## 1NC

### CP

#### CP text: The 50 States and all relevant territories, in cases of police officer misconduct, ought to (1) replace civil suits and thus qualified immunity with a state agency that will (2) revoke police officer certificates instead of creating a monetary punitive measure in every s tate that does not have it already and (3) create a data bank which would keep track of police officer misconduct, all in conjunction with the Federal Government.

Goldman and Puro ’01, [Goldman, Roger L., and Steven Puro. "Revocation of Police Officer Certification: A Viable Remedy for Police Misconduct?." Saint Louis University Law Journal 45 (2001): 541-579. SK]

**Many of the states with the power to impose sanctions are doing so with increasing frequency**. For example, forty officers had their certificates revoked in 1999 compared to one in 1993, two in 1994, and six in 1995.21 The reasons included sex with arrestees or inmates, theft, third-degree assault and positive drug tests.22 In Texas, there were twenty-five suspensions and thirty-three revocations in 1997, compared to 267 suspensions and 146 revocations in 1999.23 **Traditional remedies for police misconduct fail to address the problem caused by the practice of leaving the decision to hire and fire officers up to local sheriffs and chiefs**. This often leads to situations where unfit officers are able to continue to work for a department that is unable or unwilling to terminate them. Even when they are terminated, these officers often go to work for other departments within the state. Although virtually every other profession is regulated by a state board with the power to remove or suspend the licenses or certificates of unfit members of the profession (e.g., attorneys, physicians, teachers), there has been a longstanding tradition of local control of police without state involvement. A few examples from reported federal cases illustrate the problem of **terminated officers continuing to work within the criminal justice system**. Donald White was a police officer in the Village of Darien, Wisconsin.24 He was terminated for several instances of offering to drop or void traffic citations against male drivers in exchange for sexual favors.25 He later applied for and obtained a position with a department in the nearby town of Bloomfield, Wisconsin where he committed two similar acts.26 Bloomfield officials were unaware of White’s prior misconduct because Darien officials concealed White’s personnel file from Bloomfield officials as well as from the state agency investigating White.27 Two of White’s victims while he was employed at Darien were awarded $785,000 by a federal court jury because the police chief knew or should have known of similar prior conduct but failed properly to supervise or investigate White.28 Similarly, Elijah Wright, an officer employed by the Helena, Arkansas Police Department, offered to fix traffic tickets for three women in exchange for sex.29 After resigning, he applied to work as a deputy with the Pulaski County, Arkansas Sheriff’s Department. During the background check conducted by Pulaski County, three officers sent letters of recommendation from Helena, and no mention was made of the traffic-fixing incident. Wright was hired by Pulaski County, and he subsequently forced women detainees to undress and engage in various sex acts in his presence while he was on duty.30 **Without a mechanism at the state or national level to remove the certificate of law enforcement officials who engage in such misconduct, it is likely that there will be more such instances of repeated misconduct**.31 **Traditional remedies do not address the problem**. For example, the exclusionary rule prevents prosecutors from using probative evidence seized from a defendant in violation of his Fourth Amendment rights, but it does nothing to punish the officer.32 Likewise, **criminal prosecution of officers is rare**, and convincing jurors to convict is extremely difficult.33 Administrative complaints against the police in front of civilian review boards have been equally ineffective because the department for which the officer works rather than an independent body usually conducts the investigation.34 Finally, civil damage suits against police officers face the problem of juries, who tend to rule in favor of the police; even if the suit is successful, the officer is often judgment-proof.35 Recognizing the need for a law that removes unfit officers from the profession, particularly those engaging in repeated misconduct, most states have adopted revocation laws;36 four states have enacted such legislation since 1996.37 The professional organization of POST Directors, the International Association of Directors of Law Enforcement Standards & Training (“IADLEST”), in its Model Minimum State Standards, recommends that POSTs be given the authority to both deny and revoke state certification for law enforcement and corrections officers.38 The seven states without revocation authority are Hawaii, Indiana, Massachusetts, New Jersey, New York, Rhode Island and Washington.39 Although it might seem unusual for a police department to hire an officer with a past record of misconduct, the second department is usually located in a poor community that cannot afford to pay high salaries to its police. These low-income departments are more willing to overlook the previous misconduct because the officer is in possession of the state-mandated certificate that demonstrates he has successfully completed the necessary hours of training to be an officer.40 Departments need not pay for the costs of a training academy or the salary of the trainee while he is in training. 41 In other cases, the second department may be unaware of the previous misconduct, either because the first department would not disclose the officer’s previous misconduct, or because the second department does not conduct a thorough background check. Officers under suspicion of misconduct may willingly leave their current department with an understanding that they will receive a positive job recommendation or at least no negative recommendations. Chiefs and city officials fear defamation suits if they give an honest assessment of the officer’s past performance to the new department.42 The chief’s and city’s main interest is removing the officers from their departments. As the mayor of a community commented after the quick departure—by termination or resignation—of four police officers after allegations of improper sexual relationships with two teenage girls, “The important issue here is that the police officers accused of doing these things are not with the Webster Groves Police Department.”43 When it was pointed out that other departments might hire them, the mayor responded, “Those communities make their own choices.”44 **Without a state agency with the authority to** collect information **on past performance and prevent the officer from continuing in law enforcement by a procedure such as revocation, the movement of unfit officers among departments seems to be inevitable**. In some cases, departments let problem officers resign with an agreement not to disclose the reasons for the resignation,45 rather than go through the expense and length of a hearing and possible reversal by a civil service board.46 The executive director of Missouri’s POST said there was a need for police departments to report resignations to POST, not just suspensions or terminations; departments should “not send their dirty laundry down the road to be cleaned.”47 In one highly publicized case at the West Palm Beach Police Department, two officers had been hired despite serious problems at their previous departments. One of the officers had worked for six different police departments in Tennessee and Georgia in five years. He had worked in a police department in Chattanooga, Tennessee before joining the West Palm Beach department. The officer resigned from the Chattanooga department after two complaints of brutality were made against him and a drug problem with marijuana became known while he was serving on the undercover drug squad. He promised the police commissioner of Chattanooga that he would not apply to work in Tennessee, Alabama or Georgia but would go to South Florida. That information was not disclosed to the West Palm Beach Police Department. The other officer, while working for the Riviera Beach, Florida Police Department, arrested a suspect, beat him and blinded him in one eye. The department settled a lawsuit brought by the victim of the beating for $80,000. The Riviera Beach Department was asked by West Palm Beach, “Are you aware of any derogatory information concerning this applicant?” The Riviera Beach Department responded that it was not aware of any such information, even though the beating incident had occurred only five months earlier. The mayor of West Palm Beach later stated that neither of the officers would have been hired had the city been told about the previous misconduct.48 43. Id. 44. Id. Two of the officers were subsequently hired by nearby departments. Id. 45. See, for example, the agreement of the officer in the West Palm Beach case, which is discussed in the text accompanying infra note 48. 46. See text accompanying infra notes 108-109 (discussing the problems of local civil service boards overturning the termination decisions of police departments). 47. See Vega, supra note 42. 48. Dateline NBC (NBC television broadcast, Nov. 24, 1992) (transcript on file with authors) [hereinafter Dateline NBC]. GOLDMAN AND PURO MACROED.DOC 6/21/2001 10:22 AM 550 SAINT LOUIS UNIVERSITY LAW JOURNAL [Vol. 45:541 Major problems with police practices, including racial profiling, brutality and use of false evidence, call into question whether police self-regulation can address these issues. **When police officers overstep their authority, there is often a decline in public confidence that can diminish a department’s legitimacy**.49 In November 2000, the U.S. Civil Rights Commission wrote that “police misconduct remains an ‘incessant’ problem in the United States, and the failure to wipe out abuse and brutality requires wholesale changes.”50 **Revocation of police officer certificates can lessen the amount of police misconduct and should be adopted in those states without such a program**. SK

