in 16. Such concentrated levels of imprisonment have torn at the social fabric of inner city neighborhoods in ways that even people who live there find hard to comprehend, let alone outsiders. As the research of criminologist Todd Clear makes clear, extraordinary levels of incarceration create the conditions for extraordinary levels of violence. But even mass incarceration does not, in itself, explain the particularly brutal nature of the violence that erupts today in, for example, the south side of Chicago. To explain that, we must look again carefully and critically at our nation’s criminal justice system. The level of gun violence in today's inner cities is the direct product of our criminal-justice policies—specifically, the decision to wage a brutal War on Drugs. When federal and state politicians such as New York Governor Nelson Rockefeller opted to criminalize addiction by passing unprecedentedly punitive possession laws rather than to treat it as a public health crisis, unwittingly or not, a high level of violence in poor communities of color was not only assured but was guaranteed to be particularly ugly. This new drug war created a brand-new market for illegal drugs—an underground marketplace that would be inherently dangerous and would necessarily be regulated by both guns and violence. Indeed, without the War on Drugs, the level of gun violence that plagues so many poor inner-city neighborhoods today simply would not exist. The last time we saw so much violence from the use of firearms was, notably, during Prohibition. “[As] underground profit margins surged, gang rivalries emerged, and criminal activity mounted [during Prohibition],” writes historian Abigail Perkiss, “the homicide rate across the nation rose 78 percent…[and] in Chicago alone, there were more than 400 gang-related murders a year.” As important as it is to rethink the origins of the violence that poor inner city residents still endure, we must also be careful even when using the term “violence,” particularly when seeking to explain “what seems to be wrong” with America’s most disadvantaged communities. A level of state violence is also employed daily in these communities that rarely gets mentioned and yet it is as brutal, and perhaps even more devastating, than the violence that is so often experienced as a result of the informal economy in now-illegal drugs. This is a violence that comes in the form of police harassment, surveillance, profiling, and even killings—the ugly realities of how law enforcement wages America’s War on Drugs. Today, young black men today are 21 times more likely than their white peers to be killed by the police and, according to a recent ProPublica report, black children have fared just as badly. Since 1980, a full 67 percent of the 151 teenagers and 66 percent of the 41 kids under 14 who have been killed by police were African American. Between 2010 and 2012 alone, police officers shot and killed fifteen teens running away from them; all but one of them black. This is the violence that undergirded the 4.4 million stop-and-frisks in New York City between 2004 and 2014. This is the violence that led to the deaths of black men and boys such as Kimani Gray, Amadou Diallo, Sean Bell, Oscar Grant, and Michael Brown. This is the violence that led to the deaths of black women and girls such as Rekia Boyd, Yvette Smith, and 7-year-old Aiyana Stanley-Jones. And this is the violence that has touched off months of protests in Ferguson, Missouri just as it also touched off nearly a decade of urban rebellions after 1964. A close look at the violence that today haunts America’s most impoverished and most segregated cities, in fact, fundamentally challenges conventional assumptions about perpetrators and victims. America’s black and brown people not only don’t have a monopoly on violence, but, in fact, a great deal of the violence being waged in their communities is perpetrated by those who are at least officially charged with protecting, not harming, them. As residents of Ferguson well know, for example, in the same month that Michael Brown was shot to death by a police officer, four other unarmed black men were also killed by members of law enforcement. Indeed, the true origins of today’s high rates of violence in America’s most highly segregated, most deeply impoverished, and blackest and brownest neighborhoods—whoever perpetrates it—are located well outside of these same communities. Simply put, America’s poorest people of color had no seat the policy table where mass incarceration was made. But though they did not create the policies that led to so much community and state violence in inner cities today, they nevertheless now suffer from them in unimaginable ways.

