## 1AC

### Plan

#### Resolved: the United States federal government will ban private ownership of big boomer handguns.

The punishment is gun confiscation and fines.

Jacobs 04 James (Chief Justice Warren E. Burger Professor of Constitutional Law and the Courts Director, Center for Research in Crime and Justice New York University School of Law) Can Gun Control Work? “Prohibition and Disarmament” 2004 Oxford Scholarship Online JW

Perhaps enforcing unpopular, or at least controversial, handgun disarmament could be made easier by setting the punishment low. If illegal possession of a handgun were treated as a misdemeanor or administrative violation, punishable by a small fine, say $250 or $500, jury trials could be avoided altogether. However, under that scheme, people who were (p.165) committed to keeping their handguns would be no more deterred from violating the gun law than from violating the speed limit.

### Advantage one is the gun industry:

#### The gun industry is dying now- big boomers are a last ditch effort by Smith & Wesson to refuel the industry.

VPC 08 Violence Policy Center (national non-profit educational organization that conducts research and public education on violence in America and provides information and analysis to policymakers, journalists, advocates, and the general public. This report was authored by VPC Senior Policy Analyst Tom Diaz) “Big Boomers” December 2008 [www.vpc.org/studies/bigboomers.pdf](http://www.vpc.org/studies/bigboomers.pdf) JW

The firearms industry in the United States has been in decline for several decades. Although the industry has enjoyed periods of temporary resurgence, the long-term trend for the manufacturers of guns for civilians has been in steady decline. The industry’s latest attempt to stem this tide directly threatens America’s public safety officers. A Stagnant Industry. The firearms industry’s long-term stagnation is illustrated by Chart One, “Firearms Production 1984-2006,” which demonstrates that United States civilian firearms production in 2006 was not much greater than it had been in 1984. The recent up-tick in domestic production may be largely accounted for by “booming” military, law enforcement, and foreign markets (boosted by the weakened dollar), as opposed to civilian consumption.2 The Importance of Handguns. Simple inspection of Chart One also indicates that handgun production has driven overall American firearms production over the last 20 years. By and large, handgun boom years—caused by such phenomena as the introduction and aggressive marketing of high-capacity semiautomatic pistols in the early 1990s—have also been total gun production boom years. However, handgun manufacturers share with the broader industry the problem of long-term market stagnation, as illustrated by Chart Two. In 1984, 1,580,551 handguns were manufactured in the United States. In 2006, 1,403,329 handguns were manufactured, an 11 percent decline over the two decades. The plummet in production is more dramatic if one compares the production of 2,655,478 handguns in the peak boom year of 1993 with 2006 production, a 47 percent decline over the decade. The situation would be even worse were it not for a surge in buying by government agencies in the wake of the terrorist attacks of September 11, 2001, which caused an upturn in 2002 and 2003 handgun production. “Driving much of the increase is the high demand for firearms to meet the needs of federal agencies and law enforcement,” according to Shooting Industry magazine.3 The Decline in Hunting. One reason for the gun industry’s long-term slump is the steady decline in hunting, a traditional market for rifles and shotguns. “Hunters represent an aging demographic,” The Wall Street Journal summed up.4 In addition to demographic stagnation, absorption of rural land by expanding suburbs has decreased the number of places where hunters can hunt. “Now there are Wal-Marts and shopping centers where I used to hunt,” said a Florida hunter.5 This basic trend has been accelerated by the past decade’s real estate boom and by increased oil and gas drilling on public lands—the number of permits issued for such drilling by the U.S. Bureau of Land Management more than tripled from 1999 to 2004.6 Changes in society’s values and alternative recreational activities for young people have also hurt hunting. “Instead of waking up at 4 a.m. and going hunting, it’s easier for kids to sleep in until 9 and play video games,” a California wildlife official observed.7 The net result of these pressures has been that the number of hunting licenses issued nationally declined 10 percent over two decades, from 16.4 million in 1983 to 14.7 million in 2003.8 Key hunting states continue to experience similar losses: the number of general hunting licenses issued in Pennsylvania fell 13 percent from 1996, when about 990,000 licenses were issued, to 2003, when only 857,000 were issued.9 In Michigan, the number of hunting licenses issued dropped from about 2.7 million in 2000 to about 2.5 million in 2004.10 In Florida, licenses issued fell 36 percent from 265,617 in the period 1980 to 1981 to 170,949 in the period 2003 to 2004.11 The toll is likely to continue: the industry’s own studies predict that the number of hunters will plummet another 24 percent over the next 20 years.12 The decline in the number of hunters has a longer-term ripple effect on the gun market—hunting has traditionally been a gateway for bringing young people into the gun culture. Exposure to firearms at home during childhood increases by three times the likelihood that an adult will buy a firearm.13 Fewer young hunters clearly means fewer children will be turned into future gun buyers. The Cumulative Drop in Gun-Owning Households. The gun industry’s cumulative loss of market ground is reflected in a 2006 study, “Public Attitudes Towards the Regulation of Firearms,” released by the National Opinion Research Center (NORC) at the University of Chicago analyzing the prevalence of household firearms. The NORC survey data shows that during the period 1972 to 2006, the percentage of American households that reported having any guns in the home dropped nearly 20 percentage points: from a high of 54 percent in 1977 to 34.5 percent in 2006.a The Gun Industry’s Answers to Market Decline—Babes in the Woods. Given these implacable realities, the firearms industry's persistent challenge over the last several decades has been figuring out how to deal with the chronic problem of moribund markets in which “more and more guns [are] being purchased by fewer and fewer consumers.”14 One means that the industry has employed is trying to expand the pool of gun buyers. This is done principally by marketing guns to children and women. “In keeping with the industry’s push for growth, they’re working hard to lure women,” reports The Wall Street Journal. “They also expect that effort to pay future dividends if moms bring their kids along, too, and groom the next generation of Daniel and Danielle Boones.”15 According to other informed observers of the business of guns, “retention and recruitment efforts are being ramped up and range from trying to repeal laws that limit youth hunting to psychology-based campaigns aimed at getting young people familiar with gun use.”16 For example, the industry’s trade association, the National Shooting Sports Foundation (NSSF), has mounted a national lobbying campaign to pressure state legislatures to lower the age at which children can hunt and to eliminate safety rules that require adults to accompany child hunters. “We’re trying to take down some legal barriers so kids can get involved earlier,” according to an NSSF spokesman.17 These efforts are said to be “built on the research of psychologists like Jean Piaget,b who pioneered the study of children’s intellectual development [and] focus on the psychological requirements to build an inclination toward hunting starting at an early age.”18 Since the attacks of September 11, 2001, the gun industry has also attempted to exploit the popular fear of terrorism as an incentive to bring new consumers into the firearms market,19 just as in the past it has exploited fear of violent crime as a marketing pitch.20 These post-9/11 efforts have met with little success. The previously cited NORC study states: “Some have speculated that the 9/11 terrorist attacks undermined support for the regulation of firearms, arguing that fear of terrorism increased the public desire for firearms for self-defense. However, this was not the case.”21 22 Referring to earlier findings published by NORC researchers, the study reported that “except for a small bulge in handgun applications in September- October, 2001 which had already started to subside by November, there was no increase in firearm purchases in response to the 9/11 attacks.”23 Innovation. The industry’s principal avenue of addressing its stagnant markets, however, has been developing innovative gun designs aimed at stimulating repeat purchases of its products. “I think innovation is critical to the industry,” Smith & Wesson’s marketing chief said in 2005.24 For the gun industry, innovation has translated into introducing increasingly deadly firearms into the civilian market. The gun industry uses firepower, or lethality, the way the tobacco industry uses nicotine. Firearm lethality is a means to “hook” gun buyers into coming back into the market again and again as more deadly innovations are rolled out. In recent years, these innovations have included the design and mass marketing of semiautomatic assault weapons, highly concealable, high-powered pistols that the industry dubbed “pocket rockets,” 50 caliber anti-armor sniper rifles, and—the subject of this report—handguns capable of defeating law enforcement body armor, either because they are as powerful as rifles, or are specifically designed around armor-defeating ammunition.25 “The Muscle Cars of Handguns.” The industry’s innovative lethality now has become unabashedly sinister, directly threatening the lives of America’s first responders. Using advanced technologies and new materials, gun manufacturers are designing and recklessly introducing into the civilian market handguns that are capable of defeating the body armor that has saved the lives of thousands of law enforcement officers over the last three decades. The Violence Policy Center first reported in detail on this development in June 2004 in the study Vest Buster: The .500 Smith & Wesson Magnum—The Gun Industry’s Latest Challenge to Law Enforcement Body Armor. The present study updates that report, documenting the industry’s increasing marketing of armor-defeating “vest busters.”

