Their aff is counterplan ground

There are two strands in the literature. Bans attempt to restrict the most dangerous types of weapons, while acquisition restrictions attempt to prevent dangerous people from accessing all weapons.

We get no good arguments – b/c no one writes about the intersection of those two approach. There is not a single gun control law that limits a subgroups access to a particular type of weapon. AC proves – none of their evidence is about both. They piece a position together from two bodies of lit.

Gun bans

Handguns – dc, Chicago

Assault weapons ban

Extended magazine ban

Automatic weapon ban

Cop killer bullets

Saturday night specials

## T Ban

### 1NC T Ban (3:00)

#### Interpretation: A ban on handguns refers to the prohibition of acquisition and possession of handguns by all citizens – specification of type of gun, and type of agent, is allowed, but a group is not.

Hahn et al 05 [Robert A. Hahn, PhD, MPH, Oleg Bilukha, MD, PhD, Alex Crosby, MD, MPH, Mindy T. Fullilove, MD, Akiva Liberman, PhD, Eve Moscicki, ScD, MPH, Susan Snyder, PhD, Farris Tuma, ScD, Peter A. Briss, MD, MPH, Task Force on Community Preventive Services. “Firearms Laws and the Reduction of Violence A Systematic Review.” Am J Prev Med 2005;28(2S1), © 2005 American Journal of Preventive Medicine. http://www.thecommunityguide.org/violence/viol-AJPM-evrev-firearms-law.pdf]

Bans on Specified Firearms or Ammunition Bans on specified firearms and ammunition prohibit the acquisition and possession of certain categories of firearms (e.g., machine guns or assault weapons) or ammunition (e.g., large-capacity magazines or hollow- point bullets). They can also include prohibitions on the importation or manufacture of the specified fire- arms. Bans may be adopted at the federal, state, or local level, and may be combined with additional firearms regulations, such as requirements for safe storage, age restrictions on acquisition, or restrictive licensing re- quirements for firearms dealers. Bans are intended to decrease the availability of certain types of firearms to potential offenders, and thus reduce the capacity of such offenders to perpetrate crime.27 Bans are usually imposed on the types of firearms or ammunition that are either thought to be particularly dangerous and not well suited for hunting or self- defense (e.g., semiautomatic and fully automatic assault weapons) or disproportionately involved in crime (such as cheap, low-quality, small-caliber handguns usually referred to as “Saturday night specials”). Sometimes, especially in high-crime urban settings, bans may in- clude a broad spectrum of firearms (e.g., the ban enacted in Washington DC in 1976,42 on purchase, sale, transfer, and possession of all handguns by civilians unless the handguns were previously owned and registered). Bans commonly exempt firearms in the banned category owned prior to implementation of the ban (i.e., they “grandfather” those weapons), although such bans may require the registration of grandfathered firearms. Grandfathering is a critical element in bans insofar as it could allow large stocks of the banned items to remain available after the ban goes into effect.

#### Violation: The aff is an acquisition restriction, not a ban – my article defines the two terms as distinct

Hahn 2 [Robert A. Hahn, PhD, MPH, Oleg Bilukha, MD, PhD, Alex Crosby, MD, MPH, Mindy T. Fullilove, MD, Akiva Liberman, PhD, Eve Moscicki, ScD, MPH, Susan Snyder, PhD, Farris Tuma, ScD, Peter A. Briss, MD, MPH, Task Force on Community Preventive Services. “Firearms Laws and the Reduction of Violence A Systematic Review.” Am J Prev Med 2005;28(2S1), © 2005 American Journal of Preventive Medicine. http://www.thecommunityguide.org/violence/viol-AJPM-evrev-firearms-law.pdf]

