# Working AFF

## AC – vs. Policy Debaters

### Part One is the War on Blacks

American life is saturated with white nationalist violence. Guns are a key tool that empowers white racial “saviors” to defend their communities from blacks whom they construct as dangerous others. The NRA and conservative media try to silence these discussions. **Devega 15**

* Guns further white nationalism by making whites feel like they can be heroes and protect America from dangerous blacks
* A2 black self defense K - Historically guns in the hands of white men are always used racistly – even if they’re good for black self defense we don’t take them away from blacks
* A2 T - This discussion is covered up by the media – attempts to silence the AFF permit white nationalism which justifies racism and patriarchy

Chauncey Devega, The plague of angry white men: How racism, gun culture & toxic masculinity are poisoning America, Salon, 7/7/15.

Dylann Roof was attracted to white nationalism and white supremacy because of a sense of alienation and anger at the world. Although he was born middle class, Roof somehow came to feel that America — because of immigration, changing demographics and pernicious fictions about “black crime” — had abandoned him. In Roof’s mind, he was forced into action, to be “heroic,” “the Last Rhodesian,” launching an attack on unarmed black people. Roof’s actions were those of the “angry white man” on steroids. While his feelings of toxic white masculinity could have been insulated by the relative privileges of being born into the middle class, he was instead suckered into a sense of white racial victimology, entitlement and identity politics by the right-wing media and online racist propaganda. Never did he think to identify the system he venerated, racial patriarchy, as the source of his own alienation. Instead, like so many other angry young men like him, he bought into it wholeheartedly. Roof’s translating this anger into violent action is (thankfully) a rare event in the United States. But, as sociologist Michael Kimmer detailed in his book “Angry White Men,” this sense of (white) grievance and anger is all too common. Guns are central to toxic white masculinity, as well as the broader white supremacist and conservative politics that Dylann Roof exemplified. In the United States, guns have a deep historic relationship to the maintenance and enforcement of hierarchies of race, class and gender. They were a tool for committing mass genocide against First Nations peoples, for example. They were given to white indentured servants in the 17th century as a way of cementing their identities as “free” people who could then be used to oppress and control black slaves and other people of color. Guns have been a tool for American plutocrats and the 1 percent to control the working classes and the poor. The gun is also a powerful symbol of masculinity and virility: A recent ad campaign by the manufacturer of the AR-15 rifle featured a picture of the weapon along with the tag line: “Consider your man card reissued.” As seen with Dylann Roof and other mass shooters (a group in which white males are grossly overrepresented) such as Elliot Rodger, Adam Lanza, the Columbine killers and James Holmes, toxic masculinity (and a sense of aggrieved white male entitlement) is central to their decision to use firearms to commit acts of mass murder. The corporate news media does not want a sustained discussion of gun violence as a type of public health crisis. The corporate news media is also unwilling to discuss how domestic terrorism by right-wing white men is now the United States’ leading threat to public order. Very troublingly, the corporate news media considers it impolitic to explore how the right-wing echo chamber is radicalizing and weaponizing its followers. And there most certainly will not be a “national conversation” about toxic white masculinity and mass murder in the mainstream news media.

White nationalism constructs blacks as criminals, justifying endless racial violence. **Devega 15**

* A2 newark - white nationalism frames black men as dangerous/criminal
* justifies both racism and patriarchy, but blacks are all lower than whites regardless of sex

Chauncey Devega, The plague of angry white men: How racism, gun culture & toxic masculinity are poisoning America, Salon, 7/7/15.

Dylann Roof was not silent before he murdered nine black people in their church, shooting and reloading multiple times, destroying their bodies with his white rage. He did not shout obscure or difficult to translate Latin phrases. Dylann Roof was not a blank slate or deep and nebulous well who left no written justification or explanation for his evil deeds. White racial terrorist Dylann Roof told his African-American victims why he was going to kill them. As though it was a type of forced civic duty and obligation, Roof said to his victims: “I have to do it.” He then shared his grievances: “You rape our women and you’re taking over our country and you have to go.” Then he let off a fusillade of bullets. A superficial reading would suggest that the “our” is simple to decipher: Roof is channeling his white nationalist understanding of “America” as a country synonymous with and exclusively for “white” people. This is the logic of the phrase that “America is a white man’s country.” The “our” also signifies the control and possession of white women’s bodies and personhood by white men. The idea of black men raping white women is a centuries-old white American fantasy: It is the justification for the lynching tree, where thousands of innocent black men were made into “strange fruit.” The lynching tree also reinforces a cultural lie, that white women are the most desired among all others, and tries to conceal how many white women from both before the founding of the United States, through to the Age of Obama, willingly have had relationships with black men, a perfectly banal observation that nonetheless enrages white supremacists. Nationalist and politically chauvinistic ideologies tend toward patriarchy and sexism. White nationalism is no exception. As such, Dylann Roof’s white racial terrorism is an act of violence, and one that is grounded in a particular understanding of gender: “Male” or “female” are designations of human, sexual, biological difference. “Masculine” and “feminine,” however, are social constructs that are not fixed, which change over time, and in response to particular arrangements of social and political power. Here, gender is a type of performance (in its most binary and simple form) as a given person acts “male” or “female.” And toxic masculinity is a performance that emphasizes violence, control over others, sexual aggression and a lack of emotion and vulnerability. Dylann Roof—with the guns, violence, resentment, right-wing politics and racism—is the extreme embodiment of toxic white masculinity. The color line is not separate from gender: The two are deeply connected to one another in the United States and the West more broadly. Dylann Roof’s performance of gender involved an understanding that he should have power over and was inherently superior to people of color because of his skin color. Moreover, as understood by his racist political ideology, Dylann Roof was granted an additional claim on power and authority because he is a man. Roof’s racism and sexism thus intersect in what philosophers Carol Pateman and Charles Mills have described as “racial patriarchy.” This is a system of racial domination in which people of color are subordinate to whites. It is also a relationship where white men have more power than white women. But all white people have a higher place than any person of color—either male or female. Women of color occupy the basement level of a society organized around a system of racial patriarchy. This system, in its most unapologetic and honest form, is the dream of white nationalists. But while tethered to ideals of the past, white nationalism also lives in the present; thus, it must deal with and negotiate questions about feminism, immigration, cosmopolitanism, globalization and other related matters if it is to remain viable as a community and belief system.

Firearms give oppressors a license to kill, causing mass violence. **Parsons et al 16**

Chelsea Parsons, Eugenio Weigend Vargas, and Jordan Jones, Hate and Guns, Center for American Progress, February 2016.

On the evening of June 17, 2015, Dylann Roof opened fire on a Bible study group at Emanuel African Methodist Episcopal Church in Charleston, South Carolina, killing nine congregants and injuring one additional person.1 Roof fled and, after being on the run for 16 hours, was ultimately apprehended by law enforcement. It quickly became clear that this was not another episode of the random mass violence that occurs much too often in the United States: Roof is a white supremacist who targeted the historic black church out of racially motivated malice. The massacre at this historic church—known as Mother Emanuel and home to the largest and oldest black congregation in the South—is not the only recent example of a public or mass shooting motivated by bias or hate. Just three years earlier, a similarly motivated attack occurred at a Sikh temple in Oak Creek, Wisconsin. On August 5, 2012, Wade Michael Page—a white supremacist with long-standing ties to several neo-Nazi organizations—attacked the temple, fatally shooting six people and wounding four others before committing suicide Instances of hate-motivated individuals terrorizing communities with guns are not limited to high-profile cases involving multiple fatalities. Violent extremists and hate criminals often use guns as a tool to threaten and intimidate members of historically vulnerable or marginalized communities. In doing so, they inflict serious harm without ever pulling the trigger. New analysis of National Crime Victimization Survey data by the Center for American Progress reveals that between 2010 and 2014, roughly 43,000 hate crimes were committed in the United States that involved the use or threat of a gun. Hate crimes and acts of violent extremism have a pernicious impact on the targeted communities—not just the most proximate victim of a particular crime but the broader community of which the victim is a member. Indeed, that is precisely the purpose of these acts in the minds of the perpetrators: to threaten, intimidate, and terrorize not just an individual but the entire membership of a historically vulnerable community with a message of fear and hatred. The use of guns by these perpetrators compounds the harm done to the victimized community by introducing a uniquely lethal instrument. The threat of a gun from dangerous extremists sends a clear message that they not only harbor feelings of bias or hate against a particular group, but also that they are willing to kill in service of this ideology.

The role of the ballot is to vote for the debater who best methodologically resists oppression. Procedural tricks that don’t address the AFF’s fundamental thesis marginalize the discussion, destroying accessibility. **Smith 13**

Elijah Smith, A Conversation in Ruins: Race and Black Participation in Lincoln Douglas Debate, Vbriefly, 2013.

It will be uncomfortable, it will be hard, and it will require continued effort but the necessary step in fixing this problem, like all problems, is the community as a whole admitting that such a problem with many “socially acceptable” choices exists in the first place. Like all systems of social control, the reality of racism in debate is constituted by the singular choices that institutions, coaches, and students make on a weekly basis. I have watched countless rounds where competitors attempt to win by rushing to abstractions to distance the conversation from the material reality that black debaters are forced to deal with every day. One of the students I coached, who has since graduated after leaving debate, had an adult judge write out a ballot that concluded by “hypothetically” defending my student being lynched at the tournament. Another debate concluded with a young man defending that we can kill animals humanely, “just like we did that guy Troy Davis”. Community norms would have competitors do intellectual gymnastics or make up rules to accuse black debaters of breaking to escape hard conversations but as someone who understands that experience, the only constructive strategy is to acknowledge the reality of the oppressed, engage the discussion from the perspective of authors who are black and brown, and then find strategies to deal with the issues at hand. It hurts to see competitive seasons come and go and have high school students and judges spew the same hateful things you expect to hear at a Klan rally. A student should not, when presenting an advocacy that aligns them with the oppressed, have to justify why oppression is bad. Debate is not just a game, but a learning environment with liberatory potential. Even if the form debate gives to a conversation is not the same you would use to discuss race in general conversation with Bayard Rustin or Fannie Lou Hamer, that is not a reason we have to strip that conversation of its connection to a reality that black students cannot escape.

### Part Two is the Plan

The United Statesfederal government, in coordination with the fifty state governments, will ban the private ownership of handguns for individuals convicted of misdemeanor hate crimes against racial minorities. **Parsons et al 16**

Chelsea Parsons, Eugenio Weigend Vargas, and Jordan Jones, Hate and Guns, Center for American Progress, February 2016.

Many states, driven by research demonstrating that individuals convicted of certain violent misdemeanors pose an increased risk of committing future acts of violence, have enacted laws prohibiting them from gun possession.71 According to the Law Center to Prevent Gun Violence, 23 states and the District of Columbia prohibit individuals convicted of specified misdemeanor offenses from buying and possessing guns.72 The vast majority of states, however, have not enacted laws to prevent convicted misdemeanant hate criminals from having easy access to guns. A CAP analysis of state laws finds that only three states—Minnesota,73 Oregon,74 and New Jersey75—specifically bar individuals convicted of misdemeanor hate or bias-motivated crimes from buying and possessing guns. Three other states— Delaware,76 Maryland,77 and Massachusetts78—have laws barring individuals convicted of certain misdemeanor crimes from gun possession that would apply to at least some misdemeanor convictions for hate crimes. Legislators at the federal and state level should close this loophole by passing laws that prohibit people convicted of misdemeanor hate crimes from being able to buy and possess guns. Doing so would ensure that such individuals do not have easy access to guns and that both state and federal law enforcement would have the ability to investigate and prosecute violations of those laws. \*\*Footnote\*\* Enacting this law at the state level, as well as federally, would ensure more-robust enforcement because it would provide state and local law enforcement with the ability to investigate and prosecute violations of this law in addition to federal law enforcement.\*\* End Footnote.

**HLR 88** clarifies:

Combatting Racial Violence: A Legislative Proposal," 101 Harvard Law Review 1270 (1988).

To combat racial violence against minorities effectively, states must single out such crimes for special attention. This proposal calls for special criminal statutes to punish crimes of physical violence against racial minorities; it is limited to interracial violence directed at minorities on the ground that such violence, representing the most acute manifestation of the racial subjugation that has plagued American society, produces unique and serious social harms not necessarily associated with interracial violence against nonminorities.7 Under the proposal, interracial crimes would carry a heavier punishment than regular intraracial or interminority crimes of physical violence. In cases involving a white defendant and a minority victim, the government would be required to bring charges under the proposed criminal statute rather than under regular criminal statutes. The proposed criminal statute would contain all of the standard elements of its intraracial counterpart, including mens rea and actus reus.8 The only difference would be a requirement that the prosecution prove beyond a reasonable doubt that the victim is a member of a minority race and that the defendant is white.9

Federal standards are key to consistent application of gun laws and would be enforced by local police. **Zimring and DeFilippis 16**

Evan DeFilippis (Evan DeFilippis is currently attending Princeton’s Woodrow Wilson School, focusing on economics and public policy. He graduated from the University of Oklahoma with a triple degree in Economics, Political Science, and Psychology. He was the University of Oklahoma’s valedictorian in 2012, one of the nation’s 50 Harry S. Truman Scholars based on his commitment to public service, and is a David L. Boren Critical Languages scholar. He speaks fluent Swahili, and is committed to a career in international development. His work on gun violence has been featured in in Washington Post, Atlantic, Slate, VICE, Huffington Post, Vox, Media Matters, Boston Review, and many others. He also writes on productivity and self-help at Quora, where his work has been published in Time Magazine, BusinessInsider, Medium, and many others. He currently works as a research analyst for the investment firm Quest Opportunity Fund.) and Franklin Zimring (Franklin Zimring was a member of the University of Chicago law faculty as Llewellyn Professor of Law and director of the Center for Studies in Criminal Justice. He joined the Boalt faculty in 1985 as director of the Earl Warren Legal Institute. He was appointed the first Wolfen Distinguished Scholar in 2006 and served in that capacity until 2013. Zimring's major fields of interest are criminal justice and family law, with special emphasis on the use of empirical research to inform legal policy. He is best known for his studies of the determinants of the death rate from violent attacks; the impact of pretrial diversion from the criminal justice system; and the effects of criminal sanctions. He has been a visiting professor at the University of Pennsylvania and Yale University, and a fellow of the Center for Advanced Studies in Behavioral Sciences. He is a fellow of the American Society of Criminology and a member of the American Academy of Arts and Sciences. From 2005 until 2011, he was the principal investigator for the Center on Culture, Immigration and Youth Violence Prevention, supported by the Centers for Disease Control. Zimring is the author or co-author of many books on topics including deterrence, the changing legal world of adolescence, capital punishment, the scale of imprisonment, and drug control. Recent books include The Contradictions of American Capital Punishment (2003), The Great American Crime Decline(2007), and The City That Became Safe: New York’s Lessons for Urban Crime and Its Control (2012).), CAL RR FINALS POST-ROUND DISCUSSION [TRANSCRIPT], 3/5/2016.

Zimring: Uh, there's another book, but it's an old one. It's called Firearms and Violence in American Life, it's the taskforce on violence. The National Violence Commission. Uh, possibly written after your parents were born. Uh, and unfortunately I was a co-author, and the answer is that the overall enforcement of the part of it, which is the commerce in guns, has to be federal, but the, the number of street and law enforcers who are federal in the United States is quite minimal, and that's about the only defense of liberty we have these days, so it is the, the municipal government ... Whatever gun control is at retail on the streets, our municipal police and sheriffs, federal standards, but local, uh, uh, officials doing it, and the truth of the matter is that that means that the gun control is either going to be as good or as bad as the local police are. If they are members of the Klu Klux Klan, you're going to get the kind of gun control that you had in the American Southern States all during the late 19th century and early 20th century. If police enforcement is both meticulous and even-handed, you've got a chance, but they've got to be the foot soldiers, the standards have to be national, and the regulatory rules have to national. DeFilippis: Yeah, I mean I echo those thoughts. I think federal implementation is far more credible. Uh, the regulatory regime, uh, needs to be consistent and, uh, needs to have credibility. Uh, my only fear with, um, leaving it up to the states is that it runs the risk of, uh, some of the more conservative states that may be, uh, allergic to gun control, implementing extremely weak, or watered down versions of, of, of gun control legislation, which we're already seeing that sort of sloppy patchwork of state laws and municipalities allows, uh, you know, private retailers to set up shop just outside the outskirts of, um, areas with strict gun control regulation and sort of bypass, uh, uh, state level law, so um, yeah I think it's far more intelligent to do it on a federal level.

### Part Three is Solvency

The plan effectively takes guns away from hate crime offenders and increases the number of hate crimes persecuted. **Parsons et al 16**

Chelsea Parsons, Eugenio Weigend Vargas, and Jordan Jones, Hate and Guns, Center for American Progress, February 2016.

This legislation would address a serious public safety concern: Hate-motivated criminals and violent extremists armed with guns pose a substantial threat to the safety of historically vulnerable communities that are protected by hate crime laws. Access to guns by these perpetrators makes it more likely that a hate crime will have a fatal outcome. But even when these perpetrators do not pull the trigger, the use of guns to threaten and intimidate individuals and communities because of bias and hate on the basis of any of the protected classes—race, ethnicity, religion, gender, gender identity, sexual orientation, national origin, or disability—represents a significant escalation of this hateful conduct. ¶ Lawmakers have already determined that certain individuals should not be permitted to possess guns because their previous criminal history makes them more likely to pose a future risk to public safety, and the Supreme Court has consistently upheld such laws as consistent with the Second Amendment.80 Barring individuals convicted of misdemeanor hate crimes from possessing firearms would fall well within the type of reasonable restrictions the Supreme Court has indicated do not violate the Constitution.81 ¶ Legislation barring individuals convicted of misdemeanor hate crimes from being able to buy and possess guns would also create a new incentive for prosecutors to pursue these cases. Because they involve an additional evidentiary burden, prosecuting hate crimes is notoriously difficult. Prosecutors may be more likely to expend the time and resources necessary to prosecute misdemeanor hate crimes if they knew that a conviction would prohibit dangerous individuals from accessing firearms. ¶ Conclusion¶ Law enforcement and targeted communities have been grappling with the unfortunate legacy of hate crimes in the United States for decades, if not longer, and recent trends suggest such violence may be on the rise. Many policy changes could help prevent hate crimes and protect vulnerable communities. These include improving the collection of data on these crimes to produce an accurate picture of the scope and character of hate crimes, expanding the coverage of hate crime laws, and enhancing law enforcement’s ability to bring appropriate charges against the perpetrators of bias-motivated crimes. The use of guns by violent extremists and bias-motivated criminals, however, presents an additional, urgent challenge: ensuring that individuals who have demonstrated that they pose a unique threat to targeted communities are prevented from accessing guns. New legislation to prohibit individuals convicted of misdemeanor hate crimes from buying and possessing guns would not stop every hate-motivated shooting. It would, however, be a strong step toward keeping guns out of the hands of individuals who have proven themselves to be uniquely dangerous to historically vulnerable communities.

The best and most comprehensive empirical evidence proves background checks for violent criminals reduce crime by strengthening weak gun laws. **DeFilippis 15**

Evan DeFilippis and Devin Hughes, Gun-Rights Advocates Claim Criminals Don’t Follow Gun Laws. Here’s the Research That Shows They’re Wrong, The Trace, 9/8/ 2015.

The strongest and most recent evidence on the efficacy of background checks thwarting criminals comes from two studies conducted by Dr. Daniel Webster at the Center for Gun Policy at Johns Hopkins University, which show the effectiveness of so called “permit to purchase” laws on reducing criminal access to firearms. The first study evaluated the repeal of a 2007 Missouri law that had required showing a permit, contingent on passing a background check, prior to obtaining a firearm. The repeal of this law was associated with a spike in the murder rate by 14 percent through 2012 — “an additional 49 to 68 murders per year.” Furthermore, the study found strong evidence that the permit requirement had also been keeping neighboring states safe from gun trafficking. After its repeal, crime guns found in neighboring states traced back to Missouri increased significantly. The second study examined a similar permit requirement passed in Connecticut in 1995. It looked at homicide rates in Connecticut ten years after the passage of the law, and compared that rate with what would be expected had Connecticut not passed the law at all. The study found a 40 percent reduction in the state’s firearm-related homicide rate. Just as importantly, Connecticut did not experience a concomitant increase in homicide by other means — in other words, criminals did not switch to using some other weapon to commit murder when they failed to get their hands on a firearm. Gun advocates often dismiss the potential of any gun law, arguing that killers will just kill some other way — that is, if a criminal is sufficiently motivated to carry out a homicide, he’s going to do it irrespective of whether or not he has access to a gun. The study proves that this so-called “substitution effect” doesn’t occur. Data shows that it’s not true that a dangerous person who fails a background check will always buy a gun from an unlicensed seller. A study led by Dr. Garen Wintemute concluded that when someone is denied a handgun purchase, the risk that they will commit a crime drops as much as 30%. Numerous individual-level studies also demonstrate the potential for robust background checks to decrease crime by denying criminals access to firearms. The earliest study on this question, conducted by Dr. Garen Wintemute in 1999, tracked 177 people who were denied access to a firearm through a background check based on their felony record. These individuals were compared with a group of 2,470 individuals who had records with felony arrests but — because they were ultimately convicted for a lesser misdemeanor — passed their background checks. These individuals were tracked over the course of three years. Even after controlling for potential differences between the two groups including age, prior criminal history, and so on, the study found that the group who had felony arrests but misdemeanor convictions (and were therefore approved through a background check) were two to four times more likely of later getting arrested for offenses related to violence or firearms compared to the group who was denied a gun. This finding indicates that the second group did not attempt, or at least successfully attempt, to obtain firearms through an alternative source. The study concludes that the “denial of handgun purchase is associated with a reduction in risk for later criminal activity of approximately 20 percent to 30 percent.” Another study in California exploited a natural experiment and came to the same conclusion. In 1991, California passed a law that expanded firearm denial criteria to include persons convicted of violent misdemeanors. The study examined two groups of individuals ages 21-34, a sample of more than 1,700 people. The first group was comprised of persons who attempted to obtain a firearm in 1991, but who were denied because of their violent misdemeanant status. The second group consisted of individuals with violent misdemeanors who successfully passed a background check to purchase a firearm between 1989 and 1990, before the passage of California’s new restrictions. Controlling for various social characteristics, the study found the individuals in the group whose purchases were approved were more likely than the those in the first group to later commit firearm-related or violent crimes. The only coherent interpretation of all of these studies is that when a well-designed gun policy effectively decreases dangerous people’s access to firearms, it also decreases crime. To put it more plainly: the laws work. If it was simply the case that criminals don’t follow laws, and that they would find some way to commit a crime irrespective of the legal obstacles in front of them, then there should be no difference between any of the groups examined in the studies above.

The only reason white terrorists are still allowed to own handguns is racial bias in favor of permissive gun laws. **Obrien 13**

O’Brien, Forrest, Lynott and Daly—2013 [Kerry, Walter, Dermot, Michael, “Racism, Gun Ownership and Gun Control: Biased Attitudes in US Whites May Influence Policy Decisions,” PLOS One 8.10 (2013): 1-10, 9]

Notwithstanding these limitations, the results indicate that **symbolic racism is associated with gun-related attitudes and behaviours in US whites**. The statistics on firearm-related suicides and homicides in the US might reasonably be expected to convince US citizens that action on reducing gun ownership and use would be beneficial to their health. Yet, US **whites oppose strong gun reform more than all other racial groups, despite a much greater likelihood that whites will kill themselves** with their guns (suicide), than be killed by someone else [1]. Black-on-black homicide rates would benefit most from gun reform, and, quite logically, **blacks support these reforms even if whites do not** [3,47]. **Symbolic racism appears to play a role in explaining gun ownership and paradoxical attitudes to gun control in US whites.** In other words**, despite certain policy changes potentially benefitting whites, anti-black prejudice leads people to oppose their implementation**. **This finding is consistent with previous research showing that symbolic racism is associated with opposition to US policies that may benefit blacks, and support for policies that disadvantage blacks, and critically, goes beyond what is explained by other important confounders. Gun-related deaths in the US are a significant public health concern, representing a leading cause of death, and are particularly prevalent from ages 15–54**. **Attitudes towards guns in many US whites appear to be influenced**, like other policy preferences, **by illogical racial biases**. The present results suggest that **gun control policies may need to be implemented independent of public opinion. The implementation of initially unpopular public health initiatives has proven effective for other public health threats** **(e.g., tobacco taxation, bans on smoking in public places, seatbelt use) that initially did not have widespread public and political support, but have eventually proven popular and have led to changes in attitudes** [48,49]. There remains considerable resistance in the US to even cursory gun controls, and **the reasons for owning a gun and opposing gun reform** (i.e., self-protection, safety, fear of crime) [4,5], **are not supported by the evidence on gun-related harms**. Clearly, **other** motives and **attitudes must be driving such paradoxical views on guns**. Future research needs to examine other less obvious, yet influential, sociocultural and psychological influences on gun ownership and control, as this evidence is sparse. Evidence on the psychological and sociocultural drivers of gun ownership and resistance to strong controls will in turn help inform educational campaigns (e.g., social marketing) that may aid public acceptance of appropriate policies in the interest of the US public’s health, and/or allow policy makers to implement good public health policy. The reinstatement of funding for research on gun control in the US should assist in these research endeavours.

The AFF makes it significantly harder for violent criminals to obtain guns. **DeFilippis 15**

\*\*Modified for black market

Evan DeFilippis and Devin Hughes, Gun-Rights Advocates Claim Criminals Don’t Follow Gun Laws. Here’s the Research That Shows They’re Wrong., The Trace, 9/8/ 2015.

Wayne LaPierre of the NRA frequently casts doubt on the ability of regulations to curb criminal behavior, stating earlier this year that “we don’t have to guess how hardened criminals will get their guns if universal background checks are passed, because we already know how they get them now: through theft, black market purchases, criminal associates, and straw purchasers. Background checks cannot and do not stop any of these things.” Contrary to LaPierre’s pessimism regarding the apparent futility of trying to stem the tide of illegal guns, Philip Cook of Duke University and several colleagues have found that it is the flow of firearms, not the volume, that is the key factor in gun crime. These market characteristics mean that regulations on transactions, even in the legal channels, can help increase costs in the [illegal] black market and subsequently deter criminals from obtaining firearms. If gun regulations can effectively dampen the supply of new firearms and ammunition, thereby making transactions more challenging to complete, prices will rise and criminals will be more hesitant to obtain a firearm — and may even forgo it altogether. These market influences were validated in a 2007 study by Cook and Jens Ludwig of the University of Chicago, which discovered a significant [illegal] black market markup on the price of weapons relative to the cost in the legal market. The economics are perhaps most vivid in Chicago, where ammunition is largely illegal except under specific circumstances. In interviews with researchers, one gang member reported paying $50 for 10 bullets for a Beretta semi-automatic, roughly 50 times more expensive than store prices at the time. “You really don’t have someone who sells ammo around here,” another criminal said. “I mean it’s like you have to hope you can get it from [a gang] or maybe [a street dealer].” “Time to crime” measures the time between when a gun is first bought and later found at a crime scene. The higher the time to crime, the harder criminals work to get their hands on weapons. Arizona, a state with loose gun laws, has a time to crime of 8.86 years, according to a new ATF report. In California, which has strict gun regulations, the number is 13.52 years. Another startling feature of the markets that supply criminals is how swiftly guns make their way from legal gun stores to crime scenes when they are not fettered by tougher laws. In one study conducted by Franklin Zimring, a UC Berkeley law professor, it was discovered that a large number of the guns seized in major metropolitan areas were sold by retail outlets relatively recently. Other studies have confirmed this point, finding that the many crime guns have a short “time-to-crime” (the time between when a gun is first bought and found at a crime scene), usually of a couple of months to a couple years. The exception to this rule are guns used by gang members in areas with strict gun regulations — again including Chicago, where time-to-crime numbers ran to 11.6 years as of 2013, the most recent data available. More than 60 percent of those guns were imported from outside Illinois, meaning that criminals looked to states with weaker gun laws to obtain their weaponry. In fact, time-to-crime is often used as a proxy in gun violence research to measure the effectiveness of gun laws in limiting the diversion of firearms to criminals. If guns used for illegal purposes in Chicago consistently have a longer time-to-crime than guns in other cities, then that can be taken as evidence that Chicago’s gun laws are obstructing criminal activity. A 2014 study by criminologist Glenn Pierce at Northeastern University found that California, with its strict legal and regulatory regime governing firearms, also produces crime guns with a much longer time-to-crime than other states. These numbers were confirmed by a recently issued ATF report, which found in 2014 that California, a state with strict gun laws, had an average time-to-crime of 13.52 years, versus a state with lax gun laws like Arizona, which had an average of 8.86 years. A recent survey conducted by Cook and several colleagues interviewed 99 prison inmates with gun related offenses in Chicago, and found that very few respondents bought their gun directly from a federally licensed gun dealer. Instead, most relied on a network of family and friends to obtain their weaponry. Pro-gun media and the NRA quickly pounced on the survey, claiming this was proof that criminals don’t follow laws and will be able to obtain firearms no matter what restrictions are implemented. Actually, the survey points in the opposite direction, indicating that regulations that produce higher prices for guns and ammunition in the [illegal] black market can have a significant impact on criminal activity in the aggregate. The interviews by the Cook team reveal that gun regulations have forced Chicago’s criminals (particularly gang members) to search for out of state sources and create an elaborate network of personal contacts to transfer guns, out of fear of being caught by police. As one respondent stated: “Most people either go to the down-South states or go to Indiana” — where gun laws are looser than Chicago’s and Illinois’ — “to get guns, or people obtain gun licenses, go to the store and then resell.” Another respondent further expounded on the difficulties of obtaining firearms: “A lot of guys in the ‘hood’ don’t have access — a lot of networking stuff going on.” These findings paired with time-to-crime data demonstrate that Chicago’s gun laws are influencing the behavior of criminals and imposing greater transaction burdens on the illicit market. Gun violence continues to rock the city, but it’s fueled by the supply of guns from lightly regulated markets that undermine local barriers. As Cook tells The Trace, if guns and ammunition “were more readily available in Chicago, and more of the dangerous youths had ready access at low prices, I’m convinced that there would be even more shootings.”

Substitution effect theory is false – multiple warrants. **Dixon 93**

Dixon, Nicholas. "Perilous Protection: A Reply to Kopel." . Louis U. Pub. L. Rev. 12 (1993): 361.