#### The net benefit is making sure that corrupt and abusive officers stay out of the system and don’t perpetuate their misconduct in society.

Goldman and Puro 2, [Goldman, Roger L., and Steven Puro. "Revocation of Police Officer Certification: A Viable Remedy for Police Misconduct?." Saint Louis University Law Journal 45 (2001): 541-579. SK]

**Federal legislation should be introduced that would link the data currently collected by state POSTs so that ‘problem’ or abusive officers are not allowed to obtain law enforcement employment in a neighboring state**. **A nationwide data bank for police officers authorized by Congress** along the model of the National Practitioner Data Bank (NPDB),216 which contains information about errant behavior by medical professionals, **would allow states to share data about police officers’ misconduct.** The International Association of Chiefs of Police (IACP) supported a bill, the Law Enforcement and Correctional Officers Employment Registration Act of 1996,217 which would have established in the Department of Justice a registry listing all criminal justice agencies for which an officer had worked. Additionally, **it would have reported the fact that the officer had his state certification revoked**. With the federal government involved in the hiring of 100,000 new law enforcement officers under the COPS program,218 it clearly has an interest in a system which would help ensure that officers it funds, or with whom these officers work, are not persons who are unfit for the job. SK

No perms in a method debate – if both the 1AC and 1NC method work together there is no obligation to vote negative or affirmative – the goal is good but we have to determine how to get there. CP Competes and solves the aff:

**A.** Functionally – No punitive measures such as making police officers or the state pay for damages so the two are not compatible

**B.** Perm is impossible – the aff says limit qualified immunity but the negative replaces it only where there is police misconduct – allowing the affirmative to define their “limitation” in the 1AR would allow them to shift advocacies which guts all neg ground because they could get out of all neg turns and CPs by saying QI applies in that instance.

**C.** Perm fails – we adopt qualified immunity for police officers and departments who report other police officers for misconduct – a perm would prove severance as we don’t know if the affirmative defends QI in this instance.

Goldman and Puro 3, [Goldman, Roger L., and Steven Puro. "Revocation of Police Officer Certification: A Viable Remedy for Police Misconduct?." Saint Louis University Law Journal 45 (2001): 541-579. SK]

**To insure that departments report revocable conduct** to POSTs, **there needs to be a qualified immunity for reporting in good faith**.205 **The** **[agency]** POST **should keep records of all terminations and resignations** with reasons for the termination or resignation, including whether the department for which the individual worked would rehire the person.206 **The immunity should apply to reporting from local agencies to the [state agency]** POST 207 **and from one local law enforcement agency to another**.208 It should also apply to private employers of an employee who seeks a job in law enforcement.209 **Most states rely on local departments to report** to the POST misconduct that could lead to revocation.210 However, **if the head of the department himself is implicated in misconduct, there should be alternative methods for triggering** POST **involvement**.211 Minnesota provides that citizens may trigger action by POST: “**A person with knowledge of conduct constituting grounds for action** . . . **may report the violation to the board**.”. SK

**D.** Ignorance: you have been ignorant by excluding the traditionally masked issue of officer punishment – you cannot come back from this omission which frames the other arguments you make.

Foucault,

**Silence itself–the thing one declines to say**, or is forbidden to name, the discretion that is required between different speakers–**is less the absolute limit of discourse**, the other side from which it is separated by a strict boundary, **than an element that functions alongside the things said**, with them and in relation to them within over-all strategies. **There is no binary division to be made between what one says and what one does not say;** **we must try to determine the different ways of not saying such things, how those who can and those who cannot speak of them are distributed, which type of discourse is authorized**, or which form of discretion is required in either case. There is not one but many silences, and they are an integral part of the strategies. SK

**E.** Sequencing: The CP is a sequencing issue – we say that the CP has to be done *before the aff* which necessitates that the CP comes first. This means that any timeframe perm or perm do both necessitates that the judge votes negative as they vote for the idea that the CP comes first. Even if they are mutually compatible, limiting qualified immunity will only work *after* we determine a way to punish police officers which means that the CP controls the internal link into aff solvency.

