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#### Plan Text: The United States Federal Government should defund and disband Immigration and Custom Enforcement [ICE].

#### Immigration and Custom Enforcement [ICE]—is engaged in an ethnic cleansing campaign geared towards eradicating brown and black immigrants from the United States. ICE’s platform relies on racist rhetoric that immigrants are a “threat to national security”.

**McElwee’18** (Sean McElwee is a researcher and writer for the Nation and Co-Founder for Data For Progress. “It’s Time To Abolish ICE: A Mass Deportation Strike Force is incompatible with democracy and human rights” The Nation, March 9, 2018, https://www.thenation.com/article/archive/its-time-to-abolish-ice)//JP

Dan Canon is running for Congress in Indiana’s ninth district this year. A career civil-rights lawyer, Canon filed one of the cases against gay-marriage bans that eventually became the landmark Obergefell v. Hodges, and he proudly wore a Notorious RBG shirt under his suit to the Supreme Court. He is currently representing individuals suing Donald Trump for inciting violence at his rallies Canon has also defended clients swept up by Immigration and Customs Enforcement raids, and fought a Kafkaesque deportation system that, at one point, wouldn’t even disclose the location of his client. Now Canon believes ICE should be abolished entirely. “I don’t think a lot of people have any kind of direct experience with ICE, so they don’t really know what they do or what they’re about. If they did, they’d be appalled,” Canon told me. “ICE as it presently exists is an agency devoted almost solely to cruelly and wantonly breaking up families. The agency talks about, and treats, human beings like they’re animals. They scoop up people in their apartments or their workplaces and take them miles away from their spouses and children.” The idea of defunding ICE has gained traction among immigrant-rights groups horrified by the speed at which, under President Donald Trump, the agency has ramped up an already brutal deportation process. Mary Small, policy director at Detention Watch Network, said, “Responsible policymakers need to be honest about the fact that the core of the agency is broken.” Her group led the charge to defund ICE with its #DefundHate campaign last year. Groups like Indivisible Project and the Center for Popular Democracy have also called for defunding ICE. Brand New Congress, a progressive PAC, has the proposal in its immigration platform. “ICE​ is terrorizing American communities right now,” said Angel Padilla, policy director of the Indivisible Project. “They’re going into schools, entering hospitals, conducting massive raids, and separating children from parents every day. We are funding those activities, and we need to use all the leverage we have to stop it.” Though ICE abolition is spreading on the left, it quickly meets extreme skepticism elsewhere. In part, this is because the mainstream political discourse has a huge blind spot for the agency’s increasingly brutal policies. While elites have generally become concerned with rising authoritarianism, they have mainly ignored the purges ICE is conducting in immigrant communities. For example, in their recent book, How Democracies Die, Daniel Ziblatt and Steven Levitsky do not mention ICE at all. Centrist pundits like Jonathan Chait have dedicated thousands of words to the threat of “PC culture” on college campuses, but haven’t found time to question whether an opaque

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and racist deportation force might pose a larger threat to democracy than campus editorial pages. Others tend to dismiss ICE abolition as more of a troll than a serious policy demand. Josh Barro, a senior editor at Business Insider, argued that progressives have not paired the proposal with “a plan to do the function without the hated agency.”But the goal of abolishing the agency is to abolish the function. ICE has become a genuine threat to democracy, and it is destroying thousands of lives. Moreover, abolishing it would only take us back to 2003, when the agency was first formed. ICE was a direct product of the post–September 11 panic culture, and was created in the legislation Congress passed in the wake of the attacks. From the start, the agency was paired with the brand-new Department of Homeland Security’s increased surveillance of communities of color and immigrant communities. By putting ICE under the scope of DHS, the government framed immigration as a national security issue rather than an issue of community development, diversity or human rights. That’s not to say America’s deportation policies only got bad in 2003, nor that it hasn’t been a bipartisan project. When he was a senior advisor to then-President Bill Clinton, Rahm Emanuel wrote that Clinton should work to “claim and achieve record deportations of criminal aliens.” When Republicans gave Clinton the chance to do this with the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, he jumped at it. IIRIRA set up the legal infrastructure for mass deportations and expanded the number of crimes considered deportable. Clinton’s blessing also harshened the political atmosphere around immigration. As recently as 2006, Democrats still explicitly used anti-immigrant sentiment as a campaign tactic. During his failed Tennessee Senate run, Harold Ford Jr. ran ads warning that “Every day almost 2,000 people enter America illegally. Every day hundreds of employers look the other way, handing out jobs that keep illegals coming. And every day the rest of us pay the price.” Even Barack Obama, while he made pains to distinguish between “good” and “bad” immigrants, presided over aggressive deportation tactics in his first term in order to build support for a path to citizenship that never came. The central assumption of ICE in 2018 is that any undocumented immigrant is inherently a threat. In that way, ICE’s tactics are philosophically aligned with racist thinkers like Richard Spencer and the writers at the white-supremacist journal VDare. ICE’s modus operandi under Trump bears a striking resemblance to the strategy proposed by white supremacist Jared Taylor in 2015: The key, however, would be a few well publicized raids on non-criminal illegals. Television images of Mexican families dropped over the border with no more than they could carry would be very powerful. The vast majority of illegals would quickly decide to get their affairs in order and choose their own day of departure rather than wait for ICE to choose it for them. The main thing would be to convince illegals that ICE was serious about kicking them out. Ironically, the more ICE was prepared to do, the less it would have to do. This is a near-perfect summary of ICE under acting director Thomas Homan, who has repeatedly made clear that all undocumented residents should be afraid of his agents. “You should look over your

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shoulder, and you need to be worried,” he boasted in his congressional testimony last year. Homan does not apply any light touch when expressing his authoritarian tendencies. He has threatened to jail and prosecute local officials in so-called “sanctuary cities” that do not fully comply with ICE mandates. The agency has also clearly been targeting political opponents for deportations and has worked to deport individuals for speaking to media about ICE. Homan’s authoritarian saber rattling has essentially been ignored in the mainstream political dialogue, but the candidates and activists I spoke with hear it loud and clear. So do the communities they represent. Alexandria Ocasio-Cortez, who is challenging Joe Crowley in New York’s 14th Congressional District, which covers part of the Bronx and Queens, told me she believes that “After a long and protracted history of sexual assault and uninvestigated deaths in ICE’s detention facilities, as well as the corrosive impact ICE has had on our schools, courts, and communities, it’s time to reset course.” New York’s 14th district is among the most diverse and immigrant-heavy in the country. Ocasio-Cortez not only supports defunding ICE, but also wants a full congressional inquiry into ICE enforcement and detention practices. She further argues for a “a truth and reconciliation process for victims of any potential sexual assault, neglect, and misconduct discovered as a result.” Kaniela Ing, a member of the Hawaii State Legislature currently running for the House in the state’s first district, has also endorsed defunding ICE, tweeting this week that “When they say defund Planned Parenthood (and destroy millions of lives), we say defund ICE (and save millions of lives).” Suraj Patel, a child of immigrants, is running a well-funded insurgent campaign against Democratic incumbent Representative Carolyn Maloney in New York’s 12th Congressional District. He would vote to defund ICE if he makes it to Congress. “ICE has crossed a red line under this president by harassing, pursuing, “We miss an incredible opportunity when we allow districts like ours to be safe havens for the status quo,” Patel said. There is increasing support for limiting or even ending cooperation with ICE at the state level, too. Abdul El-Sayed, a gubernatorial candidate in Michigan, told me that he “will not waste a dime of state taxpayer money to enforce laws that would tear apart families—and tear apart our economy. Jessica Ramos, who is running for a New York State Senate seat in Queens, has also endorsed defunding ICE. “Instead of making our communities safer, ICE has taught immigrants to fear and distrust law enforcement,” she said. “It’s absolutely time to defund the agency and start working on real, common-sense immigration reform. Ramos’s opponent in the primary, Jose Peralta, joined the Independent Democratic Caucus in the statehouse last year, which is a group of politicians who were elected as Democrats formed a power-sharing agreement with Republicans. He claimed this would position him to bring tuition benefits and protections to undocumented immigrants, but those benefits have not materialized, though he has gotten a nice pay raise thanks to the GOP. The call to abolish ICE is, above all, a demand for the Democratic Party to begin seriously resisting an unbridled white-supremacist surveillance state that it had a hand in creating. Though the party has moved left on core issues from reproductive rights to single-payer health care, it’s time for progressives to put forward a demand that deportation be taken not as the norm but rather as a disturbing indicator of authoritarianism. White supremacy can no longer be the center of the immigration debate. Democrats have voted to fully fund ICE with limited fanfare, because in the American immigration discussion, the right-wing position is the center and the left has no voice. There has been disturbing word fatigue around “mass deportation,” and the threat of deportation is so often taken lightly that many have lost the ability to conceptualize what it means. Next to death, being stripped from your home, family, and community is the worst fate that can be inflicted on a human, as many societies practicing banishment have recognized. It’s time to rein in the greatest threat we face: an unaccountable strike force executing a campaign of ethnic cleansing.

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#### The Affirmative calls for the end of funding to ICE as well as the dismantling of legislation that supports the agency—any reform to deportation fails and should be outright rejected.

Mijente 18 — Mijente, a national Latinx organization leading on mobilizing against immigration enforcement and criminalization that seeks to increase the profile of policy issues that matter to our communities and increase the participation of Latinx and Chicanx people in the broader movements for racial, economic, climate, and gender justice, 2018 (“To Free Our Futures and Secure Our Present, We Must Abolish ICE,” *Free Our Future: An Immigration Policy Platform For Beyond The Trump Era*, June 28th, Available Online at <https://mijente.net/wp-content/uploads/2018/06/Mijente-Immigration-Policy-Platform_0628.pdf>, p. 8)

We literally mean: disband the agency. Trump’s deportation squad should cease to exist. Immigration enforcement as we know it should end. What would this mean in practice? A moratorium on deportations. The end of all forms of immigration detention. The reimagining of the Border Patrol as a humanitarian force that rescues migrants, rather than destroying their water supplies to hasten their deaths. Border Patrol could be staffed by emergency services experts and healthcare workers, not police. We need to establish a truth and reconciliation commission to examine the abuses perpetrated by Homeland Security agencies (ICE, CBP, USCIS, TSA). We need reparations distributed to the millions who have been terrorized by ICE. Maybe you’re not used to seeing such bold demands emerge from our side. The Right, on the other hand, has demanded the dissolution of nearly every cabinet level agency at some point. Let’s be bold too. Let’s create a future free of ICE, free of the possibility that any future President will have at their disposal a police force whose sole purpose is to terrorize immigrant communities. I’M ON BOARD - HOW DO WE DO IT? Ultimately, we need to make it politically impossible for Congress to continue to support immigration enforcement. We need to defund ICE, and we need legislation that dismantles the agency. There’s already movement: at least 21 Democratic congressional primary candidates have come out in favor of abolishing the agency. Over 100 members of Congress called for cutting ICE’s budget this year. A group of activists in Portland shut down an ICE office by camping outside it and refusing to leave. People everywhere are pushing their local government to refuse cooperation with ICE. Businesses are being outed and shamed by their own employees for contracting with ICE. The agency’s spokespeople are turning into whistleblowers. The heads of ICE and DHS are being followed and hounded by everyday people demanding their resignation. AND REMEMBER....AVOID DISTRACTION! We don’t need ICE to be reformed. We need it gone. We don’t need deportations to be better managed through “family-friendly” prisons. We need our people free. Our allegiance is not to the smoother functioning of a federal agency that was designed to target us - it is to our people, from those immigrants who have lived here for years to those who arrived yesterday, all of whom ICE would deport if given a chance to do so. Want to truly support immigrant families and children? Then join the call to demand that Congress stop Trump and Sessions by repealing the two laws that make migration a federal crime. The laws prohibiting “unlawful entry” and “unlawful re-entry” are the legal weapon behind the heart-breaking separation of parents and children by the Trump administration. Under a policy known as “Zero Tolerance”, Sessions’ Department of Justice splits apart families by prosecuting and imprisoning all migrant parents using these laws and placing their children in federal foster programs.

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#### **Reform is not good enough. Abolition leads to a freer society—that’s good and opens the door for more progressive policies.**

Ciccariello-Maher 18 — George Ciccariello-Maher, Visiting Scholar at at New York University, , 2018 (“Abolishing ICE Is a First Step Toward Abolishing Borders,” *Truthout*, July 12th, Available Online at <https://truthout.org/audio/abolishing-ice-is-a-first-step-toward-abolishing-borders/>)

I think it is really interesting. I think we are used to abolitionist language seeming really extreme or long-term or pie in the sky, and yet, we have seen this claim take root and spread. Partly because of the real brutality of what ICE is doing and the transparency of what is going on. I think it is also really important to remember that one of the first things … we should do … is to historicize, to think about the fact that ICE is not that old. ICE is a new institution…. Abolishing it really should not be that difficult. That points both toward the potential and the possibility of this claim to actually come about. I think that is why you see many Democrats, or some Democrats at least, talking about the abolition of ICE, but it also points toward the dangers, because we are in a strange situation where you are talking about abolishing something, but it is really just an intermediate demand because the last thing we want is to see ICE simply replaced by [the Immigration and Naturalization Service], by Border Patrol doing the same exact work or going back to an old status quo, which is not good enough for us. I think we need to be very careful to tether the demand to abolish ICE to the demand to not replace it. This is actually what a lot of Democrats have been insisting on: “We will find a better replacement.” No. We don’t want any replacement for this. We want to roll back the powers that have been granted even to Border Patrol in recent decades and the dramatic expansion of that agency and the dramatic expansion of its budget and expansion of its ground force on the border. We want a radical transformation, ultimately, that points toward border abolition by the end.

 *One of the things that has come back up – to sort of link back around to this question of sanctuary cities and the question of local police cooperation with ICE – the argument that is used against things like police and prison abolition is often that it is “unrealistic,” that you can’t do this and that regular people won’t relate to this. It is interesting to see the way that this demand is challenging that whole idea.*

Yes, absolutely. If anything, it is too easy to abolish ICE. I don’t mean that to be glib. The struggle is actually going to be a very hard one, but again, we don’t want to get caught up in acting as if that is our ultimate goal and then we get trapped in the mere replacement with something else. I think what we can do and what we need to do is to constantly present this insistence and this argument that this is a new agency, it didn’t need to exist when it was created after September 11, it doesn’t need to exist now and we need to abolish it on the way to building a different kind of world, on the way to

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other kinds of abolition. Here, I actually think that what is crucial as well, is to resist, on the one hand, the separation of Black and Brown and immigrant struggles from each other and to actually insist on what we are seeing in policing on the one hand, and ICE and migration and Border Patrol on the other are very similar phenomena and that the abolitionist claim should actually be very much understood in similar ways for both. We want to abolish the police because we want a very different kind of society and we want to begin to imagine that society through the process of fighting for abolition. We are not going to get abolition right away, but in so far as we push back the power of the police, the power of Border Patrol and ICE, we begin to imagine a very different kind of world.

#### **Abolition solves for racial animosity towards immigrant communities and rejects white supremacy.**

Allen 18 (Jordan Valerie Allen, Politics Editor of *Millennial Politics* and Host of the Millennial Politics Podcast, self-identifies as a queer woman of color, 2018 (“ICE Abolition Isn’t About Donald Trump,” *Millenial Politics*, June 16th, Available Online at https://millennialpolitics.co/abolish-ice-donald-trump/,)

In just a few quick months, #AbolishICE has gone from a relatively obscure leftist rallying cry to a full-fledged campaign promise embraced by candidates across the nation, including NY-12’s Suraj Patel, WI-01’s Randy Bryce, and TN-02’s Marc Whitmire, a Republican-turned-Independent. Yet the Democratic establishment has refused to get on board, with even so-called progressives like California Senator Kamala Harris falling back on conservative talking points to defend the racist agency’s existence and activities. During the NY-14 primary debate, Crowley actually referenced Harris’ defense of ICE, claiming that abolishing ICE would not stop the cruel policies of Attorney General Jeff Sessions. Recently, we saw similar logic employed by establishment incumbent Carolyn Maloney in her debate with progressive challenger Suraj Patel. When asked about ICE abolition, Maloney diverted and blamed ICE’s brutality on Donald Trump and his administration. This mindset is likely shared by a fair number of Democrats, who have only been awoken to the agency’s cruelty because of Trump’s visible racialized animosity towards immigrants. But ICE was created in 2003 under the umbrella of DHS, which inherently signified that immigration would be considered a matter of national security, a highly racialized sentiment that was embraced by Democrats and Republicans alike post-9/11 alongside the PATRIOT Act and the Iraq War. As Alexandria Ocasio-Cortez told Splinter: This is an enforcement agency that takes on more of a paramilitary tone every single day. It has no accountability with the Department of Justice. There is very little institutional knowledge or a history of due process with ICE. It’s basically a product of the Bush-era Patriot Act suite of legislation. So I think all of these pieces of legislation, whether it’s the Patriot Act or the [2001 Authorization for Use of Military Force], which allows for endless war without the approval of Congress, and ICE as well, are part of a much bigger picture that, at the end of the day, erodes American civil liberties. These all deserve to be

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revisited and, if not reformed, repealed. Some of the things that we’re hearing coming out of ICE are totally horrific. We’re seeing them seeking to destroy records of sexual assaults, we have deaths that have gone uninvestigated, and no one is holding this agency accountable because this agency is not designed to be held accountable. Under President Barack Obama, ICE and CBP were still cruel, brutal, and racist. Many of the stories that have broken recently actually come from the Obama era, which saw deportations spike to an unprecedented rate. Without a doubt, the Trump administration has implemented even crueler policies, such as family separation at the border, but the Trump administration is simply using ICE and CBP for what they were intended to do in the first place – serve as an ethnic cleansing machine. This is not to equate Barack Obama with Donald Trump or blame what is happening today on any one individual. It is to say that ICE along with CBP, regardless of who sits in the Oval Office or which party has a majority in Congress, will always be an inhumane and racist detention and deportation mechanism. ICE and CBP are premised on the racist belief that immigrants are a threat to national security, which is code for the maintenance of a white supremacist state with a white majority population, and that being undocumented is a crime. In reality, undocumented status is only labeled “illegal” because the government says so, and deportation and detention are only legal because of court decisions and legislation from the Chinese Exclusion era, most notably the Fong Yue Ting v. United States decision, which validated and expanded the Chinese Exclusion Act to deny the rights of undocumented Chinese immigrants and grant the federal government jurisdiction over arrest, detention, and deportation without due process. The very concept of “illegal immigration” is a racist fiction set in place by racist federal officials whose actions and ideologies are ingrained in our immigration system to this day. Yet Democrats like Harris, Crowley, and Obama accept this racist genealogy as the norm, an unchangeable part of our history that must be respected. Undocumented status doesn’t have to be criminalized; immigration status doesn’t even need to exist, but politicians from across the aisle refuse to try to fix the white supremacist system set in place over a century ago. This goes beyond any one president or session of Congress or political party; it is about the very roots of our modern day immigration system and how we should not accept it in our modern day. I reject the racist and outdated premises that we need to treat immigration as a national security threat, that any immigration status should be criminalized, and that any human being is illegal. The fact that Democrats refuse to join me in rejecting these premises demonstrates just how far-right our normal is in American politics. When not a single member of Congress is willing to say that agencies founded in 2003 during the height of post-9/11

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Islamophobia, racism, and paranoia are not necessary to our country, you know that we’ve got a problem. I fear that the vast majority of Democrats newly elected in November will uncritically accept the racist narratives our immigration system is built upon and decline or outright violently refuse to embrace the alternative narratives that celebrate the inherent humanity and deservingness of immigrants and aim to dismantle the white supremacy ingrained in our current system. We do not need to accept white supremacy as unchangeable. We cannot. We cannot keep watching as immigrant families are torn apart and undocumented Americans are dehumanized simply because of their documentation status. There is no excuse for not being a part of the abolish ICE movement. ICE, CBP, and their umbrella agency, the DHS, have no place in a nation truly dedicated to racial justice and equity. If Democrats truly care about immigrants and people of color and oppose not only Trump as an individual but the ideologies that brought him to power in the first place, they will call for the abolition of ICE, CBP, and the DHS along with a Dream Act that provides a pathway to citizenship for all undocumented Americans and finally brings an end to the criminalization of undocumented status. A “blue wave,” even a “progressive” blue wave, is meaningless if Democrats are just going to perpetuate the same racist myths that Trump built himself up on. If Democratic figures Joe Crowley, Carolyn Maloney, and Kamala Harris truly want to be leaders of The Resistance, they’d do good to listen to their activist base and resist the white supremacist ideologies Trump wants to keep in place forever.

#### Failing to speak out against ICE makes us morally complicit with its ethnic cleansing campaign.

Loomis 17 — Erik Loomis, Associate Professor of History at the University of Rhode Island, holds a Ph.D. in History from the University of New Mexico, 2017 (“Abolish ICE,” *Lawyers, Guns, & Money*—a politics and culture blog written primarily by a group of eight academics, July 26th, Available Online at http://www.lawyersgunsmoneyblog.com/2017/07/abolish-ice, Accessed 07-17-2018)

This revolting ethnic cleansing conducted with a government-approved fascist terrorist force has to be the top target of resisting Trump. Or a top target at least. We must not only demand that this stop, but that ICE should be disbanded and reconstituted with a different mandate and under a much more accountable authority. So long as we do not speak out against this agency and its agents on an individual agents if we know who they are, then we are culpable with the ethnic cleansing of our nation.

# Affirmative Case

### 2AC—AT Trump Circumvents The Plan

#### Durable fiat solves federal enforcement—this means that the resolution says “USFG Should NOT Could” means that the affirmative is granted the position that federal actors attempt to enforce the plan.

#### And, Trump’s immigration policy isn’t working

**Arkin 17**, {James Arkin is a congressional reporter for RealClearPolitics. He holds both a master’s and bachelor’s degree from the Medill School of Journalism at Northwestern University. 10-9-2017, "Democrats Reject White House Immigration Proposal," https://www.realclearpolitics.com/articles/2017/10/09/democrats\_reject\_white\_house\_immigration\_proposal\_135216.html}

An array of hard-line immigration priorities the White House outlined to Congress Sunday were quickly rejected by Democrats as complete non-starters, jeopardizing the chances of striking a deal to shield hundreds of thousands of young undocumented immigrants. Many in Congress have viewed the sweet spot for a legislative fix to be a package that includes border security, enhanced enforcement and a permanent solution for undocumented immigrants who have been protected under executive actions that President Trump pledged to rescind next spring. Democrats believed they had worked out a handshake deal with Trump last month to pass the DREAM Act, and to set aside debate on some more controversial immigration proposals. But Trump’s proposal Sunday includes significant changes to how the U.S. handles legal and illegal immigration, throwing a wrench into any potential agreement and creating a canyon between the White House and Democrats on finding a path forward. Trump’s outline included funding his proposed border wall -- though Democrats believed the president had agreed to put that off, as he said last month that “the wall will come later.” Other controversial elements are a crackdown on sanctuary cities, limiting the number of refugees entering the U.S. and changing the legal immigration system from a family-based one to a point-based merit system. It also included an increase in immigration officers and attorneys and mandatory use of E-Verify to ensure workers have legal status, among myriad other policies. President Trump, in a letter to congressional leaders, said the proposals “must be included” in any legislation addressing undocumented immigrants who had received protective status under Deferred Action for Childhood Arrivals, or DACA, President Obama’s executive action. Democrats, however, immediately rejected the plan. Senate Minority Leader Chuck Schumer and House Minority Leader Nancy Pelosisaid in a joint statement Sunday night: “This list goes so far beyond what is reasonable. This proposal fails to represent any attempt at compromise.” Numerous other Democrats echoed those criticisms, labeling the proposal a “nonstarter” or “dead on arrival.” Though Democrats rejected the White House outline, they suggested that a deal could still be struck in the coming months, but their positioning means Republicans and the White House would likely have to abandon many of the principles Trump outlined Sunday. The White House signaled little flexibility on its proposal going forward. A senior administration official told reporters in a conference call that all elements of the plan were considered priorities.

### 2AC—AT Trump Circumvents The Plan

#### Trump fails to push immigration legislation -the negative’s argument isn’t substantiated with facts just media hype.

**Edgerton’18**  (Anna Edgerton is a Reporter for Bloomberg in Washington DC. Former Brazil correspondent. 6-27-2018, "House Rejects Immigration Bill After GOP Fails to Reach Agreement," Bloomberg, https://www.bloomberg.com/news/articles/2018-06-27/immigration-bill-rejected-in-house-as-gop-fails-to-reach-accord)

House Republicans fell far short on their second attempt to pass a GOP-only immigration bill, notching one more failure on President [Donald Trump](https://www.bloomberg.com/billionaires/id/1252249)’s signature issue just months before they try to defend their majority in midterm elections. The attempt to come up with legislation that would appeal to moderate and conservative Republicans failed, 121 to 301. The defeat of the bill, which even its backers anticipated, capped more than a month of intense GOP negotiations that played out amid public backlash the Trump administration for separating immigrant families at the border. The failure vividly illustrates House Speaker Paul Ryan’s inability to get a fractious GOP House majority together on a broad immigration proposal, even one that would have accomplished many of President Donald Trump’s policy priorities. With less than five months before all House members will be up for re-election, conservative Republicans will have to explain to voters why they still haven’t funded Trump’s border wall, and GOP moderates will go home empty handed on their promise to give immigrants brought to the U.S. as children a path to citizenship. Trump on Wednesday urged Republicans in the House to pass the immigration bill, in an all-caps [tweet](https://twitter.com/realDonaldTrump/status/1011952266268545024), even after he wrote last week that members of his party were wasting their time dealing with the issue before the election. “HOUSE REPUBLICANS SHOULD PASS THE STRONG BUT FAIR IMMIGRATION BILL,” Trump wrote in his Twitter message. The administration also released a formal policy statement saying the White House backed the legislation. The moderate Republicans who helped draft the bill defended the effort, saying that if it weren’t for a petition they started to force floor votes on immigration proposals, Ryan never would have returned to the debate. Jeff Denham, a California Republican, said Wednesday’s bill included all the measures Trump requested. “It’s been very frustrating,” Denham said, recognizing that Republicans can’t pass immigration legislation on their own.

### 2AC—AT Conservative Crackdown

#### **The status quo for immigration policy already pro-conservatism—the only way to mobilize politics is for the Democratic party to support the passing of “Abolish ICE”**

Loomis 18 (Erik Loomis is an Associate Professor of History at the University of Rhode Island, (“The Democratic Center is Scared,” [hwww.lawyersgunsmoneyblog.com/2018/07/democratic-center-scared](http://www.lawyersgunsmoneyblog.com/2018/07/democratic-center-scared))

After Tammy Duckworth’s bizarre shot at Alexandria Ocasio-Cortez earlier this week, I realized that the mainstream Democratic Party is scared of her. They are scared of the grassroots taking over. They are scared of a left version of the Tea Party. They are scared of their now nearly two generations of received wisdom in the aftermath of McGovern’s loss (and then the disastrous campaigns of Mondale and Dukakis) being thrown out the window, long past their sell-by date. They are scared of bold policy proposals that challenge their carefully considered moderate stance that appeals to potential Wall Street donors. This explains people like Chait, who find themselves increasingly adrift in a leftist dominated party and thus speaking out against great ideas like the federal job guarantee, seemingly intentionally misunderstanding that even in an age of low unemployment, the reason for this is to give workers power over their lives and place pressure on private employers to compete the government. I felt the same reading this editorial by Obama’s Homeland Security secretary Jeh Charles Johnson against the Abolish ICE movement. Johnson’s argument is fundamentally ridiculous. ICE is not necessary for federal law enforcement. It’s only been around for 15 years and it’s not as if we didn’t have a semi-militarized border before that. He says elections have consequences, but that’s precisely what the Abolish ICE movement is working for–getting politicians to say that we need to abolish the agency and make that policy a consequence of the 2020 elections and a rallying point in 2018. Johnson talks about how Abolish ICE is destroying the chance for bipartisan immigration reform. What planet is he on? How is that possibly going to happen? What is the constituency for that in the Republican Party? The prospects for a bipartisan immigration bill is not Democrats outraged that ICE is separating babies from their parents. It died many times before on the shoals of Republican racism an[d] now that ethnic cleansing is the official policy of the administration and congressional Republicans, there is no room for compromise. The realization that compromise on this issue is dead is why Abolish ICE is a powerful movement. When you are facing fascists, there is no room for compromise. But for Johnson–and for so many Clinton and Obama-era officials–this is not something that computes. For them, compromising with reasonable Republicans and shunning the left is always the right answer. These are people are now behind the times. There is no room for old-school centrist Democrats in setting the policy agenda anymore. Lead, follow, or get out of the way. That doesn’t mean a primary challenge to Tammy Duckworth is in order or anything–she did her centrist party mission by dismissing AOC but she’s been a perfectly fine vote so far. She will learn in the next 5 years. The only road ahead for the Democrats is as an anti-fascist party with a bold agenda that combines racial, economic, and gendered justice. For those who fret about that, understand that actual fascism is descending upon America, that the Supreme Court is in the first of a multi-year process that will likely repeal a century of progressive law, and that the future of democracy in this nation is in doubt. There is no room for mealy-mouthed DLC compromise any longer, if there ever really was. It makes about as much sense today as centrist politics did as the fascists took power in Europe.