Acquisition Restrictions State governments and the federal government have made concerted efforts to deny the purchase of fire- arms to people with specified characteristics thought to indicate high risk for illegal or other harmful use of firearms. Restriction characteristics include criminal histories (e.g., felony conviction or indictment, domes- tic violence restraining order, fugitive of justice, or conviction on drug charges); personal histories (e.g., people adjudicated as “mental defective,” illegal immi- grants, those with a dishonorable military discharge); and other characteristics (e.g., juveniles). (The term “mental defective” is a determination by a lawful au- thority that a person, as a result of marked subnormal intelligence or mental illness, is a danger to self or others, or lacks the mental capacity to manage his or her own affairs. The term also includes a court finding of insanity in a criminal case, incompetence to stand trial, or not guilty by reason of lack of mental responsibility.49)

#### C] Net benefits

#### 1] Limits - they allow way too many affs—they can cherry-pick any random group like violent misdemeanants, DVROs, teens, white people, cops, IPV, college students, the list goes on and on. Our limits are more reasonable- you get affs with different enforcement mechanisms and types of guns, but you don’t get to hyper-specify to take out all our offense. This allows for the best balance point by allowing for a wide variety of affs but not any random subset of the population.

#### 2] Textuality – my Hahn et al evidence is phenomenal –

#### a. It’s directly comparative between actions that ban specific groups and gun bans themselves. Prefer directly comparative evidence since it explains different actions holistically

#### b. Field context –the DC gun ban in 1976, prohibited new gun purchases and transfers, applied to all civilian

#### c. It’s a report prepared by several Ph.Ds and Master’s Degree holders for the US Community Task Force, an intensive scientific review of different gun interventions that attempts to define them for the US government – my evidence is written with the intent to define for the US government, is most comprehensive, and most reviewed

Community Guide 16 [What is the Task Force? http://www.thecommunityguide.org/about/aboutTF.html. Page last reviewed: March 8, 2016. USA.gov]

What is the Community Preventive Services Task Force's purpose? The Community Preventive Services Task Force (Task Force) was established in 1996 by the U.S. Department of Health and Human Services to identify population health interventions that are scientifically proven to save lives, increase lifespans, and improve quality of life. The Task Force is statutorily mandated to produce recommendations (and identify evidence gaps) to help inform the decision making of federal, state, and local health departments, other government agencies, communities, healthcare providers, employers, schools and research organizations. Where can I find Task Force recommendations? The collection of all Task Force reviews, recommendations and other findings can be found on this website. The publications page includes peer-reviewed articles of Task Force recommendations and the systematic reviews on which they are based. This website also includes information such as stories of how Task Force recommendations have been used to promote community health, and slides for telling others about Task Force recommendations. How does the Task Force arrive at its recommendations? The Task Force bases its recommendations on rigorous, replicable systematic reviews of the scientific literature, which do all of the following: Evaluate the strength and limitations of published scientific studies about community-based health promotion and disease prevention programs, services, and policies Assess whether the programs, services, and policies are effective in promoting health and preventing disease, injury, and disability Examine the applicability of these programs, services, and policies to varied populations and settings Conduct economic analyses of recommended interventions These systematic reviews are conducted, with Task Force oversight, by scientists and subject matter experts from the Centers for Disease Control and Prevention (CDC) in collaboration with a wide range of government, academic, policy, and practice-based partners. How does the Task Force decide what to review? The Task Force conducts a careful prioritization process every three years that includes input from a broad scope of partners, including its official Liaison organizations and agencies.

#### d. Intent to define comparatively – the article intends to define and compare several different approaches to reduce gun violence

Hahn et al 05 [Robert A. Hahn, PhD, MPH, Oleg Bilukha, MD, PhD, Alex Crosby, MD, MPH, Mindy T. Fullilove, MD, Akiva Liberman, PhD, Eve Moscicki, ScD, MPH, Susan Snyder, PhD, Farris Tuma, ScD, Peter A. Briss, MD, MPH, Task Force on Community Preventive Services. “Firearms Laws and the Reduction of Violence A Systematic Review.” Am J Prev Med 2005;28(2S1), © 2005 American Journal of Preventive Medicine. http://www.thecommunityguide.org/violence/viol-AJPM-evrev-firearms-law.pdf]