#### Smith and Wesson releases tons of chemical waste causing increased health risks.

Bump 13 Pamela “GUN MANUFACTURING GIANT SMITH AND WESSON PLAGUED BY DETRIMENTAL ENVIRONMENTAL WASTE” May 2013 Equinox <http://kscequinox.com/2013/05/gun-manufacturing-giant-smith-and-wesson-plagued-by-detrimental-environmental-waste/> JW

It states in a Toxic Release Inventory Report from the EPA, shown on Envirofacts.com, that Smith and Wesson transports toxic waste materials to various locations and treatment plants. Since 2011 Smith and Wesson has transferred wastes to a Publicly Owned Treatment Works or a POTW in Agawam, Mass. The most common toxic waste element transported to other locations from their headquarters is known as sodium nitrite. Another recent waste of the company transported for treatment has been chromium. Sodium Nitrite is most commonly seen in foods and is used to prevent the growth of bacteria. However, overuse of the salt can cause medical problems like cancer, according to Livestrong.com. According to the EPA’s “Hazardous Substance Fact Sheet,” sodium nitrite is considered a hazardous chemical as it also causes skin, nose, throat and eye irritation with contact, as well as headaches, nausea, vomiting, diarrhea and abdominal pain. High levels of the substance can “reduce the blood’s ability to transport oxygen, causing headache, fatigue, dizziness, and a blue color to the skin and lips (methemoglobinemia),” according to the fact sheet. It is also noted that in some cases, exposure to high levels may even cause death. Chromium, according to the EPA’s website, is most commonly used in making steel and other alloys. The EPA’s website noted, “Chronic inhalation exposure to chromium in humans results in effects on the respiratory tract, with perforations and ulcerations of the septum, bronchitis, decreased pulmonary function, pneumonia, asthma, and nasal itching and soreness reported. Chronic human exposure to high levels of chromium by inhalation or oral exposure may produce effects on the liver, kidney, gastrointestinal and immune systems, and possibly the blood.” The TRI report also indicated that these substances are moved to a various locations for treatment or disposal in other states including, most commonly, waste treatment plants or facilities in Michigan and Connecticut. When it comes to chemical releases, in 2010 Smith and Wesson Holding Corporation’s main facility in Springfield, Mass., released and transferred a total of 31,516 [thousands of] pounds of nitrate compounds and 22,920 pounds of sodium nitrite in 2010, according to Compliance Reports shown by the EPA, which noted TRI history from 2003 to 2010 . According to a Toxic Release Inventory Report on Envirofacts.com, 100 pounds of toxic chemicals were released in 2011 while being transferred to “off-site disposal” These chemicals excluded “dioxin or dioxin-like compounds.” Also in the report, it lists 100 pounds of chromium compounds were released during the process of disposal. The report also shows that there has been no on or off-site recycling or energy recovery at this specific facility. There is also no on-site treatment amount or projected amounts listed. However it was reported that there was an off-site treatment of over 57,000 pounds of waste in 2011. It is also projected in the TRI report that there will be an off-site treatment of 69,000 pounds of waste in 2013. These compounds excluded dioxin and dioxin-like products. However, Dioxin and Dioxin like products similarly showed no report of on-site recycling, treatment or energy recoveries. Dioxin is considered to be one of the most hazardous chemicals by many experts. In 1982, the town of Times Beach, Missouri faced contamination with the chemical after contaminated oils were spread on the streets to prevent dust. The EPA’s website stated, “Dioxins can be released into the environment through forest fires, backyard burning of trash, certain industrial activities, and residue from past commercial burning of waste. Dioxins break down very slowly and past releases of dioxins from both man-made and natural sources still exist in the environment.” The EPA has also noted that exposure to dioxin can be linked to cancer, miscarriage and sterility. Smith and Wesson’s 10-Q report filed for July 2010 by the company explained, “We do not have insurance coverage for our environmental remediation costs. We have not recognized any gains from probable recoveries or other gain contingencies. The environmental reserve was calculated using undiscounted amounts based on independent environmental remediation reports obtained.” Financially, Smith and Wesson reserved finances for remediation of waste purposes, according to the 10-Q form. Smith and Wesson set aside $638,000 in reserves to remediate waste. The company also stated, “Our estimate of these costs is based upon currently enacted laws and regulations, currently available facts, experience in remediation efforts, existing technology, and the ability of other potentially responsible parties or contractually liable parties to pay the allocated portions of any environmental obligations.” Smith and Wesson also noted in the 10-Q report that, “Based on information known to us, we do not expect current environmental regulations or environmental proceedings and claims to have a material adverse effect on our consolidated financial position, results of operations, or cash flows.”

#### Racism motivates Smith & Wesson’s decision to incentivize personal ownership of guns, and leads to black death, oppression, and the destruction of social movements.

Wes 13, 9-9-2013, "Gun Control, Violence, and the Racism of “Common Ground”," I am ... a Revolutionary!, https://iamarevolutionary.wordpress.com/2013/09/09/gun-control-and-the-violence-of-common-ground/, accessed 5-1-2016

Smith and Wesson benefits from the racism that fuels the right-wing side of the gun control crisis. Gun sales have exploded since Obama was elected. Manufacturers like Smith and Wesson have all seen raised profits as a direct result. Crazed right-wingers capitalized on white fears of a black president to drive gun sales through the roof and catalyze a white base into political action against Obama. These right-wingers claimed Obama was going to enact further gun controls, which have never even crossed his desk. They used white fear of race reprisals to fuel a movement to buy guns because Obama was going to send an “army of Community Organizers” to come steal their guns as a part of his “socialist” plan for the country. These intelligent right-wing leaders exploit white racism for their benefit on a regular basis, with the direct intent to repress black and brown power movements through utilizing the image of Obama. They galvanize crazed right-wingers into a pro-gun propaganda mob that blames people of color for all gun violence, specifically poor people of color, and offers that more policing and more guns in these communities is the solution. More policing and more guns leads to more deaths of black and brown youth, directly limiting the strength of black and brown movements for political power and social justice. . demonstrator-at-rally-holds-sign-poverty-is-violenceA history of racism, slavery, poverty, nationalism, patriarchy, and violence pulls the trigger of every gun on the streets in communities of color. These systems create a context under which this behavior is not just allowed, but cultivated as a method of political control. Drugs and gang behavior serves a specific political purpose to the empowered elites – it stunts the growth of political movements that arise out of poor communities of color. The myth of the “American Dream” manifests in these communities as some youth of color get involved in the drug trade to improve their lives in the face of such massive limitations placed on them by systems of poverty and oppression. The system uses these black and brown lives to perpetuate a militarization of police forces and a continued “War on Drugs”. The “American Dream” becomes an unending nightmare for communities in poverty, constantly living under the threat of violence from drug activity and the police.

### Advantage two is militarization:

#### Absent legislation, big boomer possession spurs police militarization.

VPC 08 Violence Policy Center (national non-profit educational organization that conducts research and public education on violence in America and provides information and analysis to policymakers, journalists, advocates, and the general public. This report was authored by VPC Senior Policy Analyst Tom Diaz) “Big Boomers” December 2008 [www.vpc.org/studies/bigboomers.pdf](http://www.vpc.org/studies/bigboomers.pdf) JW

The Gun Lobby Defends Smith & Wesson’s Vest Buster. The Smith & Wesson 500 Magnum became a “humongous seller” according to a spokesman for the gun company.43 It was named “Handgun of the Year” in 2003 by a grandiloquent entity calling itself the “Shooting Industry Academy of Excellence”—in reality simply a selfserving appendage of the gun trade magazine Shooting Industry.44 There was, however, a fly in the rehabilitative ointment of the company, which has historically been close to foundering on financial shoals.45 Some law enforcement officials raised independently precisely the question posed in the VPC’s report on the vest-busting gun. “My question is why?,” a Pinellas County, Florida, sheriff sergeant and firearms instructor was quoted in the St. Petersburg Times as asking. “That’s way too much firepower, and you’d hate to see it in the wrong hands. When the playing field gets tilted in favor of the streets, law enforcement has to come back with equal firepower and new laws.”46

#### Police militarization causes violence and over-policing in minority neighborhoods through the war on drugs.

McCabe 15 Bret “Does the militarization of American police help them serve and protect?” John Hopkins Magazine Spring 2015 <http://hub.jhu.edu/magazine/2015/spring/aclu-militarization-of-police> JW

