



PUBLIC FORUM DEBATE

SEPTEMBER/OCTOBER 2024
TOPIC ANALYSIS



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Disclaimer: *This analysis serves as an introduction to the topic and offers guidance for areas students can explore further with independent research. It does not attempt to provide limitations on debater's interpretations of the topic.*

Resolved: The United States federal government should substantially expand its surveillance infrastructure along its southern border.

Definitions:

Substantially expand: [Substantial](#), as defined by Merriam-Webster, means “considerable in quantity; significantly great,” which is a relatively broad term. Realistically, the term “substantially expand” is unlikely to fundamentally change how the topic is debated; the debate exists over whether an expansion is good or bad, not over the scale of the expansion. However, teams may want to define this upfront to preempt any debates over what a substantial expansion would constitute.

Surveillance infrastructure: While there is not a clear-cut definition of “surveillance infrastructure,” we can define the terms individually to get a better understanding of where we should focus our attention. Merriam-Webster defines [surveillance](#) as “close watch kept over someone or something” and [infrastructure](#) as “the permanent installations required for military purposes.” From this, we can gather that surveillance infrastructure refers to the technology and installations installed for keeping close watch at the border. This aligns with what both the [U.S. Customs & Border Protection](#) and the [Department of Homeland Security](#) outline as the surveillance systems along the southern border.

Background:

Welcome to another year of Public Forum debate! This topic marks the start of a new season, and we're off to an intense start, with the topic for September and October dealing with the hot-button political issue of immigration at the U.S.'s southern border. Although we all are at least somewhat familiar with the debate over immigration, the most difficult part of this topic will likely be understanding the nuances of U.S. immigration policy and how things have changed in recent years in ways that could impact debates on this topic. On top of this, there is of course a presidential election in November, which could significantly alter the way debates on this topic pan out. While this topic could be an interesting introductory topic for novices due to its relevance outside of Public Forum, it also makes for a great opportunity for more advanced debaters to consider political arguments and delve deeper than the surface-level argumentation.

In March 2020, the Trump administration invoked a provision of U.S. health law referred to as Title 42 in an attempt to reduce border crossings. It had the inverse effect; border crossings increased significantly, primarily because many people who were expelled under Title 42 attempted to cross the border again.¹ Its use was terminated in May 2023, but border crossings remain high. According to recent data, December 2023 saw the highest monthly total of migrant encounters at the southern border,² at over 300,000 encounters.³ While it is still true that Mexico is the most common country of origin for these migrants, there has recently been a rise in immigrants originating from other countries,⁴ particularly Venezuela⁵ and China.⁶ However, in June, President Biden enacted an executive order that restricted the eligibility for asylum and suspended the processing of many asylum claims.⁷ As a result, unauthorized border

¹ American Immigration Council. "A Guide to Title 42 Expulsions at the Border." American Immigration Council. 29 Mar. 2021. www.americanimmigrationcouncil.org/research/guide-title-42-expulsions-border.

² Blazina, Carrie. "Migrant Encounters at the U.S.-Mexico Border Hit a Record High at the End of 2023." Pew Research Center. 15 Feb. 2024. www.pewresearch.org/short-reads/2024/02/15/migrant-encounters-at-the-us-mexico-border-hit-a-record-high-at-the-end-of-2023/.

³ U.S. Customs and Border Protection. "Southwest Land Border Encounters." U.S. Customs and Border Protection. Last accessed 10 Aug. 2024. www.cbp.gov/newsroom/stats/southwest-land-border-encounters.

⁴ Gambino, Lauren, et al. "The Unprecedented Situation at the US-Mexico Border – Visualized." The Guardian. 7 Feb. 2024. www.theguardian.com/us-news/2024/feb/07/mexico-border-explained-chart-immigration.

⁵ Muñoz-Pogossian, Betilde and Winkler, Alexandra. "The Persistence of the Venezuelan Migrant and Refugee Crisis." Csis.org, 2023, www.csis.org/analysis/persistence-venezuelan-migrant-and-refugee-crisis.

⁶ Alfonsi, Sharyn. "Chinese Migrants Are the Fastest Growing Group Crossing from Mexico into U.S. At Southern Border." CBC News. 5 Feb. 2024. www.cbsnews.com/news/chinese-migrants-fastest-growing-group-us-mexico-border-60-minutes-transcript/.