The Task Force on Community Preventive Services (the Task Force) is conducting systematic reviews of scientific evidence about diverse interventions for the prevention of violence, and resulting injury and death, including, among others, early childhood home visitation,1,2 therapeutic foster care,3 the transfer of juve- niles to the adult justice system, school programs for the teaching of prosocial behavior, and community policing. This report presents findings about the effectiveness of firearms laws in preventing violence. Studies of the following firearms laws were included in the review: bans on specified firearms or ammunition; restrictions on firearms acquisition; waiting periods for firearms acquisition; fire- arms registration; licensing of firearms owners; “shall issue” carry laws that allow people who pass background checks to carry concealed weapons; child access prevention laws; zero tolerance laws for firearms in schools; and combinations of firearms laws.

We get no good arguments – b/c no one writes about the intersection of those two approach. There is not a single gun control law that limits a subgroups access to a particular type of weapon. AC proves – none of their evidence is about both. They piece a position together from two bodies of lit.

Also precision is an independent voter – T is justified via the topicality rule which has the strongest internal link to limits and education. We wouldn’t let the aff debate about immigration even if it were a more educational topic.

#### 3] Topic education – Gun bans are uniquely important to deliberate – politicians won’t.

Bovy: (PHOEBE MALTZ BOVY. “It’s Time to Ban Guns. Yes, All of Them.” The New Republic. December 10, 2015//FT)

I used to refer to my position on this issue as being in favor of gun control. Which is true, except that “gun control” at its most radical still tends to refer[s] to bans on certain weapons and closing loopholes. The recent New York Times front-page editorial, as much as it infuriated some, was still too tentative. “Certain kinds of weapons, like the slightly modified combat rifles used in California, and certain kinds of ammunition, must be outlawed for civilian ownership,” the paper argued, making the case for “reasonable regulation,” nothing more. Even the rare ban-guns arguments involve prefacing and hedging and disclaimers. “We shouldn’t ‘take them away’ from people who currently own them, necessarily,” writes Hollis Phelps in Salon. Oh, but we should. I say this not to win some sort of ideological purity contest, but because banning guns urgently needs to become a rhetorical and conceptual possibility. The national conversation needs to shift from one extreme—an acceptance, ranging from complacent to enthusiastic, of an individual right to own guns—to another, which requires people who are not politicians to speak their minds. And this will only happen if the Americans who are quietly convinced that guns are terrible speak out. Their wariness, as far as I can tell, comes from two issues: a readiness to accept the Second Amendment as a refutation, and a reluctance to impose “elite” culture on parts of the country where guns are popular. (There are other reasons as well, not least a fear of getting shot.) And there’s the extent to which it’s just so ingrained that banning guns is impossible, legislatively and pragmatically, which dramatically weakens the anti-gun position. The first issue shouldn’t be so complicated. It doesn’t take specialized expertise in constitutional law to understand that current U.S. gun law gets its parameters from Supreme Court interpretations of the Second Amendment. But it’s right there in the First Amendment that we don’t have to simply nod along with what follows. That the Second Amendment has been liberally interpreted doesn’t prevent any of us from saying it’s been misinterpreted, or that it should be repealed. When you find yourself assuming that everyone who has a more nuanced (or just pro-gun) argument is simply better read on the topic, remember that opponents of abortion aren’t wondering whether they should have a more nuanced view of abortion because of Roe v. Wade. They’re not keeping their opinions to themselves until they’ve got a term paper’s worth of material proving that they’ve studied the relevant case law. Then there is the privilege argument. If you grew up somewhere in America where gun culture wasn’t a thing (as is my situation; I’m an American living in Canada), or even just in a family that would have never considered gun ownership, you’ll probably be accused of looking down your nose at gun culture. As if gun ownership were simply a cultural tradition to be respected, and not, you know, about owning guns. Guns… I mean, must it really be spelled out what’s different? It’s absurd to reduce an anti-gun position to a snooty aesthetic preference. There’s also a more progressive version of this argument, and a more contrarian one, which involves suggesting that an anti-gun position is racist, because crackdowns on guns are criminal-justice interventions. Progressives who might have been able to brush off accusations of anti-rural-white classism may have a tougher time confronting arguments about the disparate impact gun control policies can have on marginalized communities. These, however, are criticisms of certain tentative, insufficient gun control measures—the ones that would leave small-town white families with legally-acquired guns well enough alone, allowing them to shoot themselves or one another and to let their guns enter the general population. Ban Guns, meanwhile, is not discriminatory in this way. It’s not about dividing society into “good” and “bad” gun owners. It’s about placing gun ownership itself in the “bad” category. It’s worth adding that the anti-gun position is ultimately about police not carrying guns, either. That could never happen, right? Well, certainly not if we keep on insisting on its impossibility. Ask yourself this: Is the pro-gun side concerned with how it comes across? More to the point: Does the fact that someone opposes gun control demonstrate that they’re culturally sensitive to the concerns of small-town whites, as well as deeply committed to fighting police brutality against blacks nationwide? I’m going to go with no and no on these. (The NRA exists!) On the pro-gun-control side of things, there’s far too much timidity. What’s needed to stop all gun violence is a vocal ban guns contingent. Getting bogged down in discussions of what’s feasible keeps what needs to happen—no more guns—from entering the realm of possibility. Public opinion needs to shift. The no-guns stance needs to be an identifiable place on the spectrum, embraced unapologetically, if it’s to be reckoned with.