War Comes Home provides a brief outline that answers that question. The ACLU has long examined incidents of excessive force and discriminatory policing tactics, and during her 2012–14  tenure at the ACLU, Dansky says the organization kept hearing anecdotal stories of SWAT raids gone wrong—pets killed, children injured, people killed—and decided to seek raw data about such deployments. In March 2013, the ACLU submitted public records requests to more than 260 law enforcement agencies in 25 states and the District of Columbia for incident reports and supplemental records documenting SWAT deployments for 2011 and 2012; by September 2013, the ACLU had received 3,844 records. As background to understanding that data, Dansky and her ACLU colleagues researched the growth of SWAT teams in U.S. police forces, from the first one created in late 1960s Los Angeles, and looked into the federal programs that provide military equipment and in some cases incentivize its use by law enforcement agencies. In 1981, President Ronald Reagan's administration prompted Congress to pass the Military Cooperation with Civilian Law Enforcement Agencies Act. The legislation permitted U.S. military collaboration with civilian law enforcement in the growing war on drugs, including the sharing of information and facilities and training on and use of military equipment. The National Defense Authorization Act of 1990 authorized the Department of Defense to transfer military equipment to law enforcement agencies "for use in counterdrug activities." This program led to the Department of Defense Excess Property Program (aka the 1033 Program). That one was created under President Bill Clinton by the National Defense Authorization Act for fiscal year 1997, and it authorized surplus military equipment to be sent to law enforcement agencies for, as the act states, "use in counternarcotics and counterterrorism operations, and to enhance officer safety." These pipelines put military weapons into the hands of civilian cops. The Edward Byrne Memorial Justice Assistance Grant (JAG) program, authorized by the Anti-Drug Abuse Act of 1988 and reorganized in 2005, provided a monetary incentive for their use in anti-drug policing. Funding, which comes out of the Department of Justice, may incentivize arrests for low-level drug offenses and other ineffective crime-reduction strategies. Byrne funds can be used for a variety of services, but a 2014 AlterNet report documents an overwhelming majority going toward anti-drug policing. The number of federal agencies, offices, or departments that gather incident report data about SWAT deployments is zero. All these programs and acts were expanded following 9/11, a development that is discussed in the background of the ACLU report. The ACLU looked specifically at two years of data about SWAT deployments from about 255 law enforcement agencies. The graphics on the accompanying pages spotlight some of the report's findings—for example, that an overwhelming majority of SWAT deployments are to serve search warrants, a scenario for which SWAT teams were not created nor intended, and the majority of those warrants are drug search warrants served to people of color. This provides a snapshot of how SWAT teams use federal criminal justice money and the weaponry obtained from the Department of Defense. But the stat that should provide the most pause is but an estimate: There are more than 17,000 autonomous law enforcement agencies in the United States. Of those, an estimated 80 percent have SWAT teams. Collectively, those SWAT teams are estimated to be deployed between 50,000 and 80,000 times per year. And the reason those stats are qualified as "estimated" is that the number of federal agencies, offices, or departments that gather incident report data about SWAT deployments is zero. "People are really shocked by the lack of data," Dansky says, pointing out that the data the ACLU received varied in consistency and depth, revealing that even at the local level there is no standard protocol for documenting deployment. "I think the events of Ferguson and the non-indictments in the Michael Brown and Eric Garner cases have shone a light on a problem that has deep roots and goes far back," she continues. "People in the [criminal justice] field have been complaining for a very long time about overpolicing in mainly black neighborhoods—particularly aggressive policing, specifically to wage the failed and wasteful war on drugs—and mass incarceration, which is basically our nation's addiction to locking up people in jails and prisons instead of providing constructive solutions. But those issues have not been on the radar of mainstream America for decades. Now, people are talking about these issues in a really constructive way." She mentions a lawmaker in Pittsburgh who introduced legislation to prohibit the Pittsburgh police department from applying to the Pentagon for military equipment, some North Carolina counties that held public forums to talk about how citizens want policing performed in their communities, and a few communities that have sent their MRAPs back to the Pentagon. The federal government has started to address the oversight of these programs as well. In September, Senator Claire McCaskill of Missouri addressed the Senate Committee on Homeland Security and Governmental Affairs about these federal programs. A Senate Armed Services Hearing that month that reviewed these programs revealed that DOD, DOJ, and the Department of Homeland Security don't talk to one another about the money and equipment that go to police departments, which is ostensibly being addressed. And in December, President Barack Obama's office issued a report about these programs and gave his administration 120 days to develop an executive order that includes substantive reforms. Obama's report was the first top-down evaluation of the 1033 Program in 20 years; Americans who are poor and/or of color have lived on the frontlines of America's drug wars since the 1980s, and the ACLU report presents a correlation between the militarized police forces—which a small cadre of academic researchers has been documenting since the 1980s—and the preventive policing of the drug war as de facto urban policy driving how law enforcement agencies interact with and consider themselves in the communities in which they operate. Both are in need of radical reassessment and reform. "I think a lot of the public doesn't even know we're still fighting the war on drugs," says Dansky, who is now special adviser to the director of the Mayor's Office of Criminal Justice for New York City Mayor Bill de Blasio. "I think the public is weary of it and is tired of spending money on it. And I think people are really tired of seeing drugs as an evil that needs to be combated with the criminal justice system and specifically with weapons made for combat. "People don't want their neighborhoods to be treated like war zones," she continues. "And the people are already demanding change."

### Advantage 3 is Crime

#### Big boomer handguns have the power of rifles; this causes proliferation of crimes

VPC 08 Violence Policy Center (national non-profit educational organization that conducts research and public education on violence in America and provides information and analysis to policymakers, journalists, advocates, and the general public. This report was authored by VPC Senior Policy Analyst Tom Diaz) “Big Boomers” December 2008 [www.vpc.org/studies/bigboomers.pdf](http://www.vpc.org/studies/bigboomers.pdf) JW

1. Big boomers are rifle power designed into handguns. During the 1990 to 1999 period, 20 law enforcement officers were killed by gunshot wounds as a result of rounds penetrating their body armor. All of these rounds were fired from rifles. However, the big boomer handguns that are now being designed and marketed by the firearms industry have elevated the power of handguns to the level of rifles. Big boomers have thus become “vest busters” and present a deadly challenge to law enforcement body armor’s life-saving record. 2. Big boomers—a serious new threat to America’s public safety officers—are the gun industry’s latest attempt to stop its steady market decline. The American firearms industry has been sagging for decades. Although the industry enjoys brief periods of resurgence, the long-term trend for civilian gun manufacturers continues to be one of steady decline. In order to expand its customer base, the gun industry has tried to lure women and children into the “shooting sports.” For recent example, it has mounted a national campaign to get more children interested in hunting, for the most part by watering down hunter safety laws and regulations so that younger children can hunt. However, the principal means gun manufacturers use to rejuvenate their stagnant markets is design and marketing innovation aimed at introducing greater lethality into the civilian market. Within the last several years, the industry has introduced “big boomers”—handguns that fire ammunition that can penetrate the body armor that has saved the lives of thousands of law enforcement officers over the last three decades. This big boomer market trend is now established as a profit-maker that is “good for business.” The number of manufacturers who make big boomers is increasing and the models they manufacture are proliferating. 3. Big boomers are “vest busters.” They threaten to make obsolete the body armor that has saved thousands of officers’ lives. Body armor can stop handgun rounds, but it cannot stop handgun rounds with the penetration power of higher-powered rifle rounds. 4. The Violence Policy Center (VPC) reported in June 2004 on the armor-defeating potential of the first new big boomer, a 50 caliber magnum handgun introduced by Smith & Wesson in February 2003, the Model 500. This handgun was designed around a new cartridge called the .500 Smith & Wesson Magnum. The striking power of the .500 Smith & Wesson Magnum round substantially exceeds the protection level of the highest grade of concealable body armor normally worn by law enforcement officers in the field, known as Type IIIA. The Model 500 thus combines the convenience of a handgun with the vest-busting power of a rifle, a clear danger to law enforcement personnel. In the few short years since their introduction, 50 caliber magnums have already begun to show up in criminal episodes. 5. The .500 Smith & Wesson Magnum round, and the Smith & Wesson Model 500 handgun, illustrate how the gun industry’s singular freedom from consumer product health and safety regulation allows it to recklessly develop and market increasingly lethal products without consideration for public safety. In its earlier report, the VPC stated: “Following a well-established gun industry pattern of design and price competition, it is likely that other manufacturers will soon develop and market their own versions of handguns chambered for the .500 Smith & Wesson Magnum round....[T]he 500 Smith & Wesson Magnum will proliferate as other manufacturers market copies of the round and handguns chambered for it. Prices will fall and the threat to law enforcement officers will rise.” 6. The current study documents that the predicted proliferation has indeed occurred. Smith & Wesson and now other firearm manufacturers continue their reckless pattern of designing and introducing into the civilian market handguns that are almost certainly capable of defeating law enforcement body armor. In addition to introducing a more easily concealable model of its Model 500, Smith & Wesson has designed and begun marketing yet another handgun with vest-busting rifle power, the Model 460 XVR (Xtreme Velocity Revolver). Other manufacturers have introduced their own version of handguns chambered for the .500 Smith & Wesson Magnum round.