Despite his energetic attempts to deny my argument that the high handgun ownership rate in the United States is a cause of its high handgun homicide rate,81 Kopel elsewhere concedes that "lower handgun density may, arguably, be associated with lower numbers of handgun homicides."82 Perhaps his point is that, while he believes that I have failed to prove this causal connection, it may well exist anyway. However, he insists that lower ownership rates would not necessarily reduce the overall homicide rate." In so doing, he rests his case squarely on the substitution theory that any drop in handgun homicide rate would be outweighed by an increase in homicide by other means.' Since substitution theory is put forward by opponents of handgun prohibition, the burden of proof is on them to support it. They have persistently failed to meet this burden, offering only spec- ulations based on surveys.' Kopel's first defense of substitution theory begins with the fact that Switzerland has far more lenient handgun laws and a far higher handgun homicide rate than Australia and Canada.86 However, he points out that Switzerland's overall homicide rate is less than 8 half that of the other countries. Kopel argues that the reason for the higher overall homicide rate in Australia and Canada might be that assailants in those countries turned to more easily available, and more lethal, long guns.8 Of course it might be! But since Kopel offers no evidence to support this speculation, not even long gun homicide rates in these countries, it can hardly be considered as a vindication of substitution theory. In my original paper, I attack substitution theory on the grounds that (1) the only evidence offered that the level of substitution necessary to increase the homicide rate would occur is prisoner surveys 89 ; and (2) the difficulty of concealing either regular or sawed-off long guns makes widespread substitution unlikely. Kopel's reply to my first objection is that prisoners might not be as unreliable as I make them out to be.9' Even if he is right, whether they are representative of handgun owners in general is doubtful. Moreover, even if they are representative, responses to surveys are flimsy evidence indeed for predicting actual behavior, especially when deciding a social policy issue of such great importance. He then tries to show that the relative inconvenience of long guns for crime does not disprove substitution theory.9' He grants that, when both handguns and long guns are available, criminals prefer to use handguns. But if they are banned, they are likely to turn to the next best thing: long guns. First of all, this amounts to a restatement of substitution theory, rather than a new argument for it. One of my original objections was precisely that the relative inconvenience of using long guns will cause many potential violent criminals to simply change their careers if handguns are banned. But let us assume that some people are so hell bent on violent crime that they will upgrade to long guns (perhaps sawed-off) if handguns are prohibited. We can even assume for the sake of argument that enough of these people would cross the 30-40% threshold of substituting long guns for handguns that would supposedly increase the overall homicide rate.94 This is where a deeper weakness in substitution theory, which I did not address in my first article, becomes relevant. The substitution threshold percentage cited by Kopel is so often invoked by opponents of handgun prohibition that it has acquired the air of indisputable fact. It is time to question the threshold percentage, which is actually an estimate by Benenson and Kates based on the greater lethality of long gun wounds as compared to those inflicted by hand- guns. If homicide were like target practice, long guns would clear- ly be the weapon of choice. In reality, of course, potential homicide victims are not like inanimate targets at shooting ranges. Both potential victims and passers-by are likely to realize the danger and take evasive action as soon as they see the long gun, whereas a handgun can be concealed literally until the second it is fired. In other words, the absence of the factors which cause handguns to be the weapon of choice of violent criminals-especially concealability and ease of "rapid draw"-is likely to minimize the success of long gun attacks. The greater lethality of long gun wounds must be weighed against the greater difficulty in inflicting the wounds in the first place. Consequently, the threshold percentage which is assumed by proponents of substitution theory is groundless. Kopel concedes that the difficulty of concealing long guns will prevent some shootings. However, he disputes my claim that the greater concealability of handguns facilitates even shootings in the home.96 He accuses me of making unwarranted assumptions that long guns will be kept unloaded in another room from the one where the shooting occurs, that handguns will be loaded and carried on the body of the shooter, and that victims will be unaware that the mur- derer is carrying a handgun.97 Actually, I make no assumption that these contingencies are always the case, and I merely state, in re- sponse to Kates and Beneson, that "the 'surprise factor' peculiar to handguns can still apply even in the home."9S As I have said before, substitution theory is advanced by op- ponents of handgun prohibition. The burden remains on Kopel and other proponents of the theory to prove it, by showing that the use of long guns in the home and elsewhere would be sufficient to sur- pass the substitution threshold percentage. Even if he were to find such evidence-and the surveys he cites do not suffice-the objec- tion I have raised to the threshold percentage itself indicates a fatal weakness in Kopel's defense of substitution theory. Given the cen- trality of substitution theory to Kopel's case," his failure to substan- tiate it is very damaging to his argument against handgun prohibition.

### Impact Framing

Antiblack violence is genocidal and happens on a continuum – high magnitude scenarios are constructed threats that ignore racism. **Omolade 84**

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Barbara-a historian of black women for the past twenty years and an organizer in both the women’s and civil rights/black power movements; Women of Color and the Nuclear Holocaust; WOMEN’S STUDIES QUARTERLY, Vol. 12., No. 2, Teaching about Peace, War, and Women in the Military, Summer, p. 12; <http://www.jstor.org/stable/4004305>

In April, 1979, the U.S. Arms Control and Disarmament Agency released a report on the effects of nuclear war that concludes that, in a general nuclear war between the United States and the Soviet Union, 25 to 100 million people would be killed. This is approximately the same number of African people who died between 1492 and 1890 as a result of the African slave trade to the New World. The same federal report also comments on the destruction of urban housing that would cause massive shortages after a nuclear war, as well as on the crops that would be lost, causing massive food shortages. Of course, for people of color the world over, starvation is already a common problem, when, for example, a nation’s crops are grown for export rather than to feed its own people. And the housing of people of color throughout the world’s urban areas is already blighted and inhumane: families live in shacks, shanty towns, or on the streets; even in the urban areas of North America, the poor may live without heat or running water. For people of color, the world as we knew it ended centuries ago. Our world, with its own languages, customs and ways, ended. And we are only now beginning to see with increasing clarity that our task is to reclaim that world, struggle for it, and rebuild it in our own image. The “death culture” we live in has convinced many to be more concerned with death than with life, more willing to demonstrate for “survival at any cost” than to struggle for liberty and peace with dignity. Nuclear disarmament becomes a safe issue when it is not linked to the daily and historic issues of racism, to the ways in which people of color continue to be murdered. Acts of war, nuclear holocausts, and genocide have already been declared on our jobs, our housing, our schools, our families, and our lands. As women of color, we are warriors, not pacifists. We must fight as a people on all fronts, or we will continue to die as a people. We have fought in people’s wars in China, in Cuba, in Guinea-Bissau, and in such struggles as the civil rights movement, the women’s movement, and in countless daily encounters with landlords, welfare departments, and schools. These struggles are not abstractions, but the only means by which we have gained the ability to eat and to provide for the future of our people. We wonder who will lead the battle for nuclear disarmament with the vigor and clarity that women of color have learned from participating in other struggles. Who will make the political links among racism, sexism, imperialism, cultural integrity, and nuclear arsenals and housing? Who will stand up?

Traditional risk calculus dismisses persons of color - they are not included in “the greatest good for the greatest number”. **Mayes 15**

Van Cleve and Mayes ’15 [Spring 2015. Nicole Gonzalez Van Cleve is an Assistant Professor of Criminal Justice at Temple University with courtesy appointments in the Department of Sociology and the Beasley School of Law. She received her PhD in Sociology from Northwestern University and served as Research Director for Chicago Appleseed Fund for Justice. She is a recipient of the 2014-2015 Ford Foundation Fellowship Postdoctoral Award and a Visiting Scholar at the American Bar Foundation. Lauren Mayes is a doctoral student in the Department of Criminal Justice at Temple University. “Criminal Justice Through "Colorblind" Lenses: A Call to Examine the Mutual Constitution of Race and Criminal Justice” 40 Law & Soc. Inquiry 406. Lexis][\\IS](file:///\\IS)

We first examine the ideological contexts that inform research about criminal justice and race. Scholars of race, law, and criminal justice identify a central paradigm shift in penology that occurred as a reaction to the civil rights movement. The logic of segregation was replaced by the logic of law and order--allowing the governing and marginalization of racial groups to appear nonracial (Wacquant 2001; Garland 2002; Simon 2007; Alexander 2010). Feeley and Simon identify this shift as the "new penology" (1992, 449) and argue that this contemporary penal logic shifts away from traditional concerns with rehabilitating the individual (popular in the decades leading up to the 1970s) and redirects its objectives to the punishment, management, and categorization of "dangerous" groups of people (449). The new penology emphasizes the importance of aggregate-level risk prediction, shifts the purpose of incarceration from rehabilitation to incapacitation, and relies on the quantification of people (Feeley and Simon 1992). These dehumanizing logics contribute to the sharp increase in prison populations since the post-civil-rights era of the 1970s (Garland 2001, 2002). To be sure, within this penal logic, criminal justice apparatuses govern large categories of people under the guise of crime control (Simon 2007), but not all citizens are governed equally. While this population is broadly understood as the poor, or as Feeley and Simon (1992, 467) refer to it, the "underclass," the term is hardly race-neutral; it references the "largely black and Hispanic population living in concentrated zones of poverty in central cities"--transforming impoverished communities of color into segregated, surrogate ghettos (Wacquant 2000). As a consequence, black and Latino neighborhoods are perceived as more dangerous, are hyper-policed and surveilled, and are transformed into the culturally imagined spaces where crime is left to fester. Whether imprisoned literally in penitentiaries, or isolated in "iconic ghettos" (Anderson 2012, 9), "penal managers strive to manage populations of marginal citizens with no concomitant effort towards integration into mainstream society" (Feeley and Simon 1992, 463). These shifts in structure and culture have dire consequences in shaping the cognitive building blocks that guide decision making across a broad array of criminal justice contact points. The new penology's concern for risk prediction and risk management allows implicit biases to flourish, impacting how we define risk and who we define as risky. In addition, the actuarial tools that characterize the new penology transform race-embedded variables into seemingly race-neutral assessments. In turn, these tools have generated even more focus on nonwhite people and neighborhoods (Harcourt 2010) in what becomes a perpetual cycle of scrutinizing, appraising, and confirming the socially constructed link between dangerousness and people of color. The deployment of technocratic tools for quantification allows for the efficient aggregation of groups of people for risk assessment. Simultaneously, the reliance on [\*411] risk assessment tools obscures racial bias and provides a false faith in numbers (Porter 1995), as risk scores and statistics appear as objective arbiters in distinguishing and defining grades of dangerousness. Risk assessments facilitate the creation of racialized categories by socially constructing, or making up, people (Hacking 2006). What is largely ignored is how racial bias embeds in the discretion required to make such classifications (Van Cleve and Lara-Millán 2014). As Olusanya and Gau (2012, 160) argue: "The risk prediction tools that have been developed and introduced in the criminal justice system reflect social structures which are racially differentiated." These risk prediction tools are not free of bias or created in a vacuum--but are mere reflections of the very society that has produced virulent racial inequalities in the first place. That is, racism conditions professionals on a cultural and cognitive level and therefore hides in the numerical building blocks that underscore risk ratings (Olusanya and Gau 2012). Racial meanings, stigmas, and stereotypes embed in many of the factors used in risk prediction and assessment. Because these tools are used for a multitude of decisions (including pretrial detention, bail, sentencing, and parole), the effects of risk assessments can be spread throughout the system. As such, they contribute to compounding inequality where bias builds as offenders are processed at different stages or decision-making points throughout the criminal justice system (Omori 2013; Stolzenberg, D'Alessio, and Eitle 2013). Finally, these dynamics are made worse by the use of criminal history as a proxy for race. As Harcourt (2010) argues, the reliance on risk-prediction tools makes racial inequalities within the criminal justice system worse. As criminal history is one of the most commonly used variables in risk prediction, it is important to acknowledge its interconnectedness to race and how its use perpetuates racial inequalities under the guise of racial neutrality. Paradoxically, despite these trends, a simultaneous shift in the dominant racial ideology celebrates racial equality and denies the continued existence of racial discrimination.

Debater’s cognitive biases overestimate high impact scenarios. **Cohn 13**

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So let me offer another possibility: the problem isn’t the topic, but modern policy debate. The unrealistic scenarios, exclusive focus on policy scholarship, inability to engage systemic impacts and philosophical questions. And so long as these problems characterize modern policy debate, teams will feel compelled to avoid it.¶ It might be tempting to assign the blame to “USFG should.” But these are bugs, not features of plan-focused, USFG-based, active voice topics. These bugs result from practices and norms that were initially and independently reasonable, but ultimately and collectively problematic. I also believe that these norms can and should be contested. I believe it would be possible for me to have a realistic, accessible, and inclusive discussion about the merits of a federal policy with, say, Amber Kelsie. Or put differently, I’m not sure I agree with Jonah that changing the topic is the only way to avoid being “a bunch of white folks talking about nuke war.”¶ The fact that policy debate is wildly out of touch—the fact that we are “a bunch of white folks talking about nuclear war”—is a damning indictment of nearly every coach in this activity. It’s a serious indictment of the successful policy debate coaches, who have been content to continue a pedagogically unsound game, so long as they keep winning. It’s a serious indictment of policy debate’s discontents who chose to disengage. ¶ That’s not to say there hasn’t been any effort to challenge modern policy debate on its own terms—just that they’ve mainly come from the middle of the bracket and weren’t very successful, focusing on morality arguments and various “predictions bad” claims to outweigh. ¶ Judges were receptive to the sentiment that disads were unrealistic, but negative claims to specificity always triumphed over generic epistemological questions or arguments about why “predictions fail.” The affirmative rarely introduced substantive responses to the disadvantage, rarely read impact defense. All considered, the negative generally won a significant risk that the plan resulted in nuclear war. Once that was true, it was basically impossible to win that some moral obligation outweighed the (dare I say?) obligation to avoid a meaningful risk of extinction.¶ There were other problems. Many of the small affirmatives were unstrategic—teams rarely had solvency deficits to generic counterplans. It was already basically impossible to win that some morality argument outweighed extinction; it was totally untenable to win that a moral obligation outweighed a meaningful risk of extinction; it made even less sense if the counterplan solved most of the morality argument. The combined effect was devastating: As these debates are currently argued and judged, I suspect that the negative would win my ballot more than 95 percent of the time in a debate between two teams of equal ability.¶ But even if a “soft left” team did better—especially by making solvency deficits and responding to the specifics of the disadvantage—I still think they would struggle. They could compete at the highest levels, but, in most debates, judges would still assess a small, but meaningful risk of a large scale conflict, including nuclear war and extinction. The risk would be small, but the “magnitude” of the impact would often be enough to outweigh a higher probability, smaller impact. Or put differently: policy debate still wouldn’t be replicating a real world policy assessment, teams reading small affirmatives would still be at a real disadvantage with respect to reality. . ¶ Why? Oddly, this is the unreasonable result of a reasonable part of debate: the burden of refutation or rejoinder, the responsibility of debaters to “beat” arguments. If I introduce an argument, it starts out at 100 percent—you then have to disprove it. That sounds like a pretty good idea in principle, right? Well, I think so too. But it’s really tough to refute something down to “zero” percent—a team would need to completely and totally refute an argument. That’s obviously tough to do, especially since the other team is usually going to have some decent arguments and pretty good cards defending each component of their disadvantage—even the ridiculous parts. So one of the most fundamental assumptions about debate all but ensures a meaningful risk of nearly any argument—even extremely low-probability, high magnitude impacts, sufficient to outweigh systemic impacts. ¶ There’s another even more subtle element of debate practice at play. Traditionally, the 2AC might introduce 8 or 9 cards against a disadvantage, like “non-unique, no-link, no-impact,” and then go for one and two. Yet in reality, disadvantages are underpinned by dozens or perhaps hundreds of discrete assumptions, each of which could be contested. By the end of the 2AR, only a handful are under scrutiny; the majority of the disadvantage is conceded, and it’s tough to bring the one or two scrutinized components down to “zero.”¶ And then there’s a bad understanding of probability. If the affirmative questions four or five elements of the disadvantage, but the negative was still “clearly ahead” on all five elements, most judges would assess that the negative was “clearly ahead” on the disadvantage. In reality, the risk of the disadvantage has been reduced considerably. If there was, say, an 80 percent chance that immigration reform would pass, an 80 percent chance that political capital was key, an 80 percent chance that the plan drained a sufficient amount of capital, an 80 percent chance that immigration reform was necessary to prevent another recession, and an 80 percent chance that another recession would cause a nuclear war (lol), then there’s a 32 percent chance that the disadvantage caused nuclear war. ¶ I think these issues can be overcome. First, I think teams can deal with the “burden of refutation” by focusing on the “burden of proof,” which allows a team to mitigate an argument before directly contradicting its content. ¶ Here’s how I’d look at it: modern policy debate has assumed that arguments start out at “100 percent” until directly refuted. But few, if any, arguments are supported by evidence consistent with “100 percent.” Most cards don’t make definitive claims. Even when they do, they’re not supported by definitive evidence—and any reasonable person should assume there’s at least some uncertainty on matters other than few true facts, like 2+2=4.¶ Take Georgetown’s immigration uniqueness evidence from Harvard. It says there “may be a window” for immigration. So, based on the negative’s evidence, what are the odds that immigration reform will pass? Far less than 50 percent, if you ask me. That’s not always true for every card in the 1NC, but sometimes it’s even worse—like the impact card, which is usually a long string of “coulds.” If you apply this very basic level of analysis to each element of a disadvantage, and correctly explain math (.4\*.4\*.4\*.4\*.4=.01024), the risk of the disadvantage starts at a very low level, even before the affirmative offers a direct response. ¶ Debaters should also argue that the negative hasn’t introduced any evidence at all to defend a long list of unmentioned elements in the “internal link chain.” The absence of evidence to defend the argument that, say, “recession causes depression,” may not eliminate the disadvantage, but it does raise uncertainty—and it doesn’t take too many additional sources of uncertainty to reduce the probability of the disadvantage to effectively zero—sort of the static, background noise of prediction.¶ Now, I do think it would be nice if a good debate team would actually do the work—talk about what the cards say, talk about the unmentioned steps—but I think debaters can make these observations at a meta-level (your evidence isn’t certain, lots of undefended elements) and successfully reduce the risk of a nuclear war or extinction to something indistinguishable from zero. It would not be a factor in my decision.¶ Based on my conversations with other policy judges, it may be possible to pull it off with even less work. They might be willing to summarily disregard “absurd” arguments, like politics disadvantages, on the grounds that it’s patently unrealistic, that we know the typical burden of rejoinder yields unrealistic scenarios, and that judges should assess debates in ways that produce realistic assessments. I don’t think this is too different from elements of Jonah Feldman’s old philosophy, where he basically said “when I assessed 40 percent last year, it’s 10 percent now.”¶ Honestly, I was surprised that the few judges I talked to were so amenable to this argument. For me, just saying “it’s absurd, and you know it” wouldn’t be enough against an argument in which the other team invested considerable time. The more developed argument about accurate risk assessment would be more convincing, but I still think it would be vulnerable to a typical defense of the burden of rejoinder. ¶ To be blunt: I want debaters to learn why a disadvantage is absurd, not just make assertions that conform to their preexisting notions of what’s realistic and what’s not. And perhaps more importantly for this discussion, I could not coach a team to rely exclusively on this argument—I’m not convinced that enough judges are willing to discount a disadvantage on “it’s absurd.” Nonetheless, I think this is a useful “frame” that should preface a following, more robust explanation of why the risk of the disadvantage is basically zero—even before a substantive response is offered.¶ There are other, broad genres of argument that can contest the substance of the negative’s argument. There are serious methodological indictments of the various forms of knowledge production, from journalistic reporting to think tanks to quantitative social science. Many of our most strongly worded cards come from people giving opinions, for which they offer very little data or evidence. And even when “qualified” people are giving predictions, there’s a great case to be extremely skeptical without real evidence backing it up. The world is a complicated place, predictions are hard, and most people are wrong. And again, this is before contesting the substance of the negative’s argument(!)—if deemed necessary.¶ So, in my view, the low probability scenario is waiting to be eliminated from debate, basically as soon as a capable team tries to do it.¶ That would open to the door to all of the arguments, previously excluded, de facto, by the prevalence of nuclear war impacts. It’s been tough to talk about racism or gender violence, since modest measures to mitigate these impacts have a difficult time outweighing a nuclear war. It’s been tough to discuss ethical policy making, since it’s hard to argue that any commitment to philosophical or ethical purity should apply in the face of an existential risk. It’s been tough to introduce unconventional forms of evidence, since they can’t really address the probability of nuclear war.

And magnitude first framing freezes action – we’d have to believe each argument for an extinction scenario, but not acting also has scenarios for extinction, making it impossible to do anything.

### Theory Underview

1. Banning a specific group is most consistent with topic lit. **DeFilippis and Zimring 16**

Evan DeFilippis [graduated number one in his class at the University of Oklahoma with degrees in Economics, Political Science, and Psychology. He is a Harry S. Truman Scholar, a David L. Boren Critical Languages Scholar, and currently works as a research analyst at Quest Opportunity Fund. His work on gun violence has been featured in Washington Post, Atlantic, Slate, VICE, Huffington Post, Vox, Media Matters, Boston Review, and many others.], Franklin E. Zimring [Law Professor at University of California, Berkeley School of Law, J.D., University of Chicago, Zimring's major fields of interest are criminal justice and family law, with special emphasis on the use of empirical research to inform legal policy.] “CAL RR FINALS POST-ROUND DISCUSSION [TRANSCRIPT].” Debate Matters. March 5, 2016.

Varad: Hi, I'm Varad Agrawala from Greenhill, um, and my question was in terms of the legal definitions of a ban, uh, would banning for particular groups still count as a ban on private ownership, or would that be more of a restriction? What I mean by that is, would a ban necessitate banning private ownership for all individuals or is it okay to just ban it for like particular groups such as, one might say, you know, domestic violence abusers, or people in dating relationships? Zimring: Okay, in general, the distinction between, and this is the problem with talking about bans. The technical meaning of ban or prohibition is nothing at all. It, it's a wonderful word, but it hasn't been used. The distinction for handgun position regulations is between permissive and restrictive licensing. It is not a question of which group. The question is what's the assumption? Permissive says everybody except can own, and the exceptions are 90% the immature, then criminal records, and then something in the mental health situation. Restrictive licensing reverses the presumption and says nobody can own unless you have a particular good reason. It then has to, if it does it right, say what the good reasons are and what the evidence for them is right. The problem with that, it's highly restrictive. That's the good news. The bad news is, uh, the richer you are, and the more you contributed to last successful mayor, the more likely it is you're going to get a license. Welcome to politics. So, there are implementation problems. Those are the best conceptual frames. DeFilippis: I was just going to add really quickly that, uh, I mean, at risk of having this turn into like a topicality debate or something, but (audience laughs) ... Uh ... Varad: That's the reason I asked the question. DeFilippis: Uh, there's much of the literature as Professor mentioned, ban is not legally operationalized well in gun control literature, but there are plenty of research articles that use the phrase in the context of you know people with criminal records are banned from using guns, most people with different types of mental health records are banned from using guns. I think that in terms of banning subsets of the population, uh, I think it can be argued that it's a ban. Zimring: Oh, it's done, but it's part of what's really permissive licensing and regulation. Randall: All right. Zimring: It's everybody but ... Randall: Okay, all right. Bietz: Backfired.

2. Defending whole-rez means they can read PICs out of any group of people like survivors, people in rural towns, security guards, black people – non-uniques all their offense and is worse than prepping every plan since

**A.** The neg’s reactive – they have infinite other CPs against a plan but PICs coopt 99% of my ground and I can’t pick a new advocacy in the 1AR

**B.** Time skew means they can out-tech me with framework or generic Ks even with slight AFF advantage

3. AFF gets RVIs –

1. AFF flex – neg has the ability to collapse to either layer so aff needs the same ability for the 2AR – this outweighs. **A.** 2NR collapse – time skew becomes 6-1 since I cover multiple layers, which makes it impossible to win **B.** 1AR is too short to read theory compared to the neg so AFF needs each layer to be reciprocal rather than adding more unreciprocal avenues

2. Only neg can read T because only AFF has a T burden so since aff can’t reciprocally respond they need the RVI to compensate for neg’s unique avenue to the ballot.

### K Underview

We use the state as a heuristic to learn to strategically fight it – interim gains are key to revolution. **Connolly 13**

Connolly 13 – Professor of Political Science @ JHU (William, “The Fragility of Things,” p. 36-42)

A philosophy attending to the acceleration, expansion, irrationalities, interdependencies, and fragilities of late capitalism suggest that we do not know that confidence, in advance of experimental action, just how far or fast changes in the systemic character of neoliberal capitalism can be made. The structures often seem solid and intractable, and indeed such a semblance may turn out to be true. Some may seem solid, infinitely absorptive, and intractable when they are in fact punctuated by hidden vulnerabilities, soft spots, uncertainties, and potential lines of flight that become apparent when they are subjected to experimental action, upheaval, testing, and strain. Indeed no ecology of late capitalism, given the variety of forces to which it is connected by a thousand pulleys, vibrations, impingements, dependencies, shocks, and threads, can specify with supreme confidence the solidity or potential flexibility of the structures it seeks to change. ¶ The strength of structural theory, at its best, was in identifying institutional intersections that hold a system together; its conceit, at its worst, was the claim to know in advance how resistant such intersections are to potential change. Without adopting the opposite conceit, it seems important to pursue possible sites of strategic action that might open up room for productive change. Today it seems important to attend to the relation between the need for structural change and identification of multiple sites of potential action. You do not know precisely what you are doing when you participate in such a venture. You combine an experimental temper with the appreciation that living and acting into the future inevitably contain a shifting quotient of uncertainty. The following tentative judgments and sites of action may pertinent. ¶ 1) Neither neoliberal theory, nor socialist productivism, nor deep ecology, nor social democracy in its classic form seems sufficient to the contemporary condition. This is so in part because the powers of market self-regulation are both real and limited in relation to a larger multitude of heterogeneous force fields beyond the human estate with differential power of self-regulation and metamorphosis. A first task is to challenge neoliberal ideology through critique and by elaborating and publicizing positive alternatives that acknowledge the disparate relations between market processes, other cultural systems, and nonhuman systems. Doing so to render the fragility of things more visible and palpable. Doing so, too, to set the stage for a series of intercoded shifts in citizen role performances, social movements, and state action. ¶ 2) Those who seek to reshape the ecology of late capitalism might set an interim agenda of radial reform and then recoil back on the initiatives adopted to see how they work. An interim agenda is the best thing to focus on because in a world of becoming the more distant future is too cloudy to engage. We must, for instance, become involved in experimental micro-politics on a variety of fronts, as we participate in role experimentations, social movements, artistic displays, erotic-political shows, electoral campaigns, and creative interventions on the new media to help recode the ethos that now occupies investment practices, consumption desires, family savings, state priorities, church assemblies, university curricula, and media reporting. It is important to bear in mind how extant ideologies, established role performances, social movements, and commitments to state action intersect. To shift some of our own role performances in the zones of travel, church participation, home energy use, investment, and consumption, for instance, that now implicate us deeply in foreign oil dependence and the huge military expenditures that secure it, could make a minor difference on its own and also lift some of the burdens of institutional implication from us to support participation in more adventurous interpretations, political strategies, demands upon the state, and cross state citizen actions. ¶ 3) Today perhaps the initial target should be on reconstituting established patterns of consumption by a combination of direct citizens actions in consumption choices, publicity of such actions, the organization of local collectives to modify consumption practices, and social movements to reconstitute the current state-and market-supported infrastructure of consumption. By the infrastructure of consumption I mean publicly supported and subsidized market subsystems such as a national highway system, a system of airports, medical care through private insurance, agribusiness pouring high sugar, salt, and fat content into foods, corporate ownership of the public media, the prominence of corporate 403 accounts over retirement pension, and so forth that enable some modes of consumption in the zones of travel, education, diet, retirement, medical care, energy use, health, and education and render others much more difficult of expensive to procure. To change the infrastructure is also to shift the types of work and investment available. Social movements that work upon the infrastructure and ethos of consumption in tandem can thus make a real difference directly, encourage more people to heighten their critical perspectives, and thereby open more people to a more militant politics if and as the next disruptive event emerges. Perhaps a cross-state citizen goal should be to construct a pluralist assemblage by moving back and forth between experiments in role performances, the refinement of sensitive modes of perception, revisions in political ideology, and adjustments in political sensibility, doing so to mobilize enough collective energy to launch a general strike simultaneously in several countries in the near future. The aim of such an event would be to reverse the deadly future created by established patterns of climate change by fomenting significant shifts in patterns of consumption, corporate policies, state law, and the priorities of interstate organizations. Again, the dilemma of today is that the fragility of things demands shifting and slowing down intrusion: into several aspects of nature as we speed up shifts in identity, role performance, cultural ethos, market regulation, and state policy. ¶ 4) The existential forces of hubris (expressed above all in those confident drives to mastery conveyed by military elites, financial economists, financial elites, and CEOs) and of ressentiment (expressed in some sectors of secularism and evangelicalism) now play roles of importance in the shape of consumption practices, investment portfolios, worker routines, managerial demands, and the uneven semen of entitlement that constitute neoliberalism. For that reason activism inside churches, schools, street life, and the media must become increasingly skilled and sensitive. As we proceed, some of us may present the themes of a world of becoming to larger audiences, challenging thereby the complementary notions of a providential world and secular mastery that now infuse too many role performances, market practices, and state priorities in capitalist life. For existential dispositions do infuse the role priorities of late capitalism. Today it is both difficult for people to perform the same roles with the same old innocence and difficult to challenge those performances amid our own implication in them. Drive by evangelists, the media, neoconservatives, and the neolibreal right to draw a veil of innocence across the priorities of contemporary life make the situation much worse. ¶ 5) The emergence of a neofascist or mafia-type capitalism slinks as a dangerous possibility on the horizon, partly because of the expansion and intensification of capital, partly because of the real fragility of things, partly because the identity needs of many facing these pressures encourage them to cling more intensely to a neoliberal imaginary as its bankruptcy becomes increasingly apparent, partly because so many in America insist upon retaining the special world entitlements the country achieved after World War II in a world decreasingly favorable to them, partly because of the crisis tendencies inherent in neoliberal capitalism, and partly because so many resist living evidence around and in them that challenges a couple of secular and theistic images of the cosmos now folded into the institutional life of capitalism. Indeed the danger is that those constituencies now most disinclined to give close attention to public issues could oscillate between attraction to the mythic promises of neoliberal automaticity and attraction to a neofascist movement when the next crisis unfolds. It has happened before. I am not saying that neoliberalism is itself a form of fascism, but that the failures and meltdowns it periodically promotes could once again foment fascist or neofascist responses, as happened in several countries after the onset of the Great Depression. ¶ 6) The democratic state, while it certainly cannot alone tame capital or reconstitute the ethos and infrastructure of consumption, must play a significant role in reconstituting our lived relations to climate, weather, resource use, ocean currents, bee survival, tectonic instability, glacier flows, species diversity, work, local life, consumption, and investment, as it also responds favorable to the public pressures we must generate to forge a new ethos. A new, new left will thus experimentally enact new intersections between role performance and political activity, outgrow its old disgust with the very idea of the state, and remain alert to the dangers states can pose. It will do so because, as already suggested, the fragile ecology of late capital requires state interventions of several sorts. A refusal to participate in the state today cedes too much hegemony to neoliberal markets, either explicitly or by implication. Drives to fascism, remember, rose the last time in capitalist states after a total market meltdown. Most of those movements failed. But a couple became consolidate through a series of resonances (vibrations) back and forth between industrialists, the state, and vigilante groups, in neighborhoods, clubs, churches, the police, the media, the pubs. You do not fight the danger of a new kind of neofascism by withdrawing from either micropolitics or state politics. You do so through a multisited politics designed to infuse a new ethos into the fabric of everyday life. Changes in ethos can in turn open doors to new possibilities of state and interstate action, so that an advance in one domain seeds that in the other. And vice versa. A positive dynamic of mutual amplification might be generated here. Could a series of significant shifts in the routines of state and global capitalism even press the fractures system to a point where it hovers on the edge of capitalism itself? We don’t know. That is one reason it is important to focus on interim goals. Another is that in a world of becoming, replete with periodic and surprising shift in the course of events, you cannot project far beyond an interim period. Another yet is that activism needs to project concrete, interim possibilities to gain support and propel itself forward. That being said, it does seem unlikely to me, at least, that a positive interim future includes either socialist productivism or the world projected by proponents of deep ecology. ¶ 7) To advance such an agenda it is also imperative to negotiate new connections between nontheistic constituencies who care about the future of the Earth and numerous devotees of diverse religious traditions who fold positive spiritualties into their creedal practices. The new, multifaceted movement needed today, if it emerges, will take the shape of a vibrant pluralist assemblage acting at a multiple sites within and across states, rather than either a centered movement with a series of fellow travelers attached to it or a mere electoral constellation. Electoral victories are important, but that work best when they touch priorities already embedded in churches, universities, film, music, consumption practices, media reporting, investment priorities, and the like. A related thing to keep in mind is that the capitalist modes of acceleration, expansion, and intensification that heighten the fragility of things today also generate pressures to minorities the world along multiple dimensions at a more rapid pace than heretofore. A new pluralist constellation will build upon the latter developments as it works to reduce the former effects. ¶ I am sure that the forgoing comments will appear to some as “optimistic” or “utopian.” But optimism and pessimism are both primarily spectatorial views. Neither seems sufficient to the contemporary condition. Indeed pessimism, if you dwell on it long, easily slides into cynicism, and cynicism often plays into the hands of a right wing that applies it exclusively to any set of state activities not designed to protect or coddle the corporate estate. That is one reason that “dysfunctional politics” resounds so readily to the advantage of cynics on the right who work to promote it. They want to promote cynicism with respect to the state and innocence with respect to the market. Pure critique, as already suggested, does not suffice either. Pure critique too readily carries critics and their followers to the edge of cynicism. ¶ It is also true that the above critique concentrates on neoliberal capitalism, not capitalism writ large. That is because it seems to me that we need to specify the terms of critique as closely as possible and think first of all about interim responses. If we lived under, say, Keynesian capitalism, a somewhat different set of issues would be defined and other strategies identified. Capitalism writ large—while it sets a general context that neoliberalism inflects in specific ways—sets too large and generic a target. It can assume multiple forms, as the difference between Swedish and American capitalism suggest the times demand a set of interim agendas targeting the hegemonic form of today, pursued with heightened militancy at several sties. The point today is not to wait for a revolution that overthrows the whole system. The “system,” as we shall see further, is replete with too many loose ends, uneven edges, dicey intersections with nonhuman forces, and uncertain trajectories to make such a wholesale project plausible. Besides, things are too urgent and too many people on the ground are suffering too much now. The need now is to activate the most promising political strategies to the contemporary condition out of a bad set. On top of assessing probabilities and predicting them with secret relish or despair—activities I myself pursue during the election season—we must define the urgent needs of the day in relation to a set of interim possibilities worthy of pursuit on several fronts, even if the apparent political odds are stacked against them. We then test ourselves and those possibilities by trying to enact this or that aspect of them at diverse sites, turning back to reconsider their efficacy and side effects as circumstances shift and results accrue. In so doing we may experience more vibrantly how apparently closed and ossified structures are typically punctuated by jagged edges, seams, and fractures best pried open with a mix of public contestation of established interpretations, experimental shifts in multiple role performances, micropolitics in churches, universities, unions, the media, and corporations, state actions, and large-scale, cross-state citizen actions.