This is also the most significant impact – the prison industrial complex is modern day slavery that is the root cause of their impacts. **Rodriguez 11**

[Dylan, PhD in Ethnic Studies Program of the University of California Berkeley and Associate Professor of Ethnic Studies at University of California Riverside, “The Black Presidential Non-Slave: Genocide and the Present Tense of Racial Slavery”, Political Power and Social Theory Vol. 22, pp. 38-43]

To crystallize what I hope to be the potentially useful implications of this provocation toward a retelling of the slavery-abolition story: if we follow the narrative and theoretical trajectories initiated here, it should take little stretch of the historical imagination, nor a radical distension of analytical framing, to suggest that the singular institutionalization of racist and peculiarly antiblack social/state violence in our living era - the US imprisonment regime and its conjoined policing and criminalization apparatuses - elaborates the social logics of genocidal racial slavery within the American nation-building project, especially in the age of Obama. The formation and astronomical growth of the prison industrial complex has become a commonly identified institutional marker of massively scaled racist state mobilization, and the fundamental violence of this apparatus is in the prison's translation of the 13th Amendment's racist animus. By "reforming" slavery and anti-slave violence, and directly transcribing both into criminal justice rituals, proceedings, and punishments, the 13th Amendment permanently inscribes slavery on "post-emancipation" US statecraft. The state remains a "slave state" to the extent that it erects an array of institutional apparatuses that are specifically conceived to reproduce or enhance the state's capacity to "create" (i.e., criminalize and convict) prison chattel and politically legitimate the processes of enslavement/imprisonment therein. The crucial starting point for our narrative purposes is that the emergence of the criminalization and carceral apparatus over the last forty years has not, and in the foreseeable future will not build its institutional protocols around the imprisonment of an economically productive or profitmaking prison labor force (Gilmore, 1999).16 So, if not for use as labor under the 13th Amendment's juridical mandate of "involuntary servitude," what is the animating structural-historical logic behind the formation of an imprisonment regime unprecedented in human history in scale and complexity, and which locks up well over a million Black people, significantly advancing numbers of "nonwhite" Latinos as, and in which the white population is vastly underrepresented in terms of both numbers imprisoned and likelihood to be prosecuted (and thus incarcerated) for similar alleged criminal offenses?17 In excess of its political economic, geographic, and juridical registers, the contemporary US prison regime must be centrally understood as constituting an epoch-defining statecraft of race: a historically specific conceptualization, planning, and institutional mobilization of state institutional capacities and state-influenced cultural structures to reproduce and/or reassemble the social relations of power, dominance, and violence that constitute the ontology (epistemic and conceptual framings) of racial meaning itself (da Silva, 2007; Goldberg, 1993). In this case, the racial ontology of the postslavery and post-civil rights prison is anchored in the crisis of social meaning wrought on white civil society by the 13th Amendment's apparent juridical elimination of the Black chattel slave being. Across historical periods, the social inhabitation of the white civil subject - - its self-recognition, institutionally affirmed (racial) sovereignty, and everyday social intercourse with other racial beings - is made legible through its positioning as the administrative authority and consenting audience for the nation- and civilization-building processes of multiple racial genocides. It is the bare fact of the white subject's access and entitlement to the generalized position of administering and consenting to racial genocide that matters most centrally here. Importantly, this white civil subject thrives on the assumption that s/he is not, and will never be the target of racial genocide.18 (Williams, 2010) .Those things obtained and secured through genocidal processes - land, political and military hegemony/dominance, expropriated labor - are in this sense secondary to the raw relation of violence that the white subject inhabits in relation to the racial objects (including people, ecologies, cultural forms, sacred materials, and other modalities of life and being) subjected to the irreparable violations of genocidal processes. It is this raw relation, in which white social existence materially and narratively consolidates itself within the normalized systemic logics of racial genocides, that forms the condition of possibility for the US social formation, from "abolition" onward. To push the argument further: the distended systems of racial genocides are not the massively deadly means toward some other (rational) historical ends, but are ends within themselves. Here we can decisively depart from the hegemonic juridical framings of "genocide" as dictated by the United Nations, and examine instead the logics of genocide that dynamically structure the different historical-social forms that have emerged from the classically identifiable genocidal systems of racial colonial conquest, indigenous physical and cultural extermination, and racial chattel slavery. To recall Trask and Marable, the historical logics of genocide permeate institutional assemblages that variously operationalize the historical forces of planned obsolescence, social neutralization, and "ceasing to exist." Centering a conception of racial genocide as a dynamic set of sociohistorical logics (rather than as contained, isolatable historical episodes) allows the slavery-to-prison continuity to be more clearly marked: the continuity is not one that hinges on the creation of late-20th and early-list century "slave labor," but rather on a re-institutionalization of anti-slave social violence. Within this historical schema, the post-1970s prison regime institutionalizes the raw relation of violence essential to white social being while mediating it so it appears as non-genocidal, non-violent, peacekeeping, and justice-forming. This is where we can also narrate the contemporary racial criminalization, policing, and incarcerating apparatuses