#### Gun violence disproportionately affects black communities.

DeFilippis and Hughes 15 Evan Defilippis (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, he is one of the nation's few Harry S. Truman Scholars based on his commitment to public service, and is a David L. Boren Critical Languages scholar, fluent in Swahili, and dedicated to a career in African development. He worked on multiple poverty-reduction projects in Nairobi, Kenya, doing big data analysis for Innovations for Poverty Action. He will be attending Princeton's Woodrow Wilson School in the Fall.) and Devin Hughes (senior at the University of Oklahoma with degrees in Finance and Risk Management. He is a National Merit Scholar and Oklahoma Chess Champion, with numerous academic publications) “How America’s Lax Gun Laws Help Criminals and Cripple Minority Communities” Vice July 6 2015 <http://www.vice.com/read/how-americas-lax-gun-laws-help-mass-murderers-and-cripple-minority-communities-706> JW

And as federal prosecutors decide whether to file hate-crime charges against the shooter— 21-year-old white supremacist Dylann Roof, whose manifesto lays out his plans to start a "race war"—some gun-rights advocates have argued that new gun control laws would disproportionately hurt black Americans and other minorities, claiming that similar laws have disproportionately targeted these communities and contributed to the already-massive racial disparities in the US prison system. But these arguments also tend to ignore the devastating consequences that weak gun laws have had for minority communities. According to data from the Centers for Disease Control, black Americans are twice as likely as whites to be victims of gun homicide. According to a report from the Center for American Progress, in 2010, 65 percent of gun murder victims between the ages of 15 and 24 were black, despite making up just 13 percent of the population. Gun homicide is also the leading cause of death for black teens in the US, a group that also suffers gun injuries 10 times more frequently than their white counterparts. The numbers may help explain why an overwhelming majority of black Americans—75 percent according to a 2013 Washington Post/ABC News poll—support stronger gun control laws. Yet even in areas where local governments have enacted gun control measures, lax regulations elsewhere have sustained a robust network of unregulated private transactions that allow gun dealers to look the other way while supplying gangs and other criminals with a vast assortment of weapons. This network leaves a place like Chicago, which remains crippled by violence despite relatively strict gun laws, hard-pressed to keep weapons off the street—as this New York Times map illustrates, anybody in the city who wants a gun need only take a short drive outside Cook County to get to a jurisdiction with much weaker regulations. A similar situation has arisen in Maryland, which despite having some of the country's most stringent gun laws, has been plagued by violent crime in urban areas. Amid finger-pointing over the rioting that ravaged Baltimore earlier this year, it's worth pointing out that the majority of crime guns are trafficked in from outside the state. So while the gun policies Maryland has implemented—including a policy requiring individuals to pass a background check and obtain a permit prior to buying a firearm—have been shown to reliably reduce gun violence, neighboring states like Pennsylvania, West Virginia, and Virginia have much looser requirements, making it easy for weapons to flow across the border. RELATED: Gun Control Will Not Save America from Racism This haphazard patchworks of state and local gun laws has enabled many private gun dealers to effectively exploit gang violence and crime to boost sales. Chuck's Gun Shop, for example, which operates just outside Chicago, is responsible for selling at least 1,300 crime guns since 2008, and one study found that 20 percent of all guns used in Chicago crimes recovered within a year of purchase came from the store, because existing gun laws allow the store to sell firearms to criminals who would undoubtedly fail a background check if it were required. The same is true for Realco, a Maryland gun shop on the outskirts of Washington, DC: Between 1992 and 2009, law enforcement agents from Maryland and DC traced 2,500 crime guns back to Realco, four times more than were traced to second most prolific crime-gun dealer in Maryland. The disastrous effects of these policies has overwhelmingly been borne by minority communities. In Chicago, for example, 76 percent of murder victims between 1991 and 2011 were black, 19 percent were Hispanic, and just 4 percent were white. The cause of these deaths was overwhelmingly gun violence. Across the country, the evidence suggests that weak gun laws not only play into the hands of mass murderers looking for the easiest way to commit atrocity, but also exacerbate the tragic, everyday violence that disproportionately cripples [harms] minority communities. The solution is not to pretend, as has become fashionable among gun advocates, that gun violence is simply the unavoidable cost our of constitutional freedoms, but to instead support commonsense policies of the sort implemented in nearly every other industrialized nation.

### Fwk

#### Preserving justice means including marginalized groups and rejecting structural violence.

Winter and Leighton 99 Deborah DuNann Winter and Dana C. Leighton. Winter: Psychologist that specializes in Social Psych, Counseling Psych, Historical and Contemporary Issues, Peace Psychology. Leighton: PhD graduate student in the Psychology Department at the University of Arkansas. Knowledgable in the fields of social psychology, peace psychology, and ustice and intergroup responses to transgressions of justice) (Peace, conflict, and violence: Peace psychology in the 21st century. Pg 4-5)

Finally, to recogniz**e** the operation of structural violence forces us to ask questions about how and why we tolerate it, questions which often have painful answers for the privileged elite who unconsciously support it. A final question of this section is how and why we allow ourselves to be so oblivious to structural violence. Susan Opotow offers an intriguing set of answers, in her article Social Injustice. She argues that our normal perceptual/cognitive processes divide people into in-groups and out-groups. Those outside our group lie outside our scope of justice. Injustice that would be instantaneously confronted if it occurred to someone we love or know is barely noticed if it occurs to strangers or those who are invisible or irrelevant. We do not seem to be able to open our minds and our hearts to everyone, so we draw conceptual lines between those who are in and out of our moral circle. Those who fall outside are morally excluded, and become either invisible, or demeaned in some way so that we do not have to acknowledge the injustice they suffer. Moral exclusion is a human failing, but Opotow argues convincingly that it is an outcome of everyday social cognition. To reduce its nefarious effects, we must be vigilant in noticing and listening to oppressed, invisible, outsiders. Inclusionary thinking can be fostered by relationships, communication, and appreciation of diversity.Like Opotow, all the authors in this section point out that structural violence is not inevitable if we become aware of its operation, and build systematic ways to mitigate its effects. Learning about structural violence may be discouraging, overwhelming, or maddening, but these papers encourage[s] us to step beyond guilt and anger, and begin to think about how to reduce [it] structural violence. All the authors in this section note that the same structures (such as global communication and normal social cognition) which feed structural violence, can also be used to empower citizens to reduce it.

Consequentialism is true: A. if a harm is foreseen than we are knowledgeable of it before we take an action, in taking that action we could choose not to act based on this consequence so we intend the effect by taking the action. B. Even if there is a distinction, we should weigh strength of link-intended harms don’t always come first. E.g. if I push over a friend to prevent him from being run over, I may sprain his ankle, but I still took a good action. C. It’s not resolvable – the government’s made up of a composite of actors with different intentions D. Epistemically inaccessible – we don’t know what other people are thinking., E. It’s a gateway to accessing any impact – arguments about why handgun bans are bad entail some assumption handguns *will* be banned. F. The affirmative debater fiats a policy, not a mindset, which means I defend the *action* of banning handguns which relates to consequences, not intentions.

### Underview

1. Aff gets 1AR theory- otherwise the neg can be infinitely abusive and there’s no way to check against this- meta theory also precedes the evaluation of initial theory shells because it determines whether or not I could engage in theory in the first place. 1AR theory is drop the debater- the 1ARs too short to be able to rectify abuse and adequately cover substance- you must be punished. Theory outweighs the argument it indicts – a. jurisdiction – you do not know if an argument is true unless I had the ability to engage it, b. it promotes norms that maximize engagement on a specific issue, which link turns reasons theory is bad; ability to substantively answer a position is the only way those arguments can have value in debate. C. the constitutive obligation of the judge is to vote for the better debater, but you can not do that if the round is skewed. That outweighs other impacts - it acts as a framing issue for any other impact.

### Role of the Ballot

#### The state is inevitable- speaking the language of power through policymaking is the only way to create social change in debate.

Coverstone 5 Alan Coverstone (masters in communication from Wake Forest, longtime debate coach) “Acting on Activism: Realizing the Vision of Debate with Pro-social Impact” Paper presented at the National Communication Association Annual Conference November 17th 2005 JW 11/18/15