**F.** Solves the aff – we limit qualified immunity in all cases where there is police misconduct and the populous have a legitimate claim to bring against police officers.

**G.** Perms on this counterplan are bad – perms would delegitimize the 1NC’s form of engagement as it would combine different forms of discourse and say that it can be replicated which is a form of essentialism which must be rejected.

**H.** Competes through net benefits.

**D.** Actors are different – we say that state governments create a state agency with the power of the federal government which is very different from a federal limitation on QI – shifting actors is severance and destroys keys neg ground.

**E.** Text: This is different from the text of the aff – hold them to their text as this is the only way to make sure they don’t shift their advocacy – otherwise they would be able to defend anything in the 1AR which skews my strat

**F.** Mechanism: Aff doesn’t change anything else in the squo besides QI – this CP identifies a different problem with the squo and changes it which makes any perm functionally severance.

**H.** Focus Shift: The CP shifts the focus away from the criminal justice system’s procedural needs to how the people are affected by police

### DA

#### The affirmative limits qualified immunity which inherently indoctrinates individuals within a system of civil litigation. Their belief in monetary compensation as a suitable form of justice re-entrenches the dominance of capitalism. Also turns the aff as those who are affected the most believe they are in power and are relegated even lower in the system when they can’t afford attorneys.

Higdon ’10, [Woodrow L. Higdon (), PUBLIC-CORRUPTION-COVER-UP-THRU-CIVIL-LITIAGTION-ABUSE, No Publication, xx-xx-xxxx, xx, http://www.gtinewsphoto.com/PUBLIC-CORRUPTION-COVER-UP-THRU-CIVIL-LITIAGTION.html, 11-10-2016. SK]

The most effective "Public Corruption Cover Up Tool" available to public agencies, and their public union members, is the civil litigation system. The public corruption cover up through civil litigation abuse, is at its worst when law enforcement personnel, and their unions interest, are involved in the criminal public corruption. This reporter, after leaving law enforcement, became a civil litigation investigator, consultant, and expert witness, for more than twenty years, and the civil and criminal legal systems are not what the average citizen thinks they are. The public corruption and it's cover up in San Diego County is a perfect example of how easy it is for law enforcement to obstruct and manipulate the criminal and civil legal systems. San Diego County, The City Of Oceanside, and The State Of California, have become the "Poster Child" for public corruption, and its cover up, in the new millennium. This is due to the exposure of an extensive system of public union election fraud and vote manipulation, and public corruption conspiracies and obstruction of justice for personal and public union profit and benefits. One of the best ways to cover up the criminal public corruption is through the abuse of tax dollar financed civil litigations. Some individuals within the law enforcement union's can and will be arrested, and prosecuted, unless the criminal conduct of those individuals endangers the larger interest of the unions. These union interest include protection of the elected officials financed, and controlled by the union money. The union organizations will be protected from investigation, and prosecution, to keep their public image clean. A clean public image that is critical for union contract negotiations, and the effective protection, of all associated criminal public corruption. A JUSTICE SYSTEM FEW AMERICANS REALLY UNDERSTAND The average american citizens has always been lead to believe that our criminal, and civil legal systems operate on the principal of "JUSTICE". A system where the innocent will be protected, and the guilty will be punished. The facts are, our legal systems have nothing to do with justice. The systems are not about justice, they are about the law, and the law can be easily manipulated by those in authority. The only thing that controls our criminal and civil legal systems, is the "WRITTEN LAW", and the law does not guarantee justice to anyone. It only guarantees that the law will be followed, within the knowledge and power of the judges, attorneys, or law enforcement personnel that administer those laws, and those individuals are not created equal, nor are they all honest. The so called "Civil and Criminal Justice Systems" in the United States, are systems controlled by money, and the access that money buys. In general, the more money you have, the more "Justice" you can buy. Good attorneys cost a lot more, than bad attorneys. District Attorneys and public agencies, have unlimited public tax dollar finances, which provide unlimited legal resources, for both criminal and civil cases. In the case of District Attorneys, it also provides almost unlimited power, to manipulate and obstruct criminal and civil law, and the lives of the people involved. This is why a corrupt public agency, or District Attorney's office, like the San Diego District Attorneys office, is so dangerous to the public welfare. It is also how many law enforcement agencies cover up public corruption, by obstructing the filing and investigation of citizen criminal complaints. This is done while knowing about citizens limitations in the civil legal system. Criminal investigations are blocked and citizens are pushed to hire a civil attorney, with the knowledge that very few can afford the cost of civil litigation. The few citizens that can afford to file a civil litigation, will quickly find that public agencies, and their employees, also have extensive protections from civil litigation, built into the legal system. These public entity civil litigation immunities were originally intended to protect the public agency for the financial benefit of the citizens. However, as time passed the public entities found the immunities could be used to protect tax dollar resources for the use of the public unions. Public agencies and DA's are well aware of these financial and legal advantages when they push citizens to drop criminal complaints, go away, and hire an attorney. It is also why "Civil Litigation", is one of the most effective public corruption cover up tools available to public agencies. Public Agency finances, tax dollars, are not viewed as belonging to the citizens. They are viewed as public agency money, primarily to support the pay and benefits of public employees, and secondary, the work they perform. Any money damages lost as a result of civil litigation through public agency negligence, or criminal corruption, is money that is no longer available for future union contract negotiations, and union pay and benefits. Public agencies operate on the basis of maximizing tax revenue for agency use, even when those operations cause financial damages, to the citizens they are suppose to protect and serve. Example: The City Of Laguna Beach has a large number of know and suspected ancient landslide hazards to existing homes. Many city and state properties, and the activities on those properties, adversely impacts the stability of many of the ancient landslides causing damage to local homes. The city avoids all geologic investigations, or providing data on the geologic hazards to potential home buyers because the information would reduce property values, and the associated tax revenues that flow to the city treasury. All citizen complaints of damage are ignored, unless a civil litigation is filed. Then public agencies use tax dollars, their legal immunities, and an unfair civil litigation system to financial bankrupt the complaining citizen. THE TRUTH ABOUT CIVIL LITIGATIONS Less than ten percent (10%) of american citizens can afford the high cost of a major civil litigation against a public agency, without quickly going bankrupt. The public agencies, and their attorneys, are well aware of these financial limitations on citizens, and they go out of their way to take advantage of the citizen, in both criminal and civil prosecutions. This is especially true when law enforcement public corruption protection is involved. When law enforcement blocks criminal complaints and investigations of law enforcement, ninety percent of the cover up is complete, and all of the criminal exposure is gone. The civil litigation system is totally about compromise, the dollar value of damages, a settlement with no admission of wrong doing, and if possible, a secrecy agreement that hides the corruption. All public agency civil litigation mitigation, and avoidance planning, involves minimizing or suppressing all documentation, that can be used against the public agency, in the event of a civil litigation. This is why most public agencies have adopted the practice of stripping their files of all documentation and complaints, that is not absolutely necessary to basic operations. It is also why law enforcement agencies obstruct criminal complaints and investigations involving public corruption by law enforcement. CIVIL LITIGATION PUBLIC CORRUPTION PROTECTION The financial disadvantages to citizens in civil litigation, is why civil litigations are such an effective tool, for public agencies to cover up public corruption. When the exposure of any potential law enforcement public corruption is recognized, it automatically activates the "Blue Wall" of protection. Law enforcement has an over developed sense of mutual protection, for any member of the brotherhood of the badge. A system of mutual protection that has developed over many decades, and in many cases, for good reason. However, the automatic nature of the Blue Wall, makes it very susceptible to abuse, in public corruption cover up. Law enforcement has the capability, and the incentive, to obstruct the filing and investigation of criminal complaints involving law enforcement public corruption. If the scale of the public corruption is large enough, the automatic protection will cross all law enforcement agency boundaries. When citizens access to criminal complaints, and investigations is shut down, the only legal recourse a citizens has is civil litigation. The law enforcement agencies know, when they shut the door on criminal complaints, ninety percent (90%), or more, of the complaints will disappear, because of the high cost of civil litigation. The small percentage of remaining criminal complaints against the interest of law enforcement, or their unions, will then be litigated in a civil court, with no criminal investigations, and no admissions of wrong doing. All dollar damages will be paid for with tax dollars. The public agency bonuses are many. Corrupt Cops and DA's are protected from financial loses, and responsibility. The settlement agreements generally includes a secrecy clause to bury the criminal public corruption. The public unions are insulated from criminal investigations, and civil damages. THE SAN DIEGO PUBLIC CORRUPTION CIVIL LITIGTATIONS 2005 to 2012 District Attorney Evidence Fabrication In The Cynthia Sommer Murder Prosecution In 2005 Cynthia Sommer was arrested, prosecuted, and sent to prison for the poisoning murder of her Marine husband Todd Sommer. In November of 2007 the San Diego courts ordered Cynthia Sommer's release, and a new trial, when an investigation disclosed there was no poison, and all evidence indicated that DA Bonnie Dumanis, lead prosecutor DDA Laura Gunn, and others, had fabricated the poison evidence, and put an innocent woman in prison. There was no observable evidence of any criminal investigations of DA Dumanis, DDA Gunn, or any other investigators, or prosecutors involved in the false prosecution, and false imprisonment of Cynthia Sommer. SK

