2015 Starter Packet

Secure Data Act
Aff and Pres Powers Disadvantage

Topic – Resolved: The United States federal government should substantially curtail its domestic surveillance.

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Table of Contents

How To

What Is Policy Debate?

Policy debate is a type of debate competition in which teams of two advocate for and against a resolution that typically calls for policy change by the United States federal government, this format tests a student's research, analytical, and delivery skills.

It involves the proposal of a plan by the affirmative team to enact a policy, while the negative team offers reasons to reject that proposal. Throughout the debate, students have the opportunity to cross-examine one another. A judge or panel of judges determines the winner based on the arguments presented.

Speeches and Speech Order

There are eight total speeches in a debate round. Each debater gives two speeches: one "constructive" and one "rebuttal." The speech order looks like this:

Speech Cheat Sheet

Speech Order and Responsibilities

CONSTRUCTIVE SPEECHES	*(all speech times in minutes)* Jr. High	H.S.	College
1AC — Read the case and plan.	4/5	8	9
CX — 2NC asks the questions	2	3	3
1NC — Makes all the major negative arguments (disadvantages, case arguments, etc.)	4	8	9
CX — 1AC asks the questions	2	3	3
2AC — Answer ALL negative arguments. Rebuild and strengthen the case. Point out arguments that the negative has not attacked.	4	8	9
CX — 1NC asks the questions	2	3	3
2NC — Present any additional case arguments not covered by 1NC. Remember to take only part of the negative arguments — leave some for the 1NR speech	4	8	9
REBUTTAL SPEECHES			
1NR — Present all other negative arguments not covered in the 2NC. Do not present the same arguments as your partner. Decide ahead of time who will cover which arguments.	2	5	6
1AR — Answer ALL of the negative arguments from both the 2NC and the 1NR. Any dropped argument could mean a negative victory.	2	5	6
2NR — Pick a few arguments that you think the negative side is winning and concentrate on those. Tell the judge exactly why to vote for you. Tell the judge why the negative arguments outweigh the arguments of the affirmative	2	5	6
2AR — Respond to negative arguments. Point out any arguments that have been dropped by the negative team. Tell the judge why you win. Tell the judge why the affirmative	2	5	6

The debater who gives the 1AC also gives the 1AR, and the debater who gives the 1NC gives the 1NR. So, each debater can think of themselves as the 1A (the person who gives the 1AC and 1AR), the 1N, the 2A, or the 2N, depending on their position in the debate.

Because the 2nd speaker (2A or 2N) gives the last speech, they're generally considered to be the "expert" for their side. Most teams have one partner give the 2A and the other partner give the 2N, so that each debater can focus on becoming an expert on one side of the debate.

For more information on speech order and responsibilities, read on, or check out pages 8 and 9 of the Policy Debate Manual at http://atlantadebate.org/wp-content/uploads/2012/01/AUDL-2k8-Policy-Debate-Manual-ver-1.1.pdf

The Constructive Speeches

Why have constructives?

At the end of the debate, the judge makes a decision based on which of the final speeches are more persuasive: the 2NR and the 2AR. So you might ask: if only the last two speeches matter, why have the other six? There are at least three answers to this question.

First, for an argument to be made in the 2NR or 2AR, it must have been present in the previous speeches (judges will discount 2NR or 2AR arguments that are "new.")

Second, the constructives are an opportunity to read evidence that can then be referenced in later speeches. While it isn't always necessary to cite evidence, doing so can often increase the credibility of your arguments.

Third, debaters can use the constructives to make a wide variety of arguments. To understand why this is valuable, consider the different approaches of two hypothetical affirmative teams: Team Horford and Team LeBron.

In the 2AC, Team Horford makes six arguments against the disadvantage. The negative answers four of these arguments very well, but answers two of the arguments poorly. In the rebuttals, Team Rondo takes advantage of this mistake by only talking about the arguments that were answered poorly.

In the 2AC, Team LeBron makes two arguments against the disadvantage. Because the negative has less arguments to worry about, they answer both very well; and since only two arguments were made in the 2AC, Team Lebron is only able to talk about these two arguments in the rebuttals.

Team Rondo and Team LeBron may end up talking about the same two arguments in the 2AR, but because Team Rondo made diverse arguments in the constructives, they've put the negative in a more difficult position, and their 2AR arguments are likely to be much more persuasive to the judge.

Roles of debaters during constructive speeches

The 1AC

The primary job of the 1AC is to read the entire affirmative case. That means reading he plan, harms, inherency, and solvency in your first speech. This also includes having the first speech highlighted so you know what and where to read.

The 1NC

Read all off-case positions and make arguments directly against the case (the affirmative read in the 1AC). All parts of every off-case positions should be read. For example- If you are reading the terrorism DA you should read the uniqueness, link, (internal link if applicable) and impact. The 1NC should have analytical arguments (arguments without cards) for the case debate and should have highlighted all off case positions. The 1NC sets the format for how arguments will be addressed on the case. For example- the 1NC makes 1 argument that says Derrick Rose is not a top five player because he does not average 30 points per game. The 2AC will reference that argument first before making their own arguments (off 1NC #1: etc etc etc)

The 2AC

The 2AC's job begins before the debate. All 2AC's should have some prepared speeches against commonly heard arguments both on and off case. This is call a block or writing blocks. (see the section "how to write a block") The 2AC sets the structure for how arguments are for off case positions. For example the 2NC will say off 2AC #1 when respond to arguments. Offer point by point refutation of your opponent's arguments (line by line debating).

The 2NC

The 2NC extend your teams arguments made in the 1NC. You should be making 1 to 2 point answers to your opponent's arguments they made in the 2AC. You can use the 3 point style of referencing arguments (they said, we said, why we win). For example (off 2AC #1 Derrick Rose won an MVP award. 1st- That was a long time again and 2nd- he hasn't played a full season in years the top NBA players don't miss time). The 2NC should have prepared blocks to the most common types of affirmative arguments. 2NC's should also point out any and all dropped arguments extend them and tell the judge why this means they win this part of the debate. (For example- They have conceded that terrorism is on the rise therefore we only have to win that our impact is true to win the debate.)

The Rebuttal Speeches

Debating is Clashing

What's the difference between *giving a speech* and *debating?* Giving a speech is mostly about building a relationship between you and your audience: being likable, clear, and persuasive to the person or people who you're speaking to. Debate's about that, too, but it also adds a third term: the other team. Good debaters engage with, or "clash," with what the other team says.

In day-to-day life "clash" is often viewed as a bad thing: directly criticizing another person's ideas can seem rude or inconsiderate. In debate, though – where both sides usually have an okay point – clash is better viewed as a sign of respect. Clashing with another team's argument means that you've listened to it, understood it, and made an attempt to respond to it. For example, consider two ways for a negative team to make the argument that surveillance is necessary to stop terrorism:

1. "If you vote for the affirmative, terrorists are going to attack the United States. Do you want another 9/11? The affirmative is basically letting Americans die. Why would you make it easier for terrorists to attack us? Surveillance is there to keep us safe, no surveillance, no safety."

2. "The affirmative says that we need to stop surveillance to preserve liberty. And we can all agree that liberty is important. But what good is liberty if you can't feel safe when you're at work, or getting on the train, or going to the grocery store? If you vote affirmative, it will be much harder for the government to prevent terrorist attacks, and thousands of Americans will be at risk. Liberty is important, but it can't truly exist unless you also have security, which is why you should vote negative to strike the right balance between them."

The second example, by responding directly the the affirmative's argument about liberty, manages to be more respectful and more effective at the same time.

Clash is important in every speech, but especially in the rebuttal speeches, which are primarily about **extending** your best arguments and comparing them to arguments the other team has made.

Extending arguments

When you make a good argument early in the debate, chances are you'll want to bring it back up again later in the debate. An "extended" argument is an argument made earlier in a debate that's made again in a team's next speech. An argument can be extended from the 1AC to the 2AC, the 2AC to the 1AR, the 1AR to the 2AR, the 1NC to the 2NC/1NR, or the 2NC/1NR to the 2NR.

How is extending an argument different from repeating yourself? **Good extensions contain three elements: an explanation, an impact, and a rebuttal of the other team's arguments.**

Explanations are a summary of a previous argument you've made. The best explanations include both a claim (what is our argument?) and a warrant (how do we know that argument is true?)

The Rebuttal Speeches

"Impacting" an argument means explaining how that argument affects the debate as a whole. When impacting an argument, ask yourself: if we're right about this argument, how does it tie back to our central point?

Rebutting the other team's arguments can take several forms. If the other team reads a piece of evidence to answer your piece of evidence, you should compare evidence, either by explaining why your evidence is good or why the other team's evidence is flawed (or, ideally, both). At other points, you may want to argue that the other team's argument or evidence doesn't apply to your original argument.

Here's what a 2NC extension of the Yoo article might look like:

"Extend our Yoo evidence from the 1NC – the plan encourages terrorist attacks by stopping intelligence agencies from "connecting the dots" necessary to find terrorists. **[explanation]**

This is important because the risk of terrorism is incredibly high, and threatens another 9/11-style catastrophe **[impact]**.

They say that mass surveillance makes it harder to sort through all the innocent people to find terrorists, but Yoo's point is that once we've found a possible terrorist, mass surveillance allows us to sort through the haystack to find other people who are in on the plot. **[rebuttal]**

Impact analysis

"Impact analysis," also known as "impact comparison," is the process of comparing reasons why the plan is good with reasons why the plan is bad. For instance, the affirmative might argue that the plan security a right to privacy. At the same time, the negative might argue that the plan would cause terrorism. Which is more important: privacy or stopping terrorism? Since whoever wins this argument will have a big advantage in the debate, impact analysis is a vital part of rebuttals.

There are four general reasons why one impact might be more important than other:

1. Magnitude – how big is an impact? This includes both how many people an impact affects and the way in which it affects them.

2. Risk – how likely is the impact to occur? Do we know that the impact is going to happen (maybe because it's already happening), or is a hypothetical future problem?

3. Timeframe – in how long will the impact occur? Impacts that happen farther into the future may be less likely to occur, since it's often more difficult to make predictions over the long term.

4. Turns the impact/solves the impact – how does your impact interact with the other team's impact? For instance: the affirmative might say: "without liberty, prioritizing security is almost pointless, since there's

nothing to protect."

The acronym Mr.T can help you to remember impact analysis: magnitude, risk, and timeframe.

Role of debaters during Rebuttal Speeches

The 1AR

The primary jobs of the 1AR are to extend the best arguments from the 2AC and to rebut the negative's responses. As the most time pressured speech in the debate, the 1AR must quickly and efficiently make a variety of arguments.

The best way to deal with time pressure in the 1AR is to narrow the debate wherever possible. On disadvantages and off-case arguments, it isn't necessary to extend more than 1-3 2AC arguments into the 1AR. The 1AR should answer every negative argument on the advantages they plan to win, but the 1AR can choose to "kick" an advantage if they want to save time.

The 2NR

The primary jobs of the 2NR are:

First- "write the ballot for the judge." Writing the ballot for the judge means explaining, in a big-picture way, why you win the debate. One way to force yourself to do this is to start every 2NR with the words "the most important thing in the debate is..." and then to explain which issues the judge should look to first in deciding the debate. Impact analysis is often the best place to direct a judge's attention in the 2NR.

Second- to answer the 1AR's arguments. Make sure you not only answer the 1AR arguments but also think about what arguments the 2AR could make and answer those arguments too. Below is a brief example of what a 2NR would look like say on the Terrorism DA.

2NR EXAMPLE:

Terrorism is "the most important thing in the debate". It outweighs the affirmative on magnitude….A nuclear terrorist attack would kill millions and possibly risk extinction. The affirmative claims that the biggest impact is a reduction in rights. You can't use your rights if you do not exist. Also, if a terrorist attack happens rights will be crack down even further thus out DA solves any reduction of rights.

Now, the line by line debate- The 1AR says there is no link. First extend the Yoo evidence NSA mass surveillance is key to finding terrorist. Terrorist communicate via the internet and phone if we can deter that we can stop most terrorist attacks you're never heard of. The Aff ends mass surveillance how can they not link?

Lastly, they will say that affirming human rights matters. But if human rights matter what's a worse human rights infraction… letting terrorist kill innocent civilians or limiting some privacy that no one will notice unless they are engaging in terrorist activities.

The 2AR

As in the 2NR, the 2AR should attempt to "write the ballot for the judge." The 2AR should start by explaining the most important issues in the debate and then proceed to explaining other important arguments and answering 2NR arguments.

How to write a block and why?

What are blocks? Are they really, really, really important?

To answer the second question: yes, blocks are really, really really, important.

To answer the first question: blocks are pre-written and pre-organized responses to common arguments. Since there are only a few big arguments in the packet, you'll be debating the same arguments again and again: and since you'll be debating the same arguments again and again, it's important to think through how you'll respond to them.

Good blocks include both evidence from articles and analytical arguments. For instance: a 1NC block against the right to privacy advantage in the SSRA aff might include evidence from two articles in the packet, along with several analytical arguments that you come up with on your own. Similarly, a 2AC block against the Terrorism disadvantage might include several articles and several analytics.

Once a block is written, you can use it in every debate where you face a given argument. Every time the 1NC reads a Terrorism disadvantage, you can read your 2AC Terrorism block in response. This saves preparation time in the debate, ensures that you know your arguments well, and gives you time to choose the best arguments against the disadvantage.

Blocks are most important for the 1NC and 2AC, but you can make blocks for any speech other than the 1AC. For instance, there are only so many possible affirmative answers to the Economy disadvantage, so it's reasonable to write out a 2NC/1NR block to each in advance to each argument.

Finally, blocks can make it easy to adapt and improve your arguments based on experience and judge commentary. If a judge has a comment about a particular argument you made, it's easy to adjust that argument in the block so that it can be made more effectively in future debates.

What would a block look like?

Let's say the 1AC argues that schools should devote more time and resources to gym class, because more time in gym would improve students' health. The 1NC responds with a Math Disadvantage that says that more gym class would trade off with time in math class, decreasing how much students learn.

On the next page, there's a sample 2AC block that could be used to respond to the disadvantage. Then, any time the affirmative team hears the Math Disadvantage, they can pull out their block and immediately have access to their best arguments. Later, if they think of new or better arguments, they can add them to the block in the future.

Sample 2AC block- Math Block

Here let's assume that the negative has made an argument that Math class is more important Health class below is a 2AC block to that argument.

Sample 2AC block

1. Our advantage is more important than their disadvantage, because better health means that students live longer and better lives.

2. You have to be healthy before you can learn – more gym class means that students will do more with the limited time they have in math class. They'll have more of an opportunity to clear their minds and more energy in general.

3. Quality over quantity – high-quality math instruction is far more impactful than just spending a few more minutes in class. According to Elena Silver, a senior policy analyst at Education Sector, "Research reveals a complicated relationship between time and learning and suggests that improving the quality of instructional time is at least as important as increasing the quantity of time in school." They haven't proven that there's any relationship between spending more time in class and students performing better in math.

4. Math's boring, anyway. Who uses that stuff in the real world?

5. [More arguments, or evidence]

6. [More arguments, or evidence]

Now let's write a 2NC block to one of the arguments.

Sample 2NC block

AT: 2AC- Math is boring

AT (meaning answer to): 2AC- Math is boring (so at the top of the page write this so you know what you are answering)

1. Math is not boring. It is the cornerstone of our economy if we cannot do math we can never properly balance budgets and then we'd run out of money.

2. Math is fun. You can play games on your laptop, computer, or phone. Trivia games on facebook about math prove this is true.

See that easy!!

Judge Adaptation

Some of your judges may have coached debate for many years, or debated themselves in high school or college. Other judges may be at their first-ever debate tournament. Still other judges may have been judging debates casually for several months, but never coached or participated in the activity themselves.

Whatever judge you have, it's up to you to make your case in a way that's persuasive to *them*. Keep in mind that everyone has different ideas about what counts as a good or bad argument. As a debater, your goal isn't to make the argument that's most persuasive to *you* (although believing that your arguments are good ones is important). The real goal is to make the argument that's most persuasive to your *audience*: in this case, your judge.

Here's a few ideas for adapting to your judge:

1. Talk to your judge. Before the debate, it's fine to ask the judge how much experience they have with debate, and if they have any strong feelings about what you do or shouldn't or do in-round. Most judges will be happy to answer you: you're demonstrating that you respect their time, and that you want to debate in a way they'll enjoy.

2. Watch your judge. Some judges will smile, frown, nod or shake their head, look bored or engaged, or give you other non-verbal signals that they like or don't like the argument you're making. If it seems like they like your argument – remember to watch the judge and have your partner watch the judge to see what they like and dislike. Focus on that argument in later speeches, and you'll have a good chance to win the debate. If it seems like they don't like your argument, it's not a big deal – now you can be pretty sure that particular argument won't win you the debate, and you can move onto another argument that might be more effective.

3. Work on your argument skills *and* your speaking skills. All judges appreciate a good, logical argument, and all judges appreciate polished speaking skills. How much they care about each, though, might depend on their approach to the activity. The easiest solution is to get good at both: otherwise, you'll find yourself able to win debates only in front of certain kinds of judges.to win debates only in front of certain kinds of judges.

4. Be respectful to your opponents. Again, all judges want this, but some might care so much about it that they'll decide the debate on that alone. As in the rest of life,

5. Ask how you can do better. After the debate, ask the judge what you could work on for next time. Whether you won or lost, chances are that your judge will have some ideas on how you can improve. And, if you end up debating in front of that judge again, you can keep their comments in mind to build a case that's uniquely appealing to them.

Cutting Cards

Why do we care about cards?

We're not experts! When we have experts supporting our claims we look more creditable… You can talk about why they are creditable and why your opponent's cards are not creditable… It gives us a way to have different forms of clash and adds to the clash that already exists.