Our model of engagement brings revolutionary change closer rather than pushing it away. **Delgado 9**

(Richard Delgado 9, self-appointed Minority scholar, Chair of Law at the University of Alabama Law School, J.D. from the University of California, Berkeley, his books have won eight national book prizes, including six Gustavus Myers awards for outstanding book on human rights in North America, the American Library Association’s Outstanding Academic Book, and a Pulitzer Prize nomination. Professor Delgado’s teaching and writing focus on race, the legal profession, and social change, 2009, “Does Critical Legal Studies Have What Minorities Want, Arguing about Law”, p. 588-590)

2. The CLS critique of piecemeal reform Critical scholars reject the idea of piecemeal reform. Incremental change, they argue, merely postpones the wholesale reformation that must occur to create a decent society. Even worse, an unfair social system survives by using piecemeal reform to disguise and legitimize oppression. Those who control the system weaken resistance by pointing to the occasional concession to, or periodic court victory of, a black plaintiff or worker as evidence that the system is fair and just. In fact, Crits believe that teaching the common law or using the case method in law school is a disguised means of preaching incrementalism and thereby maintaining the current power structure.“ To avoid this, CLS scholars urge law professors to abandon the case method, give up the effort to ﬁnd rationality and order in the case law, and teach in an unabashedly political fashion. The CLS critique of piecemeal reform is familiar, imperialistic and wrong. Minorities know from bitter experience that occasional court victories do not mean the Promised Land is at hand. The critique is imperialistic in that it tells minorities and other oppressed peoples how they should interpret events affecting them. A court order directing a housing authority to disburse funds for heating in subsidized housing may postpone the revolution, or it may not. In the meantime, the order keeps a number of poor families warm. This may mean more to them than it does to a comfortable academic working in a warm office. It smacks of paternalism to assert that the possibility of revolution later outweighs the certainty of heat now, unless there is evidence for that possibility. The Crits do not offer such evidence. Indeed, some incremental changes may bring revolutionary changes closer, not push them further away. Not all small reforms induce complacency; some may whet the appetite for further combat. The welfare family may hold a tenants‘ union meeting in their heated living room. CLS scholars‘ critique of piecemeal reform often misses these possibilities, and neglects the question of whether total change, when it comes, will be what we want. 3. CLS Idealism The CLS program is also idealistic. CLS scholars’ idealism transforms social reality into mental construct.“ Facts become intelligible only through the categories of thought that we bring to experience. Crits argue that the principal impediments to achieving an ideal society are intellectual. People are imprisoned by a destructive system of mental categories that blocks any vision of a better world." Liberal capitalist ideology so shackles individuals that they willingly accept a truncated existence and believe it to be the best available. Changing the world requires primarily that we begin to think about it differently.“ To help break the mental chains and clear the way for the creation of a new and better world, Crits practice "trashing"—a process by which law and social structures are shown to be contingent, inconsistent and irrationally supportive of the status qua without good reason. CLS scholars' idealism has a familiar ring to minority ears. We cannot help but be reminded of those fundamentalist preachers who have assured us that our lot will only improve once we "see the light" and are "saved."

Discursive focus can’t replace concrete change. **Giroux 6**

Henry Giroux 06, prof of edu and cultural studies at Penn State, 6 (Comparative Studies of South Asia)

Abstracted from the ideal of public commitment, the **new authoritarianism represents a** political and economic practice and **form of militarism that loosen[s] the connections among** substantive **democracy**, critical agency, **and critical education. In opposition** to the rising tide of authoritarianism, **educators** across the globe **must make a case for linking learning to progressive social change** while struggling to pluralize and critically engage the diverse sites where public pedagogy takes place. In part, this suggests forming alliances that can make sure every sphere of social life is recognized as an important site of the political, social, and cultural struggle that is so crucial to any attempt to forge the knowledge, identifications, effective investments, and social relations that constitute political subjects and social agents capable of energizing and spreading the basis for a substantive global democracy. **Such circumstances require** that **pedagogy be embraced as a moral and political practice**, one that is directive and not dogmatic, an outgrowth of struggles designed **to resist the increasing depoliticization of political culture that is the hallmark of** the current **Bush** revolution**. Education is the terrain where consciousness is shaped**, needs are constructed, **and the capacity for** individual self-reflection and **broad social change is nurtured** and produced. Education has assumed an unparalleled significance in shaping the language, values, and ideologies that legitimize the structures and organizations that support the imperatives of global capitalism. Efforts to reduce it to a technique or methodology set aside, education remains a crucial site for the production and struggle over those pedagogical and political conditions that provide the possibilities for people to develop forms of agency that enable them individually and collectively to intervene in the processes through which the material relations of power shape the meaning and practices of their everyday lives. Within the current historical context, struggles over power take on a symbolic and discursive as well as a material and institutional form. The struggle over education is about more than the struggle over meaning and identity; it is also about how meaning, knowledge, and values are produced, authorized, and made operational within economic and structural relations of power. Education is not at odds with politics; it is an important and crucial element in any definition of the political and offers not only the theoretical tools for a systematic critique of authoritarianism but also a language of possibility for creating actual movements for democratic social change and a new biopolitics that affirms life rather than death, shared responsibility rather than shared fears, and engaged citizenship rather than the stripped-down values of consumerism. **At stake here is combining symbolic forms** and processes **conducive to democratization with** broader social contexts and the **institutional formations of power itself. The key point** here **is to** understand and **engage educational** and pedagogical **practices from the point of** view of **how they are bound up with larger relations of power. Educators**, students, and parents **need to be clearer about how power works through** and in texts, **representations**, and discourses, **while at the same time recognizing** that **power cannot be limited to the study of** representations and **discourses, even at the level of public policy. Changing consciousness is not the same as altering the** institutional basis of oppression; at the same time, institutional **reform cannot take place without a change in consciousness capable of recognizing not only injustice but also the very possibility for reform, the capacity to reinvent the** conditions [End Page 176] and **practices that make a more just future possible.** In addition, it is crucial to raise questions about the relationship between pedagogy and civic culture, on the one hand, and what it takes for individuals and social groups to believe that they have any responsibility whatsoever even to address the realities of class, race, gender, and other specific forms of domination, on the other hand. For too long, the progressives have ignored that the strategic dimension of politics is inextricably connected to questions of critical education and pedagogy, to what it means to acknowledge that education is always tangled up with power, ideologies, values, and the acquisition of both particular forms of agency and specific visions of the future. The primacy of critical pedagogy to politics, social change, and the radical imagination in such dark times is dramatically captured by the internationally renowned sociologist Zygmunt Bauman. He writes, Adverse odds may be overwhelming, and yet a democratic (or, as Cornelius Castoriadis would say, an autonomous) society knows of no substitute for education and self-education as a means to influence the turn of events that can be squared with its own nature, while that nature cannot be preserved for long without "critical pedagogy"—an education sharpening its critical edge, "making society feel guilty" and "stirring things up" through stirring human consciences. The fates of freedom, of democracy that makes it possible while being made possible by it, and of education that breeds dissatisfaction with the level of both freedom and democracy achieved thus far, are inextricably connected and not to be detached from one another. One may view that intimate connection as another specimen of a vicious circle—but **it is within that circle that human hopes and the chances of humanity are inscribed, and can be nowhere else**.59

Idealizing social phenomena makes fighting real oppression impossible. **Curry 14**

Curry, Tommy J. [Ph.D., Associate Professor of Philosophy, Texas A & M University] “The Cost of a Thing: A Kingian Reformulation of a Living Wage Argument in the 21st Century.” Victory Briefs, January/February 2015.

**Despite the pronouncement of debate as an activity and intellectual exercise pointing to the real world consequences of dialogue**, thinking, and (personal) politics when addressing issues of racism, sexism, economic disparity, global conflicts, and death, many of the discussions concerning these ongoing challenges to humanity are fixed to a paradigm which sees the adjudication of material disparities and sociological realities as the conquest of one ideal theory over the other. In “Ideal Theory as Ideology,” Charles Mills outlines the problem contemporary theoretical-performance styles in policy debate and value-weighing in Lincoln-Douglass are confronted with in their attempts to get at the concrete problems in our societies. At the outset, Mills concedes that “ideal theory applies to moral theory as a whole (at least to normative ethics as against metaethics); [s]ince ethics deals by definition with normative/prescriptive/evaluative issues, [it is set] against factual/descriptive issues.” At the most general level, the conceptual chasm between what emerges as actual problems in the world (e.g.: racism, sexism, poverty, disease, etc.) and how we frame such problems theoretically—the assumptions and shared ideologies we depend upon for our problems to be heard and accepted as a worthy “problem” by an audience—is the most obvious call for an anti-ethical paradigm, since such a paradigm insists on the actual as the basis of what can be considered normatively. Mills, however, describes this chasm as a problem of an ideal-as-descriptive model which argues that for any actual-empirical-observable social phenomenon (P), an ideal of (P) is necessarily a representation of that phenomenon. In the idealization of a social phenomenon (P), one “necessarily has to abstract away from certain features” of (P) that is observed before abstraction occurs. ¶ This gap between what is actual (in the world), and what is represented by theories and politics of debaters proposed in rounds threatens any real discussions about the concrete nature of oppression and the racist economic structures which necessitate tangible policies and reorienting changes in our value orientations. As Mills states: “What distinguishes ideal theory is the reliance on idealization to the exclusion, or at least marginalization, of the actual,” so what we are seeking to resolve on the basis of “thought” is in fact incomplete, incorrect, or ultimately irrelevant to the actual problems which our “theories” seek to address. Our attempts to situate social disparity cannot simply appeal to the ontologization of social phenomenon—meaning we cannot suggest that the various complexities of social problems (which are constantly emerging and undisclosed beyond the effects we observe) are totalizable by any one set of theories within an ideological frame be it our most cherished notions of Afro-pessimism, feminism, Marxism, or the like. At best, theoretical endorsements make us aware of sets of actions to address ever developing problems in our empirical world, but even this awareness does not command us to only do X, but rather do X and the other ideas which compliment the material conditions addressed by the action X. As a whole, debate (policy and LD) neglects the need to do X in order to remedy our cast-away-ness among our ideological tendencies and politics. How then do we pull ourselves from this seeming ir-recoverability of thought in general and in our endorsement of socially actualizable values like that of the living wage? It is my position that Dr. Martin Luther King Jr.’s thinking about the need for a living wage was a unique, and remains an underappreciated, resource in our attempts to impose value reorientation (be it through critique or normative gestures) upon the actual world. In other words, King aims to reformulate the values which deny the legitimacy of the living wage, and those values predicated on the flawed views of the worker, Blacks, and the colonized (dignity, justice, fairness, rights, etc.) used to currently justify the living wages in under our contemporary moral parameters.

## AC vs. Framework Debaters

### Part One is Framework

The role of the ballot is to vote for the debater who best methodologically resists oppression. Abstractions that don’t address the AFF’s fundamental thesis marginalize the discussion, destroying accessibility. **Smith 13**

Elijah Smith, A Conversation in Ruins: Race and Black Participation in Lincoln Douglas Debate, Vbriefly, 2013.

It will be uncomfortable, it will be hard, and it will require continued effort but the necessary step in fixing this problem, like all problems, is the community as a whole admitting that such a problem with many “socially acceptable” choices exists in the first place. Like all systems of social control, the reality of racism in debate is constituted by the singular choices that institutions, coaches, and students make on a weekly basis. I have watched countless rounds where competitors attempt to win by rushing to abstractions to distance the conversation from the material reality that black debaters are forced to deal with every day. One of the students I coached, who has since graduated after leaving debate, had an adult judge write out a ballot that concluded by “hypothetically” defending my student being lynched at the tournament. Another debate concluded with a young man defending that we can kill animals humanely, “just like we did that guy Troy Davis”. Community norms would have competitors do intellectual gymnastics or make up rules to accuse black debaters of breaking to escape hard conversations but as someone who understands that experience, the only constructive strategy is to acknowledge the reality of the oppressed, engage the discussion from the perspective of authors who are black and brown, and then find strategies to deal with the issues at hand. It hurts to see competitive seasons come and go and have high school students and judges spew the same hateful things you expect to hear at a Klan rally. A student should not, when presenting an advocacy that aligns them with the oppressed, have to justify why oppression is bad. Debate is not just a game, but a learning environment with liberatory potential. Even if the form debate gives to a conversation is not the same you would use to discuss race in general conversation with Bayard Rustin or Fannie Lou Hamer, that is not a reason we have to strip that conversation of its connection to a reality that black students cannot escape.

Standpoint epistemology is the best starting point for moral decisions – other methods exclude some viewpoints, which makes true analysis of reality impossible. **Mills 1**

\*\*Edited for ableist language

Charles Mills, “Ideal Theory” as Ideology, 2005. NS

The crucial common claim—whether couched in terms of ideology and fetishism, or androcentrism, or white normativity—is that all theorizing, both moral and nonmoral, takes place in an intellectual realm dominated by concepts, assumptions, norms, values, and framing perspectives that reflect the experience and group interests of the privileged group (whether the bourgeoisie, or men, or whites). So a simple empiricism will not work as a cognitive strategy; one has to be self-conscious about the concepts that “spontaneously” occur to one, since many of these concepts will not arise naturally but as the result of social structures and hegemonic ideational patterns. In particular, it will often be the case that dominant concepts will obscure certain crucial realities, blocking them from sight, or naturalizing them, while on the other hand, concepts necessary for accurately mapping these realities will be absent. Whether in terms of concepts of the self, or of humans in general, or in the cartography of the social, it will be necessary to scrutinize the dominant conceptual tools and the way the boundaries are drawn. This is, of course, the burden of standpoint theory—that certain realities tend to be more visible from the perspective of the subordinated than the privileged (Harding 2003). The thesis can be put in a strong and implausible form, but weaker versions do have considerable plausibility, as illustrated by the simple fact that for the most part the crucial conceptual innovation necessary to map nonideal realities has not come from the dominant group. In its ignoring of oppression, ideal theory also ignores the consequences of oppression. If societies are not oppressive, or if in modeling them we can abstract away from oppression and assume moral cognizers of roughly equal skill, then the paradigmatic moral agent can be featureless. No theory is required about the particular group-based obstacles that may block the vision of a particular group. By contrast, nonideal theory recognizes that people will typically be cognitively affected by their social location, so that on both the macro and the more local level, the descriptive concepts arrived at may be misleading. Think of the original challenge Marxist models of capitalism posed to liberalism’s social ontology: the claim that to focus on relations of aparently equal exchange, free and fair, among equal individuals was illusory, since at the level of the relations of production, the real ontology of worker and capitalist manifested a deep structure of constraint that limited proletarian freedom. Think of the innovation of using patriarchy to force people to recognize, and condemn as political and oppressive, rather than natural, apolitical, and unproblematic, male domination of women. Think of the recent resurrection of the concept of white supremacy to map the reality of a white domination that has continued in more subtle forms past the ending of de jure segregation. These are all global, high-level concepts, undeniable abstractions. But they map accurately (at least arguably) crucial realities that differentiate the statuses of the human beings within the systems they describe; so while they abstract, they do not idealize. Or consider conceptual innovation at the more local level: the challenge to the traditional way the public/private distinction was drawn, the concept of sexual harassment. In the first case, a seemingly neutral and innocuous conceptual divide turned out, once it was viewed from the perspective of gender subordination, as contributing to the reproduction of the gender system by its relegation of “women’s issues” to a seemingly apolitical and naturalized space. In the case of sexual harassment, a familiar reality—a staple of cartoons in men’s magazines for years (bosses chasing secretaries around the desk and so on)—was reconceptualized as negative (not something funny, but something morally wrong) and a contributor to making the workplace hostile for women. These realizations, these recognitions, did not spontaneously crystallize out of nowhere; they required conceptual labor, a different map of social reality, a valorization of the distinctive experience of women. As a result of having these concepts as visual aids, we can now see better: our perceptions are no longer [ignorant] blinded to realities to which we were previously obtuse. In some sense, an ideal observer should have been able to see them—yet they did not, as shown by the nonappearance of these realities in male-dominated philosophical literature.

**Implications:**

**A.** Only non-ideal theory is motivating: groups who have historically been excluded from ideal ethics can’t be compelled to participate in such a system. That’s a prerequisite to ethics – if people can’t adopt a theory, it has no use.

**B.** Non-ideal philosophical discussion is most educationally valuable since it’s always excluded from academia, so it’s a unique insight we should explore.

Thus the standard is resisting oppression. Non-ideal theory necessitates consequentialism since instead of following absolute rules that assume an equal playing field, we take proactive steps to rectify current injustice.

This doesn’t deny that some basic principles are key to ethics. We can recognize overarching themes like equality is good – we just shouldn’t adhere to strict moral rules that assume everyone has equal control over themselves in the status quo.

Prefer it additionally:

1. Real world education – idealizing social phenomena makes fighting real oppression impossible. **Curry 14**

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2. Ideal theory destroys practical application of ethics. **Mills 9**

Mills, C. W. (2009), Rawls on Race/Race in Rawls. The Southern Journal of Philosophy, 47: 161–184

Now how can this ideal ideal—a society not merely without a past history of racism but without races themselves—serve to adjudicate the merits of competing policies aimed at correcting for a long history of white supremacy manifest in Native American expropriation, African slavery, residential and educational segregation, large differentials in income and huge differentials in wealth, nonwhite underrepresentation in high-prestige occupations and overrepresentation in the prison system, contested national narratives and cultural representations, widespread white evasion and bad faith on issues of their racial privilege, and a corresponding hostile white backlash against (what remains of) those mild corrective measures already implemented? Obviously, it cannot. As Thomas Nagel concedes: “Ideal theory enables you to say when a society is unjust, because it falls short of the ideal. But it does not tell you what to do if, as is almost always the case, you find yourself in an unjust society, and want to correct that injustice” (2003a, 82). Ideal theory represents an unattainable target that would require us to roll back the clock and start over. So in a sense it is an ideal with little or no practical worth. What is required is the nonideal (rectificatory) ideal that starts from the reality of these injustices and then seeks some fair means of correcting for them, recognizing that in most cases the original prediscrimination situation (even if it can be intelligibly characterized and stipulated) cannot be restored. Trying to rectify systemic black disadvantage through affirmative action is not the equivalent of not discriminating against blacks, especially when there are no blacks to be discriminated against. Far from being indispensable to the elaboration of nonideal theory, ideal theory would have been revealed to be largely useless for it. But the situation is worse than that. As the example just given illustrates, it is not merely a matter of an ideal with problems of operationalization and relevance, but of an ideal likely to lend itself more readily to retrograde political agendas. If the ideal ideal rather than the rectificatory ideal is to guide us, then a world without races and any kind of distinctiondrawing by race may seem to be an attractive goal. One takes the ideal to be colorblind nondiscrimination, as appropriate for a society beginning from the state of nature, and then—completely ignoring the nonideal history that has given whites a systemic illicit advantage over people of color—conflates together as “discrimination” all attempts to draw racial distinctions for public policy goals, no matter what their motivation, on the grounds that this perpetuates race and invidious differential treatment by race. In the magisterial judgment of Chief Justice John Roberts in the June 2007 Supreme Court decision on the Seattle and Louisville cases where schools were using race as a factor to maintain diversity, “The way to stop discrimination on the basis of race is to stop discriminating on the basis of race,”6 a statement achieving the remarkable feat of depicting not merely as true, but as tautologically true, the equating of Jim Crow segregation and the attempt to remedy Jim Crow tion! What is ideally called for under ideal circumstances is not, or at least is not necessarily, what is ideally called for under nonideal circumstances. Claiming that all we need to do is to cease (what is here characterized as) discrimination ignores the differential advantages and privileges that have accumulated in the white population because of the past history of discrimination. So the defense in terms of ideal theory is doubly problematic. In the first place, ideal theory was never supposed to be an end in itself, but a means to improving our handling of nonideal matters, and the fact that Rawls and his disciples and commentators have for the most part stayed in the realm of the ideal represents an evasion of the imperative of dealing with what were supposed to be the really pressing issues. And in the second place, it is questionable in any case how useful the ideal ideal in the Rawlsian sense is or ever would have been in assisting this task. So it is not merely that ideal theory has not come to the aid of those dealing with nonideal injustice but that it was unlikely to have been of much help when and if it ever did arrive.

3. Only consequences are justifiable since intents can always be contested and aren’t resolvable among different people – only empirical end states can be validly analyzed.

**And,** resolving conflicting interests means the state violates rights with every action it takes, so absolute side-constraints are implausible. Obama’s executive order no-uniques strict principle based NCs. My theory assigns equal weight to relevant preferences, whereas others arbitrarily value certain people by failing to sacrifice some for others sake.

Prefer government specific obligations since obligations differ by actor – police officers have a duty to arrest criminals but civilians don’t.

4. No act omission distinction –

Omissions are willed inaction. **Fletcher**

Fletcher 94 (Copyright (c) 1994 The Trustees of The University of Pennsylvania, University of Pennsylvania Law Review MAY, 1994, 142 U. Pa. L. Rev. 1443, SYMPOSIUM: ACT & CRIME: ACT & OMISSION: ON THE MORAL IRRELEVANCE OF BODILY MOVEMENTS, GEORGE P. FLETCHER) “This sloppy thinking…or willed nonmotion.”

This sloppy thinking is drawn together by a play on the word "act." The act requirement speaks to the critical importance of human agency in our theory of moral and legal responsibility. But whatever **the act/omission distinction** is about, it **is not about the problem of human agency. Agency is built into the standard example of the bystander who lets the child drown. The example would not even be interesting unless** we assumed that **the bystander chose to remain motionless** and that **she had an unrestrained option to** intervene and **rescue the child.** Moore has gone one step further than the organization thesis of the Kadish/Schulhofer casebook. He claims that punishing omissions is a problem precisely *because* we have the act requirement. "Omissions," he writes, "are the absence of any willed bodily movements. **Actions are "willed bodily movements"**[n5](http://www.lexisnexis.com.ezp2.lib.umn.edu/lnacui2api/frame.do?reloadEntirePage=true&rand=1320287151208&returnToKey=20_T13146883562&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.216678.00731115506" \l "n5) and omissions are the opposite; they are "literally nothing at all." [n6](http://www.lexisnexis.com.ezp2.lib.umn.edu/lnacui2api/frame.do?reloadEntirePage=true&rand=1320287151208&returnToKey=20_T13146883562&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.216678.00731115506" \l "n6) Well, Moore does not quite mean that **someone who is asleep does not omit to rescue. Dead men who do "literally nothing** at all" **do not omit.** To repeat the point made above, the only kind of **omitting** that is interesting **is** the kind **in which human agency is expressed. When there is a** solid **challenge to agency in the context of "positive acts"** (for example, hypnotism, somnambulism)**, the same grounds would undermine agency in omissions.** What Moore must mean, therefore, is that **omissions are the willed absence of bodily movements,** or willed nonmotion.

Specifically true for governments. **Sunstein and Vermule 05**

Sunstein and Vermule 5 (Cass [Prof of law at Harvard] and Adrian [Prof of law at Harvard] “Is capital punishment morally required? The relevance of life-life tradeoffs” Chicago Public Law and Legal Theory, 2005, MG)

In our view, any effort to distinguish between acts and omissions goes wrong by overlooking the distinctive features of government as a moral agent. If correct, this point has broad implications for criminal and civil law. Whatever the general status of the act/omission distinction as a matter of moral philosophy, 59 the distinction is least impressive when applied to government, because the most plausible underlying considerations do not apply to official actors. 60 The most fundamental point is that, unlike individuals, governments always and necessarily face a choice between or among possible policies for regulating third parties. The distinction between acts and omissions may not be intelligible in this context, **and** even if it is, the distinction does not make a morally relevant difference. Most generally, government is in the business of creating permissions and prohibitions. When it explicitly or implicitly authorizes private action, it is not omitting to do anything or refusing to act**. 61** Moreover, the distinction between authorized and unauthorized private action—for example, private killing— becomes obscure when the government formally forbids private action but chooses a set of policy instruments that do not adequately or fully discourage it.

5. Non-consequentialist theories collapse into consequentialism when universalized. **Pettit**

Philip Pettit, "Non-Consequentialism and Universalizability," Philosophical Quarterly 50 (2000)

The upshot is that **if as a non-consequentialist** theorist **I** straightforwardly **universalize** the prescription **that in a certain situation I should instantiate a** favored **pattern**, P, **then the prescription** to which I thereby commit myself— that in that situation any X ought to instantiate pattern, P — **may force me to revise my original self-prescription,** I have equal reason to prefer both that I instantiate P and that any agent instantiate P — this reason is expressed by the use of the word 'right' or 'ought' in each case — and **the spirit of universalisability blocks me from treating myself as in any way special. Thus, if the preferences are inconsistent in a certain situation** — if the choice is between my instantiating P alone, for example, or my acting so that many others instantiate P instead — **then I will have reason not to instantiate P myself.** As a would-be non-consequentialist thinker, **my initial claim must have been** that the point is **to instantiate P in my own life, not** promote it **generally. But I** countenance the general claims of the P-pattern when I universalize in the straightforward way: I **prescribe general conformity to that pattern, not just conformity in my** own **case. Thus** it now seems thatwhat **I must think is that this general conformity is to be promoted, even if that means not myself instantiating the pattern** in my own behavior or psychology or relationships.It seems that what **I must embrace**, in effect,is a **consequentialism in which conformity to pattern P is the ultimate value to be promoted.**

### Part Two is the Plan

The United Statesfederal government, in coordination with the fifty state governments, will ban the private ownership of handguns for individuals convicted of misdemeanor hate crimes against racial minorities. **Parsons et al 16**

Chelsea Parsons, Eugenio Weigend Vargas, and Jordan Jones, Hate and Guns, Center for American Progress, February 2016.