⁷ Martínez-Beltrán, Sergio. "Biden's New Executive Order Denies Asylum Claims to Most Migrants Crossing the Border Unlawfully." NPR. 4 June 2024. www.npr.org/2024/06/04/nx-s1-4991917/biden-executive-order-asylum-migration-border.

crossings were lower that month than in any other month in Biden's presidency.⁸ However, migration as a whole has not decreased, as many would-be migrants to the U.S. are waiting in Mexico for a more opportune moment to cross the border or for an appointment with the U.S. Customs and Border Protection (CBP).⁹

In May of this year, The Electronic Frontier Foundation published a zine exploring the different types of surveillance technology at the southern border.¹⁰ This will be a really useful guide to have on hand for any definitional debates that may come up, as well as directing your research to consider different types of technologies and what a "substantial expansion" would likely look like. CBP has been aiming to expand their surveillance capabilities in recent years, with large expansions and system upgrades planned for the next decade.¹¹ Some of these technologies will be visible, while others may be disguised.¹² Many of the proposed changes focus on adding AI technologies and expanding the use of autonomous towers across the border.¹³

There are two critically important things to consider when forming argumentation on this topic. First, this topic does not assess whether immigration itself is good or bad; in fact, immigration itself is only an implied component of the topic, rather than being mentioned. Second, debaters should consider the language they use in discussing a sensitive and relevant topic. To match the bulk of the topic literature, this topic analysis will refer to "unauthorized border crossings," "unauthorized immigration," and similar such terminology, and it is recommended that students try to mirror this language in their rounds.

⁸ Martínez-Beltrán, Sergio. "Illegal Crossings Hit Biden-Era Low as Migrants Wait Longer for Entry." NPR. 30 Jul. 2024. www.npr.org/2024/07/30/nx-s1-5051615/border-migrant-crossings-mexico-us-illegal-cbpone.

⁹ Sherman, Christopher, et al. "Venezuelans Are Increasingly Stuck in Mexico, Explaining Drop in Illegal Crossings to US." AP News. 28 Mar. 2024. apnews.com/article/immigration-us-mexico-venezuelans-09ba20bda36590024e433153800ab86d#:~:text=More%20than%20500%2C000%20migrants%20have,which%20en titles%20them%20to%20work.

¹⁰ Electronic Frontier Foundation. "Surveillance Technology at the U.S.-Mexico Border: An EFF Zine." Electronic Frontier Foundation. 6 May 2024. www.eff.org/pages/zine-surveillance-technology-us-mexico-border.

¹¹ Ryan-Mosley, Tate. "The US Is Pouring Money into Surveillance Tech at the Southern Border." MIT Technology Review. 17 Apr. 2023. www.technologyreview.com/2023/04/17/1071682/us-pouring-money-surveillance-towers-southern-border/.

¹² Smalley, Suzanne. "Report Shows CBP Expanding Mass Surveillance System along Mexican Border." The Record. 6 May 2023. therecord.media/customs-border-protection-expanding-surveillance-technology.

¹³ Maass, Dave. "CBP Is Expanding Its Surveillance Tower Program at the U.S.-Mexico Border—and We're Mapping It." Electronic Frontier Foundation. 20 Mar. 2023. www.eff.org/deeplinks/2023/03/cbp-expanding-its-surveillance-tower-program-us-mexico-border-and-were-mapping-it.

Aff Arguments:

Fentanyl Scanners

The United States is in the midst of a drug crisis, and much of it is fueled by fentanyl. Mexico plays a critical role in the fentanyl trade, with cartels involved in the trade producing the drug and exporting it to the U.S..¹⁴ In 2014, only 22 pounds of fentanyl were seized at the border; from October 2022 to September 2023, around 27,000 pounds were seized, which amounts to more than 6 billion lethal doses.¹⁵ The problem is continuing to grow; fentanyl seizures at the U.S.-Mexico border increased 164% from 2020 to 2022.¹⁶ There is a large misconception that unauthorized migrants are trafficking fentanyl across the border, with around 40% of Americans believing that most of the fentanyl in the U.S. can be attributed to unauthorized crossings.¹⁷ However, around 90% of fentanyl seized at the border is seized at official ports of entry, indicating that most traffickers are authorized to cross the border.¹⁸

In order to substantially expand surveillance through the use of fentanyl scanners and similar technologies, the U.S. has a simple solution: spend money. Many of the scanners the government has in its possession are sitting unused in warehouses and have not been equipped due to a lack of funds.¹⁹ Currently, only 5% of personal vehicles and 20% of commercial vehicles entering the U.S. are scanned.²⁰ Some tech companies have also been awarded contracts to develop AI-based technologies to scan vehicles at the border,²¹ so it is imperative to ensure enough funding to deploy such technologies so they are not a waste of money.