as being historically tethered to the genocidal logics of the post-abolition, post-emancipation, and post-civil rights slave state. While it is necessary to continuously clarify and debate whether and how this statecraft of racial imprisonment is verifiably genocidal, there seems to be little reason to question that it is, at least, protogenocidal - displaying both the capacity and inclination for genocidal outcomes in its systemic logic and historical trajectory. This contextualization leads toward a somewhat different analytical framing of the "deadly symbiosis" that sociologist Loi'c Wacquant has outlined in his account of antiblack carceral-spatial systems. While it would be small-minded to suggest that the emergence of the late-20th century prison regime is an historical inevitability, we should at least understand that the structural bottom line of Black imprisonment over the last four decades - wherein the quantitative fact of a Black prison/jail majority has become taken-for-granted as a social fact - is a contemporary institutional manifestation of a genocidal racial substructure that has been reformed, and not fundamentally displaced, by the juridical and cultural implications of slavery's abolition. I have argued elsewhere for a conception of the US prison not as a selfcontained institution or isolated place, but rather as a material prototype of organized punishment and (social, civil, and biological) death (Rodriguez, 2006). To understand the US prison as a regime is to focus conceptually, theoretically, and politically on the prison as a pliable module or mobilized vessel through which technologies of racial domin8ance institutionalize their specific, localized practices of legitimated (state) violence. Emerging as the organic institutional continuity of racial slavery's genocidal violence, the US prison regime represents a form of human domination that extends beyond and outside the formal institutional and geographic domains of "the prison (the jail, etc.)." In this sense, the prison is the institutional signification of a larger regime of proto-genocidal violence that is politically legitimized by the state, generally valorized by the cultural common sense, and dynamically mobilized and institutionally consolidated across different historical moments: it is a form of social power that is indispensable to the contemporary (and postemancipation) social order and its changing structures of racial dominance, in a manner that elaborates the social logics of genocidal racial slavery. The binding presence of slavery within post-emancipation US state formation is precisely why the liberal multiculturalist narration of the Obama ascendancy finds itself compelled to posit an official rupture from the spectral and material presence of enslaved racial blackness. It is this symbolic rupturing - the presentation of a president who consummates the liberal dreams of Black citizenship. Black freedom, Black non-resentment, and Black patriotic subjectivity - that constructs the Black non-slave presidency as the flesh-and-blood severance of the US racial/racist state from its entanglement in the continuities of antiblack genocide. Against this multiculturalist narrative, our attention should be principally fixated on the bottom-line Blackness of the prison's genocidal logic, not the fungible Blackness of the presidency. CONCLUSION: FROM "POST-CIVIL RIGHTS" TO WHITE RECONSTRUCTION The Obama ascendancy is the signature moment of the post-1960s White Reconstruction, a period that has been characterized by the reformist elaboration of historically racist systems of social power to accommodate the political imperatives of American apartheid's downfall and the emergence of hegemonic (liberal-to-conservative) multiculturalisms. Byfocusing on how such reforms have neither eliminated nor fundamentally alleviated the social emergencies consistently produced by the historical logics of racial genocide, the notion of White Reconstruction departs from Marable's notion of the 1990s as the "twilight of the Second Reconstruction" (Marable. 2007. p. 216)19 and points toward another way of framing and narrating the period that has been more commonly referenced as the "post-civil rights" era. Rather than taking its primary point of historical departure to be the cresting of the Civil Rights Movement and its legacy of delimited (though no less significant) political-cultural achievements. White Reconstruction focuses on how this era is denned by an acute and sometimes aggressive reinvention and reorganization of the structural-institutional formations of racial dominance. Defined schematically, the recent half-century has encompassed a generalized reconstruction of "classically" white supremacist apparatuses of state-sanctioned and culturally legitimated racial violence. This general reconstruction has (1) strategically and unevenly dislodged various formal and de facto institutional white monopolies and diversified their personnel at various levels of access, from the entry-level to the administrative and executive levels (e.g., the sometimes aggressive diversity recruitment campaigns of research universities, urban police, and the military); while simultaneously (2) revamping, complicating, and enhancing the social relations of dominance, hierarchy, and violence mobilized by such institutions - relations that broadly reflect the long historical, substructural role of race in the production of the US national formation and socioeconomic order. In this sense, the notion of White Reconstruction brings central attention to how the historical logics of racial genocide may not only survive the apparent disruption of classical white monopolies on the administrative and institutional apparatuses that have long mobilized these violent social logics, but may indeed flourish through these reformist measures, as such logics are re-adapted into the protocols and discourses of these newly "diversified" racist and white supremacist apparatuses (e.g.. the apparatuses of the research university, police, and military have expanded their capacities to produce local and global relations of racial dominance, at the same time that they have constituted some of the central sites for diversity recruitment and struggles over equal access). It is, at the very least, a remarkable and dreadful moment in the historical time of White Reconstruction that a Black president has won office in an electoral landslide while well over a million Black people are incarcerated with the overwhelming consent of white/multiculturalist civil society.