Many states, driven by research demonstrating that individuals convicted of certain violent misdemeanors pose an increased risk of committing future acts of violence, have enacted laws prohibiting them from gun possession.71 According to the Law Center to Prevent Gun Violence, 23 states and the District of Columbia prohibit individuals convicted of specified misdemeanor offenses from buying and possessing guns.72 The vast majority of states, however, have not enacted laws to prevent convicted misdemeanant hate criminals from having easy access to guns. A CAP analysis of state laws finds that only three states—Minnesota,73 Oregon,74 and New Jersey75—specifically bar individuals convicted of misdemeanor hate or bias-motivated crimes from buying and possessing guns. Three other states— Delaware,76 Maryland,77 and Massachusetts78—have laws barring individuals convicted of certain misdemeanor crimes from gun possession that would apply to at least some misdemeanor convictions for hate crimes. Legislators at the federal and state level should close this loophole by passing laws that prohibit people convicted of misdemeanor hate crimes from being able to buy and possess guns. Doing so would ensure that such individuals do not have easy access to guns and that both state and federal law enforcement would have the ability to investigate and prosecute violations of those laws. \*\*Footnote\*\* Enacting this law at the state level, as well as federally, would ensure more-robust enforcement because it would provide state and local law enforcement with the ability to investigate and prosecute violations of this law in addition to federal law enforcement.\*\* End Footnote.

**HLR 88** clarifies:

Combatting Racial Violence: A Legislative Proposal," 101 Harvard Law Review 1270 (1988).

To combat racial violence against minorities effectively, states must single out such crimes for special attention. This proposal calls for special criminal statutes to punish crimes of physical violence against racial minorities; it is limited to interracial violence directed at minorities on the ground that such violence, representing the most acute manifestation of the racial subjugation that has plagued American society, produces unique and serious social harms not necessarily associated with interracial violence against nonminorities.7 Under the proposal, interracial crimes would carry a heavier punishment than regular intraracial or interminority crimes of physical violence. In cases involving a white defendant and a minority victim, the government would be required to bring charges under the proposed criminal statute rather than under regular criminal statutes. The proposed criminal statute would contain all of the standard elements of its intraracial counterpart, including mens rea and actus reus.8 The only difference would be a requirement that the prosecution prove beyond a reasonable doubt that the victim is a member of a minority race and that the defendant is white.9

### Part Three is Solvency

The plan effectively takes guns away from hate crime offenders and increases the number of hate crimes persecuted. **Parsons et al 16**

Chelsea Parsons, Eugenio Weigend Vargas, and Jordan Jones, Hate and Guns, Center for American Progress, February 2016. NS

This legislation would address a serious public safety concern: Hate-motivated criminals and violent extremists armed with guns pose a substantial threat to the safety of historically vulnerable communities that are protected by hate crime laws. Access to guns by these perpetrators makes it more likely that a hate crime will have a fatal outcome. But even when these perpetrators do not pull the trigger, the use of guns to threaten and intimidate individuals and communities because of bias and hate on the basis of any of the protected classes—race, ethnicity, religion, gender, gender identity, sexual orientation, national origin, or disability—represents a significant escalation of this hateful conduct. ¶ Lawmakers have already determined that certain individuals should not be permitted to possess guns because their previous criminal history makes them more likely to pose a future risk to public safety, and the Supreme Court has consistently upheld such laws as consistent with the Second Amendment.80 Barring individuals convicted of misdemeanor hate crimes from possessing firearms would fall well within the type of reasonable restrictions the Supreme Court has indicated do not violate the Constitution.81 ¶ Legislation barring individuals convicted of misdemeanor hate crimes from being able to buy and possess guns would also create a new incentive for prosecutors to pursue these cases. Because they involve an additional evidentiary burden, prosecuting hate crimes is notoriously difficult. Prosecutors may be more likely to expend the time and resources necessary to prosecute misdemeanor hate crimes if they knew that a conviction would prohibit dangerous individuals from accessing firearms. ¶ Conclusion¶ Law enforcement and targeted communities have been grappling with the unfortunate legacy of hate crimes in the United States for decades, if not longer, and recent trends suggest such violence may be on the rise. Many policy changes could help prevent hate crimes and protect vulnerable communities. These include improving the collection of data on these crimes to produce an accurate picture of the scope and character of hate crimes, expanding the coverage of hate crime laws, and enhancing law enforcement’s ability to bring appropriate charges against the perpetrators of bias-motivated crimes. The use of guns by violent extremists and bias-motivated criminals, however, presents an additional, urgent challenge: ensuring that individuals who have demonstrated that they pose a unique threat to targeted communities are prevented from accessing guns. New legislation to prohibit individuals convicted of misdemeanor hate crimes from buying and possessing guns would not stop every hate-motivated shooting. It would, however, be a strong step toward keeping guns out of the hands of individuals who have proven themselves to be uniquely dangerous to historically vulnerable communities.

The best and most comprehensive empirical evidence proves background checks for violent criminals reduce crime by strengthening weak gun laws. **DeFilippis 15**

Evan DeFilippis and Devin Hughes, Gun-Rights Advocates Claim Criminals Don’t Follow Gun Laws. Here’s the Research That Shows They’re Wrong, The Trace, 9/8/ 2015.

The strongest and most recent evidence on the efficacy of background checks thwarting criminals comes from two studies conducted by Dr. Daniel Webster at the Center for Gun Policy at Johns Hopkins University, which show the effectiveness of so called “permit to purchase” laws on reducing criminal access to firearms. The first study evaluated the repeal of a 2007 Missouri law that had required showing a permit, contingent on passing a background check, prior to obtaining a firearm. The repeal of this law was associated with a spike in the murder rate by 14 percent through 2012 — “an additional 49 to 68 murders per year.” Furthermore, the study found strong evidence that the permit requirement had also been keeping neighboring states safe from gun trafficking. After its repeal, crime guns found in neighboring states traced back to Missouri increased significantly. The second study examined a similar permit requirement passed in Connecticut in 1995. It looked at homicide rates in Connecticut ten years after the passage of the law, and compared that rate with what would be expected had Connecticut not passed the law at all. The study found a 40 percent reduction in the state’s firearm-related homicide rate. Just as importantly, Connecticut did not experience a concomitant increase in homicide by other means — in other words, criminals did not switch to using some other weapon to commit murder when they failed to get their hands on a firearm. Gun advocates often dismiss the potential of any gun law, arguing that killers will just kill some other way — that is, if a criminal is sufficiently motivated to carry out a homicide, he’s going to do it irrespective of whether or not he has access to a gun. The study proves that this so-called “substitution effect” doesn’t occur. Data shows that it’s not true that a dangerous person who fails a background check will always buy a gun from an unlicensed seller. A study led by Dr. Garen Wintemute concluded that when someone is denied a handgun purchase, the risk that they will commit a crime drops as much as 30%. Numerous individual-level studies also demonstrate the potential for robust background checks to decrease crime by denying criminals access to firearms. The earliest study on this question, conducted by Dr. Garen Wintemute in 1999, tracked 177 people who were denied access to a firearm through a background check based on their felony record. These individuals were compared with a group of 2,470 individuals who had records with felony arrests but — because they were ultimately convicted for a lesser misdemeanor — passed their background checks. These individuals were tracked over the course of three years. Even after controlling for potential differences between the two groups including age, prior criminal history, and so on, the study found that the group who had felony arrests but misdemeanor convictions (and were therefore approved through a background check) were two to four times more likely of later getting arrested for offenses related to violence or firearms compared to the group who was denied a gun. This finding indicates that the second group did not attempt, or at least successfully attempt, to obtain firearms through an alternative source. The study concludes that the “denial of handgun purchase is associated with a reduction in risk for later criminal activity of approximately 20 percent to 30 percent.” Another study in California exploited a natural experiment and came to the same conclusion. In 1991, California passed a law that expanded firearm denial criteria to include persons convicted of violent misdemeanors. The study examined two groups of individuals ages 21-34, a sample of more than 1,700 people. The first group was comprised of persons who attempted to obtain a firearm in 1991, but who were denied because of their violent misdemeanant status. The second group consisted of individuals with violent misdemeanors who successfully passed a background check to purchase a firearm between 1989 and 1990, before the passage of California’s new restrictions. Controlling for various social characteristics, the study found the individuals in the group whose purchases were approved were more likely than the those in the first group to later commit firearm-related or violent crimes. The only coherent interpretation of all of these studies is that when a well-designed gun policy effectively decreases dangerous people’s access to firearms, it also decreases crime. To put it more plainly: the laws work. If it was simply the case that criminals don’t follow laws, and that they would find some way to commit a crime irrespective of the legal obstacles in front of them, then there should be no difference between any of the groups examined in the studies above.

The only reason white terrorists are still allowed to own handguns is racial bias in favor of permissive gun laws. **Obrien 13**

O’Brien, Forrest, Lynott and Daly—2013 [Kerry, Walter, Dermot, Michael, “Racism, Gun Ownership and Gun Control: Biased Attitudes in US Whites May Influence Policy Decisions,” PLOS One 8.10 (2013): 1-10, 9]

Notwithstanding these limitations, the results indicate that **symbolic racism is associated with gun-related attitudes and behaviours in US whites**. The statistics on firearm-related suicides and homicides in the US might reasonably be expected to convince US citizens that action on reducing gun ownership and use would be beneficial to their health. Yet, US **whites oppose strong gun reform more than all other racial groups, despite a much greater likelihood that whites will kill themselves** with their guns (suicide), than be killed by someone else [1]. Black-on-black homicide rates would benefit most from gun reform, and, quite logically, **blacks support these reforms even if whites do not** [3,47]. **Symbolic racism appears to play a role in explaining gun ownership and paradoxical attitudes to gun control in US whites.** In other words**, despite certain policy changes potentially benefitting whites, anti-black prejudice leads people to oppose their implementation**. **This finding is consistent with previous research showing that symbolic racism is associated with opposition to US policies that may benefit blacks, and support for policies that disadvantage blacks, and critically, goes beyond what is explained by other important confounders. Gun-related deaths in the US are a significant public health concern, representing a leading cause of death, and are particularly prevalent from ages 15–54**. **Attitudes towards guns in many US whites appear to be influenced**, like other policy preferences, **by illogical racial biases**. The present results suggest that **gun control policies may need to be implemented independent of public opinion. The implementation of initially unpopular public health initiatives has proven effective for other public health threats** **(e.g., tobacco taxation, bans on smoking in public places, seatbelt use) that initially did not have widespread public and political support, but have eventually proven popular and have led to changes in attitudes** [48,49]. There remains considerable resistance in the US to even cursory gun controls, and **the reasons for owning a gun and opposing gun reform** (i.e., self-protection, safety, fear of crime) [4,5], **are not supported by the evidence on gun-related harms**. Clearly, **other** motives and **attitudes must be driving such paradoxical views on guns**. Future research needs to examine other less obvious, yet influential, sociocultural and psychological influences on gun ownership and control, as this evidence is sparse. Evidence on the psychological and sociocultural drivers of gun ownership and resistance to strong controls will in turn help inform educational campaigns (e.g., social marketing) that may aid public acceptance of appropriate policies in the interest of the US public’s health, and/or allow policy makers to implement good public health policy. The reinstatement of funding for research on gun control in the US should assist in these research endeavours.

The AFF makes it significantly harder for violent criminals to obtain guns. **DeFilippis 15**

\*\*Modified for black market

Evan DeFilippis and Devin Hughes, Gun-Rights Advocates Claim Criminals Don’t Follow Gun Laws. Here’s the Research That Shows They’re Wrong., The Trace, 9/8/ 2015. NS

Wayne LaPierre of the NRA frequently casts doubt on the ability of regulations to curb criminal behavior, stating earlier this year that “we don’t have to guess how hardened criminals will get their guns if universal background checks are passed, because we already know how they get them now: through theft, black market purchases, criminal associates, and straw purchasers. Background checks cannot and do not stop any of these things.” Contrary to LaPierre’s pessimism regarding the apparent futility of trying to stem the tide of illegal guns, Philip Cook of Duke University and several colleagues have found that it is the flow of firearms, not the volume, that is the key factor in gun crime. These market characteristics mean that regulations on transactions, even in the legal channels, can help increase costs in the [illegal] black market and subsequently deter criminals from obtaining firearms. If gun regulations can effectively dampen the supply of new firearms and ammunition, thereby making transactions more challenging to complete, prices will rise and criminals will be more hesitant to obtain a firearm — and may even forgo it altogether. These market influences were validated in a 2007 study by Cook and Jens Ludwig of the University of Chicago, which discovered a significant [illegal] black market markup on the price of weapons relative to the cost in the legal market. The economics are perhaps most vivid in Chicago, where ammunition is largely illegal except under specific circumstances. In interviews with researchers, one gang member reported paying $50 for 10 bullets for a Beretta semi-automatic, roughly 50 times more expensive than store prices at the time. “You really don’t have someone who sells ammo around here,” another criminal said. “I mean it’s like you have to hope you can get it from [a gang] or maybe [a street dealer].” “Time to crime” measures the time between when a gun is first bought and later found at a crime scene. The higher the time to crime, the harder criminals work to get their hands on weapons. Arizona, a state with loose gun laws, has a time to crime of 8.86 years, according to a new ATF report. In California, which has strict gun regulations, the number is 13.52 years. Another startling feature of the markets that supply criminals is how swiftly guns make their way from legal gun stores to crime scenes when they are not fettered by tougher laws. In one study conducted by Franklin Zimring, a UC Berkeley law professor, it was discovered that a large number of the guns seized in major metropolitan areas were sold by retail outlets relatively recently. Other studies have confirmed this point, finding that the many crime guns have a short “time-to-crime” (the time between when a gun is first bought and found at a crime scene), usually of a couple of months to a couple years. The exception to this rule are guns used by gang members in areas with strict gun regulations — again including Chicago, where time-to-crime numbers ran to 11.6 years as of 2013, the most recent data available. More than 60 percent of those guns were imported from outside Illinois, meaning that criminals looked to states with weaker gun laws to obtain their weaponry. In fact, time-to-crime is often used as a proxy in gun violence research to measure the effectiveness of gun laws in limiting the diversion of firearms to criminals. If guns used for illegal purposes in Chicago consistently have a longer time-to-crime than guns in other cities, then that can be taken as evidence that Chicago’s gun laws are obstructing criminal activity. A 2014 study by criminologist Glenn Pierce at Northeastern University found that California, with its strict legal and regulatory regime governing firearms, also produces crime guns with a much longer time-to-crime than other states. These numbers were confirmed by a recently issued ATF report, which found in 2014 that California, a state with strict gun laws, had an average time-to-crime of 13.52 years, versus a state with lax gun laws like Arizona, which had an average of 8.86 years. A recent survey conducted by Cook and several colleagues interviewed 99 prison inmates with gun related offenses in Chicago, and found that very few respondents bought their gun directly from a federally licensed gun dealer. Instead, most relied on a network of family and friends to obtain their weaponry. Pro-gun media and the NRA quickly pounced on the survey, claiming this was proof that criminals don’t follow laws and will be able to obtain firearms no matter what restrictions are implemented. Actually, the survey points in the opposite direction, indicating that regulations that produce higher prices for guns and ammunition in the [illegal] black market can have a significant impact on criminal activity in the aggregate. The interviews by the Cook team reveal that gun regulations have forced Chicago’s criminals (particularly gang members) to search for out of state sources and create an elaborate network of personal contacts to transfer guns, out of fear of being caught by police. As one respondent stated: “Most people either go to the down-South states or go to Indiana” — where gun laws are looser than Chicago’s and Illinois’ — “to get guns, or people obtain gun licenses, go to the store and then resell.” Another respondent further expounded on the difficulties of obtaining firearms: “A lot of guys in the ‘hood’ don’t have access — a lot of networking stuff going on.” These findings paired with time-to-crime data demonstrate that Chicago’s gun laws are influencing the behavior of criminals and imposing greater transaction burdens on the illicit market. Gun violence continues to rock the city, but it’s fueled by the supply of guns from lightly regulated markets that undermine local barriers. As Cook tells The Trace, if guns and ammunition “were more readily available in Chicago, and more of the dangerous youths had ready access at low prices, I’m convinced that there would be even more shootings.”

The 1AC is a key stance against the NRA – they will always find semantic problems with solutions to gun violence, and they will always construct threats. **DeFilippis 15**

Evan DeFilippis and Devin Hughes, Gun-Rights Advocates Claim Criminals Don’t Follow Gun Laws. Here’s the Research That Shows They’re Wrong., The Trace, 9/8/ 2015.

What’s worse, these loopholes are not mere accidents or byproducts of oversight. The very weaknesses that prevent federal gun policy from identifying and denying firearms to criminals are, in fact, products of a coordinated lobbying effort to render many gun policies powerless. Take just one example: In 2003, Congress passed a series of laws backed by the NRA, collectively referred to as the “Tiahrt amendments,” that gave private gun retailers with broad immunity from the legal repercussions of selling guns that almost immediately find their way into criminal hands. The case of a Milwaukee firearms shop called Badger Guns and Ammo vividly illustrates the impact the change had on gun violence. Years before the passage of Tiahrt, Badger was responsible for the majority of Milwaukee’s crime guns. Then, following pressure from a 1999 investigation by the Bureau of Alcohol, Tobacco, and Firearms (ATF), the shop changed its practices to eliminate the sale of low-quality, inexpensive handguns. This move alone was associated with a 73 percent reduction in crime guns sold by the dealer, and a 44 percent overall reduction in the flow of crime guns recovered in Milwaukee. By any measure, the ATF probe resulted in meaningful progress in the fight against gun trafficking. After the Tiahrt amendments were passed, shielding the shop from any legal repercussions caused by selling crime guns, Badger reverted to its old ways. In the ensuing years, there was a 203 percent increase in guns diverted to criminals from the shop, effectively reversing any progress made by the ATF. Much of the crime reduction that could be made through background checks is thwarted by loopholes in the system. A survey in John Hopkin’s Daniel Webster and colleagues looked at criminals legally prohibited from owning firearms and found that 96% had obtained their guns from private sales or black-market deals. Probably the most glaring loophole carved out by the gun lobby, however, is the virtually unregulated market of private transfers. The NRA was first able to successfully stall and eventually kill an attempt at expanded background checks in the aftermath of the 1999 mass shooting in Columbine, Colorado. The NRA replicated this feat in wake of the massacre in Newtown, Connecticut, defeating a universal background check measure with overwhelming public support. (You can read more about this saga here.)

### Part Four is Theory Underview

1. Banning a specific group is most consistent with topic lit. **DeFilippis and Zimring 16**

Evan DeFilippis [graduated number one in his class at the University of Oklahoma with degrees in Economics, Political Science, and Psychology. He is a Harry S. Truman Scholar, a David L. Boren Critical Languages Scholar, and currently works as a research analyst at Quest Opportunity Fund. His work on gun violence has been featured in Washington Post, Atlantic, Slate, VICE, Huffington Post, Vox, Media Matters, Boston Review, and many others.], Franklin E. Zimring [Law Professor at University of California, Berkeley School of Law, J.D., University of Chicago, Zimring's major fields of interest are criminal justice and family law, with special emphasis on the use of empirical research to inform legal policy.] “CAL RR FINALS POST-ROUND DISCUSSION [TRANSCRIPT].” Debate Matters. March 5, 2016.

Varad: Hi, I'm Varad Agrawala from Greenhill, um, and my question was in terms of the legal definitions of a ban, uh, would banning for particular groups still count as a ban on private ownership, or would that be more of a restriction? What I mean by that is, would a ban necessitate banning private ownership for all individuals or is it okay to just ban it for like particular groups such as, one might say, you know, domestic violence abusers, or people in dating relationships? Zimring: Okay, in general, the distinction between, and this is the problem with talking about bans. The technical meaning of ban or prohibition is nothing at all. It, it's a wonderful word, but it hasn't been used. The distinction for handgun position regulations is between permissive and restrictive licensing. It is not a question of which group. The question is what's the assumption? Permissive says everybody except can own, and the exceptions are 90% the immature, then criminal records, and then something in the mental health situation. Restrictive licensing reverses the presumption and says nobody can own unless you have a particular good reason. It then has to, if it does it right, say what the good reasons are and what the evidence for them is right. The problem with that, it's highly restrictive. That's the good news. The bad news is, uh, the richer you are, and the more you contributed to last successful mayor, the more likely it is you're going to get a license. Welcome to politics. So, there are implementation problems. Those are the best conceptual frames. DeFilippis: I was just going to add really quickly that, uh, I mean, at risk of having this turn into like a topicality debate or something, but (audience laughs) ... Uh ... Varad: That's the reason I asked the question. DeFilippis: Uh, there's much of the literature as Professor mentioned, ban is not legally operationalized well in gun control literature, but there are plenty of research articles that use the phrase in the context of you know people with criminal records are banned from using guns, most people with different types of mental health records are banned from using guns. I think that in terms of banning subsets of the population, uh, I think it can be argued that it's a ban. Zimring: Oh, it's done, but it's part of what's really permissive licensing and regulation. Randall: All right. Zimring: It's everybody but ... Randall: Okay, all right. Bietz: Backfired.

2. Defending whole-rez means they can read PICs out of any group of people like survivors, people in rural towns, security guards, black people – non-uniques all their offense and is worse than prepping every plan since

**A.** The neg’s reactive – they have infinite other CPs against a plan but PICs coopt 99% of my ground and I can’t pick a new advocacy in the 1AR

**B.** Time skew means they can out-tech me with framework or generic Ks even with slight AFF advantage

3. AFF gets RVIs –

1. AFF flex – neg has the ability to collapse to either layer so aff needs the same ability for the 2AR – this outweighs. **A.** 2NR collapse – time skew becomes 6-1 since I cover multiple layers, which makes it impossible to win **B.** 1AR is too short to read theory compared to the neg so AFF needs each layer to be reciprocal rather than adding more unreciprocal avenues

2. Only neg can read T because only AFF has a T burden so since aff can’t reciprocally respond they need the RVI to compensate for neg’s unique avenue to the ballot.

## AC vs. K Debaters

### Part One is the War on Blacks

American life is saturated with white nationalist violence that causes racial terror. Guns are a key tool that empowers white racial “saviors” to defend their communities from blacks whom they construct as dangerous others. This gun violence is overlooked as white Americans are comfortable with black death on a massive scale. The NRA and conservative media try to silence these discussions. The 1AC is a key stance against black death and white political manipulation. **Devega 15**

* Guns further white nationalism by making white men feel like they can be heroes and protect America from dangerous blacks
* A2 black self defense K - Historically guns in the hands of white men are always used racistly – even if they’re good for black self defense we don’t take them away from blacks
* A2 T - This discussion is covered up by the media – attempts to silence the AFF permit white nationalism which justifies racism and patriarchy

Chauncey Devega, The plague of angry white men: How racism, gun culture & toxic masculinity are poisoning America, Salon, 7/7/15.

Dylann Roof was attracted to white nationalism and white supremacy because of a sense of alienation and anger at the world. Although he was born middle class, Roof somehow came to feel that America — because of immigration, changing demographics and pernicious fictions about “black crime” — had abandoned him. In Roof’s mind, he was forced into action, to be “heroic,” “the Last Rhodesian,” launching an attack on unarmed black people. Roof’s actions were those of the “angry white man” on steroids. While his feelings of toxic white masculinity could have been insulated by the relative privileges of being born into the middle class, he was instead suckered into a sense of white racial victimology, entitlement and identity politics by the right-wing media and online racist propaganda. Never did he think to identify the system he venerated, racial patriarchy, as the source of his own alienation. Instead, like so many other angry young men like him, he bought into it wholeheartedly. Roof’s translating this anger into violent action is (thankfully) a rare event in the United States. But, as sociologist Michael Kimmer detailed in his book “Angry White Men,” this sense of (white) grievance and anger is all too common. Guns are central to toxic white masculinity, as well as the broader white supremacist and conservative politics that Dylann Roof exemplified. In the United States, guns have a deep historic relationship to the maintenance and enforcement of hierarchies of race, class and gender. They were a tool for committing mass genocide against First Nations peoples, for example. They were given to white indentured servants in the 17th century as a way of cementing their identities as “free” people who could then be used to oppress and control black slaves and other people of color. Guns have been a tool for American plutocrats and the 1 percent to control the working classes and the poor. The gun is also a powerful symbol of masculinity and virility: A recent ad campaign by the manufacturer of the AR-15 rifle featured a picture of the weapon along with the tag line: “Consider your man card reissued.” As seen with Dylann Roof and other mass shooters (a group in which white males are grossly overrepresented) such as Elliot Rodger, Adam Lanza, the Columbine killers and James Holmes, toxic masculinity (and a sense of aggrieved white male entitlement) is central to their decision to use firearms to commit acts of mass murder. The corporate news media does not want a sustained discussion of gun violence as a type of public health crisis. The corporate news media is also unwilling to discuss how domestic terrorism by right-wing white men is now the United States’ leading threat to public order. Very troublingly, the corporate news media considers it impolitic to explore how the right-wing echo chamber is radicalizing and weaponizing its followers. And there most certainly will not be a “national conversation” about toxic white masculinity and mass murder in the mainstream news media.

White nationalism constructs blacks as criminals, rapists, and murderers, justifying endless racial violence and the subordination. **Devega 15**

* A2 newark - white nationalism frames black men as dangerous/criminal
* justifies both racism and patriarchy, but blacks are all lower than whites regardless of sex

Chauncey Devega, The plague of angry white men: How racism, gun culture & toxic masculinity are poisoning America, Salon, 7/7/15.

Dylann Roof was not silent before he murdered nine black people in their church, shooting and reloading multiple times, destroying their bodies with his white rage. He did not shout obscure or difficult to translate Latin phrases. Dylann Roof was not a blank slate or deep and nebulous well who left no written justification or explanation for his evil deeds. White racial terrorist Dylann Roof told his African-American victims why he was going to kill them. As though it was a type of forced civic duty and obligation, Roof said to his victims: “I have to do it.” He then shared his grievances: “You rape our women and you’re taking over our country and you have to go.” Then he let off a fusillade of bullets. A superficial reading would suggest that the “our” is simple to decipher: Roof is channeling his white nationalist understanding of “America” as a country synonymous with and exclusively for “white” people. This is the logic of the phrase that “America is a white man’s country.” The “our” also signifies the control and possession of white women’s bodies and personhood by white men. The idea of black men raping white women is a centuries-old white American fantasy: It is the justification for the lynching tree, where thousands of innocent black men were made into “strange fruit.” The lynching tree also reinforces a cultural lie, that white women are the most desired among all others, and tries to conceal how many white women from both before the founding of the United States, through to the Age of Obama, willingly have had relationships with black men, a perfectly banal observation that nonetheless enrages white supremacists. Nationalist and politically chauvinistic ideologies tend toward patriarchy and sexism. White nationalism is no exception. As such, Dylann Roof’s white racial terrorism is an act of violence, and one that is grounded in a particular understanding of gender: “Male” or “female” are designations of human, sexual, biological difference. “Masculine” and “feminine,” however, are social constructs that are not fixed, which change over time, and in response to particular arrangements of social and political power. Here, gender is a type of performance (in its most binary and simple form) as a given person acts “male” or “female.” And toxic masculinity is a performance that emphasizes violence, control over others, sexual aggression and a lack of emotion and vulnerability. Dylann Roof—with the guns, violence, resentment, right-wing politics and racism—is the extreme embodiment of toxic white masculinity. The color line is not separate from gender: The two are deeply connected to one another in the United States and the West more broadly. Dylann Roof’s performance of gender involved an understanding that he should have power over and was inherently superior to people of color because of his skin color. Moreover, as understood by his racist political ideology, Dylann Roof was granted an additional claim on power and authority because he is a man. Roof’s racism and sexism thus intersect in what philosophers Carol Pateman and Charles Mills have described as “racial patriarchy.” This is a system of racial domination in which people of color are subordinate to whites. It is also a relationship where white men have more power than white women. But all white people have a higher place than any person of color—either male or female. Women of color occupy the basement level of a society organized around a system of racial patriarchy. This system, in its most unapologetic and honest form, is the dream of white nationalists. But while tethered to ideals of the past, white nationalism also lives in the present; thus, it must deal with and negotiate questions about feminism, immigration, cosmopolitanism, globalization and other related matters if it is to remain viable as a community and belief system.

Firearms give oppressors a license to kill, causing mass death, psychological trauma and insidious violence based on hate for marginalized communities. **Parsons et al 16**

Chelsea Parsons, Eugenio Weigend Vargas, and Jordan Jones, Hate and Guns, Center for American Progress, February 2016.

On the evening of June 17, 2015, Dylann Roof opened fire on a Bible study group at Emanuel African Methodist Episcopal Church in Charleston, South Carolina, killing nine congregants and injuring one additional person.1 Roof fled and, after being on the run for 16 hours, was ultimately apprehended by law enforcement. It quickly became clear that this was not another episode of the random mass violence that occurs much too often in the United States: Roof is a white supremacist who targeted the historic black church out of racially motivated malice. The massacre at this historic church—known as Mother Emanuel and home to the largest and oldest black congregation in the South—is not the only recent example of a public or mass shooting motivated by bias or hate. Just three years earlier, a similarly motivated attack occurred at a Sikh temple in Oak Creek, Wisconsin. On August 5, 2012, Wade Michael Page—a white supremacist with long-standing ties to several neo-Nazi organizations—attacked the temple, fatally shooting six people and wounding four others before committing suicide Instances of hate-motivated individuals terrorizing communities with guns are not limited to high-profile cases involving multiple fatalities. Violent extremists and hate criminals often use guns as a tool to threaten and intimidate members of historically vulnerable or marginalized communities. In doing so, they inflict serious harm without ever pulling the trigger. New analysis of National Crime Victimization Survey data by the Center for American Progress reveals that between 2010 and 2014, roughly 43,000 hate crimes were committed in the United States that involved the use or threat of a gun. Hate crimes and acts of violent extremism have a pernicious impact on the targeted communities—not just the most proximate victim of a particular crime but the broader community of which the victim is a member. Indeed, that is precisely the purpose of these acts in the minds of the perpetrators: to threaten, intimidate, and terrorize not just an individual but the entire membership of a historically vulnerable community with a message of fear and hatred. The use of guns by these perpetrators compounds the harm done to the victimized community by introducing a uniquely lethal instrument. The threat of a gun from dangerous extremists sends a clear message that they not only harbor feelings of bias or hate against a particular group, but also that they are willing to kill in service of this ideology.

