

Winning Words

-From Novice to Nationals-

-Sample Research-

(Legislation from the Florida Blue Key Tournament of 2010)

-Editor-

Sarah Kuczmariski

-Contributing Researchers-

Justin Fouts

Gabe Rusk

Jacob Kirksey

Brittany Stanchik

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Introduction to Winning Words Research

Hello! Welcome to Winning Words! In the following pages, you will find a sample of a Winning Words research packet for Congressional Debate. The pieces of legislation we have chosen were selected from the Florida Blue Key Tournament of 2010. For each piece of legislation, there is both an affirmative and negative summary, the full text of the bill or resolution, and *at least* ten unique evidence sources. Below select evidence cards, you will also find an italicized remark written by the contributing researcher. These “evidence notes” should be used to fully understand how the card is meant to be used and its role in the grand scheme of the debate. Throughout the year, Winning Words will research major national tournaments, and we will follow a similar research structure. We hope this research enhances debate and learning for all high school debaters!

A Resolution to Fund Alternative Energy Companies

Research compiled by Justin Fouts

Text of Legislation

A Resolution to Fund Alternative Energy Companies

Whereas, oil companies and other producers of fossil fuels receive billions of dollars in tax breaks and direct subsidies; and,
Whereas, alternative energy companies struggle to raise the capital necessary to research, develop, and manufacture new products; and,
Whereas, Americans will benefit from these new technologies far more than the benefits of fossil fuel subsidies; therefore,
BE IT RESOLVED by the Blue Key Congress here assembled that government subsidies for fossil fuels be shifted to alternative energy companies in the next six years.

Respectfully Submitted, Warren Wilson Fort Walton Beach High School

Affirmation

Affirmative Summary

The affirmative side of this bill provides ample opportunity for you to give either a very broad or very specific speech. What you will notice from your opponents is a common theme of cost effectiveness of alternative energy combined with the successfulness of them. Remember, you are NOT required to support all forms of alternative energy, support the types that will be successful. Specifically this evidence provides extended evidence on the economic benefits of alternative energy, and why the government is needed to continue to support this industry. I would focus on this area and go into further detail using your own analytics as to why it is so vital. The obvious logic here is revenues in the private sector lead to revenues in the government through various taxes. This is a great way to defend against cost arguments, due to the way it would in theory be able to offset the costs. Also remember that you are NOT defending any new spending, you are simply defending that subsidies currently placed in fossil fuels be moved over to alternative energies instead, meaning no matter which way the chamber votes, this money is being spent, you are just debating the most effective area to spend it.

Affirmative Cards

Aff - Renewable Energy Faces a Bleak Future without Government Support (2011)

Oilprice.com "Renewable Energy Sector to Face Increasing Economic Challenges" Gloria Gonzalez, September 16th 2011 <<http://oilprice.com/Alternative-Energy/Renewable-Energy/Renewable-Energy-Sector-to-Face-Increasing-Economic-Challenges.html>>

"The renewable energy sector faces growing challenges from global economic instability and expiring or diminished government support in the US and Europe, although the nuclear accident in Japan is a positive development for the industry, according to two new reports. Renewable energy asset financing rebounded in the second quarter of 2011 to almost \$14 billion from below \$5 billion in the first quarter, says a report from Netherlands-based Rabobank International. The average deal value increased to \$212 million compared to \$64 million over the previous six quarters, partly reflecting an increase in the number of utility-scale offshore wind transactions, the report found. But the "somewhat bleak" fiscal forecast for the US and Europe presents a major challenge for the renewable energy sector, according to a report by Standard & Poor's (S&P) Ratings Services."

Aff - Strong Potential for Alternative Energies after Fukushima Accident (2011)

Oilprice.com "Renewable Energy Sector to Face Increasing Economic Challenges" Gloria Gonzalez, September 16th 2011 <<http://oilprice.com/Alternative-Energy/Renewable-Energy/Renewable-Energy-Sector-to-Face-Increasing-Economic-Challenges.html>>

On the positive side, the Fukushima nuclear accident has created tremendous potential for renewables in both Japan and Germany. Japan just passed a law requiring 20% of its energy to come from renewables by 2020, which is expected to create ongoing demand of 3GW per year, compared with a current installed capacity of about 5GW, according to the S&P report. The German government's decision to completely phase out the use of nuclear power over the next 11 years also offers strong momentum to renewable energy, particularly offshore wind, to partly replace those assets, according to the Rabobank report.

Aff - Current Fossil Fuel Plans would Endanger Entire Planet (2011)

New Zealand Herald "Clean energy: A faded shade of green" Peter Huck, September 23, 2011, http://www.nzherald.co.nz/politics/news/article.cfm?c_id=280&objectid=10753909

Outside its front gate, hundreds of protesters have been arrested demonstrating against plans to build a 2597km pipeline to ship crude oil strip-mined from Canadian tar sands - estimated to contain 175 billion barrels, the world's third-largest reserve after Saudi Arabia and Venezuela - from Alberta to refineries in Texas. Another Canadian pipeline is envisaged to carry oil to the Pacific. Critics fear spills and say carbon emissions from refining the tar sands will "turbocharge global warming". Nine Nobel Laureates, including Archbishop Desmond Tutu and the Dalai Lama, have weighed in, saying the pipeline will fuel climate change and "endanger the entire planet".

Aff - Money put into Alternative Energy would Provide Quadruple the Number of Jobs Oil Would (2011)

New Zealand Herald “Clean energy: A faded shade of green” Peter Huck, September 23, 2011, http://www.nzherald.co.nz/politics/news/article.cfm?c_id=280&objectid=10753909

A 2010 Pew Environmental Trust report, Who's Winning the CleanTech Energy Race?, says US\$162 billion (\$197 billion) was spent on clean-tech energy projects worldwide in 2009. And the US Political Economy Research Institute's 2008 Green Recovery report found that US\$100 billion would create two million jobs in two years, quadruple the number of jobs this sum would produce in the oil business.

Aff - Private Sector is Unreliable, and Unlikely to Make up for Government Shortfall (2011)

New York Times “Federal Money For Alternative Energy is Drying Up” Heidi Moore, December 14th 2010 <<http://dealbook.nytimes.com/2010/12/14/federal-money-drying-up-for-alternative-energy/?scp=1&sq=%22alternative+energy%22+subsidies&st=nyt>>

The bigger energy companies could embrace more renewable energy, but they are unlikely to make up the shortfall in government money. In the first half of this year, according to the Cleantech Group, which collects data on the sector, corporations invested \$5.1 billion in clean technology — a 325 percent increase from the comparable period last year. That is promising, but the trend in clean-tech financing has been choppy — with investors of all kinds pouring money in one year and pulling back sharply during another — and so it is difficult for young companies to rely on it. If corporate profits fall, the older energy companies may well back away from supporting new technologies.

Aff - Renewable Energies are Repeatedly Snubbed by Congress (2010)

New York Times “Federal Money For Alternative Energy is Drying Up” Heidi Moore, December 14th 2010 <<http://dealbook.nytimes.com/2010/12/14/federal-money-drying-up-for-alternative-energy/?scp=1&sq=%22alternative+energy%22+subsidies&st=nyt>>

It does not help the financing outlook that renewable energy has been snubbed repeatedly during this session of Congress, while old-line energy, including nuclear energy, still gets significant government subsidies. For instance, Congress seems to have dispensed with one major program that has been a boon to solar and wind companies: a grant program that provides 30 percent of the cost of developing alternative energy projects through tax breaks. That has disappeared from the Congressional agenda twice, including in the tax-cut bill that Congress is working on. The end of the tax breaks are likely to result in the loss of about 15,000 jobs, according to industry estimates.

Aff - Alternative Energy Shows Potential Amid many Energy Worries (2011)

USA Today "Chaos in energy sector drives gains in clean energy" Adam Shell, April 6, 2011

< <http://www.usatoday.com/money/perfi/funds/2011-04-05-natural-resources-funds.htm> >

Funds that invest all their cash in companies tied to alternative energy, clean technology, the oil industry and other natural resources soared 13.7% in the first three months of the year, benefiting from turmoil in the oil-rich Middle East and the anti-nuclear sentiment after the accident in Japan. The nearly 14% first-quarter gain for natural resources funds was the No. 1 performance among the 79 stock fund classifications tracked by Lipper. It was the second straight quarter the sector topped the performance charts. A diversified group of companies in the energy patch -- ranging from solar and wind power companies to more traditional oil producers and exploration firms -- saw their stock prices rise amid a confluence of events that, Lipper says, caused a barrel of crude oil to jump almost 17% in the quarter and reignited interest in energy alternatives.