¹⁴ Dudley, Steven et al. "Mexico's Role in the Deadly Rise of Fentanyl." Wilson Center. February 2019. www.wilsoncenter.org/publication/mexicos-role-the-deadly-rise-fentanyl.

¹⁵ U.S. Customs & Border Protection. "CBP: America's Front Line against Fentanyl." U.S. Customs and Border Protection. 24 May 2024. www.cbp.gov/frontline/cbp-america-s-front-line-against-fentanyl#:~:text=Since%20then%2C%20the%20amount%20has,the%20end%20of%20September%202023.

¹⁶ Ballesteros, Aldrin. "Fentanyl Seizures at the Southwest Border: A Breakdown by CBP Areas of Responsibility." Wilson Center. 29 Aug. 2023. www.wilsoncenter.org/article/fentanyl-seizures-southwest-border-breakdown-cbp-areas-responsibility.

¹⁷ Rose, Joel. "A Majority of Americans See an 'Invasion' at the Southern Border, NPR Poll Finds." NPR. 18 Aug. 2022. www.npr.org/2022/08/18/1117953720/a-majority-of-americans-see-an-invasion-at-the-southern-border-npr-poll-finds.

¹⁸ Rose, Joel. "Who Is Sneaking Fentanyl across the Southern Border? Hint: It's Not the Migrants." NPR. 9 Aug. 2023. www.npr.org/2023/08/09/1191638114/fentanyl-smuggling-migrants-mexico-border-drugs.

¹⁹ Strickler, Laura, et al. "Scanners That Spot Smuggled Fentanyl at the Border Sit Unused Because Congress Hasn't Provided the Cash to Install Them." NBC News. 5 Mar. 2024. www.nbcnews.com/politics/immigration/border-fentanyl-scanners-unused-congress-provided-no-money-rcna141432.

²⁰ Bregel, Emily. "Tucson's Top Stories: March 21." Arizona Daily Star. 21 Mar. 2024. tucson.com/news/local/border/arizona-elected-officials-border-fentanyl-scanners-stalled-funding-bill/article_7b93e0de-e6ff-11ee-9f64-878f6005107e.html.

²¹ Del Valle, Gaby. "Customs and Border Protection Wants to Use AI to Scan for Fentanyl at the Border." The Verge. 14 Mar. 2024. www.theverge.com/2024/3/14/24099953/cbp-border-ai-fentanyl-scanners-privacy.

Weapons Trafficking

While many teams will focus on border surveillance in reference to the flow from Mexico into the U.S., it is equally important to consider things going from the U.S. into Mexico. One major export from the U.S. across the border is weapons. Much of this is because cartels pay Americans to purchase guns and ultimately ship them across the border;²² there is only one gun store in Mexico, so the rapid increase in gun crime must be due to an alternative source of weapons.²³ Many of the guns favored by cartels are military-grade weapons that are among the most powerful weapons civilians can buy in the U.S..²⁴ 68% of guns that were recovered at crime scenes in Mexico and subsequently submitted to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) for tracing between 2016 and 2021 were traced back to American gun manufacturers or importers.²⁵ This number is increasing every year: CBP intercepted seven times as many guns in 2023 as they did in 2019.²⁶ As a result, Mexico is suing American gun manufacturers.²⁷

²² Cauchi, E. D. "Mexican Drug Cartels Pay Americans to Smuggle Weapons across the Border, Intelligence Documents Show." CBS News. 14 Sept. 2023. www.cbsnews.com/news/mexican-drug-cartels-american-weapons-smuggled-across-border/.

²³ Linthicum, Kate. "There Is Only One Gun Store in All of Mexico. So Why Is Gun Violence Soaring?" Los Angeles Times. 24 May 2018. www.latimes.com/world/la-fg-mexico-guns-20180524-story.html.

²⁴ Kinoshian, Sarah. "A Factory City in Wisconsin Fed Weapons to a Mexican Cartel." Reuters. 9 Dec. 2023. www.reuters.com/investigates/special-report/mexico-usa-guns/.