#### Capitalism perpetuates class inequalities under the guise of improvement, while manipulating ethics to serve its ends of commodification. Our first responsibility is to reject capitalism.

Daly ‘4[Glyn Daly, senior lecturer in politics in the Faculty of Arts and Social Sciences at University College Northampton, Conversations With Zizek, 2004, pp. 14-16) SK]

For Zizek it is imperative that we cut through this Gordian knot of postmodern protocol and recognize that **our ethico-political responsibility is to confront the constitutive violence of today’s global capitalism and its obscene naturalization / anonymization of the millions who are subjugated by it throughout the world.** Against the standardized positions of postmodern culture – with all its pieties concerning ‘multiculturalist’ etiquette – **Zizek is arguing for a politics that** might be called ‘radically incorrect’ in the sense that it break with these types of positions 7 and **focuses** instead **on the very organizing principles of today’s social reality:** the principles of global liberal capitalism. This requires some care and subtlety. For far too long, Marxism has been bedeviled by an almost fetishistic economism that has tended towards political morbidity. With the likes of Hilferding and Gramsci, and more recently Laclau and Mouffee, crucial theoretical advances have been made that enable the transcendence of all forms of economism. In this new context, however, Zizek argues that the problem that now presents itself is almost that of the opposite fetish. That is to say, the prohibitive anxieties surrounding the taboo of economism can function as a way of not engaging with economic reality and as a way of implicitly accepting the latter as a basic horizon of existence. In an ironic Freudian-Lacanian twist, the fear of economism can end up reinforcing a de facto economic necessity in respect of contemporary capitalism (i.e. the initial prohibition conjures up the very thing it fears). This is not to endorse any kind of retrograde return to economism. Zizek’s point is rather that in rejecting economism we should not lose sight of the systemic power of capital in shaping the lives and destinies of humanity and our very sense of the possible. In particular we should not overlook Marx’s central insight that **in order to create a universal global system the forces of capitalism seek to conceal the politico-discursive violence of its construction through a kind of gentrification of that system.** What is persistently denied by neo-liberals such as Rorty (1989) and Fukuyama (1992) is that **the gentrification of global liberal capitalism** is one whose ‘universalism’ fundamentally **reproduces and depends upon a disavowed violence that excludes vast sectors of the world’s populations.** In this way, **neo-liberal ideology attempts to naturalize capitalism by presenting its outcomes of winning and losing as if they were simply a matter of chance and sound judgment in a neutral market place.** Capitalism does indeed create a space for a certain diversity, at least for the central capitalist regions, but it is neither neutral nor ideal and its price in terms of social exclusion is exorbitant. That is to say, **the human cost in terms of inherent global poverty and degraded ‘life-chances’ cannot be calculated within the existing economic rationale and,** in consequence, **social exclusion remains mystified and nameless** (viz. the patronizing reference to the ‘developing world’). And Zizek’s point is that **this mystification is magnified through capitalism’s profound capacity to ingest its own excesses and negativity: to redirect** (or misdirect) **social antagonisms and to absorb them within a culture of differential affirmation.** Instead of Bolshevism, the tendency today is towards a kind of political boutiquism that is readily sustained by postmodern forms of consumerism and lifestyle. Against this **Zizek argues for a new universalism whose primary ethical directive is to confront the fact that our forms of social existence are founded on exclusion on a global scale.** While it is perfectly true that universalism can never become Universal (it will always require a hegemonic-particular embodiment in order to have any meaning), **what is novel about Zizek’s universalism is that it would not attempt to conceal this fact or reduce the status of the abject Other to that of a ‘glitch’ in an otherwise sound matrix.**