Aff - Alternative Energy has Great Opportunities Now (2011)

USA Today "Chaos in energy sector drives gains in clean energy" Adam Shell, April 6, 2011

< <http://www.usatoday.com/money/perfi/funds/2011-04-05-natural-resources-funds.htm> >

"There is greater acceptance among investors for clean technology companies that are generating profits" and are viewed as potential takeover candidates, Kurzman says. Other clean tech winners included ADA-ES, which reduces hazardous air pollutants, and Cereplast, a company involved in making biodegradable plastics, he says. With many nuclear plants now off-line around the world due to safety worries following Japan's radiation crisis, demand for natural gas has spiked, helping companies in that business, Fromm adds. Winning wind stocks. Companies such as Danish-based Vestas, the world's largest wind turbine manufacturer, also benefited from investors' preference for clean and safe sources of energy. The outlook remains positive for the natural resources sector, Fromm says. "We still see great opportunities over the next year," he says.

Aff - Renewable Energy is Already Cheaper when All Factors are Considered (2010)

Huffington Post "Consider Externalities When Discussing Alternative Energy" Edward Flattau,

November 5th, 2010 < http://www.huffingtonpost.com/edward-flattau/externalities_b_778963.html >

"But the costs that coal generates and that are not incorporated into the market price dwarf the expense of producing and operating wind power. Princeton Professor Robert Williams estimates that the adverse effects from coal-related air pollution alone would add 13 cents per kilowatt hour (per KWH) to the price of coal. Were the hefty additional medical expenditures, lost work hours, and cost of pollution cleanup and prevention built into the price of coal, renewable energy would look a lot more enticing."

Aff - The U.S. will Fall Behind Internationally Without Government Investment (2010)

Huffington Post “Consider Externalities When Discussing Alternative Energy” Edward Flattau, November 5th, 2010 <http://www.huffingtonpost.com/edward-flattau/externalities_b_778963.html>

“Some in the fossil fuel industry, along with their ideological sympathizers both inside and outside of government, are not content with pronouncing global warming a hoax in defiance of scientific consensus. In a further unprincipled effort to ease regulatory curbs, they are opposing a governmental mandate requiring some standardized use of renewable energy, arguing that such technology is not an economically viable alternative to oil, gas, and coal for the foreseeable future. If that false premise can be sold, a legislative mandate compelling utilities to level the playing field between fossil fuels and solar power, wind, and other relatively clean renewable energy sources will never get off the ground. Healthy competition will be stifled and the United States will invariably fall behind other nations in the transition to a modern, sustainable national energy infrastructure.”

Aff - Current Federal Subsidies may be Removed (2011)

Atlanta Business Chronicle “Congress eyeing cuts to energy subsidies” Dave Williams and Urvaksh Karkaria, September 2nd, 2011 <<http://www.bizjournals.com/atlanta/print-edition/2011/09/02/congress-eyeing-cuts-to-energy-subsidies.html>>

Rapidly growing federal subsidies to energy producers are expected to be a tempting target this fall to a Congress bent on reining in spending. Under pressure to cut \$1.5 trillion to comply with the debt-ceiling agreement lawmakers approved last month, a new “super-committee” of the U.S. House of Representatives and Senate may go after existing and proposed subsidies to both traditional and renewable energy sources.

Negation

Negative Summary

The negative side of this resolution allows you more fiscal responsibility and spending points than the affirmative side. Specifically you should notice that the cost per job training and creation in California has been roughly \$82,000. This number is astronomical compared to the cost per job in the fossil fuel sector, and you should emphasize that to show the fiscal irresponsibility of spending this money in such an expensive area when the U.S. is desperate for jobs in the current economy. Next emphasis should be placed on the ineffectiveness of where the government spends alternative energy subsidies. A vast portion of it goes towards solar, which has yet to gain a hold in any part of the U.S. yet or even begin to show promise of that soon. Lastly there is the cliché private market argument. As cliché as it is, it is still effective and thus is addressed in the evidence provided. In this case it goes to the tune of “the government doesn’t know how to effectively choose successful alternative energy companies, whereas the private market already has begun doing so.” This will provide you with a solid base to agree with the premise of alternative energies and their benefits while still being able to give a negative speech.

Negative Cards

Neg - Alternative Energy too Expensive and Unproven (2011)

New York Times, “Alternative Fuels Don’t Benefit the Military, a RAND Report Says” Tom Zeller Jr., January 25, 2011, http://www.nytimes.com/2011/01/25/business/energy-environment/25fuel.html?_r=1&pagewanted=all

“The report also argued that most alternative-fuel technologies were unproven, too expensive or too far from commercial scale to meet the military’s needs over the next decade. In particular, the report argued that the Defense Department was spending too much time and money exploring experimental biofuels derived from sources like algae or the flowering plant camelina, and that more focus should be placed on energy efficiency as a way of combating greenhouse gas emissions.”

Neg - Natural Gas is the Only Realistic Option at Decreasing our Carbon Footprint (2009)

Washington Post “Lower-Carbon Future? Try Natural Gas.” Tony Hayward, November 6, 2009
<http://www.washingtonpost.com/wp-dyn/content/article/2009/11/05/AR2009110504329.html>

“I don't think we can afford to wait. Until renewables gain a sizable share of the power sector, CCS becomes available, and nuclear energy ramps up, the only realistic option is increasing use of natural gas. Gas is far and away the cleanest-burning fossil fuel, generating at least 50 percent less carbon per kilowatt hour than coal, and almost zero sulfur oxides, mercury and particulate ash. And because gas-fired power stations can be easily switched on and off (unlike those fired by coal), it is the ideal complement to intermittent power sources such as wind and solar. Gas has long been held back by concerns about security of supply and the related issue of price volatility. But in the past four years, the landscape of the U.S. natural gas supply has been transformed. Thanks to the innovative use of technologies such as hydraulic-fracturing and horizontal drilling, reserves previously thought inaccessible are now recoverable.”

Neg - Popular Alternative Energy- such as Solar – are up to Twice as Costly as Coal or Gas (2011)

New York Times “Solar-Power Incentives Get Results but Are Rare” Kate Galbraith, June 3, 2011 <<http://www.nytimes.com/2011/06/03/us/03ttsolar.html>>

“Texas prides itself on being the national leader in wind power, and many renewable-energy companies are looking to this big, sunny state as the next frontier for solar power, which California currently dominates. But solar technology remains expensive: notwithstanding its environmental benefits, it can be twice as costly as coal or gas power on a nationwide basis before incentives. The recent fall in natural gas prices has made it even harder for solar to compete (although panel prices are falling, too).”

Neg - There has already been a 325% Increase in Private Sector Funding- Government is Unnecessary (2010)

New York Times “Federal Money For Alternative Energy is Drying Up” Heidi Moore, December 14, 2010, <<http://dealbook.nytimes.com/2010/12/14/federal-money-drying-up-for-alternative-energy/?scp=1&sq=%22alternative+energy%22+subsidies&st=nyt>>

“In the first half of this year, according to the Cleantech Group, which collects data on the sector, corporations invested \$5.1 billion in clean technology — a 325 percent increase from the comparable period last year.”

Neg - Alternative Energies are an Economic Drain (2011)

Forbes “More False Hope About Renewable Energies That Consumers Reject” Robert L Bradley (CEO and founder of the Institute for Energy Research) September 19, 2011 <<http://www.forbes.com/sites/realspin/2011/09/19/more-false-hope-about-renewable-energies-that-consumers-reject/>>

“Don’t be fooled by the political hype. Alternative energy sources fail the cost, reliability, and scalability tests. Whether it is ethanol for transportation or wind and solar for electricity, politically correct energies are an economic drain.”

Neg - Funding for Alternative Energies has Risen 186% Since 2007, but has Produced Little Results (2011)

Forbes “More False Hope About Renewable Energies That Consumers Reject” Robert L Bradley (CEO and founder of the Institute for Energy Research) September 19, 2011 <<http://www.forbes.com/sites/realspin/2011/09/19/more-false-hope-about-renewable-energies-that-consumers-reject/>>

“Given the economic realities, the only thing that has kept these initiatives afloat is government coddling. Direct spending, tax breaks and research funding pushed renewable energy subsidies to \$14.7 billion in 2010 — a 186% increase since 2007. Even with this largess, wind power made up just 0.9% of total energy supply last year. Many of the industry’s government incentives are set to expire over the next few years, so little more can be expected from the failed experiment in “green” power.”