### 2AC—AT AFF NOT NECESSARY

#### Our demand to #AbolishICE is essential even though it’s necessarily insufficient to “solve” all violence.

Loomis 18 — Erik Loomis, Associate Professor of History at the University of Rhode Island, holds a Ph.D. in History from the University of New Mexico, 2018 (“Abolish ICE,” *Lawyers, Guns, & Money*—a politics and culture blog written primarily by a group of eight academics, June 25th, Available Online at http://www.lawyersgunsmoneyblog.com/2018/06/abolish-ice-2)

When members of Congress are sponsoring bills, that’s a huge step forward. Suddenly, it becomes an acceptable position. Of course, abolishing ICE doesn’t solve the Republican Party’s commitment to ethnic cleansing, nor government security forces being the shock troops for that program. Abolishing ICE is a necessary but not sufficient part of the program to fix our nation. But starting over with our entire immigration infrastructure is a critical program for Democrats to adopt. Moreover, we need to think big now and then work out the details of what replaces it going forward. #AbolishICE is a great slogan to motivate the Democratic base, clearly setting the moral agenda that Democrats oppose American ethnic cleansing.

### 2AC—AT No Replacement Policy

#### **There is a moral obligation to doing the plan—anything else accepts violence**

CIYJA 17 — California Immigrant Youth Justice Alliance, a statewide alliance of immigrant youth-led community organizations in California, 2018 (“First We Abolish ICE: A Manifesto for Immigrant Liberation,” July 2nd, Available Online at <https://ciyja.org/wp-content/uploads/2018/07/AbolishICE.pdf>)

On Abolishing ICE Immigration and Customs Enforcement (ICE) was established in 2003 after George W. Bush's propaganda of patriotism led to other state-funded human atrocities, such as the age of modern surveillance and the Iraq War. In retrospect, we as a collective millennial generation denounced these atrocities as inhumane and continue to play active roles in ensuring they end. It’s time we extend those efforts towards abolishing ICE. Under the Department of Homeland Security, ICE became the police force for the ongoing nativist campaign to criminalize and dehumanize immigrant communities exploiting the chaos of 9/11. With little to no oversight, ICE has engaged in human rights violations that range from sexual assault to kidnapping children from the grasps of their parents to hold as political prisoners. Trumpism has allowed ICE's mechanism to function at its full potential, after having received an expansion from Barack Obama since its creation that was supported by Democrats such as the Clintons2. Since then, ICE has embedded its violence across the country by turning all law enforcement agencies into its oppressive tentacles. Already accustomed to enforcing laws built upon white anxieties against people of color, sheriffs and police officers across the country seamlessly collaborated with ICE by detaining undocumented immigrants or notifying ICE whenever an undocumented person was being released from county jail. This created a system that doubly punished undocumented immigrants they criminalized, entangled them into the prison industrial complex, and then removed them from the country after exploiting their labor. In California, we put a stop to this senseless relationship by pushing forth policies that halted any collaboration between local law enforcement and ICE. The inkling for law enforcement to continue robbing migrants of due process proved much too great for sheriffs, as they now push forth loopholes that undermine what the people of California have demanded. We believe that when law enforcers refuse to follow the will of the people, it is our moral duty to rise up and abolish them. Abolishment has become the moral cry of our generation. With the expanding access to social media, images of children in cages began to circulate amidst the masses, flagging a moral emergency in the United States. From grassroots organizers to rising Leftists unseating established Democrats, the time to abolish ICE is now. To do so, we must be clear in our demands so as to not give agency to the state or private interest to defi­ne what that abolishment looks like The following is a compassionate liberating model to detention and deportation.

### 2AC—AT No Replacement Policy

Those of us at the forefront are not shocked by the inhumanity of ICE and the human rights violations in detention centers. In fact, these violations have been going on for the past decade with almost no public backlash against the state for allowing these atrocities. Given the lack of interest from citizens to ensure their country liberated all of our people under Obama’s deportation spree, we took community defense into our own hands. We developed deportation defense as a community-led liberation model, from which we can build a world where ICE is abolished. At its core, deportation defense campaigns are aimed at providing liberating models for undocumented immigrants in detention, so that they may ­fight their legal case outside of cages, where they are not provided access to legal representation. At CIYJA, we and our partners have been successfully liberating our community members out of detention, through extensive campaigns that pressure ICE officials to use prosecutorial discretion to allow immigrants to ­fight their legal cases outside of detention. Once released, we plug community members with legal representation, and ensure they have access to resources that allow them to thrive and reintegrate into life out of detention. We then follow up when they have immigration court dates, to both ensure they are attending and to accompany them to ensure that ICE does not attempt to send them to immigration prisons again. In this way, we have managed to abolish the cages around individual people for a more compassionate alternative that ensures the safety of our immigrant community as they are prayed on by ICE. Through abolishment, we can extend this model to all immigrants currently detained. Organizations such as CIYJA, Not1More, Immigrant Youth Coalition, Freedom For Immigrants, Interfaith Movement for Human Integrity, and legal services providers such [end page 3] as Pangea Legal Services and Centro Legal have been practicing these models at a local level. We can lead in making this a national and compassionate strategy to replace private detention centers and violent immigration enforcement. This liberating model ensures that our community members are not cattled around in cages, transferred between privately owned detention centers to federal penitentiaries. This liberating model ensures that no family separation occurs, because folks remain in their community as they ­fight their right to remain in the country. With a community to support and encourage their legal fight, there is no need for militarized enforcement to force communities from their homes and workplaces. This liberating model ensures the dehumanization that is happening to our immigrant communities ends.

### 2AC—AT No Replacement Policy

#### **It doesn’t matter that there isn’t a precedent for a more progressive immigration policy—ICE is disposing of immigrant populations, and all momentum for shutting down the program is a moral obligation.**

CIYJA 17 — California Immigrant Youth Justice Alliance, , 2018 (“First We Abolish ICE: A Manifesto for Immigrant Liberation,” July 2nd, Available Online at <https://ciyja.org/wp-content/uploads/2018/07/AbolishICE.pdf>)

Th­is is why we must openly challenge global capitalism The exploitation of the human body must end, which means relentlessly unregulated capitalism must be a thing of the past. Labor movements have historically challenged this apparatus, and intersecting the labor movement with agricultural migrant laborers has even led to death8. Private interest murdering to stall any such collaboration only highlights the importance of that work. Just as those criminalized and imprisoned in the United States have been forced to become industrial slaves, so have migrant workers become slaves for the agricultural and urban elite.As we work to create a world in which no human being is seen as disposable labor, we must ensure there is health access for all poor and working class people, regardless of their legal status. We must ensure all have access to shelter and nutrition.As a movement, we must denounce any and all privileges built on the suffering and exploitation of the masses. This means refusing the creation of an undocumented elite that absorbs all resources for the purpose of creating an urban, educated class of immigrants. We must build with our agricultural communities to ensure they are treated with dignity and respect amidst the labor that feeds the entire nation.Beyond the U.S. border, we must ensure that private interests no longer get the legal support of any nation-state. We must stand with poor people globally and denounce any and all private interests that exploit global natural resources. We must ensure these interest don't violate other people's dignity when it becomes illegal to do it to poor folks within these borders.If poor liberation is not a global movement, we risk pushing labor violations to the Global South. [end page 8] In ConclusionIn closing, the liberation of migrants should not begin and end within any given border. It should be a stateless movement to end the suffering of globally impoverished people. If it must begin with the abolition of ICE, it must then proceed to abolish all cages. It should aim to be a global push to end nationalism in all its shapes and forms. It should be a promise that as stateless peoples, we owe no allegiance to a flag but to each other and all global communities displaced by nation-states.Migrant liberation should create a world which respects the cultural richness that thrive at each corner of our planet. It should be an invitation to exchange ideas and customs to ensure global prosperity. It should not rest until it ends the attempt from any one culture to dominate the rest. It should end the justi­fication of economic systems built around egotistical rule.Migrant liberation should mean that migration is a choice, not a necessity for survival.

### 2AC—IMPACT—Extinction

#### The stakes couldn’t be higher. White Supremacy is responsible for massive global violence and oppression and its continued acceptance risks human extinction.

Comissiong 13 ( Solomon Comissiong, Professor of African American Studies at the University of Maryland-College Park, Education Consultant and Activist, holds a B.A. in Communications and M.S. in College Student Personnel from the University of Rhode Island, 2013 (“The War on White Supremacy,” *Black Agenda Report*, March 30th, Available Online at <http://griid.org/2013/03/30/the-war-on-white-supremacy/>)

Despite the ill-intentioned “war on terror,” there is one ideological war that would be well served, if aggressively launched. An ideological “war on White Supremacy” would do humanity immense favors, especially the people of color who are terrorized by it, every day of their lives. White Supremacy is a most nefarious ideology, created by white people for white people. White Supremacy rears its hideous head throughout the globe and has been responsible for well over 100 million deaths (i.e., African Holocaust, Native American Holocaust). However, White Supremacy not only kills bodies, it destroys minds. It is the programming to believe that white people, their various cultures, and their mores are inherently better than all other people and their respective cultures – period. People are taught, from a very young age, to worship some of them most devilish white people the world has ever known, simply because they are white. This is a vastly under-taught aspect of White Supremacy. White Supremacy is often limited to being described as some toothless hillbilly or muscle bound and hairless white male with a Swastika etched in to his hollow, yet hate filled, head. This is merely one minor aspect of White Supremacy. White Supremacy, in its essence, is much, much more pervasive than the physical form we are programmed to sometimes see in human flesh. White Supremacy is most effective in its ideological form. Everything else is a destructive manifestation of that ideology. White Supremacy bores destructive holes into the impressionable minds of children. White children are subconsciously programmed to falsely believe that they are the champions of humanity and that their contributions to the world vastly overshadow that of people of color. White Supremacy blinds them to myriad truths detailing the origins of sciences, medicine, democracy and philosophy came out of African, not Europe. This assembly-line type of programming sets in motion the next wave of future white adults mentally equipped carry out the crimes of their mothers and fathers, grandmothers and grandfathers. It robs these white children of humanity without them ever realizing they are being developed to see the world in a most limiting and destructive way. Without progressive social intervention many white youth are bound to develop similar socially destructive ways as their elders. Children of color, on the other hand, are systematically programmed to, not only see white people as better than themselves, but to also extol white people who carried out crimes against humanity against people of color. Within the white settler colony, otherwise known as the United States, children of color are force-fed heaping platefuls of White Supremacy. It is a most psychologically unhealthy meal. They are taught to call slave masters their “Founding Fathers,” men who would have worked them to death had these children been anywhere within the vicinity of these devilish human beings. The likes of George Washington, Thomas Jefferson, James Madison, and Andrew Jackson all held enslaved Africans against their will. George Washington and Andrew Jackson were also notorious for their assaults on Indigenous people from North America. It is very telling of how sadistic “American” society is, that it would impose these kinds of men upon the minds of children, especially children of color. This is exactly what white supremacist societies do – they force children of color to assimilate. Those aforementioned men, when cited within classrooms and homes, should be held as examples of what not to do. A humane society would do this. The US is far from being a humane society. The US is a society that routinely abuses and destroys the lives of people of color. African/black and Indigenous/Latino/brown communities are systematically targeted by way of this white supremacist and institutionally racist war that is being waged upon them. Mass incarceration, the Prison Industry Complex, and Police Brutality are all very much lethal aspects of White

### 2AC—IMPACT—Extinction

Supremacy. In a society that rewards European genocidal monsters, like Christopher Columbus, it makes painful sense that the US would be a place that harvests oppression much like farmers do fruits and vegetables. The US is riddled with a legacy of “strange fruit.” Police brutality is a most deleterious aspect of White Supremacy and Institutional Racism. This is why police brutality disproportionately impact people of color. Thanks to the work of the Malcolm X Grassroots Movement we know that in 2012 a black person was murdered by “law enforcement” at least every 36 hours. The white supremacist corporate media did nothing to expose this story. And why would they – they are who they are because of White Supremacy. A revolution to end White Supremacy truly will not be televised – at least not on CNN, FOX News, MSNBC, ABC, CBS or the like. The so-called entertainment industry is replete with white supremacist images, messages, and is controlled by White Supremacy and Institutional Racism. This is why the only images shown of Hip Hop Culture, within the corporate media’s usurped airwaves, are that of the most virulently racist and stereotypical images of people of color. These are the acceptable versions of blackness they feel comfortable showing. Again, it matters little that Hip Hop is a culture largely created by African/black youth. The white supremacist power structure that controls the media, that makes destructive images popular while suppressing revolutionary ones, is no different than the white people who stole North America from Indigenous people. Once in control of a resource they are hell-bent on suppressing any semblance of resistance or justice. White Supremacy is a social disease that infects entire societies, person-by-person, community-by-community and nation-by-nation. It is a plague that has only gotten stronger and more deceptive throughout its existence, which spans over several hundred years. If the US was a sincere and justice oriented nation it would wage an all out war on the ideology of White Supremacy – aimed at destroying all vestiges of a most deadly and disproportionate white power structure. The US’s ongoing existence as a white settler nation precludes it from waging a noble war on White Supremacy. White Supremacy and Institutional Racism largely fuel this country’s lifeblood. The US’s wars are ultimately justified by White Supremacy and capitalism. Historically these wars have been waged for white men by white men. However, with the growing number of people of color within the United States, the white power structure has adapted to the times. In 2008 they selected their newest weapon – Barack Obama – a brown-faced man willing to wage white supremacist/capitalist/imperialist wars for the white power structure he ultimately serves. This, unfortunately, has worked like a lucky charm, thus converting legions of black people (who previously opposed Euro-America’s imperialist wars) into cheerleaders for the same reprehensible wars, simply because the face of Euro-American white supremacy is now a brown one. The struggle to end White Supremacy is one that must continue and grow even stronger – countless youth of color simply depend on it. Resistance to white supremacist ideology is paramount. If you believe in humanity (regardless of the color of your skin) you must join in this resistance. White Supremacy is a most deadly social malady. It has given birth to Apartheid, Jim Crow, mass murder, chattel slavery – the list literally goes on and on. People of color must resist White Supremacy in every way they can. We must organize ourselves to combat it – teaching our youth to recognize it is an important first step. People of color must collectively resist White Supremacy, and good intentioned white people must play their own critical roles within this struggle. It is the obligation of any good intentioned white person to go in to white communities and organize an end to the social disease there. After all, White Supremacy emanates from white communities. It is frequently birthed from ignorance and hatred, among several social maladies and complexes. White people, it is your responsibility to put an end to White Supremacy in your communities just as it is the responsibility of men to bury Male Supremacy and sexual/physical abuse of women. White Supremacy is killing masses of people (physically and mentally). When will we all decide to wage a war on this pervasive social illness/ideology, and put and end to it? Humanity depends on our collective commitment to end it before it metastasizes and puts an end to us all.

### 2AC—IMPACT—Extinction

#### Our demand to #AbolishICE is essential even though it’s necessarily insufficient to “solve” all violence.

Loomis 18 (Erik Loomis, Associate Professor of History at the University of Rhode Island, holds a Ph.D. in History from the University of New Mexico, 2018 (“Abolish ICE,” *Lawyers, Guns, & Money*—a politics and culture blog written primarily by a group of eight academics, June 25th, Available Online at http://www.lawyersgunsmoneyblog.com/2018/06/abolish-ice-2)

When members of Congress are sponsoring bills, that’s a huge step forward. Suddenly, it becomes an acceptable position. Of course, abolishing ICE doesn’t solve the Republican Party’s commitment to ethnic cleansing, nor government security forces being the shock troops for that program. Abolishing ICE is a necessary but not sufficient part of the program to fix our nation. But starting over with our entire immigration infrastructure is a critical program for Democrats to adopt. Moreover, we need to think big now and then work out the details of what replaces it going forward. #AbolishICE is a great slogan to motivate the Democratic base, clearly setting the moral agenda that Democrats oppose American ethnic cleansing.

## 2AC Reform CP

### 2AC Reform CP

#### Permutation Do Both—Abolishing ICE sets the stage for more comprehensive immigration laws means that better mechanisms for conducting programs like HSI will be in place.

#### Permutation Do The Plan Then The Counter-Plan—maintaining HSI under status quo is doomed to be complicit in the violent measures of Customs Enforcement, Only by implementing the plan first does it allow for comprehensive immigration policy making.

#### Only Abolition Solves—Reform allows for the continuation of white supremacist ideology that will always find a way to justify detainment and other inhumane treatment of immigrants.

Mijente 18 — Mijente, a national Latinx organization (“To Free Our Futures and Secure Our Present, We Must Abolish ICE,” *Free Our Future: An Immigration Policy Platform For Beyond The Trump Era*, June 28th, Available Online at <https://mijente.net/wp-content/uploads/2018/06/Mijente-Immigration-Policy-Platform_0628.pdf>, p. 7)

Why Are We Calling For The Abolition Of Ice? Immigration and Customs Enforcement (ICE) exists to target immigrant communities for detention and deportation. Locking up and exiling people is their sole purpose. ICE and Border Patrol combined are now the largest federal police force. Their budget is more than that of all other federal law enforcement agencies combined. They are accountable to no one, and take their marching orders directly from Trump. Criminalizing immigrants is what ICE does best. Under Trump, ICE has abandoned any pretense of restraint, with their director openly stating he wants every immigrant to “look over your shoulder.” Unless ICE is stopped, they will continue to break into our people’s homes and workplaces, to wait outside our schools and places of worship, to prowl through courthouses, and to target our activists, detaining and deporting some of us and terrorizing those left behind. Trump’s brutal, racist immigration police force has already demonstrated that they have the capacity to terrorize immigrants by separating parents and children. This administration considers every undocumented immigrant a threat, and ICE is the police force capable of carrying out the Trump/Sessions white supremacist fantasy of ethnic cleansing. In the face of this danger, dissolving the agency is the only way forward. How Did We End Up With Ice? Imagining a world without ICE shouldn’t be too hard to do. After all, the agency has only been around for 15 years, with its roots in the post 9/11 nationalist panic that led to the framing of immigration as a national security issue, and the creation of the Department of Homeland Security, and ICE (it’s sub-agency) in 2003. From these xenophobic roots, the agency has consistently expanded its technological capacities and its surveillance, detention and deportation activities. Bush created ICE, Obama expanded and sharpened its capacity for harm, and Trump has gladly unleashed this weaponized, unaccountable behemoth against our community. Congress continues to fund ICE, despite the countless reports of its cruelty and incompetence.

### 2AC—Reform CP

#### Reform fails—It’s a band-aid solution that makes the aff’s impacts worse

Correia 18 (David Correia is the Author of *Properties of Violence: Law and Land Grant Struggle in Northern New Mexico* and Co-Editor of *La Jicarita: An Online Magazine of Environmental Politics in New Mexico*, 2018 (“Abolish ICE, But Don’t Stop There,” *Counterpunch*, July 9th, Available Online at <https://www.counterpunch.org/2018/07/09/abolish-ice-but-dont-stop-there/>)

If the calls to abolish ICE become a call for reform, let Albuquerque be our guide. It won’t work. Police and policing do not serve the interests of the communities being policed, and no amount of reform will change that fact. After all, what history of community-minded, constitutional policing can APD or ICE point to as the reason for anyone to support expanding its ranks? What pattern of good-faith effort at reform can APD show as evidence that reform in 2014 is somehow different than the failed reforms of the past? And we can extend this to ICE. No amount of reform will transform the sole purpose for the existence of ICE: the arrest, incarceration and deportation of migrants, which will always include the separation of families?

The thought of abolishing police, not just ICE, is frightening to some, hence the collective shrug among communities not under assault by police every time another cop gets away with outrageous police violence. After all, we need cops, don’t we? Who but police can guarantee order and security? But the police departments we have, whether we’re talking about APD or ICE, empirically, do not keep people safe. How many more children must be attacked by police dogs, how many more people shot in the back by cops, how many more poor people harassed, brutalized or killed just because they sought a safe place to sleep for the night before we start looking for alternatives to the police we have?

Police don’t keep us safe, that we know. But who or what will? This is the question every politician — liberal or conservative —and many activists, refuse to ask for fear of being dismissed as naïve or, worse, “soft” on crime. But what’s softer than supporting police, an institution with no record of keeping working people safe?

Calls to abolish ICE, to be meaningful, must include calls to abolish local police too. The police is an institution organized around the use of violence for punishment and coercion overwhelmingly arrayed against poor communities of color. Abolition, not reform, is the solution to this problem. No more money for cops or reform. The money and energy wasted on police reform and police agencies would be better spent supporting community efforts at alternatives. Fewer cops and more emergency and transitional housing. Fewer cops and more support for institutions that serve (not arrest) people suffering mental health crises or drug addiction. Abolition ICE, yes, but don’t stop there.

### 2AC AT HSI GOOD

#### HSI isn’t solving human trafficking now

Havasu News 4/20

4/20/2020, “Our View: Homeland Security owes explanation for botched investigation”, https://www.havasunews.com/free\_access/our-view-homeland-security-owes-explanation-for-botched-investigation/article\_67aa5ce8-82d5-11ea-8b78-a37a85681b47.html

In January of this year, the Department of Homeland Security released its strategy to combat human trafficking. It clearly states how the agency aims to support prosecution, dismantle criminal trafficking networks and treat victims like victims. None of that happened when DHS came to Lake Havasu City. The strategy was released online about a month after an investigation into an alleged sex trafficking network fell apart in Havasu due to what we assume to be incompetence on the part of the federal agency. If you don't recall the details, that's understandable. It's been five months and Homeland Security clearly hopes the whole thing will just go away. Requests for information from the News-Herald have gone unanswered by the agency. Basically, police departments in Havasu and Bullhead City discovered what they believed to be a human trafficking ring operating right under our noses. Local police officers worked with Homeland Security on the investigation, ultimately resulting in seven arrests and the release of a number of women said to be working more than 12 hours per day in unsanitary conditions as they were shuffled between massage parlors. It was a great example of cooperation between local and federal law enforcement – until it wasn't. About two years after the arrests, charges were abruptly dropped against the alleged ringleaders. Why? Because federal investigators were suddenly unwilling to participate in the court case. They refused to support prosecution efforts. The revelation of the alleged illicit massage parlors may have helped to scatter a local network – at least temporarily – as it freed the women caught up in its seedy business, so that's a silver lining. But it will be relatively easy for a larger criminal enterprise to put those pieces back together again. So much for dismantling a trafficking network.

#### No Link and Case Outweighs — HSI isn’t necessary, but maintaining it is racist.

Allen 18 — Jordan Valerie Allen, Politics Editor of *Millennial Politics* and Host of the Millennial Politics Podcast, self-identifies as a queer woman of color, 2018 (“An Open Letter to My Senators, Chris Murphy and Richard Blumenthal: #AbolishICE,” *Millennial Politics*, July 8th, Available Online at <https://millennialpolitics.co/abolish-ice-chris-murphy-richard-blumenthal/>)

There is no non-racist reason to support ICE and CBP. Ethnic cleansing is bad. Detention and deportation are ethnic cleansing mechanisms. ICE and CBP serve as the federal government’s mass deportation machine.

I understand, as you mentioned, Senator Blumenthal, that ICE has two primary components: Homeland Security Investigations (HSI) and Enforcement and Removal Operations (ERO). I do not contest that some HSI functions are noble in theory, they do not justify the existence of immigration agencies under the DHS. These functions were not the responsibilities of ICE and CBP prior to 2003, and there is no reason that they still need to be.

### 2AC AT HSI GOOD

#### Turn — maintaining the HSI perpetuates racial profiling and human rights violations in service of a White Supremacist agenda.

Duncan 18 — Lucy Duncan, Director of Friends Relations for the American Friends Service Committee—a Quaker organization that promotes lasting peace with justice, 2018 (“A Quaker argument for abolishing ICE,” American Friends Service Committee, June 27th, Available Online at <https://www.afsc.org/blogs/acting-in-faith/quaker-argument-abolishing-ice>)

The system isn’t broken, it is doing what it was built to do. ICE is doing what it was built to do: criminalize immigrants, separate families, and terrify undocumented folks, all to deflect blame of what is going wrong in this country onto people who are deeply harmed by the policies of this country, people who are often here fleeing untenable situations in their countries of origin. The administration inflames blame and outrage at immigrants to distract from the harm they are inflicting on everyone. It’s not an accident that the GOP introduced legislation that would cut into Medicaid and Medicare and Social Security this same week. ICE is an agency of white nationalism, promoting and acting out xenophobia and racism as a core policy of this administration. ICE tears apart families and communities. The agency’s purpose is removal. In 2017 alone, ICE deported approximately 226,000 people. ICE is deliberately separating children from their families and has proposed a policy to check the immigration status of sponsors and all adult members of a sponsor’s household of unaccompanied children. This will funnel unaccompanied minors into the foster care system or shelters instead of reuniting them with their family members. ICE is racist. The agency’s practices are based on racial profiling. ICE sees any undocumented person as a threat and has been charged repeatedly for racial profiling and its racially biased enforcement practices. ICE is expensive. The tents erected for children separated from their families on the border cost $775/night per child. ICE is stealing the futures of these children by deeply traumatizing them, but also the futures of other American children because we are diverting resources away from education and community care and into the militarized targeting of communities. ICE targets activists who speak up against their unjust practices. More than 20 immigration activists have been arrested by ICE since Trump took office. This is a clear infringement of first amendment rights. ICE violates human rights. Between 2010 and 2017 alone, 1,224 complaints were filed by those in immigrant detention for sexual and physical abuse. ICE is unaccountable to the courts. ICE agents and police officers colluding with ICE engage in warrantless searches, detain people without probable cause, and fabricate evidence. ICE is a rogue agency working outside of structures of accountability causing harm to immigrant communities and all communities that include immigrants.

### 2AC AT HSI GOOD

#### Maintaining the HSI perpetuates racial profiling and human rights violations in service of a White Supremacist agenda.

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## 2AC Settler Colonialism K

#### Case Outweighs—

#### **The affirmative case outweighs the K. Any chance that the Affirmative solves should be seen as a disadvantage to the criticism because in a world where we do abolish ICE, millions of people will continue to be treated inhumanely and die.**

#### [Insert here an explanation of what the affirmative’s impacts are and how by refusing to engage the state like the alternative does that the problems the affirmative is talking about continues]

### 2AC Framework

#### Interpretation: The Affirmative should get to weigh it’s impacts against a competitive alternative.

#### This interpretation should be preferred over the negative’s interpretation because this is the only way to test the desirability of the plan verse an alternative that is too vague to compete with the affirmative.