An important concern emerges when Mitchell describes reflexive fiat as a contest strategy capable of “eschewing the power to directly control external actors” (1998b, p. 20). Describing debates about what our government should do as attempts to control outside actors is debilitating and disempowering. Control of the US government is exactly what an active, participatory citizenry is supposed to be all about. After all, if democracy means anything, it means that citizens not only have the right, they also bear the obligation to discuss and debate what the government should be doing. Absent that discussion and debate, much of the motivation for personal political activism is also lost. Those who have co-opted Mitchell’s argument for individual advocacy often quickly respond that nothing we do in a debate round can actually change government policy, and unfortunately, an entire generation of debaters has now swallowed this assertion as an article of faith. The best most will muster is, “Of course not, but you don’t either!” The assertion that nothing we do in debate has any impact on government policy is one that carries the potential to undermine Mitchell’s entire project. If there is nothing we can do in a debate round to change government policy, then we are left with precious little in the way of pro-social options for addressing problems we face. At best, we can pursue some Pilot-like hand washing that can purify us as individuals through quixotic activism but offer little to society as a whole. It is very important to note that Mitchell (1998b) tries carefully to limit and bound his notion of reflexive fiat by maintaining that because it “views fiat as a concrete course of action, it is bounded by the limits of pragmatism” (p. 20). Pursued properly, the debates that Mitchell would like to see are those in which the relative efficacy of concrete political strategies for pro-social change is debated. In a few noteworthy examples, this approach has been employed successfully, and I must say that I have thoroughly enjoyed judging and coaching those debates. The students in my program have learned to stretch their understanding of their role in the political process because of the experience. Therefore, those who say I am opposed to Mitchell’s goals here should take care at such a blanket assertion. However, contest debate teaches students to combine personal experience with the language of political power. Powerful personal narratives unconnected to political power are regularly co-opted by those who do learn the language of power. One need look no further than the annual state of the Union Address where personal story after personal story is used to support the political agenda of those in power. The so-called role-playing that public policy contest debates encourage promotes active learning of the vocabulary and levers of power in America. Imagining the ability to use our own arguments to influence government action is one of the great virtues of academic debate. Gerald Graff (2003) analyzed the decline of argumentation in academic discourse and found a source of student antipathy to public argument in an interesting place. I’m up against…their aversion to the role of public spokesperson that formal writing presupposes. It’s as if such students can’t imagine any rewards for being a public actor or even imagining themselves in such a role. This lack of interest in the public sphere may in turn reflect a loss of confidence in the possibility that the arguments we make in public will have an effect on the world. Today’s students’ lack of faith in the power of persuasion reflects the waning of the ideal of civic participation that led educators for centuries to place rhetorical and argumentative training at the center of the school and college curriculum. (Graff, 2003, p. 57) The power to imagine public advocacy that actually makes a difference is one of the great virtues of the traditional notion of fiat that critics deride as mere simulation. Simulation of success in the public realm is far more empowering to students than completely abandoning all notions of personal power in the face of governmental hegemony by teaching students that “nothing they can do in a contest debate can ever make any difference in public policy.” Contest debating is well suited to rewarding public activism if it stops accepting as an article of faith that personal agency is somehow undermined by the so-called role playing in debate. Debate is role-playing whether we imagine government action or imagine individual action. Imagining myself starting a socialist revolution in America is no less of a fantasy than imagining myself making a difference on Capitol Hill. Furthermore, both fantasies influenced my personal and political development virtually ensuring a life of active, pro-social, political participation. Neither fantasy reduced the likelihood that I would spend my life trying to make the difference I imagined. One fantasy actually does make a greater difference: the one that speaks the language of political power. The other fantasy disables action by making one a laughingstock to those who wield the language of power. Fantasy motivates and role-playing trains through visualization. Until we can imagine it, we cannot really do it. Role-playing without question teaches students to be comfortable with the language of power, and that language paves the way for genuine and effective political activism. Debates over the relative efficacy of political strategies for pro-social change must confront governmental power at some point. There is a fallacy in arguing that movements represent a better political strategy than voting and person-to-person advocacy. Sure, a full-scale movement would be better than the limited voice I have as a participating citizen going from door to door in a campaign, but so would full-scale government action. Unfortunately, the gap between my individual decision to pursue movement politics and the emergence of a full-scale movement is at least as great as the gap between my vote and democratic change. They both represent utopian fiat. Invocation of Mitchell to support utopian movement fiat is simply not supported by his work, and too often, such invocation discourages the concrete actions he argues for in favor of the personal rejectionism that under girds the political cynicism that is a fundamental cause of voter and participatory abstention in America today.

#### Critical movements must be strategically oriented legalistic demands against the state to promote real change.

Zizek 07 Slavoj “Resistance is Surrender” London Review of Books November 15th 2007 <http://www.lacan.com/zizsurcrit.htm> JW

One of the clearest lessons of the last few decades is that capitalism is indestructible. Marx compared it to a vampire, and one of the salient points of comparison now appears to be that vampires always rise up again after being stabbed to death. Even Mao's attempt, in the Cultural Revolution, to wipe out the traces of capitalism, ended up in its triumphant return. Today's Left reacts in a wide variety of ways to the hegemony of global capitalism and its political supplement, liberal democracy. It might, for example, accept the hegemony, but continue to fight for reform within its rules (this is Third Way social democracy). Or, it accepts that the hegemony is here to stay, but should nonetheless be resisted from its 'interstices'. Or, it accepts the futility of all struggle, since the hegemony is so all-encompassing that nothing can really be done except wait for an outburst of 'divine violence' - a revolutionary version of Heidegger's 'only God can save us.' Or, it recognises the temporary futility of the struggle. In today's triumph of global capitalism, the argument goes, true resistance is not possible, so all we can do till the revolutionary spirit of the global working class is renewed is defend what remains of the welfare state, confronting those in power with demands we know they cannot fulfil, and otherwise withdraw into cultural studies, where one can quietly pursue the work of criticism. Or, it emphasises the fact that the problem is a more fundamental one, that global capitalism is ultimately an effect of the underlying principles of technology or 'instrumental reason'. Or, it posits that one can undermine global capitalism and state power, not by directly attacking them, but by refocusing the field of struggle on everyday practices, where one can 'build a new world'; in this way, the foundations of the power of capital and the state will be gradually undermined, and, at some point, the state will collapse (the exemplar of this approach is the Zapatista movement). Or, it takes the 'postmodern' route, shifting the accent from anti-capitalist struggle to the multiple forms of politico-ideological struggle for hegemony, emphasising the importance of discursive re-articulation. Or, it wagers that one can repeat at the postmodern level the classical Marxist gesture of enacting the 'determinate negation' of capitalism: with today's rise of 'cognitive work', the contradiction between social production and capitalist relations has become starker than ever, rendering possible for the first time 'absolute democracy' (this would be Hardt and Negri's position). These positions are not presented as a way of avoiding some 'true' radical Left politics - what they are trying to get around is, indeed, the lack of such a position. This defeat of the Left is not the whole story of the last thirty years, however. There is another, no less surprising, lesson to be learned from the Chinese Communists' presiding over arguably the most explosive development of capitalism in history, and from the growth of West European Third Way social democracy. It is, in short: we can do it better. In the UK, the Thatcher revolution was, at the time, chaotic and impulsive, marked by unpredictable contingencies. It was Tony Blair who was able to institutionalise it, or, in Hegel's terms, to raise (what first appeared as) a contingency, a historical accident, into a necessity. Thatcher wasn't a Thatcherite, she was merely herself; it was Blair (more than Major) who truly gave form to Thatcherism. The response of some critics on the postmodern Left to this predicament is to call for a new politics of resistance. Those who still insist on fighting state power, let alone seizing it, are accused of remaining stuck within the 'old paradigm': the task today, their critics say, is to resist state power by withdrawing from its terrain and creating new spaces outside its control. This is, of course, the obverse of accepting the triumph of capitalism. The politics of resistance is nothing but the moralising supplement to a Third Way Left. Simon Critchley's recent book, Infinitely Demanding, is an almost perfect embodiment of this position. For Critchley, the liberal-democratic state is here to stay. Attempts to abolish the state failed miserably; consequently, the new politics has to be located at a distance from it: anti-war movements, ecological organisations, groups protesting against racist or sexist abuses, and other forms of local self-organisation. It must be a politics of resistance to the state, of bombarding the state with impossible demands, of denouncing the limitations of state mechanisms. The main argument for conducting the politics of resistance at a distance from the state hinges on the ethical dimension of the 'infinitely demanding' call for justice: no state can heed this call, since its ultimate goal is the 'real-political' one of ensuring its own reproduction (its economic growth, public safety, etc). 'Of course,' Critchley writes, history is habitually written by the people with the guns and sticks and one cannot expect to defeat them with mocking satire and feather dusters. Yet, as the history of ultra-leftist active nihilism eloquently shows, one is lost the moment one picks up the guns and sticks. Anarchic political resistance should not seek to mimic and mirror the archic violent sovereignty it opposes. So what should, say, the US Democrats do? Stop competing for state power and withdraw to the interstices of the state, leaving state power to the Republicans and start a campaign of anarchic resistance to it? And what would Critchley do if he were facing an adversary like Hitler? Surely in such a case one should 'mimic and mirror the archic violent sovereignty' one opposes? Shouldn't the Left draw a distinction between the circumstances in which one would resort to violence in confronting the state, and those in which all one can and should do is use 'mocking satire and feather dusters'? The ambiguity of Critchley's position resides in a strange non sequitur: if the state is here to stay, if it is impossible to abolish it (or capitalism), why retreat from it? Why not act with(in) the state? Why not accept the basic premise of the Third Way? Why limit oneself to a politics which, as Critchley puts it, 'calls the state into question and calls the established order to account, not in order to do away with the state, desirable though that might well be in some utopian sense, but in order to better it or attenuate its malicious effect'? These words simply demonstrate that today's liberal-democratic state and the dream of an 'infinitely demanding' anarchic politics exist in a relationship of mutual parasitism: anarchic agents do the ethical thinking, and the state does the work of running and regulating society. Critchley's anarchic ethico-political agent acts like a superego, comfortably bombarding the state with demands; and the more the state tries to satisfy these demands, the more guilty it is seen to be. In compliance with this logic, the anarchic agents focus their protest not on open dictatorships, but on the hypocrisy of liberal democracies, who are accused of betraying their own professed principles. The big demonstrations in London and Washington against the US attack on Iraq a few years ago offer an exemplary case of this strange symbiotic relationship between power and resistance. Their paradoxical outcome was that both sides were satisfied. The protesters saved their beautiful souls: they made it clear that they don't agree with the government's policy on Iraq. Those in power calmly accepted it, even profited from it: not only did the protests in no way prevent the already-made decision to attack Iraq; they also served to legitimise it. Thus George Bush's reaction to mass demonstrations protesting his visit to London, in effect: 'You see, this is what we are fighting for, so that what people are doing here - protesting against their government policy - will be possible also in Iraq!' It is striking that the course on which Hugo Chávez has embarked since 2006 is the exact opposite of the one chosen by the postmodern Left: far from resisting state power, he grabbed it (first by an attempted coup, then democratically), ruthlessly using the Venezuelan state apparatuses to promote his goals. Furthermore, he is militarising the barrios, and organising the training of armed units there. And, the ultimate scare: now that he is feeling the economic effects of capital's 'resistance' to his rule (temporary shortages of some goods in the state-subsidised supermarkets), he has announced plans to consolidate the 24 parties that support him into a single party. Even some of his allies are sceptical about this move: will it come at the expense of the popular movements that have given the Venezuelan revolution its élan? However, this choice, though risky, should be fully endorsed: the task is to make the new party function not as a typical state socialist (or Peronist) party, but as a vehicle for the mobilisation of new forms of politics (like the grass roots slum committees). What should we say to someone like Chávez? 'No, do not grab state power, just withdraw, leave the state and the current situation in place'? Chávez is often dismissed as a clown - but wouldn't such a withdrawal just reduce him to a version of Subcomandante Marcos, whom many Mexican leftists now refer to as 'Subcomediante Marcos'? Today, it is the great capitalists - Bill Gates, corporate polluters, fox hunters - who 'resist' the state. The lesson here is that the truly subversive thing is not to insist on 'infinite' demands we know those in power cannot fulfil. Since they know that we know it, such an 'infinitely demanding' attitude presents no problem for those in power: 'So wonderful that, with your critical demands, you remind us what kind of world we would all like to live in. Unfortunately, we live in the real world, where we have to make do with what is possible.' The thing to do is, on the contrary, to bombard those in power with strategically well-selected, precise, finite demands, which can't be met with the same excuse.