Neg - Alternative Energies Fail Without Artificial Government Inflation. We should Focus on Realistic, Successful Areas (2011)

Forbes “More False Hope About Renewable Energies That Consumers Reject” Robert L Bradley (CEO and founder of the Institute for Energy Research) September 19, 2011 <<http://www.forbes.com/sites/realspin/2011/09/19/more-false-hope-about-renewable-energies-that-consumers-reject/>>

“Without the artificial support of government, the economic inefficiencies and unrealistic potential of the renewable energy industry become blatantly apparent. This is why green jobs are bubble jobs, as shown by the recent bankruptcies of U.S. solar firms. Instead of investing in “emerging” green technologies incapable of delivering results, the government needs to embrace the proven, still developing economic power of the natural gas and oil industries. Supporting 9.2 million American jobs, and accounting for 8% of the domestic GDP, the oil and gas industry is responsible for 78% of energy production. These companies don’t consume tax dollars, they pay an average 41% of net income in federal taxes.”

Neg - Government is Unsuccessful at Determining Successful Firms to Aid (2011)

Commentary, “Do Alternative Energy Subsidies Endanger National Security?” Alana Goodman, September 15, 2011 < <http://www.commentarymagazine.com/2011/09/15/solyndra-subsidies-national-security/>>

“Another problem with the federal government interfering with the alternative energy industry is that government tends to be a very poor judge of what makes a successful private business model. There are already plenty of green energy venture capital firms out there. If a startup turns to the government for investment, that should raise questions about why it hasn't been able to acquire this funding through private means.”

Neg - Alternative Energy Subsidies are Unaffordable and Ineffective (2011)

Washington Examiner, “Free-market energy solutions don't jeopardize national security” Rep. Mike Pompeo and Rep. Jeff Flake, September 13, 2011 < <http://washingtonexaminer.com/opinion/op-eds/2011/09/free-market-energy-solutions-dont-jeopardize-national-security>>

“Not only are subsidies that try to artificially inspire a market for a given product unaffordable, they simply aren't effective. Subsidy policy toward the renewable and alternative fuels industry has been tried for more than three decades -- from President Carter's Synfuels Corp. in the early 1980s to President Obama's Solyndra just this year -- and it has failed.”

Neg - The Alternative Energy Sector Loses Jobs (2011)

New York Times “Number of Green Jobs Fails to Live Up to Promises” Aaron Glantz, August 18, 2011 < <http://www.nytimes.com/2011/08/19/us/19bcgreen.html?pagewanted=all>>

“A study released in July by the non-partisan Brookings Institution found clean-technology jobs accounted for just 2 percent of employment nationwide and only slightly more — 2.2 percent — in Silicon Valley. Rather than adding jobs, the study found, the sector actually lost 492 positions from 2003 to 2010 in the South Bay, where the unemployment rate in June was 10.5 percent.”

Neg - Jobs in Green Sector have been Subsidized at an Average of \$82,000 Per Job (2011)

New York Times “Number of Green Jobs Fails to Live Up to Promises” Aaron Glantz, August 18th, 2011 < <http://www.nytimes.com/2011/08/19/us/19bcgreen.html?pagewanted=all>>

“Job training programs intended for the clean economy have also failed to generate big numbers. The Economic Development Department in California reports that \$59 million in state, federal and private money dedicated to green jobs training and apprenticeship has led to only 719 job placements — the equivalent of an \$82,000 subsidy for each one.”

A Bill to Outlaw Gene Patents

Research compiled and summaries written by Gabe Rusk

Text of Legislation

A Bill to Outlaw Gene Patents

Section I – No further gene patents shall be granted and all existing gene patents are revoked.

Section II – Gene Patents are defined as a patent on a specific isolated gene sequence, its chemical composition, processes for obtaining or using it, or a combination of such claims.

Section III – The Department of Justice in conjunction with the United States Patent Office.

Section IV – This legislation shall take effect six months after passage.

Section V – All laws and portions of laws in conflict with the provisions of this legislation are hereby declared null and void.

Submitted by – Greg Bernstein (Nova HS)

Affirmation

Affirmative Summary

While gene patents have been systematically apart of the American intellectual property debate for more than a decade the majority of headlines centered on the subject of Myriad. Myriad, a biotechnology corporation, has reached the headlines due to a poignant 60 Minutes segment as they were taken to court due to what the DOJ characterized a possible troubling monopoly of cancer information and select patenting of genes related to the subject. Due to the anecdotal and anomalous nature of this incident it is rather advisable to avoid arguing using Myriad as evidence in Affirmation or Negation of the Bill. This strategy prevents generic and general arguments that opposition will clearly have prepped for and an obvious emotional appeal using a single incident. The following evidence sweeps the broader trends in Gene Patents. On the Affirmative, it is best to explain the general problems with gene patenting and explain that Congress should not allow something that has better alternatives.

Affirmative Cards

Aff - Patents force dramatic decreases in genetic tests offered and those to be created (2010)

Emory University School of Medicine (Department of Pathology, Journal of Molecular Diagnosis & Therapy)
“Gene Patents: Perspectives from the Clinical Laboratory” Karen P. Mann, June 2010 (doi:
10.2165/11538420-000000000-00000)

The practical effects of patents on the practice of genetic testing has been addressed previously, [such research] determined that of approximately 120 clinical laboratories in the US, 65% had been contacted about anywhere from one to four tests because of possible patent or licensing infringements. Twenty-five percent of the total had stopped offering at least one test because of patent or licensing claims. Fifty-three percent chose not to develop a specific test or tests because of patent and/ or licensing issues.

This evidence indicates that genetic patents inherently inhibits the proliferation of important genetic tests and/or removed the incentives for the creation of news tests.

Aff - Gene Patents remove the autonomy of the individual (2011)

BIO Ventures for Global Health ([Northwestern Journal of Technology and Intellectual Property](#) Volume 9 Issue 7 Spring Article 2.) “The Role of DNA Patents in Genetic Test: Innovation and Access” Andrew S. Robertson , May 3, 2011 <<http://scholarlycommons.law.northwestern.edu/cgi/viewcontent.cgi?article=1007&context=njtip&sei-redir=1#search=%22Andrew%20S.%20Robertson%20genes%22>>

Philosophically, the question of “owning” human genes has been scrutinized significantly. Allowing a company to exclude others from testing, using, or experimenting with genes present in every cell of our own bodies draws criticism from human rights experts. Gene patents directly prevent doctors from testing for various diseases, leaving patients no longer in control of their own bodies. A patient who cannot get a doctor to test for a genetic condition inherent to his own genetic make-up can be said to have lost control over that genetic make-up, and thus, over himself. Moreover, opponents of gene patents argue that these practices violate the First Amendment by limiting an individual’s freedom of expression. Lori Andrews, Professor at Chicago-Kent College of Law, describes this loss of control as if “the first surgeon who took a kidney out of your body then patented the kidney.”

This evidence offers philosophical and analytical insight into the implications of gene patents. The metaphor and analysis provided suggests gene patens remove the basic autonomy and rights of the patient and doctor.

Aff - patents have created no new innovations (2010)

Journal of Nature Biotechnology 28, 784-791 “DNA patents and diagnostics: not a pretty picture” Julia Carbone (Duke Law) , Gold (McGill Law), Sampat (Columbia), Chandrasekharan (Duke Center for Genome Ethics) , Knowles (University of Alberta's Health Law Institute), Angrist (DUCGE) & Cook-Deegan (DUCGE), 2010 < doi: 10.1038/nbt0810-784>

Patent incentives may induce investment in genetic diagnostics, but in none of the case studies did this lead to new availability of a test that was not already available, at least in part. This is in stark contrast with the role of patents in therapeutics and scientific-instrument development, where the benefits attributable to private R&D and new products are much clearer.

This evidence characterizes the studies analysis and summary of patents leading to innovations. The evidence which is expanded in the full study leads the authors to conclude the opposite of what the negative will be most likely claiming: gene patents have not empirically produced new innovations.

Aff - Gene patents and their monopolies create no incentive to create newer, cheaper, or alternative tests (2011)

BIO Ventures for Global Health (Northwestern Journal of Technology and Intellectual Property Volume 9 Issue 7 Spring Article 2.) “The Role of DNA Patents in Genetic Test: Innovation and Access” Andrew S. Robertson , May 3, 2011 <<http://scholarlycommons.law.northwestern.edu/cgi/viewcontent.cgi?article=1007&context=njtip&sei-redir=1#search=%22Andrew%20S.%20Robertson%20genes%22>>

Without broad licensing, the availability of alternative testing techniques, medical second opinions, and testing verification is severely limited. This critique of patenting is related to the reduced incentives that monopoly holders have to introduce newer, cheaper, or alternative tests.