Thus, capitalism functions to separate us into classes, and has a discursive in round impact that corrupts our thinking processes. We have to stop the reproduction of capitalism.

#### This space is key – capitalism fetishizes youth – our exposure of the hegemony is vital and the first step to revolution.

Reader states, [http://jaycan.wordpress.com/2009/01/14/capitalist-cultural-hegemony/, SK]

What is cultural hegemony?  Cultural hegemony is a term that originated with Marxist theorist and revolutionary Antonio Gramsci.  The uncomplicated definition is that one class rules and dominates another class not just through force or fear but with the intellect and shared belief systems.  How has capitalism conquered nations all over the world?  The answer is quite simple – because it has been allowed to conquer the minds of the peoples of the world.  Capitalism has indeed utilized the principle of force when this tactic was called upon.  We see this happening right now with the United States wars in the Middle East.  These wars are wars of expansion hidden under the thin veil of liberating oppressed peoples from tyranny.  But what I am interested in is how thorough, how embedded capitalism is not only internationally but domestically.  It has been argued that for this very reason **revolution has not [been] successful in** advanced **capitalist societies** because **as long as the elite classes rule through** the **deception** of their culture the conditions will not be right for revolution.  **If revolution is even attempted before the dominant hegemony is exposed and destroyed through the culture of the common man, it is guaranteed to fail.** The phenomenon of the cultural hegemony of the **capitalism** in the United States **is a testimony to the reality and effectiveness of hegemony**.  It is also a testimony to effectiveness of advanced capitalism – in its own way and theory capitalism does work when that theory is transformed into action.  The evidence of this monster culture is everywhere in America – we are a country where man has effectively lost his very self; he has been successfully made into a tool of labor.  **Capitalism culture is so strong that this tool of labor does not even have a mind to think of himself as such; he is brainwashed** so thoroughly and identifies his plight with the cause of the capitalists that he does not think twice about the relation between him and his employer**.  In capitalistic culture the man just functions and does.** We are a nation of out of control buy and spend, exchange labor; out of control consumerism.  Man has exchanged his uniqueness and sold his soul to that great evil: materialism.  The working class is deceived to such an extent that it is now second nature to lust after the material wealth and product the bourgeoisie possess, believing in his core that he deserves these “good” things as well and that he will receive them if he just works hard enough!  Not realizing that he most likely will never be part of the bourgeoisie, the worker literally works himself to an early grave making product and producing wealth for the upper class he so desired to be a part of; no doubt another victim of the great deception.  Capitalistic culture is the great American dream – it is your right to have what the rich have and you can.  The working class has identified what is good for the bourgeois as being good for them.  Look, why does the working class compete with one another for clothing, cars, electronics, homes and just about everything else instead of uniting and creating its own standards and norms?  An enemy divided is a defeated and weak enemy and capitalism has made the working class impotent with vicious competition. As this fight rages, the capitalist class sits back, relaxes, laughs and counts the money being made by those at the bottom, fighting.  The bourgeoisie establishes what we need, for example, the wealthy will say in not so many words, through the great cultural mouthpiece, the media, that owning a Mercedes Benz vehicle is “in.”  The working class will see this and nearly tear itself to pieces to purchase this product, even if it is well beyond their means, all because it was established as necessary by the bourgeoisie.  This is the sad state the working class is in right now – killing itself to live up to a standard that was made to subdue and use them, not benefit them.  **The country is** even **manufacturing capitalists at a young age; children** even **identify themselves with the bourgeoisie**; no doubt **with the help of schools** of propaganda.  **Our education standards have hit rock bottom; children no longer value education but the latest merchandise of the capitalists.**  **Children are no longer children but materialistic beings** who exist only to perpetuate the means of free exchange in this economy.  **As long as this lie continues capitalistic cultural hegemony will be as strong as ever.**  The spell will continue to entrance.  Our war needs to be the war for minds and hearts and if we  lose this war revolution will not triumph. SK

### Advocacy

#### Affs fails to outline specifics on plan implementation – they should be able to answer necessary questions like What is the legal penalty? / What is the retribution? / How much do they limit? / remember, it’s their job to demonstrate a burden of proof for aff solvency – only way to demonstrate they solves their advantage links which is how they justify the aff as a good idea.