So what makes a card good???

3 things are needed to make a card a good card

1st- It must have good warrants. It should explain why your claims are true. It can do this either with empirical evidence (historical reasons) or logical reason (A is correct because of B and B is correct because of C etc etc) If the reason is logical then the card should go into detail about why. It can give statistical reasons for example – global warming is real because the top 100 scientist have don't over 100 years of analysis determine that the earth is warming at an accelerated rate.

2nd- The qualifications of the author must be good. If you find the greatest nuclear war impact card ever and its written by James Smith 3rd grade dropout and future alien test subject this person is probably not creditable enough to be talk about the effects of nuclear war. Make sure the person talking about the truth claims are creditable. Wikipedia is NOT a credible source it may not be peer reviewed instead use it to find the work referenced on the page.

3rd- date of publication- If your argument is time sensitive then having the most up to date information is very important. If you are running terrorism DA and you are using a uniqueness card from the 90's that isn't as good as a card from this month.

So what makes a bad card????

So there are a couple of things we can try to avoid

1st- try to avoid cards that say "sometimes," "occasionally," "can," "might," "it is conceivable that…," and "has the potential to…"

2nd- power tagging or over-tagging your cards- if your tag has more words that you read in the card… it is not a good card.

3rd- it is out of context- meaning that's not what the author intended to say. If you only use the part of the card that supports what you want to say but ignore where she says "however, I disagree with the above argument." That is taking the card out of context and it should not be done.

There are 3 parts to an evidence card:

1) The Tag/Claim—a brief statement summarizing the point of the evidence. The tag must be a complete idea (subject and verb). You write the tag after reading the evidence. (see "Evidence Citations" below).

2) The source citation (see "Tags" below)

3) The exact passage as copied from the article (cut and paste) and placed in a document to be copied and shared. (see "Handing in Your Evidence" below)

Sample Card

Offshore wind is too expensive and won't work – the Netherlands have already tried the plan and failed-TAG
Nelson, 11 (D. Brady Nelson, an economist, writing for The Heartland Institute, a think tank advocating for free markets. Published December 30, 2011. Available at http://news.heartland.org/newspaper-article/2011/12/30/dutch-pull-plug-offshore-wind-subsidies)- CITATION

The nation known for its iconic windmills is throwing in the towel on offshore wind power, as Dutch officials have determined the Netherlands can no longer afford large-scale subsidies for expensive wind turbines that cannot produce electricity at economically competitive prices.
The decision is a powerful blow against renewable power advocates who have long asserted Holland proves renewable power can be practical and economical. PASSAGE

Using Articles

Reading, understanding, and deploying the articles in this packet is probably the single most important thing you can do to win debates. The articles are drawn from many different perspectives on surveillance, and make a variety of arguments on both sides. If you ever think to yourself: "how do I answer this argument?" - there's a pretty good chance you'll be able to find the answer in one of the affirmative or negative articles. The articles also allow you to use evidence to support your claims, which – when used effectively – can make your arguments much more credible than the other team's arguments.

More Resources

Articles

America's "Big Brother": A Century of U.S. Domestic Surveillance by DAVID P. HADLEY-
http://origins.osu.edu/article/americas-big-brother-century-us-domestic-surveillance

The Electronic Frontier Foundation- https://www.eff.org/nsa-spying/timeline

Books

No Place to Hide: Edward Snowden, the NSA, and the U.S. Surveillance State
By Glenn Greenwald

Videos

Practice Debate on this year's topic
https://www.youtube.com/watch?v=ld6Ga6DCnP0

Chomsky on Snowden & Why NSA Surveillance Doesn't Stop Terror While the U.S. Drone War Creates It (4:53)
https://www.youtube.com/watch?v=h-gjxVwyjgg

Glenn Greenwald VS Alan Dershowitz (2014) "State Surveillance" (1:33:37)
https://www.youtube.com/watch?v=QWuCIWLKurg

Secure Data 1AC and 1NC

How To Use This Section

What's in this Section?

A pre-written 1AC (Secure Data Act with Tech leadership advantage)
A pre-written 1NC disadvantage (the Presidential Powers disadvantage)
A pre-written 1NC topicality
And one pre-written 1NC answer to the privacy advantage (Alt-cause to tech loss)

The Affirmative

The plan prohibits federal intelligence agencies like NSA from requiring or compelling private companies to design or alter their commercial products for the purpose of facilitating domestic surveillance. In other words, it prevents agencies from working with companies to insert backdoors into commercial products or services. This is the major provision of the Secure Data Act, a legislative proposal that aims to protect the integrity of encryption tools. It is a response to revelations about NSA programs like BULLRUN and Sentry Raven and reports that NSA secretly paid RSA—a security company—to insert a backdoor in its industry-standard encryption products.

The affirmative argues that NSA surveillance is undermining the global competitiveness of the U.S. tech industry because it is undermining international trust in American companies like Google, Apple, Microsoft, and Cisco. These companies are losing billions of dollars in revenue as their global market share shrinks. America's overall tech leadership depends on the strength of these companies because they form the industrial base that produces innovative products and services upon which our national security depends. Without tech leadership, America will be unable to maintain its hegemony. The affirmative argues that this loss of leadership will create a dangerous power vacuum that exacerbates security threats and risks conflict.

The Presidential Powers Disadvantage (neg)

The Presidential War Powers DA argues that curtailing surveillance undermines the president's war powers, undermining his ability to effectively wage war and prevent WMD proliferation. The negative argues that strong presidential powers provide needed flexibility for the exercise of commander-in-chief responsibilities and that the authority to collect intelligence on the nation's enemies (foreign *and* domestic) is an inherent presidential war power.

This disadvantage is largely based on the "unitary executive" theory of John Yoo, a Berkeley law professor whose work as a lawyer in the Office of Legal Counsel during the Bush Administration was instrumental in shaping the country's post-9/11 foreign policy. Yoo's work is extremely controversial, so the negative will need to defend the validity of quoting him as a scholarly expert. The negative will also need to defend the validity of Yoo's arguments about the inherent presidential power to conduct domestic surveillance and the importance of unchecked executive power to countering global proliferation.

The Presidential Powers Disadvantage (aff)

The affirmative takes issue with many parts of the disadvantage. First, to the extent that such authority exists, the affirmative argues that it has already been undermined by the passage of the USA Freedom Act.

The affirmative also introduces two impact turns. First, they argue that unchecked executive flexibility in warmaking *increases* the risk of proliferation and war. Second, they argue that Yoo's unitary executive theory risks sliding America into a tyranny that crushes civil liberties.

What is topicality

The purpose of topicality is to determine the scope of the topic. The resolution is the assignment for the debate. Just like a paper in class, the affirmative has to discuss the assigned topic. The goal is that each team, affirmative and negative, has a reasonable chance of winning the round.

Make sure your topicality argument has each of these points.
Definitions. The definition portion of the argument is usually presented first. Definitions can be contextual or denotative. Contextual definitions are definitions and meanings of words commonly used in the literature. Denotative definitions are technical definitions. Example: "Substantially" means at least 50 percent.

Violation. Tell the judge which specific word or words from the resolution that the affirmative violates. Example: The affirmative only removes 25 percent of the troops in Afghanistan, not the 50 percent needed to be substantial. Reasons to Prefer. Describe why your definitions are the best way to interpret the words in the resolution. Explain what a topical affirmative looks like and what ground belongs to the affirmative and what ground belongs to the negative.

Here are a few common reasons to prefer: • Ground. Debate needs to be fairly divided, with each team having an equal chance of winning. • Grammar. Distorting the meaning and context of words and phrases makes the resolutional meaning difficult to determine. • Education. The reason we debate is to learn. Limiting incentives to research is bad for debate. • Limits/Predictability—Large topics are hard to research, and reduce chances that the negative can be prepared.

Example: If an affirmative that only removes 25 percent of military presence is topical, affirmatives can avoid links to the biggest disadvantages on the case. Voting Issue. Tell the judge that the affirmative should lose because they are not topical. Describe topicality as a rule of the game that the affirmative broke.

Topicality vs SSRA affirmatives

The negative argues that "domestic surveillance" requires that the target of surveillance be one or more U.S. persons. They argue that the programs the plan curtails are actually *foreign* surveillance because they target non-U.S. persons. The affirmative responds that *in practice*, these foreign-targeted surveillance programs sweep up information about millions of Americans and should therefore rightly be classified as *domestic*. They will argue that the plan clearly meets the negative's interpretation because it ends surveillance of "Americans' electronic communications."

Topicality vs Secure Data Act affirmative

The negative argues that "curtail" requires a reduction in the extent or quantity of something as measured from a status quo baseline. In other words, "curtail" means to reduce from the current level. The negative contends that because there are no current programs to compel or encourage encryption backdoors, the plan only ends a hypothetical future program of domestic surveillance. In response, the affirmative argues that there *are* existing programs to compel or encourage encryption backdoors. They will further argue that because it is impossible to know for sure the exact nature of NSA programs, a better interpretation of "curtail" would be that it is about the *authority* to conduct domestic surveillance. Because the plan ends intelligence agencies' authority to compel or encourage encryption backdoors, it is topical under this counter-interpretation.

Answers to Topicality

When affirmative, teams should answer the topicality argument introduced by the negative by using the a 2AC frontline. That frontline/block should include a "we meet argument" that means the affirmative does actually do what the negative team claims that they do not. Also, they should make a "counter-interpretation" argument. This is where the affirmative redefines the word that the negative says they do not meet and gives an alternative definition of that word. Next they should say how they meet the new interpretation they've just read. Lastly, they should make a reasonability argument which means that they are close enough to the affirmatives definition and the judge should not punish them for not being exactly meeting their definition.

In the spirit of the packet, students should debate topicality as if there were no novice packet restrictions. Affirmative teams should refrain from making the argument that because of the novice packet restrictions, there are always only two topical plans. Similarly, affirmative teams should not advance the argument that the plan *must* be topical because it is included in the novice packet. While largely true, these arguments capitalize on the division's argument limits to undermine the training value of novice topicality debates. It is better for all students if topicality is debated as if the round was taking place in a non-packet division.

Glossary

Secure Data Act of 2015
Prohibits a federal agency from requiring a manufacturer, developer, or seller of any computer hardware, software, or electronic device made available to the general public to design or alter the security functions in such products to allow the surveillance of any user or the physical search of such product by any agency. Exempts from such prohibition products used by law enforcement agencies for electronic surveillance as authorized under the Communications Assistance for Law Enforcement Act.

STEM workers
A person with an educational background in science, technology, engineering, or mathematics is considered a STEM worker. The majority of STEM workers have advanced degrees, such as masters' degrees and doctorates in these areas.

Circumvention
To go around or bypass: to circumvent the lake; to circumvent the real issues.

Hegemony
Leadership or dominance, especially by one country or social group over others.

Encryption
Is the process of encoding messages or information in such a way that only authorized parties can read it.

Affirmative Updates

Sample 1AC

The United States federal government should substantially curtail its domestic surveillance by passing the Secure Data Act of 2015.

Contention 1 is Inherency -

The U.S. National Security Agency, or NSA, engages in mass surveillance of Americans' phone records and Internet activity

ProPublica, 13 (Independent, non-profit newsroom that produces investigative journalism in the public interest. "FAQ: What You Need to Know About the NSA's Surveillance Programs," 6-27-13. http://www.propublica.org/article/nsa-data-collection-faq)

We don't know all of the different types of information the NSA collects, but several secret collection programs have been revealed:

A record of most calls made in the U.S., including the telephone number of the phones making and receiving the call, and how long the call lasted. This information is known as "metadata" and doesn't include a recording of the actual call (but see below). This program was revealed through a leaked secret court order instructing Verizon to turn over all such information on a daily basis. Other phone companies, including AT&T and Sprint, also reportedly give their records to the NSA on a continual basis. All together, this is several billion calls per day.

Email, Facebook posts and instant messages for an unknown number of people, via PRISM, which involves the cooperation of at least nine different technology companies. Google, Facebook, Yahoo and others have denied that the NSA has "direct access" to their servers, saying they only release user information in response to a court order. Facebook has revealed that, in the last six months of 2012, they handed over the private data of between 18,000 and 19,000 users to law enforcement of all types -- including local police and federal agencies, such as the FBI, Federal Marshals and the NSA.

Massive amounts of raw Internet traffic The NSA intercepts huge amounts of raw data, and stores billions of communication records per day in its databases. Using the NSA's XKEYSCORE software, analysts can see "nearly everything a user does on the Internet" including emails, social media posts, web sites you visit, addresses typed into Google Maps, files sent, and more. Currently the NSA is only authorized to intercept Internet communications with at least one end outside the U.S., though the domestic collection program used to be broader. But because there is no fully reliable automatic way to separate domestic from international communications, this program also captures some amount of U.S. citizens' purely domestic Internet activity, such as emails, social media posts, instant messages, the sites you visit and online purchases you make...

It's important to note that the NSA probably has information about you even if you aren't on this target list. If you have previously communicated with someone who has been targeted, then the NSA already has the content of any emails, instant messages, phone calls, etc. you exchanged with the targeted person. Also, your data is likely in bulk records such as phone metadata and Internet traffic recordings. This is what makes these programs "mass surveillance," as opposed to traditional wiretaps, which are authorized by individual, specific court orders.

Contention 2 is our Advantage – Tech Leadership

First, NSA surveillance is decimating the U.S. tech industry. The fallout will be large and long-term unless confidence in U.S. companies is restored.

Donohue 15 — Laura K. Donohue, Associate Professor of Law, Director of the Center on National Security and the Law, and Director of the Center on Privacy and Technology at Georgetown University, has held fellowships at Stanford Law School's Center for Constitutional Law, Stanford University's Center for International Security and Cooperation, and Harvard University's John F. Kennedy School of Government, holds a Ph.D. in History from the University of Cambridge and a J.D. from Harvard Law School, 2015 ("High Technology, Consumer Privacy, and U.S. National Security," Forthcoming http://scholarship.law.georgetown.edu/cgi/viewcontent.cgi?article=2469&context=facpub Accessed 08-08-2015)

II. Economic Impact of NSA Programs

The NSA programs, and public awareness of them, have had *an immediate and detrimental impact* on the U.S. economy. They have cost U.S. companies *billions of dollars* in lost sales, even as companies have seen their *market shares decline*. American multinational corporations have had to develop new products and programs to offset the revelations and to build consumer confidence. At the same time, foreign entities have seen revenues increase. Beyond the immediate impact, the revelation of the programs, and the extent to which the NSA has penetrated foreign data flows, has undermined U.S. trade agreement negotiations. It has spurred data localization efforts around the world, and it has raised the spectre of the future role of the United States in Internet governance. Even if opportunistic, these shifts signal *an immediate and long-term impact* of the NSA programs, and public knowledge about them, on the U.S. economy.

A. Lost Revenues and Declining Market Share

Billions of dollars are on the line because of worldwide concern that the services provided by U.S. information technology companies are neither secure nor private.13 Perhaps nowhere is this more apparent than in cloud computing. [end page 3]

Previously, approximately 50% of the worldwide cloud computing revenues derived from the United States.14 The domestic market thrived: between 2008 and 2014, it more than tripled in value. 15 But within weeks of the Snowden leaks, reports had emerged that U.S. companies such as Dropbox, Amazon Web Services, and Microsoft's Azure were losing business. 16 By December 2013, ten percent of the Cloud Security Alliance had cancelled U.S. cloud services projects as a result of the Snowden information.17 In January 2014 a survey of Canadian and British businesses found that one quarter of the respondents were moving their data outside the United States.18

The Information Technology and Innovation Foundation estimates that declining revenues of corporations that focus on cloud computing and data storage *alone* could reach *$35 billion* over the next three years.19 Other commentators, such as Forrester Research analyst James Staten, have put actual losses *as high as $180 billion* by 2016, unless something is done to *restore confidence in data held by U.S. companies*.20

The monetary impact of the NSA programs extends *beyond cloud computing to the high technology industry*. Cisco, Qualcomm, IBM, Microsoft, and Hewlett-Packard have *all* reported declining sales *as a direct result* of the NSA programs.21 Servint, a webhosting company based in Virginia, reported in June 2014 that its international clients had dropped by *50%* since the leaks began.22 Also in June, the German government announced that because of Verizon's complicity in the NSA program, it would end its contract with the company, which had previously [end page 4] provided services to a number of government departments.23 As a senior analyst at the Information Technology and Innovation Foundation explained, "It's clear to *every single tech company* that this is affecting their bottom line."24 The European commissioner for digital affairs, Neelie Kroes, predicts that the fallout for U.S. businesses in the EU alone will amount to *billions of Euros*.25

Not only are U.S. companies losing customers, but they have been forced to *spend billions* to add encryption features to their services. IBM has invested more than a billion dollars to build data centers in London, Hong Kong, Sydney, and elsewhere, in an effort to reassure consumers outside the United States that their information is protected from U.S. government surveillance.