For example, consider MLPA:

[T]here is an alternative diagnostic technique to BRCA called MLPA, a molecular way to detect genetic variations, including BRCA1 and BRCA2 mutations, under development at University of Washington. Using MLPA, a 2006 study published in the JAMA found that Myriad’s testing strategy missed up to 12% of large genomic deletions or duplications. . . . [T]he missed mutations were not because of a technical error in Myriad’s testing but a flaw in the testing strategy. . . . The article noted “many mutations are inherently not detectable by short-range [polymerase chain reaction used by Myriad] followed by genomic sequencing.”

Because it is already the patent holder and sole provider of the BRCA tests, Myriad has little incentive to adopt advanced testing techniques or allow patients to seek alternative or confirmatory testing.

While this evidence is anecdotal it speaks to the larger logic behind gene patent monopolies. Companies like Myriad after patenting certain genes had no incentive or need to improve or correct their tests seeing as no other tests existed or alternative tests were in them-selves inadequate. Gene patents logically hinder innovation.

Aff - Gene patents cause adverse delays in research (2009)

Health Law Institute at the University of Alberta ([Genome Medicine](#) 2009, 1:22) “Commercialization, patenting and genomics: researcher perspectives” CJ Murdoch and Timothy Caulfield, 2009 (doi:10.1186/gm22)

Nevertheless, patenting and commercial expectation did seem to have some adverse effects. The potential to patent was perceived to have caused a delay of research results for eight researchers (40%), whereas it was said to have caused the withholding of research information for 11 researchers (55%). Respondents referred to “vague and unspecific” conference abstracts or web updates as instances of data withholding - the implication being that concern about patentability caused the withholding of more detailed information. Of those for whom it delayed publication, the most common delay was by 1-6 months (50%).

While the study conducted is from Canada and from a limited research pool, the study illustrates empirically the logic of previous evidence. Again while the Negative could claim gene patents create innovation this study indicates it acted as an inhibitor and delay for research.

Aff - Gene patents are made hastily and are problematic when it concerns their intended research (2010)

Duke University Institute for Genome Sciences and Policy “Patents in Genomics and Human Genetics” Robert Cook-Deegan and Christopher Heaney, 2010 < doi: 10.1146/annurev-genom-082509-141811 >

Jordan Paradise and a team of colleagues from science and law reviewed 1,167 claims from 74 patents on genes associated with nine genetic diseases. Their team assessed whether patent criteria were met (177), essentially an attempt to evaluate the adequacy of the U.S. patent examination process for gene patents of clinical relevance. They concluded that 448 (38%) of claims had a problem. For instance, they found that patents often claimed far more than had actually been invented.

This evidence indicates a general problematic trend in gene patents. To gain and complete the application some patents are not meeting their original conditions of research or failing to illustrate their original purpose.

Negation

Negative Summary

On the negative side, it may be advantageous to show the problems with the bill itself of the nominal effect that gene patents actually have. You do not necessarily have to explain why gene patenting is inherently good.

Negative Cards

Neg - The Bill is Over-reaching, We should adopt a Germanic like patent system that is limited but still incentivizes profits (2009)

Suffolk University Law School (*Journal of HIGH TECHNOLOGY*, L. 52) “Gene Protection: How Much is too Much? Comparing the Scope of Patent Protection for Gene Sequences Between the United States and Germany” Erin Bryan, 2009 < http://www.law.suffolk.edu/highlights/stuorgs/jhtl/docs/pdf/BRYAN_Gene_Protection.pdf>

If limited protection is granted, rather than absolute protection, by filing an application through the PatG, investors may be more likely to contribute to the study of DNA sequences. This would be because the investors know that if another scientist identifies a function for a sequence, that scientist will only gain protection for that application, future identification of new functions will be protected, and profits will still be available. In addition, if limited protection is provided, then it a DNA sequence after another scientist patents a function on the basis that protection is still available. The limited protection provided by the PatG not only encourages investment in DNA sequence research, but it also encourages scientists to continue their work, even if another discovers a possible application of a DNA sequence. If there is an absolute protection patent on a DNA sequence, other scientists may not perform research on additional uses of that sequence due to licensing requirements; however, if there is limited protection then licensing fees would only be paid if researching the same function of the sequence. In addition limited protection is available then an inventor who discovers a new application for a DNA sequence will be able to gain protection for that application.

The U.S. patent system is recognized as being the broadest patent protection system in existence, especially as it pertains to the biotechnology industry. To assist in the harmonization of biotech innovation and protection between Europe and the United States, the United States may want to consider interpreting patent laws regarding DNA sequences more rigidly. By following Germany's example of providing limited patent protection for DNA sequences research could be better encouraged in this area of biotechnology.

This evidence easily can be used as a framed amendment/better solution to gene patents.

Neg - Less than 3% of patents entirely block outside parties, and more than 85% of patents can be worked around (2010)

Journal of Nature Biotechnology 28, 784-791 “DNA patents and diagnostics: not a pretty picture” Julia Carbone (Duke Law), Gold (McGill Law), Sampat (Columbia), Chandrasekharan (Duke Center for Genome Ethics), Knowles (University of Alberta's Health Law Institute), Angrist (DUCGE) & Cook-Deegan (DUCGE), 2010 < doi: 10.1038/nbt0810-784>

A recent study by Huys et al.⁴⁸ from Belgium suggests that relatively few claims in gene patents block competing laboratories from providing genetic tests. This study of 145 active patent documents (267 independent claims) related to genetic diagnostic testing of 22 inherited diseases (including method claims, gene claims, oligo claims and kit claims) that the European Patent Office (Munich, Germany) and the USPTO issued. It concluded that clinicians could easily get around 36% of claims and could, with work, circumvent another 49% of claims. Only 15% of claims would be difficult or impossible to circumvent. Of the gene claims studied, only 3% were found to be blocking.

Essentially this evidence draws upon research external to the study that finds only 3% of patents inherently block doctors or clinics from following the strict guidelines of the genetic tests or the use of the gene. This evidence is a direct contradiction to the iron-clad rhetoric the Affirmative will push.

Neg - Less than 1% of US ‘gene patents’ have spawned lawsuits or litigation (2009)

Duke Institute for Genome Sciences and Policy, (*Genome Medicine* 2009, 1:92) “Gene patents and personalized medicine - what lies ahead?” Subhashini Chandrasekharan and Robert Cook-Deegan, September 28, 2009 < <http://genomemedicine.com/content/1/9/92>>

To date, less than 1% of US ‘gene patents’ have spawned litigation. This frequency is comparable to patents in general (1 to 2%). Only five cases involved genetic diagnostics and all five were settled before going to trial.

This evidence serves to draw a distinct dichotomy to what the Affirmative will clearly illustrate as a strict and almost criminal patent atmosphere. This logically illustrates that VERY few patents, which can be considered anomalies in this case, cause any tension or conflict.

Neg - Empirically on an international scale patents do not effect research or the “anticommons effect” that limited testing to individuals (2011)

Walter and Eliza Hall Institute of Medical Research (The Australian Economic Review, vol. 44, no. 1, pp. 79–87) “Policy Forum: Privatising Science Do Patents and Intellectual Property Protection Hinder Biomedical Research? A Practical Perspective” Julian Clark, 2011 < DOI: 10.1111/j.1467-8462.2010.00626.x>

For example, Walsh, Cho and Cohen (2005) report that ‘of 381 academic scientists, none were stopped by the existence of thirdparty patents, and even modifications or delays were rare, each affecting around 1% of our sample’. A study in four countries found little evidence that patents interfered with research or caused an ‘anticommons effect’ (American

Association for the Advancement of Science 2007), a finding supported by a recent Canadian study (Murdoch and Caulfield 2009).

There is no empirical evidence that patents significantly inhibit biomedical research, and many of the views reported in studies are based on perceptions, beliefs and operational inconvenience rather than on a documentation of the impact of IP protection on options and decisions made in the conduct of specific research projects and their outcomes.

While on an international referential scale, this evidence again supports the idea that the Affirmative will reference anomalies that DO NOT suggest a trend in the status quo.

Neg - Again, rarely are DNA-patents enforced to an extensive degree. They exist to prevent overall intellectual abuse and are held by universities and non-profits. (2011)

American Academy of Neurology ([Annals of Neurology](#), 69: A11–A13) “NerveCenter: The rising stakes in gene patenting.” Kathlyn Stone, 2011 <doi: 10.1002/ana.22443>

Like Mahadeva, many researchers are motivated to patent their findings in order to maintain rights to their research and avoid being locked out or impeded by another lab’s patent. In fact, the majority of DNA-based patent holders are universities and nonprofits that have never enforced their patents. A. Gordon Smith, MD, Associate Professor of Neurology and Pathology at the University of Utah School of Medicine and Salt Lake City Veterans Administration Hospital, says that, in most cases, clinicians use a commercial laboratory such as Athena Diagnostics, but that many researchers study already patented genes. Even though patents may exist, rights holders often do not enforce their rights, says Smith.