## Case

### A2 Try or Die

Omitted

### Impact framing

### Offense

Framing issue – there is 0 solvency evidence in the AFF – nothing says that handgun bans are a good idea, only that current regulations fail. No new 1AR solvency ev – their burden was to put it in the 1AC and I design the 1NC around their arguments so I don’t have a fair chance to construct a strategy

Banning solely handguns would cause homicides to skyrocket. **Benenson 86**

Benenson 86 (Mark K, a lawyer in New York, is executive secretary for the National Foundation for Firearms Education, “After a Handgun Ban, the Death Rate Will Soar,” March 23, 1986, <http://articles.latimes.com/1986-03-23/opinion/op-5916_1_handgun-ban>

Pity Mayor Tom Bradley. He's tried to mollify the National Rifle Assn. members who shot down his 1982 bid for the governorship when he supported the handgun ban. Now he says he was wrong. Gun owners suspect that, like Galileo recanting before Pope Urban, Bradley is muttering sotto voce . And liberals feel betrayed, including some Jewish Democrats to whom supporting gun control is a cardinal political virtue. That's because the Jewish historical experience, from the invention of gunpowder to the creation of Israel, was of being shootees, not shooters. But all this Californian political brouhaha, with the usual dreary braggadocio on the right and shrill breast-beating on the left, obscures an astonishing development in criminology of which even NRA stalwarts seem unaware. This may be because it originates in liberal academia--and everyone knows that gun owners (even those who can) don't read. Appallingly, several leading criminologists are now saying that an effective handgun ban would not reduce the number of killings, but increase them. This, of course, is contrary to the long-accepted wisdom that most criminals, if denied handguns, would beneficially "drop down" to less-deadly weapons--knives, clubs and, certainly with many young males, bare hands. Criminologists have long thought that only one-third would switch to less concealable "long arms"--rifles and shotguns. Supposedly, fewer handguns means fewer homicides. The difficulty is that shotguns and rifles, most of them designed for hunting or war, are by and large vastly more powerful than handguns. Their projectiles strike with 5 to 20 times the kinetic energy of handgun bullets. San Francisco criminologist Don B. Kates Jr. estimates that 80% of shotgun wounds are fatal, as against 10% of handgun wounds. Therefore, the new concern is that if pistols were banned, fewer victims might be shot, but many more would die. Kates' "worst-case" calculation is that homicide could go up 300%. Gary Kleck of the Florida State University School of Criminology says that a handgun-only ban would cost "more human lives than it saves." Concurring are the authors of the 1981 Department of Justice report, "Weapons, Crime and Violence in America," James D. Wright, Peter H. Rossi and Kathleen Daly, of the Social and Demographic Institute at the University of Massachusetts. They say that eliminating handguns, even if possible, would be counterproductive. They note there are twice as many long guns as handguns and on the average they are much deadlier. The chance ". . . that even a fraction of (pistol-toting criminals) would, in the face of a handgun ban, prowl with sawed-off shotguns instead, causes one to tremble." Wright has been conducting prison interviews with habitual violent criminals. About 75% told him that if denied handguns, they would carry a sawed-off shotgun, an immensely more destructive, albeit bulkier, weapon.