26 Salesforce.com made a similar announcement in March 2014.27 Google moved to encrypt terms entered into its browser. 28 In June 2014 it took the additional step of releasing the source code for End-to-End, its newly-developed browser plugin that allows users to encrypt email prior to it being sent across the Internet.29 The following month Microsoft announced Transport Layer Security for inbound and outbound email, and Perfect Forward Secrecy encryption for access to OneDrive.30 Together with the establishment of a Transparency Center, where foreign governments could review source code to assure themselves of the integrity of Microsoft software, the company sought to put an end to both NSA back door surveillance and doubt about the integrity of Microsoft products. 31

Foreign technology companies, in turn, are seeing revenues *increase*. Runbox, for instance, an email service based in Norway and a direct competitor to Gmail and Yahoo, almost immediately made it publicly clear that it does not comply with foreign court requests for its customers' personal information. 32 Its customer base increased 34% in the aftermath of the Snowden leaks. 33 Mateo Meier, CEO of Artmotion, Switzerland's biggest offshore data hosting company, reported that within the first month of the leaks, the company saw a 45% rise in revenue.34 Because Switzerland is not a member of the EU, the only way to access data in a Swiss data center is through an official court order demonstrating guilt or liability; there are no exceptions for the United States.35 In April 2014, Brazil and the EU, which previously used U.S. firms to supply undersea cables for transoceanic [end page 5] communications, decided to build their own cables between Brazil and Portugal, using Spanish and Brazilian companies in the process. 36 OpenText, Canada's largest software company, now guarantees customers that their data remains outside the United States. Deutsche Telekom, a cloud computing provider, is similarly gaining more customers.37 Numerous foreign companies are marketing their products as "*NSA proof*" or "*safer alternatives*" to those offered by U.S. firms, *gaining market share* in the process. 38

Second, this jeopardizes national security. A strong U.S. tech sector is the lynchpin of U.S. global power.

Donohue 15 — Laura K. Donohue, Associate Professor of Law, Director of the Center on National Security and the Law, and Director of the Center on Privacy and Technology at Georgetown University, has held fellowships at Stanford Law School's Center for Constitutional Law, Stanford University's Center for International Security and Cooperation, and Harvard University's John F. Kennedy School of Government, holds a Ph.D. in History from the University of Cambridge and a J.D. from Harvard Law School, 2015 ("High Technology, Consumer Privacy, and U.S. National Security," Forthcoming http://scholarship.law.georgetown.edu/cgi/viewcontent.cgi?article=2469&context=facpub Accessed 08-08-2015)

To the extent that the NSA programs, and public knowledge of them, has harmed the U.S. economy, they have harmed *U.S. national security*. The country's economic strength is part of what enables the United States to *respond to external and internal threats*. The ability to defend the country against would-be aggressors requires *resources*—e.g., to build and equip a military force, to move troops, to [end page 14] respond to attacks in whatever form they may materialize. Many of the supplies needed to fend off overreaching by either states or non-state actors derive not from government production, but from *the private sector*. To the extent that a weak private sector emerges, the government's ability to respond is *harmed*.

Beyond this, economic security allows the country the freedom to determine its international and domestic policies *on the merits, not on need*. Where the United States is in a strong economic position, it is *less vulnerable in international negotiations*, such as those related to trade. It is also in a politically superior position, where it can *use its wealth to accomplish the desired ends*.

A strong economy also ensures that citizens have their needs met, with sufficient income levels for housing, food, clothing, and education. This, in turn, generates *social and political stability*, which allows for the development of communities, which creates greater cohesion among citizens. It also contributes to the evolution of democratic deliberations, reinforcing the rule of law.

Economic security allows for *growth and innovation*, which is fed by education and opportunity. Innovation, in turn, allows the country to continue to *adapt to the evolving environment and international context*. There are further considerations. But these suffice to illustrate the importance of economic strength to U.S. national security writ large.

Finally, U.S. leadership resolves a myriad of catastrophic global impacts. The right policies will prevent decline.

Lieber 13 — Robert J. Lieber, Professor of Government and International Affairs at Georgetown University, has held fellowships from the Guggenheim, Rockefeller and Ford Foundations, the Council on Foreign Relations, and the Woodrow Wilson International Center for Scholars, holds a Ph.D. from the Department of Government at Harvard University, 2013 ("Against the Idea of American Decline," inFocus Quarterly—the Jewish Policy Center's journal, Volume VII, Number 2, Summer, Available Online at http://www.jewishpolicycenter.org/4398/american-decline, Accessed 08-17-2013)

The stakes are *immense*, and not only for America itself. Since World War II, the United States has been the world's *principal provider* of collective goods. The leading international institutions of today and much of the existing international order have been *a product of American leadership*. Evidence from recent decades suggests that the alternative is *not* that some other institution or major power (the UN, the EU, China, India, Russia, or Japan) will take its place, but that *none will*. Some have argued that the effects of globalization are leading the world toward greater cooperation and even collective security. This may be a comforting view about the implications or even desirability of American disengagement, but practical experience suggests otherwise. In dealing with *failed states, ethnic cleansing, human rights*, the *environment, trade liberalization, regional conflict*, and *nuclear proliferation*, emerging powers such as the BRICS (Brazil, Russia, India, China, and South Africa) have been *largely unhelpful*, and others in Europe, Asia, Africa, or Latin America have more often than not *lacked the will or capacity to act collectively* on common tasks.
For the United States, the maintenance of its leading role *matters greatly*. The alternative would not only be a *more disorderly and dangerous world* in which its own *economic and national security* would be adversely affected, but also *regional conflicts* and *the spread of nuclear weapons* would be more likely. In addition, allies and those sharing common values, especially liberal democracy and the market economy, would *increasingly be at risk*. Ultimately, America's ability to avoid long-term decline—and the significant international retrenchment that would be a result of severely reduced resources—becomes *a matter of policy and political will*. There is *nothing inevitable or fated* about decline. Both past experience and national attributes matter greatly. Flexibility, adaptability, and the capacity for course correction provide the United States with a *resilience* that has proved invaluable in the past and is likely to do so in the future.

Contention 3 is Solvency -

The SDA is crucial to end the U.S.'s war on encryption. This tech competitiveness,

Wyden 14 — Ron Wyden, United States Senator (D-OR) who serves on the Senate Select Committee on Intelligence and who is known as "the internet's Senator" for his leadership on technology issues, former Member of the United States House of Representatives, holds a J.D. from the University of Oregon School of Law, 2014 ("With hackers running rampant, why would we poke holes in data security?," Los Angeles Times, December 14th, Available Online at http://www.latimes.com/opinion/op-ed/la-oe-1215-wyden-backdoor-for-cell-phones-20141215-story.html, Accessed 06-24-2015)

Hardly a week goes by without a new report of some massive data theft that has put financial information, trade secrets or government records into the hands of computer hackers.
The best defense against these attacks is clear: strong data encryption and more secure technology systems.
The leaders of U.S. intelligence agencies hold a different view. Most prominently, James Comey, the FBI director, is lobbying Congress to require that electronics manufacturers create *intentional security holes* — so-called back doors — that would enable the government to access data on every American's cellphone and computer, *even if it is protected by encryption*.
Unfortunately, there are no magic keys that can be used only by good guys for legitimate reasons. There is only *strong security* or *weak security*.
Americans are demanding strong security for their personal data. Comey and others are suggesting that security features shouldn't be too strong, because this could *interfere with surveillance* conducted for law enforcement or intelligence purposes. The problem with this logic is that building a back door into every cellphone, tablet, or laptop means *deliberately creating weaknesses* that hackers and foreign governments can exploit. Mandating back doors also *removes the incentive* for companies to develop more secure products at the time people need them most; if you're building a wall with a hole in it, how much are you going invest in locks and barbed wire? What these officials are proposing would be *bad for personal data security* and *bad for business* and must be opposed by Congress.
In Silicon Valley several weeks ago I convened a roundtable of executives from America's most innovative tech companies. They made it clear that widespread availability of data encryption technology is what consumers are demanding.
It is also good public policy. For years, officials of intelligence agencies like the NSA, as well as the Department of Justice, made *misleading and outright inaccurate statements* to Congress about data surveillance programs — not once, but repeatedly for over a decade. These agencies spied on huge numbers of law-abiding Americans, and their dragnet surveillance of Americans' data did not make our country safer.
Most Americans accept that there are times their government needs to rely on clandestine methods of intelligence gathering to protect national security and ensure public safety. But they also expect government agencies and officials to operate within the boundaries of the law, and they now know how egregiously intelligence agencies abused their trust.
This breach of trust is also hurting U.S. technology companies' bottom line, particularly when trying to sell services and devices in foreign markets. The president's own surveillance review group noted that concern about U.S. surveillance policies "can *directly reduce* the market share of U.S. companies." One industry estimate suggests that lost market share will cost just the U.S. cloud computing sector $21 billion to *$35 billion* over the next three years.
Tech firms are now investing heavily in new systems, including encryption, to protect consumers from cyber attacks and *rebuild the trust of their customers*. As one participant at my roundtable put it, "I'd be shocked if anyone in the industry takes the foot off the pedal in terms of building security and encryption into their products."
Built-in back doors have been tried elsewhere with *disastrous results*. In 2005, for example, Greece discovered that dozens of its senior government officials' phones had been under surveillance for nearly a year. The eavesdropper was never identified, but the vulnerability was clear: built-in wiretapping features intended to be accessible only to government agencies following a legal process.
Chinese hackers have proved how aggressively they will exploit any security vulnerability. A report last year by a leading cyber security company identified more than 100 intrusions in U.S. networks from a single cyber espionage unit in Shanghai. As another tech company leader told me, "Why would we leave a back door lying around?"

Why indeed. The U.S. House of Representatives recognized how dangerous this idea was and in June approved 293-123, a bipartisan amendment that would *prohibit the government from mandating that technology companies build security weaknesses into any of their products*. I introduced legislation in the Senate to accomplish the same goal, and will again at the start of the next session.
Technology is a tool that can be put to legitimate or illegitimate use. And advances in technology always pose a new challenge to law enforcement agencies. But curtailing innovation on data security is *no solution*, and certainly won't restore public trust in tech companies or government agencies. Instead we should give law enforcement and intelligence agencies the resources that they need to adapt, and give the public the data security they demand.

Negative Updates

Sample 1NC Topicality vs SSRA

The first/next off-case position is Topicality *Domestic*.

First, "domestic surveillance" requires that the target of surveillance be a U.S. person.

Donohue 6 — Laura K. Donohue, Fellow at the Center for International Security and Cooperation at Stanford University, holds a Ph.D. in History from the University of Cambridge and a J.D. from Harvard Law School, 2006 ("Anglo-American Privacy and Surveillance," *Journal of Criminal Law & Criminology* (96 J. Crim. L. & Criminology 1059), Spring, Available Online to Subscribing Institutions via Lexis-Nexis)

As the extent of the domestic surveillance operations emerged, Congress attempted to scale back the Executive's power while leaving some flexibility to address national security threats. n183 The legislature focused on *the targets of surveillance*, limiting a new law to foreign powers, and agents of foreign powers - which included groups "engaged in international terrorism or activities in preparation therefor." n184 Congress *distinguished between U.S. and non-U.S. persons*, creating tougher standards for the former. n185 The Foreign Intelligence Surveillance Act ("FISA") considered any "acquisition by an electronic, mechanical, or other surveillance device of the contents of any wire or radio communication," as well as other means of surveillance, such as video, to fall under the new restrictions. n186 Central to the statute's understanding of surveillance was that, by definition, consent had not been given by the target. Otherwise, the individual would have a reasonable expectation of privacy and, under ordinary circumstances, the Fourth Amendment would require a warrant. n187

Footnote n183. Foreign Intelligence Surveillance Act of 1978, Pub. L. No. 95-511, tit. 1, 102, 92 Stat. 1786 (1978) (codified as amended at 50 U.S.C. 1801-11 (2000)).

Footnote n184. 50 U.S.C. 1801(a)(4). An agent of a foreign power is anyone, *other than a U.S. person* who, inter alia, "knowingly engages in sabotage or international terrorism, or activities that are in preparation therefore, *for or on behalf of a foreign power*." Id. 1801(b)(2)(C). "International terrorism" incorporated three elements: (a) acts dangerous to human life and in violation of criminal law; (b) the intent to influence government policy or to intimidate or coerce a civilian population; and (c) acts that "occur totally outside the United States or transcend national boundaries in terms of the means by which they are accomplished, the persons they appear intended to coerce or intimidate, or the locale in which their perpetrators operate or seek asylum." Id. 1801(c)(1)-(3).

Footnote n185. The former included citizens and resident aliens, as well incorporated entities and unincorporated associations with a substantial number of U.S. persons. Non-U.S. persons qualified as an "agent of a foreign power" by virtue of *membership* - e.g., if they were an officer or employee of a foreign power, or if they participated in an international terrorist organization. Id. 1801(i). U.S. persons had to engage knowingly in the collection of intelligence contrary to U.S. interests, the assumption of false identity for the benefit of a foreign power, and aiding or abetting others to the same. Id. 1801(b).

Footnote n186. Id. 1801(f)(1); see also id. 1801(f)(4); Daniel Blinka, Electronic Surveillance: Commentaries and Statutes (2004).

Footnote n187. 50 U.S.C. 1801 (f)(1)-(4).

Second, the plan violates this interpretation — it curtails foreign surveillance.

Thompson 13 — Loren Thompson, Chief Operating Officer of the Lexington Institute—a non-profit public policy think tank, Chief Executive Officer of Source Associates—a defense consulting firm, former Deputy Director of the Security Studies Program at Georgetown University, holds a Ph.D. in Government from Georgetown University, 2013 ("Why NSA's PRISM Program Makes Sense," *Forbes*, June 7th, Available Online at http://www.forbes.com/sites/lorenthompson/2013/06/07/why-nsas-prism-program-makes-sense/, Accessed 08-14-2015)

President Obama's firm defense of the National Security Agency's "domestic" surveillance program on Friday should calm some of the more extravagant fears provoked by public disclosure of its existence. *I put the word "domestic" in quotes* because the effort to monitor Internet and other communications traffic *isn't really about listening in on Americans*, or even foreign nationals living here, but rather intercepting suspicious transmissions *originating overseas* that just happen to be passing through the United States.

That is an eminently sensible way of keeping up with terrorists, because it is so much easier than tapping into network conduits in other countries or under the seas (not that we don't do that). In order to grasp the logic of the NSA program, which is code-named PRISM, you have to understand how the Internet evolved. It was a purely American innovation at its inception, with most of the infrastructure concentrated in a few places like Northern Virginia.

I live a few miles from where the Internet's first big East Coast access point was located in the parking garage of an office building near the intersection of Virginia's Routes 7 and 123, an area that some people refer to as Internet Alley. Because the Worldwide Web grew so haphazardly in its early days, it was common until recently for Internet traffic between two European countries to pass through my neighborhood. There were only a few major nodes in the system, and packet-switching sends messages through whatever pathway is available.

The Washington Post story on PRISM today has a graphic illustrating my point about how bandwidth tends to be allocated globally. Like a modern version of ancient Rome's Appian Way, all digital roads lead to America. It isn't hard to see why Director of National Intelligence James R. Clapper could say on Thursday that "information collected under this program is among the most important and valuable foreign intelligence information we collect." No kidding: PRISM generated an average of four items per day for the President's daily intelligence briefing in 2012.

The key point to recognize, though, is that *this really is foreign intelligence*. The architecture of the Internet enables NSA to collect it within U.S. borders, but there is *no intention to spy on U.S. citizens*. A few elementary algorithms used in narrowing the analysis of traffic should be sufficient to assure that the privacy of American citizens is *seldom compromised*. President Obama stressed in his comments today that safeguards have been put in place to *prevent the scope of NSA surveillance from expanding beyond its original purpose*.

Finally, vote negative to maintain debatable limits. Allowing plans that curtail foreign surveillance dramatically expands the scope of the topic. Overly broad topics promote shallow and generic debates because they make it too difficult for the negative to research and prepare against each case. In-depth clash over core issues is the most important impact because it incentivizes research, promotes critical and strategic thinking, and rigorously tests content mastery.

Sample 1NC Topicality vs SDA

The first/next off-case position is Topicality *Curtail*.

First, "curtail" means to reduce in extent or quantity by imposing a restriction on. Oxford Dictionaries 14 — Oxford Dictionaries, 2015 ("Curtail," Available Online at https://www.oxforddictionaries.com/definition/english/curtail, Accessed 08-15-2015)
Definition of curtail in English: verb
[WITH OBJECT]
1. *Reduce in extent or quantity; impose a restriction on*: civil liberties were *further curtailed*

Second, this requires a net reduction in domestic surveillance compared with the status quo baseline. "Curtail" does not mean to prevent a future decrease.
Howell 14 — Beryl A. Howell, United States District Judge for the United States District Court for the District of Columbia, 2014 (United States District Court Decision in *Humane Society of the United States, et al., Plaintiffs, v. Sally Jewell, Secretary of the Interior, et al., Defendants, v. State of Wisconsin et al., Intervenor–Defendants*, Westlaw Citation 2014 WL 7237702 (D.D.C. Dec. 19, 2014), Available Online at https://www.animallaw.info/case/humane-society-united-states-v-jewell, Accessed 08-15-2015)
*46 Moreover, by defining "significant portion of a species' range" in the final rule as referring only to a species' "current range," the FWS explicitly contradicts the conclusions by courts finding that "range" *must include* the "historical range" and the ESA's legislative history. LEG. HIST. at 742 (H. Rep. 95–1625, from Committee on Merchant Marine and Fisheries, regarding ESAA) ("The term 'range' [in the ESA] is used in the general sense, and refers to the historical range of the species."); Defenders of Wildlife, 258 F.3d at 1145. It also renders meaningless the word "curtailment" in 16 U.S.C. § 1533(a)(1)(A), since it is *impossible* to determine the "present ... curtailment of [a species'] habitat or range" without knowing what the species' historical range was *prior to being curtailed*.

Third, the plan violates this interpretation — NSA is not currently authorized to insert encryption backdoors.
Kravets 15 — David Kravets, Senior Editor for *Ars Technica*, former Senior Staff Writer at *Wired*, former Legal Affairs Writer for the *Associated* Press, holds an M.A. in Political Science from California State University-Fullerton, 2015 ("This is the most outrageous government tirade against iOS 8 encryption," *Ars Technica*, July 9th, Available Online at http://arstechnica.com/tech-policy/2015/07/this-is-the-most-outrageous-government-tirade-against-ios-8-encryption/, Accessed 08-15-2015)
As it now stands, nobody in Congress has *actually proposed a law* mandating these backdoors. Instead, politicians are trying to guilt the tech sector into complying. And President Barack Obama's administration is mulling an encryption policy and could ask Congress for backdoor legislation in the coming months.
For now, US-based companies are *not required* to provide the government with backdoors into their wares. The law surrounding this issue is *the Communications Assistance for Law Enforcement Act of 1994*. CALEA requires telcos to make their phone networks amenable to wiretaps, but it *doesn't apply* to phone hardware or *most other communication services*.