#### This is best for two things:

#### Education—testing the affirmative is key to education because it allows for the debate to be about weighing competing strategies for challenging bad policies. If we don’t have the ability to test the negative with our best offense (the affirmative) then we are not able to have the most educational debates to challenge the negative.

#### Fairness—prioritizing scholarship over the action of the plan is not a fair starting point for the affirmative since it moots 8 minute of the 1AC for an infinite amount of theories for why the aff is bad. Taking the plan away from the affirmative makes debate impossible and unfair because we can’t prepare for the endless amount of critiques the negative could run.

### 2AC Perm

#### Perm do Both—The Affirmative agrees with the criticism that the history of slavery and genocide affect our institutions today—the AFF takes that into account and uses the law to solve for our impact which is the same as the negative.

CIYJA 17 — California Immigrant Youth Justice Alliance (“First We Abolish ICE: A Manifesto for Immigrant Liberation,” July 2nd, <https://ciyja.org/wp-content/uploads/2018/07/AbolishICE.pdf>)

Given that the rebirth of the movement dedicated to abolishing ICE has erupted from the confines of social media and into the occupation of federal buildings (and even leaked into the political platforms of Democrats across the country) we at the California Immigrant Youth Justice Alliance (CIYJA) think it is vital for those of us who are directly impacted to de­fine what a world without Poli-ICE could look like. First and foremost, we must acknowledge we sit on occupied lands. The mainstream ­fight for legitimacy in this country as undocumented people in the past focused on the acceptance of migrants into a culture of white supremacy and settler colonial mentality. After all, the "Dreamer" narrative stems from a willingness to comply and assimilate into whiteness and western-fi­xated measurements of success. Though many migrants who flee their homelands are Indigenous and fleeing anti-Indigenous governments, the mainstream immigrant rights movement has failed to make space and bring light to these issues. As such, we acknowledge that we must defer to Indigenous peoples whose lands we occupy for permission to stay, and establish a platform for globally displaced Indigenous communities to speak their truth and ultimately reclaim the land that was stolen from them. Secondly, we must acknowledge that ICE and detention centers exist as an extension of the carceral state, which in turn serves the purpose of ethnic cleansing. It is nothing new that the United States should weaponize its propaganda of criminalization to justify the splitting of families and to force communities of color into labor camps run by private companies like CORE Civic and GEO Group1. For-profi­t private companies have an ongoing war that they have waged particularly against the Black community, and have more recently begun replicating to pro­fit off of the migrant community at large. As such, if we can ­fight for a world in which ICE is abolished, we must also be willing to fi­ght for a world in which all prisons go away with it. We cannot choose to ignore the fact that the prison industrial complex (PIC) serves as the blueprint for the apparatus locking migrant children in cages today. If we fail to abolish it, Black families will continue to be torn apart, and the carceral state will thrive. If we fail to advocate for a compassionate alternative, then it will simply replicate itself in other ways against other communities. The following is a manifesto for all those who dare dream and fight for a world without cages, without borders, and for the liberation for all exploited peoples on this earth. [end page 1]

### 2AC Perm

#### Success means the aff can lead to a revolution which proves the K wrong, hope and progress is possible.

**Wray’14** (International Socialist Group, The case for revolutionary reforms, http://internationalsocialist.org.uk/index.php/2014/04/the-case-for-revolutionary-reforms)

We need revolutionary change. But as I’ve discussed in the previous five parts of this series, getting from where we are to a revolutionary transformation that overthrows the dominant property relations of the capitalist economy and replaces them with social relations based on democratic control of the world’s resources is not as simple as declaring our desire for it to be so. I saw a petition on change.org the other day proposing the overthrow of capitalism. If one million people signed that petition and one million people signed a further petition to introduce full collective bargaining rights for trade-unions in the UK, which one would move us closer to the overthrow of capitalism? I wager the latter. Whilst having an end goal in sight is important, most people don’t change their thinking about the world based on bold visions of what could be done at some point in the future: they change their ideas based on evidence from their material lives which points to the inadequacy or irrationality of the status quo. we need ideas based around proposals for reforms. At the same time those reforms have to help rather than hinder a move to more revolutionary transformation that challenges the very core of the capitalist system. The dialectic of reform and revolution¶ What we need, therefore, is a strategy of revolutionary reforms. Such a notion would appear as a contradiction in terms to many who identify as reformists or revolutionaries and see the two as dichotomous, but there is no reason why this should be the case. Indeed, history has shown that revolutionary transformations have always happened as a dialectical interaction between rapid, revolutionary movements and more **institutional, reform-based challenges**. What does a strategy of ‘revolutionary reforms’ entail? Ed Rooksby explains that it is a political strategy that builds towards revolutionary change by using reforms to ‘push up against the limits’ of the ‘logic of capitalism’ in practice:¶ “At first these “feasible objectives” will be limited to reforms within capitalism—or at least to measures which, from the standpoint of a more or less reformist working class consciousness, appear to be legitimate and achievable within the system, but which may actually run counter to the logic of capitalism and start to push up against its limits. As the working class engages in struggle, however, the anti-capitalist implications of its needs and aspirations are gradually revealed. At the same time, through its experience of struggle for reform, the working class learns about its capacity for “self-management, initiative and **collective** **decision**” and can have a “foretaste of what emancipation means”. In this way **struggle for reform helps prepare** the class **psychologically, ideologically and materially for revolution**.” The late Daniel Bensaid expressed this argument through the lens of the history of the socialist movement:¶ “In reality all sides in the controversy agree on the fundamental points inspired by The Coming Catastrophe (Lenin’s pamphlet of the summer of 1917) and the Transitional Programme of the Fourth International (inspired by Trotsky in 1937): the need for **transitional demands**, the politics of alliances (the united front), the logic of hegemony and on the dialectic (not antinomy) between reform and revolution. So revolutionary reforms means a **policy agenda** that, as Alberto Toscano has put it, “at one and the same time make concrete gains within capitalism which permits further movement against capitalism”. The Italian marxist Antonio Gramsci described this approach as a ‘war of positon’.

### 2AC Perm

#### Squo attempts at reform not working doesn’t mean legal solutions are useless – infusing the aff methodology and interrogation into legal solutions ruptures the intelligibility of settler colonialism and creates meaningful progress and reinterpretation of the liberal rights they criticize.

Bhandar’13 (lecturer at Kent Law School and Queen Mary School of Law – her areas of research and teaching include property law, equity and trusts, indigenous land rights, post-colonial and feminist legal theory, multiculturalism and pluralism, critical legal theory, and critical race theory

Brenna, “Strategies of Legal Rupture: the politics of judgment” [http://www.forensic-architecture.org/wp-content/uploads/2013/02/BHANDAR-Brenna.-Strategies-of-Legal-Rupture.pdf)

In this article, my aim is to consider the use of law as a political strategy of rupture in colonial and post - colonial nation states. The question of whether and how to use law in order to transform and potentially shatter an existing political - legal order is one that continues t o plague legal advocates in a variety of places, from Australia, to India, to Canada to Israel/Palestine. For example, the struggle for the recognition of indigenous rights in the context of colonial settler regimes has often produced pyrrhic victories. 21 T he question of indigenous sovereignty is ultimately quashed, and aboriginal rights are paradoxically recognised as an interest that derives from the prior occupation of the land by aboriginal communities but is at the same time parasitic on underlying Crow n sovereignty; an interest that can be justifiably limited in the interests of settlement. 22 Thus, the primary and inescapable question remains: how does one utilise the law without re - inscribing the very colonial legal order that one is attempting to break down? 23 I argue that this is an inescapable dilemma; as critical race theorists and indigenous scholars have shown, to not avail ourselves of the law in an effort to ameliorate social ills, and to promote and protect the rights of oppressed minorities is to essentially abrogate one’s political responsibilities. Moreover, the reality of political struggle (particularly of the anti - colonial variety) is that it is of a diffuse and varied nature, engaging multiple different tactics in order to achieve its ends.¶ The notion of the ruptural defence emerges from the work of Jacques Vergès, a French advocate and subject of a film by Barbet Schroder entitled Terror’s Advocate . The film is as much a portrait of Vergès ’ life as it is a series of vignettes of armed anti - colonial and anti - imperial struggle during the decades between the late 1940s and the 1980s. I should say at the beginning that I do not perceive Vergès as a heroic figure or defender of the oppressed; we can see from his later decisions to defend Klaus Barbie, for instance, that his desire to reveal the violence wrought by European imperial powers was pursued at any cost. But in tracing the development of what Vergès called the ruptural defence, the film takes us to the heart of the inescapable paradoxes and contradictions involved in using law as a means of political resistance in colonial and post - colonial contexts. I want to explore the strategy of rupture as developed by Vergès but also in a broader se nse, to consider whether there is in this defence strategy that arose in colonial, criminal law contexts, something that is generalisable, something that can be drawn out to form a notion of legal rupture more generally.¶ To begin then, an exploration of Vergès’ ‘rupture defence’, or rendered more eloquently, a strategy of rupture. At the beginning of the film, Vergès comments on his strategy for the trial of Djamila Bouhired, a member of the FLN, who was tried in a military court for planting a bomb in a cafe in Algiers in 1956. Vergès states the following in relation to the trial:¶ The problem wasn’t to play for sympathy as left - wing lawyers advised us to do, from the murderous fools who judged us, but to taunt them, to provoke incidents that would reac h people in Paris, London, Brussels and Cairo...¶ The refusal to play for sympathy from those empowered to uphold the law in a colonial legal order hints at the much more profound refusal that lies at the basis of the strategy of rupture, which we see unf old throughout the film. In refusing to accept the characterisation of Djamila’s acts as criminal acts, Vergès challenges the very legal categories that were used to criminalise, condemn and punish anti - colonial resistance. The refusal to make the defendan ts’ actions cognisable to and intelligible within the colonial legal framework breaks the capacity of the judges to adjudicate in at least two senses. First, their moral authority is radically undermined by an outright rejection of the legal terms of refer ence and categories which they are appointed to uphold. The legal strategy of rupture is a politics of refusal that calls into question the justiciability of the purported crime by challenging the moral and political jurisdiction of the colonial legal order itself.¶ Second, the refusal of the legal categorisation of the FLN acts of resistance as criminal brought into light the contradictions inherent in the official French position and the reality of the Algerian context. This was not, as the official line would have it, simply a case of French criminal law being applied to French nationals. The repeated assertion that the defendants were independent Algerian actors fighting against colonial brutality, coupled with repeated revelations of the use of torture on political prisoners made it impossible for the contradictions to be “rationally contained” within the normal operations of criminal law. The revelation and denunciation of torture in the courtroom not to prevent statements or admissions from being admis sable as evidence (as such violations would normally be used) but to challenge the legitimacy of the imposition of a colonial legal order on the Algerian people made the normal operation of criminal law procedure virtually impossible . 24 And it is in this ma king impossible of the operation of the legal order that the power of the strategy of rupture lies. ¶ In refusing to render his clients’ actions intelligible to a colonial (and later imperial) legal framework, Vergès makes visible the obvious hypocrisy of the colonial legal order that attempts to punish resistance that employs violence, in the same spatial temporal boundaries where the brute violence of colonial rule saturates everyday life. In doing so, this is a strategy that challenges the monopoly of le gitimate violence the state holds. Vergès aims to render visible the false distinction between common crimes and political crimes, or more broadly, the separation of law and politics. 25 The ruptural defence seeks to subvert the order and structure of the tr ial by re - defining the relation between accuser and accused. This illumination of the hypocrisy of the colonial state questions the authority of its judiciary to adjudicate. But more than this, his strategy is ruptural in two senses that are fundamental to the operation of the law in the colonial settler and post - colonial contexts. The first is that the space of opposition within the legal confrontation is reconfigured. The second, and related point, is that the strictures of a legal politics of recognition are shattered.¶ In relation to the first point, a space of opposition is, in the view of Fanon, missing in certain senses, in the colonial context. A space of opposition in which a genuinely mutual struggle between coloniser and colonised can occur is de nied by spatial and legal - political strategies of containment and segregation. While these strategies also exhibit great degre es of plasticity 26 , the control over such mobility remains to a great degree in the hands of the colonial occupier. The legal strategy of rupture creates a space of political opposition in the courtroom that cannot be absorbed or appropriated by the legal order. In Christodoulidis’ view, this lack of co - option is the crux of the strategy of rupture.¶ This strategy of rupture also poin ts to a path that challenges the limits of a politics of recognition, often one of the key legal and political strategies utilised by indigenous and racial minority communities in their struggles for justice. Claims for recognition in a juridical frame ine vitably involve a variety of onto - epistemological closures. 27 Whether because of the impossible and irreconciliable relation between the need for universal norms and laws and the specificities of the particular claims that come before the law, or because of the need to fit one’s claims within legal - political categories that are already intelligible within the legal order, legal recognition has been critiqued, particularly in regards to colonial settler societies, on the basis that it only allows identities, legal claims, ways of being that are always - already proper to the existing juridical order to be recognised by the law. In the Canadian context, for instance, many scholars have elucidated the ways in which the legal doctrine of aboriginal title to land im ports Anglo - American concepts of ownership into the heart of its definition; and moreover, defines aboriginality on the basis of a fixed, static concept of cultural difference. The strategy of rupture elides the violence of recognition by challenging the legitimacy of the colonial legal order itself.¶ In an article discussing Vergès’ strategy of rupture, Emilios Christodoulidis takes up a question posed to Vergès by Foucault shortly after the publication of Vergès’ book, De La Stratégie Judiciare, as to wh ether the defence of rupture in the context of criminal law trials in the colony could be generalised more widely, or whether it was “not in fact caught up in a specific historical conjuncture.” 28 In exploring how the strategy of rupture could inform practices and theory outside of the courtroom, Christodoulidis characterises the strategy of rupture as one mode of immanent critique. As individuals and communities subjected to the force of law, the law itself becomes the object of critique, the object that ne eds to be taken apart in order to expose its violence. To quote from Christodoulidis:¶ Immanent critique aims to generate within these institutional frameworks contradictions that are inevitable (they can neither be displaced nor ignored), compelling (they necessitate action) and transformative in that (unlike internal critique) the overcoming of the contradiction does not restore, but transcends, the ‘disturbed’ framework within which it arose. It pushes it to go beyond its confines and in the process, fam ously in Marx’s words, ‘enables the world to clarify its consciousness in waking it from its dream about itself’. 29¶ Christodoulidis explores how the strategy of rupture can be utilised as an intellectual resource for critical legal theory and more broadl y, as a point of departure for political strategies that could cause a crisis for globalised capital. Strategies of rupture are particularly crucial when considering a system, he notes, that has been so successful at appropriating, ingesting and making its own, political aspirations (such as freedom, to take one example) that have also been used to disrupt its most violent and exploitative tendencies. Here Christodoulidis departs from the question of colonialism to focus on the operation of capitalism in po st - war European states. It is also this bifurcation that I want to question, and rather than a distinction between colonialism and capitalism, to consider how the colonial (as a set of economic and political relations that rely on ideologies of racial diff erence, and civilisational discourses that emerged during the period of European colonialism) is continually re - written and re - instantiated through a globalised capitalism. As I elaborate in the discussion of the Salwa Judum judgment below, it is the combi nation of violent state repression of political dissent that finds its origins (in the legal form it takes) during the colonial era, and capitalist development imperatives that implicate local and global mining corporations in the dispossession of tribal p eoples that constitutes the legal - political conflict at issue.¶ After the Trial: From Defence to Judgment¶ In response to a question from Jean Lapeyrie (a member o f the Action Committee for Prison - Justice) during a discussion of De La Stratégie Judiciare published as the Preface to the second edition, Vergès remarks that there are actually effective judges, but that they are effective when forgetting the essence of what it is to be a judge. 31 The strategy of rupture is a tactic utilised to subvert the order and structure of a trial; to re - define the very terms upon which the trial is premised. On this view, the judge, charged with the obligation to uphold the rule o f law is of course by definition not able to do anything but sustain an unjust political order.¶ In the film Terror’s Advocate , one is left to wonder about the specificities of the judicial responses to the strategy deployed by Vergès. (Djamila Bouhired , for instance, was sentenced to death, but as a result of a worldwide media campaign was released from prison in 1962). While I would argue that the judicial response is clearly not what is at stake in the ruptural defence, I want to consider the potentia lity of the judgment to be ruptural in the sense articulat ed by Christodoulidis, discussed above. Exposing a law to its own contradictions and violence, revealing the ways in which a law or policy contradicts and violates rights to basic political freedoms , has clear political - legal effectsand consequences. Is it possible for members of the judiciary to expose contradictions in the legal order itself, thereby transforming it? Would the redefinition, for instance, of constitutional provisions guaranteeing r ights that come into conflict with capitalist development imperatives constitute such a rupture? In my view, the re - definition of the limitations on the guarantees of individual and group freedom that are inevitably and invariably utilised to justify state repression of rights in favour of capitalist development imperatives, security, or colonial settlement have the potential to contribute to the re - creation of political orders that could be more just and democratic.¶ We may be reluctant to ever claim a judgment as ruptural out of fear that it would contaminate the radical nature of this form of immanent critique. Is to describe a judgment as ruptural to belie the impossibility of justice, the aporia that confronts every moment of judicial decision - making? I want to suggest that it is impossible to maintain such a pure position in relation to law, particularly given its capacity (analogous to that of capital itself) for reinvention. Thus, I want to explore the potential for judges to subvert state violence e ngendered by particular forms of political and economic dispossession, through the act of judgment. In my view, basic rights protected by constitutional guarantees (as in the Indian case) have been so compromised in the interests of big business and develo pment imperatives, that re - defining rights to equality, dignity and security of person, and subverting the interests of the state - corporate nexus is potentially ruptural, in the sense of causing a crisis for discrete tentacles of global capitalism.¶ At th is juncture, we may want to explicitly account for the specific differences between criminal defence cases and Vergès‘ basic tactic, which is to challenge the very jurisdiction of the court to adjudicate, to define the act of resistance as a criminal one, and constitutional challenges to the violation of rights in cases such as Salwa Judum . While one tactic seeks to render the illegitimacy of the colonial state bare in its confrontation with anti - colonial resistance, the other is a tactic used to re - define the terms upon which political dissent and resistance take place within the constitutional bounds of the post - colonial state**.** These two strategies appear to be each other’s opposite; one challenges the legitimacy of the state itself through refusing the ju risdiction of the court to criminalise freedom fighters, while the other calls on the judiciary to hold the state to account for criminalising and violating the rights of its citizens to engage in political acts of dissent and resistance. However, the common thread that situates these strategies within a singular political framework is the fundamental challenge they pose to the state’s monopoly over defining the terms upon which anti - colonial and anti - capitalist political action takes place. Here I will turn to consider a post - colonial context in which the colonial is continually being re - written, juridically speaking, in light of neo - liberal economic imperatives unleashed from the late 1980s onwards. A recent judgment of the Indian Supreme Court provide s an opportunity to consider a moment in which capitalist development imperatives and the exploitation of tribal peoples by the state of Chattisgarh are put on trial by a group of three plaintiffs. The judgment provides, amongst other things, an opportunit y to consider the strategy of the plaintiffs and also the judicial response. As I argue below, this judgment presents an instance of rupture precisely because the fundamental freedoms of the people of Chattisgarh are redefined by the Court in such a way as to challenge and condemn the capitalist development imperatives that have put their lives and livelihoods at risk.¶ Salwa Judum¶ The Indian Supreme Court rendered judgment in the case of Nandini Sundar and others v the State of Chhattisgarh on July 5th, 2011. In this case, Sundar, a professor of Sociology at the Delhi University, along with Ramachandra Guha, an eminent Indian historian, and Mr. E.A.S. Sarma, former Secretary to Government of India and former Commissioner, Tribal Welfare, Government of And hra Pradesh, petitioned the Supreme Court of India alleging, inter alia , that widespread violations of human rights were occurring in the State of Chattisgarh, on account of the ongoing Naxalite/Maoist insurgency and the counter - insurgency activities of th e State government and the Union of India (or the national government). More specifically, the petitioners alleged that the State was in violation of Articles 14 and 21 of the Indian Constitution. Article 14 guarantees equality before the law of each citiz en and freedom from discrimination on the basis of race, religion, caste, sex or place of birth. Article 21 of the Constitution guarantees the protection of life and personal liberty.¶

#### Reform is not monolithic – there are instances when state engagement is necessary and useful.

**Walia & Dilts’16** (Harsha & Andrew, Activist and write & Associate Professor of Political Theory at the Loyola Marymount University, May 22, 106; “Dismantle & Transform: On Abolition, Decolonization, & Insurgent Politics”; Accessed: 6-23-2019, *Abolition: A Journal of Insurgent Politics*, Volume 1, <https://abolitionjournal.org/dismantle-and-transform/>, AD = Andrew Dilts, HWL Harsha Walia)

AD: In an interview you did with Glen Coulthard, you asked him a question about state engagement versus disengagement. I want to ask you the same question: How do we determine when and how to turn away? HW: I think the disengagement versus engagement dichotomy is false, just as the reform versus revolution debate is reductive. Even if our long-term vision is turned away from the state, in the short term we may have to engage with the state — things like dealing with the courts or calling the cops to address gender violence etc. Part of the reason someone may decide to rely on the police is because our community accountability mechanisms are dismal. I asked Glen that question because I don’t think it’s a simple answer. Despite my vision to disengage with the state, the reality is that I end up engaging with the state every day especially when supporting marginalized women. I am not suggesting that engagement versus disengagement with the state is simply a temporal distinction, as many alternatives to the state do exist in the immediate. It is more of a practical and contextual consideration for me. The main principle I work around in these individual instances is the principle of self-determination. If I am supporting someone facing deportation or partner violence, what do they need? Are there effective alternatives to the state that exist that I can suggest or do they feel the need to engage with the state in order to reduce harm or to access safety? AD: As a general answer that seems really helpful because that answer makes it concrete immediately in terms of specific needs and specific situations. And it pushes back on the traditional “reform versus revolution” version of the question. In prison abolition work, I heard the language of “reformist reforms” versus “non-reformist reforms” being used more and more, and I’m wondering if that language makes sense based on the concrete situations you’re invoking here: a reform that reinforces the system versus a reform that requires a different system. HW: Yes, I think so. Arguably every reform entrenches the power of the state because it gives the state the power to implement that reform. But from an ethical orientation towards emancipation, I think a guiding question on non-reformist reforms is: Is it increasing the possibility of freedom? In the context of detention centers and prisons, there are tangible differences between various kinds of reforms. Locally, we are in the period of a state inquest after the tragic death of a Mexican migrant woman Lucia Vega Jimenez in immigration detention. There are now a number of reform-based recommendations on the table coming from legal organizations, NGO’s and state-based agencies. Our allies and us put forward our vision for an end to all deportations and detentions, and then we supported those specific necessary reforms that detainees over the years have talked about that would increase their access to the outside world – for example, increased access to phones, computers, and legal advice. Conversely, one of the proposed reforms that we did not support was a GPS electronic bracelet as an alternative to incarceration. This is forcing people to incarcerate their own body and their home becomes their cages. Another reform we opposed was more cameras in prisons. Even though it was pitched under the guise of “keeping detainees safe,” surveillance is less about safety and more about invasion of privacy and increased social control. So that was how we decided—is the reform increasing the possibility of freedom or is it incarceration and control in another form?

### 2AC Link Turn

#### The AFF leads to openly challenging a settler-colonial state.

CIYJA 17 — California Immigrant Youth Justice Alliance, a statewide alliance of immigrant youth-led community organizations in California, 2018 (“First We Abolish ICE: A Manifesto for Immigrant Liberation,” July 2nd, Available Online at <https://ciyja.org/wp-content/uploads/2018/07/AbolishICE.pdf>,)

On Opening Borders

Undocumented people have been made stateless and disenfranchised by both this country and the ones we fled. Often, the acceptance of U.S. imperialism by the neo-liberal politicians in our countries of origin led to the political and economical short fallings that forced us to flee in search for safety. Once in the United States, we were then dehumanized through criminalization and racialized immigration enforcement. This has shaped understandings of citizenship as a token for complacency towards a specifi­c nationalist agenda. In the United States, that nationalism has exceeded nationality and focuses instead on whiteness.

From the Chinese Exclusion Act to the recent Muslim Ban legitimized by the Supreme Court, immigration limitations and enforcement have often been racially charged. One cannot deny the role white nationalism played in pushing out non-white migrants from this country. This can be seen in the ways the United States refuses to investigate the rise of Russian mothers entering the country to give birth to white Russian babies while simultaneously it rips the children of Central American (Indigenous) asylees from their arms3.

As such, we believe all immigration policies to be deeply rooted in white nationalist ideologies hidden behind feigned concerns over public safety and homeland security. As those condemned to be creating public and homeland uncertainty, we see right through the lies of such propaganda being espoused by the likes of Trump and Obama before him.

When they say animals, we see simply young immigrants navigating the brims of this country attempting to survive. When they say invaders, we see refugees wishing their homelands could provide the safety we believed existed in the United States. Our lived experiences and the people who surround us provide the nuance necessary for us to understand that all policies being drafted to settle public uproar never take into consideration the people they're being created around.

To ­fight for migrant liberation is to openly challenge the notion of citizenship and [end page 5] statehood, all of which are used to spread nationalist inclings that antagonize those on the fringes. To ­fight for migrant liberation is to ask the United States, Germany, Russia, China, and all superpowers of the world to stop meddling in the economic and political processes of the Global South.

­This is why we make a case for opened borders

On initiating the legal ­fight against California's sanctuary policies, Jeff Sessions attempted to delegitimize those of us who ­fight for the freedom of movement and migration as “opened borders radicals4.” Truthfully, the only opened border radicals in this country are those capitalist interests that have constantly disrupted the political processes of the countries migrants have fled. Given that these capitalist interests are often in the name of centralizing the natural resources of the world for the easiest access of white United States citizens, the nation-state supports in their efforts.

Anything from the United States' support of the occupation of Palestine5 to the support of the far-right dictator of Honduras6 lays the framework for this understanding. It then follows that the United States has no moral right to refuse to adopt open border policies to accept the refugees of the lands they've devastated with political medlings and deprived of opportunities to prosper.

In an ever globalizing world that social media has connected more than ever before, it is the moral responsibility of all humans to ensure dignity and respect is made accessible to all who inhabit this earth. We are, afterall, a species capable of communicating with each other to establish trust and companionship. It is misguidance that has led our moral character to be taken over by nationalism which, even in its most passive form, denies us the privilege of belonging to the global community.