### Part Two is the Plan

The United StatesFederal Government in coordination with the 50 States Governments and Washington D.C. will ban private handgun ownership for individuals convicted of misdemeanor hate crimes against racial minorities. **Parsons et al 16**

Chelsea Parsons, Eugenio Weigend Vargas, and Jordan Jones, Hate and Guns, Center for American Progress, February 2016.

Many states, driven by research demonstrating that individuals convicted of certain violent misdemeanors pose an increased risk of committing future acts of violence, have enacted laws prohibiting them from gun possession.71 According to the Law Center to Prevent Gun Violence, 23 states and the District of Columbia prohibit individuals convicted of specified misdemeanor offenses from buying and possessing guns.72 The vast majority of states, however, have not enacted laws to prevent convicted misdemeanant hate criminals from having easy access to guns. A CAP analysis of state laws finds that only three states—Minnesota,73 Oregon,74 and New Jersey75—specifically bar individuals convicted of misdemeanor hate or bias-motivated crimes from buying and possessing guns. Three other states— Delaware,76 Maryland,77 and Massachusetts78—have laws barring individuals convicted of certain misdemeanor crimes from gun possession that would apply to at least some misdemeanor convictions for hate crimes. Legislators at the federal and state level should close this loophole by passing laws that prohibit people convicted of misdemeanor hate crimes from being able to buy and possess guns. Doing so would ensure that such individuals do not have easy access to guns and that both state and federal law enforcement would have the ability to investigate and prosecute violations of those laws. \*\*Footnote\*\* Enacting this law at the state level, as well as federally, would ensure more-robust enforcement because it would provide state and local law enforcement with the ability to investigate and prosecute violations of this law in addition to federal law enforcement.\*\* End Footnote.

**HLR 88** clarifies:

Combatting Racial Violence: A Legislative Proposal," 101 Harvard Law Review 1270 (1988).

To combat racial violence against minorities effectively, states must single out such crimes for special attention. This proposal calls for special criminal statutes to punish crimes of physical violence against racial minorities; it is limited to interracial violence directed at minorities on the ground that such violence, representing the most acute manifestation of the racial subjugation that has plagued American society, produces unique and serious social harms not necessarily associated with interracial violence against nonminorities.7 Under the proposal, interracial crimes would carry a heavier punishment than regular intraracial or interminority crimes of physical violence. In cases involving a white defendant and a minority victim, the government would be required to bring charges under the proposed criminal statute rather than under regular criminal statutes. The proposed criminal statute would contain all of the standard elements of its intraracial counterpart, including mens rea and actus reus.8 The only difference would be a requirement that the prosecution prove beyond a reasonable doubt that the victim is a member of a minority race and that the defendant is white.9

### Part Three is Solvency

The plan effectively takes guns away from hate crime offenders who use guns to terrorize marginalized communities and increases the number of hate crimes persecuted. **Parsons et al 16**

Chelsea Parsons, Eugenio Weigend Vargas, and Jordan Jones, Hate and Guns, Center for American Progress, February 2016.

This legislation would address a serious public safety concern: Hate-motivated criminals and violent extremists armed with guns pose a substantial threat to the safety of historically vulnerable communities that are protected by hate crime laws. Access to guns by these perpetrators makes it more likely that a hate crime will have a fatal outcome. But even when these perpetrators do not pull the trigger, the use of guns to threaten and intimidate individuals and communities because of bias and hate on the basis of any of the protected classes—race, ethnicity, religion, gender, gender identity, sexual orientation, national origin, or disability—represents a significant escalation of this hateful conduct. ¶ Lawmakers have already determined that certain individuals should not be permitted to possess guns because their previous criminal history makes them more likely to pose a future risk to public safety, and the Supreme Court has consistently upheld such laws as consistent with the Second Amendment.80 Barring individuals convicted of misdemeanor hate crimes from possessing firearms would fall well within the type of reasonable restrictions the Supreme Court has indicated do not violate the Constitution.81 ¶ Legislation barring individuals convicted of misdemeanor hate crimes from being able to buy and possess guns would also create a new incentive for prosecutors to pursue these cases. Because they involve an additional evidentiary burden, prosecuting hate crimes is notoriously difficult. Prosecutors may be more likely to expend the time and resources necessary to prosecute misdemeanor hate crimes if they knew that a conviction would prohibit dangerous individuals from accessing firearms. ¶ Conclusion¶ Law enforcement and targeted communities have been grappling with the unfortunate legacy of hate crimes in the United States for decades, if not longer, and recent trends suggest such violence may be on the rise. Many policy changes could help prevent hate crimes and protect vulnerable communities. These include improving the collection of data on these crimes to produce an accurate picture of the scope and character of hate crimes, expanding the coverage of hate crime laws, and enhancing law enforcement’s ability to bring appropriate charges against the perpetrators of bias-motivated crimes. The use of guns by violent extremists and bias-motivated criminals, however, presents an additional, urgent challenge: ensuring that individuals who have demonstrated that they pose a unique threat to targeted communities are prevented from accessing guns. New legislation to prohibit individuals convicted of misdemeanor hate crimes from buying and possessing guns would not stop every hate-motivated shooting. It would, however, be a strong step toward keeping guns out of the hands of individuals who have proven themselves to be uniquely dangerous to historically vulnerable communities.

The best and most comprehensive empirical evidence proves background checks for violent criminals reduce crime by strengthening weak gun laws. **DeFilippis 15**

Evan DeFilippis and Devin Hughes, Gun-Rights Advocates Claim Criminals Don’t Follow Gun Laws. Here’s the Research That Shows They’re Wrong, The Trace, 9/8/ 2015.

The strongest and most recent evidence on the efficacy of background checks thwarting criminals comes from two studies conducted by Dr. Daniel Webster at the Center for Gun Policy at Johns Hopkins University, which show the effectiveness of so called “permit to purchase” laws on reducing criminal access to firearms. The first study evaluated the repeal of a 2007 Missouri law that had required showing a permit, contingent on passing a background check, prior to obtaining a firearm. The repeal of this law was associated with a spike in the murder rate by 14 percent through 2012 — “an additional 49 to 68 murders per year.” Furthermore, the study found strong evidence that the permit requirement had also been keeping neighboring states safe from gun trafficking. After its repeal, crime guns found in neighboring states traced back to Missouri increased significantly. The second study examined a similar permit requirement passed in Connecticut in 1995. It looked at homicide rates in Connecticut ten years after the passage of the law, and compared that rate with what would be expected had Connecticut not passed the law at all. The study found a 40 percent reduction in the state’s firearm-related homicide rate. Just as importantly, Connecticut did not experience a concomitant increase in homicide by other means — in other words, criminals did not switch to using some other weapon to commit murder when they failed to get their hands on a firearm. Gun advocates often dismiss the potential of any gun law, arguing that killers will just kill some other way — that is, if a criminal is sufficiently motivated to carry out a homicide, he’s going to do it irrespective of whether or not he has access to a gun. The study proves that this so-called “substitution effect” doesn’t occur. Data shows that it’s not true that a dangerous person who fails a background check will always buy a gun from an unlicensed seller. A study led by Dr. Garen Wintemute concluded that when someone is denied a handgun purchase, the risk that they will commit a crime drops as much as 30%. Numerous individual-level studies also demonstrate the potential for robust background checks to decrease crime by denying criminals access to firearms. The earliest study on this question, conducted by Dr. Garen Wintemute in 1999, tracked 177 people who were denied access to a firearm through a background check based on their felony record. These individuals were compared with a group of 2,470 individuals who had records with felony arrests but — because they were ultimately convicted for a lesser misdemeanor — passed their background checks. These individuals were tracked over the course of three years. Even after controlling for potential differences between the two groups including age, prior criminal history, and so on, the study found that the group who had felony arrests but misdemeanor convictions (and were therefore approved through a background check) were two to four times more likely of later getting arrested for offenses related to violence or firearms compared to the group who was denied a gun. This finding indicates that the second group did not attempt, or at least successfully attempt, to obtain firearms through an alternative source. The study concludes that the “denial of handgun purchase is associated with a reduction in risk for later criminal activity of approximately 20 percent to 30 percent.” Another study in California exploited a natural experiment and came to the same conclusion. In 1991, California passed a law that expanded firearm denial criteria to include persons convicted of violent misdemeanors. The study examined two groups of individuals ages 21-34, a sample of more than 1,700 people. The first group was comprised of persons who attempted to obtain a firearm in 1991, but who were denied because of their violent misdemeanant status. The second group consisted of individuals with violent misdemeanors who successfully passed a background check to purchase a firearm between 1989 and 1990, before the passage of California’s new restrictions. Controlling for various social characteristics, the study found the individuals in the group whose purchases were approved were more likely than the those in the first group to later commit firearm-related or violent crimes. The only coherent interpretation of all of these studies is that when a well-designed gun policy effectively decreases dangerous people’s access to firearms, it also decreases crime. To put it more plainly: the laws work. If it was simply the case that criminals don’t follow laws, and that they would find some way to commit a crime irrespective of the legal obstacles in front of them, then there should be no difference between any of the groups examined in the studies above.

The only reason white terrorists are still allowed to own handguns is racial bias in favor of permissive gun laws. When extremists explicitly target white American values, they are shunned by society. But anti black violence is tolerated or support by large numbers of whites. **Obrien 13**

O’Brien, Forrest, Lynott and Daly—2013 [Kerry, Walter, Dermot, Michael, “Racism, Gun Ownership and Gun Control: Biased Attitudes in US Whites May Influence Policy Decisions,” PLOS One 8.10 (2013): 1-10, 9]

Notwithstanding these limitations, the results indicate that **symbolic racism is associated with gun-related attitudes and behaviours in US whites**. The statistics on firearm-related suicides and homicides in the US might reasonably be expected to convince US citizens that action on reducing gun ownership and use would be beneficial to their health. Yet, US **whites oppose strong gun reform more than all other racial groups, despite a much greater likelihood that whites will kill themselves** with their guns (suicide), than be killed by someone else [1]. Black-on-black homicide rates would benefit most from gun reform, and, quite logically, **blacks support these reforms even if whites do not** [3,47]. **Symbolic racism appears to play a role in explaining gun ownership and paradoxical attitudes to gun control in US whites.** In other words**, despite certain policy changes potentially benefitting whites, anti-black prejudice leads people to oppose their implementation**. **This finding is consistent with previous research showing that symbolic racism is associated with opposition to US policies that may benefit blacks, and support for policies that disadvantage blacks, and critically, goes beyond what is explained by other important confounders. Gun-related deaths in the US are a significant public health concern, representing a leading cause of death, and are particularly prevalent from ages 15–54**. **Attitudes towards guns in many US whites appear to be influenced**, like other policy preferences, **by illogical racial biases**. The present results suggest that **gun control policies may need to be implemented independent of public opinion. The implementation of initially unpopular public health initiatives has proven effective for other public health threats** **(e.g., tobacco taxation, bans on smoking in public places, seatbelt use) that initially did not have widespread public and political support, but have eventually proven popular and have led to changes in attitudes** [48,49]. There remains considerable resistance in the US to even cursory gun controls, and **the reasons for owning a gun and opposing gun reform** (i.e., self-protection, safety, fear of crime) [4,5], **are not supported by the evidence on gun-related harms**. Clearly, **other** motives and **attitudes must be driving such paradoxical views on guns**. Future research needs to examine other less obvious, yet influential, sociocultural and psychological influences on gun ownership and control, as this evidence is sparse. Evidence on the psychological and sociocultural drivers of gun ownership and resistance to strong controls will in turn help inform educational campaigns (e.g., social marketing) that may aid public acceptance of appropriate policies in the interest of the US public’s health, and/or allow policy makers to implement good public health policy. The reinstatement of funding for research on gun control in the US should assist in these research endeavours.

Guns create a politics of fear and individualism that make government oppression inevitable. DeBrabander 15

Firmin DeBrabander 15 [associate professor of philosophy at Maryland Institute College of Art, has written social and political commentary for numerous publications, including the Baltimore Sun, Common Dreams, Counterpunch, and the New York Times] “Do Guns Make Us Free?: Democracy and the Armed Society”, Yale University Press, 19 May 2015,

Rousseau and Tocqueville maintain that democracies, like all states, devolve through political concentration. Viewing the young American democracy, Tocqueville deduces that extreme individualism greases the wheels of this process. Materialism sharpens our individualism and makes us devoted to personal gain, as opposed to personal glory, which is more amenable to civic participation. Egalitarianism ironically urges us to dissociate from others, Tocqueville suggests; if my neighbors and compatriots are neither above me nor below me, what need do I have for them? In the ancien régime, people in different stations relied on one another, and the pieces of society fit together into a seamless whole. Not so in the new world: here, I may be self-determining and self-sufficient. Tocqueville offers a vision of aristocracy that is too rosy. He suggests that the masses should rely on the expertise of the nobility, who are bred and trained for leadership. But the American instinct to reject expertise and authority in favor of self-reliance is, for Tocqueville, at least equally disastrous. It is wonderful so long as it inspires the political attention and interest he witnessed in New England town meetings, but civic involvement is ultimately bound to lose out to capitalistic endeavors and the seductive joys of consumerism. Civic involvement has become a casualty in our own era, when we suffer from “time poverty,” as sociologist Juliet Schor put it: Americans put in long work days, combined with increasingly long commutes, and have little time or energy to interact with their peers, work for their communities, or even think much about politics. 88 This state of affairs is fueled by personal ambition, but also by plain greed. As Tocqueville presciently saw, Americans have little interest, and are left with little energy, to be political creatures, and to devote time to thoughtful and concerted political action and interaction. This fragmentation of society into atomistic individuals, each pursuing his or her own endeavor in isolation or in contention with others, renders us vulnerable and ripe for oppression: “What resistance can be offered to tyranny in a country where each individual is weak and where citizens are not united by any common interest?” 89 There is perhaps no individualism more extreme than that put forth by the contemporary gun rights movement. The NRA argues against the collective reading of the Second Amendment and insists instead upon the individual citizen’s right to amass a colossal private arsenal. The organization toils on behalf of individuals’ right to shoot intruders in their private abodes without accountability or social judgment. It works to ensure that individuals can act impulsively in private arguments, according to their personal whims, passions, and prejudices. It demands that they be permitted ammunition capable of piercing bulletproof vests worn by police. None of these advances a collective right or concern. It is to further the interests of each individual in being armed to the teeth, with whatever tools, for whatever purpose (provided it is within the law), and to have greater leeway in wielding and employing them. These arms represent a suspicion of the collective, and of the government that would represent the collective good. I argued in the previous chapter how these weapons are a mark of suspicion, and deepen the suspicion of the armed. A gun fundamentally severs its bearer from the community of his peers; it causes others to treat [them] him with trepidation and fear— if they approach him at all. As open carry proponents proudly assert, their weapons are intended to serve as a warning. Saul Cornell chides contemporary gun rights ideology for promoting gun ownership primarily as “a means for repulsing government or other citizens, not a means for creating a common civic culture.” 90 This, he argues, is at odds with the aims and intentions of our Founders. He believes they did envision an individual right to bear arms, but it was never meant to be a right in isolation. It was to be linked to a civic function and to collective obligation. Cornell writes, The original version of a well-regulated militia was premised on the notion that rights and obligations were inseparable. Arms bearing was a public activity, a way of nurturing and demonstrating one’s capacity for virtue. The militia was viewed by the Founders as a vital political and social institution, part of a seamless web that knit the locality, the state, and the national government together into a cohesive political community. 91 Cornell’s argument aptly depicts how the current gun rights movement undermines civic life. Gun rights, as they are currently conceived and championed by the NRA, are the ultimate go-it-alone rights. If our Founders felt that the Second Amendment would help oppose tyrannical government, it is reasonable to wonder how such opposition was ever to be mobilized. It could hardly happen in a nation of armed, isolated individuals, each in charge of a private arsenal. This purpose requires a trained, organized— regulated— force; it implies collective action, purpose, will, and commitment. George Washington grew tired of militias to the extent that they were loose collections of individuals. He wanted a fighting force with cohesion, identity, and organization because he was a warrior, and he knew what war— or the toppling of tyrannical regimes— required. The gun rights movement pits the individual against society. Collectives are suspect, groups weak, their members sheeplike, obedient, pliant, and ultimately subservient. Collectives breed collective behavior, which is reprehensible to the movement’s bold, assertive, fearless, and morally certain adherents. People mired in collective sensibilities wait for the police to bail them out of threatening situations. Free, confident, strong individuals go it alone. Collectives are corruptible, their members easy to manipulate and herd. Only the independent individual is pure and inviolate. Political freedom thus stems from the uncorrupted and incorruptible sovereign individual. To gun rights advocates, that is the center and foundation of liberty. This much is clear from the political vision put forth by Napolitano and LaPierre: the principal political battlefield, anticipated by the Founding Fathers who knew tyranny firsthand, is between the individual fighting to retain his sovereignty, and the collective that would strip it away. This stripping-away takes place through, among other things, government efforts to regulate guns, abetted by those who would cede their freedom for the short-term prospect of personal safety. In the process, such people unwittingly empower tyranny. Dan Baum writes Guns are the perfect stand-in for one of the fundamental, irresolvable, and recurring questions we face: to what extent should Americans live as a collective, or as a nation of rugged individuals? We have the same fight over health care, welfare, environmental regulations, and a hundred other issues. The firearm, though, is the ultimate emblem of individual sovereignty, so if you’re inclined in that direction, protecting gun rights is essential. And if you’re by nature a collectivist, the firearm is the abhorrent idol on the enemy’s altar. 92 Baum articulates the dichotomy aptly, at least as it is viewed by the gun rights movement. Tyranny has also been invoked in recent debates over health care and environmental regulation. It follows from, and is symptomatic of, collectivism and anything that points in that direction. The gun rights movement offers us radical individualism— the sovereign individual— as the requisite remedy. But its advocates do not perceive, or refuse to admit, how politically debilitating their agenda is. Contrary to what they assert, their sovereign individuals, even armed to the teeth, are no match for the brute power of tyrants. Instead, the NRA and company unwittingly assist tyrants with their (as Cornell puts it) radically “anti-civic vision.” 93 The gun rights movement undermines the collective or popular organization that alone might prove effective in countering a government bent on oppression.

### Part Four is the Underview

We use the state as a heuristic to learn to strategically fight it – interim gains are key to revolution. **Connolly 13**

Connolly 13 – Professor of Political Science @ JHU (William, “The Fragility of Things,” p. 36-42)

A philosophy attending to the acceleration, expansion, irrationalities, interdependencies, and fragilities of late capitalism suggest that we do not know that confidence, in advance of experimental action, just how far or fast changes in the systemic character of neoliberal capitalism can be made. The structures often seem solid and intractable, and indeed such a semblance may turn out to be true. Some may seem solid, infinitely absorptive, and intractable when they are in fact punctuated by hidden vulnerabilities, soft spots, uncertainties, and potential lines of flight that become apparent when they are subjected to experimental action, upheaval, testing, and strain. Indeed no ecology of late capitalism, given the variety of forces to which it is connected by a thousand pulleys, vibrations, impingements, dependencies, shocks, and threads, can specify with supreme confidence the solidity or potential flexibility of the structures it seeks to change. ¶ The strength of structural theory, at its best, was in identifying institutional intersections that hold a system together; its conceit, at its worst, was the claim to know in advance how resistant such intersections are to potential change. Without adopting the opposite conceit, it seems important to pursue possible sites of strategic action that might open up room for productive change. Today it seems important to attend to the relation between the need for structural change and identification of multiple sites of potential action. You do not know precisely what you are doing when you participate in such a venture. You combine an experimental temper with the appreciation that living and acting into the future inevitably contain a shifting quotient of uncertainty. The following tentative judgments and sites of action may pertinent. ¶ 1) Neither neoliberal theory, nor socialist productivism, nor deep ecology, nor social democracy in its classic form seems sufficient to the contemporary condition. This is so in part because the powers of market self-regulation are both real and limited in relation to a larger multitude of heterogeneous force fields beyond the human estate with differential power of self-regulation and metamorphosis. A first task is to challenge neoliberal ideology through critique and by elaborating and publicizing positive alternatives that acknowledge the disparate relations between market processes, other cultural systems, and nonhuman systems. Doing so to render the fragility of things more visible and palpable. Doing so, too, to set the stage for a series of intercoded shifts in citizen role performances, social movements, and state action. ¶ 2) Those who seek to reshape the ecology of late capitalism might set an interim agenda of radial reform and then recoil back on the initiatives adopted to see how they work. An interim agenda is the best thing to focus on because in a world of becoming the more distant future is too cloudy to engage. We must, for instance, become involved in experimental micro-politics on a variety of fronts, as we participate in role experimentations, social movements, artistic displays, erotic-political shows, electoral campaigns, and creative interventions on the new media to help recode the ethos that now occupies investment practices, consumption desires, family savings, state priorities, church assemblies, university curricula, and media reporting. It is important to bear in mind how extant ideologies, established role performances, social movements, and commitments to state action intersect. To shift some of our own role performances in the zones of travel, church participation, home energy use, investment, and consumption, for instance, that now implicate us deeply in foreign oil dependence and the huge military expenditures that secure it, could make a minor difference on its own and also lift some of the burdens of institutional implication from us to support participation in more adventurous interpretations, political strategies, demands upon the state, and cross state citizen actions. ¶ 3) Today perhaps the initial target should be on reconstituting established patterns of consumption by a combination of direct citizens actions in consumption choices, publicity of such actions, the organization of local collectives to modify consumption practices, and social movements to reconstitute the current state-and market-supported infrastructure of consumption. By the infrastructure of consumption I mean publicly supported and subsidized market subsystems such as a national highway system, a system of airports, medical care through private insurance, agribusiness pouring high sugar, salt, and fat content into foods, corporate ownership of the public media, the prominence of corporate 403 accounts over retirement pension, and so forth that enable some modes of consumption in the zones of travel, education, diet, retirement, medical care, energy use, health, and education and render others much more difficult of expensive to procure. To change the infrastructure is also to shift the types of work and investment available. Social movements that work upon the infrastructure and ethos of consumption in tandem can thus make a real difference directly, encourage more people to heighten their critical perspectives, and thereby open more people to a more militant politics if and as the next disruptive event emerges. Perhaps a cross-state citizen goal should be to construct a pluralist assemblage by moving back and forth between experiments in role performances, the refinement of sensitive modes of perception, revisions in political ideology, and adjustments in political sensibility, doing so to mobilize enough collective energy to launch a general strike simultaneously in several countries in the near future. The aim of such an event would be to reverse the deadly future created by established patterns of climate change by fomenting significant shifts in patterns of consumption, corporate policies, state law, and the priorities of interstate organizations. Again, the dilemma of today is that the fragility of things demands shifting and slowing down intrusion: into several aspects of nature as we speed up shifts in identity, role performance, cultural ethos, market regulation, and state policy. ¶ 4) The existential forces of hubris (expressed above all in those confident drives to mastery conveyed by military elites, financial economists, financial elites, and CEOs) and of ressentiment (expressed in some sectors of secularism and evangelicalism) now play roles of importance in the shape of consumption practices, investment portfolios, worker routines, managerial demands, and the uneven semen of entitlement that constitute neoliberalism. For that reason activism inside churches, schools, street life, and the media must become increasingly skilled and sensitive. As we proceed, some of us may present the themes of a world of becoming to larger audiences, challenging thereby the complementary notions of a providential world and secular mastery that now infuse too many role performances, market practices, and state priorities in capitalist life. For existential dispositions do infuse the role priorities of late capitalism. Today it is both difficult for people to perform the same roles with the same old innocence and difficult to challenge those performances amid our own implication in them. Drive by evangelists, the media, neoconservatives, and the neolibreal right to draw a veil of innocence across the priorities of contemporary life make the situation much worse. ¶ 5) The emergence of a neofascist or mafia-type capitalism slinks as a dangerous possibility on the horizon, partly because of the expansion and intensification of capital, partly because of the real fragility of things, partly because the identity needs of many facing these pressures encourage them to cling more intensely to a neoliberal imaginary as its bankruptcy becomes increasingly apparent, partly because so many in America insist upon retaining the special world entitlements the country achieved after World War II in a world decreasingly favorable to them, partly because of the crisis tendencies inherent in neoliberal capitalism, and partly because so many resist living evidence around and in them that challenges a couple of secular and theistic images of the cosmos now folded into the institutional life of capitalism. Indeed the danger is that those constituencies now most disinclined to give close attention to public issues could oscillate between attraction to the mythic promises of neoliberal automaticity and attraction to a neofascist movement when the next crisis unfolds. It has happened before. I am not saying that neoliberalism is itself a form of fascism, but that the failures and meltdowns it periodically promotes could once again foment fascist or neofascist responses, as happened in several countries after the onset of the Great Depression. ¶ 6) The democratic state, while it certainly cannot alone tame capital or reconstitute the ethos and infrastructure of consumption, must play a significant role in reconstituting our lived relations to climate, weather, resource use, ocean currents, bee survival, tectonic instability, glacier flows, species diversity, work, local life, consumption, and investment, as it also responds favorable to the public pressures we must generate to forge a new ethos. A new, new left will thus experimentally enact new intersections between role performance and political activity, outgrow its old disgust with the very idea of the state, and remain alert to the dangers states can pose. It will do so because, as already suggested, the fragile ecology of late capital requires state interventions of several sorts. A refusal to participate in the state today cedes too much hegemony to neoliberal markets, either explicitly or by implication. Drives to fascism, remember, rose the last time in capitalist states after a total market meltdown. Most of those movements failed. But a couple became consolidate through a series of resonances (vibrations) back and forth between industrialists, the state, and vigilante groups, in neighborhoods, clubs, churches, the police, the media, the pubs. You do not fight the danger of a new kind of neofascism by withdrawing from either micropolitics or state politics. You do so through a multisited politics designed to infuse a new ethos into the fabric of everyday life. Changes in ethos can in turn open doors to new possibilities of state and interstate action, so that an advance in one domain seeds that in the other. And vice versa. A positive dynamic of mutual amplification might be generated here. Could a series of significant shifts in the routines of state and global capitalism even press the fractures system to a point where it hovers on the edge of capitalism itself? We don’t know. That is one reason it is important to focus on interim goals. Another is that in a world of becoming, replete with periodic and surprising shift in the course of events, you cannot project far beyond an interim period. Another yet is that activism needs to project concrete, interim possibilities to gain support and propel itself forward. That being said, it does seem unlikely to me, at least, that a positive interim future includes either socialist productivism or the world projected by proponents of deep ecology. ¶ 7) To advance such an agenda it is also imperative to negotiate new connections between nontheistic constituencies who care about the future of the Earth and numerous devotees of diverse religious traditions who fold positive spiritualties into their creedal practices. The new, multifaceted movement needed today, if it emerges, will take the shape of a vibrant pluralist assemblage acting at a multiple sites within and across states, rather than either a centered movement with a series of fellow travelers attached to it or a mere electoral constellation. Electoral victories are important, but that work best when they touch priorities already embedded in churches, universities, film, music, consumption practices, media reporting, investment priorities, and the like. A related thing to keep in mind is that the capitalist modes of acceleration, expansion, and intensification that heighten the fragility of things today also generate pressures to minorities the world along multiple dimensions at a more rapid pace than heretofore. A new pluralist constellation will build upon the latter developments as it works to reduce the former effects. ¶ I am sure that the forgoing comments will appear to some as “optimistic” or “utopian.” But optimism and pessimism are both primarily spectatorial views. Neither seems sufficient to the contemporary condition. Indeed pessimism, if you dwell on it long, easily slides into cynicism, and cynicism often plays into the hands of a right wing that applies it exclusively to any set of state activities not designed to protect or coddle the corporate estate. That is one reason that “dysfunctional politics” resounds so readily to the advantage of cynics on the right who work to promote it. They want to promote cynicism with respect to the state and innocence with respect to the market. Pure critique, as already suggested, does not suffice either. Pure critique too readily carries critics and their followers to the edge of cynicism. ¶ It is also true that the above critique concentrates on neoliberal capitalism, not capitalism writ large. That is because it seems to me that we need to specify the terms of critique as closely as possible and think first of all about interim responses. If we lived under, say, Keynesian capitalism, a somewhat different set of issues would be defined and other strategies identified. Capitalism writ large—while it sets a general context that neoliberalism inflects in specific ways—sets too large and generic a target. It can assume multiple forms, as the difference between Swedish and American capitalism suggest the times demand a set of interim agendas targeting the hegemonic form of today, pursued with heightened militancy at several sties. The point today is not to wait for a revolution that overthrows the whole system. The “system,” as we shall see further, is replete with too many loose ends, uneven edges, dicey intersections with nonhuman forces, and uncertain trajectories to make such a wholesale project plausible. Besides, things are too urgent and too many people on the ground are suffering too much now. The need now is to activate the most promising political strategies to the contemporary condition out of a bad set. On top of assessing probabilities and predicting them with secret relish or despair—activities I myself pursue during the election season—we must define the urgent needs of the day in relation to a set of interim possibilities worthy of pursuit on several fronts, even if the apparent political odds are stacked against them. We then test ourselves and those possibilities by trying to enact this or that aspect of them at diverse sites, turning back to reconsider their efficacy and side effects as circumstances shift and results accrue. In so doing we may experience more vibrantly how apparently closed and ossified structures are typically punctuated by jagged edges, seams, and fractures best pried open with a mix of public contestation of established interpretations, experimental shifts in multiple role performances, micropolitics in churches, universities, unions, the media, and corporations, state actions, and large-scale, cross-state citizen actions.