#### You alter the nature of the discussion: we lose principled arguments that critique the prohibition of an object, for example the Black Self Defense K or libertarianism. Proves generics won’t apply; we can’t even prep one generic for ALL gun control affs, b/c each group is different. Moreover you skew the discussion in your favor, of course some people shouldn’t own guns.

#### Qualitative Ground’s key to fairness b/c access to the ballot is comparative and determined by arguments made in the round – aff should not be able to manipulate the ground prescribed to me by the resolution. – That’s a voter b/c– the judge is constrained by the ballot, which tells you to vote for whoever did the better debating, but they can’t determine that if the round is skewed.

#### D] Drop the debater since the round is irreversibly skewed because their advocacy excluded my ability to structure 1NC offense. Dropping the argument means dropping the debater, b/c no aff advocacy means presume neg --- ALSO it’s critical to setting a precedent.

#### Topicality is competing interps since 1] reasonability is 100% arbitrary with definitions that carry subjective interpretations, which forces intervention, 2) T is about the correct interpretation of the topic so out-of-round impacts matter, and 3) you can’t be reasonably topical since T functions so that either the aff is topical or isn’t. --- also this shell functions as a disad to the brightline they choose – b/c indicates the brightline justifies including these affs – which are abusive.

#### Jurisdiction is an independent voter – it’s constitutive of the function of the judge to vote for the best defense of the either side of the resolution.

#### No RVI on T –

### 1NC T

### Desirability > Semantics

#### Semantics collapse to desirability – the unique context of debate means we should define terms based on how they serve the purposes of the activity, which is determined in the voters

Kupferbreg 87 [Kupferbreg, Eric (University of Kentucky). “Limits - The Essence of Topicality.” http://groups.wfu.edu/debate/MiscSites/DRGArticles/Kupferberg1987LatAmer.htm] AJ