#### Vote Neg – plans that fail to incorporate specific details can’t be evaluated because

#### No blueprint for bureaucrats to enact plan which empirically leads to serial policy failure

#### No way to solidy examine consequences of each step and element of plan so there’s no debate

#### C – CX spec doesn’t solve because that claims adherence to just defuse criticism which recreates bureaucratic inertia

Gary M. Galles, Orange County Register, 3-3-2009, professor of economics at Pepperdine University, where he has taught for thirty years. He received his PhD in economics from UCLA in 1988. His research focuses on public finance, public choice (better termed, “the economics of government”), the theory of the firm, the organization of industry, and the role of liberty, including the views of many classical liberals (now called libertarians), echoed by many of America’s founders. In addition to journal articles, he has been involved in many economics textbook projects and has published over a thousand popular articles and opinion pieces. He has made multiple appearances on television and radio programs. His focus is primarily on using economics tools to understand the “real world,” rather than creating theoretically elegant but misleading models divorced from it. ["The Orange Grove: Obama health plan; we need details", http://www.ocregister.com/articles/details-25757-proposals-obama.html] bcr

The problem with such vagueness is that any informed public policy decision has to be based on specific proposals. Absent concrete details, which is where the devil lurks, no one - including those proposing a "reform" - can judge how it would fare or falter in the real world. So when the president wants approval for a $634 billion proposal which offers too few details for evaluation, we must ask why. Like salesmen, politicians strive to present their wares as attractively as possible. Unlike salesmen, however, a politician's product line consists of claimed consequences of proposals not yet enacted. Further, politicians are unconstrained by truth-in-advertising laws, they have fewer competitors keeping them honest, and they face "customers" - voters - far more ignorant about the merchandise involved than consumers spending their own money. These differences explain why politicians' "sales pitches" for their proposals are so vague. However, if vague proposals are the best politicians can offer, they are inadequate. If rhetoric is unmatched by specifics, there is no reason to believe a policy change will be an improvement, because no reliable way exists to determine whether it will actually accomplish what is promised. Only the details will determine the actual incentives facing the decision-makers involved, which is the only way to forecast the results, including the myriad of unintended consequences from unnoticed aspects. We must remember that, however laudable, goals and promises and claims of cost-effectiveness that are inconsistent with the incentives created will go unmet. It may be that President Obama knows too little of his "solution" to provide specific plans. If so, he knows too little to deliver on his promises. Achieving intended goals then necessarily depends on blind faith that Obama and a panoply of bureaucrats, legislators, overseers and commissions will somehow adequately grasp the entire situation, know precisely what to do about it, and do it right - a prospect that, given the painful lessons of history, should attract few real believers. Alternatively, President Obama may know the details of what he intends, but is not providing them to the public. But if it is necessary to conceal a plan's details to put the best possible public face on it, those details must be adverse. If details of a plan made a more persuasive sales pitch, a politician would not hide them; they would be trumpeted at every opportunity as proof he really had the answers. Claiming adherence to elevated principles while keeping detailed proposals from sight also has a strategic advantage: It defuses criticism. Absent details, any criticism can be parried by saying "that was not in our proposal" or "we have no plans to do that" or similar retorts. It also allows a politician to incorporate alternatives proposed as part of his evolving reform, as if they were his [their] idea all along. The new administration has already put vague proposals on prominent display. However, adequate analysis cannot rest upon such flimsy foundations. That requires the nuts and bolts so glaringly absent. In the private sector, people don't spend their own money on such vague promises of unseen products. It is foolhardy to act any differently when political salesmen withhold specifics, because political incentives guarantee that people would object to what is kept hidden. So while vagueness may be good political strategy, it virtually ensures bad policy.

Advocacy makes no sense – he says that the Republican Government and Trump pass the plan but says trump is bad.

## Case

### T- Restrictions

#### Limiting immunity would cause courts to restrict constitutional rights to compensate- they make it harder to sue

**Fallon 11** [Fallon, Richard H. Jr. "Asking the Right Questions About Officer Immunity" Ralph S. Tyler Jr, Professor of Law, Harvard Law School. Fordham Law Review. 2011. http://ir.lawnet.fordham.edu/flr/vol80/iss2/3 ] NB

As another possible response to a world without official immunity, the Supreme Court might di- minish the scope of at least some substantive constitutional rights. Indeed, I think I can identify cases in which the Court has already trimmed the scope of constitutional rights for the purpose of stemming what it has regarded as an undue flood of suits for damages into federal court. Express- ing concerns that the Due Process Clause should not become a font of tort law, the Court held in Paul v. Davis48 that a plaintiff whose name and photograph had been included in a police flyer identifying active shoplifters had not alleged an actionable due process violation because mere harm to reputation does not count as a deprivation of constitutionally protected “liberty.”49 Paul’s narrow interpretation of the due process right, which found little support in prior decisions,50 was almost certainly “motivated by concerns about the section 1983 remedy” and the social costs of “the wholesale federalization of tort claims against state and local government officials and the corresponding prospect of massive damages liability.”51 The Court further narrowed its in- terpretation of constitutionally protected due process rights, apparently in response to the same concern, in Parratt v. Taylor,52 which held that random and unauthorized deprivations of liberty and property do not violate the Due Process Clause unless and until a state has failed to provide post-deprivation corrective process.53 46. See Fallon & Meltzer, supra note 10, at 1779–87. Again voicing concerns about the social costs of permitting § 1983 and the Due Process Clause to be- come fonts of tort law, the Court pared back the scope of previously recognized due process rights once more in Daniels v. Williams,54 which held that merely negligent deprivations of liberty and property do not violate the Fourteenth Amendment.55 With the Court having shrunk the scope of the due process guarantee in Paul, Parratt, and Daniels, it is easy to imagine the Justices simi- larly circumscribing other rights if, in the absence of official immunity, they regarded the social costs of damages actions as too high. For example, the Court could plausibly respond to a flood of suits seeking damages for unreasonable searches and seizures by holding that if any reasonable person could think a search reasonable, it is not unreasonable.56

#### Lawsuits fail – compensation is case by case and unrelated to the merits of the case so policy spillover never happens

#### Schwartz 11 Schwartz, Joanna C. "What Police Learn from Lawsuits." Cardozo L. Rev. 33 (2011): 841. Joanna Schwartz is a Professor of Law at UCLA School of Law. She teaches Civil Procedure, the Civil Rights Litigation Clinic KB

Although lawsuits have filled critical gaps in police department internal reporting systems, lawsuits are themselves flawed sources of information. Aggrieved parties rarely file lawsuits and, when they do, plaintiffs win and lose for reasons – and are compensated at amounts – divorced from the merits of their claims. Cases drag on for years and are often brought against individual bad actors instead of the institutional players best positioned to address systemic harms.