Our model of engagement brings revolutionary change closer rather than pushing it away. **Delgado 9**

(Richard Delgado 9, self-appointed Minority scholar, Chair of Law at the University of Alabama Law School, J.D. from the University of California, Berkeley, his books have won eight national book prizes, including six Gustavus Myers awards for outstanding book on human rights in North America, the American Library Association’s Outstanding Academic Book, and a Pulitzer Prize nomination. Professor Delgado’s teaching and writing focus on race, the legal profession, and social change, 2009, “Does Critical Legal Studies Have What Minorities Want, Arguing about Law”, p. 588-590)

2. The CLS critique of piecemeal reform Critical scholars reject the idea of piecemeal reform. Incremental change, they argue, merely postpones the wholesale reformation that must occur to create a decent society. Even worse, an unfair social system survives by using piecemeal reform to disguise and legitimize oppression. Those who control the system weaken resistance by pointing to the occasional concession to, or periodic court victory of, a black plaintiff or worker as evidence that the system is fair and just. In fact, Crits believe that teaching the common law or using the case method in law school is a disguised means of preaching incrementalism and thereby maintaining the current power structure.“ To avoid this, CLS scholars urge law professors to abandon the case method, give up the effort to ﬁnd rationality and order in the case law, and teach in an unabashedly political fashion. The CLS critique of piecemeal reform is familiar, imperialistic and wrong. Minorities know from bitter experience that occasional court victories do not mean the Promised Land is at hand. The critique is imperialistic in that it tells minorities and other oppressed peoples how they should interpret events affecting them. A court order directing a housing authority to disburse funds for heating in subsidized housing may postpone the revolution, or it may not. In the meantime, the order keeps a number of poor families warm. This may mean more to them than it does to a comfortable academic working in a warm office. It smacks of paternalism to assert that the possibility of revolution later outweighs the certainty of heat now, unless there is evidence for that possibility. The Crits do not offer such evidence. Indeed, some incremental changes may bring revolutionary changes closer, not push them further away. Not all small reforms induce complacency; some may whet the appetite for further combat. The welfare family may hold a tenants‘ union meeting in their heated living room. CLS scholars‘ critique of piecemeal reform often misses these possibilities, and neglects the question of whether total change, when it comes, will be what we want. 3. CLS Idealism The CLS program is also idealistic. CLS scholars’ idealism transforms social reality into mental construct.“ Facts become intelligible only through the categories of thought that we bring to experience. Crits argue that the principal impediments to achieving an ideal society are intellectual. People are imprisoned by a destructive system of mental categories that blocks any vision of a better world." Liberal capitalist ideology so shackles individuals that they willingly accept a truncated existence and believe it to be the best available. Changing the world requires primarily that we begin to think about it differently.“ To help break the mental chains and clear the way for the creation of a new and better world, Crits practice "trashing"—a process by which law and social structures are shown to be contingent, inconsistent and irrationally supportive of the status qua without good reason. CLS scholars' idealism has a familiar ring to minority ears. We cannot help but be reminded of those fundamentalist preachers who have assured us that our lot will only improve once we "see the light" and are "saved."

Idealizing social phenomena makes fighting real oppression impossible. **Curry 14**

Curry, Tommy J. [Ph.D., Associate Professor of Philosophy, Texas A & M University] “The Cost of a Thing: A Kingian Reformulation of a Living Wage Argument in the 21st Century.” Victory Briefs, January/February 2015.

**Despite the pronouncement of debate as an activity and intellectual exercise pointing to the real world consequences of dialogue**, thinking, and (personal) politics when addressing issues of racism, sexism, economic disparity, global conflicts, and death, many of the discussions concerning these ongoing challenges to humanity are fixed to a paradigm which sees the adjudication of material disparities and sociological realities as the conquest of one ideal theory over the other. In “Ideal Theory as Ideology,” Charles Mills outlines the problem contemporary theoretical-performance styles in policy debate and value-weighing in Lincoln-Douglass are confronted with in their attempts to get at the concrete problems in our societies. At the outset, Mills concedes that “ideal theory applies to moral theory as a whole (at least to normative ethics as against metaethics); [s]ince ethics deals by definition with normative/prescriptive/evaluative issues, [it is set] against factual/descriptive issues.” At the most general level, the conceptual chasm between what emerges as actual problems in the world (e.g.: racism, sexism, poverty, disease, etc.) and how we frame such problems theoretically—the assumptions and shared ideologies we depend upon for our problems to be heard and accepted as a worthy “problem” by an audience—is the most obvious call for an anti-ethical paradigm, since such a paradigm insists on the actual as the basis of what can be considered normatively. Mills, however, describes this chasm as a problem of an ideal-as-descriptive model which argues that for any actual-empirical-observable social phenomenon (P), an ideal of (P) is necessarily a representation of that phenomenon. In the idealization of a social phenomenon (P), one “necessarily has to abstract away from certain features” of (P) that is observed before abstraction occurs. ¶ This gap between what is actual (in the world), and what is represented by theories and politics of debaters proposed in rounds threatens any real discussions about the concrete nature of oppression and the racist economic structures which necessitate tangible policies and reorienting changes in our value orientations. As Mills states: “What distinguishes ideal theory is the reliance on idealization to the exclusion, or at least marginalization, of the actual,” so what we are seeking to resolve on the basis of “thought” is in fact incomplete, incorrect, or ultimately irrelevant to the actual problems which our “theories” seek to address. Our attempts to situate social disparity cannot simply appeal to the ontologization of social phenomenon—meaning we cannot suggest that the various complexities of social problems (which are constantly emerging and undisclosed beyond the effects we observe) are totalizable by any one set of theories within an ideological frame be it our most cherished notions of Afro-pessimism, feminism, Marxism, or the like. At best, theoretical endorsements make us aware of sets of actions to address ever developing problems in our empirical world, but even this awareness does not command us to only do X, but rather do X and the other ideas which compliment the material conditions addressed by the action X. As a whole, debate (policy and LD) neglects the need to do X in order to remedy our cast-away-ness among our ideological tendencies and politics. How then do we pull ourselves from this seeming ir-recoverability of thought in general and in our endorsement of socially actualizable values like that of the living wage? It is my position that Dr. Martin Luther King Jr.’s thinking about the need for a living wage was a unique, and remains an underappreciated, resource in our attempts to impose value reorientation (be it through critique or normative gestures) upon the actual world. In other words, King aims to reformulate the values which deny the legitimacy of the living wage, and those values predicated on the flawed views of the worker, Blacks, and the colonized (dignity, justice, fairness, rights, etc.) used to currently justify the living wages in under our contemporary moral parameters.

A radical revolution gets crushed. Flaherty 05

http://cryptogon.com/docs/pirate\_insurgency.html

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ACS = American Corporate State

THE NATURE OF ARMED INSURGENCY AGAINST THE ACS Any violent insurgency against the ACS is sure to fail and will only serve to enhance the state's power. The major flaw of violent insurgencies, both cell based (Weathermen Underground, Black Panthers**,** Aryan Nations etc.) and leaderless (Earth Liberation Front, People for the Ethical Treatment of Animals, etc.) is that they are attempting to attack the system using the same tactics the ACS has already mastered: terror and psychological operations. The ACS attained primacy through the effective application of terror and psychological operations. Therefore, it has far more skill and experience in the use of these tactics than any upstart could ever hope to attain.4 This makes the ACS impervious to traditional insurgency tactics. - Political Activism and the ACS Counterinsurgency Apparatus The ACS employs a full time counterinsurgency infrastructure with resources that are unimaginable to most would be insurgents. Quite simply, violent insurgents have no idea of just how powerful the foe actually is. Violent insurgents typically start out as peaceful, idealistic, political activists. Whether or not political activists know it, even with very mundane levels of political activity, they are engaging in low intensity conflict with the ACS. The U.S. military classifies political activism as “low intensity conflict.” The scale of warfare (in terms of intensity) begins with individuals distributing anti-government handbills and public gatherings with anti-government/anti-corporate themes. In the middle of the conflict intensity scale are what the military refers to as Operations Other than War; an example would be the situation the U.S. is facing in Iraq. At the upper right hand side of the graph is global thermonuclear war. What is important to remember is that the military is concerned with ALL points along this scale because they represent different types of threats to the ACS. Making distinctions between civilian law enforcement and military forces, and foreign and domestic intelligence services is no longer necessary. After September 11, 2001, all national security assets would be brought to bear against any U.S. insurgency movement**.** Additionally, the U.S. military established NORTHCOM which designated the U.S. as an active military operational area. Crimes involving the loss of corporate profits will increasingly be treated as acts of terrorism and could garner anything from a local law enforcement response to activation of regular military forces. Most of what is commonly referred to as “political activism” is viewed by the corporate state's counterinsurgency apparatus as a useful and necessary component of political control. Letters-to-the-editor... Calls-to-elected-representatives... Waving banners... “Third” party political activities... Taking beatings, rubber bullets and tear gas from riot police in free speech zones... Political activism amounts to an utterly useless waste of time, in terms of tangible power, which is all the ACS understands. Political activism is a cruel guise that is sold to people who are dissatisfied, but who have no concept of the nature of tangible power. Counterinsurgency teams routinely monitor these activities, attend the meetings, join the groups and take on leadership roles in the organizations. It's only a matter of time before some individuals determine that political activism is a honeypot that accomplishes nothing and wastes their time. The corporate state knows that some small percentage of the peaceful, idealistic, political activists will eventually figure out the game. At this point, the clued-in activists will probably do one of two things; drop out or move to escalate the struggle in other ways. If the clued-in activist drops his or her political activities, the ACS wins. But what if the clued-in activist refuses to give up the struggle? Feeling powerless, desperation could set in and these individuals might become increasingly radicalized. Because the corporate state's counterinsurgency operatives have infiltrated most political activism groups, the radicalized members will be easily identified, monitored and eventually compromised/turned, arrested or executed. The ACS wins again.

Discursive focus can’t replace concrete change. **Giroux 6**

Henry Giroux 06, prof of edu and cultural studies at Penn State, 6 (Comparative Studies of South Asia)

Abstracted from the ideal of public commitment, the **new authoritarianism represents a** political and economic practice and **form of militarism that loosen[s] the connections among** substantive **democracy**, critical agency, **and critical education. In opposition** to the rising tide of authoritarianism, **educators** across the globe **must make a case for linking learning to progressive social change** while struggling to pluralize and critically engage the diverse sites where public pedagogy takes place. In part, this suggests forming alliances that can make sure every sphere of social life is recognized as an important site of the political, social, and cultural struggle that is so crucial to any attempt to forge the knowledge, identifications, effective investments, and social relations that constitute political subjects and social agents capable of energizing and spreading the basis for a substantive global democracy. **Such circumstances require** that **pedagogy be embraced as a moral and political practice**, one that is directive and not dogmatic, an outgrowth of struggles designed **to resist the increasing depoliticization of political culture that is the hallmark of** the current **Bush** revolution**. Education is the terrain where consciousness is shaped**, needs are constructed, **and the capacity for** individual self-reflection and **broad social change is nurtured** and produced. Education has assumed an unparalleled significance in shaping the language, values, and ideologies that legitimize the structures and organizations that support the imperatives of global capitalism. Efforts to reduce it to a technique or methodology set aside, education remains a crucial site for the production and struggle over those pedagogical and political conditions that provide the possibilities for people to develop forms of agency that enable them individually and collectively to intervene in the processes through which the material relations of power shape the meaning and practices of their everyday lives. Within the current historical context, struggles over power take on a symbolic and discursive as well as a material and institutional form. The struggle over education is about more than the struggle over meaning and identity; it is also about how meaning, knowledge, and values are produced, authorized, and made operational within economic and structural relations of power. Education is not at odds with politics; it is an important and crucial element in any definition of the political and offers not only the theoretical tools for a systematic critique of authoritarianism but also a language of possibility for creating actual movements for democratic social change and a new biopolitics that affirms life rather than death, shared responsibility rather than shared fears, and engaged citizenship rather than the stripped-down values of consumerism. **At stake here is combining symbolic forms** and processes **conducive to democratization with** broader social contexts and the **institutional formations of power itself. The key point** here **is to** understand and **engage educational** and pedagogical **practices from the point of** view of **how they are bound up with larger relations of power. Educators**, students, and parents **need to be clearer about how power works through** and in texts, **representations**, and discourses, **while at the same time recognizing** that **power cannot be limited to the study of** representations and **discourses, even at the level of public policy. Changing consciousness is not the same as altering the** institutional basis of oppression; at the same time, institutional **reform cannot take place without a change in consciousness capable of recognizing not only injustice but also the very possibility for reform, the capacity to reinvent the** conditions [End Page 176] and **practices that make a more just future possible.** In addition, it is crucial to raise questions about the relationship between pedagogy and civic culture, on the one hand, and what it takes for individuals and social groups to believe that they have any responsibility whatsoever even to address the realities of class, race, gender, and other specific forms of domination, on the other hand. For too long, the progressives have ignored that the strategic dimension of politics is inextricably connected to questions of critical education and pedagogy, to what it means to acknowledge that education is always tangled up with power, ideologies, values, and the acquisition of both particular forms of agency and specific visions of the future. The primacy of critical pedagogy to politics, social change, and the radical imagination in such dark times is dramatically captured by the internationally renowned sociologist Zygmunt Bauman. He writes, Adverse odds may be overwhelming, and yet a democratic (or, as Cornelius Castoriadis would say, an autonomous) society knows of no substitute for education and self-education as a means to influence the turn of events that can be squared with its own nature, while that nature cannot be preserved for long without "critical pedagogy"—an education sharpening its critical edge, "making society feel guilty" and "stirring things up" through stirring human consciences. The fates of freedom, of democracy that makes it possible while being made possible by it, and of education that breeds dissatisfaction with the level of both freedom and democracy achieved thus far, are inextricably connected and not to be detached from one another. One may view that intimate connection as another specimen of a vicious circle—but **it is within that circle that human hopes and the chances of humanity are inscribed, and can be nowhere else**.59

The AFF should get to weigh the policy offense of the plan and that’s more important than reps focus.

**1. Limits -** the AC contains hundreds of words- forcing us to defend any single one of them in a vacuum is unfair since there will always be a huge research bias in favor of the NEG

**2. Education –** reps frameworks bypass discussion of the topic by focusing on random assumptions - topic education outweighs generic K education since it changes every two months and is key to applying Ks to the real world, not just rehashing K blocks

**3. Ground -** reps framework creates a moving target - since they are reactionary they will always pick one we don't fit in which moots all our offense. Key to clash so they can’t just uplayer and actually have to engage the AFF and also fairness since the AFF can engage

Theoretical reasons outweigh even if they prove reps shape reality – they constrain which arguments are good for debate even if they’re true so you should grant artificial sufficiency.

## Underviews

### **Impact Framing vs. Util**

Antiblack violence is genocidal and happens on a continuum – high magnitude scenarios are constructed threats that ignore racism. **Omolade 84**

OMOLADE 84 City College Center for Worker Education in New York City

Barbara-a historian of black women for the past twenty years and an organizer in both the women’s and civil rights/black power movements; Women of Color and the Nuclear Holocaust; WOMEN’S STUDIES QUARTERLY, Vol. 12., No. 2, Teaching about Peace, War, and Women in the Military, Summer, p. 12; <http://www.jstor.org/stable/4004305>

In April, 1979, the U.S. Arms Control and Disarmament Agency released a report on the effects of nuclear war that concludes that, in a general nuclear war between the United States and the Soviet Union, 25 to 100 million people would be killed. This is approximately the same number of African people who died between 1492 and 1890 as a result of the African slave trade to the New World. The same federal report also comments on the destruction of urban housing that would cause massive shortages after a nuclear war, as well as on the crops that would be lost, causing massive food shortages. Of course, for people of color the world over, starvation is already a common problem, when, for example, a nation’s crops are grown for export rather than to feed its own people. And the housing of people of color throughout the world’s urban areas is already blighted and inhumane: families live in shacks, shanty towns, or on the streets; even in the urban areas of North America, the poor may live without heat or running water. For people of color, the world as we knew it ended centuries ago. Our world, with its own languages, customs and ways, ended. And we are only now beginning to see with increasing clarity that our task is to reclaim that world, struggle for it, and rebuild it in our own image. The “death culture” we live in has convinced many to be more concerned with death than with life, more willing to demonstrate for “survival at any cost” than to struggle for liberty and peace with dignity. Nuclear disarmament becomes a safe issue when it is not linked to the daily and historic issues of racism, to the ways in which people of color continue to be murdered. Acts of war, nuclear holocausts, and genocide have already been declared on our jobs, our housing, our schools, our families, and our lands. As women of color, we are warriors, not pacifists. We must fight as a people on all fronts, or we will continue to die as a people. We have fought in people’s wars in China, in Cuba, in Guinea-Bissau, and in such struggles as the civil rights movement, the women’s movement, and in countless daily encounters with landlords, welfare departments, and schools. These struggles are not abstractions, but the only means by which we have gained the ability to eat and to provide for the future of our people. We wonder who will lead the battle for nuclear disarmament with the vigor and clarity that women of color have learned from participating in other struggles. Who will make the political links among racism, sexism, imperialism, cultural integrity, and nuclear arsenals and housing? Who will stand up?

Traditional risk calculus dismisses persons of color - they are not included in “the greatest good for the greatest number”. **Mayes 15**

Van Cleve and Mayes ’15 [Spring 2015. Nicole Gonzalez Van Cleve is an Assistant Professor of Criminal Justice at Temple University with courtesy appointments in the Department of Sociology and the Beasley School of Law. She received her PhD in Sociology from Northwestern University and served as Research Director for Chicago Appleseed Fund for Justice. She is a recipient of the 2014-2015 Ford Foundation Fellowship Postdoctoral Award and a Visiting Scholar at the American Bar Foundation. Lauren Mayes is a doctoral student in the Department of Criminal Justice at Temple University. “Criminal Justice Through "Colorblind" Lenses: A Call to Examine the Mutual Constitution of Race and Criminal Justice” 40 Law & Soc. Inquiry 406. Lexis][\\IS](file:///\\IS)

We first examine the ideological contexts that inform research about criminal justice and race. Scholars of race, law, and criminal justice identify a central paradigm shift in penology that occurred as a reaction to the civil rights movement. The logic of segregation was replaced by the logic of law and order--allowing the governing and marginalization of racial groups to appear nonracial (Wacquant 2001; Garland 2002; Simon 2007; Alexander 2010). Feeley and Simon identify this shift as the "new penology" (1992, 449) and argue that this contemporary penal logic shifts away from traditional concerns with rehabilitating the individual (popular in the decades leading up to the 1970s) and redirects its objectives to the punishment, management, and categorization of "dangerous" groups of people (449). The new penology emphasizes the importance of aggregate-level risk prediction, shifts the purpose of incarceration from rehabilitation to incapacitation, and relies on the quantification of people (Feeley and Simon 1992). These dehumanizing logics contribute to the sharp increase in prison populations since the post-civil-rights era of the 1970s (Garland 2001, 2002). To be sure, within this penal logic, criminal justice apparatuses govern large categories of people under the guise of crime control (Simon 2007), but not all citizens are governed equally. While this population is broadly understood as the poor, or as Feeley and Simon (1992, 467) refer to it, the "underclass," the term is hardly race-neutral; it references the "largely black and Hispanic population living in concentrated zones of poverty in central cities"--transforming impoverished communities of color into segregated, surrogate ghettos (Wacquant 2000). As a consequence, black and Latino neighborhoods are perceived as more dangerous, are hyper-policed and surveilled, and are transformed into the culturally imagined spaces where crime is left to fester. Whether imprisoned literally in penitentiaries, or isolated in "iconic ghettos" (Anderson 2012, 9), "penal managers strive to manage populations of marginal citizens with no concomitant effort towards integration into mainstream society" (Feeley and Simon 1992, 463). These shifts in structure and culture have dire consequences in shaping the cognitive building blocks that guide decision making across a broad array of criminal justice contact points. The new penology's concern for risk prediction and risk management allows implicit biases to flourish, impacting how we define risk and who we define as risky. In addition, the actuarial tools that characterize the new penology transform race-embedded variables into seemingly race-neutral assessments. In turn, these tools have generated even more focus on nonwhite people and neighborhoods (Harcourt 2010) in what becomes a perpetual cycle of scrutinizing, appraising, and confirming the socially constructed link between dangerousness and people of color. The deployment of technocratic tools for quantification allows for the efficient aggregation of groups of people for risk assessment. Simultaneously, the reliance on [\*411] risk assessment tools obscures racial bias and provides a false faith in numbers (Porter 1995), as risk scores and statistics appear as objective arbiters in distinguishing and defining grades of dangerousness. Risk assessments facilitate the creation of racialized categories by socially constructing, or making up, people (Hacking 2006). What is largely ignored is how racial bias embeds in the discretion required to make such classifications (Van Cleve and Lara-Millán 2014). As Olusanya and Gau (2012, 160) argue: "The risk prediction tools that have been developed and introduced in the criminal justice system reflect social structures which are racially differentiated." These risk prediction tools are not free of bias or created in a vacuum--but are mere reflections of the very society that has produced virulent racial inequalities in the first place. That is, racism conditions professionals on a cultural and cognitive level and therefore hides in the numerical building blocks that underscore risk ratings (Olusanya and Gau 2012). Racial meanings, stigmas, and stereotypes embed in many of the factors used in risk prediction and assessment. Because these tools are used for a multitude of decisions (including pretrial detention, bail, sentencing, and parole), the effects of risk assessments can be spread throughout the system. As such, they contribute to compounding inequality where bias builds as offenders are processed at different stages or decision-making points throughout the criminal justice system (Omori 2013; Stolzenberg, D'Alessio, and Eitle 2013). Finally, these dynamics are made worse by the use of criminal history as a proxy for race. As Harcourt (2010) argues, the reliance on risk-prediction tools makes racial inequalities within the criminal justice system worse. As criminal history is one of the most commonly used variables in risk prediction, it is important to acknowledge its interconnectedness to race and how its use perpetuates racial inequalities under the guise of racial neutrality. Paradoxically, despite these trends, a simultaneous shift in the dominant racial ideology celebrates racial equality and denies the continued existence of racial discrimination.

Debater’s cognitive biases overestimate high impact scenarios. **Cohn 13**

Nate Cohn 13, covers elections, polling and demographics for The Upshot, a Times politics and policy site. Previously, he was a staff writer for The New Republic. Before entering journalism, he was a research assistant and Scoville Fellow at the Stimson Center “Improving the Norms and Practices of Policy Debate,” Nov 24, <http://www.cedadebate.org/forum/index.php/topic,5416.0.html>

So let me offer another possibility: the problem isn’t the topic, but modern policy debate. The unrealistic scenarios, exclusive focus on policy scholarship, inability to engage systemic impacts and philosophical questions. And so long as these problems characterize modern policy debate, teams will feel compelled to avoid it.¶ It might be tempting to assign the blame to “USFG should.” But these are bugs, not features of plan-focused, USFG-based, active voice topics. These bugs result from practices and norms that were initially and independently reasonable, but ultimately and collectively problematic. I also believe that these norms can and should be contested. I believe it would be possible for me to have a realistic, accessible, and inclusive discussion about the merits of a federal policy with, say, Amber Kelsie. Or put differently, I’m not sure I agree with Jonah that changing the topic is the only way to avoid being “a bunch of white folks talking about nuke war.”¶ The fact that policy debate is wildly out of touch—the fact that we are “a bunch of white folks talking about nuclear war”—is a damning indictment of nearly every coach in this activity. It’s a serious indictment of the successful policy debate coaches, who have been content to continue a pedagogically unsound game, so long as they keep winning. It’s a serious indictment of policy debate’s discontents who chose to disengage. ¶ That’s not to say there hasn’t been any effort to challenge modern policy debate on its own terms—just that they’ve mainly come from the middle of the bracket and weren’t very successful, focusing on morality arguments and various “predictions bad” claims to outweigh. ¶ Judges were receptive to the sentiment that disads were unrealistic, but negative claims to specificity always triumphed over generic epistemological questions or arguments about why “predictions fail.” The affirmative rarely introduced substantive responses to the disadvantage, rarely read impact defense. All considered, the negative generally won a significant risk that the plan resulted in nuclear war. Once that was true, it was basically impossible to win that some moral obligation outweighed the (dare I say?) obligation to avoid a meaningful risk of extinction.¶ There were other problems. Many of the small affirmatives were unstrategic—teams rarely had solvency deficits to generic counterplans. It was already basically impossible to win that some morality argument outweighed extinction; it was totally untenable to win that a moral obligation outweighed a meaningful risk of extinction; it made even less sense if the counterplan solved most of the morality argument. The combined effect was devastating: As these debates are currently argued and judged, I suspect that the negative would win my ballot more than 95 percent of the time in a debate between two teams of equal ability.¶ But even if a “soft left” team did better—especially by making solvency deficits and responding to the specifics of the disadvantage—I still think they would struggle. They could compete at the highest levels, but, in most debates, judges would still assess a small, but meaningful risk of a large scale conflict, including nuclear war and extinction. The risk would be small, but the “magnitude” of the impact would often be enough to outweigh a higher probability, smaller impact. Or put differently: policy debate still wouldn’t be replicating a real world policy assessment, teams reading small affirmatives would still be at a real disadvantage with respect to reality. . ¶ Why? Oddly, this is the unreasonable result of a reasonable part of debate: the burden of refutation or rejoinder, the responsibility of debaters to “beat” arguments. If I introduce an argument, it starts out at 100 percent—you then have to disprove it. That sounds like a pretty good idea in principle, right? Well, I think so too. But it’s really tough to refute something down to “zero” percent—a team would need to completely and totally refute an argument. That’s obviously tough to do, especially since the other team is usually going to have some decent arguments and pretty good cards defending each component of their disadvantage—even the ridiculous parts. So one of the most fundamental assumptions about debate all but ensures a meaningful risk of nearly any argument—even extremely low-probability, high magnitude impacts, sufficient to outweigh systemic impacts. ¶ There’s another even more subtle element of debate practice at play. Traditionally, the 2AC might introduce 8 or 9 cards against a disadvantage, like “non-unique, no-link, no-impact,” and then go for one and two. Yet in reality, disadvantages are underpinned by dozens or perhaps hundreds of discrete assumptions, each of which could be contested. By the end of the 2AR, only a handful are under scrutiny; the majority of the disadvantage is conceded, and it’s tough to bring the one or two scrutinized components down to “zero.”¶ And then there’s a bad understanding of probability. If the affirmative questions four or five elements of the disadvantage, but the negative was still “clearly ahead” on all five elements, most judges would assess that the negative was “clearly ahead” on the disadvantage. In reality, the risk of the disadvantage has been reduced considerably. If there was, say, an 80 percent chance that immigration reform would pass, an 80 percent chance that political capital was key, an 80 percent chance that the plan drained a sufficient amount of capital, an 80 percent chance that immigration reform was necessary to prevent another recession, and an 80 percent chance that another recession would cause a nuclear war (lol), then there’s a 32 percent chance that the disadvantage caused nuclear war. ¶ I think these issues can be overcome. First, I think teams can deal with the “burden of refutation” by focusing on the “burden of proof,” which allows a team to mitigate an argument before directly contradicting its content. ¶ Here’s how I’d look at it: modern policy debate has assumed that arguments start out at “100 percent” until directly refuted. But few, if any, arguments are supported by evidence consistent with “100 percent.” Most cards don’t make definitive claims. Even when they do, they’re not supported by definitive evidence—and any reasonable person should assume there’s at least some uncertainty on matters other than few true facts, like 2+2=4.¶ Take Georgetown’s immigration uniqueness evidence from Harvard. It says there “may be a window” for immigration. So, based on the negative’s evidence, what are the odds that immigration reform will pass? Far less than 50 percent, if you ask me. That’s not always true for every card in the 1NC, but sometimes it’s even worse—like the impact card, which is usually a long string of “coulds.” If you apply this very basic level of analysis to each element of a disadvantage, and correctly explain math (.4\*.4\*.4\*.4\*.4=.01024), the risk of the disadvantage starts at a very low level, even before the affirmative offers a direct response. ¶ Debaters should also argue that the negative hasn’t introduced any evidence at all to defend a long list of unmentioned elements in the “internal link chain.” The absence of evidence to defend the argument that, say, “recession causes depression,” may not eliminate the disadvantage, but it does raise uncertainty—and it doesn’t take too many additional sources of uncertainty to reduce the probability of the disadvantage to effectively zero—sort of the static, background noise of prediction.¶ Now, I do think it would be nice if a good debate team would actually do the work—talk about what the cards say, talk about the unmentioned steps—but I think debaters can make these observations at a meta-level (your evidence isn’t certain, lots of undefended elements) and successfully reduce the risk of a nuclear war or extinction to something indistinguishable from zero. It would not be a factor in my decision.¶ Based on my conversations with other policy judges, it may be possible to pull it off with even less work. They might be willing to summarily disregard “absurd” arguments, like politics disadvantages, on the grounds that it’s patently unrealistic, that we know the typical burden of rejoinder yields unrealistic scenarios, and that judges should assess debates in ways that produce realistic assessments. I don’t think this is too different from elements of Jonah Feldman’s old philosophy, where he basically said “when I assessed 40 percent last year, it’s 10 percent now.”¶ Honestly, I was surprised that the few judges I talked to were so amenable to this argument. For me, just saying “it’s absurd, and you know it” wouldn’t be enough against an argument in which the other team invested considerable time. The more developed argument about accurate risk assessment would be more convincing, but I still think it would be vulnerable to a typical defense of the burden of rejoinder. ¶ To be blunt: I want debaters to learn why a disadvantage is absurd, not just make assertions that conform to their preexisting notions of what’s realistic and what’s not. And perhaps more importantly for this discussion, I could not coach a team to rely exclusively on this argument—I’m not convinced that enough judges are willing to discount a disadvantage on “it’s absurd.” Nonetheless, I think this is a useful “frame” that should preface a following, more robust explanation of why the risk of the disadvantage is basically zero—even before a substantive response is offered.¶ There are other, broad genres of argument that can contest the substance of the negative’s argument. There are serious methodological indictments of the various forms of knowledge production, from journalistic reporting to think tanks to quantitative social science. Many of our most strongly worded cards come from people giving opinions, for which they offer very little data or evidence. And even when “qualified” people are giving predictions, there’s a great case to be extremely skeptical without real evidence backing it up. The world is a complicated place, predictions are hard, and most people are wrong. And again, this is before contesting the substance of the negative’s argument(!)—if deemed necessary.¶ So, in my view, the low probability scenario is waiting to be eliminated from debate, basically as soon as a capable team tries to do it.¶ That would open to the door to all of the arguments, previously excluded, de facto, by the prevalence of nuclear war impacts. It’s been tough to talk about racism or gender violence, since modest measures to mitigate these impacts have a difficult time outweighing a nuclear war. It’s been tough to discuss ethical policy making, since it’s hard to argue that any commitment to philosophical or ethical purity should apply in the face of an existential risk. It’s been tough to introduce unconventional forms of evidence, since they can’t really address the probability of nuclear war.

And magnitude first framing freezes action – we’d have to believe each argument for an extinction scenario, but not acting also has scenarios for extinction, making it impossible to do anything.

### K of Theory

The role of the ballot is to vote for the debater who best methodologically resists oppression. Procedural tricks that don’t address the AFF’s fundamental thesis marginalize the discussion, destroying accessibility. **Smith 13**

Elijah Smith, A Conversation in Ruins: Race and Black Participation in Lincoln Douglas Debate, Vbriefly, 2013.