Concelability claims are false – shotguns are also easily concealable. **Kopel 93**

David B. Kopel (American author, attorney, political science researcher, gun rights advocate, and contributing editor to several publications. He is currently Research Director of the Independence Institute in Golden, Colorado), Peril or Protection: The Risks and Benefits of Handgun Prohibition, Saint Louis University Public Law Review, Volume 12, 1993. NS

As another argument against substitution, Dixon points out that long guns are less concealable than handguns. Even when sawed off, a shotgun is still about 11 inches long, making it slightly larger than big handguns, and much larger than the small, low-caliber handguns which are frequently used in crime. Would sawed-off shotguns frequently be substituted in robberies? Putting an 11 inch shotgun in one's front pocket would not be very effective concealment. On the other hand, sticking the shotgun in the inner pocket of a large coat or jacket would seem reasonably effective. Accordingly, it is plausible to infer that persons who execute planned robberies would substitute concealed shotguns. At the same time, criminals who simply carried handguns with them, and spontaneously perpetrated robberies when the opportunity arose, might not be able to carry concealed shotguns so frequently. Thus, impulsive handgun robberies would suffer less of a substitution effect than would planned robberies. Since casual carrying of firearms in general might decrease, so might the shootings that result from the casual insults and provocations that can occur on the street. Hence, it is reasonable to conclude that an effective handgun ban might prevent some shootings. But again, only a 30% substitution rate would be necessary for total homicides to rise substantially.

New studies prove banning guns leads to an increase in violence – the AFF increases black paranoia. **HNGN 15**

Headlines and Global News, "Harvard Gun Study: The More Guns, The Less Criminal Activity," http://www.hngn.com/articles/141814/20151020/harvard-gun-study-the-more-guns-the-less-criminal-activity.htm, October 20, 2015. CC