Finally, vote negative to maintain debatable limits. Allowing plans that curtail future surveillance substantially increases the scope of the topic because there are many hypothetical surveillance programs that should not be implemented. This also hurts negative ground because it allows the affirmative to curtail worst-case theoretical examples of domestic surveillance. Overly broad topics promote shallow and generic debates because they make it

too difficult for the negative to research and prepare against each case. In-depth clash over core issues is the most important impact because it incentivizes research, promotes critical and strategic thinking, and rigorously tests content mastery.

Sample 1NC Presidential Powers Disadvantage

The first/next off-case position is the Presidential War Powers DA.

First, presidential war powers are strong — Obama has maintained presidential power.

Goldsmith 14 — Jack Goldsmith, Henry L. Shattuck Professor of Law at Harvard University, formerly served as Assistant Attorney General in the Office of Legal Counsel and as Special Counsel to the General Counsel to the Department of Defense, holds a J.D. from Yale Law School, 2014 ("Obama's Breathtaking Expansion of a President's Power To Make War," *Time*, September 11th, Available Online at http://time.com/3326689/obama-isis-war-powers-bush/, Accessed 08-12-2015)

Future historians will ask why George W. Bush sought and received express congressional authorization for his wars (against al Qaeda and Iraq) and his successor did not. They will puzzle over how Barack Obama the prudent war-powers constitutionalist transformed into *a matchless war-powers unilateralist.* And they will wonder why he claimed to "welcome congressional support" for his new military initiative against the Islamic State but did not insist on it in order to ensure clear political and legal legitimacy for the tough battle that promised to consume his last two years in office and define his presidency.

"History has shown us time and again . . . that military action is most successful when it is authorized and supported by the Legislative branch," candidate Barack Obama told the Boston Globe in 2007. "It is always preferable to have the informed consent of Congress prior to any military action." President Obama has discarded these precepts. His announcement that he will expand the use of military force against the Islamic State without the need for new congressional consent marks his latest adventure in unilateralism and cements *an astonishing legacy of expanding presidential war powers*.

The legacy began in 2011 with the seven-month air war in *Libya*. President Obama relied only on his Commander in Chief powers when he ordered U.S. forces to join NATO allies in thousands of air strikes that killed thousands of people and effected regime change. His lawyers argued beyond precedent that the large-scale air attacks did not amount to "War" that required congressional approval. They also blew a large hole in the War Powers Resolution based on the unconvincing claim that the Libya strikes were not "hostilities" that would have required compliance with the law.

Although he backed down from his threat to invade *Syria* last summer, President Obama proclaimed then the power to use unilateral force for purely humanitarian ends without congressional or United Nations or NATO support. This novel theory, which removed all practical limits on presidential humanitarian intervention, became a reality in last month's military strikes to protect civilians trapped on Mount Sinjar and in the town of Amirli.

Yesterday's announcement of a ramped-up war against *the Islamic State* in Iraq and possibly Syria rests on yet another novel war powers theory. The administration has said since August that air strikes in Syria were justified under his constitutional power alone. But yesterday it switched course and maintained that Congress had authorized the 2014 campaign against the Islamic State in the 2001 law that President George W. Bush sought to fight the Taliban and al Qaeda.

The administration's new approach allows it to claim that it is acting with congressional approval. It also lets it avoid the strictures of the War Powers Resolution because that law does not apply to wars approved by Congress. The problem with this approach is that its premise is unconvincing. The 2001 law authorized force against al Qaeda and its associates. The Islamic State once had associations with al Qaeda, but earlier this year al Qaeda expelled it and broke off ties. The administration nonetheless insists that the 2001 law applies to its new military action, primarily because the Islamic State claims to be "the true inheritor of Usama bin Laden's legacy" and is supported by "some individual members and factions of [al-Qaeda]-aligned groups." But if this remarkably loose affiliation with al Qaeda brings a terrorist organization under the 2001 law, then Congress has authorized the President to use force endlessly against practically any ambitious jihadist terrorist group that fights against the United States. The President's gambit is, at bottom, *presidential unilateralism* masquerading as implausible statutory interpretation.

Second, the plan is a crushing blow to present *and future* presidential war powers.

Yoo 14 — John Yoo, Emanuel Heller Professor of Law at the University of California-Berkeley, Visiting Scholar at the American Enterprise Institute, former official in the Office of Legal Counsel of the U.S. Department of Justice, holds a J.D. from Yale Law School, 2014 ("NSA spying -- will Obama lead or punt to courts, Congress and harm the presidency?," *Fox News*, January 7th, Available Online at http://www.foxnews.com/opinion/2014/01/07/nsa-spying-will-obama-lead-or-punt-to-courts-congress-and-harm-presidency.html, Accessed 08-13-2015)

Under Barack Obama, the presidency's control over national security intelligence has come under a crippling *cross-fire*.
From the right, in December Bush-appointed Judge Richard Leon found the National Security Agency's "Orwellian" phone records collection program to violate the Constitution.
From the left, the White House's own blue-ribbon commission recently urged the president to place an "out of control" NSA under unprecedented judicial, bureaucratic, and even private controls.
Mr. Obama may rise up to defend the NSA from the growing chorus of critics in Congress, the media, and the antiwar wing of his own party.
He might blunt the effort to subject the NSA's national security mission to the stricter rules that govern domestic law enforcement.
He might even preserve the intelligence agency's ability to collect phone calls and email data that, by the account of two successive administrations of both parties, has stopped terrorist attacks on the United States and its allies.
But don't count on it.
Mr. Obama's first instinct is to shift national security responsibility to other branches of government -- witness his past attempts to try the 9/11 plotters in civilian court in New York City, move the terrorists in Guantanamo Bay, Cuba to a domestic prison, and ask Congress decide on intervening in Syria.
If he makes the same mistake again, Mr. Obama will follow in the footsteps of *failed presidents* who shrunk before similar challenges, to *the long-term harm* of their office.
Kicking the intelligence question to Congress or the courts *undermines the Oval Office* by *reversing the polarity of its constitutional powers*.
The Framers created the presidency precisely because foreign affairs and national security pose *unique challenges* to a legislature, which cannot *react quickly* to sudden, unforeseen events.
"Decision, activity, secrecy, and dispatch will generally characterize the proceedings of one man," Alexander Hamilton explained in "Federalist 70."
Only *a single president* could marshal the nation's resources with the energy and vigor to effectively protect its security. "Of all the cares or concerns of government," he added in "Federalist 74," "the direction of war most peculiarly demands those qualities which distinguish the exercise of power by a single hand."
Presidents who have defied the Framers' design have led the nation into some of its greatest disasters, despite their great intellect or political skills.
Take, for example, James Madison, our fourth president. Madison wrote the first draft of the Constitution, co-authored "The Federalist" with Hamilton and John Jay, and led the fight for the Constitution's ratification.
But when attacking (at Thomas Jefferson's behest) George Washington's 1793 proclamation of neutrality, Madison argued that Congress should decide all questions of war and peace.
"Those who are to conduct a war cannot in the nature of things, be proper or safe judges, whether a war ought to be commenced, continued, or concluded," he argued.
Madison kept true to his beliefs as president. By 1812, the nation was profiting handsomely from trade during the Napoleonic Wars.
Nevertheless, war hawks in Congress -- the term first appears here in American history -- drove the nation into a conflict with the only contending European nation with a powerful navy and a shared border with the United States.
Madison did not exercise his presidential authority to stop the rush for war, but instead left the ultimate

decision to Congress.
Of all our nation's conflicts, the War of 1812 may have been the most strategically dangerous. It led to a crippling naval embargo, a series of desultory assaults on Canada, a British incursion that captured and burned the capital, and a major land invasion at New Orleans that sought to split the nation into two.
Only the end of the Napoleonic war and Andrew Jackson's heroic defeat of the British invasion force preserved American independence. A more confident and assertive chief executive would have saved the nation from this disaster.
Presidential deference to other branches on national security has not just led the nation into *mistaken wars*, it has also *kept us out of vital ones*.
When secession read its ugly head in the wake of Abraham Lincoln's election, James Buchanan sat in the Oval Office. Like the president-elect, Buchanan believed the Constitution did not permit states to leave the Union. Unlike Lincoln, however, Buchanan – an accomplished Senator from Pennsylvania and former Secretary of State – concluded that the president did not have the constitutional power "to make war against a State." Buchanan called upon "the only human tribunal under Providence possessing the power to meet the existing emergency," Congress, which promptly appointed a special committee to develop a solution.
By contrast, Lincoln maneuvered the Confederacy into firing the first shot at Fort Sumter in April 1861, raised an army and navy, imposed a blockade on the South, and sent federal troops into action – and then waited until July 4, 1861 to seek Congress's approval after-the-fact.
Lincoln never gave up the mantle of leadership, including his freeing of the slaves with the Emancipation Proclamation and his control over military strategy, and his control over the terms of the peace.
Scholars today generally rank Lincoln as one of the three greatest presidents in our history (along with Washington and FDR), and Buchanan as the worst.
Mr. Obama need not revisit the 17th or 18th Centuries to see the pitfalls in relying on the other branches for leadership in foreign affairs. He need only turn his gaze to post-Watergate years, when President Nixon's undeniable abuses of the executive power led Congress and the courts to overreact in expanding their controls over national security.
Over Mr. Nixon's veto, Congress passed a War Powers Resolution that limits foreign military interventions to less than 60 days without congressional approval.
Presidents ever since have refused to accept the WPR's constitutionality, but have often foreshortened their wars into the resolution's artificial deadline.
Congress passed the Foreign Intelligence Surveillance Act and gave the courts a veto over the executive's surveillance of foreign enemies. FISA also produced the "wall" between our nation's foreign and domestic intelligence agencies that allowed the 9/11 hijackers to succeed.
Even after U.S. withdrawal from South Vietnam, Congress cut off all funds for any U.S. military operations in Southeast Asia, which led to the shameful American abandonment of Saigon, the death of millions in communist camps, and the consignment of an entire nation to a totalitarian dictatorship.
The Iranian Revolution and hostage crisis and the Soviet invasion of Afghanistan took further advantage of a weakened presidency under the stewardship of Jimmy Carter.
Similar restrictions have re-appeared in Judge Leon's decision, which orders the end of the NSA's collection program, and in his blue-ribbon commission, which wants to subject the NSA to new oversight procedures.
Congress is considering *unprecedented restrictions* on targets, databases, and search methods.
It is not just in President Obama's interests to avoid this fate.
It is also in the interests of both parties in Congress and of *the nation*.
There are surely partisan differences to fight out over domestic policy, where the Constitution places Congress in the primary policymaking role and the president second.
But no party benefits in the long run from a weakened executive in foreign affairs, as shown by *the War of 1812*, *the Civil War*, and even *the isolationism between the World Wars*.

Partisans must resist the temptation to *strike a blow against a vulnerable president*, and instead support his ability to fulfill the Framers' design: to protect the nation's security with *determination, vigor, speed, and secrecy*.
The Constitution expects no less.

Third, strong war powers provide necessary flexibility to prevent WMD proliferation and attacks.

Yoo 12 — John Yoo, Emanuel Heller Professor of Law at the University of California-Berkeley, Visiting Scholar at the American Enterprise Institute, former official in the Office of Legal Counsel of the U.S. Department of Justice, holds a J.D. from Yale Law School, 2012 ("War Powers Belong to the President," *ABA Journal*—a publication of the American Bar Association, February 1st, Available Online at http://www.abajournal.com/magazine/article/war_powers_belong_to_the_president, Accessed 08-13-2015)

Our Constitution has succeeded because it favors *swift presidential action* in war, later checked by Congress' funding power. If a president continues to wage war without congressional authorization, as in Libya, Kosovo or Korea, it is only because Congress has chosen not to exercise its easy check. We should not confuse a desire to escape political responsibility for a defect in the Constitution.
A radical change in the system for making war might appease critics of presidential power. But it could also *seriously threaten American national security*. In order to forestall another 9/11 attack, or to take advantage of a window of opportunity to strike *terrorists or rogue nations*, the executive branch needs *flexibility*. It is not hard to think of situations where congressional consent *cannot be obtained in time to act*. Time for congressional deliberation, which leads only to *passivity and isolation* and not smarter decisions, will come at the price of *speed and secrecy*.
The Constitution creates a presidency that can *respond forcefully* to prevent *serious threats* to our national security. Presidents can take the initiative and Congress can use its funding power to check them. Instead of demanding a legalistic process to begin war, the framers left war to politics. As we confront the new challenges of *terrorism, rogue nations and WMD proliferation*, now is not the time to introduce sweeping, *untested changes* in the way we make war.

Finally, proliferation risks global nuclear war.

Utgoff 2 — Victor A. Utgoff, Deputy Director of the Strategy, Forces, and Resources Division of the Institute for Defense Analyses and senior member of the National Security Council Staff, 2002 ("Proliferation, Missile Defence And American Ambitions," *Survival*, Volume 44, Number 2, June, Available Online to Subscribing Institutions via EBSCOhost Electronic Journals Service, p. 87-90)

In sum, widespread proliferation is likely to lead to an occasional *shoot-out with nuclear weapons*, and that such shoot-outs will have a *substantial probability* of escalating to the *maximum destruction possible* with the weapons at hand. Unless nuclear proliferation is stopped, we are headed toward a world that will mirror the American Wild West of the late 1800s. With most, if not all, nations wearing *nuclear 'six-shooters'* on their hips, the world may even be a more polite place than it is today, but every once in a while we will all gather on a hill to bury the bodies of dead cities or even *whole nations*.

Sample 1NC Answer to Tech Leadership advantage

Alternate Causality — STEM worker shortages hamstring the U.S. tech sector.

Tech CEOs 13 — An Open Letter by more than 100 chief executives of major tech companies and trade associations, 2013 (Open Letter to President Obama, Speaker Boehner, Senator Reid, Senator McConnell, and Representative Pelosi, March 14th, Available Online at https://www.scribd.com/doc/130388692/Tech-CEO-letter, Accessed 08-09-2015)

One of the biggest economic challenges facing our nation is the need for more qualified, *highly-skilled professionals*, domestic and foreign, who can create jobs and immediately contribute to and improve our economy. As *leaders of tech*nology *companies* from around the country, we want to thank you for your sincere efforts in addressing high skilled immigration and we urge that you and your colleagues enact reform legislation this year.

As you know, the United States has a long history of welcoming talented, hard-working people to our shores. Immigrant entrepreneurs have gone on to found thousands of companies with household names like eBay, Google, PayPal and Yahoo! to name just a few. These companies provide jobs, drive economic growth and generate tax revenue at all levels of government.

Yet because our current immigration system is *outdated and inefficient*, many high-skilled immigrants who want to stay in America are *forced to leave* because they are unable to obtain permanent visas. Some do not bother to come in the first place. This is often due to *visa shortages*, long waits for *green cards*, and lack of *mobility*. We believe that numerical levels and categories for high-skilled nonimmigrant and immigrant visas should be responsive to market needs and, where appropriate, include mechanisms to fluctuate based on objective standards. In addition, spouses and children should not be counted against the cap of high-skilled immigrant visas. There should not be a marriage or family penalty.

According to the U.S. Bureau of Labor Statistics, there are *tens of thousands of unfilled jobs* requiring highly skilled individuals. Five high-tech companies *alone* – IBM, Intel, Microsoft, Oracle and [end page 1] Qualcomm – have combined *10,000 openings* in the United States. Each one of these jobs has the potential to create many others, directly and indirectly. Bipartisan legislation currently introduced in the Senate, such as The Immigration Innovation Act of 2013, and bi-partisan legislation focused on addressing the needs of entrepreneurs and start ups such as the Startup Visa Act and Startup Act 3.0, will encourage innovation here in the U.S. by allowing American companies and entrepreneurs to have access to the talented workers they need while simultaneously investing in STEM education here in the U.S. We know what it will take to keep America in a position of *global leadership*. We know that when America is leading, our economic growth follows to the benefit of our nation's workforce.

Sample 1NC Answer to Solvency

No Solvency — "reforms" like the plan will be circumvented.

Greenwald 14 — Glenn Greenwald, journalist who received the 2014 Pulitzer Prize for Public Service for his work with Edward Snowden to report on NSA surveillance, Founding Editor of The Intercept, former Columnist for the Guardian and Salon, recipient of the Park Center I.F. Stone Award for Independent Journalism, the Online Journalism Award for investigative work on the abusive detention conditions of Chelsea Manning, the George Polk Award for National Security Reporting, the Gannett Foundation Award for investigative journalism, the Gannett Foundation Watchdog Journalism Award, the Esso Premio for Excellence in Investigative Reporting in Brazil, and the Electronic Frontier Foundation's Pioneer Award, holds a J.D. from New York University School of Law, 2014 ("Congress is Irrelevant on Mass Surveillance. Here's What Matters Instead.,"
The Intercept, November 19th, Available Online at https://firstlook.org/theintercept/2014/11/19/irrelevance-u-s-congress-stopping-nsas-mass-surveillance/, Accessed 06-16-2015)

All of that illustrates what is, to me, the most important point from all of this: the *last place* one should look to impose limits on the powers of the U.S. government is . . . the U.S. government. Governments don't walk around trying to figure out how to limit their own power, and that's particularly true of empires.
The entire system in D.C. is designed at its core to *prevent real reform*. This Congress is not going to enact anything resembling fundamental limits on the NSA's powers of mass surveillance. Even if it somehow did, this White House would never sign it. *Even if all that miraculously happened*, the fact that the U.S. intelligence community and National Security State operates with no limits and no oversight means they'd easily *co-opt the entire reform process*. That's what happened after the eavesdropping scandals of the mid-1970s led to the establishment of congressional intelligence committees and a special FISA "oversight" court—the committees were *instantly captured* by putting in charge supreme servants of the intelligence community like Senators Dianne Feinstein and Chambliss, and Congressmen Mike Rogers and "Dutch" Ruppersberger, while the court quickly became *a rubber stamp* with subservient judges who operate in total secrecy.
Ever since the Snowden reporting began and public opinion (in both the U.S. and globally) began radically changing, the White House's strategy has been obvious. It's vintage Obama: Enact something that is called "reform"—so that he can give a pretty speech telling the world that he heard and responded to their concerns—but that in actuality *changes almost nothing*, thus strengthening the very system he can pretend he "changed." That's the same tactic as Silicon Valley, which also supported this bill: Be able to point to something called "reform" so they can trick hundreds of millions of current and future users around the world into believing that their communications are now safe if they use Facebook, Google, Skype and the rest.