Collaboration, understanding, and belonging is human nature to us. Let us expand our understanding of belonging beyond the nation-state, and see ourselves as a species capable of abolishing cages and creating compassion—a species that celebrates the cultural richness of our multi-ethnic world, which refuses to homogenize the world under one culture while simultaneously erasing the rest. [end page 6]

### 2AC ALT Fails

#### Pragmatism is better than idealist methods of attacking injustices – avoid the pitfalls of the alternative which allow for injustices to be simplified and for concrete manifestations of injustices to be ignored

Pappas 16 (American philosopher and Professor of Philosophy at Texas A&M University. He is also Distinguished Research Fellow for the Latino Research Initiative at The University of Texas at Austin. Pappas is the editor-in-chief of The Inter-American Journal of Philosophy "Project MUSE," No Publication, [http://muse.jhu.edu.proxy.lib.umich.edu/article/612551](http://muse.jhu.edu.proxy.lib.umich.edu/article/612551%20) )

THERE HAS BEEN A RECENT RESURGENCE OF pragmatism1 in sociopolitical theory, one in which pragmatism is presented as offering an alternative and promising approach to nonideal theories of justice. This may seem ironic since the record of the classical pragmatists on being explicit about justice or the injustices of their time in their philosophical corpus is a mixed one at best. However, this has not stopped recent philosophers from continuing to draw from the philosophical resources in this tradition to address the injustices of today (e.g., Cornel West, Eddie Glade, Shannon Sullivan, Melvin Rogers, Jose Medina, Elizabeth Anderson). The title of the 2014 SAAP presidential address by Ken Stikkers was “Toward a Pragmatic Understanding of Racism.” What is it about this philosophical tradition that seems worth reconstructing for today, in spite of its shortcomings? The short answer is pragmatism is a metaphilosophy guided by a normative vision of democracy. This paper argues that this metaphilosophy is worth reconstruction, but that, in order to advance it, we need to re-examine it by making explicit the basic tenets of this approach to injustices in the world and determining how it differs from other similar approaches. In this reconstructive task, we would do well to revisit some of John Dewey’s and Jane Addams’s insights in regard to proper methodology for philosophy in addressing social problems. In the brief characterizations of pragmatism by Elizabeth Anderson and others, its more radical aspects have been left out.2 This raises some interesting challenges for philosophers today, including Anderson, who claim to practice an “empirical” nonideal approach to actual injustices. The pragmatists’ approach should be distinguished from nonideal theories whose starting point is some grand historical account of injustice or a sociological structural account of injustice. Pragmatism’s most important contribution to the development of nonideal theories today, in fact, points to the ways in which these views [End Page 58] are not immune from making the same mistakes as the most universalistabsolutist approaches in sociopolitical theory such as oversimplification of or blindness to aspects of concrete injustices. The pragmatist’s methodological prescription to be sensitive to the concrete problems of injustice turns out to be a more demanding and “unorthodox” prescription than Anderson and others think. What Kind of Nonideal Sociopolitical Theory is Pragmatism?

Is the fact that pragmatism as a philosophy does not have a theory of justice a weakness or a strength? There are metaphilosophical reasons that explain Dewey’s relative silence about justice. A theory of justice is as much a dangerous mistake in philosophy as it is a theory of truth, and for the same reasons. They are both part of a philosophical quest that usually ends up committing the “philosophical fallacy”3 and showing the ineptness of philosophy in helping to ameliorate concrete problems. Pragmatism is committed to basing philosophy in lived experience, and, in social philosophy, this means a shift from the theoretical construction of a substantive normative conception of justice to a more contextualist, problem-centered, empirical, and inquiry-oriented approach. A pragmatist’s approach must be distinguished from, and is critical of, approaches to justice that:

(1). start with a theory or theoretical abstraction about what justice is;

(2). start with the assumption of a noncontextual ahistorical universal point of view (the “Archimedean standpoint”4); and

(3). start with or presuppose a political ideology or even a political agenda.

But there are other contemporary approaches that reject these same views. In contrast to these views, it has been said that **the proper approach should be nonideal, historical, contextual, and empirical**. Philosophers like Amartya Sen and Charles W. Mills have argued that ideal-type approaches are useless, ideological, and may function as blinders to actual injustices, or mask existing oppressions. Instead, nonideal theorists insist that political philosophy should be empirical and realistic, and should start with the actual circumstances in which we find ourselves. The diversity of views within nonideal theory includes the approaches to philosophy of Marxists, feminists, critical theorists, critical race theorists, and Latin American liberation philosophers. Many of these views seem to be in agreement that a proper approach to injustices (for example, racism or inequality) should start with either or both: [End Page 59]

(4). a theory of historical evil: a theoretical-historical account of injustices in the world or of a particular problem of injustice at a particular time in the history of a particular country, nation, or civilization (e.g., the history of white supremacy or of colonization of the Americas); or

(5). an empirical diagnosis provided by the social sciences via studies and analysis of the causes of the concrete problems of injustice. For example, philosophy should begin with a sociological structural account of the systematic disadvantages imposed on people because of their race, class, or gender in our society. Anderson places pragmatism in the nonideal camp of the contemporary ideal versus nonideal debate.5 She identifies the pragmatists’ approach with (5) when she asserts that “**philosophy must start from a diagnosis of injustices in our actual world, rather than from a picture of an ideal world**” (Anderson 3). I argue that neither (4) nor (5) captures what pragmatism believes to be the proper philosophical-empirical approach to the problems of injustice. It is easy to see why (4) and (5) could be considered “empirical” starting points compared to the imaginary and theoretical abstractions of ideal theory. Since pragmatism is committed to empiricism, it is very sympathetic to the type of views in (4) and (5), and, in fact, it welcomes both historical accounts and scientific results as part of its resources. However, what distinguishes it from other nonideal approaches is a more radical empiricism and contextualism that is not captured by the above tenets, one that issues important methological warnings to all nonideal theories.

# Negative

### Reform Counterplan 1NC

#### The United States federal government should end arbitrary immigration enforcement by:

#### reforming immigration laws to change all immigration crimes into civil offenses;

#### directing the HSI to focus immigration enforcement solely on criminals and national security threats.

#### Abolishing ICE is politically infeasible and doesn’t resolve anything — reforming HSI solves best.

Nowrasteh 18 (Alex, is a senior immigration policy analyst at the Cato Institute’s Center for Global Liberty and Prosperity. His popular publications have appeared in the Wall Street Journal, USA Today, the Washington Post, and most other major publications in the United States. His peer-reviewed academic publications have appeared in the Journal of Economic Behavior and Organization, Economic Affairs, the Fletcher Security Review, the Journal of Bioeconomics, and Public Choice. Alex regularly appears on Fox News, MSNBC, Bloomberg, and numerous television and radio stations across the United States. He is a coauthor of the booklet Open Immigration: Yea and Nay (Encounter Broadsides, 2014). He is a native of Southern California and received a BA in economics from George Mason University and a Master of Science in economic history from the London School of Economics, 7"A Moderate Two-Point Plan for Reducing ICE’s Power", Cato Institute: https://www.cato.org/blog/moderate-two-point-plan-reducing-ices-power)

Many are attempting to portray the abolish ICE movement as a shadow campaign for open borders but, as those statements above show, it is largely political grandstanding without much substance yet. Senator Richard Blumenthal (D-CT) is correct that abolishing ICE without changing policies wouldn’t accomplish much. ICE was established in 2003 under the Department of Homeland Security (DHS) as part of the government’s post-9/11 reorganization. The government deported illegal immigrants from the interior of the United States prior to 2003. There is not much point in abolishing ICE if another government agency then gains the same power. Furthermore, untangling ICE from the rest of DHS can be tricky without wholesale reform. If the goal is to limit interior immigration enforcement to serious criminals and remove the constant fear felt by otherwise law-abiding illegal immigrants, their American families, and businesses in the United States then there are two legal reforms that will functionally abolish ICE without disbanding the agency. The first is to reform immigration law to change all crimes into civil offenses. The second is to reorganize Homeland Security Investigations (HSI) by giving it some of the responsibility of Enforcement and Removal Operations (ERO) and then abolishing the

### Reform Counterplan 1NC

latter agency. Both reforms will substantially weaken interior immigration enforcement for non-criminals and abolish the worst part of ICE without removing its ability to deport serious criminals and national security threats. Abolish Immigration Crimes Most violations of immigration law are civil offenses that are “remedied” through deportation. Criminal offenses are punished with jail time and fines. However, there are some immigration crimes like illegal entry that are misdemeanors with potential jail time as punishment. Previous Congresses did not consider these crimes to be serious as they are only misdemeanors but, nonetheless, the people who violate them are criminals. Transforming all criminal immigration offenses, or at least as many as possible, into civil violations guts much of the political rationale for cracking down on illegal immigration. If none of them are criminal violators of immigration law then the arguments for sending ICE into their communities to harass them diminishes greatly. This reform also will not prevent the deportation of illegal immigrants who commit other serious crimes. Abolish ERO and Revamp HSI HSI investigates and enforces the most serious criminal violations committed by illegal immigrants and others in the United States involving national security and transnational crime. ERO mostly partners with the Border Patrol and local law enforcement agencies to apprehend illegal immigrants who haven’t committed crimes worthy of the name. Two-thirds of ERO’s arrests are for non-criminal offenses and victimless crimes while only 15.4 percent are for violent or property criminals and another 18.8 percent are for crimes with possible victims. ERO’s responsibility for apprehending and removing the one-third of its arrests who have committed crimes (broadest definition) should be transferred to HSI. Thus, part of the resources allocated to ERO every year should be transferred to HSI. Congress should then abolish ERO and claim a major victory against arbitrary and capricious enforcement of immigration laws. This reorganization will focus immigration enforcement on criminals and national security threats. Even better, it will give its proponents the cover to say that they have abolished ICE without removing its ability to deport serious criminals and to lift the specter of harsh immigration enforcement on otherwise law-abiding communities. Conclusion Members of DHS have proposed spinning off HSI and ERO into different agencies because of their largely different responsibilities. Those DHS bureaucrats believe that ERO’s bad reputation is hindering the ability of HSI to fulfill its more important mission. The reform I propose above would accomplish the overall goal of protecting HSI’s important work, a DHS goal, while also offering up a bureaucratic sacrifice in the form of a disbanded ERO. Combined with replacing all criminal immigration violations with civil infractions, these two reforms would largely accomplish the goals of the abolish ICE movement without the difficulty of abolishing ICE.

### Reform Counterplan 1NC

#### The plan gets rid of the HIS division

Waldman 18 (Paul, is Opinion writer covering politics at the Washington Post, Education: Swarthmore College, BA in Political Science; University of Pennsylvania, PhD in Communication Paul Waldman is an opinion writer for the Plum Line blog. Before joining The Post, he worked at an advocacy group, edited an online magazine, taught at university and worked on political campaigns. He has authored or co-authored four books on media and politics, and his work has appeared in dozens of newspapers and magazines. He is also a senior writer at the American Prospect., 6-29-2018, "Opinion", Washington Post: https://www.washingtonpost.com/blogs/plum-line/wp/2018/06/29/abolish-ice-is-a-good-thing-even-it-scares-some-democrats-and-republicans-demagogue-it/?utm\_term=.b46d18d7b65a)

Second, the people proposing that we abolish ICE aren’t saying immigration laws shouldn’t be enforced. They’re saying that this agency has gotten out of control, and its responsibilities need to be moved to other agencies. In fact, just this week, a majority of the special agents in charge of ICE’s Homeland Security Investigative Division (HSI) sent a letter to the Secretary of Homeland Security proposing that their division be split off from the rest of ICE. They argued that the actions of the Enforcement and Removal Operations division (ERO) — those are the guys who bust down doors — have become so controversial that they are “harming the entire agency’s reputation and undermining other law enforcement agencies’ willingness to cooperate.”

#### That’s bad—HSI is vital to investigate and resolve trafficking cases — the impact is massive violence.

Robertson 17 (Marcella, Journalist, 7-21-2017, "Inside Homeland Security Investigations", WVEC: https://www.13newsnow.com/article/news/local/13news-now-investigates/inside-homeland-security-investigations/454353830)

In 2005, in response to a major increase in violence along the Southwest Border with Mexico, U.S. Immigration and Customs Enforcement and Homeland Security Investigations created the Border Enforcement Security Task force (BEST). One of the 35 BEST teams that formed is here in Hampton Roads. It relies on partnerships with local law enforcement agencies. The local team is crucial to security, given the area's international ties including the business done through the Port of Virginia. The port is a huge hub that sees millions of cargo containers from around the world moving through it. The port's existence has translated into more than $60 billion for the Virginia economy. The port also serves as a prime spot for illegal things. “Drug smuggling, weapons trafficking, intellectual property rights, money laundering and a variety of other disciplines,” Mike Lamonea with Homeland Security Investigations said, offering examples. That’s where the BEST steps in. “We’re looking for any criminal activity related to the border and anything that has a transnational nexus to it,” explained Lamonea. 13News Now was there as agents searched dozens of cargo containers coming out of the port. The big concern is that anything coming in through the port illegally, like weapons or drugs, trickles directly into the neighborhoods in Hampton Roads. The team also focuses on local cases including that of Jason Mickle. Mickle and several others were caught running a multi-million-dollar spice ring. BEST and other

### Reform Counterplan 1NC

organizations were responsible for the downfall of the ring. Mickle is serving a 17-year prison sentence. If you’ve ever seen the cruise ships docked at Nauticus in Norfolk, there’s a good change BEST agents were there, too. Whenever a ship comes in from international waters, the team checks the ship and passengers' luggage for signs of illegal activity. “Everything we do here, and everything the BEST team does in general, is aimed at public safety and national security,” said Lamonea. They often are considered some of the most heinous crimes, targeting some of the most innocent victims. “They are the lowest of the low,” said Mike Lamonea with Homeland Security Investigations (HSI). Child pornography and child exploitation are at the top of the priority list for HSI. It’ may not be widely known, but the agency, which often only is associated with immigration, investigates those crimes that target children. The U.S. Customs Service used to investigate child porn that was being sent through the mail or coming in through the ports. Once HSI was created in 2003, it took over that responsibility. “The Internet has no borders. Anything that’s being transferred across the Internet relative to child exploitation, we’re going to investigate,” Lamonea told 13News Now. Local HSI agents have taken many child predators off the streets, but that is not their only goal in those kinds of cases. They also help victims recover from some of the crimes. Erin Portnoy is the director of the Children's Hospital of The King's Daughters (CHKD) Child Abuse Center. “We’re this one-stop shop because police know this is where they’re going to get the best care,” said Portnoy. Staff members at the center work hand in hand with HSI and other agencies to make sure the victims get the assistance they need. “We will be coming. They will get arrested. They will get prosecuted, and they will be doing a lot of time behind bars,” said Lamonea. In 2016, HSI agents arrested more than 2,600 online child predators and identified nearly 1,000 victims. Sex trafficking is another big priority for Homeland Security Investigations. In January, Virginia Attorney General Mark Herring announced the creation of a human trafficking task force in Hampton Roads. “Since February, we’ve had over 34 cases,” said a victim's advocate with the Samaritan House whose identity we are protecting because of the nature of her work. Since the creation of the task force, HSI and other agencies like the Norfolk Police Department have been working to get traffickers off the street. 13News Now was there as HSI and the Norfolk Police Department conducted an undercover operation. Many of them start with undercover officers investigating prostitution. Often, those investigations lead them to victims. “I think people don’t realize just how bad it can be. These victims are given quotas where they have to meet with buyers of sex up to 15 times a night. You’re looking at thousands of rapes that happen for profit over the course of a year,” said the victim advocate. The task force isn’t fully operational yet, but those involved believe once it is, they’ll uncover even more victims. “Once more operations start to happen, I anticipate seeing far more victims coming in to receive services from the Samaritan House,” the victim advocate told us. Since the task force’s inception, HSI has been involved in several cases that ended with traffickers behind bars and pleading guilty.

### 2NC Reform Counterplan Solvency

#### Separating HSI from ICE and reallocating funds to them solves

Siddiqui, ‘18

(Sabrina Siddiqui 18, 7-8-2018, "'We protect Ice': Trump supporters rally behind immigration slogan," Guardian, <https://www.theguardian.com/us-news/2018/jul/08/ice-immigration-customs-enforcement-trump-democrats>)

As Donald Trump took the stage at an event in Montana this week, the president animated the crowd with a new rallying cry. “We protect Ice,” he said. “They protect us and we protect them.” Trump repeated the new slogan to raucous cheers. The president was referring to Immigration and Customs Enforcement, a law enforcement agency within the Department of Homeland Security that bears the responsibility of carrying out his hardline immigration agenda. It was the latest sign that Trump, whose administration has been roundly criticized for separating migrant parents from their children at the border, wished to seize on the politics of immigration in an election year that could tip the balance of the US Congress. With the 2018 midterm elections looming in November, Trump has sought to advance the narrative that Democrats support the abolition of Ice. The outcome, the president claims, would result in “open borders” and crime flowing into the United States. It is a familiar ploy – reminiscent of Trump’s fear tactics around immigrants in the 2016 presidential race – and one embraced wholeheartedly by the White House and the Republican National Committee. By Friday, Vice-President Mike Pence was paying homage to Ice at its headquarters in Washington. “We are with you 100%,” he said. “Under President Trump, we will never abolish Ice.” The politics surrounding Ice have elevated the agency and its utility to the forefront of the debate over America’s immigration system. For Trump, it has served as a vehicle to distract from his administration’s confusion thus far over how to reunite the nearly 3,000 children who have been separated from their parents at the US border as a result of his policies. “I think that Republicans are talking about Democrats abolishing Ice a lot more than Democrats are talking about abolishing Ice,” said David Fitzgerald, co-director at the Center for Comparative Immigration Studies at the University of California, San Diego. The issue garnered attention after Alexandria Ocasio-Cortez, a 28-year-old progressive activist, pulled off a stunning victory over Joe Crowley, one of the senior Democrats in the House, in last month’s New York primary. Ocasio-Cortez made abolishing Ice, the functions of which include detaining and deporting undocumented immigrants, a central tenet of her platform. Only a handful of the 242 Democrats in Congress, which includes two independents who caucus with the party, have called for abolishing Ice. The majority of Democrats who have commented on the subject have suggested reforming the agency and its focus. The list of those calling for Ice to be abolished nonetheless includes at least some prominent Democrats, such as Senators Kirsten Gillibrand of New York and Elizabeth Warren of Massachusetts, both regarded as potential contenders for the 2020 presidential race. Gillibrand said she agreed with Ocasio-Cortez’s position of abolishing Ice, stating the agency had become “a deportation force”. “We believe that we should protect families that need our help and that is not what Ice is doing today,” Gillibrand said. “And that’s why I believe you should get rid of it, start over, reimagine it and build something that actually works.” Warren took a similar view, saying Trump’s “deeply immoral actions” necessitated a new approach to America’s immigration laws. “We need to rebuild our immigration system from top to bottom,” Warren said, “starting by replacing Ice with something that reflects our values.” Democrats have broadly held an advantage over Republicans on the issue of immigration. A recent poll, conducted before the controversy over Trump’s family separation policy, found Democrats with a 14-point advantage over Republicans on each party’s handling of immigration. The politics of Ice, however, are more complex, in part because the American public is not intimately familiar with the origins of the agency and its intended purpose. Enforcing immigration law, both within the interior of the United States and at its borders, was previously a function of the Immigration and Naturalization Service (INS). It was not until a commission, in response to the September 11, 2001 terrorist attacks, recommended structural changes to the Department of Homeland Security that Ice was born and primarily charged with interior enforcement. The US Customs and Border Protection, meanwhile, was tasked with enforcement along the US borders. “It became more of a political factor specifically around mass deportations,” said Fitzgerald, who noted that the controversy had to do with a ramp-up in interior enforcement that began under the George W Bush administration and continued in the early years of Barack Obama’s presidency. Obama was famously dubbed the “deporter in chief” by immigration advocates due to a rapid escalation of deportations that ultimately led to more than 2.8 million undocumented immigrants being forcibly removed from this country during his two terms. But the Obama administration, immigration advocates said, shifted its focus in later years by having Ice concentrate on those who committed serious felonies or were considered security risks. “It didn’t mean that the law wasn’t followed, it just meant that they used discretion,” said David Leopold, an immigration attorney and former president of the American Immigration Lawyers Association. “When Trump came into power, within a couple weeks, they threw out all commonsense immigration enforcement priorities. They basically said to [Ice], go grab anybody you can.” Under the Trump administration, the directive has been substantially widened to target undocumented immigrants regardless of whether or not they had committed a serious crime. Arrests by Ice rose by 42% during the first nine months of Trump’s tenure, compared with the same period in 2016. The overall arrests in 2017, Trump’s first year in office, were 30% higher than the previous year. Some of the cases of the Trump era have gone viral — such as the father whose family filmed his arrest by Ice agents after he had dropped his 12-year-old daughter off at school. In announcing the “zero-tolerance” policy that prompted the Trump administration to separate families at the border, the attorney general, Jeff Sessions, openly stated that anyone entering the country illegally would be prosecuted. The “Abolish Ice” slogan among some progressives, Fitzgerald said, probably has less to do with the agency itself than “a general cry of protest against Trump’s draconian immigration policies”. Democrats in Washington, he pointed out, have largely adopted the position that Ice should be reformed rather than eliminated in its entirety. Congress could, for example, reduce or reallocate some of the agency’s funding away from deportations and re-establish enforcement guidelines such that criminals and security risks are the priority. The heightened scrutiny over the agency’s immigration enforcement arm has led even some Ice agents to seek distance from the Trump administration’s policies. Last month, 19 agents who work for Ice homeland security investigations wrote a letter to Kirstjen Nielsen, the DHS secretary, asking for their division to be split from that which handles immigration enforcement. The agents wrote that the association of Ice with the Trump administration’s controversial detention and deportation policies had made it difficult for its investigative division to pursue threats to national security, organized crime, and drug and human trafficking. “Ice as an agency needs serious reform,” said Leopold. “The reality is, at the end of the day, we need to have an agency that enforces immigration law and the border.” “But we need an agency that operates with humanity, with compassion … It’s not about abolish Ice so much as it is about abolish the abuses, abolish the treatment of families like they’re something less than human.”

### **2NC Reform Counterplan-Reform Better Than Abolish**

#### **Reforming the system has a better chance at success than abolishing the program.**

Woodruff and Stein 18 (Betsy, Daily Beast reporter on federal law enforcement, Sam, is the Politics Editor at The Daily Beast and an MSNBC contributor, 6-29-2018, accessed 7-2-2018, "Abolish ICE? Not So Fast, Says Congressional Hispanic Caucus in New Talking Points.", Daily Beast: https://www.thedailybeast.com/abolish-ice-not-so-fast-says-congressional-hispanic-caucus-in-new-talking-points)

While calling for “increasing transparency and accountability,” the CHC talking points conclude that “abolishing ICE without changing President Trump’s disastrous immigration policy will not solve the problem.” “It is the agency’s misguided and unfortunate policy priority—which now appears to be based on an effort to deport 11 million people and possibly their 5 million U.S. citizen children that has led to this public outcry,” the talking points read. “The agency’s name or place on the organizational chart doesn’t need to be changed. ICE needs greater oversight and accountability so that we can protect the homeland and better manage our broken immigration system.” The talking points were passed to The Daily Beast by a congressional source. A top Democratic House aide confirmed the CHC was crafting a document that implicitly rejected calls for abolishing the agency. A source close to the CHC told The Daily Beast that the talking points were put together by caucus staff. The source said they did not constitute a formal position of the caucus. A spokesperson for the CHC declined to comment for this story. In crafting its talking points, the CHC finds itself taking a far more nuanced position than many in the Democratic Party’s progressive wing. This week, Sen. Kirsten Gillibrand (D-NY) and New York City Mayor Bill de Blasio both called for abolishing ICE. Those officials’ remarks followed Alexandria Ocasio-Cortez’s shocking victory over Rep. Joe Crowley earlier this week, after she made abolition of the agency a central campaign promise. The growing movement to get rid of ICE—an agency created in the aftermath of 9/11—has caused consternation among some Democrats, who fear that such a proposition is unfeasible given the numerous functions beyond immigration that ICE oversees. One chief complaint is that the word “abolish” has been used as a synonym for reform and that, in doing so, advocates have set up unreasonable expectations among progressive voters. The CHC’s talking points reflect this fear and could end up sparking a politically uncomfortable debate between Hispanic lawmakers and party activists. They are hardly a defense of ICE’s conduct. Instead, the caucus places blame for the agency’s aggressive immigration enforcement at the feet of the president: ICE has severely damaged itself by becoming a political pawn in the Republican electoral strategy and making immigration a partisan wedge. The agency has been emboldened by President Trump and immigration hardliners to act as a rogue enforcement agency going after low priority immigrants and their families Rather than prioritize its resources to protect our homeland from human traffickers, cybercrimes, child exploitation, money launderers, and terrorist threats, ICE has terrorized whole communities by targeting gainfully employed men and women with families who have longstanding ties to the United States. This has resulted in mothers and fathers filling beds in detention centers rather than criminals. The CHC talking points notably stress that Democratic lawmakers are in favor of enhanced investments in border security. The document notes that “30 Democratic House Members support H.R.4796 (the USA Act), which calls for increasing the use of effective technology at the border in order to achieve situational awareness and operational control along the U.S. border and requires DHS to submit a comprehensive southern border strategy to Congress outlining ways to achieve border control.” It also cites the 2013 immigration bill that passed in the Senate, which included “about $40 billion for border enforcement.”

### 2NC— HSI Good

#### Statistics prove — the HSI stops human trafficking and sex slave operations.

ICE 17 (Immigration and Customs Enforcement, it’s the federal government, "Human Trafficking", ICE: https://www.ice.gov/features/human-trafficking)

Every day, HSI agents around the globe work to uncover, dismantle and disrupt human trafficking. They come face to face with the worst of humanity – traffickers profiting off the forced labor and commercial sex of their victims through the use of physical and sexual abuse, threats of harm and deportation, false promises, economic and psychological manipulation, and cruelty. Human trafficking victims have been found in communities nationwide in the agriculture, hospitality, restaurant, domestic work and other industries, as well as in prostitution that is facilitated online, on the street, or in businesses fronting for prostitution such as massage parlors. Overseas forced labor can be used to produce the consumer goods that are in our homes and workplaces. These victims are men, women and children of all ages and can include U.S. citizens and foreign nationals. Many of them thought they had found a good paying job or a better life, only to have their hopes dashed and work compelled. In fiscal year 2016, HSI initiated 1,029 investigations with a nexus to human trafficking and recorded 1,952 arrests, 1,176 indictments, and 631 convictions; 435 victims were identified and assisted. ICE continues to make human trafficking cases a top investigative priority, bringing traffickers to justice and connecting victims to services to help them restore their lives.

#### Empirics prove — HSI breaks down human trafficking operations.

ICE 15 (Immigrations and Customs Enforcement, it’s the usfg, 10-30-2015, "ICE arrests 29 people in 8 states on human trafficking charges, identifies 15 potential victims, following multistate undercover investigation", ICE: https://www.ice.gov/news/releases/ice-arrests-29-people-8-states-human-trafficking-charges-identifies-15-potential)

MACON, Ga. – U.S. Immigration and Customs Enforcement’s (ICE) Homeland Security Investigations (HSI) arrested 29 people in 13 cities and eight states Thursday on sex trafficking and related charges in a sweeping operation dubbed “Operation Safe Haven” targeting a network of illegal brothels trafficking Hispanic females. In addition to these arrests, HSI identified 15 potential human trafficking victims from brothels across the southeastern United States with assistance from the Department of Homeland Security (DHS) Joint Task Force – Investigations (JTF-I), ICE Enforcement and Removal Operations (ERO), U.S. Customs and Border Protection (CBP), Federal Emergency Management Administration and multiple state/local law enforcement agencies.

### 2NC — Trafficking Impact

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### 2NC — Trafficking Impact

#### That *UNIQUELY* key to dismantle global networks

Johnson 20

1/22/2020, Bridget Johnson is the Managing Editor for Homeland Security Today, a senior fellow specializing in terrorism analysis at the Haym Salomon Center. She is a Senior Risk Analyst for Gate 15, a private investigator and a security consultant. She is an NPR on-air contributor and has contributed to USA Today, The Wall Street Journal, New York Observer, National Review Online, Politico, New York Daily News, The Jerusalem Post, The Hill, Washington Times, RealClearWorld and more, and has myriad television and radio credits including Al-Jazeera and SiriusXM. “ICE Raises Awareness of Human Trafficking with Outreach in Addition to Enforcement”, <https://www.hstoday.us/subject-matter-areas/customs-immigration/ice-raises-awareness-of-human-trafficking-with-outreach-in-addition-to-enforcement/>

ICE has a track record of action, with Homeland Security Investigations logging more than 9,000 arrests for human trafficking offenses since 2010. The agency’s Project Wire Watch, conducted by HSI New York and HSI Mexico City, has resulted in the rescue of 86 victims, 50 criminal arrests, and 50 indictments.