#### Turn -- If QI is eliminated, it will be more difficult for plaintiffs to win claims and there will be even more idemnification

Joann Schwartz, 2014, Police Idemnification, New York University Law Review, June 2014, http://www.nyulawreview.org/sites/default/files/pdf/NYULawReview-89-3-Schwartz.pdf , Joanna Schwartz is a Professor of Law at UCLA School of Law. She teaches Civil Procedure, the Civil Rights Litigation Clinic, and a variety of courses on police accountability and public interest lawyering. In 2015, she received UCLA’s Distinguished Teaching Award. Professor Schwartz is one of the country’s leading experts on police misconduct litigation. Her studies examine the frequency with which police departments gather and analyze information from lawsuits, and the ways in which litigation-attentive departments use lawsuit data to reduce the likelihood of future harms. She has also examined the financial effects of police misconduct litigation, including the frequency with which police officers contribute to settlements and judgments in police misconduct cases, and the extent to which police department budgets are affected by litigation costs. Professor Schwartz has also looked more broadly at how lawsuits influence decision-making in hospitals, airlines, and other organizational settings. Professor Schwartz additionally studies the dynamics of modern civil litigation. Recent scholarship examines the degree to which litigation costs and delays necessitate current civil procedure rules, and compares rhetoric with available evidence about the costs and burdens of class action litigation. She is co-author, with Stephen Yeazell, of a leading casebook, Civil Procedure (9th Edition). Professor Schwartz is a graduate of Brown University and Yale Law School. She was awarded the Francis Wayland Prize for her work in Yale Law School’s Prison Legal Services clinic. After law school, Professor Schwartz clerked for Judge Denise Cote of the Southern District of New York and Judge Harry Pregerson of the Ninth Circuit Court of Appeals. She was then associated with Emery Celli Brinckerhoff & Abady LLP, in New York City, where she specialized in police misconduct, prisoners’ rights, and First Amendment litigation. She was awarded the New York City Legal Aid Society's Pro Bono Publico Award for her work as co-counsel representing a class of inmates challenging conditions at Rikers Island. Immediately prior to her appointment, Professor Schwartz was the Binder Clinical Teaching Fellow at UCLA School of Law.

Any prescriptions should also be made with the understanding that modifications to one area of the law will likely have secondary effects.256 **If,** for example, **it became more difficult for a defendant to win a motion to dismiss on qualified immunity grounds,257 courts might create more stringent liability rules to reduce the number of successful claims; Congress might impose damages caps to reduce payouts; cities might settle fewer claims in an effort to discourage weak suits or indemnify fewer officers to reduce costs.**

#### Lawsuits don’t deter actual police violence.

Joann Schwartz, 2014, Police Idemnification, New York University Law Review, June 2014, http://www.nyulawreview.org/sites/default/files/pdf/NYULawReview-89-3-Schwartz.pdf , Joanna Schwartz is a Professor of Law at UCLA School of Law. She teaches Civil Procedure, the Civil Rights Litigation Clinic, and a variety of courses on police accountability and public interest lawyering. In 2015, she received UCLA’s Distinguished Teaching Award. Professor Schwartz is one of the country’s leading experts on police misconduct litigation. Her studies examine the frequency with which police departments gather and analyze information from lawsuits, and the ways in which litigation-attentive departments use lawsuit data to reduce the likelihood of future harms. She has also examined the financial effects of police misconduct litigation, including the frequency with which police officers contribute to settlements and judgments in police misconduct cases, and the extent to which police department budgets are affected by litigation costs. Professor Schwartz has also looked more broadly at how lawsuits influence decision-making in hospitals, airlines, and other organizational settings. Professor Schwartz additionally studies the dynamics of modern civil litigation. Recent scholarship examines the degree to which litigation costs and delays necessitate current civil procedure rules, and compares rhetoric with available evidence about the costs and burdens of class action litigation. She is co-author, with Stephen Yeazell, of a leading casebook, Civil Procedure (9th Edition). Professor Schwartz is a graduate of Brown University and Yale Law School. She was awarded the Francis Wayland Prize for her work in Yale Law School’s Prison Legal Services clinic. After law school, Professor Schwartz clerked for Judge Denise Cote of the Southern District of New York and Judge Harry Pregerson of the Ninth Circuit Court of Appeals. She was then associated with Emery Celli Brinckerhoff & Abady LLP, in New York City, where she specialized in police misconduct, prisoners’ rights, and First Amendment litigation. She was awarded the New York City Legal Aid Society's Pro Bono Publico Award for her work as co-counsel representing a class of inmates challenging conditions at Rikers Island. Immediately prior to her appointment, Professor Schwartz was the Binder Clinical Teaching Fellow at UCLA School of Law.

Studies have found that “the prospect of civil liability has a deterrent effect in the abstract survey environment but that it does not have a major impact on field practices.”281 -- VICTOR E. KAPPELER, CRITICAL ISSUES IN POLICE CIVIL LIABILITY 7 (4th ed. 2006) (citing several studies); see also Arthur H. Garrison, Law Enforcement Civil Liability Under Federal Law and Attitudes on Civil Liability: A Survey of University, Municipal and State Police Officers, 18 POLICE STUD. INT’L REV. POLICE DEV. 19, 26 (1995) (finding that 62% of a sample of fifty officers from state, municipal, and university law enforcement agencies in Pennsylvania believed that civil suits deter police officers, but 87% of state police officers surveyed, 95% of municipal police officers surveyed, and 100% of university police officers surveyed did not consider the threat of a lawsuit among their “top ten thoughts” when stopping a vehicle or engaging in a personal interaction); Daniel E. Hall et al., Suing Cops and Corrections Officers: Officer Attitudes and Experiences About Civil Liability, 26 POLICING: INT’L J. POLICE STRATEGIES & MGMT. 529, 545 (2003) (surveying sheriff’s deputies, corrections officers, and municipal police officers in a southern state and concluding that “most public safety officers are not impacted on a day-to-day basis by the threat of civil liability”); Tom “Tad” Hughes, Police Officers and Civil Liability: “The Ties that Bind”?, 24 POLICING: INT’L J. POLICE STRATEGIES & MGMT. 240, 253 (2001) (reporting that a survey of Cincinnati police officers revealed that most officers “think civil liability impedes effective law enforcement” but that most do not “consider liability concerns when stopping a citizen”)