Affirmative Articles

Affirmative Article 1: The Status Quo

According to ProPublica, an investigative journalism non-profit, in 2013: (In "FAQ: What You Need to Know About the NSA's Surveillance Programs," published 6-27-13. Available at http://www.propublica.org/article/nsa-data-collection-faq)

Write your own tag here:

We don't know all of the different types of information the NSA collects, but several secret collection programs have been revealed:

A record of most calls made in the U.S., including the telephone number of the phones making and receiving the call, and how long the call lasted. This information is known as **"metadata"** and doesn't include a recording of the actual call (but see below). This program was revealed through a **leaked** secret court order instructing Verizon to turn over all such information on a daily basis. Other phone companies, including AT&T and Sprint, also reportedly give their records to the NSA on a continual basis. All together, this is several billion calls per day.

Email, Facebook posts and instant messages for an unknown number of people, via PRISM, which involves the cooperation of at least nine different technology companies. Google, Facebook, Yahoo and others have denied that the NSA has "direct access" to their servers, saying they only release user information in response to a court order. Facebook has revealed that, in the last six months of 2012, they handed over the private data of between 18,000 and 19,000 users to law enforcement of all types -- including local police and federal agencies, such as the FBI, Federal Marshals and the NSA.

Massive amounts of raw Internet traffic The NSA intercepts huge amounts of raw data, and stores billions of communication records per day in its databases. Using the NSA's XKEYSCORE software, analysts can see "nearly everything a user does on the Internet" including emails, social media posts, web sites you visit, addresses typed into Google Maps, files sent, and more. Currently the NSA is only authorized to intercept Internet communications with at least one end outside the U.S., though the domestic collection program used to be broader. But because there is no fully reliable automatic way to **separate domestic from international communications**, this program also captures some amount of U.S. citizens' purely domestic Internet activity, such as emails, social media posts, instant messages, the sites you visit and online purchases you make...

It's important to note that the NSA probably has information about you even if you aren't on this target list. If you have previously communicated with someone who has been targeted, then the NSA already has the content of any emails, instant messages, phone calls, etc. you exchanged with the targeted person. Also, your data is likely in bulk records such as phone metadata and Internet traffic recordings. This is what makes these programs **"mass surveillance,"** as opposed to traditional wiretaps, which are authorized by individual, specific court orders.

Affirmative Article 2: NSA surveillance hurts Tech industry

According to Laura K. Donohue in 2015 Associate Professor of Law, Director of the Center on National Security and the Law, and Director of the Center on Privacy and Technology at Georgetown University, http://scholarship.law.georgetown.edu/cgi/viewcontent.cgi?article=2469&context=facpub)

II. ECONOMIC IMPACT OF NSA PROGRAMS

The NSA programs, and public awareness of them, have had an immediate and detrimental impact on the U.S. economy. They have cost U.S. companies billions of dollars in lost sales, even as companies have seen their market shares decline. American multinational corporations have had to develop new products and programs to offset the revelations and to build consumer confidence. At the same time, foreign entities have seen revenues increase. Beyond the immediate impact, the revelation of the programs, and the extent to which the NSA has penetrated foreign data flows, has undermined U.S. trade agreement negotiations. It has spurred data localization efforts around the world, and it has raised the spectre of the future role of the United States in Internet governance. Even if opportunistic, these shifts signal an immediate and long-term impact of the NSA programs, and public knowledge about them, on the U.S. economy. A. Lost Revenues and Declining Market Share Billions of dollars are on the line because of worldwide concern that the services provided by U.S. information technology companies are neither secure nor private.13 Perhaps nowhere is this more apparent than in cloud computing.

Previously, approximately 50% of the worldwide cloud computing revenues derived from the United States.14 The domestic market thrived: between 2008 and 2014, it more than tripled in value. 15 But within weeks of the Snowden leaks, reports had emerged that U.S. companies such as Dropbox, Amazon Web Services, and Microsoft's Azure were losing business. 16 By December 2013, ten percent of the Cloud Security Alliance had cancelled U.S. cloud services projects as a result of the Snowden information.17 In January 2014 a survey of Canadian and British businesses found that one quarter of the respondents were moving their data outside the United States.18 The Information Technology and Innovation Foundation estimates that declining revenues of corporations that focus on cloud computing and data storage alone could reach $35 billion over the next three years.19 Other commentators, such as Forrester Research analyst James Staten, have put actual losses as high as $180 billion by 2016, unless something is done to restore confidence in data held by U.S. companies.20 The monetary impact of the NSA programs extends beyond cloud computing to the high technology industry. Cisco, Qualcomm, IBM, Microsoft, and Hewlett Packard have all reported declining sales as a direct result of the NSA programs.21 Servint, a webhosting company based in Virginia, reported in June 2014 that its international clients had dropped by 50% since the leaks began.22 Also in June, the German government announced that because of Verizon's complicity in the NSA program, it would end its contract with the company, which had previously provided services to a number of government departments.23 As a senior analyst at the Information Technology and Innovation Foundation explained, "It's clear to every single tech company that this is affecting their bottom line."24 The European commissioner for digital affairs, Neelie Kroes, predicts that the fallout for U.S. businesses in the EU alone will amount to billions of Euros.25 Not only are U.S. companies losing customers, but they have been forced to spend billions to add encryption features to their services. IBM has invested more than a billion dollars to build data centers in London, Hong Kong, Sydney, and elsewhere, in an effort to reassure consumers outside the United States that their information is protected from U.S. government surveillance. 26 Salesforce.com made a similar announcement in March 2014.27 Google moved to encrypt terms entered into its browser. 28 In June 2014 it took the

additional step of releasing the source code for End-to-End, its newly-developed browser plugin that allows users to encrypt email prior to it being sent across the Internet.29 The following month Microsoft announced Transport Layer Security for inbound and outbound email, and Perfect Forward Secrecy encryption for access to OneDrive.30 Together with the establishment of a Transparency Center, where foreign governments could review source code to assure themselves of the integrity of Microsoft software, the company sought to put an end to both NSA back door surveillance and doubt about the integrity of Microsoft products. 31

Foreign technology companies, in turn, are seeing revenues increase. Runbox, for instance, an email service based in Norway and a direct competitor to Gmail and Yahoo, almost immediately made it publicly clear that it does not comply with foreign court requests for its customers' personal information. 32 Its customer base increased 34% in the aftermath of the Snowden leaks. 33 Mateo Meier, CEO of Artmotion, Switzerland's biggest offshore data hosting company, reported that within the first month of the leaks, the company saw a 45% rise in revenue.34 Because Switzerland is not a member of the EU, the only way to access data in a Swiss data center is through an official court order demonstrating guilt or liability; there are no exceptions for the United States.35 In April 2014, Brazil and the EU, which previously used U.S. firms to supply undersea cables for transoceanic communications, decided to build their own cables between Brazil and Portugal, using Spanish and Brazilian companies in the process. 36 OpenText, Canada's largest software company, now guarantees customers that their data remains outside the United States. Deutsche Telekom, a cloud computing provider, is similarly gaining more customers.37 Numerous foreign companies are marketing their products as "NSA proof" or "safer alternatives" to those offered by U.S. firms, gaining market share in the process. 38

Affirmative Article 3: Why Tech leadership is important to the U.S,

According to Laura K. Donohue in 2015 Associate Professor of Law, Director of the Center on National Security and the Law, and Director of the Center on Privacy and Technology at Georgetown University, http://scholarship.law.georgetown.edu/cgi/viewcontent.cgi?article=2469&context=facpub)

To the extent that the NSA programs, and public knowledge of them, has harmed the U.S. economy, they have harmed U.S. national security. The country's economic strength is part of what enables the United States to respond to external and internal threats. The ability to defend the country against would-be aggressors requires resources—e.g., to build and equip a military force, to move troops, to respond to attacks in whatever form they may materialize. Many of the supplies needed to fend off overreaching by either states or non-state actors derive not from government production, but from the private sector. To the extent that a weak private sector emerges, the government's ability to respond is harmed.

Beyond this, economic security allows the country the freedom to determine its international and domestic policies on the merits, not on need. Where the United States is in a strong economic position, it is less vulnerable in international negotiations, such as those related to trade. It is also in a politically superior position, where it can use its wealth to accomplish the desired ends.

A strong economy also ensures that citizens have their needs met, with sufficient income levels for housing, food, clothing, and education. This, in turn, generates social and political stability, which allows for the development of communities, which creates greater cohesion among citizens. It also contributes to the evolution of democratic deliberations, reinforcing the rule of law.

Economic security allows for growth and innovation, which is fed by education and opportunity. Innovation, in turn, allows the country to continue to adapt to the evolving environment and international context. There are further considerations. But these suffice to illustrate the importance of economic strength to U.S. national security writ large.

Affirmative Article 4: Why is U.S. Leadership important

According to Robert J. Lieber in 2013 Professor of Government and International Affairs at Georgetown University, has held fellowships from the Guggenheim, Rockefeller and Ford Foundations, the Council on Foreign Relations, and the Woodrow Wilson International Center for Scholars, holds a Ph.D. from the Department of Government at Harvard University, http://www.jewishpolicycenter.org/4398/american-decline

The stakes are immense, and not only for America itself. Since World War II, the United States has been the world's principal provider of collective goods. The leading international institutions of today and much of the existing international order have been a product of American leadership. Evidence from recent decades suggests that the alternative is not that some other institution or major power (the UN, the EU, China, India, Russia, or Japan) will take its place, but that none will. Some have argued that the effects of globalization are leading the world toward greater cooperation and even collective security. This may be a comforting view about the implications or even desirability of American disengagement, but practical experience suggests otherwise. In dealing with failed states, ethnic cleansing, human rights, the environment, trade liberalization, regional conflict, and nuclear proliferation, emerging powers such as the BRICS (Brazil, Russia, India, China, and South Africa) have been largely unhelpful, and others in Europe, Asia, Africa, or Latin America have more often than not lacked the will or capacity to act collectively on common tasks.

For the United States, the maintenance of its leading role matters greatly. The alternative would not only be a more disorderly and dangerous world in which its own economic and national security would be adversely affected, but also regional conflicts and the spread of nuclear weapons would be more likely. In addition, allies and those sharing common values, especially liberal democracy and the market economy, would increasingly be at risk. Ultimately, America's ability to avoid long-term decline—and the significant international retrenchment that would be a result of severely reduced resources—becomes a matter of policy and political will. There is nothing inevitable or fated about decline. Both past experience and national attributes matter greatly. Flexibility, adaptability, and the capacity for course correction provide the United States with a resilience that has proved invaluable in the past and is likely to do so in the future.

Affirmative Article 5: SDA solves the decline in tech leadership

According to Ron Wyden on December 14th 2014, United States Senator (D-OR) who serves on the Senate Select Committee on Intelligence and who is known as "the internet's Senator" for his leadership on technology issues, former Member of the United States House of Representatives, holds a J.D. from the University of Oregon School of Law, 2014, http://www.latimes.com/opinion/op-ed/la-oe-1215-wyden-backdoor-for-cell-phones-20141215-story.html,

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Hardly a week goes by without a new report of some massive data theft that has put financial information, trade secrets or government records into the hands of computer hackers.

The best defense against these attacks is clear: strong data encryption and more secure technology systems.

The leaders of U.S. intelligence agencies hold a different view. Most prominently, James Comey, the FBI director, is lobbying Congress to require that electronics manufacturers create intentional security holes — so-called back doors — that would enable the government to access data on every American's cellphone and computer, even if it is protected by encryption.

Unfortunately, there are no magic keys that can be used only by good guys for legitimate reasons. There is only strong security or weak security.

Americans are demanding strong security for their personal data. Comey and others are suggesting that security features shouldn't be too strong, because this could interfere with surveillance conducted for law enforcement or intelligence purposes. The problem with this logic is that building a back door into every cellphone, tablet, or laptop means deliberately creating weaknesses that hackers and foreign governments can exploit. Mandating back doors also removes the incentive for companies to develop more secure products at the time people need them most; if you're building a wall with a hole in it, how much are you going invest in locks and barbed wire? What these officials are proposing would be bad for personal data security and bad for business and must be opposed by Congress.

In Silicon Valley several weeks ago I convened a roundtable of executives from America's most innovative tech companies. They made it clear that widespread availability of data encryption technology is what consumers are demanding.

It is also good public policy. For years, officials of intelligence agencies like the NSA, as well as the Department of Justice, made misleading and outright inaccurate statements to Congress about data surveillance programs — not once, but repeatedly for over a decade. These agencies spied on huge numbers of law-abiding Americans, and their dragnet surveillance of Americans' data did not make our country safer.

Most Americans accept that there are times their government needs to rely on clandestine methods of intelligence gathering to protect national security and ensure public safety. But they also expect government agencies and officials to operate within the boundaries of the law, and they now know how egregiously intelligence agencies abused their trust.

This breach of trust is also hurting U.S. technology companies' bottom line, particularly when trying to sell services and devices in foreign markets. The president's own surveillance review group noted that concern about U.S. surveillance policies "can directly reduce the market share of U.S. companies." One industry estimate suggests that lost market share will cost just the U.S. cloud computing sector $21 billion to $35 billion over the next three years.

Tech firms are now investing heavily in new systems, including encryption, to protect consumers from cyber attacks and rebuild the trust of their customers. As one participant at my roundtable put it, "I'd be shocked if anyone in the industry takes the foot off the pedal in terms of building security and encryption into their products."

Built-in back doors have been tried elsewhere with disastrous results. In 2005, for example, Greece

discovered that dozens of its senior government officials' phones had been under surveillance for nearly a year. The eavesdropper was never identified, but the vulnerability was clear: built-in wiretapping features intended to be accessible only to government agencies following a legal process.

Chinese hackers have proved how aggressively they will exploit any security vulnerability. A report last year by a leading cyber security company identified more than 100 intrusions in U.S. networks from a single cyber espionage unit in Shanghai. As another tech company leader told me, "Why would we leave a back door lying around?"

Why indeed. The U.S. House of Representatives recognized how dangerous this idea was and in June approved 293-123, a bipartisan amendment that would prohibit the government from mandating that technology companies build security weaknesses into any of their products. I introduced legislation in the Senate to accomplish the same goal, and will again at the start of the next session.

Technology is a tool that can be put to legitimate or illegitimate use. And advances in technology always pose a new challenge to law enforcement agencies. But curtailing innovation on data security is no solution, and certainly won't restore public trust in tech companies or government agencies. Instead we should give law enforcement and intelligence agencies the resources that they need to adapt, and give the public the data security they demand.

Affirmative Article 6: Is there really a stem shortage?

According to Steven Camarota on May 20th 2014, is director of research at the Center for Immigration Studies, http://www.nationalreview.com/article/378334/what-stem-shortage-steven-camarota

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The idea that we need to allow in more workers with science, technology, engineering, and math ("STEM") background is an article of faith among American business and political elite.

But in a new report, my Center for Immigration Studies colleague Karen Zeigler and I analyze the latest government data and find what other researchers have found: The country has well more than twice as many workers with STEM degrees as there are STEM jobs. Also consistent with other research, we find only modest levels of wage growth for such workers for more than a decade. Both employment and wage data indicate that such workers are not in short supply.

Reports by the Economic Policy Institute (EPI), the RAND Corporation, the Urban Institute, and the National Research Council have all found no evidence that STEM workers are in short supply. PBS even published an opinion piece based on the EPI study entitled, "The Bogus High-Tech Worker Shortage: How Guest Workers Lower U.S. Wages." This is PBS, mind you, which is as likely to publish something skeptical of immigration as it is to publish something skeptical of taxpayer subsidies for the Corporation for Public Broadcasting.

RAND's analysis looked backward in time and found, "Despite recurring concerns about potential shortages of STEM personnel . . . we did not find evidence that such shortages have existed at least since 1990, nor that they are on the horizon."

In an article entitled "The Science and Engineering Shortage Is a Myth" for the March issue of The Atlantic, demographer Michael Teitelbaum of Harvard Law School summarizes the literature on STEM. "No one has been able to find any evidence indicating current widespread labor market shortages or hiring difficulties in science and engineering occupations that require bachelor's degrees or higher," he points out. Teitelbaum is one of the nation's leading experts on STEM employment, former vice president of the Sloan Foundation (a philanthropic institution essentially devoted to STEM education), and author of Falling Behind? Boom, Bust, and the Global Race for Scientific Talent, just published by Princeton University Press.