It will be uncomfortable, it will be hard, and it will require continued effort but the necessary step in fixing this problem, like all problems, is the community as a whole admitting that such a problem with many “socially acceptable” choices exists in the first place. Like all systems of social control, the reality of racism in debate is constituted by the singular choices that institutions, coaches, and students make on a weekly basis. I have watched countless rounds where competitors attempt to win by rushing to abstractions to distance the conversation from the material reality that black debaters are forced to deal with every day. One of the students I coached, who has since graduated after leaving debate, had an adult judge write out a ballot that concluded by “hypothetically” defending my student being lynched at the tournament. Another debate concluded with a young man defending that we can kill animals humanely, “just like we did that guy Troy Davis”. Community norms would have competitors do intellectual gymnastics or make up rules to accuse black debaters of breaking to escape hard conversations but as someone who understands that experience, the only constructive strategy is to acknowledge the reality of the oppressed, engage the discussion from the perspective of authors who are black and brown, and then find strategies to deal with the issues at hand. It hurts to see competitive seasons come and go and have high school students and judges spew the same hateful things you expect to hear at a Klan rally. A student should not, when presenting an advocacy that aligns them with the oppressed, have to justify why oppression is bad. Debate is not just a game, but a learning environment with liberatory potential. Even if the form debate gives to a conversation is not the same you would use to discuss race in general conversation with Bayard Rustin or Fannie Lou Hamer, that is not a reason we have to strip that conversation of its connection to a reality that black students cannot escape.

Predictability is code for white stasis – it ensures marginalized voices are never heard. **Delgado 92**

Richard Delgado, ’92 (Charles Inglis Thomson Professor of Law, University of Colorado. J.D, University of California at Berkeley, “ESSAY SHADOWBOXING: AN ESSAY ON POWER”, 77 Cornell L. Rev. 813, Lexis)

**It is important to know when we are being gulled, manipulated, and duped**. n1 It is even more important to know when **we are unwittingly doing this to ourselves -- when we are using** shopworn legal **scripts and counterscripts, going around endlessly in circles, getting nowhere. n2 Understanding how we use predictable arguments to rebut other predictable arguments in a predictable sequence** -- "The plaintiff should have the freedom to do X," "No -- the defendant should have the security not to have X done to her"; "The law should be flexible, permitting us to do justice in particular cases," "No -- the law must be determinate; only bright-line rules are administrable and safe" n3 -- frees us to focus on real-world questions that do matter. We can begin to see how the actions we take as lawyers, law students, and legal scholars advance or retard principles we hold dear**. n4 We can see where the scripts come from and, perhaps, how to write new and better ones**. <**Continues**…> **Underlying these stylized debates about subjective versus objective standards is a well-hidden issue of cultural power, one neatly concealed by elaborate arguments that predictably invoke predictable "principle**." n25 **These arguments invite us to take sides for or against abstract values that lie on either side of a well-worn analytical divide, having remarkably little to do with what is at stake. The arguments mystify and sidetrack, rendering us helpless in the face of powerful repeat players** like corporations, human experimenters, action-loving surgeons, and sexually aggressive men. n26 How does this happen? Notice that in many cases it is **the stronger party** -- the tobacco company, surgeon, or male date -- that **wants to apply an objective standard to a key event**. n27 The doctor wants the law to require disclosure only of the risks and benefits the average patient would find material. n28 The male partygoer wants the law to ignore the woman's subjective thoughts in favor of her outward manifestations. n29 The tobacco company wants the warning on the package to be a stopper. Generally, the law complies. What explains the stronger party's preference for an objective approach, and the other's demand for a more personalized one? It is not that one approach is more principled, more just, or even more [\*818] likely to produce a certain result than the other. Rather, in my opinion, **the answer lies in issues of power and culture. It is now almost a commonplace that we construct the social world. n30 We do this through** stories, **narratives**, myths, and symbols -- **by using tools that create images**, categories, and pictures. n31 **Over time, through repetition, the dominant stories seem to become true and natural, and are accepted as "the way things are**." n32 **Recently, outsider jurisprudence n33 has been developing means, principally "counterstorytelling," to displace or overturn these comfortable majoritarian myths and narratives**. n34 A well-told counterstory can jar or displace the dominant account. n35 **The debate on objective and subjective standards touches on these issues of world-making and the social construction of reality. Powerful actors**, such as tobacco companies and male dates, **want objective standards applied to them simply because these standards always, and already, reflect them and their culture.** **These actors have been in power; their subjectivity long ago was deemed "objective" and imposed on the world. n36 Now their ideas about meaning, action, and fairness are built into our culture**, into our view of malefemale, doctor-patient, and manufacturer-consumer relations. n37 <continues> **I began by observing that law-talk can lull and gull us, tricking us into thinking that categories like objective and subjective, and the stylized debates that swirl about them, really count when in fact they either collapse or appear trivial when viewed from the perspective of cultural power. If we allow ourselves to believe that these categories do matter, we can easily expend too much energy replicating predictable, scripted arguments -- and in this way, the law turns once-progressive people into harmless technocrats**. n70

Trying to sidestep the discussion is a tactic of white nationalism – they try to cleanse debate by removing impure argument forms and protecting a world of predictable, objective policy debates in which important issues are met with theory.

### T Generics UV

1. Banning a specific group is most consistent with topic lit. **DeFilippis and Zimring 16**

Evan DeFilippis [graduated number one in his class at the University of Oklahoma with degrees in Economics, Political Science, and Psychology. He is a Harry S. Truman Scholar, a David L. Boren Critical Languages Scholar, and currently works as a research analyst at Quest Opportunity Fund. His work on gun violence has been featured in Washington Post, Atlantic, Slate, VICE, Huffington Post, Vox, Media Matters, Boston Review, and many others.], Franklin E. Zimring [Law Professor at University of California, Berkeley School of Law, J.D., University of Chicago, Zimring's major fields of interest are criminal justice and family law, with special emphasis on the use of empirical research to inform legal policy.] “CAL RR FINALS POST-ROUND DISCUSSION [TRANSCRIPT].” Debate Matters. March 5, 2016.

Varad: Hi, I'm Varad Agrawala from Greenhill, um, and my question was in terms of the legal definitions of a ban, uh, would banning for particular groups still count as a ban on private ownership, or would that be more of a restriction? What I mean by that is, would a ban necessitate banning private ownership for all individuals or is it okay to just ban it for like particular groups such as, one might say, you know, domestic violence abusers, or people in dating relationships? Zimring: Okay, in general, the distinction between, and this is the problem with talking about bans. The technical meaning of ban or prohibition is nothing at all. It, it's a wonderful word, but it hasn't been used. The distinction for handgun position regulations is between permissive and restrictive licensing. It is not a question of which group. The question is what's the assumption? Permissive says everybody except can own, and the exceptions are 90% the immature, then criminal records, and then something in the mental health situation. Restrictive licensing reverses the presumption and says nobody can own unless you have a particular good reason. It then has to, if it does it right, say what the good reasons are and what the evidence for them is right. The problem with that, it's highly restrictive. That's the good news. The bad news is, uh, the richer you are, and the more you contributed to last successful mayor, the more likely it is you're going to get a license. Welcome to politics. So, there are implementation problems. Those are the best conceptual frames. DeFilippis: I was just going to add really quickly that, uh, I mean, at risk of having this turn into like a topicality debate or something, but (audience laughs) ... Uh ... Varad: That's the reason I asked the question. DeFilippis: Uh, there's much of the literature as Professor mentioned, ban is not legally operationalized well in gun control literature, but there are plenty of research articles that use the phrase in the context of you know people with criminal records are banned from using guns, most people with different types of mental health records are banned from using guns. I think that in terms of banning subsets of the population, uh, I think it can be argued that it's a ban. Zimring: Oh, it's done, but it's part of what's really permissive licensing and regulation. Randall: All right. Zimring: It's everybody but ... Randall: Okay, all right. Bietz: Backfired.

2. Don’t vote on theory about our AFF being hard to answer – only evaluate carded evidence that our plan doesn’t fall within the bounds of the topic

A. They punish the AFF for doing good research, which kills fairness since the AFF is expected to find the best args for their side and the neg doesn’t get to choose exactly what ground they want as long as they have ground

B. Incentivizes less research and more vague case writing - people will read worse args for fear of losing on “your case is too good” which is terrible for learning about the topic

3. There’s plenty of neg ground – essentialism or statism Ks of hate crime laws, states CP that they have jurisdiction for hate crimes, shelters and education CPs, politics with links to our plan instead of generics, constitutionality, substitution effect or illegal market turns specific to the plan.

4. Defending whole-rez means they can read PICs out of any group of people like survivors, people in rural towns, security guards, black people – non-uniques all their offense and is worse than prepping every plan since

**A.** The neg’s reactive – they have infinite other CPs against a plan but PICs coopt 99% of my ground and I can’t pick a new advocacy in the 1AR

**B.** Time skew means they can out-tech me with framework or generic Ks even with slight AFF advantage

# Frontlines

## Frontlines – Turns (Case Specific)

### Solvency Overview

They’ve conceded empirical solvency that we take away guns from white racists - that’s DeFillippis 15. Outweighs all of their generic turns:

**A.** It’s specific to violent criminals – even if in general a handgun ban fails, in the unique instance of the AFF it works

**B.** Non uniques all their hate crime laws bad args – tons of hate crime laws exist in the SQUO so there’s no reason taking guns away from offenders is worse

### A2 Blacks Arrested more

No link –

**A.** We only defend punishing white offenders who commit crimes against minorities – that’s HLR 88.

**B.** We don’t defend sentence enhancements – just if you are charged with a hate crime, your gun is confiscated

Blacks get charged for anti white hate crimes like name-calling or verbal abuse because whites manipulate the system, but not gun use since most gun hate crimes are white on black.

Try or die – the prison industrial complex is massive and with the war on drugs police have every excuse to arrest blacks that they need – only a risk the plan makes things better.

There’s a resource tradeoff – stop and frisk and swat teams enforce the war on drugs but that would have to be limited for more blacks to be convicted for gun ownership.

Epistemology indict - resistance to gun bans are based in white NRA psychology that ignores the problems of anti black violence – they try to come up with any excuse they can to stop a ban but almost all black communities support the AFF – that’s Obrien 13.

### A2 Put Dangerous Ppl in prison = violence

Case outweighs –

**A.** Handguns are a key deadly tool of intimidation that lets racists strike fear into mass populations – that’s Parsons 16. Prison violence without guns is smaller scale and less deadly.

**B.** There’s some enforcement by prison officials that stops inner prison abuse, but it’s much harder to enforce rules against white on black violence outside of prison because the area’s more expansive.

### A2 Hate Crimes Divide Identities

This presumes a false notion of colorblindness that people can just separate from their identity and lived experience that recreates anti black violence. All of our harms show white racists are unwilling to come together with blacks and commit massive violence against black communities – the most productive strategy is to remove their weapons, not pretend like solidarity will happen.

### A2 Commit Crimes Silently

This is bad defense - hate criminals don’t plan their crimes strategically, but rather are influenced by feeling of racism and white nationalism that drive them to rash actions – Dylan Roof felt the need to express himself loudly because his racism drove his crime.

## Frontlines – Turns (Generic)

### A2 Kates and Mauser

Kates and Mauser have made up data, faulty models and no academic support. **DeFilippis 15**

Evan DeFilippis and Devin Hughes, Harvard Study Embraced by Gun Rights Advocates Is Neither a “Study,” Nor Really “Harvard”, The Trace, 10/21/ 2015. NS

In the wake of the Oregon college shooting, the website beliefnet.com caused a stir on social media with an article titled “Harvard University Study Reveals Astonishing Link Between Firearms, Crime and Gun Control.” The post pointed to a “virtually unpublicized” 2007 paper by Don Kates and Gary Mauser that uses international data to argue that higher rates of gun ownership correlate with lower crime rates. Other right-wing blogs soon picked up on the story, insisting that this was the study that “gun-grabbers fear.” The frenzy is a carbon copy of what happened when the so-called Harvard study was rediscovered back in 2013, and previously in 2012. However, despite its continued resurrection, Kates and Mauser’s work contains serious flaws. For starters, the phrase “Harvard study” is a misnomer, as the paper was not written by researchers at all affiliated with Harvard. Kates is a prominent, NRA-backed Second Amendment activist, while Mauser is a well-known Canadian gun advocate. Their paper appeared in the Harvard Journal of Law & Public Policy, a journal that, unlike most academic publications, does not have peer review. The publication describes itself as a “student-edited” law review that provides a forum for “conservative and libertarian legal scholarship.” The journal’s past contents include a thoroughly repudiated article, “What is Marriage?,” which argued that gay marriage was morally wrong. One function that publications like the Harvard Journal of Law & Public Policy serve is to provide a home for papers that wouldn’t survive vetting by other academics; research that can pass peer review is almost always sent to publications whose more stringent standards also come with greater reach. What’s more, the report by Kates and Mauser does not meet even the loosest criteria of an academic study, which requires either new analysis of an old dataset or boilerplate analysis of a new dataset. Kates and Mauser’s paper offers neither of these, instead relying on highly subjective eyeball comparisons of suspect data, without constructing a single statistical model. In their paper, Kates & Mauser make several bizarre and obviously false claims. They first state, without supporting evidence, that guns are not uniquely available in the United States, ignoring the fact that the U.S. now has one gun per person (double the rate of second-place Switzerland), and has, by any measure, the least stringent gun laws in the developed world. They then proclaim that much of the current gun violence debate is the product of Soviet propaganda. Leaving aside the paper’s dubious label, and the affronts the authors’ statements present to serious scholarship, there are four particularly egregious errors in the paper. They are: Faulty International Data Kates and Mauser correctly note that socio-cultural and economic factors play a key role in shaping a country’s level of violence. But their insight stops there as they then proceed to directly compare countries with dramatically different socio-cultural and economic conditions (like Russia and Norway) to draw conclusions about the efficacy of gun control. In doing so, they commit a cardinal sin of statistical analysis: not comparing likes to likes. To understand the social and economic factors that could significantly influence homicide rates, they should choose a basket of comparable countries with very similar conditions. Without controlling for these confounding factors, Kates and Mauser immediately undermine any conclusions they hope to draw. The authors proceed to compound these errors by using Luxembourg — a very small western European country of only 300,000 people — as the linchpin of their international analysis. Luxembourg’s scant population means that only a handful of murders could cause its homicide rate (measured by homicides per 100,000 residents) to fluctuate wildly. More problematic, the data from Luxembourg that the authors rely on is demonstrably wrong. Kates and Mauser cite Luxembourg’s homicide rate as a whopping 9.01 killings per 100,000 people in 2002. However, not only does that figure come from a source missing multiple years of data (a major red flag), but the United Nations Office on Drugs and Crime places the country’s homicide rate for the year in question at 1.4 per 100,000. This suggests that Kates and Mauser didn’t bother to double-check their source. Indeed, after the article was published, Mauser admitted that their data for Luxembourg was incorrect, an admission that was buried in the notes section of a PowerPoint slide. Conclusions About Firearms and Suicide That Run Counter to the Facts “People do not commit suicide because they have guns available,” the authors write. “In the absence of firearms, people who are inclined to commit suicide kill themselves some other way.” But the academic literature overwhelming shows otherwise. As we have written previously, reducing firearm access — especially among those groups most at risk to commit suicide — reliably saves lives. This is largely because even with a 100 percent substitution effect (meaning everybody who would have attempted suicide with a firearm chooses a different method), the rate of completed suicides would fall dramatically, as other methods such as overdoses or hanging are far less lethal than firearms. The large majority of this research existed at the time Kates and Mauser wrote their screed. Repeating the Discredited “More Guns, Less Crime” Theory The authors repeatedly cite John Lott’s work on Right-to-Carry laws as definitively proving that more guns leads to less crime. But the paper casually hides five devastating critiques of Lott’s work in a footnote, where Kates and Mauser dismiss academics at Harvard, Stanford, Yale, and Johns Hopkins — all of whom publish in peer-reviewed journals — as “anti-gun advocates and academics who oppose armed self-defense.” Moreover, while citing a National Research Council report earlier in their article when it suited their argument, they conveniently fail to mention that the same report also examined Lott’s work, and that 15 of the 16 panel members determined that the available evidence did not support his more guns, less crime hypothesis. As we have previously documented “More Guns, Less Crime” is an empirically and theoretically incoherent explanation for drops in the crime rate. Not only has this been demonstrated in at least eight independent reviews published within two years of Lott’s initial paper, but new studies, published after Kates and Mausers paper, have further debunked his findings. Referencing Impossible Defensive Gun Use Numbers Kates and Mauser state that “recent analysis reveals ‘a great deal of self-defensive use of firearms’ in the United States,” and go on to claim that there are “more defensive gun uses [by victims] than crimes committed with firearms.” Both of these statements are false, the second blatantly so. Every single survey that has examined both defensive and criminal gun uses has found that criminal use of firearms is far more prevalent. The authors try to skirt that fact by comparing defensive gun use surveys by criminologist Gary Kleck with numbers from the annual National Crime Victimization Survey, ignoring that these two surveys use different methodologies, which renders such a comparison moot. Further, the surveys Kates and Mauser cite as supporting evidence suffer from several flaws, not least of which is that they produce estimates that are mathematically impossible. An emerging body of research has shown that using a gun in self defense is no more effective at reducing the risk of injury or property loss than doing nothing at all, and that the actual number of defensive gun uses in the U.S. are much, much smaller than the estimates parroted by the National Rifle Association.

### A2 Substitution Effect (Kopel 93/Benenson 86)

Our ev is just better, DeFillippis cites multiple peer reviewed studies and empirics specific to the plan while theirs is one interview

Dixon destroys this:

1. Their threshold for increased violence is made up and base don target practice – even if long guns are more lethal they’re not concealable and much harder to shoot a close fast moving target

2. Their ev is criminals who say they would act violently –they exaggerate and don’t represent the general population

Kopel is on the board of several right-wing NRA sponsored organizations and has strong political incentive to exaggerate

Kleck’s study found no increase in lethality. **Lambert 02**

Tim Lambert, Lethality of handguns vs long guns, May 21, 2002

You argue that long guns are “much more lethal” than handguns because their projectiles have much more kinetic energy. However, it is not at all clear that lethality should be strongly related to kinetic energy (for example, consider what happens when a bullet passes completely through the victim). It is surely better to look at empirical evidence on how serious the different sorts of gunshot wounds are. The only study I have found to cast light on this is [J of Trauma 38:2 p291-298]. The authors measured the cost of treatment for patients hospitalized in a Los Angeles medical centre for different sorts of firearm injuries. The mean cost for handgun injuries was $6,400, for rifle injuries was $8,443 and for shotgun injuries was $3,385. Rifle wounds are somewhat more serious than handgun wounds but not that much, while shotgun wounds less so. We should also consider the possibility that long guns might be more (or less) likely to be fired or to hit. A study that sheds some light here is by Kleck and McElrath [Social Forces 69:669-92] who did a multivariate analysis on NCS and SHR data. The analysis implied that whether the attacker was armed with a handgun or long gun made little diference to the probability that the victim would end up dead. I write “the analysis implied” rather than “they found” because Kleck, who argues that substitution from hand guns to long guns would result in more deaths, failed to notice this fact.

Reduction in crimes outweighs. **Vernick 99**

Jon S Vernick, Daniel W Webster, and Lisa M Hepburn [Johns Hopkins School of Public Health, Center for Injury Research and Policy and Center for Gun Policy and Research], “Effects of Maryland’s law banning Saturday night special handguns on crime guns.” *Injury Prevention*1999, 5: 259-263 doi:10.1136/ip.5.4.259. DT.

Methodology:

Objectives—To determine the effects of a 1988 Maryland law that banned “Saturday night special” handguns on the types of guns used in crime. To determine if controls on the lawful market for handguns affect the illegal market as well.

Setting—Baltimore, Maryland, and 15 other US cities participating in a crime gun tracing project.

Methods—Cross sectional comparison of the proportion of crime guns that are banned by the Maryland law, comparing Baltimore, MD with 15 other cities outside of Maryland. Multivariate linear regression analysis to determine if observed differences between Baltimore and 15 other cities are explained by demographic or regional differences among the cities rather than Maryland's law.

We identified six handguns that met our definition of a substitution gun. Most numerous among these non-banned guns were the Davis P32, Davis P38, and Phoenix HP22. Others included inexpensive handgun models made by HiPoint, New England Firearms, and Stallard Arms. Taken together, the six **non-banned guns were somewhat less likely** (RR 0.8, 95% CI 0.7 to 0.9) **to be among the crime guns in the 15 other cities** (5.5% of crime guns) **than in Baltimore** (6.9%). If **banned guns and these six non-banned guns are considered together, however, they represent 15.7% of crime guns in Baltimore, compared with 25.2% in the other 15 cities** combined (RR 1.6, 95% CI 1.5 to 1.7). **Thus, the reduction in the proportion of banned guns** among Baltimore's crime guns **is larger than any substitution effect to** these six **non-banned guns.** Similarly, **there was no evidence of meaningful substitution to larger caliber handguns** in Baltimore compared with the 15 other cities. In Baltimore, of 3757 guns for which caliber information was available 1048 (27.9%) were small caliber, 1820 (48.4%) were medium or large caliber, and 889 (23.7%) were long guns. The comparable percentages for 31 349 guns in the 15 other cities were: 24.4% small caliber, 56.0% medium or large, and 19.6% long guns.

## Frontlines – CPs

### Theory - Multi Alt Actor Fiat Bad

**Interp:** Counterplans may not have multiple different actors than the agent of the plan

**Violation:** They defend multiple private organizations building shelters/education programs

**Standards:**

1. Predictability - there are infinite combinations of alternate actors which makes AFF prep impossible killing quality clash and reciprocal prep burdens – they can defend different combinations of shelters, education programs, and government agencies.

2. Ground – they can use different parts of different actors to solve all of the AFF mooting the entire 1AC – comparison of the plan vs one CP is reciprocal but defending different programs in each state is effectively hundreds of different agent CPS that steal the AFF

Drop the debater 1ar time is massively skewed and drop the arg shifts out of all our arguments making it impossible to win, *also the CP was uncondo so drop the arg means they lose anyway since they don’t have an advocacy*

Vote on fairness – it’s procedurally key to determine who did the better debating, even if other layers are important they’re unevaluable and it’s also constitutive of the judge’s ballot duty

### A2 Shelters CP

Perm do both shields the link – anyone subject to police or state violence can now go to a shelter and be saved

Solvency deficits:

**1.** There’s still massive violence for people aren’t aware of shelters, or don’t have the resources to travel to one

**2.** Blacks distrust the police – they’d have to turn to law enforcement to seek help and find a shelter but many wouldn’t for fear of harassment or arrest

**3.** It takes a long time to expand and establish shelters during which hate crimes can occur

**4.** Shelters become new target for mass shooters – they group vulnerable populations together in a small area

**5.** Any black person is a target, not just people who are previous survivors – whether you’re rich or poor, you’re externally marked by skin color, so only a gun ban solves violence that targets all facets of society vs ppl who have already experienced violence

Queer survivors are excluded from shelters – plan’s key. NCAVP 16

“COMMUNITY ACTION TOOLKIT FOR ADDRESSING INTIMATE PARTNER VIOLENCE¶ AGAINST TRANSGENDER PEOPLE,” National Coalition of Anti-Violence Programs (NCAVP), 2016.

LGBTQ survivors of IPV face a host of barriers in attempting to seek safety and healing. Many intimate partner violence programs have denied¶ LGBTQ survivors access to services, such as domestic violence shelters. In addition, due to a history of the criminalization of LGBTQ¶ communities by law enforcement and health-service organization, many LGBTQ survivors of violence experience discrimination and violence¶ when reporting intimate partner violence incidents to the authorities.¶ More than 61% of LGBTQ survivors were turned away from [IPV] shelter in 2012 and nearly 1/3 were wrongly arrested as the¶ abusive partner. Additionally, fewer than 3% of all survivors sought orders of protection and fewer than 50% reported violence to the police.4¶ In 2010 a groundbreaking report5 highlighted the stark inequality and the numerous barriers LGBTQ survivors of violence face in trying to¶ obtain culturally competent services to prevent and address the violence against them. 94% of the respondents said they were not serving¶ LGBTQ survivors. Studies have shown that only one in five survivors of same-gender sexual assault and intimate partner violence received¶ victim services7and many LGBTQ people do not feel that supportive services are readily accessible.8

Survivors in shelters are more likely to experience PTSD, contributing to suicide and substance abuse. Hughes 2k

“Women, Domestic Violence, and Posttraumatic Stress Disorder (PTSD),” Margaret J. Hughes & Loring Jones. San Diego State University, Jan. 2000.

Available research indicates that the symptoms exhibited by battered women are consistent¶ with the major indicators of PTSD as currently defined by the DSM IV. A consistent finding¶ across varied samples (i.e., clinical samples, shelters, hospitals, community agencies, etc.) is¶ that substantial proportions of victimized women (31% to 84%) exhibit PTSD symptoms.¶ 2. The shelter population is at a higher risk for PTSD than victimized women¶ who are not in shelters. Estimates of victimization among the shelter population range from¶ 40% to 84%.¶ 3. Having multiple victimization experiences (childhood abuse, particularly sexual abuse, and¶ adult sexual abuse) increases the likelihood of PTSD and many other types of psychiatric¶ disorders.¶ 4. The extent, severity, and type of abuse are associated with the intensity of PTSD. Severity¶ refers to how life threatening the abuse is. The more life threatening the abuse is, the more¶ traumatic the impact. Sexual abuse, severe physical abuse, and psychological abuse are¶ associated with an increase in trauma symptoms among victims. Women need not experience¶ severe violence to experience PTSD symptoms; but experiencing severe violence exacerbates¶ symptoms. Psychological abuse may be as damaging as physical violence.¶ 5. Other forms of emotional distress accompany PTSD, particularly depression and dysthymia,¶ are noted among domestic violence victims. A history of depression may be a risk factor for¶ victimization.¶ 6. Suicide is a risk among domestic violence victims who exhibit PTSD symptoms. PTSD may¶ mediate the link between partner abuse and suicidal ideation.¶ 7. Substance abuse was reported in a high percentage of victimized women. Women who¶ reported being victims of child abuse and adult abuse had significantly more lifetime drug¶ and alcohol dependence than women not reporting abuse.¶ 8. In addition to PTSD, depression, and substance abuse, other mental health problems have¶ been noted in victimized women.¶ 9. The empirical evidence does suggest that younger unemployed women, with a¶ relatively large number of children, with low income, and low levels of social¶ support, are more at risk to experiencing PTSD symptoms and other mental health¶ problems than women without those characteristics.

### A2 Education CP

This is a liberal myth that you cant just teach whites to not be racist and they’ll stop – no amount of education would have stopped Dylan Roof from shooting up Charleston.

## Frontlines – State Bad K

### Hate Crime Laws Good

Overview: their arguments are just defense against the aff – we don’t say hate crimes are the end point of activism, just that activists can use the laws strategically as a means of survival. Yes, the laws do not protect everyone, but that does not mean they do harm to those not protected.

And, perm shields the link because the aff doesn’t change existing hate crime laws, so any expansion of the laws to be more inclusive is compatible with the aff.

Hate crime legislation is a demand on the state and allows marginalized groups to voice their concerns **Brandzel ’16:**

Amy L. Brandzel. “Against Citizenship: The Violence of the Normative.” University of Illinois Press. 2016. *The Specters of Citizenship,* p. 43. JS.

*\*\*Leave the last paragraph so you have some examples to discuss\*\**

AnnJanette Rosga’s ethnographic work on hate crime legislation makes a similar argument. Rosga argues that **activists often utilize hate crime legislation as a means** to not only critique incidents of violence, but also as a means **to critique the state and police enforcement policies**. In Rosga’s framing, **hate crime legislation allows for an opportunity to “police the state”** as to how state actors do and do not confront issues of hate violence. **Activists often hold the state accountable**, not as the neutral arbiter of difference, but as the primary producer of difference. It is worth quoteing her in full to understand her argument:¶ Certainly both activsts and law enforcement officers are using the category hate crime to classify certain types of crime, to identify a (contested) selection of incidents deriving from, and/or enacting, social prejudices. However, **social actors** situated **both within and outside of law enforcement are** also **mobilizing the category of hate crime in negotiations over police – and** metonymically **state**—**identity**. **In arguing** for or against particular elements of **hate crime’s definition, in supporting or rejecting policies that will affect police procedure**, interested **advocates** from across the political spectrum **contribute to the ongoing construction of the function and roles of law enforcement** officers.¶ As Rosga incisively argues **hate crime legislation provides an opportunity** for community members **to negotiate** with representatives of the state or state actors, **thereby demonstrating the contestability of not only the functionality of hate crime law enforcement, but categories of identity and structures of hate** as well.¶ Basia Spalek argues that **community organizations use hate crime legislation as a means to critique local police practices** and **push for** what she calls “**representative democracy**.” **As a result** of such efforts, **local government offices tend to include community organizations** in various efforts on hate crimes, such as participating **in the creation of training manuals**, as well as **working to hire** and “include” **minorities** **within** the ranks of **the police** and government agencies. Her point here is that as much as these efforts to include are always-already problematic, **hate crime legislation does produce some forms of government responsiveness** to local communities.¶ My own discursive analysis of hate crime legislation supports these ethnographic accounts. There is a plethora of literature that is geared toward “trainng” state employees about hate crimes, social and cultural “differences,” and the regulations and processes of hate crime law. From guidelines on data collection to training guides and procedural manuals, the criminal justice system is inundated with instruction for understanding hate crimes. For example, since the Hate Crimes Statistics Act was passed in 1990, the Department of Justice and FBI have published various iterations of the “hate Crime Data Collection Guidelines,” as well as a “Training Guide for hate Crime Data Collection” that are directed at law enforcement personnel. Each of these guidelines works to offer information on what hate crimes are, how they are to be recognized, how officers should treat victims, and a series of definitions of various identities and types of bias. The Training Guide in particular offers a set of “learning modules” and tutorials. While these materials are certainly problematic, expecially in how identities are defined (to be discussed later), they are clearly written by social scientists as a means to educate and produce at least some political and social awareness for police enforcement officers. For example, in the 1999 U.S. Department of Justice’s “training Guide for Hate Crime Data Collection,” whilte learning module two focuses on “definitions and procedures,” and modeul there offers various “case study exercises,” the first module is a series of cognitive psychology lessons on “The Social Psychology of Prejudice.” These are, no doubt, gentle and simplistic ways to describe how and why personal and individual forms of bias and discrimination lead to “hate,” but they do also do some labor to describe some of the historical and structural conditions that precede and follows these individualized mishaps. So, for example, while module one outlines topics such as “Prejudice: How It Affects the Way We Think and the Way We Act,” “What Are the Emotional Bases of Prejudice?” and “What Are the Cognitive Consequences of Stereotypes?” it also offres a discussion about “The Social Sources fo Prejudice” that provides and albeit succinct explanation os to how historical oppressions and stereotypes create “unequal treatment.”