This evidence again defeats the general anecdotal trend of the affirmative. Patents are not strictly enforced, and that the majority of patent holders are non-profits that do not have an incentive for profit.

A Bill to Improve Economic Relations with the People's Republic of China

Research compiled and summaries written by Jacob Kirksey

Text of Legislation

A Bill to Improve Economic Relations with the People's Republic of China

A BILL TO IMPROVE ECONOMIC RELATIONS WITH THE PEOPLE'S REPUBLIC OF

CHINA *Be it enacted by the Blue Key Congress here assembled that:*

Section I: The United States government will take steps ensuring future economic partnership with the People's Republic of China pending their cooperation.

Section II: These measures shall include:

a. American funding going towards the production of military arms in the Republic of China shall cease.

b. The 35 percent tariff on imported tires produced in China shall be removed.

Section III: Funding for this legislation shall be derived from the operating budget of the Department of Commerce.

Section IV: This law will immediately take effect upon the condition, as determined by quarterly Congressional testimony by the Council of Economic Advisors, that the People's Republic of China has taken steps to:

a. Reduce their overall tariff rate on American exports by 6%.

b. Eliminate extraneous special permissions for US companies to operate in the People's Republic of China.

c. Curtail military spending buildup on the Chinese shore opposite the Republic of China (Fujian Province) by 6 billion dollars.

Section V: All laws or portions of laws in conflict with the provisions of this legislation are hereby declared null and void.

Respectfully Submitted,
Dylan Bruschi Lake Highland

Affirmative

Affirmative Summary

A large focus on your position in affirming this bill should wrap around the impact of the entire global community around the US-China economic relations. The evidence will show that a large obstacle has simply been the rivalry between the two countries, and the world financial markets have largely suffered due to this. In response to tariffs and other bilateral economic measures initiated by the U.S., China has remained closed off. However, the support is there to open up the relationship and cooperate with the 2nd largest world economy that China now possesses.

Affirmative Cards

Aff - China is willing to open up their markets (2011)

BBC Worldwide Monitoring, "China to vigorously push forward "opening-up" policy in global trade." September, 09, 2011

In the 10 years of WTO membership, China fulfilled its commitment by lowering tariffs, demolishing non-tariff barriers and widely opening up the domestic market. It also revised laws and regulations in accordance with WTO rules and took concrete steps to promote market reforms.

Ten years on, China has become the world's biggest exporter and the second largest importer, but it has also suffered the most from trade protectionism. Its low-priced products generate antipathy from not only developed nations but also emerging economies that have front competition with China.

China will continue to vigorously push forward the opening up policy to facilitate global trade and investment, Commerce Minister Chen Deming told a forum held at the 15th China International Fair for Investment and Trade (CIFIT), which opened Wednesday in the southeastern coastal city of Xiamen.

Aff - U.S. tariff on Chinese tires hurts relations – U.S. imports not reduced (2011)

National Post's Financial Post & FP Investing (Canada), "WTO upholds U.S. duties on tires; Chinese imports." Freedman (Bloomberg News), September 6, 2011 *LexisNexis Academic* database.

The ruling may sour relations that are strained by disagreements over Chinese controls on exports of raw materials and rare earths, exchange rates and U.S. antidumping measures on Chinese diamond sawblades and shrimp even as the two governments co-operate on the global economic crisis and North Korea.

" The safeguard measure does not help reducing U.S. tire imports, but injures China's legitimate trading interests," the Chinese mission to the WTO said.

Chinese tire exports fell almost 24% last year from 2009 and 6% in the first half of 2011 while overall U.S. tire imports rose 20% last year and 9% in the first half.

Aff - Economic Cooperation with China popular amongst the American people (2011)

The Straight Times (Signapore), "America's biggest creditor." Chua Chin Hon (US Bureau Chief), January 25, 2011 *LexisNexis Academic Database*.

Most Americans surveyed by Pew (53 per cent) agreed with this call for tougher US action on economic and trade issues. But anyone assuming that there's broad public support for a confrontational approach towards China would be mistaken. For one thing, a higher percentage of respondents (58 per cent) said that it is 'very important' to build stronger ties with China. Most Americans also regard China as 'a serious problem, but not an adversary' according to Pew.

And while familiar criticisms about China's human rights record and environmental policies continue to cast a pall over its image in the US media, the poll found that Americans regard these problems as being less important than the economic issues.

Aff - US-China Cooperation Needed for World Economic Stability (2011)

The Economic Times, "World economy needs US-China cooperation: Joe Biden." August 19, 2011 < <http://economictimes.indiatimes.com/news/international-business/world-economy-needs-us-china-cooperation-joe-biden/articleshow/9649726.cms>>

US Vice President Joe Biden, starting a visit to China under a cloud of criticism over the US debt crisis, told his hosts Thursday that the two nations held the key to global economic stability.

"I am absolutely confident that the economic stability of the world rests in no small part on cooperation between the United States and China," Biden told his counterpart Xi Jinping, who is set to succeed President Hu Jintao in 2013.

"It affects every country from your neighbour to the north, to Argentina in the southern tip of South America. It is the key, in my view, to global economic stability."

Aff - US Companies are a positive influence in China (2011)

The US-China Business Council, "US Companies: A positive influence in China." 2011 < <https://www.uschina.org/info/trade-agenda/us-companies-positive-influence.html>>

By simply being there, American companies and employees bring new ideas, new ways of doing things, and new experiences, and the best of a company's human resource practices and proper environmental practices. They bring day-to-day, working-level, unplanned,

uncontrolled but pervasive examples of better ways to do things. It is not always perfect, and there are always anecdotes to the contrary, but the American company presence in China has been overwhelmingly positive.

In general, the experiences of USCBC member companies have shown that the more China becomes integrated into the international economy, the more likely China will continue to move along a path of reform and development. That is good for the Chinese people and good for us.

We should support a greater presence by US companies in China for more than the benefit that flows to the US economy. They also help bring improvements to Chinese workplace labor and environmental practices and improve consumer safety in both countries.

Negation

Negative Summary

The bill does not take into account the real reasons for struggle and conflict between the two largest economies of the world. A large part of the modern rivalry actually depends on measures that are not solved within the bill (U.S. caused consumption imbalance, the currency war, and the slow-down of the Chinese economy). Despite also lacking any real incentive or reason as to why China should cooperate with the U.S., the bill doesn't really approach the matter aggressively enough to reach any progress.

Negative Cards

Neg - China will not cooperate with the U.S. (2011)

The Washington Quarterly, "Coping with Conflicted China." David Shambaugh (Professor of Political Science & International Affairs and Director of the China Policy Program at George Washington University) Winter 2011 <http://www.twq.com/11winter/docs/11winter_Shambaugh.pdf>

What the world has seen from China since 2009 is an increasingly realist, narrowly self-interested nation, seeking to maximize its own comprehensive power. China's rapid recovery from the global financial crisis, growing energy consumption needs, rising nationalism, a looming leadership transition, and distrust of the Obama administration following President Obama's 2010 decisions to receive the Dalai Lama in the White House and to sell a \$6 billion arms package to Taiwan have all fueled this tendency. This external behavior is mirrored in the country's domestic discourse. China's realist posture plays directly into the realist and conservative camps in the United States, which tend to view China as a rising military power, a mercantilist economic power, a more assertive regional power, and a less cooperative global partner. Even those U.S. analysts who have tended to view China in a more benign fashion, and hope that a more cooperative and internationalist nation would mature on the world stage, are growing disillusioned by Beijing's recent behavior.

Neg - Solution to trade lies in the balance between U.S. production and consumption – not China (2010)

Business Insider, "American Manufacturers Need to Cooperate or be Crushed by China." Michael Pettis (MIA, Development Economics, Columbia University) November 4, 2010 *LexisNexis Academic Database*

The third conclusion is the all these things matter in the US too. Measures targeted just at China might or might not work, depending on the Chinese response, and the wrong Chinese response can make both countries worse off (much worse off in the case of China). If the US really wants to see its trade deficit decline, it should move aggressively to alter the balance between domestic production and consumption in a more permanent way – perhaps by raising consumption taxes, although this will work mainly by increasing US unemployment if China increases its intervention in the currency or in interest rates and credit.