In looking at the latest government data available, my co-author and I found the following: In 2012, there were more than twice as many people with STEM degrees (immigrants and native-born) as there were STEM jobs — 5.3 million STEM jobs vs. 12.1 million people with STEM degrees. Only one-third of natives who have a STEM degree and have a job work in a STEM occupation. There are 1.5 million native-born Americans with engineering degrees not working as engineers, as well as half a million with technology degrees, 400,000 with math degrees, and 2.6 million with science degrees working outside their field. In addition, there are 1.2 million natives with STEM degrees who are not working.

Meanwhile, less than half of immigrants with STEM degrees work in STEM jobs. In particular, just 23 percent of all immigrants with engineering degrees work as engineers. Of the 700,000 immigrant STEM workers allowed into the country between 2007 and 2012, only one-third got a STEM job, about one-third got a non-STEM job, and about one-third are not working.

Wage trends are one of the best measures of labor demand. If STEM workers were in short supply, wages would be increasing rapidly. But wage data from multiple sources show little growth over the last 12 years. We found that real hourly wages (adjusted for inflation) grew on average just 0.7 percent a year from 2000 to 2012 for STEM workers, and annual wages grew even less — 0.4 percent a year. Wage growth is very modest for almost every category of STEM worker as well.

So if there is a superabundance of native and immigrant STEM workers and little wage growth, and STEM immigration already exceeds the absorption capacity of the STEM labor market, why are there calls to allow in even more? The answer, put simply, is greed and politics.

Affirmative Article 7: We have a surplus not shortage of STEM workers

According to Matt Bruenig in 2013 Economics and Politics Writer for *PolicyShop*—the Demos blog, 2013 ("The STEM-Shortage Myth," *The American Prospect*, April 25th, Available Online at http://prospect.org/article/stem-shortage-myth

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The Economic Policy Institute **published a report** yesterday on the supposed shortage of professionals in science, technology, engineering, and math (STEM). You've probably heard of the crisis by now. America is not producing enough STEM degrees. This will be the death of innovation and global competitiveness. We must reorient higher education to convert more liberal arts students into STEM students. And so on.

The problem with this alleged crisis is that it is not real. As the EPI report lays bare, the common wisdom about our STEM problem is mistaken: We are not facing a shortage of STEM-qualified workers. In fact, we appear to have a considerable STEM surplus. Only half of students graduating with a STEM degree are able to find STEM jobs. Beyond that, if there was an actual shortage of STEM workers, basic supply and demand would predict that the wages of STEM workers would be on the rise. Instead, wages in STEM fields have not budged in over a decade. Stagnant wages and low rates of STEM job placement strongly suggest we actually have an abundance of STEM-qualified workers.

The EPI report tends to focus on the relevance of these findings to guest worker programs and other immigration issues. The tech industry has long suggested that it cannot find STEM workers in America and therefore needs immigration changes that will enable it to bring in more workers from abroad. Skeptics have rebuffed that the tech industry really is just interested in cheaper STEM labor and that its proclamations about a dearth of STEM-qualified domestic workers is just a convenient cover story. This report provides ammunition to the latter camp to say the least.

Although the report focuses on immigration issues, its findings are also relevant to the ongoing debate about the cause of our persistent unemployment problems. Our present **unemployment rate of 7.7 percent** is 3.4 percent higher than its pre-recession low. Millions of people looking for work cannot find it. Any sensible country would not stand for this kind of needless suffering and waste of productive potential and therefore do whatever it takes to bring the country back to full employment. In our present situation, that means some combination of monetary and fiscal stimulus.

Opponents of such stimulus have rallied around various excuses for why we should not pursue it. The most notable excuse has been that our present debt levels are too high to pursue more spending, a claim that has been subjected to severe mocking on the heels of **the recent debunking of the famed Reinhart-Rogoff paper** about the negative growth effects of high government debt. A less notable excuse has been that our unemployment woes are structural—the skills employees have are not the skills employers want—and therefore economic stimulus wont do much to solve our unemployment problem. The STEM myth has been a major element of this structural unemployment theory, at least when it comes to telling popular stories about it. Everyone loves a story about how our tech employers go out into the labor market, find a bunch of liberal arts majors who can't cut it, and then have to turn abroad to fill the jobs. But it just isn't so.
So strike another blow against the structural unemployment thesis. While there is doubtlessly some skills mismatching here and there—as there always is at any time in any economy—that is not the reason why so

many are jobless right now. The STEM crisis is a myth and solving our ongoing unemployment problems will require more than training and credentialing additional STEM workers.

Affirmative Article 8: Congress won't circumvent the passage of SDA

According to Sen. Jim Sensenbrenner Febuary 4th 2015, Member of the United States House of Representatives (R-WI), with Thomas Massie, Member of the United States House of Representatives (R-KY), and Zoe Lofgren, Member of the United States House of Representatives (D-CA), 2015 ("Sensenbrenner, Massie & Lofgren Introduce Secure Data Act," Press Release, February 4th, Available Online at https://lofgren.house.gov/news/documentsingle.aspx?DocumentID=397873

WASHINGTON, D.C. – Bipartisan lawmakers today reintroduced the Secure Data Act to protect Americans' privacy and data security by prohibiting surveillance agencies from requiring or compelling surveillance "backdoors" in products and services.

A similar amendment to the Department of Defense Appropriations Act last year passed the House of Representatives by an overwhelming 293-123 vote. This amendment was not included in the CRomnibus.

U.S. Reps. Jim Sensenbrenner (R- Wis.), Thomas Massie (R- Ky.), and Zoe Lofgren (D-Calif.), sponsors of the Secure Data Act of 2015, issued the following statement:

"Congress has allowed the Administration's surveillance authorities to go unchecked by failing to enact adequate reform. Last Congress, the Massie-Sensenbrenner-Lofgren amendment garnered support from an overwhelming bi-partisan majority in the House as a provision to the Defense Appropriations bill, but unfortunately, was not included in the CRomnibus. With threats to our homeland ever prevalent, we should not tie the hands of the intelligence community. But unwarranted, backdoor surveillance is indefensible. The Secure Data Act is an important step in rebuilding public trust in our intelligence agencies and striking the appropriate balance between national security and civil liberty."

It has been widely reported that US intelligence and law enforcement agencies have requested or required individuals and organizations build a "backdoor" into their product or service to assist in unwarranted electronic surveillance.

However, on more than one occurrence, major security flaws have been found in these "backdoors" that put the data security of every person and business using the internet at risk. For example, a software testing firm found serious backdoor vulnerabilities in wiretapping software for law enforcement made by Israeli software firm NICE Systems in 2013 that allowed hackers to completely compromise their system and listen to intercepted phone calls. If a backdoor is created for law enforcement and intelligence surveillance, past experience has shown it's only a matter of time before hackers exploit it too.

These "backdoors" can also be detrimental to American jobs. Other countries buy less American hardware and software and favor their domestic suppliers in order to avoid compromised American products.

The Secure Data Act fixes this by prohibiting any agency from requesting or compelling backdoors in services and products to assist with electronic surveillance.

Affirmative Article 9: Domestic Surveillance goes outside the U.S.

According to Timothy B. Lee December 22nd 2013, Reporter covering technology policy for The Washington Post, former Reporter for Ars Technica and Forbes, former Adjunct Scholar at the Cato Institute, holds a Master's in Computer Science from Princeton University, 2013, https://www.washingtonpost.com/news/the-switch/wp/2013/12/22/the-nsa-is-trying-to-have-it-both-ways-on-its-domestic-spying-programs

Traditionally, domestic surveillance powers were held by law enforcement agencies, not the NSA. And the existence of the spying powers were not secret. Everyone knows that the FBI and local police departments have the power to compel telecommunications companies to disclose their customers' communications. But first they must get a warrant, supported by probable cause, from a judge. That oversight gives Americans confidence that domestic surveillance powers won't be abused.

Things are very different when the U.S. government spies on people overseas. Obviously, U.S. intelligence agencies don't generally have the power to compel foreign telecommunications companies to cooperate with surveillance efforts. So instead of a formal legal process, they traditionally have used covert means—bribing insiders, installing bugs, tapping undersea cables, hacking into foreign networks—to intercept foreign communications. For these methods to work, the government must keep secret not only the specific surveillance targets, but the fact that the surveillance program exists at all. If the program's existence is revealed, the foreign government is likely to shut it down.

That secrecy meant that American foreign intelligence-gathering operations have not had the checks and balances that applied to domestic law enforcement surveillance. But Americans were protected by the rule that American foreign intelligence agencies were only supposed to operate overseas.

But now the Internet has made a hash of the tidy distinction between foreign and domestic surveillance. Today, citizens of France, Brazil and Nigeria routinely use Facebook, Gmail, and other American online services to communicate. Americans make calls with Skype. And much Internet traffic between two foreign countries often passes through the United States.

The NSA has reacted to this changing communications landscape by trying to claim the best of both worlds. The FISA Amendments Act, passed in 2008, gave the NSA the power to compel domestic telecommunications providers to cooperate with the NSA's surveillance programs. Yet the NSA has resisted the transparency and judicial oversight that has traditionally accompanied domestic surveillance. They've argued that disclosing the existence of these programs would compromise their effectiveness. And they've argued that because the "targets" of surveillance are overseas, only limited judicial oversight by the secretive Foreign Intelligence Surveillance Court, not individualized Fourth Amendment warrants, were required.

But the NSA programs revealed by Snowden, including PRISM and the phone records program, look more like domestic surveillance programs than foreign ones. Like conventional domestic wiretaps, they rely on compelling domestic firms to cooperate with surveillance. Like conventional wiretaps, they sweep up information about the communications of Americans on American soil. And like domestic wiretaps, information collected by the NSA is sometimes shared with domestic law enforcement agencies for prosecution of Americans.

If the NSA is going to run what amounts to a domestic surveillance program that collects the private information of Americans on American soil, it's going to face pressure to subject that program to the same kind of oversight as other domestic surveillance program. That means disclosing the general characteristics of the program—but not the specific targets—to the public. And it means requiring individualized warrants, supported by probable cause, before the government can intercept the communications of Americans on American soil.

Affirmative Article 10: Unchecked Executive power is bad

According to David Gray Adler in 2011, Director of the Andrus Center for Public Policy and Cecil Andrus Professor of Public Affairs at Boise State University, http://www.civiced.org/pdfs/GermanAmericanConf2011/Adler.pdf

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The ascendancy of the president in the area of war and peace finds no foundation in the Constitution. It reflects, rather, the tendency among presidents—Republicans and Democrats, conservatives and liberals alike—to aggrandize and abuse power. Usurpation of the war power, particularly in an era that exalts the concept of a personal or Imperial Presidency at the expense of a constitutionally confined presidency, lays bare the paramountcy of a president's personal characteristics. Indeed, it is precisely in the realm of a personal presidency that a decidedly executive perspective, subject to the full measure of the president's talents, strengths and temperament, as well as his judgment, knowledge and self-restraint, will be brought to the policy anvil. The historical portrait may not be pretty. Consider, for example, the arrogance and self-righteousness of Woodrow Wilson, the inclination toward dramatic posturing by Theodore Roosevelt, the inattentiveness of Ronald Reagan, as well as the indiscipline of Bill Clinton and the stunning, yet naïve certainties of George W. Bush. Then, [end page 19] too, there is the question of the president's ambition, political agenda, personal distractions and desire for fame and glory.

A considerable literature urges executive supremacy, and extols the supposed virtues of presidential assertion, domination and control; yet this body of work often ignores the dimensions of executive flaws, foibles, and frailties. The electoral process is not infallible; an elected president may lack the wisdom, temperament and judgment, not to mention perception, expertise and emotional intelligence to produce success in matters of war and peace. Those qualities which, to be sure, are attributes of the occupant and not of the office, cannot be conferred by election. 104 Champions of a unilateral executive war power have ignored and, perhaps, forgotten the institutional safeguards of separation of powers, checks and balances and collective decision making urged by the Framers as protection from the flaws of unilateral judgment and the temptations of power. Among those who have lost their memory of the virtues and values of those institutional safeguards, apparently, are those many members of Congress and dozens of judges over the years, who have acquiesced in the face of presidential usurpation in the realm of national security. Perhaps seduced by the allure of swift, bold military action under the banner of nationalism, patriotism and ideological and political certainty, these representatives, some elected and others appointed, have forgotten their institutional duties and responsibilities. It is not probable, but certain, that the Imperial Presidency would be brought to heel if the other branches duly exercised their powers and responsibilities, but they have lost their way. No less a personage than the late Senator Sam Ervin questioned, in the course of hearings in 1973 on the unchecked executive practice of impoundment, whether the Congress of the United States will remain a viable institution or whether the current trend toward the executive use of legislative power is to continue unabated until we have arrived at a presidential form of government." Senator Ervin justly criticized executive aggrandizement of legislative authority, but he also found Congress culpable for the rise of presidential dominance: "The executive branch has been able to seize power so brazenly only because the Congress has lacked the courage and foresight to maintain its constitutional position." 105 What was true of impoundment, is true of the war power. Only "Congress itself," to borrow from Justice Robert H. Jackson, "can prevent power from slipping through its fingers."106

The siren song of unilateral presidential war making ignores the tragedies of Korea, Vietnam and Iraq, and the cost to America of its precious blood and treasure as well as denied and stolen. The American constitutional

system is grounded in the conviction, as James Iredell explained it, that there is "nothing more fallible than human judgment." 107 It is sometimes observed that the intentions of the Framers are outdated and irrelevant. But before we too readily acquiesce in that verdict, we might do well to recall the policy considerations that underlay the decision to vest the war power in Congress and not the president. Painfully aware of the horror and destructive consequences of warfare, the Framers wisely determined that before the very fate of the nation were put to risk that there ought to be some discussion, some deliberation by Congress, the people's representatives. The Founders did not, as James Wilson explained it, want "one man to hurry us into war."108 As things stand in the United States today, however, the president has been exercising that power. The "accretion of dangerous power," Justice Frankfurter has reminded us, occurs when power is freed from institutional restraints, checks and safeguards. The eminently sound rationales that convinced the Framers to vest the war power [end page 20] exclusively in Congress, however, have been ignored and abandoned in recent decades. There is a cost in that, too. It was the artist, Goya, who in one of his etchings, graphically portrayed the consequences of ignoring reason with the inscription: "The sleep of reason brings forth monsters."109 There is no comfort to be found in a practice which permits unilateral executive war making, particularly in the age of nuclear weapons, when war might lead to the incineration of the planet. When it comes to the constitutional design for war making, it is clear that the Framers' policy concerns are even more compelling today than they were two centuries ago.

Affirmative Article 11: John Yoo's theory is wrong.

According to Bruce Schneier on December 21st 2005, Chief Technology Officer for Counterpane Internet Security, Fellow at the Berkman Center for Internet and Society at Harvard Law School, Program Fellow at the New America Foundation's Open Technology Institute, https://www.schneier.com/blog/archives/2005/12/the_security_th_1.html

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In defending this secret spying on Americans, Bush said that he relied on his constitutional powers (Article 2) and the joint resolution passed by Congress after 9/11 that led to the war in Iraq. This rationale was spelled out in a memo written by John Yoo, a White House attorney, less than two weeks after the attacks of 9/11. It's a dense read and a terrifying piece of legal contortionism, but it basically says that the president has unlimited powers to fight terrorism. He can spy on anyone, arrest anyone, and kidnap anyone and ship him to another country ... merely on the suspicion that he might be a terrorist. And according to the memo, this power lasts until there is no more terrorism in the world.
Yoo starts by arguing that the Constitution gives the president total power during wartime. He also notes that Congress has recently been quiescent when the president takes some military action on his own, citing President Clinton's 1998 strike against Sudan and Afghanistan.
Yoo then says: "The terrorist incidents of September 11, 2001, were surely far graver a threat to the national security of the United States than the 1998 attacks. ... The President's power to respond militarily to the later attacks must be correspondingly broader."

This is novel reasoning. It's as if the police would have greater powers when investigating a murder than a burglary.

More to the point, the congressional resolution of Sept. 14, 2001, specifically refused the White House's initial attempt to seek authority to preempt any future acts of terrorism, and narrowly gave Bush permission to go after those responsible for the attacks on the Pentagon and World Trade Center.
Yoo's memo ignored this. Written 11 days after Congress refused to grant the president wide-ranging powers, it admitted that "the Joint Resolution is somewhat narrower than the President's constitutional authority," but argued "the President's broad constitutional power to use military force ... would allow the President to ... [take] whatever actions he deems appropriate ... to pre-empt or respond to terrorist threats from new quarters."

Even if Congress specifically says no.

The result is that the president's wartime powers, with its armies, battles, victories, and congressional declarations, now extend to the rhetorical "War on Terror": a war with no fronts, no boundaries, no opposing army, and – most ominously – no knowable "victory." Investigations, arrests, and trials are not tools of war. But according to the Yoo memo, the president can define war however he chooses, and remain "at war" for as long as he chooses.

This is indefinite dictatorial power. And I don't use that term lightly; the very definition of a dictatorship is a system that puts a ruler above the law. In the weeks after 9/11, while America and the world were grieving, Bush built a legal rationale for a dictatorship. Then he immediately started using it to avoid the law.

This is, fundamentally, why this issue crossed political lines in Congress. If the president can ignore laws regulating surveillance and wiretapping, why is Congress bothering to debate reauthorizing certain provisions

of the Patriot Act? Any debate over laws is predicated on the belief that the executive branch will follow the law.

This is not a partisan issue between Democrats and Republicans; it's a president unilaterally overriding the Fourth Amendment, Congress and the Supreme Court. Unchecked presidential power has nothing to do with how much you either love or hate George W. Bush. You have to imagine this power in the hands of the person you most don't want to see as president, whether it be Dick Cheney or Hillary Rodham Clinton, Michael Moore or Ann Coulter.

Laws are what give us security against the actions of the majority and the powerful. If we discard our constitutional protections against tyranny in an attempt to protect us from terrorism, we're all less safe as a result.