²⁵ Everytown for Gun Safety. "Damming the Iron River." Everytown Research & Policy. 21 May 2024. everytownresearch.org/report/damming-the-iron-river/.

²⁶ Stephens, Alain. "U.S. Agents Are Seizing More Guns Headed to Mexico." The Trace. 7 Mar. 2024. www.thetrace.org/2024/03/us-mexico-gun-trafficking-border-cbp/.

²⁷ The Economist. "Mexico's Government Is Suing American Gun Manufacturers." The Economist. 5 Oct. 2023. www.economist.com/the-americas/2023/10/05/mexicos-government-is-suing-american-gun-manufacturers?utm_medium=cpc.adword.pd&utm_source=google&ppccampaignID=17210591673&ppcadID=&utm_campaign=a.22brand_pmax&utm_content=conversion.direct-response.anonymous&gad_source=1&gclid=CjwKCAjwoJa2BhBPEiwA0l0ImIC26lQF14bQACQXu2ikkT0XuYtduleMM2fBLDEj34Mfj_zwlAipJhoCLqkQAvD_BwE&gclid=aw.ds.

Neg Arguments:

Lack of Solvency

A solvency press is inherently a defensive argument, as you're arguing that the aff strategy does not solve the problem laid out. However, coupled with an offensive argument, it can make for a really compelling case. On this topic in particular, because it is so dense, a solvency press supported by a good amount of literature could make for a defensive case that demonstrates that there is really no reason to affirm, and sometimes this is enough to convince a judge.

First, teams would want to argue that surveillance is not the right strategy for decreasing immigration. The San Judas Break in California is crossed by hundreds of migrants a day, many of whom turn themselves in to CBP, which could indicate that increased surveillance wouldn't have an effect on border crossings.²⁸ More than just that, though, there are plenty of studies that find that hardline border policies are ineffective in deterring migration.²⁹ This has been proven true all around the world, not just on the U.S.-Mexico border.³⁰

Another option is to argue that the immigration itself isn't the problem, and that instead the problem could be the danger of crossing, the backlog of asylum applications in courts, or the difficulty of immigrating legally. These reflect attitudes of Latinos in the U.S. about the root problems with the immigration issues in the U.S.,³¹ and many migrants have expressed that the long wait for asylum interviews is often the driving force pushing them to cross the border without the right papers.³²

Increases Danger

One argument that holds a lot of weight whether run on its own or in conjunction with a solvency press is the idea that expanding surveillance at the border doesn't deter migrants from trying to enter, but instead pushes them to use more dangerous routes to cross the border. The logic is clear, and the evidence supports it. When the U.S. tightens security at official ports of

²⁸ McCandless Farmer, Brit. "The San Judas Break: Where Migrants Pour into America." CBS News. 5 Feb. 2024. www.cbsnews.com/news/the-san-judas-break-where-migrants-pour-into-america-60-minutes/.

²⁹ Demsas, Jerusalem. "How Deterrence Policies Create Border Chaos." The Atlantic. 21 June 2023. www.theatlantic.com/ideas/archive/2023/06/deterrence-immigration-us-border-policy/674457/.

³⁰ Jones, Reece. "Borders and Walls: Do Barriers Deter Unauthorized Migration?" Migration Policy Institute. 4 Oct. 2016. www.migrationpolicy.org/article/borders-and-walls-do-barriers-deter-unauthorized-migration.

³¹ Noe-Bustamante, Luis. "Latinos' Views on the Migrant Situation at the U.S.-Mexico Border." Pew Research Center. 4 Mar. 2024. www.pewresearch.org/race-and-ethnicity/2024/03/04/latinos-views-on-the-migrant-situation-at-the-us-mexico-border/.