In fiscal year 2019, HSI arrested 2,197 individuals in connection with human trafficking and identified more than 400 trafficking victims, with the majority of arrests in Los Angeles, Houston, Atlanta, Charlotte, and Phoenix.

“With authority and responsibility for enforcing more than 400 federal statutes, I can’t think of many things more important than the work ICE is doing to identify, prevent and eliminate all forms of human trafficking – both here in the United States and around the world,” said Acting ICE Director Matthew Albence.

“Our global footprint allows us to be strategically positioned to work with our law enforcement partners as well as non-governmental organizations,” he added. “Not only are we uniquely situated to provide critical human trafficking and child sexual exploitation leads and tips to our international partners, we are able to literally work side-by-side with them to identify and dismantle these criminal networks, and to rescue the victims.”

#### Yes, HSI can solve human trafficking – recent actions prove its effective. HSI coordination is necessary to dismantle global networks – proves the link to the DA.

* The coordination link is the Johnson 20 evidence under “2NC – internal link”

HStoday 19

8/21/19, “U.S. and Brazilian Authorities Take Down International Human Trafficking Organization”, <https://www.hstoday.us/channels/global/u-s-and-brazilian-authorities-take-down-international-human-trafficking-organization/>

An international human smuggling ring based in Brazil has been disrupted with the arrests of three alleged human smugglers on Brazilian federal charges, following an extensive investigation coordinated by U.S. Immigration and Customs Enforcement’s (ICE) Homeland Security Investigations (**HSI**), the Human Rights and Special Prosecutions Section of the U.S. Justice Department’s Criminal Division, and the Brazil Federal Police. The arrests were announced August 20, by U.S. and Brazilian authorities.

The human smuggling organization targeted is alleged to be responsible for the illicit smuggling of scores of individuals from East Africa and the Middle East, into Brazil, and ultimately to the United States. The enforcement operation included the execution of multiple search warrants and the arrests of three prolific, Brazil-based human smugglers on Brazilian charges: Abdifatah Hussein Ahmed (a Somalian national); Abdessalem Martani (an Algerian national); and Mohsen Khademi Manesh (an Iranian national).

Assistance provided by U.S. authorities was coordinated under the Extraterritorial Criminal Travel Strike Force (ECT) program, a joint partnership between the Justice Department, Criminal Division’s Human Rights and Special Prosecutions Section (HRSP) and ICE HSI. The ECT program focuses on human smuggling networks that may present particular national security or public safety risks, or present grave humanitarian concerns. ECT has dedicated investigative, intelligence and prosecutorial resources. ECT coordinates and receives assistance from other U.S. government agencies and foreign law enforcement authorities.

HSI Boston led U.S. investigative support efforts, working in concert with HSI Brasilia, HSI San Diego, the HSI Human Smuggling Unit ECT program, the International Organized Crime Intelligence and Operations Center, the HSI Liaison to the U.S. Department of Defense, U.S. Southern Command, Operation CITADEL, BITMAP, and the National Targeting Center – Investigations. The Justice Department, Criminal Division’s HRSP and the Office of International Affairs both provided significant legal and other assistance in this matter.

#### Human trafficking effects every facet of society and destroys every life it touches – not just the victims. Over 12 million people are trafficked worldwide.

M’Cormack 11 — Freida I M’Cormack is part of the Institute of Development Studies, (“The impact of human trafficking on people and countries”, Governance and Social Development Resource Centre, 12/08/2011, <http://gsdrc.org/docs/open/hd780.pdf>)

However, while trafficking is too covert to accurately measure, the numbers involved are significant. Estimates suggest that 400,000 illegal immigrants reach Europe each year, while 850,000 arrive in the US annually (however, these figures include those who have paid smugglers, as well as trafficked victims). In 2004, the US government approximated that 600,000- 800,000 are trafficked internationally annually, of which 80 per cent are female and 50 per cent are minors, with 70 per cent of females being trafficked for commercial sexual exploitation (US Department of State 2004). ILO estimates that 2.44 million people are in forced labour worldwide as a result of trafficking (out of an estimated 12.3 million people worldwide in forced bonded labour, child labour, and sexual servitude) (ILO 2008). It is also clear that everywhere it occurs, the consequences are devastating for victims and the larger community – all society suffers, as well as principles of democratic freedom, principles of democratic society, rule of law and human rights. The scale of trafficking also deals a particular blow to gender equality and women’s rights, presents a strain on law enforcement, and affects security and health systems (Danailova-Trainor and Laczko 2010). Below is a closer examination of the impacts of trafficking in specific areas. Economic impacts Trafficking represents lost opportunities domestically, including an irretrievable loss of human resources and future productivity (US Department of State 2011). According to the 2008 Trafficking In Persons (TIP) report (US Department of State 2008: 22) trafficking also results in a huge loss of remittances to developing countries, because trafficked persons often have to pay off the ‘debt’ they incur for being trafficked (which they may never do). Given that the annual level of remittances to developing countries is an estimated US$ 325 billion (US Department of State 2011), the lack of remittances from trafficked victims could imply a loss to development (according to Danailova-Trainor and Laczko (2010), of approximately US$ 60 billion). Additionally, the costs of coercion and exploitation cannot be measured but it is clear that the worst forms of child labour (and by extension trafficking), for instance, represents a loss in productive capacity of a generation of individuals who would have otherwise gained from increased education and improved health (US State Department 2004). Further, if the fight against trafficking is successful, funds currently used to fight trafficking crimes may be channelled towards alternative development initiatives. Societal impacts In addition to the foregone benefits in terms of remittances and human capital, there are other human and social costs to development attributable to trafficking. The direct impact on the family and community left behind cannot be easily quantified but nevertheless should not be ignored. Trafficking undermines extended family ties, and in many cases, the forced absence of women leads to the breakdown of families and neglect of children and the aged (Danailova-Trainor and Laczko 2010). Victims who return to communities often find themselves stigmatised and shunned, and are more likely to become involved in substance abuse and criminal activity (US Department of State 2004). Children trafficked into forced labour or sexual exploitation have their development as a person ‘irreparably damaged’ (US Department of State 2004: 17). Survivors often suffer multiple traumas and psychological problems. Health impacts There are significant health impacts for victims both while they are being transported and when they have reached their destination. Perilous journeys expose trafficked victims to injury and even death, while overcrowded and unsanitary conditions, and shortages of food and water increase the risk of spreading infectious disease (Todres 2011). 4 Trafficked persons experience ‘physical, sexual, and emotional violence at the hands of traffickers, pimps, employers, and others. They are also exposed to various workplace, health, and environmental hazards’ (Todres 2011: 463). Individuals trafficked for the sex industry also experience increased risk of contracting HIV and other sexually transmitted diseases (STIs). Frequently denied the choice to use condoms, sex trafficking victims can introduce HIV to the broader population. Trucking routes served by prostitution rings along trucking routes, can cause HIV/AIDS and other STIs to be spread even more widely, including across international borders (Todres 2011). Health effects are not limited only to those trafficked for sexual exploitation. Trafficked workers live and work in overcrowded, unsanitary conditions, with no consideration of safety (Todres 2011). These are problems not just for the individual, who may suffer from long-term adverse health, but as such conditions can harbour infectious diseases, wider populations may also be put at risk. Gender equity and human rights The impacts of human trafficking fall disproportionately on women and children, who are the main victims, largely trafficked for commercial sexual exploitation. That this is a billion dollar industry, worldwide, and growing, is a continued expression of unequal power relations that reinforce women’s secondary status in society. It goes without saying that trafficked victims are stripped of their human rights. Trafficked people are subject to all manner of human rights violations, not least of all the rights to life, liberty and freedom from slavery. Trafficked children are deprived of the right to grow up in a protective environment, and to be free from sexual exploitation and abuse (US State Department 2004). Less considered are the rights to adequate healthcare, education, a decent work environment, and freedom from discrimination, to name a few (Todres 2006).

# Settler Colonialism K

### 1NC

#### The nation state’s organization of immigrants and indigenous people into the multicultural system of contractual rights serves to pave over questions over difference and white supremacy – settler nationalism is the most relevant framework for addressing violence stemming from civil society.

**Cornellier 15** (Bruno, Bruno Cornellier is an Assistant Professor of Cultural Studies in the Department of English at the University of Winnipeg. He is the author of La ‘chose indienne’: Cinéma et politiques de la représentation autochtone au Québec et au Canada (Nota Bene, 2015). He has also published articles in Settler Colonial Studies, the Canadian Journal of Film Studies, the London Journal of Canadian Studies, and Nouvelles Vues. He recently completed a series of forthcoming articles and book chapters on the topic of the doubly complex coloniality of French Canada, “Jackie Chan's Indian play: immigration, Asianness, and the contracting self in the American settler colony”, Settler Colonial Studies, 2015, pp. 13-16) DOI: 10.1080/2201473X.2015.1090565

In that regard, Jodi Byrd proposed what I find to be, in light of my own argument, a different and yet complementary interpretation of Asian American positionality in relation to Indianness and Americanness. She explains that in the USA, ‘the Indian is the original enemy combatant who cannot be grieved’ 66 on account of their originarity in a pre-political and pre-sovereign past. In her later account of the scientific and ideological narratives supporting the Bering Strait theory – or what is believed by some to be the empirical proof of the transcontinental migration of Native Americans from Asia – Byrd then insists that the denial of Indigenous peoples’ indigeneity to the Americas ultimately designate them as ‘the first wave of the “yellow peril” invasion that infested the lands already (or destined to be) inhabited by Europeans’. 67 In other words, for America to lawfully become home and native land for the self-made settler, Indigenous peoples need to either be dead (thus, a vestigial trace or a temporal externality) or early migrants/foreigners within a melting pot of immigrants. In either case, they must be located outside of US ‘manifest aspirations’. In her discussion of the 1992 riots in Los Angeles, during which Asian Americans, as David Palumbo-Liu explained,68 were pitted against blacks and Latinos, Byrd insists that the orientalization of ‘“native” otherness as foreign’ 69 allowed the media to position Korean American vigilantes ‘as the quintessential “cowboys” holding the “savages” at bay’ 70 at the same time as this orientalizing gesture still offered glimpses into ‘the paradigmatic Indianness in Asianness’. 71 In other words, as ‘“Asian” [ … ] slants [ … ] towards “American,”’ Asian American bodies are subjected to the foundational racialized externality of Indianness (the early migrant, the invading hordes), while being simultaneously expected to ‘perform through repetition’ 72 the colonial and civilizing trajectory of the (white) settler. Byrd’s argument is crucial in light of what I understand to be this cultural politics of ‘being from’ in the liberal and multicultural settler colony. She indeed reminds us that next to ‘the U.S. frontier discourses, in which the only way to become “true” American citizens is to first go native and then carve democracy out of wilderness’, 73 it nevertheless remains crucial for the multicultural, post-1980s (and now post-racial) settler colony to deny any political traction to an Indigenous prior (or any other forms of racial origins) that would not originate in the ‘abstract’, lawful, and autological gesture of the settler contract. As I argued elsewhere, Indianness must be filled with meanings that can never be fully satisfied by locating the Indian categorically on one side of the dichotomous opposition that buttresses the moral architecture of colonialism. The Indian is neither bad nor good, neither noble nor bloodthirsty, neither loved nor despised [and, additionally, neither native nor foreigner]. In fact, the Indian must embody all of these terms, alternating between one and the other, or, simultaneously, must embody none of them. Because the perplexity surrounding identity in the ‘new nation’ relates to an anxiety born out of the West folding back over the territory of its otherness, the settler colony asks of its subjects a constant back-and-forth movement on either side of the border separating the self from the other.74 Under these conditions, articulating Indianness-as-Asianness to the notion of the foreign or to the Bering Strait theory – as required by the space-clearing gesture of Manifest Destiny – remains somewhat compatible, or almost complementary, with symbolic gestures that are unremittingly aligning Americanness to the temporal priority of Indianness. What is then remarkable with Obama’s declaration is that an American President, in front of a national audience, indirectly refuted the ideological merit of the Bering Strait theory. And yet, this refutation does not resolve what Byrd calls the ungrievability of the Indigenous prior. Furthermore, Obama’s celebration of the USA as a ‘nation of immigrants’ – a notion itself central to liberal-settler iterations of newness, acquired freedom, and autological-contractual selfhood – also fails to challenge the forms of white privilege and entitlement that authorize the sovereign’s state of exception in its relation to those who are from here or from there, next to the Indian. Here, the awkwardness or the comedic quality of Chon Wang’s Indian play is most illuminating. It reveals yet another way of apprehending the exclusive inclusion of Asian immigrants in the peculiar space of the American settler colony. In other words, if a post-European white America can (and must) be able to symbolically and always momentarily fold back over Indianness, Asianness cannot. As ‘forever foreigners’, Asian Americans cannot participate, even after they have been ‘naturalized’ as citizens, to the settler struggle over nativeness. This is indicative of what I believe is a crucial distinction between immigrants and settlers, according to which white settlers, once they articulate their national belonging to a privileged intimacy with an elusive Indianness, are never just immigrants within the foundational narrative of the USA as a ‘nation of immigrant’ – that is, a nation in which everybody, except for Native Americans, are immigrants, but not necessarily settlers/originators. This is a structuring tension, if not a contradiction, in American discourses about citizenship and sovereignty, since each of these terms – citizenship and sovereignty – must be reconciled with this being made of the nation that I hinted at in my introduction. Such being made corresponds to that crucial settler narrative of self-transformation and rebirth in the process of immigrating or coming here, despite the state’s constant retreat into a nativist nationalist ideology that necessitates the management of the ‘immigrant problem’ (when it comes to citizenship) as well as the deferral of the ‘Indian problem’ (when it comes to sovereignty). This formative tension in the white settler’s sense of temporality, space, and self, thus invites the following questions: How to be settlers while not being immigrants (i.e. ‘them’)? How to be a nation of immigrants whose sovereignty might be rightfully claimed and performed as a fait accompli once ‘we’ are confronted with those (the ‘Indians’) who alone have the privilege, as President Obama reminded us, to claim belonging as non-immigrants? In this context, and to sum up, the settler is the one who came here in order to contribute to the fashioning of a place from which he may eventually be from. In this case, to be from here is to not leave anything behind. It is to give birth to oneself as an autological subject that is not ‘kept back’ by genealogies of race, ethnicity, empire, decree, kinship, or religious commands. In other words, to be from here in the liberal, multicultural settler colony is to become a contracting subject, instead of being a genealogical subject. And for the non-immigrant Native who was (rather than is) already here, such coming and becoming, as Robert Nichols seems to suggest, is therefore not a transit in space, but a trajectory in time and history: to attain a civilizational potential to ‘contract’ into rights, freedom, and government. Jackie Chan’s Chon Wang, in his unlikely and always already incomplete transition into John Wayne, is clearly, and voluntarily, in a process of articulating himself to such settler ideal of self-transformation and reinvention. For him however, race (or, the fact of not being white) is what keeps him there instead of here – or at least, race signifies him as more than here or from here. His race becomes, in some ways, a supplement; it is what is in excess of the settler self while being constitutive of, or always deferred in, that settler self. In light of Lowe’s argument, I would argue that this excess may subsequently be deferred in the ‘promise of equality’ that allows the racial (and settler) contract to be amalgamated to liberalism’s performative and self-legitimizing gesturing towards the production of justice and rights. Yet Chon’s race, at the same time, inextricably aligns him with what comes before, that is, before the transit from thereness to hereness. And once he is here, his race, as a visible marker for what he has left behind, qualifies is hereness as falling not somewhere in between, but rather nowhere in between the Indian and the settler. His Asianness, as a visible reminder of his thereness, is that through which his hereness becomes legible: his race is a supplement to the hereness of the cowboy and the Indian. In other words, Chon is a supplementary subject whose eventual or effective citizenship is always already articulated to his (racialized) state of being here rather than being from here. To conclude, if it remains true that the Indigenous critique of colonialism and the antiracist project of critical race studies may never simply and perfectly be superimposed on top of each other, what I nonetheless hope my argument may have contributed to do is to further illuminate, as many others have done before me, how and why critical race studies in North America may never be disarticulated from a critique of settler colonialism and an engagement with Indigenous ‘(pre)occupations’. 75 Furthermore, talking about race and immigration in relation to indigeneity and settler colonialism may be another critical and lethal way to address and challenge settler nationalism and white supremacy. Indeed, to talk about immigration in light of settlement, indigeneity, and origins, can never simply be talking about cultural differences, nor about citizenship or civil rights as incorporative frameworks. It is always and also talking about sovereignty – a notion which, when robustly and politically considered from the point of view of Indigenous peoples, must remain, as Audra Simpson76 argued, that ‘uncitable thing’ in the settler colony. At this juncture, conversations about cultural politics steer away for pluralist reassurances. These conversations truly align instead with the political, thus inducing a stutter in liberalism’s rhetorical deflection of whiteness in an egalitarian and mutually contracted fantasy of post-racial futurity grounded in ‘the geopolitical self-evidence’ 77 of Euro-American sovereignty. And there is nothing that unsettles the multicultural settler state more than putting it in a situation where it is forced to make sense of its sovereignty. Yet, as we put these challenges into motion, let us be mindful that there is also a cost to putting the sovereign on the defensive. And this debt-as-death is not and will not be distributed equally among those – white settler allies, Native peoples, differently racialized immigrants, and former slaves – who dare take the sovereign’s name in vain

### 1NC—Link (Choose One For 1NC)

#### Immigration policy is coded by an amnesia of settler colonialism. Jurisdiction of who is or isn’t a citizen under the US nation-state necessitates binaries of inclusion and exclusion that create assimilatory practices and indigenous dispossession.

**Volpp 15** (Leti Volpp is a Professor of Law in access to Justice at UC Berkeley, “The Indigenous As Alien”, UC Irvine Law Review 5(289) pp. 289-293, 2015) <https://scholarship.law.uci.edu/cgi/viewcontent.cgi?article=1195&context=ucilr>)

Immigration law, as it is taught, studied, and researched in the United States, imagines away the fact of preexisting indigenous peoples. Why is this the case? I argue, first, that this elision reflects and reproduces how the field of immigration law narrates space, time, and national membership. But despite their disappearance from the field, Indians have figured in immigration law, and thus I describe the neglected legal history of the treatment of Indians under U.S. immigration and citizenship law.1 The Article then returns to explain why indigenous people have disappeared from immigration law through an investigation of the relationship between “We the People,” the “settler contract,” and the “nation of immigrants.” The story of the field of U.S. immigration law is typically a narrative of the assertion of national sovereign power that begins in the late 1880s with a trilogy of U.S. Supreme Court cases. These cases—Chae Chan Ping, 2 Ekiu, 3 and Fong Yue Ting4—established what is called “plenary power” over the regulation of immigration.5 This has meant that the political branches of the U.S. nation-state have the power to exclude aliens, admit them on such terms as they see fit, and deport them with little or no constraint from the judicial branch, as a legitimate exercise of the powers inherent in nation-state sovereignty. This trilogy of cases responded to the exclusion and deportation of Chinese and Japanese noncitizens. In two of these cases the Court upheld explicitly race-based immigration restrictions, excluding Chinese laborers who were previously residents in the United States but whose reentry certificates were nullified,6 and deporting Chinese laborers who could not find white witnesses to testify to the laborers’ residence in the United States as of a particular date.7 The fact that the federal power to regulate immigration was initially asserted in cases involving the exclusion or deportation of Asian immigrants has not escaped scholars.8 The research showing how these racial bars limited the lives and possibilities of particular communities casts an important critique to the distinctively prevalent narrative of the United States of America as a nation of immigrants. This narrative promises lawful immigrants a purportedly equal opportunity of arrival and the subsequent full incorporation into a presumptively universal citizenship.9 This promise of course has not been equally available, belied by race-based exclusion laws, racial restrictions on naturalization, gendered divestments of citizenship, de jure and de facto violations of the rights one might correlate with full citizenship, and, importantly as well, the inadequacy of the liberal vision of full citizenship in addressing various inequalities. Such a critique of the exclusions concealed within liberalism and of the discrimination masked by the promise of America is an important one. Yet at the same time, this critique, as long as it remains trapped within the frame of membership in the nation-state and the desire for full inclusion, erases other stories.10 In particular, as Kēhaulani Kaunui tells us, for indigenous peoples in the United States, the political project of civil rights has been “burdened, due to the history of U.S. settler colonialism, with distinctly different relationships to the nation-state.”11 As she writes, the political project of **civil rights**, which is fundamentally about equality under the law, and which is confined within the nation-state, **is insufficient for indigenous** and other colonized **peoples in addressing ongoing questions of sovereignty**.12 This is starkly visible in the Supreme Court’s decision in Rice v. Cayetano. The case concerned an electoral limitation by which only Native Hawaiians were allowed to vote for trustees of the state’s Office of Hawaiian Affairs. The Court read this limitation to be the special privilege of a racial minority (Native Hawaiians) and thus held the exclusion of white Hawaiian resident Harold Rice to be an abridgement of his right to vote under the Fifteenth Amendment.13 Indigeneity was thereby framed as a civil rights question rather than as a matter of Native sovereignty.14 There are at least two additional ways in which one could articulate why a demand for civil rights and inclusion within a national project is inadequate for indigenous people. First, the framework of civil rights and the desire for inclusion into full membership cannot address how “democracy’s intolerance of difference has operated through inclusion as much as through exclusion.”15 While inclusion can be a valued good, it can also mean assimilation, absorption, and loss. In the context of indigenous peoples in North America, governmental policies were adopted to putatively absorb indigenous subjects as indistinct from others into the national body. In order to elevate individual indigenous persons from federal wards to citizens, both the United States and Canada engaged in the regulation of marriage, kinship, and sexuality; in the forced removal of children from families to government-funded boarding schools; and in land severalty.16 Land severalty mandated the breaking up of tribes as both political entities and as the holders of land in common, turning indigenous peoples into individual holders of private property, thus eviscerating the tribal land base, and opening the way for nonindigenous persons to buy land rights within the historical boundaries of tribal territory.17 As Audra Simpson writes, “This process of equality cum absorption required a vanquishing of an alternative or existing political order, . . . which raises questions about how and why citizenship then might be a utilitarian good, when it requires or initiates a disappearance of prior governance.”18 Second, the critique of exclusion fails to note how the nation-state in which an immigrant seeks membership relies tacitly on the dispossession of already existing populations. This then is the **willing amnesia of settler colonialism**. My focus in this Article is the nonrecognition of settler colonialism underpinning immigration law scholarship. This scholarship’s focus is the migrant, whose position already assumes the resolution of a fundamental conflict between indigeneity and settler colonialism.19 As scholars have noted, the doctrine of plenary power developed and was expressed simultaneously in cases involving Indians, aliens, and territories, all concerning individuals who were noncitizens and were “racially, culturally, and religiously distinct” from the majority.20 My interest here is not to chart how these groups were treated similarly under U.S. constitutional doctrine, but to tease out how one of these groups—“Indians”—was understood within the laws created to govern another—“aliens.”21 Thus, my project is not to examine parallel discourses but rather to discern how a legal field developed to govern one group of individuals understood—and understands—another.22

#### Treating settler violence as a thing of the past creates a history that enables the violence of white futurity—knowing the past comes to be equated with the end of violence

Tuck and Gaztambide-Fernandez 2013 (Professor of Native Studies at SUNY-New Paltz and Education Professor at University of Toronto respectively, in Journal of Curriculum Theorizing 29.1 “Curriculum, Replacement, and Settler Futurity”)

Settler Futurity. The settler colonial curricular project of replacement is invested in settler futurity, or what Andrew Baldwin calls the “permanent virtuality” of the settler on stolen land (2012, p. 173). When we locate the present of settler colonialism as only the production of the past, we overlook how settler colonialism is configured in relation to a different temporal horizon: the future. To say that something is invested in something else’s futurity is not the same as saying it is invested in something’s future, though the replacement project is invested in both settler future and futurity. Futurity refers to the ways in which, “the future is rendered knowable through specific practices (i.e. calculation, imagination, and performance) and, in turn, intervenes upon the present through three anticipatory logics (i.e. pre-caution, pre-emption and preparedness)” (p. 173).¶ Considering the significance of futurity for researching whiteness and geography, Baldwin (2012) wonders whether a past-oriented approach reproduces the (false),¶ Teleological assumption that white racism can be modernized away. Such an assumption privileges an ontology of linear causality in which the past is thought to act on the present and the present is said to be an effect of whatever came before [...] According to this kind of temporality, the future is the terrain upon or through which white racism will get resolved. It cleaves the future from the present and, thus, gives the future discrete ontological form. (p. 174)¶ Thus, in this historical analysis of the settler colonial curricular project of replacement, we seek to emphasize the ways in which replacement is entirely concerned with settler futurity, which always indivisibly means the continued and complete eradication of the original inhabitants of contested land. Anything that seeks to recuperate and not interrupt settler colonialism, to reform the settlement and incorporate Indigenous peoples into the multicultural settler colonial nation state is fettered to settler futurity. To be clear, our commitments are to what might be called an Indigenous futurity, which does not foreclose the inhabitation of Indigenous land by non- Indigenous peoples, but does foreclose settler colonialism and settler epistemologies. That is to say that Indigenous futurity does not require the erasure of now-settlers in the ways that settler futurity requires of Indigenous peoples.

#### The alt is to embrace embodied movements against the settler state modeled after “Idle No More”

Guenther 12

[12/29/12, Lisa N Guenther, Settlers must understand themselves within a set of structural relations "#Idle No More and Settler Colonialism: We Are All Treaty People" [www.newappsblog.com/2012/12/idle-no-more-and-settler-colonialism.html](http://www.newappsblog.com/2012/12/idle-no-more-and-settler-colonialism.html)]

A movement called #Idle No More is sweeping across Canada and into the United States. First Nations from Haida Gwaii to Stephenville, Newfoundland, from Iqaluit to Windsor, Ontario – and Native Americans in New York, New Mexico, California, and many other states – have organized flash mobs in shopping malls and public squares to sing, drum, and perform traditional round dances. Some First Nations have blockaded highways and railways. Where did this movement come from, and where is it going? In the big picture, #Idle No More has emerged in response to centuries of domination, displacement, and extermination of Native people and cultures, the theft of Native land, and the failure to honor treaty agreements which – even if they were honored – would not provide adequate compensation for the violence of colonization and genocide. More immediately, the #Idle No More movement is a response to Canada’s Bill C-45, which makes drastic changes to the Navigable Waters Protection Act and so threatens First Nations sovereignty, and in solidarity with Chief Theresa Spence of Attawapiskat, who has been on a hunger strike since December 11 to pressure Prime Minister Stephen Harper to meet with her to discuss First Nations rights. The conditions of extreme poverty and hunger in Attawapiskat made international news after a Huffington Post article by Charlie Angus, “What If They Declared an Emergency and No One Came?” The Canadian government’s response, and its insinuation that the federal funding allotted to Attawapiskat had been misspent by corrupt band leaders, has been the target of intense criticism. First Nations scholars and activists Glen Coulthard, Leanne Simpson, âpihtawikosisân, Pam Palmater, and others have done excellent work situating #Idle No More in relation to the past and future of First Nations resistance. Read their work. Listen to them. Learn from them. This is not “just” a First Nations thing, and it is not “just” a spin-off of #OWS and the Arab Spring. One of the messages of #Idle No More is that we are all treaty people in North America, and in other sites of settler colonialism such as Australia and Aotearoa New Zealand. We are all treaty people. What does it mean to be a treaty person who is also a settler colonial? What forms of thought and action does this inheritance demand? There are many ways to inherit this legacy badly, but how could we learn to inherit it well? The first step must be to recognize ourselves as treaty people who are constituted as such by our relationship to the indigenous people of the land we currently occupy. This relationship is the material and historical condition of our lives. We would not be here without it. There is no way of honoring our treaty obligations as communities, and pressuring our governments to honor these obligations on a nation-to-nation basis, if we don’t even recognize the constitutive relationships that make possible our current cities, towns, farms, factories, highways, mines, schools, parks, and yes, shopping malls. These places are sites of a relationship that #Idle No More is making visible, one round dance at a time.