Over the last several months, China's surplus has already shown to having shrunk. The Chinese government is not going to be willing to open their markets, because their own demand within their country is decreasing. Opening up to the U.S. would only drive their people's consumption elsewhere which would hurt their economy. The natural demand of the citizens within their country will have to increase before they are willing to cooperate with the US economy.

Neg - China's demand is decreasing (2011)

Business Monitor Online, "Huge Surplus Set To Narrow As Trade Growth Slows." August 11, 2011 *LexisNexis Academic Database.*

China corroborates our view of a slowdown in import demand over the coming months. A stagnant manufacturing industry (as shown by the latest purchasing managers' index numbers), declining oil imports and a cooling property market all suggest to us that demand will slow over the course of H211 and remain soft in 2012. Going into 2012, we expect much weaker growth in exports than that seen thus far in 2011.

Neg - America must act in a more aggressive manner to see progress (2010)

The Brookings Institute, "The US-China Economic Relationship: Shifts and Twists in the Balance of Power." Eswar Prasad (Senior Fellow, Global Econ. & Development), February 25, 2010 < http://www.brookings.edu/testimony/2010/0225_us_china_debt_prasad.aspx>

Be more assertive in this bilateral relationship. The view is that mollification of China on economic and political issues is no longer the right approach. The administration's actions—including certain statements by Secretary Geithner and Secretary Clinton during their respective visits to Beijing—have fed into the perception that the U.S. is on the defensive in this bilateral relationship. On human rights issues, in particular, the U.S. cannot be seen to be backing down as a result of economic pressures.

Neg - Currency war prevents improvement with economic relations (2010)

Los Angeles Times, "Mutually beneficial US-China economic relationship beginning to unravel." Don Lee and David Pierson, March 24, 2010 < <http://articles.latimes.com/2010/mar/24/business/la-fi-china-currency24-2010mar24>>

Chinese officials have begun to warn that if Washington doesn't curb its widening deficits and stop badgering China to make concessions on currency and export policies, Beijing may begin dumping dollars. Or it might at least cut back on the massive buying of Treasury bonds that Washington depends on to finance its deficit.

"For the Chinese government, it's not only about losing face and confidence, it's also about the economy," said Zhou Shijian, a senior research fellow at the Center for U.S.-China relations at Tsinghua University who cited a 16% drop in Chinese exports last year.

"Appreciating the yuan will impact the economy and social stability, not just face."

A Resolution to Restore Voting Rights to Convicted Felons

Research compiled and summaries written by Brittany Stanchik

Text of Legislation

A Resolution to Restore Voting Rights to Convicted Felons

Whereas, Convicted felons are unable to vote in elections for public officials in the United States; and Whereas, Convicted felons are defined as those required to serve a prison sentence of more than one year, and once released all basic rights other than voting are restored; and Whereas, One out of every forty registered voters has been convicted of a felony; And Whereas, Convicted felons are still required to abide to all United States laws and regulations after serving their prison sentence including the paying of taxes; and Whereas, The United States' government is defined as a federal republic in which All members can express their voice through a vote; BE IT RESOLVED, by the Blue Key Student Congress here assembled that felons convicted within the United States who have served their sentence can regain their voting rights.

Respectfully submitted, Ian Sigalow

Affirmation

Affirmative Summary

As of the year 2010, imprisoned felons in 48 states (except Maine, Vermont, and the District of Columbia) are not eligible to vote. In 35 of these states, individuals who are on probation or parole are not eligible; in 12 of these states, former felons who have completed their sentences may not vote. In four of these states, permanent disenfranchisement is in place. These are the numbers that proponents will argue need to change. Many of the affirmative cards in this research have an impact of fairness and democracy- evidently, it is vital that a Congressional debater preserve these ideals, as well as the concept of democratic deliberation.

Affirmative Cards

Aff - Voting is both a fundamental right and a civic duty (2011)

The Brennan Center for Justice, “Testimony of Lee Rowland before the Assembly Legislative Operations and Elections Committee” Lee Rowland (correspondent for the BCJ, and former member of the American Civil Liberties Union of Nevada), March 22, 2011 < http://www.brennancenter.org/page/-/Democracy/AB301%20Testimony%203%2018%2011_final.pdf>

“^{However,} [D]isenfranchisement after criminal conviction remains the most significant barrier to voting rights. Nationally, 5.3 million American citizens are not allowed to vote because of a criminal conviction – 4 million of whom live, work, and raise families in our communities.”

This card should be used early in the speech- it is more informative than it is a response.

Aff - Enfranchisement is one way to avoid recidivism. (2011)

The Brennan Center for Justice, “Testimony of Lee Rowland before the Assembly Legislative Operations and Elections Committee” Lee Rowland (correspondent for the BCJ, and former member of the American Civil Liberties Union of Nevada), March 22, 2011 < http://www.brennancenter.org/page/-/Democracy/AB301%20Testimony%203%2018%2011_final.pdf>

“Law enforcement officials and criminal justice experts across the nation, including the American Correctional Association, [and the] American Probation and Parole Association, Association of Paroling Authorities International, and the National Black Police Association, agree that restoring the right to vote after completion of a sentence builds community ties, reduces recidivism, and protects public safety. These renowned organizations view civic engagement, including voting, as a crucial tool in preventing recidivism.”

This card is a great response to any hypothetical examples the negative could bring up about future fall outs of former felons.

Aff - Disenfranchisement can hinder the political process (2011)

The Brennan Center for Justice, “Testimony of Lee Rowland before the Assembly Legislative Operations and Elections Committee” Lee Rowland (correspondent for the BCJ, and former member of the American Civil Liberties Union of Nevada), March 22, 2011 < http://www.brennancenter.org/page/-/Democracy/AB301%20Testimony%203%2018%2011_final.pdf>

“Encouraging people to exercise their right to vote gives them a voice and a stake in their communities. It also promotes positive behavior and serves as a powerful conduit for making the transition from being in the criminal justice system to becoming a law abiding member of the community. Someone who has a stake in the community, who sees himself as a member of that community, is less likely to offend against that community. Additionally, barring people from the political process hinders effective policing by undermining the ability for police to build strong community partnerships.”

This card can be used as an effective reason why YOU AS CONGRESS should avoid disenfranchisement.

Aff - Enfranchisement is a smooth way to assimilate back into society (2011)

The Sentencing Project: Research and Advocacy for Reform, "Justice Policy Priorities for the 112th Congress" Marc Mauer (executive director), January 28, 2011 < <http://www.sentencingproject.org/doc/publications/publications/House%20112th%20Priorities.pdf>>

"The collateral consequences associated with a felony conviction also complicate the reentry process; included among them is the loss of voting rights. Although the right to vote forms the core of American democracy, 5.3 million Americans are not allowed to vote because of a felony conviction. Four million of these people live, work, and raise families in our communities."

This is an argument that feeds directly into democracy- and therefore your constituents.

Aff - There is a shocking correlation between felon disenfranchisement and race (2010)

National Public Radio "Convicted Felons Want The Right To Vote" Michael Martin (correspondent for NPR; Executive director of the Sentencing Project, Marc Mauer [the sentencing project is an organization that is based in Washington D.C. and focuses on promoting alternatives to prison for felons]) November 1, 2010 < <http://m.npr.org/news/U.S./130978128>>

"^{But} [A]t least 5.3 million felons of voting age remain disenfranchised. That number includes nearly four million who live in 35 states which continue to deny people on probation, parole or have completed their sentence, their voting rights. And African-Americans and Latinos are disproportionately represented in that group. For example, at least one in eight black adult males is not allowed to vote."

This card provides strong numbers on race; it will allow you to dig into the deeper problems of disenfranchisement.

Aff - Disenfranchisement creates an irremovable stigma against former felons (2010)

National Public Radio "Convicted Felons Want The Right To Vote" Michael Martin (correspondent for NPR; Executive director of the Sentencing Project, Marc Mauer [the sentencing project is an organization that is based in Washington D.C. and focuses on promoting alternatives to prison for felons]) November 1, 2010 < <http://m.npr.org/news/U.S./130978128>>

"^{Secondly, I think} [W]hen people have committed a felony, they're now living in the community, it's in everyone's interest for public safety reasons to get those people integrated into constructive activities and organizations in the community. ^{And} [I]f ^{we} - the message that goes out is you're a second class citizen, that's not very constructive. The message instead is your voice counts also. That's giving people a sense of responsibility and obligation."

This card proves that if former felons do not feel they have a purpose, they cannot assimilate, and therefore might fall back into former ways.