Affirmative Article 12: Tyranny causes a slippery slope to bigger threats

According to George Dvorsky December 24th 2008, Chair of the Board for the Institute for Ethics and Emerging Technologies, co-founder and president of the Toronto Transhumanist Association, "Future risks and the challenge to democracy," Institute for Ethics & Emerging Technologies, December 24th, Available Online at http://ieet.org/index.php/IEET/more/2773

Despite the claims of Fukuyama and Bush, and despite our own collective sensibilities, we cannot take our democracies and civil liberties for granted. When appraising the condition of democracies we must realize that past successes and apparent trajectories are no guarantees of future gain. Indeed, democracy is still the exception around the world and not the rule.

Historically speaking, democracies are an abnormality. As early as 1972 only 38% of the world's population lived in countries that could be classified as free. Today, despite the end of the Cold War, this figure has only crept up to 46%. We may be the victims of an ideological bias in which we've assumed far too much about democracy's potential, including its correlation with progress and its ability to thrive in drastically different social environments.

Catastrophic and existential risks will put democratic institutions in danger given an unprecedented need for social control, surveillance and compliance. Liberal democracies will likely regress to de facto authoritarianism under the intense strain; tools that will allow democratic governments to do so include invoking emergency measures, eliminating dissent and protest, censorship, suspending elections and constitutions, and trampling on civil liberties (illegal arrests, surveillance, limiting mobility, etc).
Looking further ahead, extreme threats may even rekindle the totalitarian urge; this option will appeal to those leaders looking to exert absolute control over their citizens. What's particularly frightening is that future technologies will allow for a more intensive and invasive totalitarianism than was ever thought possible in the 20th Century – including ubiquitous surveillance (and the monitoring of so-called 'thought crimes'), absolute control over information, and the redesign of humanity itself, namely using genetics and cybernetics to create a more traceable and controllable citizenry. Consequently, as a political mode that utterly undermines humanistic values and the preservation of the autonomous individual, totalitarianism represents an existential risk unto itself.

Democracy an historical convenience?

It is possible, of course, that democracies will rise to the challenge and work to create a more resilient civilization while keeping it free. Potential solutions have already been proposed, such as strengthening transnational governance, invoking an accountable participatory panopticon, and the relinquishment of nuclear weapons. It is through this type of foresight that we can begin to plan and restructure our systems in such a way that our civil liberties and freedoms will remain intact. Democracies (and human civilization) have, after all, survived the first test of our apocalyptic potential.

That said, existential and catastrophic risks may reveal a dark path that will be all too easy for reactionary and fearful leaders to venture upon. Politicians may distrust seemingly radical and risky solutions to such serious risks. Instead, tried-and-true measures, where the state exerts an iron fist and wages war against its own citizens, may appear more reasonable to panicked politicians.

We may be entering into a period of sociopolitical disequilibrium that will instigate the diminishment of democratic institutions and values. Sadly, we may look back some day and reflect on how democracy was an historical convenience.

Affirmative Article 13: The NSA currently weakens Encryption

According to Tom Leinster October 17, 2014, Chancellor's Fellow and Reader in Mathematics at the University of Edinburgh, ("New Evidence of the NSA Deliberately Weakening Encryption," The n-Category Café—a group blog on math, physics, and philosophy, October 17th, Available Online at https://golem.ph.utexas.edu/category/2014/10/new_evidence_of_nsa_weakening.html, Accessed 08-14-2015)

One of the most high-profile ways in which mathematicians are implicated in mass surveillance is in the intelligence agencies' deliberate weakening of commercially available encryption systems — the same systems that we rely on to protect ourselves from fraud, and, if we wish, to ensure our basic human privacy.

We already knew quite a lot about what they've been doing. The NSA's 2013 budget request asked for funding to "insert vulnerabilities into commercial encryption systems". Many people now know the story of the Dual Elliptic Curve pseudorandom number generator, used for online encryption, which the NSA aggressively and successfully pushed to become the industry standard, and which has weaknesses that are widely agreed by experts to be a back door. Reuters reported last year that the NSA arranged a secret $10 million contract with the influential American security company RSA (yes, that RSA), who became the most important distributor of that compromised algorithm.

In the August Notices of the AMS, longtime NSA employee Richard George tried to suggest that this was baseless innuendo. But new evidence published in The Intercept makes that even harder to believe than it already was. For instance, we now know about the top secret programme Sentry Raven, which works with specific US commercial entities … to modify US manufactured encryption systems to make them exploitable for SIGINT [signals intelligence].

Negative Articles

Negative Article 1: Obama has strong presidential powers currently

According to Jack Goldsmith on September 11th 2014, Henry L. Shattuck Professor of Law at Harvard University, formerly served as Assistant Attorney General in the Office of Legal Counsel and as Special Counsel to the General Counsel to the Department of Defense, holds a J.D. from Yale Law School, 2014 ("Obama's Breathtaking Expansion of a President's Power To Make War," *Time*, September 11th, Available Online at http://time.com/3326689/obama-isis-war-powers-bush/

"History has shown us time and again . . . that military action is most successful when it is authorized and supported by the Legislative branch," candidate Barack Obama told the Boston Globe in 2007. "It is always preferable to have the informed consent of Congress prior to any military action." President Obama has discarded these precepts. His announcement that he will expand the use of military force against the Islamic State without the need for new congressional consent marks his latest adventure in unilateralism and cements an astonishing legacy of expanding presidential war powers.

The legacy began in 2011 with the seven-month air war in Libya. President Obama relied only on his Commander in Chief powers when he ordered U.S. forces to join NATO allies in thousands of air strikes that killed thousands of people and effected regime change. His lawyers argued beyond precedent that the large-scale air attacks did not amount to "War" that required congressional approval.

They also blew a large hole in the War Powers Resolution based on the unconvincing claim that the Libya strikes were not "hostilities" that would have required compliance with the law.

Although he backed down from his threat to invade Syria last summer, President Obama proclaimed then the power to use unilateral force for purely humanitarian ends without congressional or United Nations or NATO support. This novel theory, which removed all practical limits on presidential humanitarian intervention, became a reality in last month's military strikes to protect civilians trapped on Mount Sinjar and in the town of Amirli.

Yesterday's announcement of a ramped-up war against the Islamic State in Iraq and possibly Syria rests on yet another novel war powers theory. The administration has said since August that air strikes in Syria were justified under his constitutional power alone. But yesterday it switched course and maintained that Congress had authorized the 2014 campaign against the Islamic State in the 2001 law that President George W. Bush sought to fight the Taliban and al Qaeda.

The administration's new approach allows it to claim that it is acting with congressional approval. It also lets it avoid the strictures of the War Powers Resolution because that law does not apply to wars approved by Congress.

The problem with this approach is that its premise is unconvincing. The 2001 law authorized force against al Qaeda and its associates. The Islamic State once had associations with al Qaeda, but earlier this year al Qaeda expelled it and broke off ties. The administration nonetheless insists that the 2001 law applies to its new military action, primarily because the Islamic State claims to be "the true inheritor of Usama bin Laden's legacy" and is supported by "some individual members and factions of [al-Qaeda]-aligned groups." But if this remarkably loose affiliation with al Qaeda brings a terrorist organization under the 2001 law, then Congress has authorized the President to use force endlessly against practically any ambitious jihadist terrorist group

that fights against the United States. The President's gambit is, at bottom, presidential unilateralism masquerading as implausible statutory interpretation.

Negative Article 2: Curtailing surveillance hurt Obama's power

According to John Yoo on January 1st 2014, Emanuel Heller Professor of Law at the University of California-Berkeley, Visiting Scholar at the American Enterprise Institute, former official in the Office of Legal Counsel of the U.S. Department of Justice, holds a J.D. from Yale Law School, 2014 ("NSA spying -- will Obama lead or punt to courts, Congress and harm the presidency?," *Fox News*, January 7th, Available Online at http://www.foxnews.com/opinion/2014/01/07/nsa-spying-will-obama-lead-or-punt-to-courts-congress-and-harm-presidency.html

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Under Barack Obama, the presidency's control over national security intelligence has come under a crippling cross-fire.

From the right, in December Bush-appointed Judge Richard Leon found the National Security Agency's "Orwellian" phone records collection program to violate the Constitution.

From the left, the White House's own blue-ribbon commission recently urged the president to place an "out of control" NSA under unprecedented judicial, bureaucratic, and even private controls.
Mr. Obama may rise up to defend the NSA from the growing chorus of critics in Congress, the media, and the antiwar wing of his own party.

He might blunt the effort to subject the NSA's national security mission to the stricter rules that govern domestic law enforcement.

He might even preserve the intelligence agency's ability to collect phone calls and email data that, by the account of two successive administrations of both parties, has stopped terrorist attacks on the United States and its allies.

But don't count on it.

Mr. Obama's first instinct is to shift national security responsibility to other branches of government -- witness his past attempts to try the 9/11 plotters in civilian court in New York City, move the terrorists in Guantanamo Bay, Cuba to a domestic prison, and ask Congress decide on intervening in Syria.
If he makes the same mistake again, Mr. Obama will follow in the footsteps of failed presidents who shrunk before similar challenges, to the long-term harm of their office.

Kicking the intelligence question to Congress or the courts undermines the Oval Office by reversing the polarity of its constitutional powers.

The Framers created the presidency precisely because foreign affairs and national security pose unique challenges to a legislature, which cannot react quickly to sudden, unforeseen events.
"Decision, activity, secrecy, and dispatch will generally characterize the proceedings of one man," Alexander Hamilton explained in "Federalist 70."

Only a single president could marshal the nation's resources with the energy and vigor to effectively protect its security. "Of all the cares or concerns of government," he added in "Federalist 74," "the direction of war most peculiarly demands those qualities which distinguish the exercise of power by a single hand."
Presidents who have defied the Framers' design have led the nation into some of its greatest disasters,

despite their great intellect or political skills.

Take, for example, James Madison, our fourth president. Madison wrote the first draft of the Constitution, co-authored "The Federalist" with Hamilton and John Jay, and led the fight for the Constitution's ratification.

But when attacking (at Thomas Jefferson's behest) George Washington's 1793 proclamation of neutrality, Madison argued that Congress should decide all questions of war and peace.
"Those who are to conduct a war cannot in the nature of things, be proper or safe judges, whether a war ought to be commenced, continued, or concluded," he argued.

Madison kept true to his beliefs as president. By 1812, the nation was profiting handsomely from trade during the Napoleonic Wars.

Nevertheless, war hawks in Congress -- the term first appears here in American history -- drove the nation into a conflict with the only contending European nation with a powerful navy and a shared border with the United States.

Madison did not exercise his presidential authority to stop the rush for war, but instead left the ultimate decision to Congress.

Of all our nation's conflicts, the War of 1812 may have been the most strategically dangerous. It led to a crippling naval embargo, a series of desultory assaults on Canada, a British incursion that captured and burned the capital, and a major land invasion at New Orleans that sought to split the nation into two.

Only the end of the Napoleonic war and Andrew Jackson's heroic defeat of the British invasion force preserved American independence. A more confident and assertive chief executive would have saved the nation from this disaster.

Presidential deference to other branches on national security has not just led the nation into mistaken wars, it has also kept us out of vital ones.

When secession read its ugly head in the wake of Abraham Lincoln's election, James Buchanan sat in the Oval Office. Like the president-elect, Buchanan believed the Constitution did not permit states to leave the Union.

Unlike Lincoln, however, Buchanan – an accomplished Senator from Pennsylvania and former Secretary of State – concluded that the president did not have the constitutional power "to make war against a State."

Buchanan called upon "the only human tribunal under Providence possessing the power to meet the existing emergency," Congress, which promptly appointed a special committee to develop a solution.
By contrast, Lincoln maneuvered the Confederacy into firing the first shot at Fort Sumter in April 1861, raised an army and navy, imposed a blockade on the South, and sent federal troops into action – and then waited until July 4, 1861 to seek Congress's approval after-the-fact.
Lincoln never gave up the mantle of leadership, including his freeing of the slaves with the Emancipation Proclamation and his control over military strategy, and his control over the terms of the peace.

Scholars today generally rank Lincoln as one of the three greatest presidents in our history (along with Washington and FDR), and Buchanan as the worst.

Mr. Obama need not revisit the 17th or 18th Centuries to see the pitfalls in relying on the other branches for leadership in foreign affairs. He need only turn his gaze to post-Watergate years, when President Nixon's undeniable abuses of the executive power led Congress and the courts to overreact in expanding their controls over national security.

Over Mr. Nixon's veto, Congress passed a War Powers Resolution that limits foreign military interventions to less than 60 days without congressional approval.

Presidents ever since have refused to accept the WPR's constitutionality, but have often foreshortened their wars into the resolution's artificial deadline.

Congress passed the Foreign Intelligence Surveillance Act and gave the courts a veto over the executive's surveillance of foreign enemies. FISA also produced the "wall" between our nation's foreign and domestic intelligence agencies that allowed the 9/11 hijackers to succeed.

Even after U.S. withdrawal from South Vietnam, Congress cut off all funds for any U.S. military operations in Southeast Asia, which led to the shameful American abandonment of Saigon, the death of millions in communist camps, and the consignment of an entire nation to a totalitarian dictatorship.
The Iranian Revolution and hostage crisis and the Soviet invasion of Afghanistan took further advantage of a weakened presidency under the stewardship of Jimmy Carter.

Similar restrictions have re-appeared in Judge Leon's decision, which orders the end of the NSA's collection program, and in his blue-ribbon commission, which wants to subject the NSA to new oversight procedures.

Congress is considering unprecedented restrictions on targets, databases, and search methods.
It is not just in President Obama's interests to avoid this fate.

It is also in the interests of both parties in Congress and of the nation.
There are surely partisan differences to fight out over domestic policy, where the Constitution places Congress in the primary policymaking role and the president second.

But no party benefits in the long run from a weakened executive in foreign affairs, as shown by the War of 1812, the Civil War, and even the isolationism between the World Wars.

Partisans must resist the temptation to strike a blow against a vulnerable president, and instead support his ability to fulfill the Framers' design: to protect the nation's security with determination, vigor, speed, and secrecy. The Constitution expects no less.

Negative Article 3: Strong war powers prevent global problems

According to According to John Yoo on February 1st 2012: John Yoo, Emanuel Heller Professor of Law at the University of California-Berkeley, Visiting Scholar at the American Enterprise Institute, former official in the Office of Legal Counsel of the U.S. Department of Justice, holds a J.D. from Yale Law School, 2012 ("War Powers Belong to the President," *ABA Journal*—a publication of the American Bar Association, February 1st, Available Online at http://www.abajournal.com/magazine/article/war_powers_belong_to_the_president, Accessed 08-13-2015)

Our Constitution has succeeded because it favors swift presidential action in war, later checked by Congress' funding power. If a president continues to wage war without congressional authorization, as in Libya, Kosovo or Korea, it is only because Congress has chosen not to exercise its easy check. We should not confuse a desire to escape political responsibility for a defect in the Constitution.

A radical change in the system for making war might appease critics of presidential power. But it could also seriously threaten American national security. In order to forestall another 9/11 attack, or to take advantage of a window of opportunity to strike terrorists or rogue nations, the executive branch needs flexibility. It is not hard to think of situations where congressional consent cannot be obtained in time to act. Time for congressional deliberation, which leads only to passivity and isolation and not smarter decisions, will come at the price of speed and secrecy.

The Constitution creates a presidency that can respond forcefully to prevent serious threats to our national security. Presidents can take the initiative and Congress can use its funding power to check them. Instead of demanding a legalistic process to begin war, the framers left war to politics. As we confront the new challenges of terrorism, rogue nations and WMD proliferation, now is not the time to introduce sweeping, untested changes in the way we make war.

Negative Article 4: Proliferation risk global nuclear war

According to Victor A. Utgoff in 2002, Deputy Director of the Strategy, Forces, and Resources Division of the Institute for Defense Analyses and senior member of the National Security Council Staff, 2002 ("Proliferation, Missile Defence And American Ambitions," *Survival*, Volume 44, Number 2, June, Available Online to Subscribing Institutions via EBSCOhost Electronic Journals Service, p. 87-90)

In sum, widespread proliferation is likely to lead to an occasional shoot-out with nuclear weapons, and that such shoot-outs will have a substantial probability of escalating to the maximum destruction possible with the weapons at hand. Unless nuclear proliferation is stopped, we are headed toward a world that will mirror the American Wild West of the late 1800s. With most, if not all, nations wearing nuclear 'six-shooters' on their hips, the world may even be a more polite place than it is today, but every once in a while we will all gather on a hill to bury the bodies of dead cities or even whole nations.

Negative Article 5: There are other reasons the tech industry suffers

According Tech CEOs 13 in 2013 — An Open Letter by more than 100 chief executives of major tech companies and trade associations, 2013 (Open Letter to President Obama, Speaker Boehner, Senator Reid, Senator McConnell, and Representative Pelosi, March 14th, Available Online at https://www.scribd.com/doc/130388692/Tech-CEO-letter, Accessed 08-09-2015)

One of the biggest economic challenges facing our nation is the need for more qualified, highly-skilled professionals, domestic and foreign, who can create jobs and immediately contribute to and improve our economy. As leaders of technology companies from around the country, we want to thank you for your sincere efforts in addressing high skilled immigration and we urge that you and your colleagues enact reform legislation this year.

As you know, the United States has a long history of welcoming talented, hard-working people to our shores. Immigrant entrepreneurs have gone on to found thousands of companies with household names like eBay, Google, PayPal and Yahoo! to name just a few. These companies provide jobs, drive economic growth and generate tax revenue at all levels of government.