### 1NC—ALT

#### The alternative is to burn down the state – only by engaging in an unquestioning and profound social revolution of refusing the state can we create the conditions necessary

KatherineKellyAbraham 18 (KatherineKellyAbraham. “Burn it Down: Abolition, Insurgent Political Praxis, and the Destruction of Decency,” Abolition: A Journal of Insurgent Politics 1, no. 2 (2018). The authors use a collective name of KatherineKellyAbraham. The listing of the names does not reflect a hierarchical order of any sort, and their names can be shifted around. They like the idea of playing with citation practices. The authors can be contacted at: burnitdown.abolition@gmail.com.) //bc

This journal calls for abolition, a call implicitly asserting that contemporary sociopolitical and economic institutions are inherently unfixable and beyond resuscitation, reform, or rescue. The fantasy of radically changing political structures from within is simply not a viable political option for those concerned with the ultimate destruction of the mechanisms of carnage that shape modern life and its attendant regimes of governance, such as: the global war machine, the prison industrial complex, transnational resource extraction, and the national sacrifice areas (Ortiz 1992) generated in the wake of these lethal socioeconomic configurations and expressions of empire.[i] Rather than drawing from these regimes of death for social and legal recognition, power, and welfare—what we broadly refer to as the “state”—consider what it would mean to the modern ordering of life to utterly destroy the state, to refuse its seductions and ruses of power, to incinerate it until nothing remains but ash? Our imperative to “burn it down” draws from a rich tradition of scholarship that positions the state as a technique, practice, and effect of modern governance and its optimization, rationalization, and normalization. Following Timothy Mitchell, we define the state as a “network of institutional mechanisms through which a certain social and political order is maintained” (Mitchell 2006, 175). In the words of Michel Foucault, the state functions as “a schema of intelligibility for a whole set of already established institutions, a whole set of given realities” (Foucault 2004, 286). As a schematic and reality, we perceive the state as providing a legible matrix for the parameters of self-management and self-conduct: for social and political order. As Achille Mbembe insists, the adoption of state or sovereign power is “a twofold process of self-institution and self-limitation” (Mbembe 2003, 13). Attendant to the important critiques made by Fanon, we argue that this twofold process remains shaped by Euro-American colonial mores at the “objective as well as subjective level” of experience and perception (Fanon 2008, xv). That is to say, we understand state power as generative of inherently colonial relations of rule: relations that produce contemporary sociopolitical, juridical, and affective orientations, sensibilities, and subjectivities.[ii] As Glen Sean Coulthard argues, “colonial relations of power are no longer reproduced primarily through overtly coercive means, but rather through the asymmetrical exchange of mediated forms of state recognition and accommodation” (Coulthard 2014, 15). We add that the state accomplishes this mediation vis-à-vis the internalized politics of decency: an argument to which we shortly return. The project of this piece is not to think about how to make life more livable under current regimes of power or to ponder building something new or altered in the state’s place. Rather, we imagine alternative worlds based in the total abolition of these regimes because of their astonishingly responsive capabilities, which render profound social transformation impossible. The state successfully incorporates its margins and continually extends its representation in order to further its grasp on the body politic (for instance, the inclusion of women in combat roles or the Supreme Court ruling on same sex marriage). Simultaneously, and without coincidence, the state manipulates its boundaries through violent forms of capital accumulation and proxy wars, marks borders with fences and deportations, and uses its streets as a costly theater for subjects that deviate from its aims. However, the fundamentally lethal interests of state power have not changed since the European invasion of the Americas. Instead, global technologies of communication and visibility have forced the state to pivot, creating the illusion of a more transparent, democratic, and equal society. Nonetheless, the state relies on fantasies of “individual” participation (civil rights, voting, recognition, and protest) as much as it relies on its authoritarian power to revoke those fantasies without notice or recourse. As the violences executed by the state continue to shape everyday life in this country, we believe that it is by no means extreme to posit that one solution to these ills is to destroy—to burn down—contemporary institutions of governance, policing, and comfort, to cooperatively dismantle the workings of the state. For us, a radical project of abolition and insurgent political praxis refuses to negotiate with the state, or seek recognition from any of its bureaucratic apparatuses, in order to secure the small-scale concessions that only colonize and quell resistance. Political projects of compromise with the state have proven insufficient—especially in addressing everyday violence, such as police brutality, that continues to erupt unchecked in the face of mainstream “social justice” organizing. Ultimately, this organizing and activism treats the state as a central means of stopping the very political violence that insures its core function, operation, and maintenance.

### 2NC Framework

#### Interpretation—The Affirmative should have defend the epistemological foundations of the affirmative before weighing the desirability of implementation (the impacts).

#### This interpretation is best for

#### education because it is important that we consider the different theories that shape how the plan would happen and whether or not those theories result in a change from the status quo. Absent a debate that has the affirmative defend its scholarship first, their advocacy is less real world and could result in more flawed policy-making because of the settler colonial foundations that structure the plan.

#### Fairness—researching your scholarship is the first thing that you do when reading an affirmative which means that the K is fair because in order to have an investment in using the law, the affirmative must have some theoretical justification for why they think that is the best starting point. Also, fairness is arbitrary so there is not an objective way to measure that in debate because everyone is different and engages in debate differently. But, fairness is used against indigenous folks as a justification for producing more settlement on their land and allowing for violence to continue.

### 2NC Link

#### Framing immigration abolition as a chance for freedom allows for the legacy of indigenous displacement and genocide that makes things like freedom and justice possible.

**Volpp 15** (Leti Volpp is a Professor of Law in access to Justice at UC Berkeley, “The Indigenous As Alien”, UC Irvine Law Review 5(289) pp. 289-293, 2015) <https://scholarship.law.uci.edu/cgi/viewcontent.cgi?article=1195&context=ucilr>)

Here we must point to the convergence of the liberal social contract with the logic of settlement as well as the confluence of settlerism with immigration, both literally and metaphorically. As a number of scholars have recently pointed out, John Locke—involved simultaneously in his development of social contract theory and his engagement in colonial administration in the Americas—was pivotal in articulating North America as in a state of nature.163 As Locke put it, “—[I]n the beginning, all the world was America.”164 Native Americans had no social contract, and as purported hunter gatherers, could not own property in land, which came only from husbandry (agricultural improvement). As Ayosha Goldstein notes, Lockean ideas were crucial to Justice John Marshall, who authored the trilogy of Supreme Court cases Johnson & Graham’s Lessee v. M’Intosh (Indians can have no absolute title over property but only a right of occupancy);165 Cherokee Nation v. Georgia (Indians were neither states or foreign nations, but rather domestic dependent nations; their relationship to the United States was as ward to guardian, leading to the creation of the “trust relation” between tribes and the U.S. federal government);166 and Worcester v. Georgia (state laws had no force in Indian country as only the federal government has plenary power over Indian tribes).167 Goldstein suggests that, for Locke, “natural men” served two purposes. They were evidence that “freedom was the natural condition of humankind.”168 At the same time, that Indians appeared to Locke to not engage in settled agricultural labor allowed the justification of settler colonialism.169 The purported lack of agricultural development provided an opportunity not only for the propagation of new crops but of a new society.170 Carole Pateman, in analyzing the logic of the original contract in the form of what she names the “settler contract” notes: When colonists are planted in a terra nullius, an empty state of nature, the aim is not merely to dominate, govern, and use but to create a civil society. Therefore, the settlers have to make an original—settler—contract. Colonial planting was more than cultivation and development of land. The seeds of new societies, governments, and states, i.e. new sovereignties, were planted in both New Worlds. States of nature—the wilderness and the wild woods of Locke’s Second Treatise—were replaced by civil societies.171 Here we might note the term “plantation.” Known colloquially today as a farm or estate (and often associated with servitude or slavery), the term plantation has an earlier meaning, which was “settlement,” or “colony.”172 Plantation was a form of colonization in which settlers were planted to establish a colonial base. That both seeds and settlers can be planted shows how the “political and natural worlds [are] analogous and inextricably linked.”173 Seeds, settlers, and a new sovereignty were planted in the New World. Seeds of a new society are planted; a new society is born. There is an “original” moment that marks the founding of the “United States”—think of the founding documents, the July 4th national “birthday,” the founding fathers who created a government by which “We, the People” would govern ourselves. The original contract governing this new political community was created at this founding moment. Pateman writes: “In a terra nullius the original contract takes the form of a settler contract. The settlers alone (can be said to) conclude the original pact. It is a racial as well as a social contract.”174 “[This] original contract simultaneously presupposes, extinguishes, and replaces a state of nature.”175 While Pateman does not say this, we could argue that, logically, putting this work on the settler contract together with her earlier work on the sexual contract, the settler contract must also be a sexual contract.176 As she writes, the original contract constitutes both freedom and domination: freedom for men, and domination over women.177 If the social contract in a terra nullius is a settler contract, that settler contract is a story of freedom for settlers and subjection for the indigenous, freedom for men and subjection for women. This is vividly apparent in Andrea Smith’s Conquest, where she writes that both Native men and women have been subjected to a reign of sexualized terror, although sexual violence does not affect Indian men and women in the same way.178 “The issues of colonial, race, and gender oppression cannot be separated. This fact [says Smith] explains why in my experience as a rape crisis counselor, every Native survivor I ever counseled said to me at one point, ‘I wish I was no longer Indian.’”179 That the settler contract is a sexual contract is also a product of the fact that the settler state assumes reproductive futurity, solely on the part of those who are considered fit to be citizens of the settler state. As Lorenzo Veracini asserts, both the permanent movement of communities and the reproduction of communities are necessarily involved in settler colonialism. The cover of his book, Settler Colonialism, is a picture titled “Wives for the Settlers at Jamestown,” which he describes as the moment when colonialism turns into settler colonialism.180 He is referring here to a drawing by William Craft of the 1608 arrival of women in Jamestown. As asserted by Lord Bacon, the Attorney General and Lord Chancellor of England, and a member of His Majesty’s Council for Virginia in 1620: “When the plantation grows to strength, then it is time to plant with women, as well as with men; that the plantation may spread into generations, and not be ever pieced from without.”181 What might be the relationship of the settler contract with immigration? Aziz Rana, arguing that settler empire lay at the heart of American freedom, suggests that **the unique settler ideology of the United States required migration, under a system that constituted economic independence as the basis of free citizenship**; made conquest the basic engine of republican freedom, needing new territory for settlers so the ethical benefits of free labor could be made generally accessible; and acknowledged the idea that republican principles at root were not universally inclusive, as some needed to engage in the dignified work marked by productive control, with others in unfree work.182 In order to sustain this project, new migrants were needed, creating remarkably open immigration policies for Europeans.183 Thus, Rana asserts, settlerism and immigration existed not as two distinct accounts of the American experience, but were bound up together.184 In extending this line of inquiry, we might think about the relationship of the settler contract with immigration, not just in terms of bodies needed for the settler project but also in terms of the metaphorical relationship between immigration and settlerism. **Immigration functions as an alibi for settlerism**. Of course, for many, settlerism requires no alibi; that it does not can be explained through how settlerism is naturalized via both foundational texts (Little House on the Prairie) and myths (the Western frontier) central to the shaping of American national identity.185 Settlement is considered inevitable and is segmented from what is understood as immigration.186 But the natural-seeming common sense of settlement can be unpacked by pointing out the feats of grammatical, temporal, and spatial gymnastics required in its construction. Think of the articulation of James Belich: “An emigrant joined someone else’s society, a settler or colonist remade his own.”187 This empirical claim highlights the constitutive paradox of moving to one’s own country. If we parse the terms settler, migrant, and immigrant, some distinctions emerge. The settler belongs to ~~his~~ [their] land, and the land belongs to ~~him~~ [them]. His [Their] relationship to his [their] country could be conceptualized as fee simple title. In contrast, the migrant is moving to a country not ~~his~~ [their] own. He has [they have] only a fragile interest in that land. If he has [they have] been lawfully admitted, he [they] merely possesses a revocable license, suggesting that he [they] can be removed from this land to which he [they] does not belong. If he has [they have] not been lawfully admitted, his [their] relationship to the land is even more tenuous—he is [they are] conceived as a trespasser. The term immigrant is used more often in the United States today than either the term settler or migrant. It is a capacious term, with both positive and negative valences. Its positive valence can capture the settler, its negative valence, the migrant. The positive valence is the immigrant who shores up America’s democracy; the negative valence is the illegal, the unworthy, the ungrateful, the threatening. The term “nation of immigrants” embraces only the former. As the notion of settlerism becomes unsavory, settlers portray themselves as immigrants, particularly as forming a “nation of immigrants.”188 Donna Gabaccia notes that the United States is almost alone among 193 nations in calling itself a nation of immigrants, though she points out Canada and Australia do, occasionally, as well.189 (She does not mention what else these three nation-states have in common—these are all settler-colonial states.) But the United States in particular most naturalizes the history of its immigration exceptionalism.190 Gabaccia writes that any idea underlying the concept of the United States as a nation of immigrants may be challenged: foreigners do not compose a more significant portion of the U.S. population or play a larger role in national life than in other nations; the United States is not unique in amalgamating persons of diverse cultures or origins into a single nation; and migrants have not found greater success and happiness in the United States than elsewhere.191 Thus, she suggests we must ask why and how the United States began understanding itself as a nation of immigrants. In researching digitized texts, she finds that the popularity of the phrase as a celebration of American inclusiveness came only in the 1960s, with the nation of immigrants a metaphor for American nation building during the Cold War.192 Not coincidentally, John F. Kennedy penned in 1958 an essay for the Anti-Defamation League titled A Nation of Immigrants, which he used, in part, to advocate in favor of eliminating the national-origins quotas applied to the Eastern Hemisphere.193 His book, which was enormously popular, helped push through the lifting of the national-origins quotas in 1965 (a change that has largely been represented as a civil rights victory, but one that also has arguably led to the correlation of illegal immigration with “Mexican”).194 Kennedy begins with Toqueville’s Democracy in America, considered a foundational text on American democracy. We might note that Toqueville casts the political founding in a wilderness—“One could still properly call North America an empty continent, a deserted land waiting for inhabitants”195—a vision key to subsequent notions of the open frontier.196 Kennedy writes that what Toqueville saw in America was “a society of immigrants, each of whom had begun life anew, on an equal footing.”197 Who are these immigrants? According to Kennedy, “every American who ever lived, with the exception of one group, was either an immigrant himself or a descendant of immigrants. . . . And some anthropologists believe that the Indians themselves were immigrants from another continent who displaced the original Americans—the aborigines.”198 And here we see, again, the indigenous transformed into an alien. What is the link between the founding and immigrants? As Bonnie Honig writes, “immigrants [are treated] as the agents of founding and renewal for a regime in which membership is supposed to be uniquely consent based, individualist, rational, and voluntarist rather than inherited and organic.”199 The liberal consenting immigrant of the nation of immigrants obscures the nonconsensual bases of American democracy200—if American is a product of free choice, there is no slavery, colonial possession, conquest, and genocide; the violent sources of the republic are recentered on the idea of voluntary choice continually reaffirmed by the figure of the immigrant consenting to membership in the regime.201 As she writes, “The people who live here are people who once chose to come here, and, in this, America is supposedly unique.”202 Lauren Berlant also notes that “the immigrant is defined as someone who desires America,” providing “symbolic evidence for the ongoing power of American democratic ideals”—the immigrant “provides an energy of desire and labor that perpetually turns American into itself.”203 The reiteration of the immigrant choosing to join suggests the repeated agreeing to of the social contract, from the founding to now, eliding the violent originary dispossession. The desiring of America eclipses the dispossession by America. This dispossession disappears, “buried underneath” the vision of America as a land of equality and liberty.204 The nation thus appears as an ethical community, rather than as the product of violence, or as an accident.205 The naturalization ceremony itself functions as a ritualized public performance of this consent. We are familiar with the contemporary form of naturalization ceremonies, staged ceremonies that function as a kind of “feel-good advertisement for the possibilities of a multiracial democracy, freely chosen by a global cadre of prospective U.S. citizens,”206 that Siobhan Somerville describes as the product of a deliberate federal effort to tell a story about naturalization as “the culmination of a romance between immigrants and the federal state.”207 Yet before these naturalization ceremonies for immigrants were developed, the United States conducted naturalization ceremonies for Indians becoming citizens through the Dawes Act. Starting in 1916, a competency commission simultaneously determined whether individual Indians would be assigned title to property allotments and U.S. citizenship. The commission began to stage citizenship ceremonies. Indian men were handed a bow and arrow and told to shoot a final arrow to mark the end of their resistance to the United States, and then place their hands upon a plow and vow to take up agriculture. Indian women received sewing kits.208 Somerville has found archival evidence that is suggestive of a link between these Dawes Act ceremonies and the first naturalization ceremonies staged for immigrants; it is possible that this ritual performance of naturalization of Indians inspired naturalization ceremonies for immigrants, whose naturalization at the time was conducted as an individual bureaucratic procedure, with little theatricality.209 This history of Dawes Act naturalization is forgotten in the presumption that only immigrants are naturalized and in the concomitant vision of the desiring immigrant.210 So the settler becomes an immigrant. The settler even becomes a refugee. Think of the story of Exodus, the journey to the Promised Land, the good ship Arabella, and John Winthrop declaring a divine mission, a “city upon a hill.”211 This vision of American exceptionalism and its presumption of a divinely ordained mandate has been evoked by numerous political figures, including John F. Kennedy,212 Ronald Reagan,213 and recently Mitt Romney,214 as well as Arnold Schwarzenegger who, hosting a forum on immigration reform, linked bodybuilding to the Puritans, placing himself within this historical trajectory—saying, “The life I’ve lived, the careers that I’ve had, and the successes I’ve had were possible only because I immigrated to the one place [where] nothing is impossible. . . . To me, President Ronald Reagan’s shining city on a hill was never just a beautiful metaphor.”215 And, foundationally, in yet another metaphorical and rhetorical inversion, settlers portray themselves as natives, to indigenize themselves.216 Colonization meant “the indigenous alienated, the newcomers domesticated.”217 As Patrick Wolfe writes: Settler colonies were (are) premised on the elimination of native societies. The split tensing reflects a determinate feature of settler colonization. The colonizers come to stay—invasion is a structure not an event. . . . [T]he romance of extinction, for instance (the dying race, the last of his tribe, etc.), encodes a settler-colonial imperative . . . . In the settler-colonial economy, it is not the colonist but the native who is superfluous.218 Thus, the native familial identity of the settlers (founding father, daughters of the American Revolution, native sons) is both proclaimed and premised on the disappearance of the actual native inhabitants, a disappearance that is both metaphorical and literal. This imagining away “banishes existing inhabitants to the margins of its consciousness.”219 “Imagining North America as ‘settled’ did not merely reject indigenous property claims; it presupposed a fundamental erasure of Indian presence.”220 This is the “Vanishing Indian,” as seen in the Edward Curtis portraits frequently offered for sale on the back of the New York Times.221 In turning settler into native, the settler must show some relationship to the soil, suggesting an autochthonous relationship that would justify the idea that “this land was made for you and me.” This allows settler society to “spring organically from the local soil,” and this is accomplished through appropriating “the symbolism of the very Aboriginality that it has historically effaced.”222 As Wolfe suggests, “It should, by now, be no surprise that the precontact stereotypes of repressive authenticity should figure on the money, postage stamps and related imprints of the settler-colonial state, even though that state is predicated on the elimination of those stereotypes’ empirical counterparts.” We could think here of the Indian headbuffalo nickel. Yet these facts are effaced and forgotten. Because we understand the United States to be an ideal political body, its violent foundations must be disavowed.223 When, as Lorenzo Veracini writes, violence by settler-colonial narratives against the indigenous is acknowledged, it can only be explained as “self-defense,” self-defense of this ideal political body.224 The nation of immigrants metaphor suggests that immigrants to the United States are the heirs of their forefathers, who made the settler contract in brotherhood among themselves in relationship to virgin land. This contract was founded in a purported right of inherited descent and providential destiny from the founding fathers—fathers whose alien status goes unrecognized, even while indigenous populations are made aliens.225 This turning of indigenous populations into aliens, this folding of settler society into the nation of immigrants happens when it is expedient. When the indigenous experience is collapsed with the immigrant experience this is, notes Jodi Byrd, a “reordering of their temporal arrival into a ‘post-conquest’” America.226 This temporal reordering is also visible in the idea that the settler is moving to his destined country, to create an immanent society to come.227 If one searches for visual representations of the nation of immigrants, one finds images of the borders of the continental United States filled by people, by smiling multicultural faces. What this does is remove the focus from the role of the state and the function of the state in establishing a “gatekeeping nation,”228 a “deportation nation,”229 or a settler colonial state. The nation-state appears as if magically constructed through the migration of peoples inside. The nation of immigrants suggests that the American nation is made up solely of persons each here as a matter of individual voluntary choice, moving through space, reiterating the legitimacy of this as a nation-state formation. Immigration is responsible for indigenous dispossession. But it also provides the alibi. Thus, immigration functions as both the reason for—and basis of—denial. The settler state is naturalized as the nation of immigrants.

### 2NC Link—Policymaking Bad

#### “Policy-making” perpetuates settler colonialist methods to dominate Indigenous communities, creating homogenous and racist depictions of Indigenous communities

Abawi’17 (Ontario Institute for Studies in Education, and Brady, University of Ontario, 2017 [Zuhra and Janelle, 2017, Emerging Perspectives 1(1), 20-31, “Decolonizing Indigenous Educational Policies,” <https://journalhosting.ucalgary.ca/index.php/ep/article/view/30353>, p.22-23]

Policy-making is yet another tool of the colonization, control and domination of Indigenous communities, in which many of the policies are highly racialized and operate on the homogenization, tokenization and white supremacist stereotypical conceptions of Indigenous communities. Schick (2014) noted: Stereotypes about Aboriginal people and federal policies that hampered their progress were useful in creating the mythology of the vanishing Indigenous peoples, and later, producing management systems that enabled the state to control the progress of Aboriginal peoples when they refused to go away. (p. 93) Such tokenized, derogatory depictions of Indigenous people as one homogenous, static group continue to inform and dictate settler government interactions with Indigenous communities. Schick discussed issues of “white resentment” in terms of the colonial settler state and a moral panic, in which white people fear their fate as a possible minority and must therefore re-assert white supremacy or what Schick referred to as “a re-affirmation and re-narration of cultural and social identities” operating to legitimize white privilege and white supremacy (p. 96). Policy-making and legislation are components of the ongoing white settler colonial apparatus, which seeks full domination over Indigenous people, lands and resources. Although the policy documents express the fact that Indigenous knowledge systems, epistemologies and pedagogical approaches vary from Eurocentric paradigms, this acknowledgement is a colour-blind, multiculturalist, difference acknowledgement (Coulthard, 2014). There is a lack of interrogation of how such Eurocentric legislation, policy-making and implementation, education, social services, and legal and government structures have and continue to serve as systems of genocide and assimilation. Anti-colonialism disrupts liberal, multicultural, discursive practices, which claim to advocate for Indigenous education and success, yet operate to ensure that the white settler neo-liberal agenda remains hegemonic. Such policies exist to ensure that Canada’s fastest growing demographic remains economically competitive and fills labour shortages (Cherubini, 2010). How can anticolonialism be implemented through praxis, acts of resistance and Indigenous knowledge systems at the policy-making level? Is such an anti-colonial coalition as described even possible in a truly authentic way, free from neo-colonial influence?

### 2NC Perm

#### 1. Question their starting points, the K comes as a sequencing question – our alternative is net better because we analyze the broader context of the colonial state and how settler logic undergirds the entire border/immigration apparatus

#### 2. Reject the permutation as a reification of settler colonialism—the aff uses settler colonialist logics to take the work of the negative and make it their own in the same way that settlers steal Indigenous land and attempt to Indigenize themselves or naturalize black, brown and indigenous bodies into civil society.