The past several years have witnessed two distinct trends in topicality debates. The first concerns a growing preoccupation with topicality standards. The second is the inability to resolve most of the ever increasingly intricate linguistical disputes. It is my firm conviction that there is a strong causal connection between the two trends. CONVENTIONAL TOPICALITY STANDARDS--OR HOW TO WALLOW IN THE MIRE Most articles on topicality devote their attention to the two dominant schools of topicality standards reasonability and best definition. Debaters have dutifully compiled long lists of reasons in support of one or the other or both outlooks. However, such analysis inevitably suffers from two pitfalls. First, the shortcomings debaters invent usually are mutually applicable to either standard (e. g., both reasonability and best definition standards are highly subjective and prone to judge intervention). And, second, neither standard can be easily defined with precision. More often than not, debaters make impassioned pleas for what is 'best" or reasonable without providing adequate guidelines to determine what completely constitutes either standard. Neither school offers any compelling criteria by which to judge whether the larger 'standard" has been met. JUDGE BACKLASH The trend toward junky topicality standards has produced many interesting-though damaging--reactions among the judging community. Most of the reactions fall under one of the following categories. 1) The groan and complain judge. This type of adjudicator expresses openly his/her disdain for topicality debates. Often, they inscribe this hatred for the argument in judging philosophies. Sometimes these judges do not even bother to flow topicality overviews. Most Of all, these judges will do most anything to avoid resolving the debate on topicality. Instead of treating topicality as the a priori issue (the first issue viewed) , they will choose to evaluate topicality only after. every other issue has been resolved. The trend towards junky standard debates, complete with vacuous slogans and cheap shots, only serves to reinforce their widespread hatred for the argument. 2) The cheap shot artist. While this type of judge may or may not like the issue, s/he uses the topicality standards as a means to avoid resolving other issues in the round--including the violations themselves. Such a judge will look to identify which side has placed the least ink on the standards portion of the flow. From this point of view, statements like I think that you're probably right about this argument . . . but you're losing the 'best definition' debate," become accepted reasons for decisions. This type of judge has been mercilessly fooled into believing that "T' standards are the topicality debate. 3) The intuitor of quality analysis Judge. This cat is made up of judges who do not mind topicality debates. They choose to completely ignore the standards, however. For this judge, the scope of argumentation should be limited to the violations only. From this point of view, they are justified in voting for the argument that they subjectively prefer. No amount of debate on the standards will alter their minds. If they think that you're topical, that's all the evaluation that the argument receives. Any one of these three reactions are disastrous for quality topicality debates. Questions of resolutionality serve an important function in argumentative disputes. However, the adverse reactions described in the previous paragraphs are clear examples of 'throwing out the baby with the bathwater. "LIMITS": A PARTIAL SOLUTION DEBATE AS ITS OWE CONTEXT It is widely held in linguistics and shared by the debate community, that a single word can have multiple meanings depending on the context in which it is used. The emergence of the "field contextual" standard for definitions recognizes this belief. However, I feel that most pleas for "contextual' definitions are misplaced. Importantly, words differ in their meanings because they are used for different purposes. 'Cold Turkey' for a Jerry's Sub Shop worker clearly conveys a different message than it might for a drug addict. The 'field context" standard suggests that we should prefer definitions taken from the field identified within the resolutional subject area. For example, during last year, an agricultural definition of 'long-term' was preferred over a legal interpretation. My contention is that participants in this activity have forgotten that they are in the context of inter-scholastic, competitive debate--though we often pretend otherwise. What might be appropriate within the subject matter field may not serve the salient interests of the debate context. A definition that produces an uneducational or unfair resolution is neither 'reasonable' nor 'best." An expert in agricultural policies does operate with the same constraints as those placed on a debater. There are, for example, no time limits for speeches, constraints on research resources or competitive incentives to define someone out of the room. Often, field contextual definitions are too broad or too narrow for debate purposes. Definitions derived from the agricultural sector necessarily incorporated financial and bureaucratic factors which are less relevant in considering a 'should' proposition. Often subject experts' definitions reflected administrative or political motives to expand or limit the relevant jurisdiction of certain actors. Moreover, field context is an insufficient criteria for choosing between competing definitions. A particularly