#### Critique is useless without a concrete policy option that solves for your harms.

Bryant 12 Levi Bryant (Professor of Philosophy at Collin College) “A Critique of the Academic Left” 2012 <https://larvalsubjects.wordpress.com/2012/11/11/underpants-gnomes-a-critique-of-the-academic-left/> JW

Unfortunately, the academic left falls prey to its own form of abstraction. It’s good at carrying out critiques that denounce various social formations, yet very poor at proposing any sort of realistic constructions of alternatives. This because it thinks abstractly in its own way, ignor[es]ing how networks, assemblages, structures, or regimes of attraction would have to be remade to create a workable alternative. Here I’m reminded by the “underpants gnomes” depicted in South Park: The underpants gnomes have a plan for achieving profit that goes like this: Phase 1: Collect Underpants Phase 2: ? Phase 3: Profit! They even have a catchy song to go with their work: Well this is sadly how it often is with the academic left. Our plan seems to be as follows: Phase 1: Ultra-Radical Critique Phase 2: ? Phase 3: Revolution and complete social transformation! Our problem is that we seem perpetually stuck at phase 1 without ever explaining what is to be done at phase 2. Often the critiques articulated at phase 1 are right, but there are nonetheless all sorts of problems with those critiques nonetheless. In order to reach phase 3, we have to produce new collectives. In order for new collectives to be produced, people need to be able to hear and understand the critiques developed at phase 1. Yet this is where everything begins to fall apart. Even though these critiques are often right, we express [critiques] them in ways that only an academic with a PhD in critical theory and post-structural theory can understand. How exactly is Adorno to produce an effect in the world if only PhD’s in the humanities can understand him? Who are these things for? We seem to always ignore these things and then look down our noses with disdain at the Naomi Kleins and David Graebers of the world. To make matters worse, we publish our work in expensive academic journals that only universities can afford, with presses that don’t have a wide distribution, and give our talks at expensive hotels at academic conferences attended only by other academics. Again, who are these things for? Is it an accident that so many activists look away from these things with contempt, thinking their more about an academic industry and tenure, than producing change in the world? If a tree falls in a forest and no one is there to hear it, it doesn’t make a sound! Seriously dudes and dudettes, what are you doing? But finally, and worst of all, us Marxists and anarchists all too often act like assholes. We denounce others, we condemn them, we berate them for not engaging with the questions we want to engage with, and we vilify them when they don’t embrace every bit of the doxa that we endorse. We are every bit as off-putting and unpleasant as the fundamentalist minister or the priest of the inquisition (have people yet understood that Deleuze and Guattari’s Anti-Oedipus was a critique of the French communist party system and the Stalinist party system, and the horrific passions that arise out of parties and identifications in general?). This type of “revolutionary” is the greatest friend of the reactionary and capitalist because they do more to drive people into the embrace of reigning ideology than to undermine reigning ideology. These are the people that keep Rush Limbaugh in business. Well done! But this isn’t where our most serious shortcomings lie. Our most serious shortcomings are to be found at phase 2. We almost never make concrete proposals for how things ought to be restructured, for what new material infrastructures and semiotic fields need to be produced, and when we do, our critique-intoxicated cynics and skeptics immediately jump in with an analysis of all the ways in which these things contain dirty secrets, ugly motives, and are doomed to fail. How, I wonder, are we to do anything at all when we have no concrete proposals? We live on a planet of 6 billion people. These 6 billion people are dependent on a certain network of production and distribution to meet the needs of their consumption. That network of production and distribution does involve the extraction of resources, the production of food, the maintenance of paths of transit and communication, the disposal of waste, the building of shelters, the distribution of medicines, etc., etc., etc.

#### The law is malleable and optimism is justified; pessimism ignores specific reforms that both achieved lasting reductions racial inequality and spilled over to broader social movements

Omi and Winant 13

Michael Omi (Sociologist at UC Berkeley, focusing on antiracism scholarship and Asian American studies) and Howard Winant (Professor of Sociology affiliated with the Black Studies and Chicana/o Studies departments of UC Santa Barbara), Resistance is futile?: a response to Feagin and Elias, Ethnic and Racial Studies Volume 36, Issue 6, p. 961-973, Special Issue: Symposium - Rethinking Racial Formation Theory. 2013.