#### 3. No To The “Perm do both” it confirms the idea that the USFG has authority over Indigenous territories. The permutation will never be coherent in a world where the aff uses the USFG or defends some type of reformist progression reflective of settler futurity

#### 4. Dependency DA - Settler colonialism created an Indigenous dependency on the state – lead to social suffering, cultural dislocation, and physical violence. The perm only serves to legitimize these harms

#### The permutation fails—it functions as a politics of reconciliation that forecloses indigenous refusal and pathologizes indigenous folk as irrational. State reconciliation only solidifies Settler hegemony and trades off with radical politics

Edmonds’16 (Penelope, ARC Future Fellow, and Associate Professor, School of Humanities, University of Tasmania. She has qualifications in history and heritage studies, including a PhD from the Department of History, University of Melbourne; February 24, 2016; “Settler Colonialism and (Re) conciliation: Frontier Violence, Affective Performances, and Imaginative Refoundings”, pages 130-136)

Sorry Day at Risdon Cove did address past colonial violence directly, and was also performed as a reconciliatory act. But its aim was not centred on Aboriginal experience or Aboriginal cultural reclamation; it was therefore not, at its heart, centrally a decolonizing experience. As a public event attended by church groups and school children, it was as much about consciousness-raising for settlers, as it was about mourning and commemoration. Its aims were broad enough for it to be a cross-cultural and symbolic coming together to generate friendship, however temporary. The work of ‘sorry’ may offer emotional releases for both parties, build trust, and genuinely assist in forging new relationships; but its attendant politics can once again firmly position the settler at the centre of the narrative of redemption and moral recuperation, something which may seal off discussion of the past and work against struggles to gain Aboriginal rights and sovereignties in the present. Crucially, Indigenous peoples have the right to refuse the coercive politics of sorry, part of the broader program of reconciliation, with its Christian principles of restorative justice based on linear ideas of confession, forgiveness and moving on. As I have been arguing throughout this book, reconciliation is both utopic and coercive, and perpetually structured by ambivalence. Both national and local reconciliation events signal the urgent and genuine desire of Indigenous and nonIndigenous peoples to symbolically forge new friendships. And yet, at the same time, reconciliation efforts draw Indigenous peoples into an affective script of refounding a settler nation that cannot by its very construction admit Indigenous sovereignty. I suggest that local efforts organized by local Indigenous people, communities and groups are better able to creatively engage with the lofty and often diffuse aims of reconciliation by being attentive to specifically Indigenous histories and rituals. In its coercive aspect, reconciliation places a hefty psychic burden on Aboriginal peoples to forgive – but without the benefits of meaningful reparation. Such an affective script is at work in the Christian principles of restorative justice, where victims and perpetrators are encouraged to meet together for the expression of remorse and forgiveness to encourage healing on both sides. Annalise Acorn calls this ‘compulsory compassion’.27 As Acorn writes, restorative justice can be hypocritical because it ‘lacks authenticity, fails to accommodate people’s natural needs to give wrongdoers their just deserts, [and] expects compassion in circumstances where this is unreasonable and oppressive’.28 Likewise, Roxana Waterson has cast doubt on whether the Christian emphasis on forgiveness and mercy can allow for the right of the victim to refuse to be reconciled with the perpetrator.29 For critics of reconciliation processes, then, what is at stake is the right to reject a politics that requires Indigenous assent and assimilation to a non-Indigenous desire for forgiveness and restoration of honour. Scholars Pauline Wakeham and Glen Coulthard both argue that formal state-based reconciliation can work to recuperate and re-establish settler hegemony.30 Arguing for the productive and political force of anger and resentment as emotions, and critiquing the Canadian politics of reconciliation, Coulthard contests the way in which Indigenous expressions of anger and resentment are too often represented ‘as “negative” emotions that threaten to impede the realization of reconciliation in the lives of Indigenous people and communities on the one hand, and between Indigenous nations and Canada on the other’.31 Coulthard continues: More often than not defenders of reconciliation represent these emotional expressions in an unsympathetic light – as irrational, as physically and psychologically unhealthy, as reactionary, backward looking, and even as socially pathological. In contradistinction to this view, I argue that in the context of ongoing settler-colonial injustice, Indigenous peoples’ anger and resentment can indicate a sign of moral protest and political outrage that we ought to at least take seriously, if not embrace as a sign of our critical consciousness.32 Coulthard suggests that anger and the ‘politics of resentment’ are a productive force and a form of political practice for Indigenous peoples. Following Franz Fanon’s assertion that the colonial state apparatus cannot produce emancipatory effects but rather reduplicate patterns of domination, Coulthard is sceptical of reconciliation and the politics of recognition around which sorry and forgiveness are based. He argues, rather, for a ‘host of self-affirmative cultural practices that colonized peoples often critically engage in to empower themselves, as opposed to relying too heavily on the subjectifying apparatus of the state or other dominant institutions of power to do this for them’.33 Within a settler-colonial logic, to reconcile is to be a ‘good’ and compliant citizen of the settler state; to refuse to reconcile renders Indigenous peoples as non-compliant and unwilling to be part of the nation. Tasmanian Aboriginal artist Julie Gough has declared, ‘We are sick of being “conciliated!”’ In her performance art piece Manifestation (Bruny Island), a European chair is set alight with an Aboriginal spear. Burning on the rocky shore of Bruny Island on the southeast coast of Tasmania, the chair aflame references the frontier past and the guerrilla tactics of Aboriginal peoples’ war of resistance and their use of fire to burn the houses and crops of colonists. The chair is an emblem of domesticity and domestication, which, as Ghassan Hage has argued, is a crucial element in the construction of the settler-colonial fantasy of ‘home’ and the creation of homely spaces.34 The chair is symbolic of a settler identity establishing itself through domesticating alien difference under the sign of familiarity. It also makes reference to the efforts of the Bruny Island mission, instated by George Augustus Robinson, to conciliate and civilize Aboriginal people – to domesticate them – through familiar Christian principles. Manifestation is emblematic of Gough’s anger at the colonial past and expresses the right to refuse the reconciliatory politics of ‘sorry’ and the pressure to forgive, to reach settlement and ‘move on’. Gough’s anger is neither unproductive nor irrational. Rather, in line with Coulthard’s position, her stance is a form of political outrage and a sign of critical consciousness.35 Gough rejects the rubric of reconciliation in the face of Tasmania’s ‘genocidal history, [where] … Tasmanian Aboriginal people have been subjected to the term “conciliation” for generations, but not its practice’.36 In this refutation, Gough eschews any notion of a break between the past and the present, and links the contemporary reconciliation movement to the ‘Great Conciliation’ of 1832, a moment of settler triumph that marked the end of the Black Wars in Van Diemen’s Land between settlers and Aboriginal peoples.37 Gough’s declaration also speaks to reconciliation fatigue, with the suggestion that it is an exhausted politics with sorely diminished returns. For Gough, the ‘genocide’ of Aboriginal people in Tasmania renders reconciliation impossible. The Black War resulted in the almost wholesale slaughter of Aboriginal peoples on the island in a settler land war that many have argued was indeed genocidal. At the time of contact in 1803, it was estimated that around 6,000–8,000 people lived on Trowunna (the Aboriginal name for Tasmania), but that number was rapidly reduced to a remnant population. By 1838 only around 60 people had survived, mainly to be exiled against their will to northerly Flinders Island in the Bass Strait.38 As the cover image of this book shows, Gough’s artwork Manifestation delivers an incendiary performance of resistance. Gough points to the repressive tendencies of the reconciliation paradigm, one that, in this case, is especially potent in Tasmania, with its highly intertwined history of violence and conciliation deployed as complementary modes of colonial governance, a theme to which I now turn.

### 2NC – ALT

#### As long as the state exists, settler hegemony persists – only dismantling the structures of society can result in fundamental change

Kosasa 2004 (Kosasa, Eiko. “Predatory Politics: US Imperialism, Settler Hegemony, and the Japanese in Hawai’I.” August 2004. <https://scholarspace.manoa.hawaii.edu/bitstream/10125/11826/uhm_phd_4482_r.pdf>) //bc

Although many American citizens are critical of the US government on its environmental, human rights, or military policies, most believe the United States remains the best country in the world. In other words, these settlers accept American imperialism and settler hegemony. Some of the American policies need reforming. But while these reform efforts need to pursued, there is a vast difference between repairing/ reforming a state and overturning it. Put in another way, there is a fundamental distinction reconstituting settler hegemony and ending it. Lenin clarifies this distinction when he observes that the "proletariat fights for the revolutionary overthrow of the imperialist bourgeoisie" while "the petty bourgeoisie fights for the reformist 'improvement' 160 of imperialism, for adaptation and submission to it." If one is against American imperialism yet believes reforms can end the American predatory policies and culture, then one does not understand the vast scope of hegemony with its interlocking governmental and societal structures. As Lenin aptly put it, supporting reform is working for solutions within ("improvements of") the colonial structure and not dismantling it. In order to seek fundamental change in society, the existing hegemony must be abolished. For Lenin, hegemony is the power vested in public institutions that uphold the ruling class and its interests. Changing political actors, improving policies, or restructuring certain public agencies does not change the domination of the ruling class. Revolutionary change in state power means creating new political, economic, and social structures. If hegemony is not understood, Lenin warns, whatever state structure is envisioned will remain within the "boundaries of bourgeois reasoning and politics."

#### The alternative is a pre-requisite—confronting settlement and settlers with unflinching negation of the state and promises for “good legal action” is the only way to lead to revolutionary strategies.

Henderson’15 (Phil, Bachelor’s (Hons.) in Political Science from the University of Western Ontario and a Master’s Degree in Political Science from the University of Victoria, with a specialization in Cultural, Social and Political thought; October 21, 2015; “Imagoed communities: the psychosocial space of settler colonialism”, Accessed: 4-4-2018, *Settler Colonial Studies, Volume 7, pp. 40-56*,)

Facing assertive indigenous presences within settler colonial spaces, settlers must answer the legitimate charge that their daily life – in all its banality – is predicated upon the privileges produced by ongoing genocide. The jarring nature of such charges offers an irreconcilable challenge to settlers qua settlers.64 Should these charges become impossible to ignore, they threaten to explode the imago of settler colonialism, which had hitherto operated within the settler psyche in a relatively smooth and benign manner. This explosion is potentiated by the revelation of even a portion of the violence that is required to make settler life possible. If, for example, settlers are forced to see ‘their’ beach as a site of murder and ongoing colonization, it becomes more difficult to sustain it within the imaginary as a site of frivolity.65 As Brown writes, in the ‘loss of horizons, order, and identity’ the subject experiences a sense of enormous vulnerability.66 Threatened with this ‘loss of containment', the settler subject embarks down the road to psychosis.67 Thus, to parlay Brown's thesis to the settler colonial context, the uncontrollable rage that indigenous presences induce within the settler is not evidence of the strength of settlers, but rather of a subject lashing out on the brink of its own dissolution. This panic – this rabid and insatiable anger – is always already at the core of the settler as a subject. As Lorenzo Veracini observes, the settler necessarily remains in a disposition of aggression ‘even after indigenous alterities have ceased to be threatening'.68 This disposition results from the precarity inherent in the maintenance of settler colonialism's imago, wherein any and all indigenous presences threaten subjective dissolution of the settler as such. Trapped in a Gordian Knot, the very thing that provides a balm to the settler subject – further development and entrenchment of the settler colonial imago – is also what panics the subject when it is inevitably contravened.69 We might think of this as a process of hardening that leaves the imago brittle and more susceptible to breakage. Their desire to produce a firm imago means that settlers are also always already in a psychically defensive position – that is, the settler's offensive position on occupied land is sustained through a defensive posture. For while settlers desire the total erasure of indigenous populations, the attendant desire to disappear their own identity as settlers necessitates the suppression of both desires, if the subject's reliance on settler colonial power structure is to be psychically naturalized. Settlers’ reactions to indigenous peoples fit, almost universally, with the two ego defense responses that Sigmund Freud observed. The first of these defenses is to attempt a complete conversion of the suppressed desire into a new idea. In settler colonial contexts, this requires averting attention from the violence of dispossession; as such, settlers often suggest that they aim to create a ‘city on the hill’.70 Freud noted that the conversion defense mechanism does suppress the anxiety-inducing desire, but it also leads to ‘periodic hysterical outbursts'. Such is the case when settlers’ utopic visions are forced to confront the reality that the gentile community they imagine is founded in and perpetuates irredeemable suffering. A second type of defense is to channel the original desire's energy into an obsession or a phobia. The effects of this defense are seen in the preoccupation that settler colonialism has with purity of blood or of community.71 As we have already seen, this obsession at once solidifies the power of the settler state, thereby naturalizing the settler and simultaneously perpetuating the processes of erasing indigenous peoples. Psychic defenses are intended to secure the subject from pain, and whether that pain originates inside or outside the psyche is inconsequential. Because of the threat that indigeneity presents to the phantasmatic wholeness of settler colonialism, settlers must always remain suspended in a state of arrested development between these defensive positions. Despite any pretensions to the contrary, the settler is necessarily a parochial subject who continuously coils, reacts, disavows, and lashes out, when confronted with his dependency on indigenous peoples and their territory. This psychic precarity exists at the core of the settler subject because of the unending fear of its own dissolution, should indigenous sovereignty be recognized.72 Goeman writes as an explicit challenge to other indigenous peoples, but this holds true to settler-allies as well, that decolonization must include an analysis of the dominant ‘self-disciplining colonial subject’.73 However, as this discussion of subjective precarity demonstrates, the degree of to which these disciplinary or phenomenological processes are complete should not be overstated. For settler-allies must also examine and cultivate the ways in which settler subjects fail to be totally disciplined. Evidence of this incompletion is apparent in the subject's arrested state of development. Discovering the instability at the core of the settler subject, indeed of all subjects, is the central conceit of psychoanalysis. This exception of at least partial failure to fully subjectivize the settler is also what sets my account apart from Rifkin's. His phenomenology falls into the trap that Jacqueline Rose observes within many sociological accounts of the subject: that of assuming a successful internalization of norms. From the psychoanalytical perspective, the ‘unconscious constantly reveals the “failure”’ of internalization.74 As we have seen, within settler subjects this can be expressed as an irrational anxiety that expresses itself whenever a settler is confronted with the facts regarding their colonizing status. Under conditions of total subjectification, such charges ought to be unintelligible to the settler. Thus, the process of subject formation is always in slippage and never totalized as others might suggest.75 Because of this precarity, the settler subject is prone to violence and lashing out; but the subject in slippage also provides an avenue by which the process of settler colonialism can be subverted – creating cracks in a phantasmatic wholeness which can be opened wider. Breakages of this sort offer an opportunity to pursue what Paulette Regan calls a ‘restorying’ of settler colonial history and culture, to decenter settler mythologies built upon and within the dispossession of indigenous peoples.76 The cultivation of these cracks is a necessary part of decolonizing work, as it continues to panic and thus to destabilize settler subjects. Resistance to settler colonialism does not occur only in highly visible moments like the famous conflict at Kanesatake and Kahnawake,77 it also occurs in reiterative and disruptive practices, presences, and speech acts. Goeman correctly observes that the ‘repetitive practices of everyday life’ are what give settler spaces their meaning, as they provide a degree of naturalness to the settler imago and its psychic investments.78 As such, to disrupt the ease of these repetitions is at once to striate radically the otherwise smooth spaces of settler colonialism and also to disrupt the easy (re)production of the settler subject. Goeman calls these subversive acts the ‘micro-politics of resistance', which historically took the form of ‘moving fences, not cooperating with census enumerators, sometimes disrupting survey parties’ amongst other process.79 These acts panic the subject that is disciplined as a product of settler colonial power, by forcing encounters with the sovereign indigenous peoples that were imagined to be gone. This reveals to the settler, if only fleetingly, the violence that founds and sustains the settler colonial relationship. While such practices may not overthrow the settler colonial system, they do subvert its logics by insistently drawing attention to the ongoing presence of indigenous peoples who refuse erasure.

### 2NC AT ALT Fails

#### Questions and insistences on what the alternative does only serve to make the future coherent for a white settler future—these forms of questioning exhaust indigenous efforts for decolonization

Tuck, Associate Professor of Critical Race and Indigenous Studies, 18

(Eve, Canada Research Chair of Indigenous Methodologies with Youth and Communities, June 14, 2018; “Losing Patience for the Task of Convincing Settlers to Pay Attention to Indigenous Ideas”, Accessed: 8-6-2018, Indigenous and Decolonizing Studies in Education: Mapping the Long View, Introduction, pp. 13-16, jwm)

Losing Patience for the Task of Convincing Settlers to Pay Attention to Indigenous Ideas—Eve Tuck Learning from Linda Tuhiwai Smith’s work, much of my writing has expressed some impatience with regard to research practices on Indigenous peoples. I have been critical of damage-centered research (Tuck, 2009), which focuses solely on the supposed damage of Indigenous people in the supposed aftermath of colonization (supposed because settler colonialism continues to violently shape Indigenous life). I have also written with Wayne (Tuck & Yang, 2012) to critique superficial, additive employs of the term decolonization in education discourse, and have argued for using the term with specificity, not just as an emptied synonym for whatever project someone was already wanting to make happen. To say that decolonization is not a metaphor is to resist using decolonization as a trendy term, and in settler colonial contexts, to resist delinking decolonial projects from the rematriation of Indigenous land and life. In settler states that are also antiblack states founded through the violence of chattel slavery, decolonization also must involve abolition. So, I’m somewhat used to expressing impatience in my work, but more recently, I have become frustrated by the way that Indigenous scholarship is taken up in the settler academy. For most of my career, I have advocated for the centrality of Indigenous social thought in fields of education. Most of my interventions have focused on the possibilities afforded by attending to Indigenous writings, worldviews, teachings, approaches to relationship, ethics, histories, and futurities. I have done this because I am convinced that Indigenous texts, for the most part, do the work to teach readers how these texts need to be read. One extended analogy that I have made to describe the relationship between Indigenous social thought and Western theory is that of the New York City subway system. I was a New Yorker for much of my adult life, and I hold the NYC subway system in high regard (note I am describing the network of tracks, not necessarily the company that runs the trains!). A map of the criss-crossing routes is something to behold. Trains go all over the city, taking one below rivers, beneath stone and skyscrapers, above avenues and through the most sacred parts of the city. Subway lines route from this corner to that corner, from this neighborhood to that beach. Entryways from the street are well marked, often with a glowing green ball, or one that glows red to convey that it is closed for now. Signs from the street indicate “downtown only,” or “uptown only,” and where a train will go to (and not go to) is clearly marked on the platforms. For me, thinking of this underground world of connectivity and travel and hubs and pathways is a good way to think about Indigenous knowledges. Indigenous knowledges have many of these characteristics and are also usually sign-posted—this will take you in this direction, but not in this direction. This is open for you now. This is how you get to your destination, but this is also how you get to other destinations. To extend this analogy, sometimes listening to a person who is trying to understand something only by engaging Western theory is like listening to a person who keeps trying to take a taxi cab in rush-hour traffic. They complain about getting stuck, the slow ride, the cost of the trip. Being an Indigenous scholar in the settler academy is like listening to someone go on and on about the dilemmas of cab rides while knowing that the subway system is just beneath the surface. Again, I feel that I have spent much of my time in education encouraging people to take just a short journey on a subway, or at least check out a map. I feel that I have been standing at the subway entrance, calling to colleagues and students as they hop in their individual taxi cabs into gridlock traffic. I find myself less willing to do this now. I am weary after so many conference presentations in which Indigenous scholars present work and then someone in the audience asks them a question that expects them to do more work. When I was in graduate school, I hated conference presentations because no matter how carefully I articulated my project, there was always someone in the audience who wanted me to do more labor for them; either tell them what they can do or help them see how they can save all the “Indian” children. In most cases, this question was posed even if my presentation critiqued the ways in which white settlers make their experiences the center of life and work. Now, especially when I am serving as chair or discussant on panels with new Indigenous scholars, I warn audiences away from asking self-serving questions or questions that make Indigenous scholars create honey-do lists for settlers. There have been several “turns,” including the ontological turn, the material turn, the spatial turn, each of which is actually a turn to where Indigenous people have always been (see also Tuck & McKenzie, 2015). I recently became totally exasperated when I saw a social media post by a white settler colleague asking for recommendations of “more practical” readings by Indigenous scholars, which would provide more detail about what decolonization looks like “in reality.” To watch settler scholars sift through our work as they effectively ask, “Isn’t there more for me to get from this?” is so insulting. It seems like the tacit (and sometimes arrogantly explicit) request for more (details, explanation, assurance) is actually a form of dismissal. It is a rejection of the opportunity to engage with Indigenous texts on their own terms. It is a deferral of responsibility through asking, “Isn’t there something less theoretical? Isn’t there something more theoretical? Something more practical? Something less radical? Can’t you describe something that seems more likely or possible?” These insistences upon Indigenous writings contradict themselves while also putting all the onus of responsibility on Indigenous people to make the future more coherent and palatable to white settler readers. In reading Indigenous work, they ask for more work, even if they have done little to fully consider what has already been carefully and attentively offered. Often it seems that settler readers read like settlers (that is, read extractively) for particular content to be removed for future use. The reading is like panning for gold, sorting through work that may not have been intended for a particular reader, sorting it by what is useful and what is discardable. Again, something being purportedly too theoretical is often the reason that Indigenous work is discarded or disregarded, whereas that “too theoretical” idea may be entirely practical, lifesustaining, and life-promoting for an Indigenous reader. I spent almost all my career, up until recently, believing that if white settlers would just read Indigenous authors, this would move projects of Indigenous sovereignty and land rematriation in meaningful ways. I underestimated how people would read Indigenous work extractively, for discovery. I underestimated how challenging it would be for settlers to read Indigenous work, after all these years of colonial relations. Indigenous and decolonial theories are unfairly, inappropriately expected to answer to whiteness and to settler relationships to land in the future. At the end of Decolonization is Not a Metaphor, Wayne and I write about the importance of incommensurability. We write that incommensurability is an ethic that contests reconciliation—reconciliation is about rescuing settler normalcy, about ensuring a settler future. A settler future is preoccupied by questions of, What will decolonization look like? What will happen after abolition? What will be the consequences of decolonization for the settler? Wayne and I close the article with the insistence that decolonization is not obliged to answer questions concerned with settler futures. “Decolonization is not accountable to settlers, or settler futurity. Decolonization is accountable to Indigenous sovereignty and futurity. The answers to those questions are not fully in view” (Tuck & Yang, 2012, p. 35). What I am coming to more fully understand is that the questions of “What will decolonization look like?,” when posed by settlers, are a distraction to Indigenous theorizations of decolonization. They drain the energy and imagination of Indigenous scholarship—they pester, they think they are unique, and they are boring. I want time and space to sketch the next and the now to get there. Decolonization is not the endgame, not the final outcome of a long process, but the next now, the now that is chasing at our heels. I am lucky to come from the long view.

# Negative Case

### 1NC—Trump Circumvents The Plan

#### Trump Resets the plan—he has reduced legal immigration and will do the same to the plan by keeping ICE functions operating.

**Chishti, Pierce, & Bolter’18** (Muzaffar Chishti, a lawyer, is Director of MPI’s office at New York University School of Law. His work focuses on U.S. immigration policy at the federal, state, and local levels; the intersection of labor and immigration law; immigration enforcement; civil liberties; and immigrant integration. Mr. Chishti has testified extensively on immigration policy issues before Congress and is frequently quoted in the media. Sarah Pierce is a Policy Analyst for the U.S. Immigration Policy Program at the Migration Policy Institute (MPI). Her research expertise includes U.S. legal immigration processes and actors, the employment-based immigration system, and unaccompanied child migrants. Jessica Bolter is a Research Assistant at MPI, where she provides research support to the U.S. Immigration Policy Program. She has interned with MPI, the Capital Area Immigrants’ Rights Coalition, the Ohio Commission on Hispanic and Latino Affairs, and the Center for Democracy in the Americas., 3-22-2018, "Even as Congress Remains on Sidelines, the Trump Administration Slows Legal Immigration," migrationpolicy.org, https://www.migrationpolicy.org/article/even-congress-remains-sidelines-trump-administration-slows-legal-immigration)

This article reviews actions the administration has taken to pursue its objective of reducing legal immigration, and the effects of these moves to date. Refugee admissions were the first target of the new administration. Within days of taking office, the President suspended refugee admissions and reduced the fiscal year (FY) 2017 refugee ceiling to 50,000, citing security concerns and flaws in the refugee vetting process. The 53,716 refugees admitted during FY 2017 fell far short of the 110,000 ceiling established by President Obama. The Trump administration later reduced the ceiling for FY 2018 even further to 45,000 refugees, the lowest annual level since the resettlement program began in 1980.

The administration also increased vetting for refugee applicants from 11 countries deemed “high risk”: Egypt, Iran, Iraq, Libya, Mali, North Korea, Somalia, South Sudan, Sudan, Syria, and Yemen. As a result, admissions from these countries have drastically fallen. So far in FY 2018, 359 refugees from these 11 countries have been admitted—51 times fewer than the amount admitted during the same period last year. The administration also attempted to indefinitely suspend entry by family members of However, this policy was subject to a nationwide preliminary injunction by a federal judge in December 2017, which forced the administration to resume adjudicating family applications. The administration has vocally advocated for elimination of certain categories of family immigration, making this a precondition in still unresolved negotiations over the fate of hundreds of thousands of unauthorized immigrants brought to the country as children. refugees already in the United States. In December 2017, the White House launched a publicity campaign against “chain migration,” using the term to define all family immigration other than that of spouses and minor children. Separately, it targeted the Diversity Visa program, which allows people from countries with low U.S. immigration rates to apply for a visa lottery. While Congress has not acted, the administration is achieving its goal by slowing down processing of related permanent residency (i.e. green card) applications. Adjudications of immediate and nonimmediate relative immigration petitions fell sharply: U.S. Citizenship and Immigration Services (USCIS) processed 54 percent of immediate relative petitions in FY 2017, compared to about 67 percent in FY 2016 (see Table 1). Nonimmediate relative immigration processing was already low in FY 2016, with roughly 22 percent of applications adjudicated, but fell even further to 9 percent in FY 2017. At the end of FY 2017, the backlog of pending petitions in capped family categories (which span adult children and siblings of U.S. citizens, and spouses and children of green-card holders) increased by more than 35 percent, to 827,744 cases. It seems likely that USCIS is delaying adjudication of nonimmediate relative petitions because of lengthy visa availability backlogs in these categories.

On April 18, 2017, Trump signed the “Buy American and Hire American” executive order, which directed the Departments of State, Justice, Labor, and Homeland Security to issue new rules and guidance to protect the interests of U.S. workers and prevent fraud and abuse in the immigration system. It also tasked the agencies with suggesting reforms to ensure that H-1B visas are awarded only to the most-skilled or highest-paid beneficiaries. Since then, the government has taken several steps to meet that objective by focusing more attention on employers who sponsor workers on H-1B and L-1B visas. This heightened scrutiny is to ensure a proper employer-employee relationship exists, especially when the H-1B employee is placed at a third-party site. The administration also rescinded a policy that allowed for minimal review in cases where previous nonimmigrant visa recipients were extending or renewing a visa. While the government has yet to release data on H-1B adjudications since the start of the Trump administration, reports have indicated rising levels of denials and challenges, or “requests for evidence” (RFEs). Between January 1 and August 31, 2017, the number of RFEs in H-1B cases increased by 45 percent, while total H-1B petitions rose by less than 3 percent in the same period. As a result of the greater scrutiny and rescission of the deference policy, individuals on their third or fourth H-1B renewals are now being denied, leaving them to face the choice of either immediately leaving the country or overstaying their authorized status. The administration also indicated that it intends to propose regulatory changes in the H-1B program, including: Modifying the selection process for applications subject to the H-1B visa cap to choose the most skilled and/or highest-paid individuals. Redefining “specialty occupation” to restrict the number of people who qualify. Redefining “employment” and “employer-employee relationship,” again to limit the number of people who qualify. Adding additional requirements to ensure employers pay appropriate wages to H-1B visa holders. Establishing an electronic registration program for employers filing for H-1B visas that are subject to the “H-1B cap.” The administration has also indicated it intends in June to end an Obama-era policy allowing spouses of some H-1B visa holders to apply for work authorization. Under the policy, from May 2015 through June 2017 more than 71,000 spouses (H-4 visa holders) were granted work authorization. Of these, 94 percent were female and 93 percent were Indian nationals. If the policy is rescinded, many H-4 visa holders—who may spend decades in the United States while waiting for their spouses’ backlogged employment-based green cards—will not be able to lawfully work. The administration has yet to officially unveil an expected policy designed to keep people at risk of becoming public charges out of the country. However, changes seem imminent. Two leaked draft documents—an executive order and a proposed regulation—outline substantive revisions. The policy could effectively reduce green-card grants for low-income individuals and make permanent residents more vulnerable to deportation. The proposed change would tap into a statutory provision allowing the government to exclude individuals from the country due to their risk of becoming a drain on public coffers, and to deport noncitizens for doing so. The provision dates to the 1882 Immigration Act, under which the entry by anyone deemed a “convict, lunatic, idiot, or person unable to take care of himself or herself without becoming a public charge” was prohibited. This exclusion ground was used extensively under the nativist Immigration Acts of 1917 and 1918, and the repatriation of Mexican nationals during the Great Depression. During that time, officials stamped the exit documents of those deported with “county charities,” excluding them from re-entry. However, after 1965, application of the public charge restriction fell significantly.

If the draft executive order, leaked in January 2017, takes effect as written, immigrants’ sponsors would have to reimburse the government if the immigrant receives certain benefits. It also indicated a potential expansion of the situations under which public benefit use would be grounds for deporting legal immigrants. The draft regulation, leaked in January 2018, would expand the situations under which individuals would be denied visas or admission on public charge grounds. The administration may also be prioritizing stripping certain naturalized immigrants of their U.S. citizenship. Under the Immigration and Nationality Act, citizens may be “denaturalized” if naturalization was procured illegally or through misrepresentation. On January 5, 2018, on USCIS’s motion, a U.S. district judge revoked the naturalization of a former Indian national who had used a false name to become a lawful permanent resident and subsequently acquire U.S. citizenship. This is the first denaturalization to result from a group of possible fraud cases USCIS referred to the Justice Department for prosecution, as part of an ongoing initiative called Operation Janus. Operation Janus was launched a decade ago and identifies cases in which fingerprint records are missing from the centralized DHS database. Some of these individuals had criminal records or had been ordered removed under other identities. However, by March 2015 the Justice Department had accepted just two cases for prosecution and had declined 26. The Trump administration appears to be ratcheting up the initiative, planning to refer 1,600 cases to the Justice Department for prosecution. Recent press reports suggest the Justice Department may list denaturalization among its top priorities for its five-year plan.

### 2NC—Trump Circumvents The Plan

#### The Trump administration is unmoving—they will find ways to curtail immigration regardless of the magnitude of the plan.