Yet because our current immigration system is outdated and inefficient, many high-skilled immigrants who want to stay in America are forced to leave because they are unable to obtain permanent visas. Some do not bother to come in the first place. This is often due to visa shortages, long waits for green cards, and lack of mobility. We believe that numerical levels and categories for high-skilled nonimmigrant and immigrant visas should be responsive to market needs and, where appropriate, include mechanisms to fluctuate based on objective standards. In addition, spouses and children should not be counted against the cap of high-skilled immigrant visas. There should not be a marriage or family penalty.

According to the U.S. Bureau of Labor Statistics, there are tens of thousands of unfilled jobs requiring highly skilled individuals. Five high-tech companies alone – IBM, Intel, Microsoft, Oracle and [end page 1] Qualcomm – have combined 10,000 openings in the United States. Each one of these jobs has the potential to create many others, directly and indirectly. Bipartisan legislation currently introduced in the Senate, such as The Immigration Innovation Act of 2013, and bi-partisan legislation focused on addressing the needs of entrepreneurs and start ups such as the Startup Visa Act and Startup Act 3.0, will encourage innovation here in the U.S. by allowing American companies and entrepreneurs to have access to the talented workers they need while simultaneously investing in STEM education here in the U.S. We know what it will take to keep America in a position of global leadership. We know that when America is leading, our economic growth follows to the benefit of our nation's workforce.

Negative Article 6: Why congress will repeal the plan

According to Glenn Greenwald in 2014, journalist who received the 2014 Pulitzer Prize for Public Service for his work with Edward Snowden to report on NSA surveillance, Founding Editor of The Intercept, former Columnist for the Guardian and Salon, recipient of the Park Center I.F. Stone Award for Independent Journalism, the Online Journalism Award for investigative work on the abusive detention conditions of Chelsea Manning, the George Polk Award for National Security Reporting, the Gannett Foundation Award for investigative journalism, the Gannett Foundation Watchdog Journalism Award, the Esso Premio for Excellence in Investigative Reporting in Brazil, and the Electronic Frontier Foundation's Pioneer Award, holds a J.D. from New York University School of Law, 2014 ("Congress is Irrelevant on Mass Surveillance. Here's What Matters Instead.,"
The Intercept, November 19th, Available Online at https://firstlook.org/theintercept/2014/11/19/irrelevance-u-s-congress-stopping-nsas-mass-surveillance/, Accessed 06-16-2015)

All of that illustrates what is, to me, the most important point from all of this: the last place one should look to impose limits on the powers of the U.S. government is . . . the U.S. government. Governments don't walk around trying to figure out how to limit their own power, and that's particularly true of empires.

The entire system in D.C. is designed at its core to prevent real reform. This Congress is not going to enact anything resembling fundamental limits on the NSA's powers of mass surveillance. Even if it somehow did, this White House would never sign it. Even if all that miraculously happened, the fact that the U.S. intelligence community and National Security State operates with no limits and no oversight means they'd easily co-opt the entire reform process. That's what happened after the eavesdropping scandals of the mid-1970s led to the establishment of congressional intelligence committees and a special FISA "oversight" court—the committees were instantly captured by putting in charge supreme servants of the intelligence community like Senators Dianne Feinstein and Chambliss, and Congressmen Mike Rogers and "Dutch" Ruppersberger, while the court quickly became a rubber stamp with subservient judges who operate in total secrecy.

Ever since the Snowden reporting began and public opinion (in both the U.S. and globally) began radically changing, the White House's strategy has been obvious. It's vintage Obama: Enact something that is called "reform"—so that he can give a pretty speech telling the world that he heard and responded to their concerns—but that in actuality changes almost nothing, thus strengthening the very system he can pretend he "changed." That's the same tactic as Silicon Valley, which also supported this bill: Be able to point to something called "reform" so they can trick hundreds of millions of current and future users around the world into believing that their communications are now safe if they use Facebook, Google, Skype and the rest.

Negative Article 7: NSA curtails foreign not just domestic surveillance

According to Andrew C. McCarthy on May 15th 2006, Contributing Editor of *National Review* and Senior Fellow at the National Review Institute, former Assistant United States Attorney for the Southern District of New York where he prosecuted Sheikh Omar Abdel Rahman and eleven others for the 1993 World Trade Center bombing, 2006 ("It's Not "Domestic Spying"; It's Foreign Intelligence Collection," *The Corner*—the *National Review* blog, May 15th, Available Online at http://www.nationalreview.com/corner/122556/its-not-domestic-spying-its-foreign-intelligence-collection-andrew-c-mccarthy, Accessed 08-14-2015)

Eggen also continues the mainstream media's propagandistic use of the term "domestic surveillance [or 'spying'] program." In actuality, the electronic surveillance that the NSA is doing — i.e., eavesdropping on content of conversations — is not "domestic." A call is not considered "domestic" just because one party to it happens to be inside the U.S., just as an investigation is not "domestic" just because some of the subjects of interest happen to reside inside our country. Mohammed Atta was an agent of a foreign power, al Qaeda. Surveilling him — had we done it — would not have been "domestic spying."

The calls NSA eavesdrops on are "international," not "domestic." If that were not plain enough on its face, the Supreme Court made it explicit in the Keith case (1972). There, even though it held that judicial warrants were required for wiretapping purely domestic terror organizations, the Court excluded investigations of threats posed by foreign organizations and their agents operating both within and without the U.S.

That is, the Court understood what most Americans understand but what the media, civil libertarians and many members of Congress refuse to acknowledge: if we are investigating the activities of agents of foreign powers inside the United States, that is not DOMESTIC surveillance. It is FOREIGN counter-intelligence.

That, in part, is why the statute regulating wiretaps on foreign powers operating within the U.S. — the one the media has suddenly decided it loves after bad-mouthing it for years as a rubber-stamp — is called the FOREIGN Intelligence Surveillance Act (FISA). The United States has never needed court permission to conduct wiretapping outside U.S. territory; the wiretapping it does inside U.S. territory for national security purposes is FOREIGN INTELLIGENCE COLLECTION, not "domestic surveillance."

Negative Article 8: Tyranny won't happen and security outweighs

According to Eric A. Posner and Adrian Vermeule in 2010, Kirkland and Ellis Distinguished Service Professor of Law and Arthur and Esther Kane Research Chair at the University of Chicago Law School, Legal Columnist for *Slate*, Fellow of the American Academy of Arts and Sciences, Member of the American Law Institute, holds a J.D. from Harvard Law School, and Adrian Vermeule, John H. Watson Professor of Law at Harvard Law School, Member of the American Academy of Arts and Sciences, former Bernard D. Meltzer Professor of Law at the University of Chicago, holds a J.D. from Harvard Law School, 2010 ("Tyrannophobia," *The Executive Unbound: After the Madisonian Republic*, Published by Oxford University Press, ISBN 9780199765331, p. 193)

The Costs and Benefits of Tyrannophobia

We have suggested that the framers' tyrannophobia, combined with the lack of dictatorship in later periods, plausibly fuels contemporary tyrannophobia, insofar as contemporary actors infer that the framers' design choices are what has allowed democracy to endure. However, the inference is invalid, for the key choice of presidentialism may itself have been a risk factor for dictatorship; if it was, then the framers inadvertently put self-government at risk, but were favored by fortune. Likewise, while it is possible that tyrannophobia has an endogenous tyranny-preventing effect, it is equally possible that it perversely increases the risk, and the most plausible conclusion of all is that it has no effect in either direction; to ignore the latter two possibilities is itself a major symptom of tyrannophobia.

Tyrannophobia in the United States is real, and it may well be the result of the psychological and informational factors discussed above, but there is no evidence that it contributes to the absence of dictatorship in the United States, and some affirmative evidence that it does not do so.

Even if tyrannophobia has a weak effect of that sort, it seems clear that wealth and other demographic factors in all likelihood prevent dictatorship in the United States, quite apart from its tyrannophobic political culture. So [end page 202] even if tyrannophobia once checked dictatorship, that check is unnecessary today, in light of the exceptional stability of advanced democratic polities like the United States. The main possible benefit of tyrannophobia is therefore illusory. On the other hand, if tyrannophobia hampers useful grants of power to the executive, it creates social costs, namely an entrenched reluctance to transfer necessary powers to the executive. Elsewhere, we have described a range of institutions and policy initiatives that would increase welfare by increasing executive power, especially in the domain of counterterrorism, but that are blocked by "libertarian panics" and tyrannophobia.93 Overall, then, the cost-benefit ledger of tyrannophobia shows real costs and illusory benefits.

Negative Article 9: There is a STEM shortage

According to Eric A. Posner and Adrian Vermeule in 2010, Kirkland and Ellis Distinguished Service Professor of Law and Arthur and Esther Kane Research Chair at the University of Chicago Law School, Legal Columnist for *Slate*, Fellow of the American Academy of Arts and Sciences, Member of the American Law Institute, holds a J.D. from Harvard Law School, and Adrian Vermeule, John H. Watson Professor of Law at Harvard Law School, Member of the American Academy of Arts and Sciences, former Bernard D. Meltzer Professor of Law at the University of Chicago, holds a J.D. from Harvard Law School, 2010 ("Tyrannophobia," *The Executive Unbound: After the Madisonian Republic*, Published by Oxford University Press, ISBN 9780199765331, p. 193)

It should be well-accepted that the U.S. economy could use more workers with high levels of knowledge in science, technology, engineering and mathematics. The shortage of these skilled STEM professionals eased during the recession, but by any conventional definition, now it appears to have returned.

For one thing, wages have grown relatively fast in most STEM-oriented occupations, which is a clear indication of a shortage. From 2000 to 2013, analyzing Bureau of Labor Statistics data and adjusting for inflation, median salaries for workers in computer and mathematical, health care practitioner, engineering, and science occupations rose 8 percent, 7 percent, 6 percent and 5 percent respectively, even as those for the average U.S. worker showed no growth. Software developers, for instance, saw salaries soar 26 percent over the same period, culminating in an average of $82,000 in 2013, up from $48,000 in 1980. More broadly, an analysis I completed earlier this summer for the Brookings Institution of census data showed a large relative increase in the STEM earnings premium – about 60 percent – from 1980 to 2012, controlling for education, experience and gender.

In addition, vacancies for STEM jobs are going unfilled in large numbers. My recent report analyzes this phenomenon using a rich database with millions of vacancies posted on company websites compiled by Burning Glass, a labor market analytics firm. There are some 40,000 computer science bachelor's degree earners each year but roughly 4 million job vacancies for computer workers. In all, the median duration of advertising for STEM vacancies is more than twice that of those in other fields.
Moreover, many people are economically better off with STEM skills. It's often noted that college graduates outearn those with only high school diplomas, and among workers with college degrees, STEM majors earn some of the highest salaries.

Likewise, jobs are more plentiful in STEM fields, which is why the unemployment rates are low for grads with these degrees. According to the Conference Board, there are currently three job vacancies advertised online for every unemployed computer worker; by contrast, there are more than six unemployed construction workers per vacancy.

Oddly, a small contrarian group of academics claims that not only is there no shortage of STEM talent, but the U.S. actually has too many graduates in these fields. They say that universities oversupply such grads, citing statistics showing that many computer science majors work in other occupations, for example. In fact, the skills of these graduates are highly valued beyond a narrow subset of occupations, further evidence of STEM's high demand. Indeed, computer science degree holders are commonly employed in managerial positions, business operations, engineering, and even as top executives – hardly evidence of a wasted education.

Negative Article 10: Yes circumvention can happen

According to Lily Hay Newman December 5th 2014, Staff Writer and Lead Blogger for Future Tense—a partnership of Slate, New America, and Arizona State University, 2014 ("Senator Proposes Bill to Prohibit Government-Mandated Backdoors in Smartphones," Future Tense, December 5th, Available Online at http://www.slate.com/blogs/future_tense/2014/12/05/senator_wyden_proposes_secure_data_act_to_keep_government_agencies_from.html, Accessed 06-30-2015)

It's worth noting, though, that the Secure Data Act doesn't actually prohibit backdoors—it just prohibits agencies from mandating them. There are a lot of other types of pressure government groups could still use to influence the creation of backdoors, even if they couldn't flat-out demand them.

Here's the wording in the bill: "No agency may mandate that a manufacturer, developer, or seller of covered products design or alter the security functions in its product or service to allow the surveillance of any user of such product or service, or to allow the physical search of such product, by any agency."

How To Use The Templates

When writing your own speeches, the templates are one way to organize the 1AC or 1NC in a way that's likely to be understandable and persuasive to your judge.

The 1AC, for example, contains a few basic parts:

1. The attention-getter: some statistic, fact, story, or other introduction that gets the judges' attention and starts to persuade them that what you're talking about is important.

2. The problem – a general outline of a problem that needs to be solved.

3. The need to act – one or two reasons why it's very important to address the problem.

4. The plan – the plan of action you're proposing, in this case offshore wind.

5. Solvency – the reason why the plan of action will successfully deal with the problem.

For each part, the text in italics represent directions for types of arguments you might want to include: you shouldn't read them out loud, but you can use them to structure your argument and make sure you're including evidence from the articles that support what you're saying. For example, if your affirmative was about pizza at AUDL tournaments, you might fill out part of your 1AC template to look like:

We begin with our First Contention – What is going on now? What is the problem?

(Short explanation) **Right now, there's not nearly enough pizza for all of the students at the tournament. According to** *(author and qualifications)* **Derrick Rose, a high school debater** *(source and date)* **at an AUDL tournament in 2014,** *(direct quote from article)* **"I don't even think there's enough pizza for each of us to have one slice. This is probably the worst pizza shortage I've ever seen at a tournament." This shows that** *(briefly explain in your own words why this point is important)* **the food shortage at this tournament has reached desperate proportions.**

For more information on using the template and the articles, check out the offshore wind packet.

1st Affirmative Constructive (1AC) Template

Attention Getter (a surprising statistic, interesting quotation, or useful story):

_____
_____
_____
_____
_____
_____
_____

We begin with our First Contention – What is going on now? What is the problem?

*(Short explanation)*_____
_____
_____
_____
_____
_____
_____
_____

According to *(author and qualifications)* _____ in *(source and date)* _____ , *(direct quote from article)* _____
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_____

This shows that *(explain in your own words why this point is important)* _____
_____
_____
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_____
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_____

1st Affirmative Constructive (1AC) Template

Our second contention is the need to act. We have two reasons why we must act to solve this problem:

First,

*(Short explanation)*_____
_____
_____
_____
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_____
_____
_____

According to *(author and qualifications)* _____ in *(source and date)* _____ , *(direct quote from article)* _____
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This shows that *(explain in your own words why this point is important)*
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1st Affirmative Constructive (1AC) Template

Second,

*(Short explanation)*_____
_____
_____
_____
_____
_____
_____
_____

According to *(author and qualifications)* _____ in *(source and date)* _____ , *(direct quote from article)* _____
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This shows that *(explain in your own words why this point is important)*
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1st Affirmative Constructive (1AC) Template

As a result, we propose the following plan *(insert from one of the affs/* ***NOTE YOU CANNOT CHANGE THE ORIGINAL PLAN TEXT IN THE PACKET THIS WILL HELP ENSURE CLASH AND PREDICTABLE DEBATES****)*:

_____
_____
_____
_____

Our final contention is Solvency – the reason why the plan will be successful

*(Short explanation)*_____
_____
_____
_____
_____
_____
_____
_____

According to *(author and qualifications)* _____ in *(source and date)* _____ , *(direct quote from article)* _____
_____
_____
_____
_____
_____
_____
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_____

This shows that *(explain in your own words why this point is important)*
_____
_____
_____
_____
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_____

1st Negative Constructive (1NC) Template: Disadvantages

A. What's happening now - right now, things are okay because

*(short explanation)*_____

_____

_____

_____

_____

According to *(author and qualifications)* _____ in *(source and date)* _____ , *(direct quote from article)* _____

_____

_____

_____

_____

_____

_____

This shows that *(explain in your own words why this point is important)*

_____

_____

_____

_____

_____

B. However, the affirmative's plan will change this situation because

*(short explanation)*_____

_____

_____

_____

_____

According to *(author and qualifications)* _____ in *(source and date)* _____ , *(direct quote from article)* _____

_____

_____

_____

_____

_____

This shows that *(explain in your own words why this point is important)* _____

_____

_____

_____

_____

1st Negative Constructive (1NC) Template: Disadvantages

C. These changes would be disastrous and we must avoid them because

*(short explanation)*_____

_____
_____
_____
_____

According to *(author and qualifications)* _____ in *(source and date)* _____ , *(direct quote from article)* _____

_____
_____
_____
_____
_____
_____

1st Negative Constructive (1NC) Template: On-Case Arguments

The problems the affirmative talks about are overstated because:

1. *(short explanation)*_____
_____
_____
_____
_____

According to *(author and qualifications)* _____ in *(source and date)* _____ , *(direct quote from article)* _____
_____
_____
_____
_____
_____
_____

This shows that *(explain in your own words why this point is important)*
_____
_____
_____
_____
_____

2. *(short explanation)*_____
_____
_____
_____
_____

According to *(author and qualifications)* _____ in *(source and date)* _____ , *(direct quote from article)* _____
_____
_____
_____
_____
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This shows that *(explain in your own words why this point is important)* _____
_____
_____
_____
_____
_____

1st Negative Constructive (1NC) Template: On-Case Arguments

But even if those problems did exist, the affirmative's plan can't solve them because

*(short explanation)*_____

_____
_____
_____
_____

According to *(author and qualifications)* _____ in *(source and date)* _____ , *(direct quote from article)* _____

_____
_____
_____
_____
_____
_____

This shows that *(explain in your own words why this point is important)*

_____
_____
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_____

2. *(short explanation)*_____

_____
_____
_____
_____

According to *(author and qualifications)* _____ in *(source and date)* _____ , *(direct quote from article)* _____

_____
_____
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This shows that *(explain in your own words why this point is important)*

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