broad field might have several subsets that invite restrictive and even exclusive definitions. (e.g., What is considered 'long-term' for the swine farmer might be significantly different than for the grain farmer.) Why would debaters accept definitions that are inappropriate for debate? If we admit that debate is a unique context, then additional considerations enter into our definitional analysis. "LIMITS" AS A HELPING CRITERIA If one considers the purpose of topicality--to initiate a meaningful discussion with sufficient prior notice and adequate ground for both sides--then the questions of delimitation become the focus of topicality standards. Both 'reasonability' and 'best definition' claim to enhance the debate process--the former by providing adequate ground for affirmative case areas and the latter by preventing an unreasonable run-a-way topic. I am not suggesting that limits should be the only test for topicality. If this were sole criteria, teams could argue that inherently limited topics are superior, hence, negatives win because their definition excludes the affirmative (there's always a competitive incentive to limit the affirmative out of the round). Obviously, limits for limits sake is arbitrary as well as abusive. However, debatable limits are clearly desirable. What are these 'debatable limits'? Here are some relevant questions that if answered carefully might help to create criteria for debatable limits: 1) Are there fair number of cases that would be topical? An interpretation that overlimited the resolution would be as inappropriate as one which unlimited the topic. An entire year of debating a single case or 300 cases would be neither educational or enjoyable. An interpretation that allowed somewhere between 20 and 40 cases might be acceptable to most participants in the activity. 2) Is the interpretation open to innovation? Part of the intrigue of debating the same topic year round is the competitive incentive for affirmatives to seek new slants. A debatable interpretation should allow for new cases--although they would be chosen from a predictable range of areas. A debatable limit should not force an overly static topic. 3) Does the interpretation fit within some scope of the field context? While not suggesting that we should rely on field contextual definitions alone, an interpretation of the topic should bear some resemblance to the topic area. It would be almost axiomatic to suggest that a definition of 'agricultural' last year should lend itself to cases that are relevant to real world agricultural issues. 4) Does the interpretation allow for some degree of prior notice? A debatable limit is one where a large number of topical cases are to be anticipated by the general debate community. This is not to imply that surprise 'squirrels' should be prohibited, only that definitions should encompass what a large portion of the debate circuit is running. HOW TO USE THE "LIMITS" STANDARD First, it should be mentioned that the "breadth/depth" debate is an exercise in futility. Almost everyone would agree that a topic should allow for breadth when discussing issues as well as depth of analysis. It is only when topics become (1) overly broad that they are uneducational and (2) so narrow that they become boring. So . . . what's the strategy. If you are negative, two lines of argumentation should be advanced. First, it is necessary to explain that the affirmative interpretation unlimits the resolution. It should be explained that many cases normally thought to be outside of the resolution would become topical. Special emphasis should be placed on explaining why the affirmative definition would serve as a precedent to an undebatable topic. A premium should be placed on pointing out absurd examples that would be allowable under the broader interpretation (or, the sheer number of cases that would fall within the resolution). Second, it is the negatives responsibility to explain that their own interpretation would allow for an adequate number of cases. If the negative is able to list several fruitful case areas that would remain topical, then the negative position appears less abusive. For the affirmative, the strategy would be the converse. First, the affirmative would suggest that their interpretation still excludes many abusive case areas. They would advance reasons why a somewhat broader definition still provides clear limits to the resolution. Second, the affirmative would be inclined to list many commonly run cases that would be excluded under the negative interpretation. The affirmative's examples should point towards proving the negative definitions as overlimiting while noting the remaining limits of the affirmative. CONCLUSION--OR A LESSON IN THE OBVIOUS The use of "limits" as a standard is a necessary, but not sufficient criteria for evaluating topicality. Often, topics intrinsically lend themselves to overly broad or narrow interpretations. A more likely possibility is the inability to find a combination of definitions that both allows for a debatable number of cases and provides some limits to the topic. The 'limits' standard does, however, address the goal to topicality arguments. It allows debaters and judges alike the opportunity to ask, 'Is this interpretation advantageous or disadvantageous for debate?. Rather than wallowing in the mire of "reasonability" and "best definition" standards, we should simply address the impact that a certain interpretation might have on the topic. If this approach is adopted, the judge backlash might be reversed.