With gun control back in the spotlight following the Oregon college shooting, President Barack Obama suggested he may consider executive action similar to Australia's gun confiscation program, which Democratic presidential front-runner Hillary Clinton said Friday she thinks is worthy of consideration. However, according to a recently resurfaced 2007 study published by the Harvard Journal of Law and Public Policy, such actions would be counter-productive, with the study concluding, "The more guns a nation has, the less criminal activity." The study, titled "Would Banning Firearms Reduce Murder and Suicide?", was conducted by Don Kates, a criminologist and constitutional lawyer, and Gary Mauser, a criminologist and professor at Simon Fraser University, and cites the Centers for Disease Control, the U.S. National Academy of Sciences and the United Nations International Study on Firearms Regulation. "While American gun ownership is quite high, many other developed nations (e.g., Norway, Finland, Germany, France, Denmark) have high rates of gun ownership," said the report. "These countries, however, have murder rates as low or lower than many developed nations in which gun ownership is much rarer. For example, Luxembourg, where handguns are totally banned and ownership of any kind of gun is minimal, had a murder rate nine times higher than Germany in 2002." Further, the authors noted that the same patterns emerge when comparing gun ownership to violence within a country, which often shows a "negative correlation." "Where firearms are most dense, violent crime crates are lowest, and where guns are least dense violent crime rates are highest," said the report. As the Daily Caller noted, this explains why many shootings take place in "gun free zones" like schools and movie theaters rather than in police stations or gun clubs. The study pointed out that there are 40 states that allow citizens to carry concealed handguns, which the authors said reduced murder and violent crime. "Adoption of state laws permitting millions of qualified citizens to carry guns has not resulted in more murder or violent crime in these states. Rather, adoption of these statutes has been followed by very significant reductions in murder and violence in these states," wrote the researchers. Chicago, a state with some of the strictest gun laws in the nation, has experienced a sharp increase in homicides and shootings this year. Massachusetts also tried to curb gun violence with a comprehensive package of gun laws in 1998, but murders with firearms increased significantly, as did aggravated assaults and robberies involving guns and gunshot injuries, according to the Boston Globe. Following the Oct. 1 shooting at Umpqua Community College in Oregon that left nine people dead, Obama suggested the U.S. should pass stringent laws restricting the right to own guns, similar to the ones that were passed in Australia and Great Britain in the 1990s, despite promising to never restrict the Second Amendment rights of law abiding citizens during his 2008 presidential campaign, as HNGN previously reported. The 1996 Australian gun confiscation program was a mandatory gun buyback program that involved the government purchasing over 650,000 guns from citizens. Friday, Democratic presidential front-runner Hillary Clinton said a similar program "would be worth considering" at the national level in the U.S. However, researchers from the University of Melbourne concluded in 2008 that there is little evidence to suggest that the buyback program in Australia "had any significant effects on firearm homicides and suicides." "In addition, there also does not appear to be any substitution effects — that reduced access to firearms may have led those bent on committing homicide or suicide to use alternative methods.... Although gun buybacks appear to be a logical and sensible policy that helps to placate the public's fears, the evidence so far suggests that in the Australian context, the high expenditure incurred to fund the 1996 gun buyback has not translated into any tangible reductions in terms of firearm deaths." In Britain, which banned virtually all handguns in 1997, the total number of firearm offenses began to go up, increasing by 89 percent from 1998 to 2008, as the Daily Mail noted. The Harvard study agreed: "Armed crime, never a problem in England, has now become one. Handguns are banned but the Kingdom has millions of illegal firearms. Criminals have no trouble finding them and exhibit a new willingness to use them." "In the late 1990s, England moved from stringent controls to a complete ban of all handguns and many types of long guns. Hundreds of thousands of guns were confiscated from those owners law‐abiding enough to turn them in to authorities. Without suggesting this caused violence, the ban's ineffectiveness was such that by the year 2000 violent crime had so increased that England and Wales had Europe's highest violent crime rate, far surpassing even the United States." As for the idea that more guns are related to increased suicide rates, the researchers said there is "simply no relationship evident between the extent of suicide and the extent of gun ownership. People do not commit suicide because they have guns available. In the absence of firearms, people who are inclined to commit suicide kill themselves some other way." The Harvard study concluded with the following warning to lawmakers who want to further regulate gun ownership in the U.S.: "The burden of proof rests on the proponents of the more guns equal more death and fewer guns equal less death mantra, especially since they argue public policy ought to be based on that mantra. To bear that burden would at the very least require showing that a large number of nations with more guns have more death and that nations that have imposed stringent gun controls have achieved substantial reductions in criminal violence (or suicide). But those correlations are not observed when a large number of nations are compared across the world."