In Feagin and Elias's account, white racist rule in the USA appears unalterable and permanent. There is little sense that the ‘white racial frame’ evoked by systemic racism theory changes in significant ways over historical time. They dismiss important rearrangements and reforms as merely ‘a distraction from more ingrained structural oppressions and deep lying inequalities that continue to define US society’ (Feagin and Elias 2012, p. 21). Feagin and Elias use a concept they call ‘surface flexibility’ to argue that white elites frame racial realities in ways that suggest change, but are merely engineered to reinforce the underlying structure of racial oppression. Feagin and Elias say the phrase ‘racial democracy’ is an oxymoron – a word defined in the dictionary as a figure of speech that combines contradictory terms. If they mean the USA is a contradictory and incomplete democracy in respect to race and racism issues, we agree. If they mean that people of colour have no democratic rights or political power in the USA, we disagree. The USA is a racially despotic country in many ways, but in our view it is also in many respects a racial democracy, capable of being influenced towards more or less inclusive and redistributive economic policies, social policies, or for that matter, imperial policies. What is distinctive about our own epoch in the USA (post-Second World War to the present) with respect to race and racism? Over the past decades there has been a steady drumbeat of efforts to contain and neutralize civil rights, to restrict racial democracy, and to maintain or even increase racial inequality. Racial disparities in different institutional sites – employment, health, education – persist and in many cases have increased. Indeed, the post-2008 period has seen a dramatic increase in racial inequality. The subprime home mortgage crisis, for example, was a major racial event. Black and brown people were disproportionately affected by predatory lending practices; many lost their homes as a result; race-based wealth disparities widened tremendously. It would be easy to conclude, as Feagin and Elias do, that white racial dominance has been continuous and unchanging throughout US history. But such a perspective misses the dramatic twists and turns in racial politics that have occurred since the Second World War and the civil rights era. Feagin and Elias claim that we overly inflate the significance of the changes wrought by the civil rights movement, and that we ‘overlook the serious reversals of racial justice and persistence of huge racial inequalities’ (Feagin and Elias 2012, p. 21) that followed in its wake. We do not. In Racial Formation we wrote about ‘racial reaction’ in a chapter of that name, and elsewhere in the book as well. Feagin and Elias devote little attention to our arguments there; perhaps because they are in substantial agreement with us. While we argue that the right wing was able to ‘rearticulate’ race and racism issues to roll back some of the gains of the civil rights movement, we also believe that there are limits to what the right could achieve in the post-civil rights political landscape. So we agree that the present prospects for racial justice are demoralizing at best. But we do not think that is the whole story. US racial conditions have changed over the post-Second World War period, in ways that Feagin and Elias tend to downplay or neglect. Some of the major reforms of the 1960s have proved irreversible; they have set powerful democratic forces in motion. These racial (trans)formations were the results of unprecedented political mobilizations, led by the black movement, but not confined to blacks alone. Consider the desegregation of the armed forces, as well as key civil rights movement victories of the 1960s: the Voting Rights Act, the Immigration and Naturalization Act (Hart- Celler), as well as important court decisions like Loving v. Virginia that declared anti-miscegenation laws unconstitutional. While we have the greatest respect for the late Derrick Bell, we do not believe that his ‘interest convergence hypothesis’ effectively explains all these developments. How does Lyndon Johnson's famous (and possibly apocryphal) lament upon signing the Civil Rights Act on 2 July 1964 – ‘We have lost the South for a generation’ – count as ‘convergence’? The US racial regime has been transformed in significant ways. As Antonio Gramsci argues, hegemony proceeds through the incorporation of opposition (Gramsci 1971, p. 182). The civil rights reforms can be seen as a classic example of this process; here the US racial regime – under movement pressure – was exercising its hegemony. But Gramsci insists that such reforms – which he calls ‘passive revolutions’ – cannot be merely symbolic if they are to be effective: oppositions must win real gains in the process. Once again, we are in the realm of politics, not absolute rule. So yes, we think there were important if partial victories that shifted the racial state and transformed the significance of race in everyday life. And yes, we think that further victories can take place both on the broad terrain of the state and on the more immediate level of social interaction: in daily interaction, in the human psyche and across civil society. Indeed we have argued that in many ways **the most important accomplishment** of the anti-racist movement of the 1960s in the USA was the politicization of the social. In the USA and indeed around the globe, race-based movements demanded not only the inclusion of racially defined ‘others’ and the democratization of structurally racist societies, but also the recognition and **validation by both the state and civil society** of racially-defined experience and identity. These demands broadened and deepened democracy itself. They facilitated not only the democratic gains made in the USA by the black movement and its allies, but also the political advances towards equality, social justice and inclusion accomplished by other ‘new social movements’: second-wave **feminism, gay liberation, and the environmentalist and anti-war movements** among others. By no means do we think that the post-war movement upsurge was an unmitigated success. Far from it: all the new social movements were subject to the same ‘rearticulation’ (Laclau and Mouffe 2001, p. xii) that produced the racial ideology of ‘colourblindness’ and its variants; indeed all these movements confronted their mirror images in the mobilizations that arose from the political right to counter them. Yet even their incorporation and containment, even their confrontations with the various ‘backlash’ phenomena of the past few decades, even the need to develop the highly contradictory ideology of ‘colourblindness’, reveal the transformative character of the ‘politicization of the social’. While it is not possible here to explore so extensive a subject, it is worth noting that it was the long-delayed eruption of racial subjectivity and self-awareness into the mainstream political arena that set off this transformation, shaping both the democratic and anti-democratic social movements that are evident in US politics today. What are the political implications of contemporary racial trends? Feagin and Elias's use of racial categories can be imprecise. This is not their problem alone; anyone writing about race and racism needs to frame terms with care and precision, and we undoubtedly get fuzzy too from time to time. The absence of a careful approach leads to ‘racial lumping’ and essentialisms of various kinds. This imprecision is heightened in polemic. In the Feagin and Elias essay the term ‘whites’ at times refers to all whites, white elites, ‘dominant white actors’ and very exceptionally, anti-racist whites, a category in which we presume they would place themselves. Although the terms ‘black’, ‘African American’ and ‘Latino’ appear, the term ‘people of colour’ is emphasized, often in direct substitution for black reference points. In the USA today it is important not to frame race in a bipolar manner. The black/white paradigm made more sense in the past than it does in the twenty-first century. The racial make-up of the nation has now changed dramatically. Since the passage of the Immigration Reform Act of 1965, the USA has become more ‘coloured’. A ‘majority–minority’ national demographic shift is well underway. Predicted to arrive by the mid-twenty-first century, the numerical eclipse of the white population is already in evidence locally and regionally. In California, for example, non-Hispanic whites constitute only 39.7 per cent of the state's population. While the decline in the white population cannot be correlated with any decline of white racial dominance, the dawning and deepening of racial multipolarity calls into question a sometimes implicit and sometimes explicit black/white racial framework that is evident in Feagin and Elias's essay. Shifting racial demographics and identities also raise general questions of race and racism in new ways that the ‘systemic racism’ approach is not prepared to explain.3 Class questions and issues of panethnicizing trends, for example, call into question what we mean by race, racial identity and race consciousness. No racially defined group is even remotely uniform; groups that we so glibly refer to as Asian American or Latino are particularly heterogeneous. Some have achieved or exceeded socio-economic parity with whites, while others are subject to what we might call ‘engineered poverty’ in sweatshops, dirty and dangerous labour settings, or prisons. Tensions within panethnicized racial groups are notably present, and conflicts between racially defined groups (‘black/brown’ conflict, for example) are evident in both urban and rural settings. A substantial current of social scientific analysis now argues that Asians and Latinos are the ‘new white ethnics’, able to ‘work toward whiteness’4 at least in part, and that the black/white bipolarity retains its distinct and foundational qualities as the mainstay of US racism (Alba and Nee 2005; Perlmann 2005; Portes and Rumbaut 2006; Waters, Ueda and Marrow 2007). We question that argument in light of the massive demographic shifts taking place in the USA. Globalization, climate change and above all neoliberalism on a global scale, all drive migration. The country's economic capacity to absorb enormous numbers of immigrants, low-wage workers and their families (including a new, globally based and very female, servant class) without generating the sort of established subaltern groups we associate with the terms race and racism, may be more limited than it was when the ‘whitening’ of Europeans took place in the nineteenth and twentieth centuries. In other words this argument's key precedent, the absorption of white immigrants ‘of a different color’ (Jacobson 1998), may no longer apply. Indeed, we might think of the assimilationist model itself as a general theory of immigrant incorporation that was based on a historically specific case study – one that might not hold for, or be replicated by, subsequent big waves of immigration. Feagin and Elias's systemic racism model, while offering numerous important insights, does not inform concrete analysis of these issues. It is important going forward to understand how groups are differentially racialized and relatively positioned in the US racial hierarchy: once again racism must be seen as a shifting racial project. This has important consequences, not only with respect to emerging patterns of inequality, but also in regard to the degree of power available to different racial actors to define, shape or contest the existing racial landscape. Attention to such matters is largely absent in Feagin and Elias's account. In their view racially identified groups are located in strict reference to the dominant ‘white racial frame’, hammered into place, so to speak. As a consequence, they fail to examine how racially subordinate groups interact and influence each others’ boundaries, conditions and practices. Because they offer so little specific analysis of Asian American, Latino or Native American racial issues, the reader finds her/himself once again in the land (real or imaginary, depending on your racial politics) of bipolar US racial dynamics, in which whites and blacks play the leading roles, and other racially identified groups – as well as those ambiguously identified, such as Middle Eastern and South Asian Americans (MEASA) – play at best supporting roles, and are sometimes cast as extras or left out of the picture entirely. We still want to acknowledge that blacks have been catching hell and have borne the brunt of the racist reaction of the past several decades. For example, we agree with Feagin and Elias's critique of the reactionary politics of incarceration in the USA. The ‘new Jim Crow’ (Alexander 2012) or even the ‘new slavery’ that the present system practises is something that was just in its beginning stages when we were writing Racial Formation. It is now recognized as a national and indeed global scandal. How is it to be understood? Of course there are substantial debates on this topic, notably about the nature of the ‘prison-industrial complex’ (Davis 2003, p. 3) and the social and cultural effects of mass incarceration along racial lines. But beyond Feagin and Elias's denunciation of the ferocious white racism that is operating here, deeper political implications are worth considering. As Alexander (2012), Mauer (2006), Manza and Uggen (2008) and movement groups like Critical Resistance and the Ella Baker Center argue, the upsurge over recent decades in incarceration rates for black (and brown) men expresses the fear-based, law-and-order appeals that have shaped US racial politics since the rise of Nixonland (Perlstein 2008) and the ‘Southern strategy’. Perhaps even more central, racial repression aims at restricting the increasing impact of voters of colour in a demographically shifting electorate. There is a lot more to say about this, but for the present two key points stand out: first, it is not an area where Feagin and Elias and we have any sharp disagreement, and second, for all the horrors and injustices that the ‘new Jim Crow’ represents, incarceration, profiling and similar practices remain political issues. These practices and policies are not ineluctable and unalterable dimensions of the US racial regime. There have been previous waves of reform in these areas. They can be transformed again by mass mobilization, electoral shifts and so on. In other words, resistance is not futile. Speaking of electoral shifts and the formal political arena, how should President Barack Obama be politically situated in this discussion? How do Feagin and Elias explain Obama? Quite amazingly, his name does not appear in their essay. Is he a mere token, an ‘oreo’, a shill for Wall Street? Or does Obama represent a new development in US politics, a black leader of a mass, multiracial party that for sheer demographic reasons alone might eventually triumph over the white people's party, the Republicans? If the President is neither the white man's token nor Neo, the One,5 then once again we are in the world of politics: neither the near-total white despotism depicted by Feagin and Elias, nor a racially inclusive democracy. President Obama continues to enjoy widespread black support, although it is clear that he has not protected blacks against their greatest cumulative loss of wealth in history. He has not explicitly criticized the glaring racial bias in the US carceral system. He has not intervened in conflicts over workers’ rights – particularly in the public sector where many blacks and other people of colour are concentrated. He has not intervened to halt or slow foreclosures, except in ways that were largely symbolic. Workers and lower-middle-class people were the hardest hit by the great recession and the subprime home mortgage crisis, with black families faring worst, and Latinos close behind (Rugh and Massey 2010); Obama has not defended them. Many writers have explained Obama's centrism and unwillingness to raise the issue of race as functions of white racism (Sugrue 2010). The black community – and other communities of colour as well – remains politically divided. While black folk have taken the hardest blows from the reactionary and racist regime that has mostly dominated US politics since Reagan (if not since Nixon), no united black movement has succeeded the deaths of Malcolm and Martin. Although there is always important political activity underway, a relatively large and fairly conservative black middle class, a ‘black bourgeoisie’ in Frazier's (1957) terms, has generally maintained its position since the end of the civil rights era. Largely based in the public sector, and including a generally centrist business class as well, this stratum has continued to play the role that Frazier – and before him, Charles S. Johnson. William Lloyd Warner, Alison Davis and other scholars – identified: vacillation between the white elite and the black masses. Roughly similar patterns operate in Latino communities as well, where the ‘working towards whiteness’ framework coexists with a substantial amount of exclusion and super-exploitation. Alongside class issues in communities of colour, there are significant gender issues. The disappearance of blue-collar work, combined with the assault by the criminal justice system – chiefly profiling by the police (‘stop and frisk’) and imprisonment, have both unduly targeted and victimized black and brown men, especially youth. Women of colour are also targeted, especially by violence, discrimination and assaults on their reproductive rights (Harris-Perry 2011); profiling is everywhere (Glover 2009). Here again we are in the realm of racial politics. Debate proceeds in the black community on Obama's credibilty, with Cornel West and Tavis Smiley leading the critics. But it seems safe to say that in North Philly, Inglewood or Atlanta's Lakewood section, the president remains highly popular. Latino support for Obama remains high as well. Feagin and Elias need to clarify their views on black and brown political judgement. Is it attuned to political realities or has it been captured by the white racial frame? Is Obama's election of no importance? \*\*\* In conclusion, do Feagin and Elias really believe that white power is so complete, so extensive, so ‘sutured’ (as Laclau and Mouffe might say) as they suggest here? Do they mean to suggest, in Borg-fashion, that ‘resistance is futile?’ This seems to be the underlying political logic of the ‘systemic racism’ approach, perhaps unintentionally so. Is white racism so ubiquitous that no meaningful political challenge can be mounted against it? Are black and brown folk (yellow and red people, and also others unclassifiable under the always- absurd colour categories) utterly supine, duped, abject, unable to exert any political pressure? Is such a view of race and racism even recognizable in the USA of 2012? And is that a responsible political position to be advocating? Is this what we want to teach our students of colour? Or our white students for that matter? We suspect that if pressed, Feagin and Elias would concur with our judgement that racial conflict, both within (and against) the state and in everyday life, is a fundamentally political process. We think that they would also accept our claim that the ongoing political realities of race provide extensive evidence that people of colour in the USA are not so powerless, and that whites are not so omnipotent, as Feagin and Elias's analysis suggests them to be. Racial formation theory allows us to see that there are contradictions in racial oppression. The racial formation approach reveals that white racism is unstable and constantly challenged, from the national and indeed global level down to the personal and intra-psychic conflicts that we all experience, no matter what our racial identity might be. While racism – largely white – continues to flourish, it is not monolithic. Yes, there have been enormous increases in racial inequality in recent years. But movement-based anti-racist opposition continues, and sometimes scores victories. Challenges to white racism continue both within the state and in civil society. Although largely and properly led by people of colour, anti-racist movements also incorporate whites such as Feagin and Elias themselves. Movements may experience setbacks, the reforms for which they fought may be revealed as inadequate, and indeed their leaders may be co-opted or even eliminated, but racial subjectivity and self-awareness, unresolved and conflictual both within the individual psyche and the body politic, abides. Resistance is not futile.