## A2 Aff Answers

### New cuts

Hahn et al 05 [Robert A. Hahn, PhD, MPH, Oleg Bilukha, MD, PhD, Alex Crosby, MD, MPH, Mindy T. Fullilove, MD, Akiva Liberman, PhD, Eve Moscicki, ScD, MPH, Susan Snyder, PhD, Farris Tuma, ScD, Peter A. Briss, MD, MPH, Task Force on Community Preventive Services. “Firearms Laws and the Reduction of Violence A Systematic Review.” Am J Prev Med 2005;28(2S1), © 2005 American Journal of Preventive Medicine. http://www.thecommunityguide.org/violence/viol-AJPM-evrev-firearms-law.pdf]

Aa

#### Applies to Brady Act uniquely

The federal Interim Brady Handgun Violence Pre- vention Act (P.L. 103-159), hereafter Interim Brady Law, was implemented in March 1994 to strengthen the Gun Control Act of 1968 (P.L. 90-618) and to require the active investigation of the backgrounds of people applying to purchase handguns. Applications can be rejected if the applicant’s background is found to include a felony indictment or conviction, domestic violence restraining order, unlawful use of or addiction to drugs, or dishonorable discharge, or if the applicant is a fugitive from justice or an illegal alien or has been adjudicated a “mental defective.” The Interim Brady Law required a 5-day waiting period to allow the background investigation. (Evidence about the Interim Brady Law is included in the review of the effects of waiting periods.) The interim law was to be replaced by a permanent law following implementation of the National Instant Background Check System in 1998. The Lautenberg amendment (P.L. 104-208) of 1996 added a restriction that prohibits the sale of firearms to those convicted of a domestic violence misdemeanor. In 1997, in Printz v. United States (521 U.S. 98, 117 S.Ct. 2365 (1997)), the U.S. Supreme Court ruled that states could not be required to conduct background checks for the Interim Brady Law; for states that chose not to conduct background checks, the FBI had to conduct the checks.

The Permanent Brady Act (November 1998, P.L. 103-159), subsequently referred to as the Brady Law, required instant background checks for all firearms purchases, not only handguns. It eliminated the 5-day waiting period, but required firearms dealers to wait a maximum of 3 days to allow the location of required records, after which, if no prohibitory information had been identified, the purchase could proceed. Some states have restrictions in addition to the federal ones, and some states had such laws preceding the Interim Brady Law.50,51

Studies by the federal government52,53 indicate diffi- culties in the instant background check system, primar- ily because of a lack of records on many restriction categories (e.g., on individuals adjudicated “mental defective,” with a history of drug addiction, or with illegal immigrant status) or because criminal records are difficult and sometimes impossible to retrieve. The Bureau of Justice Statistics reports54 that in 1999, of an estimated 59 million criminal history records available to states, 89.4% were automated. However, only a median of 69% of state records systems had the records of conviction status required to assess firearms restric- tions. The investigation of individual applicant criminal histories may thus require the search of paper files—a time-consuming, costly, and not always successful activ- ity, especially within the 3 days allowed.55 Notable improvements in the background check system have been made,56 but the system is still incomplete and lacks the records needed to be fully effective.

The Brady Law has prevented some prohibited peo- ple from purchasing firearms at the point of applica- tion for purchase. A review conducted in 199957 indicated that of 12.7 million handgun purchase appli- cations (approximately 2.8 million per year) made during the period of the Interim Brady Law, 312,000 (2.4%) had been rejected—63.3% of those because of a felony conviction, 13.3% because of a domestic violence misdemeanor conviction or restraining order, 6.6% because of state-specific prohibitions, 6.1% be- cause the applicant was a fugitive from justice, and 8.3% for other reasons. During the first year of the Permanent Brady Law, there were 8.8 million back- ground checks, 2% resulting in denial; 17% of denials were appealed, of which 22% were reversed.58 During the same period, 2230 fugitives of the law were identi- fied, and 3353 prohibited people were found to have been erroneously permitted to acquire firearms.