Aff - Felon Disenfranchisement hurts democracy for a reason: it can make or break an election (2010)

National Public Radio “Convicted Felons Want The Right To Vote” Michael Martin (correspondent for NPR; Executive director of the Sentencing Project, Marc Mauer [the sentencing project is an organization that is based in Washington D.C. and focuses on promoting alternatives to prison for felons]) November 1, 2010 < <http://m.npr.org/news/U.S./130978128>>

“It’s a question of political impact ^{as well. You know,} [W]e look at a state like Florida, the historic election of 2000, we decided a national presidential campaign based on some 537 votes. On the day of the election in Florida then, there were some 600,000 people who had completed their felony sentence, yet were not permitted to vote under the laws at the time.”

This card shows that votes are votes- and they are necessary.

Aff - Felon disenfranchisement, when left in the hands of the state, results in harsher restrictions, hurting democratic deliberation (2011)

The Washington Post “Fla. Republicans make it harder for ex-felons to vote” Peter Walsten (staff writer), March 10, 2011 < <http://www.washingtonpost.com/wp-dyn/content/article/2011/03/09/AR2011030905640.html>>

“Florida Gov. [Rick Scott](#) (R) and his fellow statewide elected officials agreed ^{Wednesday} to roll back rules enacted four years ago that had made it easier for many released felons in the state to regain the right to vote. Under the new, far stricter rules, even nonviolent offenders would have to wait five years after the conclusion of their sentences to apply for the chance to have their civil rights restored.”

This card will allow you to properly respond to negative speakers who argue the reason felon disenfranchisement should be a states issue.

Aff - Minority communities are negatively affected (2010)

The Howard Law Journal “‘Phantom Constituents’: A Voting Rights Act Challenge to Prison-based Gerrymandering” Caren E. Short (submissions editor. Volume 53. Issue 3) Spring 2010 < http://www.law.howard.edu/dictator/media/229/how_53_3.pdf>

“...At the intersection of felon disenfranchisement laws, the racial bias in the criminal justice system, ^{and the “usual residence rule,”} minority communities are harmed in several ways: 1) for each citizen lost to a felony conviction, minority communities lose a potential voter, 2) high rates of incarceration and disenfranchisement can cause loss of interest in voting in the community and result in lower voter turnout among eligible voters, and 3) representation in state and local government of minority communities who lose citizens to felony convictions is lost to communities that hold large prisons.”

This evidence allows you to make the argument that no constituent should feel that their vote doesn’t count; that contradicts the idea of meaningful democratic deliberation.

Aff - Felon disenfranchisement will force redistricting (2010)

The Howard Law Journal “‘Phantom Constituents’: A Voting Rights Act Challenge to Prison-based Gerrymandering” Caren E. Short (submissions editor. Volume 53. Issue 3) Spring 2010 < http://www.law.howard.edu/dictator/media/229/how_53_3.pdf>

“The complexions of societies and civilizations change, often with amazing rapidity. A nation once primarily rural in character becomes predominantly urban. Representation schemes once fair and equitable become archaic and outdated. But the basic principle of representative government remains, and must remain, unchanged--the weight of a citizen's vote cannot be made to depend on where he lives.”

This card can be used more for logistics; if we allow felon disenfranchisement to continue, it will cause a large amount of unnecessary problems.

Aff - The location of prisons can play a factor (2010)

The Howard Law Journal “‘Phantom Constituents’: A Voting Rights Act Challenge to Prison-based Gerrymandering” Caren E. Short (submissions editor. Volume 53. Issue 3) Spring 2010 < http://www.law.howard.edu/dictator/media/229/how_53_3.pdf>

“This distortion of representation, also called "prison-based gerrymandering," disproportionately harms urban, minority communities as it benefits rural, white communities. New prisons are being built away from heavily populated cities, largely in rural, white communities, which consequently gain representative power. The communities losing their representative power are generally urban communities of color.”

This evidence supports the idea that disproportionate voting can result in less voters overall.

Negation

Negative Summary

As for opponents to this resolution, arguments will either rely on the Constitution, something else you should preserve as a legislator, or the logical perspectives many constitutes may have on the issue. It is important to note on the negative side, that affirmative speakers will most likely use magnitude as a reason to affirm. Overall, the piece of legislation advocates that former felons should be able to vote. It is possible that many arguments, favoring the history of our nation, will be brought up- if this is the case, be careful not to fall into a hole of yesterday; focus on now and the future.

Negative Cards

Neg - It is unconstitutional for Congress to force states to restore voting rights (2010)

The Heritage Foundation “Restoring Voting Rights of Convicted Felons and H.R. 3335” Hans von Spakovsky (senior legal fellow at Heritage’s Center for Legal and Judicial Studies) March 23, 2010 < <http://www.heritage.org/research/testimony/restoring-voting-rights-of-convicted-felons-and-hr-3335>>

“Congress simply does not have the constitutional authority to force states to restore the voting rights of convicted felons. There are also good public policy reasons why this should not be done. While some states automatically restore the right to vote after a felon has completed all of the terms of his sentence, others require individual applications. States are entitled to make their own decisions on this issue. That includes implementing procedures that ensure that those who break the law to injure or murder their fellow citizens, to steal, or to damage our democracy by committing election crimes or engaging in public corruption like bribery, have paid their debt to society and, even more importantly, have shown that they can be trusted to exercise all of the rights of full citizenship.”

-With this card, you can make the argument that the issue at hand exceeds Congress’ authority. Careful, it can be a bit tricky. If this is a states issue, then we should leave it to them to decide, giving it to congress to work as a higher authority, is not proper.

Neg - Disenfranchisement laws are not intentionally discriminatory (2010)

The Heritage Foundation “Restoring Voting Rights of Convicted Felons and H.R. 3335” Hans von Spakovsky (senior legal fellow at Heritage’s Center for Legal and Judicial Studies) March 23, 2010 < <http://www.heritage.org/research/testimony/restoring-voting-rights-of-convicted-felons-and-hr-3335>>

“The claim that state laws that take away the right of felons to vote are all rooted in racial discrimination is simply historically inaccurate – even prior to the Civil War when many black Americans were slaves and could not vote, a majority of states took away the rights of voters who were convicted of crimes.”

This card is a response (block) to the affirmative argument of race in felon disenfranchisement.

Neg - The Constitution gives states the right to implement their own voting requirements (2010)

The Heritage Foundation “Restoring Voting Rights of Convicted Felons and H.R. 3335” Hans von Spakovsky (senior legal fellow at Heritage’s Center for Legal and Judicial Studies) March 23, 2010 <<http://www.heritage.org/research/testimony/restoring-voting-rights-of-convicted-felons-and-hr-3335>>

“Under our Constitution, if Congress is not acting pursuant to a specific grant of power in Article I, it is acting unconstitutionally. The federal government does not have the inherent power to do whatever it wants – we have a government of limited and enumerated powers. *See U.S. v. Lopez*, 514 U.S. 549 (1995). There simply is no authority in Article I for Congress to force states to allow felons to vote, particularly in light of the language of the Fourteenth Amendment.”

You can use this card to make the argument that we should leave this issue in the hands of the states.

Neg - The public supports restrictions on felon voting rights because they do not want criminals influencing decisions about how to control crime (2010)

The Heritage Foundation “Restoring Voting Rights of Convicted Felons and H.R. 3335” Hans von Spakovsky (senior legal fellow at Heritage’s Center for Legal and Judicial Studies) March 23, 2010 <<http://www.heritage.org/research/testimony/restoring-voting-rights-of-convicted-felons-and-hr-3335>>

“Even if Congress had the constitutional authority to pass this legislation, which it does not, there are sound public policy reasons why it should not. The loss of civil rights is part of the sanction that our society has determined should be applied to criminals. Many black communities unfortunately suffer from high rates of crime, yet this bill would have a pernicious effect on the ability of law-abiding citizens to reduce crime in their own communities. These laws are overwhelmingly supported by the public, a clear sign that they do not want their ability to influence the decisions made by elected officials on controlling crime diluted by convicted felons or individuals on parole.”

This card can help you argue that voting, and legislation passed as result of said voting, is tainted.

Neg - Allowing felons to vote challenges the purpose of law (2010)

The Los Angeles Times “Felons have lost their right to vote” Sharon Browne (principal attorney with the Pacific Legal Foundation) June 13, 2010 <<http://articles.latimes.com/2010/jun/13/opinion/la-oe-browne-felonvote-20100613>>

“We don't let everyone vote — not children, not noncitizens, not the mentally incompetent. There are certain minimum and objective standards of trustworthiness, loyalty and responsibility, and those who have committed serious crimes against their fellow citizens

don't meet those standards. If you aren't willing to follow the law, you can't demand a role in making the law.”