#### Plan would clog courts which would destroy the ability for the public to sue.

Putnam and Ferris ’92, [Charles T., Senior Assistant Attorney General, New Hampshire and another Charles T., JD, Franklin Pierce Law Center, “Defending a Maligned Defense: The Policy Bases of the Qualified Immunity Defense in Actions Under 42 USC 1983,” Bridgeport Law Review, Vol. 12, 1992, SK]

National resources are obviously scarce, yet increasing numbers of section 1983 actions are being filed in overburdened federal courts. Reducing the load of these cases on the court system is a third essential policy consideration. Some courts have questioned whether the abundance of section 1983 cases in federal courts is an efficient use of judicial resources in light of the perception that many such actions are of questionable merit.“6 The Supreme Court has thus encouraged the use of summary judgment where courts are faced with such cases. For instance, in Butz v. Economou, 7 the Court held: Insubstantial lawsuits can be quickly terminated by federal courts alert to the possibilities of artful pleading. Unless the complaint states a compensable claim for relief under the Federal Constitution, it should not survive a motion to dismiss. Moreover, the Court recognized in Scheuer that damages suits concerning constitutional violations need not proceed to trial, but can be terminated on a properly supported motion for summary judgment based on the defense of immunity…. In responding to such a motion, plaintiffs may not play dog in the manger; and firm application of the Federal Rules of Civil Procedure will ensure that federal officials are not harassed by frivolous lawsuits.18 The courts’ use of summary judgment and other procedural devices is thus an important safety measure for both the courts and defendants facing suit.

#### Idemnification is completely independent of qualified immunity

Richard Thompson, legislative attorney, Congressional Research Service, October 30, 2015, Police Use of Force: Rules, Remedies, and Reforms, <https://www.fas.org/sgp/crs/misc/R44256.pdf>

Note that even if an officer is held liable under Section 1983 in his personal capacity, he may be indemnified by state or local government.177 The right to indemnification is not governed by federal law, but is a matter of state or local law

#### No deterrent to suits.

#### Idemnification and other policies means there is no deterrent value to lawsuits

Joann Schwartz, 2014, Police Idemnification, New York University Law Review, June 2014, http://www.nyulawreview.org/sites/default/files/pdf/NYULawReview-89-3-Schwartz.pdf , Joanna Schwartz is a Professor of Law at UCLA School of Law. She teaches Civil Procedure, the Civil Rights Litigation Clinic, and a variety of courses on police accountability and public interest lawyering. In 2015, she received UCLA’s Distinguished Teaching Award. Professor Schwartz is one of the country’s leading experts on police misconduct litigation. Her studies examine the frequency with which police departments gather and analyze information from lawsuits, and the ways in which litigation-attentive departments use lawsuit data to reduce the likelihood of future harms. She has also examined the financial effects of police misconduct litigation, including the frequency with which police officers contribute to settlements and judgments in police misconduct cases, and the extent to which police department budgets are affected by litigation costs. Professor Schwartz has also looked more broadly at how lawsuits influence decision-making in hospitals, airlines, and other organizational settings. Professor Schwartz additionally studies the dynamics of modern civil litigation. Recent scholarship examines the degree to which litigation costs and delays necessitate current civil procedure rules, and compares rhetoric with available evidence about the costs and burdens of class action litigation. She is co-author, with Stephen Yeazell, of a leading casebook, Civil Procedure (9th Edition). Professor Schwartz is a graduate of Brown University and Yale Law School. She was awarded the Francis Wayland Prize for her work in Yale Law School’s Prison Legal Services clinic. After law school, Professor Schwartz clerked for Judge Denise Cote of the Southern District of New York and Judge Harry Pregerson of the Ninth Circuit Court of Appeals. She was then associated with Emery Celli Brinckerhoff & Abady LLP, in New York City, where she specialized in police misconduct, prisoners’ rights, and First Amendment litigation. She was awarded the New York City Legal Aid Society's Pro Bono Publico Award

Indeed, some will contend that **widespread indemnification, in combination with other characteristics of policing and police misconduct litigation, reduces the deterrent effect of lawsuits nearly to zero. Officers across the country engage in tens of millions of civilian interactions—and use force against civilians hundreds of thousands of times—each year.267 Yet even people who believe the police have mistreated them rarely take legal action.268 And even when officers are sued, the suits have limited—if any—negative ramifications for officers’ employment**.269 Moreover, as Daniel Meltzer has observed, there are limited regulatory and other external influences “reinforcing the incentive, created by potential tort liability, to avoid harm-causing activities.” ously been sued were more aggressive than officers who had not.282 Some may argue that these studies show qualified immunity to be performing its intended function—lessening the impact of the threat of liability on officer behavior. But if officers’ mindsets regarding the prospect of being sued can be attributed to qualified immunity, the doctrine is overperforming: **Although qualified immunity is intended to protect against overdeterrence, available studies indicate that officers’ behavior is currently not influenced to any substantial extent by the threat of litigation. Evidence that police officers almost never financially contribute to settlements and judgments, evidence that lawsuits have little negative impact on police officers’ employment, and evidence that officers’ behavior is not influenced to any substantial extent by the threat of being sued all undermine the Supreme Court’s current rationales for qualified immuni**ty.283 Even if one believes that police officers need some manner of protection against the ill effects of litigation, there is no doctrinal, empirical, or logical basis for current stringent qualified immunity standards, which are designed to “provide[ ] ample protection to all but the plainly incompetent or those who knowingly violate the law.”