## 2NR Frontlines

### A2 Perm

### A2 CP Unpopular

Counterplan popular—public consensus for all planks and bipartisan support in congress and the White House. **Drug Policy.org** ’14:

Press Release 4/2/14. New Pew Poll Confirms Americans Ready to End War on Drugs. http://www.drugpolicy.org/news/2014/04/new-pew-poll-confirms-americans-ready-end-war-drugs. JS.

**Two Out of Three Americans Think People Shouldn’t Be Prosecuted for Possession of Drugs** Such as Cocaine and Heroin; **63% Support Moving Away from Mandatory Minimums; 54% Support Marijuana Legalization**¶ DPA’s Ethan Nadelmann: It’s Time to Stop Arresting People for Drug Use or Possession¶ **A new [national survey](http://www.people-press.org/2014/04/02/americas-new-drug-policy-landscape/" \t "_blank)** released today by the Pew Research Center **reveals that a broad majority of Americans are ready to significantly reduce the role of the criminal justice system in dealing with people who use drugs**.¶ Among the key findings of the report:¶ More than six in ten Americans (63%) say that state governments moving away from mandatory prison terms for drug law violations is a good thing, while **just 32% say these** policy **changes are a bad thing**. **This is a substantial** **shift** **from 2001** when the public was evenly divided (47% good thing vs. 45% bad thing). The majority of all demographic groups, including Republicans and Americans over 65 years old, support this shift.¶ At the same time, there has been a major shift in attitudes on whether the use of marijuana should be legal. As recently as four years ago, about half (52%) said they thought the use of marijuana should not be legal; 41% said marijuana use should be legal. Today those numbers are roughly reversed – 54% favor marijuana legalization while 42% are opposed. Just 16% say it should not be legal for either medical or recreational use.¶ Two-thirds (67%) say the government should focus more on providing treatment for people who use drugs like cocaine and heroin. **Just 26% think the focus should be** more **on prosecuting people** who use such drugs.¶ “**There’s a new consensus that mandatory minimums are no longer appropriate for drug and other nonviolent offenders**,” said Ethan Nadelmann, executive director of the Drug Policy Alliance. “This is reflected and confirmed by the growing bipartisan support for rolling back and ending such laws.”¶ “It’s good to see yet another poll confirm the results of other state and national polls showing majority support for legalizing marijuana,” continued Nadelmann. “And it’s nice to see that Americans overwhelmingly support treatment-instead-of-incarceration. But it’s important to recognize that there has been overwhelming support for treatment-instead-of-incarceration for well over a decade now – and that we’ve reached the point where the public needs to be better educated about the benefits of providing treatment outside the criminal justice system rather than within and through it. It would be a shame if this latest poll result were used to promote drug courts and other coercive, abstinence-only programs rather than meaningful treatment in the community.”¶ “Given that the vast majority of Americans don’t think people should be prosecuted for drug possession, it’s time to ask the question: Why are we still arresting people for nothing more than drug possession?” added Nadelmann.¶ The report comes at a pivotal moment. From liberal stalwarts to Tea Party favorites, **there’s now a [bipartisan consensus](http://www.nytimes.com/2014/03/04/us/politics/holder-and-republicans-unite-to-soften-sentencing-laws.html?_r=0" \t "_blank) that our country incarcerates too many people, for too much time, at too much expense to taxpayers**.¶ President **Obama** **and** Attorney General Eric **Holder** have made a series of moves over the past year indicating that they **are serious about reducing mass incarceration** and fixing the crimi¬nal justice system. And in an otherwise-bitterly-divided Congress, legislators from both sides of the aisle are pushing to [reform mandatory minimum drug laws](https://secure2.convio.net/dpa/site/Advocacy?cmd=display&page=UserAction&id=1032). The reforms are supported by a group of Senators who can only be described as strange bedfellows: Senators Mike Lee (R-Utah), Rand Paul (R-Kentucky), Jeff Flake (R-Arizona), Ted Cruz (R-Texas), Patrick Leahy (D-Vermont), Dick Durbin (D-Illinois), Carl Levin (D-Michigan) and Sheldon Whitehouse (D-Rhode Island).