Hate crime laws force the police to confront systematic racism and change policing tactics. **Brandzel ’16:**

Amy L. Brandzel. “Against Citizenship: The Violence of the Normative.” University of Illinois Press. 2016. *The Specters of Citizenship,* p. 43. JS.

**Hate crime legislation**, then, **provides the opportunity to train the police and** other **state actors** **on** processes of **racialization and** gender and sexual **oppression**, **which is no small feat when we recognize that these same actors are**, potentially, **debating the merits of racial profiling, affirmative action policies, and community politics**. **These guidelines**, while far from satisfactory descriptions of the structures of (hate) violence and practices of subordination, at least **offer** various types of “**teaching moments” that create openings for activists and communities to call out police and to hold them accountable**. IN these moments, hate crime legislation **activists are not denying that the police are perpetuators of violence**. Rather, **they are performing shrewd negotiations within the conditions of state power and violence**. As Rosga ovserves, “**police are being asked to investigate and apprehend bigots by people who often enough refer to the police themselves as bigots.”**

Empirically, hate crime legislation has changed public perception of the prevalence of racism in society.

McLaughlin, Eugene. "Rocks and hard places The politics of hate crime." Theoretical Criminology 6.4 (2002): 493-498. TF

First, Jacobs and Potter underrepresent the struggle that has had to be mounted by advocacy groups to make these crimes visible and to persuade politicians, the police and the media to take their concerns seriously. In the UK, for example, the extent and seriousness of racist violence was system- atically downplayed or given lukewarm coverage. A succession of reports published from the 1970s onward documented dramatic increases in levels of racist harassment and violence in certain parts of the UK and expressed concern about the inadequate response of the police. However, the harrow- ing evidence presented in various official reports was not reflected in significant sections of news media coverage. Right-wing newspapers tended to: report only the most conspicuous and horrific cases; view incidents of racial violence as random in nature; reject the classification of incidents as racially motivated unless there was evidence of organized involvement by racist and fascist groups; deplore, but view as ‘natural’ and inevitable, white resentment that their neighbourhoods were being ‘invaded’ or ‘swamped’ by ethnic minorities; emphasize the traditions of tolerance that are the hallmark of British society; blame misguided race relations policies for fostering, rather than ameliorating, racial tensions; invoke the idea that ‘mugging’ could be defined as a form of black-on-white racist violence; and highlight the involvement of anti-racist groups who were exploiting in- cidents and manipulating victims to ferment racial conflict and discontent. Second, Jacobs and Potter’s tendency to dismiss the seriousness of hate crimes is disturbing. I can agree that ‘hate crime’ may manufacture crude one-dimensional stereotypes of particular perpetrators. For example, in the case of racist hate crime there seems to be a media obsession with detailing the ‘race war’ activities of neo-nazi skinhead groups in various jurisdic- tions. However, we have to be careful not to ignore the significance of ‘low level’ aggravation and ‘petty’ sub-criminal racist incidents that are a routine, largely unreported part of everyday life in certain localities. They can create a climate of racial intolerance, prejudice and hostility within which the organized ideologies of ‘white power’ extremists can take hold and minority ethnic groups are forced to live in a state of endemic fear and terror.¶ In addition, the political framework underpinning Jacobs and Potter’s critique of ‘hate crime’ legislation deserves close attention. Their book is best viewed as a criminological contribution to the heated debate that has been taking place in American society over the nature of civic culture. They reiterate the views of those ‘open society’ political commentators who highlight the threat to social cohesion and national unity posed by the emergence of ‘identity politics’. Defenders of the ‘American way of life’ complain that the nation’s traditional values of ‘consensus’, ‘commonality’, ‘unity’ and fundamental rights such as the freedom of expression are under assault from powerful special interest groups marching under the banners of ‘multiculturalism’ and ‘affirmative action’ and pushing an agenda that will codify political correctness. Jacobs and Potter make the critical error of defining movements strug- gling around issues of race, gender, and sexuality as inherently particula- ristic, antagonistic and divisive. Rather, these social movements are not just inevitable, but indispensable to multicultural, pluralistic societies frag- mented by race, ethnicity, class, and gender. Transcending these divisions requires the forging of a new form of democratized civil society that recognizes and respects differences as well as commonalties. Of course, calling upon the law to alter society is a complex and difficult task. There is the very real threat of the over-legalisation of everyday life and social relations, and the possibility of raising expectations that cannot be met. Nevertheless, law is first and foremost a field of struggle and an important constitutive force moulding social relations and citizen identities. This is why it remains a critical strategy for social reformers. Law provides the ideological and material resources for social transformation in the form of concepts and an imaginary that can be used to articulate and advance claims to citizenship, equal treatment and justice. Supporters of hate crime legislation have a case when they argue that law can send a message to wider society about what will not be tolerated in a heterogeneous society and to previously subordinated or marginalized groups that their rights, interests and needs will be recognized. In conclusion, I would argue that for all the problems and issues highlighted by Jacobs and Potter, hate crime legislation must be seen as an important part of the ongoing process of identifying and articulating the values, sensibilities and ground rules of vibrant, multicultural societies, including the public recognition and affirmation of the right to be different. Hate crime, in all its many manifestations, strikes at the diversity upon which multicultural societies thrive, denying the right to self-identity and self-determination and imposing a subordinate, inferior or less-than-human status on the victim and her or his community or group. Arguing the case for a ‘return’ to the Durkheimian ideal of a society where the fight against all forms of crime should be the glue for social solidarity is politically inadequate. In the USA, fighting crime has long played a leading cultural role. Rather than leading to a ‘strong centre’, this ‘fight’ has created a fearful, suspicious environment wherein zero-tolerance policing, racial profiling, mass incarceration, the death penalty and gated communities have flourished.

### 1AR – State Good

Perm ban racist hate criminals and also challenge the state - Case outweighs and is a pre requisite to the alt – we solve massive white on black violence and racial terror – people in those situations can’t organize against the state.

No link to handgun hate crime laws – tons of hate crime laws exist in the squo - if the alt solves those it definitely solves the aff or else it can’t solve at all.

We don’t increase convictions, we only take guns away from convicted white racists, not minorities.

Prefer specific empirical evidence that we solve hate crimes – there generic no solvency claims aren’t evidence based when we show that the plan has stopped material violence.

The government can be used strategically – black people demand hate crime laws that stopped KKK members from lynching black people didn’t change the entire system, but they were a step in the right direction. We don’t defend all of the state, only that the plan specifically is good.

We use the state as a heuristic to learn to strategically fight it – interim gains are key to revolution. **Connolly 13**

Connolly 13 – Professor of Political Science @ JHU (William, “The Fragility of Things,” p. 36-42)

A philosophy attending to the acceleration, expansion, irrationalities, interdependencies, and fragilities of late capitalism suggest that we do not know that confidence, in advance of experimental action, just how far or fast changes in the systemic character of neoliberal capitalism can be made. The structures often seem solid and intractable, and indeed such a semblance may turn out to be true. Some may seem solid, infinitely absorptive, and intractable when they are in fact punctuated by hidden vulnerabilities, soft spots, uncertainties, and potential lines of flight that become apparent when they are subjected to experimental action, upheaval, testing, and strain. Indeed no ecology of late capitalism, given the variety of forces to which it is connected by a thousand pulleys, vibrations, impingements, dependencies, shocks, and threads, can specify with supreme confidence the solidity or potential flexibility of the structures it seeks to change. ¶ The strength of structural theory, at its best, was in identifying institutional intersections that hold a system together; its conceit, at its worst, was the claim to know in advance how resistant such intersections are to potential change. Without adopting the opposite conceit, it seems important to pursue possible sites of strategic action that might open up room for productive change. Today it seems important to attend to the relation between the need for structural change and identification of multiple sites of potential action. You do not know precisely what you are doing when you participate in such a venture. You combine an experimental temper with the appreciation that living and acting into the future inevitably contain a shifting quotient of uncertainty. The following tentative judgments and sites of action may pertinent. ¶ 1) Neither neoliberal theory, nor socialist productivism, nor deep ecology, nor social democracy in its classic form seems sufficient to the contemporary condition. This is so in part because the powers of market self-regulation are both real and limited in relation to a larger multitude of heterogeneous force fields beyond the human estate with differential power of self-regulation and metamorphosis. A first task is to challenge neoliberal ideology through critique and by elaborating and publicizing positive alternatives that acknowledge the disparate relations between market processes, other cultural systems, and nonhuman systems. Doing so to render the fragility of things more visible and palpable. Doing so, too, to set the stage for a series of intercoded shifts in citizen role performances, social movements, and state action. ¶ 2) Those who seek to reshape the ecology of late capitalism might set an interim agenda of radial reform and then recoil back on the initiatives adopted to see how they work. An interim agenda is the best thing to focus on because in a world of becoming the more distant future is too cloudy to engage. We must, for instance, become involved in experimental micro-politics on a variety of fronts, as we participate in role experimentations, social movements, artistic displays, erotic-political shows, electoral campaigns, and creative interventions on the new media to help recode the ethos that now occupies investment practices, consumption desires, family savings, state priorities, church assemblies, university curricula, and media reporting. It is important to bear in mind how extant ideologies, established role performances, social movements, and commitments to state action intersect. To shift some of our own role performances in the zones of travel, church participation, home energy use, investment, and consumption, for instance, that now implicate us deeply in foreign oil dependence and the huge military expenditures that secure it, could make a minor difference on its own and also lift some of the burdens of institutional implication from us to support participation in more adventurous interpretations, political strategies, demands upon the state, and cross state citizen actions. ¶ 3) Today perhaps the initial target should be on reconstituting established patterns of consumption by a combination of direct citizens actions in consumption choices, publicity of such actions, the organization of local collectives to modify consumption practices, and social movements to reconstitute the current state-and market-supported infrastructure of consumption. By the infrastructure of consumption I mean publicly supported and subsidized market subsystems such as a national highway system, a system of airports, medical care through private insurance, agribusiness pouring high sugar, salt, and fat content into foods, corporate ownership of the public media, the prominence of corporate 403 accounts over retirement pension, and so forth that enable some modes of consumption in the zones of travel, education, diet, retirement, medical care, energy use, health, and education and render others much more difficult of expensive to procure. To change the infrastructure is also to shift the types of work and investment available. Social movements that work upon the infrastructure and ethos of consumption in tandem can thus make a real difference directly, encourage more people to heighten their critical perspectives, and thereby open more people to a more militant politics if and as the next disruptive event emerges. Perhaps a cross-state citizen goal should be to construct a pluralist assemblage by moving back and forth between experiments in role performances, the refinement of sensitive modes of perception, revisions in political ideology, and adjustments in political sensibility, doing so to mobilize enough collective energy to launch a general strike simultaneously in several countries in the near future. The aim of such an event would be to reverse the deadly future created by established patterns of climate change by fomenting significant shifts in patterns of consumption, corporate policies, state law, and the priorities of interstate organizations. Again, the dilemma of today is that the fragility of things demands shifting and slowing down intrusion: into several aspects of nature as we speed up shifts in identity, role performance, cultural ethos, market regulation, and state policy. ¶ 4) The existential forces of hubris (expressed above all in those confident drives to mastery conveyed by military elites, financial economists, financial elites, and CEOs) and of ressentiment (expressed in some sectors of secularism and evangelicalism) now play roles of importance in the shape of consumption practices, investment portfolios, worker routines, managerial demands, and the uneven semen of entitlement that constitute neoliberalism. For that reason activism inside churches, schools, street life, and the media must become increasingly skilled and sensitive. As we proceed, some of us may present the themes of a world of becoming to larger audiences, challenging thereby the complementary notions of a providential world and secular mastery that now infuse too many role performances, market practices, and state priorities in capitalist life. For existential dispositions do infuse the role priorities of late capitalism. Today it is both difficult for people to perform the same roles with the same old innocence and difficult to challenge those performances amid our own implication in them. Drive by evangelists, the media, neoconservatives, and the neolibreal right to draw a veil of innocence across the priorities of contemporary life make the situation much worse. ¶ 5) The emergence of a neofascist or mafia-type capitalism slinks as a dangerous possibility on the horizon, partly because of the expansion and intensification of capital, partly because of the real fragility of things, partly because the identity needs of many facing these pressures encourage them to cling more intensely to a neoliberal imaginary as its bankruptcy becomes increasingly apparent, partly because so many in America insist upon retaining the special world entitlements the country achieved after World War II in a world decreasingly favorable to them, partly because of the crisis tendencies inherent in neoliberal capitalism, and partly because so many resist living evidence around and in them that challenges a couple of secular and theistic images of the cosmos now folded into the institutional life of capitalism. Indeed the danger is that those constituencies now most disinclined to give close attention to public issues could oscillate between attraction to the mythic promises of neoliberal automaticity and attraction to a neofascist movement when the next crisis unfolds. It has happened before. I am not saying that neoliberalism is itself a form of fascism, but that the failures and meltdowns it periodically promotes could once again foment fascist or neofascist responses, as happened in several countries after the onset of the Great Depression. ¶ 6) The democratic state, while it certainly cannot alone tame capital or reconstitute the ethos and infrastructure of consumption, must play a significant role in reconstituting our lived relations to climate, weather, resource use, ocean currents, bee survival, tectonic instability, glacier flows, species diversity, work, local life, consumption, and investment, as it also responds favorable to the public pressures we must generate to forge a new ethos. A new, new left will thus experimentally enact new intersections between role performance and political activity, outgrow its old disgust with the very idea of the state, and remain alert to the dangers states can pose. It will do so because, as already suggested, the fragile ecology of late capital requires state interventions of several sorts. A refusal to participate in the state today cedes too much hegemony to neoliberal markets, either explicitly or by implication. Drives to fascism, remember, rose the last time in capitalist states after a total market meltdown. Most of those movements failed. But a couple became consolidate through a series of resonances (vibrations) back and forth between industrialists, the state, and vigilante groups, in neighborhoods, clubs, churches, the police, the media, the pubs. You do not fight the danger of a new kind of neofascism by withdrawing from either micropolitics or state politics. You do so through a multisited politics designed to infuse a new ethos into the fabric of everyday life. Changes in ethos can in turn open doors to new possibilities of state and interstate action, so that an advance in one domain seeds that in the other. And vice versa. A positive dynamic of mutual amplification might be generated here. Could a series of significant shifts in the routines of state and global capitalism even press the fractures system to a point where it hovers on the edge of capitalism itself? We don’t know. That is one reason it is important to focus on interim goals. Another is that in a world of becoming, replete with periodic and surprising shift in the course of events, you cannot project far beyond an interim period. Another yet is that activism needs to project concrete, interim possibilities to gain support and propel itself forward. That being said, it does seem unlikely to me, at least, that a positive interim future includes either socialist productivism or the world projected by proponents of deep ecology. ¶ 7) To advance such an agenda it is also imperative to negotiate new connections between nontheistic constituencies who care about the future of the Earth and numerous devotees of diverse religious traditions who fold positive spiritualties into their creedal practices. The new, multifaceted movement needed today, if it emerges, will take the shape of a vibrant pluralist assemblage acting at a multiple sites within and across states, rather than either a centered movement with a series of fellow travelers attached to it or a mere electoral constellation. Electoral victories are important, but that work best when they touch priorities already embedded in churches, universities, film, music, consumption practices, media reporting, investment priorities, and the like. A related thing to keep in mind is that the capitalist modes of acceleration, expansion, and intensification that heighten the fragility of things today also generate pressures to minorities the world along multiple dimensions at a more rapid pace than heretofore. A new pluralist constellation will build upon the latter developments as it works to reduce the former effects. ¶ I am sure that the forgoing comments will appear to some as “optimistic” or “utopian.” But optimism and pessimism are both primarily spectatorial views. Neither seems sufficient to the contemporary condition. Indeed pessimism, if you dwell on it long, easily slides into cynicism, and cynicism often plays into the hands of a right wing that applies it exclusively to any set of state activities not designed to protect or coddle the corporate estate. That is one reason that “dysfunctional politics” resounds so readily to the advantage of cynics on the right who work to promote it. They want to promote cynicism with respect to the state and innocence with respect to the market. Pure critique, as already suggested, does not suffice either. Pure critique too readily carries critics and their followers to the edge of cynicism. ¶ It is also true that the above critique concentrates on neoliberal capitalism, not capitalism writ large. That is because it seems to me that we need to specify the terms of critique as closely as possible and think first of all about interim responses. If we lived under, say, Keynesian capitalism, a somewhat different set of issues would be defined and other strategies identified. Capitalism writ large—while it sets a general context that neoliberalism inflects in specific ways—sets too large and generic a target. It can assume multiple forms, as the difference between Swedish and American capitalism suggest the times demand a set of interim agendas targeting the hegemonic form of today, pursued with heightened militancy at several sties. The point today is not to wait for a revolution that overthrows the whole system. The “system,” as we shall see further, is replete with too many loose ends, uneven edges, dicey intersections with nonhuman forces, and uncertain trajectories to make such a wholesale project plausible. Besides, things are too urgent and too many people on the ground are suffering too much now. The need now is to activate the most promising political strategies to the contemporary condition out of a bad set. On top of assessing probabilities and predicting them with secret relish or despair—activities I myself pursue during the election season—we must define the urgent needs of the day in relation to a set of interim possibilities worthy of pursuit on several fronts, even if the apparent political odds are stacked against them. We then test ourselves and those possibilities by trying to enact this or that aspect of them at diverse sites, turning back to reconsider their efficacy and side effects as circumstances shift and results accrue. In so doing we may experience more vibrantly how apparently closed and ossified structures are typically punctuated by jagged edges, seams, and fractures best pried open with a mix of public contestation of established interpretations, experimental shifts in multiple role performances, micropolitics in churches, universities, unions, the media, and corporations, state actions, and large-scale, cross-state citizen actions.

The alt doesn’t generate uniqueness for any impacts – you can’t just get rid of the state – there are multiple complicated agencies, police forces, and policy measures and they don’t have a clear step by step process – only the plan has a risk of solving.

Their revolution gets crushed and causes massive material violence to blacks. Flaherty 05

http://cryptogon.com/docs/pirate\_insurgency.html

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ACS = American Corporate State

THE NATURE OF ARMED INSURGENCY AGAINST THE ACS Any violent insurgency against the ACS is sure to fail and will only serve to enhance the state's power. The major flaw of violent insurgencies, both cell based (Weathermen Underground, Black Panthers**,** Aryan Nations etc.) and leaderless (Earth Liberation Front, People for the Ethical Treatment of Animals, etc.) is that they are attempting to attack the system using the same tactics the ACS has already mastered: terror and psychological operations. The ACS attained primacy through the effective application of terror and psychological operations. Therefore, it has far more skill and experience in the use of these tactics than any upstart could ever hope to attain.4 This makes the ACS impervious to traditional insurgency tactics. - Political Activism and the ACS Counterinsurgency Apparatus The ACS employs a full time counterinsurgency infrastructure with resources that are unimaginable to most would be insurgents. Quite simply, violent insurgents have no idea of just how powerful the foe actually is. Violent insurgents typically start out as peaceful, idealistic, political activists. Whether or not political activists know it, even with very mundane levels of political activity, they are engaging in low intensity conflict with the ACS. The U.S. military classifies political activism as “low intensity conflict.” The scale of warfare (in terms of intensity) begins with individuals distributing anti-government handbills and public gatherings with anti-government/anti-corporate themes. In the middle of the conflict intensity scale are what the military refers to as Operations Other than War; an example would be the situation the U.S. is facing in Iraq. At the upper right hand side of the graph is global thermonuclear war. What is important to remember is that the military is concerned with ALL points along this scale because they represent different types of threats to the ACS. Making distinctions between civilian law enforcement and military forces, and foreign and domestic intelligence services is no longer necessary. After September 11, 2001, all national security assets would be brought to bear against any U.S. insurgency movement**.** Additionally, the U.S. military established NORTHCOM which designated the U.S. as an active military operational area. Crimes involving the loss of corporate profits will increasingly be treated as acts of terrorism and could garner anything from a local law enforcement response to activation of regular military forces. Most of what is commonly referred to as “political activism” is viewed by the corporate state's counterinsurgency apparatus as a useful and necessary component of political control. Letters-to-the-editor... Calls-to-elected-representatives... Waving banners... “Third” party political activities... Taking beatings, rubber bullets and tear gas from riot police in free speech zones... Political activism amounts to an utterly useless waste of time, in terms of tangible power, which is all the ACS understands. Political activism is a cruel guise that is sold to people who are dissatisfied, but who have no concept of the nature of tangible power. Counterinsurgency teams routinely monitor these activities, attend the meetings, join the groups and take on leadership roles in the organizations. It's only a matter of time before some individuals determine that political activism is a honeypot that accomplishes nothing and wastes their time. The corporate state knows that some small percentage of the peaceful, idealistic, political activists will eventually figure out the game. At this point, the clued-in activists will probably do one of two things; drop out or move to escalate the struggle in other ways. If the clued-in activist drops his or her political activities, the ACS wins. But what if the clued-in activist refuses to give up the struggle? Feeling powerless, desperation could set in and these individuals might become increasingly radicalized. Because the corporate state's counterinsurgency operatives have infiltrated most political activism groups, the radicalized members will be easily identified, monitored and eventually compromised/turned, arrested or executed. The ACS wins again.

### A2 Gov Seems on Our Side

We recognize the state isn’t perfect but blacks demand that the state stop being complicit in the slaughter of their communities with handguns – this isn’t liberal politicians trying to gloss over problems, it’s explicitly challenging liberalism and forcing the state to own up for condoning anti blackness.

Tiny link – the government claims to help blacks with welfare programs, other hate crime laws, and the police force are expansive – no reason the aff gives people any more trust in institutions.

No impact to “the aff tries to seem liberal” if we still solve material violence against blacks

### A2 Punishment < Support

Some punishment is key to make sure racists don’t have easy gun access to kill black communities, they put too much trust in white racists that they will just change. They only thing that could have stopped Dylan Roof was taking his gun away.

Perm take guns away from hate criminals and *institute rehabilitative support programs (or whatever they say)*  - shields the link since we solve gun violence and also rehab anyone who needs it

### A2 Root Cause

Doesn’t imply solvency – we strongly mitigate the effects of racism and they don’t get rid of any of it – racism happens in both worlds, it’s a question of which has less.

Blaming racism on root cause factors instead of solving individual acts of violence cedes responsibility and perpetuates anti blackness. **Kappeler 95**

Susanne Kappeler, Associate Prof @ Al-Akhawayn University, The Will to Violence: The Politics of Personal Behavior, 1995, pg. 6-7

This means engaging also with the discourses which construct violence as a phenomenon but obliterate the agent’s decision to violate. Our unwillingness to recognize the will of those who act violently as their will to act violently, our readiness to exonerate violent behaviour by means of spurious explanations, not only betrays our primary identification with the subjects of violence and our lack of solidarity with [survivors] the victims. It is itself an act of violence: the exercise of ideological violence, of the power of a discourse which legitimates violence, stigmatizes the victims, and treats people not as the agents of their own actions but as material for (‘our’) social policy. Ideology, however, is not just made by others; we are all of us subjects of ideology — as the producers of our own thinking and as the recipients of other people’s discourse — unless we resist such ideological struc­tures of thought and discourse in a continual critique of ideology itself. A decision to violate is not necessarily synonymous with a decision to be ‘bad’ or to commit an injustice. Rather, we have at our disposal structures of thought and argumentation which make such a decision appear rational, justified or even necessary. These structures of thought are deeply rooted in our everyday thinking: they are part of the dominant ideology. We use them in our daily decisions for action — actions which are not necessarily acts of bodily injury and murder, of arson and larceny, and which do not necessarily unleash a major war, but which none the less are acts of violence: violation of the rights and integrity of other people, violation of their dignity and personhood, suppression of their freedom of choice and their self-determination, acts of objectification and of exploitation at every conceivable level — in other words, war, on a small scale and against our nearest if not our dearest. What is remarkable is that this everyday behavior, in so far as it does not fall within the competence of criminal law, is hardly the subject of a serious theoretical discussion. Neither does it attract explicit legitimation; rather, the violence of everyday behavior draws its legitimacy from the ubiquity of such behavior in our society and the social consensus about it as relative ‘harmlessness’ compared with other, that is, recognized forms of violence. That is to say, everyday behavior takes its orientation from the tradition of social practice, reproducing itself through recourse to the status quo. It is so naturalized, in fact, that it is not violent action which attracts attention, but any resistance to it: leaving a violent relationship or situations of violence, resisting bullying, pressure and blackmail, refusing to fight back.

## Frontlines – DA

### A2 Constitutionality DA

The AFF is constitutional. **Parsons et al 16**

Chelsea Parsons, Eugenio Weigend Vargas, and Jordan Jones, Hate and Guns, Center for American Progress, February 2016. NS

Lawmakers have already determined that certain individuals should not be permitted to possess guns because their previous criminal history makes them more likely to pose a future risk to public safety, and the Supreme Court has consistently upheld such laws as consistent with the Second Amendment. Barring individuals convicted of misdemeanor hate crimes from possessing firearms would fall well within the type of reasonable restrictions the Supreme Court has indicated do not violate the Constitution.

# Extra Cards

### States Inherency

5 states have no hate crime laws. **Parsons et al 16**

Chelsea Parsons, Eugenio Weigend Vargas, and Jordan Jones, Hate and Guns, Center for American Progress, February 2016. NS

In addition to federal law, nearly every state has enacted some type of hate crime law. Washington and Oregon were the first states to pass hate crime legislation in 1981.10 To date, only five states have failed to enact any type of hate crime law: Arkansas, Georgia, Indiana, South Carolina, and Wyoming.11 State laws, however, vary widely in terms of the breadth of the protection and who is covered. The Anti-Defamation League has evaluated each state’s laws and found that while 45 states have at least some type of hate crime law on the books, only 14 states have laws that can be characterized as comprehensive, meaning that they provide pro- tection for a broad group of classes, including race, religion, ethnicity and national origin, sexual orientation, gender, gender identity, and disability.12 In addition to criminalizing this conduct, some state-level hate crime laws also mandate data col- lection and training for law enforcement.13

### Harms

Guns used in hate crimes. **Parsons et al 16**

Chelsea Parsons, Eugenio Weigend Vargas, and Jordan Jones, Hate and Guns, Center for American Progress, February 2016. NS

One disturbing trend is the use of guns by individuals who commit hate and bias- motivated crimes. According to data from the NCVS, there were roughly 43,000 hate crimes committed in the United States between 2010 and 2014 that involved a gun.48 Of these incidents, the majority involved bias due to race, ethnicity, or a combination of the two: 56 percent of victims of hate crimes involving a gun reported bias due to race, and 48 percent reported bias due to ethnicity.49 ￼Racist leader arrested in Albany, New York After purchasing fully automatic machine guns from an undercover FBI agent on August 6, 2015, Shane Robert Smith told the agent he was part of a hit group and wanted the weapons to “execute minorities.”50 On November 30, 2015, he was indicted in federal court.51 Prior to this incident, Smith was arrested in June 2014 for painting racially charged graffiti.52 Other research provides a similar picture of the intersection between gun violence and hate crimes in the United States. An analysis of 8,132 hate crimes reported to the FBI through the National Incident-Based Reporting System, or NIBRS, between 2011 and 2013—performed by researchers at the John Jay College of Criminal Justice and news organization The Trace—found that 207 of those inci- dents involved guns.53 This analysis also found that among hate crimes committed with a gun, black victims were targeted more often than any other racial group and that anti-black bias was, by far, the most common motivation for these attacks.54 Of the 21 transgender people murdered during the first half of 2015 according to the HRC and TPOCC study, 11 were killed with guns.55 ￼Spokane, Washington, attempted murder On September 12, 2012, Jimmy J. Blackburn approached three black teens. He alleg- edly yelled racial slurs at them and challenged them to a fight.56 After he threatened the teens with a gun, they ran away while Blackburn pursued them. He fired at least one shot, which was recovered by police. The next day he was arrested and charged with attempted second-degree murder.57 Oakland County, Michigan, threats On March 8, 2013, an African American woman driving in Oakland County, Michi- gan, with her two children was threatened by a white passenger in a neighboring car who pointed a handgun while the driver screamed racial epithets.58 ￼Similar trends have emerged in domestic terror attacks, many of which are com- mitted by lone wolf actors motivated by ideologies of hate. The Southern Poverty Law Center found that 59 percent of domestic terrorist attacks carried out between April 1, 2009, and February 1, 2015, were perpetrated with a gun.59 An additional 25 percent involved explosives, while 5 percent of attacks in that time period involved both firearms and explosives.60 A report by the Anti-Defamation League examining incidents of fatal domestic terrorism and extremism in 2015 found that 48 of the 52 individuals killed in these incidents were murdered with a gun.61 ￼Seattle LGBT attack On June 28, 2015, following the gay pride parade in Seattle, Washington, a man wear- ing rainbow colored beads was accosted by a perpetrator who held a gun to his stom- ach and used homophobic slurs.62 The man was arrested on a hate crimes charge.63 This represents a new trend in the instrumentality of domestic terrorism. Lone wolf terrorists have traditionally used explosives in their attacks; since 2001, however, these individuals have increasingly turned to high-powered guns as their weapon of choice.64

### Solvency Advocate

**Parsons et al 16**

Chelsea Parsons, Eugenio Weigend Vargas, and Jordan Jones, Hate and Guns, Center for American Progress, February 2016. NS

Keeping guns out of the hands of individuals who perpetrate hate crimes is therefore a crucial measure to help ensure the safety of groups that have historically been targeted because of their race, ethnicity, national origin, religion, gender, gender identity, sexual orientation, or disability. Yet under federal law and the law in most states, individuals who have been convicted of hate crimes remain free to buy and possess guns. This report explores the history of hate crime laws in the United States, the gaps in those laws that contribute to sporadic and inconsistent reporting, and the challenges involved in successfully prosecuting these cases. It then considers the nexus between guns and hate crimes and the frequency with which criminals motivated by bias and hate use guns to threaten and harm their victims. Finally, it proposes a new measure to help keep guns out of the hands of violent extremists: state and federal legislation that prohibits individuals convicted of misdemeanor hate crimes from buying or possessing guns.