### A2 Neg Would Read PICs

#### PICs wouldn’t function the same way – the whole point of my T standard is that the groups that affs are cherry picking right now, like sex offenders or people on the terror watch list, have no good DA’s against them – so it would have no strategic value to PIC out of a handgun ban for everyone else

#### Non-unique: Under their interp the neg will still read advantage CP’s and PICs anyways – there are process CPs, actor CPs like states vs federal government, and PICs out of certain kinds of handguns or enforcement mechanisms

#### Not true – the aff can just initiate PICs bad theory. Double bind: either a) PICs are a bad practice and affs can win PICs bad theory in other rounds or b) PICs are not bad and so this argument has no impact

### 2NR – “Ban” Extension Ev

#### The aff is gun control – which is distinct from a ban

Kates 82 Don B. Kates Jr (practices law with O'Brien and Hallisey in San Francisco), "Gun control versus gun prohibition," American Bar Association Journal, September 1982 AZ

Indicative of the state of social science learning on this question is the reaction elicited when I presented these points at length to the 1981 annual meeting of the American Society of Criminology. The panelist had been chosen precisely because of his advocacy of gun control. He responded by distinguish[ed]ing "control" from "prohibition," which he characterized as an "extremist proposal" that simply did not deserve as protracted a discussion as I had given. Not only is prohibition [is] legally very different from control, but, as a matter of political reality, prohibitionist advocacy is the primary impediment to effective control. Consider the ingenuous rhetorical comparison: if drivers accept licensing, why are gun owners so fanatically opposed? The attitude of drivers would be different if a disproportionately influential minority of the population constantly denounced private ownership of automobiles and advocated restrictive licensing as the means of preventing ordinary citizens from driving. The eloquent prohibitionists, unfortunately, have so dominated the debate as to make their program synonymous with "gun control" in the public mind. As a result "gun control" laws are bitterly resisted and when enacted, are nullified by massive disobedience because gun owners reflexively assume that they are part and parcel of a confiscation program.

### A2 Cal RR Card

#### Even if you take this at face value, my Hahn et al evidence is way better -

#### This evidence should be rejected outright –

#### The authors were speaking casually and not with the knowledge that they were going to be carded – it’s not fair to use their words as such

#### No intent to define - they weren’t intending to give definitive answers but speaking loosely and in a casual setting. The question they were asked was “could you define it in this way” and the answer was “ I guess you could”

#### There’s no review process of this, unlike an actual article, to ensure it presents both points of view – that’s key because Varad clearly asked them this question in order to get a T card. The transcript even has Bietz saying “backfired” – everyone knew this was a bare-faced ploy to take words out of context to win T debates. The most damning tell is here:

Cal RR Finals Transcript [CAL RR FINALS POST-ROUND DISCUSSION [TRANSCRIPT]. March 5, 2016. http://www.debatematters.org/debate-news/2016/3/5/cal-rr-finals-post-round-discussion-transcript]

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.

#### Here, the professor started to say “it’s everybody” in response to more questions about banning, but was cut off. Clearly there is disagreement and nuance to the author’s views that they’re trying to explain, but they didn’t have time to – so you shouldn’t take this brief remark as representing their entire view, even if this one author happens to think it “could be argued” (not that it’s right or wrong) that a ban can be applied to a subset

#### The question Varad asked was not in the context of the other terms in the resolution. He asked about “a ban” as a term in isolation, as opposed to “handguns ought to be banned.” Here’s the transcript –

Cal RR Finals Transcript [CAL RR FINALS POST-ROUND DISCUSSION [TRANSCRIPT]. March 5, 2016. http://www.debatematters.org/debate-news/2016/3/5/cal-rr-finals-post-round-discussion-transcript]

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?