**Jordan 17** {Miriam Jordan is a national immigration correspondent. She reports from a grassroots perspective on the impact of immigration policy on people in the country legally and illegally; on the labor market and on demographics. Since joining The Times, she has sought to enlighten readers about visas known by esoteric acronyms, such as H-1B and H-2A, as well as programs known as DACA and TPS, and by profiling the lives of immigrant workers., 12-20-2017, "Without New Laws or Walls, Trump Presses the Brake on Legal Immigration,"  https://www.nytimes.com/2017/12/20/us/trump-immigration-slowdown.html}

The Trump administration has pursued its immigration agenda loudly and noticeably, [ramping up arrests](https://www.nytimes.com/2017/11/25/us/atlanta-immigration-arrests.html) of undocumented immigrants, [barring most travel](https://www.nytimes.com/2017/09/24/us/politics/new-order-bars-almost-all-travel-from-seven-countries.html) from several majority-Muslim countries and pressing the case for [a border wall](https://www.nytimes.com/interactive/2017/11/08/upshot/eight-ways-to-build-a-border-wall-prototypes-mexico.html). But it has also quietly, and with much less resistance, slowed many forms of legal immigration without the need for Congress to rescind a single visa program enshrined in the law. Immigration and State Department officials are more closely scrutinizing, and have started more frequently denying, visas for people seeking to visit the United States on business, as well as for those recruited by American companies, according to lawyers representing visa seekers. Foreigners already in the United States whose employers wish to extend their stays are also facing new hurdles. “I call this the real wall,” said Anastasia Tonello, the president-elect of the [American Immigration Lawyers Association](http://www.aila.org/). “The wall is being built.” The changes show how the Trump administration has managed to carry out the least attention-grabbing, but perhaps farthest-reaching, portion of the president’s immigration plans: cutting the number of people entering the United States each year as temporary workers or permanent residents. The administration has put into practice the philosophy President Trump laid out in a pair of executive orders billed as protecting the nation from terrorism and its workers from foreign competition. One of them, the “Buy American, Hire American” order, singles out the H-1B visa program for skilled workers who otherwise would not be allowed into the country. Hailed by proponents as vital to American innovation, H-1Bs have also been derided as a way to displace United States workers with cheaper foreign labor; in one highly publicized case, some [Disney employees were told](https://www.nytimes.com/2015/06/04/us/last-task-after-layoff-at-disney-train-foreign-replacements.html?_r=0) to train their foreign replacements if they wanted severance payments. Each year, 85,000 H-1Bs, which are valid for three to six years, are available to companies, according to a ceiling set by Congress. Demand [far outstrips supply](https://www.nytimes.com/2017/04/03/us/tech-visa-applications-h1b.html) when the economy is healthy, prompting the government to hold a lottery. But now even applicants lucky enough to be chosen are drawing more scrutiny. Officials are asking for extra details about applicants’ education and work history, the position to be filled and the employer, requiring the company to amass many additional documents, which can postpone a decision by several months. For H-1Bs, the number of such “requests for evidence” from January to August this year jumped 44 percent compared with the same period last year, according to the most recent data from United States Citizenship and Immigration Services. So far, the government is still greenlighting most H-1B applications that survive the lottery, but the approval rate is inching down. For the first two months of this fiscal year, October and November, 86 percent and 82 percent of H-1B applications were approved. That compares with 93 percent and 92 percent for the same months last year. The data does not reflect companies that give up after receiving requests for more evidence. Once a company has spent thousands of dollars in legal fees to petition for a worker, “there is huge discouragement after an R.F.E. is issued,” said Roxanne Levine, an immigration lawyer in New York, “because of the massive extra time, effort and money required to respond.” L. Francis Cissna, the immigration agency’s new director, said in an interview that if there are more requests for evidence, “that is perfectly rational and perfectly appropriate.” “We are looking at the entire program to ensure the entire thing is administered well and in conformity with congressional intent,” he said. He recently met with a group of displaced American workers in Florida, including some laid off by Disney. The meeting was arranged by Sara Blackwell, an employment lawyer who leads a group called [Protect U.S. Workers](http://protectusworkers.org/). “The administration has done much more for American workers, but I hope to see much more soon,” Ms. Blackwell said. Immigration lawyers and companies seeking the visas say that some of the decisions appear arbitrary. After responding to requests for evidence, a consulting firm that applied for an H-1B for an energy expert from Britain received a denial stating that the skills for the position “do not appear to be of such complexity, uniqueness or specialization as to require the attainment of a bachelor’s degree,” a prerequisite for the visa. Kristen Albertson, the operations manager at the firm, called the outcome “egregious.” “We apply only when it’s a strong case and essential to our business,” she said of the applicant, who is a graduate of the University of Chicago. An H-1B visa for an Indian scientist recruited by the Cleveland Clinic for his expertise in cellular biology is stuck in “administrative processing” in New Delhi, meaning it is undergoing further review that could stretch into months. “His team’s projects are now on hold due to the delay,” said Janice Bianco, an official at the Cleveland Clinic who handles applications for foreigners. She said a visa for a pediatric geneticist hired in the spring took three months to be issued — in the past, it would have taken about three weeks — forcing the hospital to reroute some patients to other facilities. The State Department, which has handled the Cleveland Clinic visa requests, said in a statement that “consular officers have the discretion to request additional screening in any case.” Other types of visas are also tougher to get now. During trips to Silicon Valley, Vladimir Eremeev of Russia was encouraged to establish a branch of his cloud-based technology company, [Ivideon](https://www.ivideon.com/), in the United States. In Europe, Ivideon employs 150 people, and Philips, the Dutch multinational, sells a camera powered by its technology. Mr. Eremeev drew up plans, which his lawyer in New York detailed in a 347-page visa application. He was applying for an L-1A visa, awarded to executives transferring to the United States. “Sounds and looks great, but it didn’t help me obtain a visa,” Mr. Eremeev said in a phone interview. Among other things, the immigration agency stated that the office leased by Mr. Eremeev did not appear to be suited for a “business that would require the employment of a manager or executive.” His lawyer provided details and pictures of the space. Ultimately, the government denied the petition, stating that the “organizational structure” presented did not support the “managerial or executive position” that Mr. Eremeev was to fill. “You are going in circles,” said the lawyer, Oksana Bandrivska, “and it’s getting harder to win cases.” Russell Harrison, director of government relations for IEEE-USA, a society of technology professionals, applauded the administration’s efforts to tackle visa abuse. However, he said, a blanket approach could stifle American competitiveness. “They seem to be against anyone coming in, which is a simplistic view,” Mr. Harrison said. “There are some incredibly talented people not born in this country, and they are being treated just like other workers who are cheap.” Some lawyers said they had also seen more scrutiny of H-2B visas, the seasonal work permits that [Mr. Trump uses](https://www.nytimes.com/2016/02/26/us/politics/donald-trump-taps-foreign-work-force-for-his-florida-club.html) to staff his Mar-a-Lago club in Florida. Jeff Joseph, a lawyer in Aurora, Colo., said the government was more often denying visas for companies that sought the visas season after season. (Mar-a-Lago uses them only during winters.) The government’s argument, Mr. Joseph said, is that those companies are trying to import temporary workers to fill permanent jobs that should go to Americans. But he said his clients faced a shortage of local labor year after year to fill jobs in construction, lodging, landscaping and amusement parks.

### 1NC—Agencies Circumvent The Plan

#### Multiple agency involvement will exploit numerous loopholes to continue deportations

**Dunlap, Denver Law Review Editor,19** (Allison Crennen-Dunlap, Denver Law Review Editor, January 3, 2019, Denver Law Review, “Abolishing the ICEberg”, <https://www.denverlawreview.org/dlr-online-article/2019/1/3/abolishing-the-iceberg.html>, P. 150-152, accessed 7/10/20, EM)

ICE is an agency housed in DHS responsible for enforcing immigration laws in the interior of the United States.16 Enforcement and Removal Operations (ERO), a unit within ICE, identifies migrants who are potentially removable, finds them, arrests them, incarcerates them, “prosecutes” them by showing they are “removable,” and effects their physical removal from U.S. territory.17 ICE is thus responsible for a large number of the United States’ deportations as well as for the civil detention of hundreds of thousands of people each year. But ICE is just one part of a much larger immigration enforcement bureaucracy. CBP enforces immigration laws at ports of entry and along the border, including anywhere within one hundred miles of a border—an area that encompasses approximately two-thirds of the U.S. population.19 CBP can issue expedited removal orders pursuant to 8 U.S.C. § 1225(b)(1)(A)(i).20 This form of rapid-fire removal plays an enormous but largely hidden role in the deportation landscape, accounting for 42 percent of all removals in fiscal year 2014.21 Like ICE, CBP also incarcerates migrants, operating detention facilities whose chain link fences, concrete floors, and mylar sheets became notorious during the 2018 family separations.22 Further, CBP made the 2018 family separations possible because, after announcement of the “zero tolerance” policy, CBP referred parents and other caregivers to DOJ for prosecution for illegal entry or reentry.23 The children of those prosecuted were separated from their caregivers and placed in the custody of the Office of Refugee Resettlement in the Department of Health and Human Services. DOJ also plays a significant role in the enforcement of U.S. immigration laws. DOJ prosecutes individuals for illegal entry and illegal reentry25—two criminal offenses which, although not technically part of the civil immigration law apparatus, are inevitably tied to migration.26DOJ’s United States Marshals Service manages pre-trial incarceration for those awaiting prosecution of illegal entry or reentry (and other criminal offenses related to migration), and DOJ’s Bureau of Prisons imprisons those who are convicted.27 DOJ also houses the Executive Office for Immigration Review, or “immigration court,” where immigration judges, operating at the behest of the Attorney General, determine which mi-grants placed in formal removal proceedings will be removed.28 Further, the Office of Immigration Litigation within DOJ denaturalizes naturalized U.S. citizens29 and defends immigration agencies in federal courts. Additionally, U.S. Citizenship and Immigration Services (USCIS) adjudicates applications for immigration benefits, such as applications to adjust status to that of lawful permanent resident or naturalize.31 Like ICE, USCIS has the power to initiate removal proceedings by issuing a “Notice to Appear,”32 and the agency is now playing a more active role in enforcement.33 Last summer, USCIS issued a memorandum that essentially requires the agency to initiate removal proceedings whenever a beneficiary or applicant is “not lawfully present in the United States” at the time a petition or application is denied.34 Previously, many such individuals could depart the United States voluntarily without facing potential detention and deportation.35 In other words, although USCIS is traditionally an adjudicator, the agency is now more involved in detention and deportation. Other agencies, including the Department of State, Department of Labor, and Department of Health and Human Services, also help administer immigration laws.36 In short, ICE plays but one part in a much larger bureaucracy designed to determine which human beings merit inclusion in the U.S. political community.

### 1NC Conservative Backlash

#### The plan cedes the political to conservatives

Zelizer 18 (Julian, is a history and public affairs professor at Princeton University, editor of "The Presidency of Barack Obama: A First Historical Assessment" and co-host of the "Politics &amp; Polls" podcast, 7-2-2018, "'Abolish ICE' is a massive political mistake", CNN: https://www.cnn.com/2018/07/01/opinions/democrats-mistake-abolish-ice-platform-zelizer/index.html)

(CNN) — Democrats are making a massive political mistake by calling for the end of Immigration and Customs Enforcement (ICE). On a Saturday when Americans across the country took to the streets to protest President Donald Trump's hardline shift on immigration policy, more and more prominent Democrats -- from Sen. Elizabeth Warren to Sen. Kristin Gillibrand -- used their voices to advocate for ending ICE as we know it. The surprise victory of Democratic congressional nominee Alexandria Ocasio-Cortez, who highlighted attacks on ICE during her campaign against incumbent New York Democrat Joe Crowley, has given further momentum to this position. ICE was created as part of the reorganization of homeland security after 9/11. Before the horrendous attack on our soil, the Immigration and Naturalization Service, established in 1933, oversaw immigration on the border and within the country. Under the Department of Homeland Security, which was created by President George W. Bush, the immigration bureaucracy was divided up into three parts. The US Citizenship and Immigration Services handled the naturalization and immigration process, Customs and Border Protection was responsible for monitoring the border, while ICE was given authority to deal with enforcing the laws inside the country. Some Democrats may be hoping that turning ICE into the focus of the immigration debate will serve the same kind of purpose that attacking the Internal Revenue Service or the Department of Education once offered Republicans -- a symbol of what has gone wrong in American politics and a way to capture, in a short phrase, what the opposition hopes to do. While focusing on ICE is an extremely important debate, and dismantling the agency might the be the best policy decision, it carries enormous short-term political risks for the Democrats going into the midterm elections. The main problem with the abolish ICE stance is that the strategy shifts attention away from Trump and his hardline policies and toward the issue of government reorganization. In 2018, Democrats who are angry about the ongoing attacks on undocumented immigrants, as well as legal immigration, don't really need anything more to rally around. They already have Trump and his blistering rhetoric, and they have the extraordinarily harsh policy of separating children from their families -- which, though the President has ended, still remains an issue since more than 2,000 immigrant kids remain in limbo. According to a Pew Research Center poll, Democrats enjoyed a 14-point advantage in handling immigration before the family separations started. And according to a CNN poll, two-thirds of Americans oppose the President's decision to take children from their parents. Moving the public discussion toward an abstract bureaucratic body and the need for government reorganization could easily dampen the fervor that was evident on the streets of America Saturday. It can also divert attention from the President himself. And, frankly, ICE is not a government body that most Americans know about. Without a doubt, many people who are reading or hearing about this story will need to do some quick Google searching to figure out what exactly this agency -- at the heart of so much controversy -- does on a day-to-day basis. This is very different than going after an agency like the IRS, which has been collecting our taxes since 1862 and which almost every American deals with every year. With Democrats attacking ICE, the administration has been given an opening to paint its opponents as extreme, radical and a threat to national security. Even though we are long overdue for a rigorous debate over our immigration system, a call to abolish anything makes it sound as if the proponents want the entire system to go away. Though Democrats are on the airwaves explaining they want something else that is better, Trump is already using this as a rallying cry to tell Republicans who strongly support his policies that the opposition is made up of extremists who don't want any kind of border security at all. "The Liberal Left, also known as the Democrats, want to get rid of ICE, who do a fantastic job, and want Open Borders. Crime would be rampant and uncontrollable!" he tweeted on Sunday morning. As Trump starts to gain some political momentum, Democrats can't afford to make mistakes going into the midterms. They risk undercutting their political position on some of the most important issues of the day, where the President has made it clear exactly what kinds of policies he intends to put into place. By focusing on the abolition of ICE rather than the end of Trump's policy of breaking up families, the Democrats might be doing exactly what the President needs to continue moving his agenda forward.

#### The plan is politically divisive—in order to achieve better immigration policies, democrats need to be unified—It is Key to reject the plan in favor of more pragmatic action.

**Scher’18** (Bill Scher is an American pundit and political analyst. He is a Contributing Editor to POLITICO Magazine, and a contributor to RealClearPolitics. “The Problem With Abolish ICE” https://www.realclearpolitics.com/articles/2018/07/02/the\_problem\_with\_abolish\_ice.html)//JP

Yet that is not enough for the Abolish ICE movement. McElwee has already acknowledged, in a Vox interview, that Abolish ICE is less a concrete policy proposal than a political tactic to both “differentiate [candidates] in Democratic primaries,” by which he means to separate the “really, really progressive people” from the Establishment class, and “to shift the Overton window on deportation policy,” which refers to expanding the parameters of debate and mainstreaming radical ideas. But we don’t suffer from a cramped immigration debate; Democrats generally support pathways to citizenship for the undocumented, while Republicans are divided between Trump’s nativism and some degree of legalization. And we certainly don’t need to differentiate among Democrats regarding immigration when consensus on an ambitious goal has already been achieved. The best way to help undocumented immigrants is to maintain Democratic Party unity, elect more Democrats to Congress in 2018 and elect a Democratic president in 2020. The best way to wage an intra-party civil war is to exploit the emotion of the moment, and force everyone in the party to choose sides over a slogan masquerading as a policy proposal.

### 2NC—Conservative Backlash

#### The abolish ICE campaign alienates moderates and makes it too easy for Republicans to win immigration debates.

Chotiner 18 (Isaac, staff writer for Slate, 5-21-2018, accessed 7-3-2018, "Why “Abolish ICE” Is Not the Answer", Slate Magazine: https://slate.com/news-and-politics/2018/05/why-abolish-ice-is-not-the-answer.html?via=gdpr-consent)

Immigration and Customs Enforcement has been at the center of a number of controversial raids that we’ve seen. Some on the left have talked about abolishing ICE, and I think something about ICE will be part of the debate in the 2020 Democratic primaries. What do you think when you hear the words abolish ICE? And do you think the Obama administration should have done more to change ICE from the agency that we see now? Well we did change ICE from the agency that we see now. Again, the 2014 enforcement priorities took hold, and ICE agents were behaving very, very differently from the way that they behave now. I think the campaign to abolish ICE, I understand where it comes from, and I understand the community’s hatred of this law enforcement organization. It comes from a real and reasonable place, but at the end of the day, as a policy goal, I don’t think abolishing ICE is realistic. I also think the argument has the effect, has the potential to push away folks who ultimately we need on our side in order to make the kinds of reforms in the way ICE behaves and in the immigration laws themselves. Immigration enforcement, whether we like it or not, is a reality. I think where we can make a difference is in how it is conducted. That’s not an easy thing to do, but it is a vital thing to do. If the debate is whether there should be immigration enforcement, then I think we give the other side a really powerful tool to win hearts and minds. I think that’s a mistake. Look, abolishing ICE sounds very close to saying, “Well maybe we don’t need a border. Maybe we don’t need immigration enforcement.” I don’t believe that’s where the country is, and I don’t believe we can be successful in protecting people if that’s the argument that we’re making. If we want to protect immigrants, if we want to protect our values, if we want to have an immigration system that functions and is rational, then I think we need to be willing to address how do we think immigration enforcement should be conducted, what’s a way to do that, that actually values people’s lives and their civil rights. The abolish ICE argument doesn’t touch those questions, and I think that’s a mistake.

### 2NC—Conservative Backlash

#### That allows Trump to kill the DREAM Act.

Gaubeca 18 (Vicki, is policy and communications strategist with the Southern Border Communities Coalition, 2-10-2018,"Trump’s vanity wall is biggest obstacle to protecting Dreamers", TheHill: http://thehill.com/opinion/immigration/373012-trumps-vanity-wall-is-biggest-obstacle-to-protect-dreamers)

Border communities and Dreamers are both victims of thoughtless obstructionism at the hands of the Trump administration. Take the current negotiations to protect Dreamers in exchange for border enforcement, which seemed to have reached an impasse over a useless wall and other immigration provisions. But there is a way forward. There are two moderate, wall-less bipartisan companion bills in the House and Senate that would provide a balanced approach to both a Deferred Action for Child Arrivals (DACA) fix and border enforcement. Introduced in the House by Reps. Will Hurd (R-Texas), Pete Aguilar (D-Calif.) and Jeff Denham (R-Calif.) and in the Senate by Sens. John McCain (R-Ariz.) and Chris Coons (D-Del.), the Unifying and Securing America (USA) Act would offer immigrant youths a pathway to citizenship along with a data-driven evaluation and cost analysis — per linear mile — of the resources truly needed for border enforcement. These proposals also suggest the use of surveillance technologies, with adequate privacy protections, as a better and more effective alternative to a concrete wall. Although we do not believe any more border enforcement is needed, these proposals lay out a process for assessing what, if any, additional enforcement is appropriate — and do so in consultation with border communities and other stakeholders. Both proposals rightly remove Trump’s vanity project, the border wall. The wall not only represents a costly and ineffective solution, but also would prove damaging to the environment and several endangered species; would rip away land from private U.S. landowners; and would cause life-threatening flooding. Nearly nine out of 10 Americans support a permanent solution for DACA recipients, while six out of 10 oppose a border wall. If the people’s voices were heard, these bills likely would pass if congressional leadership simply allowed them to go to the floor for a vote. But the main obstacle to these bills is a fear-mongering and nativist administration, supported by a few congressional members who —with no regard for how the public feels and with no real input from border communities — declare these bills non-starters for failing to fully fund the wall.

### 2NC—Conservative Backlash

#### That’s unethical — this means that the affirmative makes lives for immigrants even worse.

Jiménez ’18 (Cristina Jiménez is the executive director of United We Dream, the largest immigrant youth-led organization in the United States. She is a 2017 MacArthur Fellow – “CONGRESS MUST REJECT TRUMP’S IMMIGRATION PLAN —IT IS A CRUEL SOPHIE’S CHOICE” – Newsweek – Jan 29th - #CutWithRJ- <http://www.newsweek.com/trumps-immigration-plan-cruel-sophies-choice-congress-must-reject-it-792688>)

Every minute that has passed since Trump’s decision to kill Deferred Action for Childhood Arrivals program, or DACA, back in September, more immigrants living in this country have become vulnerable to deportation. More than 16,000 young people have already lost their DACA status. The Trump administration created the current crisis that Congress must now address. From day one, Trump’s anti-immigrant agenda has ripped families apart and his latest proposal, crafted by political advisor Stephen Miller, pits immigrant youth against our parents and our family members who want to reunite with us and build lives here. It’s the definition of divisive. It’s a white supremacist ransom note, and we are ripping it up. Let me be very clear on what I mean by that: Immigrant youth and our families will not be held hostage by Trump’s racist policies in this political moment. How can we accept this Sophie’s choice? Trump is telling us that in order to be safe ourselves, we must watch our parents get deported and see our family members lose the opportunity to be reunited with us. It is cruel, it is wrong and all people of conscience must reject it. Trump’s latest immigration plan builds on a clear pattern of racist policymaking. The same White House administration that wants to ban Muslims now wants to ban even more immigrant families from countries where people of color live. Both Democrats and Republicans have a clear decision to make in this moment: If they support Trump’s latest plan on immigration, they are endorsing his view that immigrants of color don’t belong here, and that the administration would rather see white immigrants from places like Norway. Any policymaker who criticized Trump’s racist name-calling of African nations and Haiti cannot also support a plan that would enshrine his draconian views into law. Any effort to advance the Dream Act in exchange for more immigration enforcement and deportations, and greater exclusion of immigrants of color, must be rejected immediately. Democrats and moderate Republicans of conscience have the power to pass the dream to get a Dream Act done as part of a federal spending package. But it must be a clean Dream Act that protects immigrant youth and DACA beneficiaries without harming our families through increased immigration enforcement, deportations and exclusion of immigrants of color from the United States.

### 1NC No Replacement Policy

#### “Abolish ICE” is not a complete policy proposal and doesn’t change broader immigration laws.

**Scher’18** (Bill Scher is an American pundit and political analyst. He is a Contributing Editor to POLITICO Magazine, and a contributor to RealClearPolitics. “The Problem With Abolish ICE” https://www.realclearpolitics.com/articles/2018/07/02/the\_problem\_with\_abolish\_ice.html)//JP

The movement to “Abolish ICE,” the U.S. Immigration and Customs Enforcement agency, was turbocharged last week when Democratic Socialists of America member Alexandria Ocasio-Cortez upset Rep. Joe Crowley in the New York 14th Congressional District’s Democratic primary. After Ocasio-Cortez rode the abolition position to victory, several Democratic officeholders and candidates hopped on the bandwagon, including possible 2020 presidential candidate Sen. Kirsten Gillibrand of New York and California’s long-shot challenger to Sen. Dianne Feinstein, state Sen. Kevin de León. It doesn’t seem to matter that the “Abolish ICE” movement doesn’t have an actual proposal for what should replace ICE, or even if it should be replaced at all. The abolitionist appeal is obvious. President Trump’s “zero tolerance” immigration crackdown had led to cruel family separations among asylum seekers, seemingly arbitrary deportations of longtime residents and crippling anxiety among undocumented “Dreamers” who crossed the border as children (even though the judicial branch is keeping Barack Obama’s DACA program in place for the time being). ICE is the public face of Trump’s anti-immigrant policy. No more ICE, no more vicious deportations. Simple. But it’s not that simple. Abolishing an agency doesn’t abolish immigration laws, and some Abolish ICE advocates dance around questions of if and how exactly those laws would be enforced. The reality is “Abolish ICE” is not so much a policy proposal as a fresh cudgel to divide the Democratic Party between “Establishment” politicians and left-wing insurgents. Anyone with the temerity to take a breath and think through the practical consequences of such a slapdash idea gets tagged with a scarlet “E,” as was Crowley. How half-baked is Abolish ICE case? Read the words of its chief advocates.

### 1NC No Replacement Policy

#### There is no policy that replaces the plan.

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What exactly do Abolish ICE proponents want in place of the current regime? They don’t actually say. The Abolish ICE website offers no policy solutions (but does sell T-shirts). New legislation from Rep. Mark Pocan abolishes ICE first and asks questions later, offering up “a commission to provide recommendations to Congress on how the U.S. government can implement a humane immigration enforcement system.”

Why aren’t Abolish ICE advocates focused on the current immigration laws, and the Trump administration’s execution of those laws? Because that alone doesn’t serve the purpose of supplanting “Establishment” Democrats with far left insurgents.

Ocasio-Cortez wants a litmus test: “[O]ur incumbents created that system. Everyone who voted for it is responsible. Period. … If they’re not actively calling for the abolition of ICE, then I don’t want to hear it. … If they don’t acknowledge that their actions were a mistake, frankly, they need to go.” In turn, longtime Democrats are now being judged on whether they voted to create ICE in 2002, as McElwee does in his most recent piece for The Nation. This is disingenuous. The vote in 2002 was not a stand-alone vote on creating ICE; it was the vote for the bureaucratic reorganization that created the Department of Homeland Security, which created ICE out of a piece of the former INS. Nothing about the shift portended a more aggressive deportation policy, and it did not generate any controversy at the time. Support for a post-9/11 Department of Homeland Security was bipartisan, though some on the left criticized the final bill for weakening civil service worker protections. There are critics who argue the entire Homeland Security department is too “militarized,” but that’s a tangential debate. To treat the 2002 vote as evidence of one’s immigration bona fides is farcical and smacks of an ulterior motive to divide Democrats.

### 2NC No Replacement Policy

#### Activists for “Abolish ICE” have no precedent for more progressive immigration policy—at best poilcies revert to INS which isn’t better.

**Scher’18** (Bill Scher is an American pundit and political analyst. He is a Contributing Editor to POLITICO Magazine, and a contributor to RealClearPolitics. “The Problem With Abolish ICE” [https://www.realclearpolitics.com/articles/2018/07/02/the\_problem\_with\_abolish\_ice.html)//JP](https://www.realclearpolitics.com/articles/2018/07/02/the_problem_with_abolish_ice.html%29//JP)

In an interview with The Intercept, Ocasio-Cortez was asked to respond to Attorney General Jeff Sessions’ explicit defense of child separation. In her answer, she said it is “extremely concerning” that ICE, which is housed in the Department of Homeland Security, “does not answer to the Department of Justice,” unlike ICE’s predecessor, the Immigration and Naturalization Service or INS. But to immediately put immigration enforcement back in the Justice Department would put it in the hands of Jeff Sessions! That probably isn’t what most immigrant advocates have in mind.

Ocasio-Cortez then becomes semi-nostalgic for the era of INS: “Before ICE we had the INS. … We have to keep tabs on human trafficking, child sex trafficking, child pornography and, of course, just standard immigration in and out. … The INS had handled that before.” Similarly, leading Abolish ICE activist Sean McElwee, writing in The Nation, characterized the placing of immigration enforcement under Homeland Security in 2003 as a seminal shift: “By putting ICE under the scope of DHS, the government framed immigration as a national security issue rather than an issue of community development, diversity or human rights.” This mild assessment of INS won’t jibe with any immigrants and immigrant advocates paying attention before 2003. A Lawyers’ Committee for Human Rights report published in 2000, as described by the New York Times, charged INS agents with acting as “Judge, Jury and Deporter,” having “mistreated or turned away legal visitors as well as victims of torture who had credible claims for political asylum.” In 1992, a decade before Homeland Security existed, Human Rights Watch accused INS with “militarization of the border zone.” Perhaps most famously, comedians Cheech & Chong lampooned “La Migra” as racist deporters in the 1985 music video “Born in East L.A.,” which struck such a nerve it was turned into a movie.