## 1AR

#### Big boomer is too expensive for widespread ownership.

VPC 08 Violence Policy Center (national non-profit educational organization that conducts research and public education on violence in America and provides information and analysis to policymakers, journalists, advocates, and the general public. This report was authored by VPC Senior Policy Analyst Tom Diaz) “Big Boomers” December 2008 [www.vpc.org/studies/bigboomers.pdf](http://www.vpc.org/studies/bigboomers.pdf) JW

The gun is too expensive for criminals. “At a suggested retail price of nearly $1,000, it seems unlikely that your local methamphetamine addict will buy one to knock off the corner liquor store.”49

#### Plan’s bipartisan- gets billed as protecting police officers.

Kackley 4-29 Rod “Blue Lives Matter: Cop Killing Could Become a Hate Crime” PJ Media April 29th 2016 <https://pjmedia.com/news-and-politics/2016/04/29/blue-lives-matter-cop-killing-could-become-a-hate-crime/> JW

Republican Rep. Ken Buck of Colorado has introduced legislation that would make the targeted killing of a police officer a federal hate crime. Similar legislation has been introduced on the state level in the Louisiana and Maryland legislatures. Rashad Turner, the leader of the Black Lives Matter chapter in St. Paul, Minn., told the Star Tribune in October 2015 that “law enforcement wanted to make themselves out to be the victims” when the Red Wing, Minn., City Council called for an expansion of the federal hate crimes law to include killing police. In response, James Pasco, the executive director of the Fraternal Order of Police Legislative Advocacy Center, told PJM Turner was correct. “Well, when people are ambushed and killed for no other reason than because they are police officers, they are victims,” Pasco said. Congress Rep. Buck, who worked as a prosecutor in the U.S. Department of Justice, the Colorado Department of Justice and as a county district attorney in Colorado, agreed with Pasco’s way of thinking. “I’ve seen over and over both police officers on the street and federal agents, jail deputies and Bureau of Prison officials being threatened by very dangerous people," Buck told the Greeley Tribune. "I have a passion for trying to protect those who protect us. That’s what this bill is about," he added. Buck said the legislation would work just like other hate crimes laws. It would allow prosecutors to bring extra charges against people who are accused of targeting victims for violent crime because of their background. Chuck Canterbury, national president of the Fraternal Order of Police, supported Buck’s legislation when it was introduced in March. “Talking heads on television and inflammatory rhetoric on social media are inciting acts of hatred and violence toward our nation’s peace officers,” Canterbury said in a statement. “Our members are increasingly coming under fire by individuals motivated by nothing more than a desire to kill or injure a cop. Enough is enough.” Buck can't imagine much opposition to his Blue Lives Matter proposal in Congress. “I haven’t walked down the Democrat aisle yet,” Buck said. “We’ll see. I can’t imagine anyone would be opposed to protecting police officers.” Louisiana "There's just too many police officers being killed in the line of duty. There's no sense in it,” Dionna Nelson, whose father was a police officer in Acadiana, La., told KLFY-TV. “You never know if he’s coming home,” she said. Rep. Lance Harris’ (R) Blue Lives Matter legislation in Louisiana would add five years in prison to the sentences of anyone convicted of an assault against a law enforcement officer or a firefighter. Harris cited the December 2014 killings of two NYPD officers — which Mayor Bill de Blasio called “assassinations” — in retaliation for the deaths of Michael Brown in Ferguson and Eric Garner on Staten Island as the motivation for his legislation. Even though Buck may not see many who would speak out against his bill in Congress, Harris is encountering people who are opposed to his proposal in Louisiana. Besides the fact people convicted of assaulting police officers already face enhanced penalties under current Louisiana law, Allison Goodman, a regional director for the Anti-Defamation League in Louisiana, told the Advocate hate crime legislation was never intended to protect police officers. She said the concept just doesn’t work, legally. “Proving the bias intent for a hate crime for law enforcement or first responders is very different than proving it for someone who is Jewish or gay or black,” she said.