This card provides a more complex argument: if this issue should be left to the states then sending to the federal level undermines the purpose of what is written in the Constitution.

Neg - Virginia Law. Felon enfranchisement requires application. This is an argument in favor of assimilating back into society (2010)

The Richmond Times “Von Spakovsky and Park Don’t Restore Felons’ Voting Rights” John Park (a visiting legal fellow at Heritage and a former Alabama assistant attorney) January 15, 2010 < http://www2.timesdispatch.com/news/2010/jan/15/ed-votes15_20100114-180004-ar-18686/>

“Under Virginia law, convicted felons don't just lose the right to vote. The people of Virginia have decided that lawbreakers should lose other rights, including the right to carry a firearm and the right to serve on a jury. They also suffer the loss of the right to hold public office, public employment, (such as working in a child welfare agency or a family day care home), or to be a notary public. These are rights that can be restored only upon application and an in-depth review by the secretary of the commonwealth, including a criminal background check, and the approval of the governor. In addition, the licensing boards of certain professions can refuse to grant, or can revoke, a license to practice those professions to convicted felons.”

This card can allow you to emphasize with the affirmative put enforce your position about felons having consequences.

Neg - Virginia Law. We can allow enfranchisement, but there must be some structure to the process (2010)

The Richmond Times “Von Spakovsky and Park Don’t Restore Felons’ Voting Rights” John Park (a visiting legal fellow at Heritage and a former Alabama assistant attorney) January 15, 2010 < http://www2.timesdispatch.com/news/2010/jan/15/ed-votes15_20100114-180004-ar-18686/>

“Virginia felons who want their civil rights restored must show that they have paid their debt and that they've changed their ways. They cannot apply for restoration until they have been released from supervised probation for three years for nonviolent crimes or five years for violent, drug, or election-related crimes. They also must have paid all court costs, fines, and restitution to their victims.”

With this card, you can advocate that felons should be able to vote, but with a few exceptions.

Neg - Virginia Law. Personal application allows for justice (2010)

The Richmond Times “Von Spakovsky and Park Don’t Restore Felons’ Voting Rights” John Park (a visiting legal fellow at Heritage and a former Alabama assistant attorney) January 15, 2010 < http://www2.timesdispatch.com/news/2010/jan/15/ed-votes15_20100114-180004-ar-18686/>

“^{But} [T]he Virginia process is intentionally individualized. Virginia is entitled to ensure that those who have shown that they're willing to break the law in the past to injure or kill their

fellow citizens, or to steal or damage our democracy by committing election crimes, have paid their debt to society and shown that they deserve restoration to full citizenship.”

-This card is an extension of the two previously stated arguments; you can link the application process into a fair account of justice.

Neg - Allowing felons to vote opposes the safety of republic and criminal law (2011)

Pacific Rim Law & Policy Journal “Comment: Disproportionate Disenfranchisement of Aboriginal Prisoners: A Conflict of Law That Australia Should Address” Megan A. Winder (Deputy Prosecuting Attorney) 2011 < <https://litigation-essentials.lexisnexis.com/webcd/appaction=DocumentDisplay&crawlid=1&doctype=cite&docid=19+Pac.+Rim+L.+%26+Pol'y+J.+387&srctype=smi&srcid=3B15&key=b0d32ab6558f49f680cffc00af06912a>>

“Some such arguments [in favor of felon disenfranchisement] are: 1) convicted felons are not trustworthy voters (i.e. they would vote for policies that help criminals); 2) convicted felons are not loyal; 3) felons will participate in electoral fraud; 4) logistical problems exist with inmate voting (i.e. in which jurisdiction would their votes count); 5) disenfranchisement is a legitimate aspect of criminal punishment. ...”

This card should be used if you end up at the end of the cycle- it is a way to crystallize the debate.

Neg - Congress Lacks the Authority to Prohibit Felon Disenfranchisement (2008)

The National Constitution Center “Felon Disenfranchisement Is Constitutional And Justified” Author Roger Clegg (President and general counsel of the Center for Equal Opportunity in Sterling, Virginia) October 2008, <http://ratify.constitutioncenter.org/education/ForEducators/Viewpoints/FelonDisenfranchisementIsConstitutional.AndJustified.shtml>

“The procedural issue is resolved for the most part by the Constitution itself, in Article I, section 2, which says that electors for the House of Representatives—and, by extension, for all federal elections—“shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.” Thus, it gives authority for determining elector qualifications to the states.”

This card outlines the Constitution- it gives a broad overview on why the states should handle it.

Neg - It Is Constitutional for the States to Ban Felons from Voting (2008)

The National Constitution Center “Felon Disenfranchisement Is Constitutional And Justified” Author Roger Clegg (President and general counsel of the Center for Equal Opportunity in Sterling, Virginia) October 2008, <http://ratify.constitutioncenter.org/education/ForEducators/Viewpoints/FelonDisenfranchisementIsConstitutional.AndJustified.shtml>

“It is true that the Supreme Court has upheld congressional bans on certain voting practices and procedures—like literacy tests—that are not themselves discriminatory on their face but have disproportionately excluded racial minorities from voting. But, as the Court later stressed, these cases involved bans aimed at practices that historically have been rooted in

intentional discrimination. The disenfranchisement of criminals, on the other hand, has no such roots.”

This card can be used against affirmative speakers who argue that Felon Disenfranchisement is unconstitutional.

Neg - Block: “Racial disenfranchisement is a factor”; Answer: Interpretation of history (2008)

The National Constitution Center “Felon Disenfranchisement Is Constitutional And Justified” Author Roger Clegg (President and general counsel of the Center for Equal Opportunity in Sterling, Virginia) October 2008, <http://ratify.constitutioncenter.org/education/ForEducators/Viewpoints/FelonDisenfranchisementIsConstitutional.AndJustified.shtml>

“The fact that an overwhelming number of states have passed such disenfranchisement laws also indicates that something other than racial discrimination is indeed the motive. Rather, as even the Sentencing Project and the Human Rights Watch—vigorous opponents of felon disenfranchisement—acknowledge, “Disenfranchisement in the U.S. is a heritage from ancient Greek and Roman traditions carried into Europe.” In Europe, the civil disabilities attached to conviction for a felony were severe, and “English colonists brought these concepts with them to North America.”

This card can be used as a response to race (similar to an earlier point) by arguing that history has proved racial discrimination wrong.

Neg - Democracy is a precious thing; therefore we should treat it like such (2008)

The National Constitution Center “Felon Disenfranchisement Is Constitutional And Justified” Author Roger Clegg (President and general counsel of the Center for Equal Opportunity in Sterling, Virginia) October 2008, <http://ratify.constitutioncenter.org/education/ForEducators/Viewpoints/FelonDisenfranchisementIsConstitutional.AndJustified.shtml>

“Voting is a right, but it is also a privilege. Not everyone in the United States may vote. As a general matter, only those who have reached a certain age, are mentally competent, and are American citizens, are allowed to vote. This is because we do not want people voting who are not trustworthy and loyal to our republic.”

This card illustrates how important respecting the law is.

Neg - Consequences are a necessary reminder to a felon who has committed a crime (2008)

The National Constitution Center “Felon Disenfranchisement Is Constitutional And Justified” Author Roger Clegg (President and general counsel of the Center for Equal Opportunity in Sterling, Virginia) October 2008, <http://ratify.constitutioncenter.org/education/ForEducators/Viewpoints/FelonDisenfranchisementIsConstitutional.AndJustified.shtml>

“^{But} [M]any leading activists, such as the Sentencing Project, want the right restored even for those still in prison. Society should not ignore people's criminal records, even after a sentence has been served. We don't allow felons to carry firearms or serve on federal juries.

Barring felons from voting is one way society sends the message that committing a serious crime has serious consequences.”

This card can be used to argue that individuals may not change and therefore need a reminder that they disregarded law.

Neg - The focus is not on democracy, but rather the impact of ballots (2008)

The National Constitution Center “Felon Disenfranchisement Is Constitutional And Justified” Author Roger Clegg (President and general counsel of the Center for Equal Opportunity in Sterling, Virginia) October 2008, <http://ratify.constitutioncenter.org/education/ForEducators/Viewpoints/FelonDisenfranchisementIsConstitutional.AndJustified.shtml>

“People who are not willing to follow the law should not be allowed to make the law for everyone else. When you vote, you make law, either directly or indirectly. Someone who has committed a serious crime against society -- the definition of a felon -- should not be given this power over the rest of us.”

This card allows you to make the argument that while it is important to have votes, it is also important that voters be educated- and not just vote because they can.