³² Garsd, Jasmine. "Migrants Are Showing up at the U.S. Southern Border in Historic Numbers. Here's Why." NPR. 12 Nov. 2023. www.npr.org/2023/11/12/1212058889/migrants-u-s-southern-border-historic-numbers-why.

entry, migrants are more likely to resort to dangerous methods of crossing the border.³³ There is empirical proof of this; humanitarian groups report that after Title 42 was enacted, the further they went into the desert hills, the more evidence of migrant crossings they encountered.³⁴ A record number of migrants crossed the deadly Darién Gap in 2023, the first step of the migration journey to the U.S..³⁵ Policies that attempt to deter migrants from crossing the border consistently push them to make riskier decisions about how to cross and force them into dangerous situations, increasing their risk of death.³⁶

Using data from the CBP, the Missing Migrants Project has noted the disappearance of nearly 10,000 migrants in the Americas in the past decade,³⁷ though the number could be much higher—until 2022, CBP had failed to collect, record, or report complete data on migrant deaths.³⁸ This massive oversight is well-documented,³⁹ leading humanitarian groups to conclude that there could have been up to 80,000 migrant deaths since the mid-1990s.⁴⁰ Things are likely to continue to get worse, as 2023 was one of the deadliest years on record for the southern border,⁴¹ an increase from the already record-high in 2022.⁴² As soon as the U.S. begins funneling migrants through more dangerous crossings, instances of rescues by CBP and

³³ Demsas, Jerusalem. “How Deterrence Policies Create Border Chaos.” The Atlantic. 21 Jun. 2023. www.theatlantic.com/ideas/archive/2023/06/deterrence-immigration-us-border-policy/674457/.

³⁴ Rodríguez Calderón, Andrew and Dias, Isabela. “Strict Border Enforcement Policies Put Migrants in Harm’s Way. Title 42 Is No Exception.” The Marshall Project. 26 May 2021. www.themarshallproject.org/2021/05/26/strict-border-enforcement-policies-put-migrants-in-harm-s-way-title-42-is-no-exception.

³⁵ Guardian staff reporter. “Record Half Million People Crossed the Treacherous Darién Gap in 2023.” The Guardian. 3 Jan. 2024. www.theguardian.com/us-news/2024/jan/03/record-half-million-people-crossed-darien-gap-2023.

³⁶ Yeung, Peter. “The Other Death Valley: Hundreds of Migrants Are Dying in Remote Texas Deserts.” The Guardian. 19 Aug. 2022. www.theguardian.com/us-news/2022/aug/19/migrant-deaths-border-crossing-texas-mexico-extreme-heat.

³⁷ Missing Migrants Project. “The Americas.” Missing Migrants Project. Last accessed 10 Aug. 2024. missingmigrants.iom.int/region/americas.

³⁸ Government Accountability Office. “Border Security: Border Patrol’s Missing Migrant Program.” Government Accountability Office. 20 Mar. 2024. www.gao.gov/products/gao-24-107051.

³⁹ Ortega, Bob. “Border Patrol Failed to Count Hundreds of Migrant Deaths on US Soil.” CNN. 14 May 2018. www.cnn.com/2018/05/14/us/border-patrol-migrant-death-count-invs/index.html.

⁴⁰ Devereaux, Ryan. “The Border Patrol Calls Itself a Humanitarian Organization. A New Report Says That’s a Lie.” The Intercept. 3 Feb. 2021. theintercept.com/2021/02/03/border-patrol-migrants-humanitarian/.

⁴¹ Beauregard, Luis Pablo. “US-Mexico Border Records One of Its Deadliest Years Ever.” EL PAÍS English. 27 Dec. 2023. english.elpais.com/usa/2023-12-27/us-mexico-border-records-one-of-its-deadliest-years-ever.html.

⁴² Montoya-Galvez, Camilo. “At Least 853 Migrants Died Crossing the U.S.-Mexico Border in Past 12 Months — a Record High.” CBS News. 28 Oct. 2022. www.cbsnews.com/news/migrant-deaths-crossing-us-mexico-border-2022-record-high/.

deaths of migrants increase.⁴³ Expanding surveillance at the border will only push more migrants to use these dangerous routes and risk their lives.⁴⁴

Surveillance Creep

Because the U.S. is widely considered the preeminent global superpower, any resolution considering U.S. policy will have international implications. However, since the U.S. is the actor in the resolution, it is not uncommon for teams to try to scope the round down to impacts on the U.S. If you want to talk specifically about the impact affirming the resolution would have on U.S. residents, you can discuss the increase in surveillance of U.S. residents as a result. This can be defined as surveillance creep, or the idea that surveillance measures installed without the intent of harming people will eventually be used for more sinister purposes.⁴⁵ The border is essentially exempt from Fourth Amendment protections against unreasonable searches and seizures, which makes it a uniquely difficult place to ensure the protection of privacy.⁴⁶ Advocates are particularly concerned about newer, AI-based technologies being implemented along the border, given that many of them are capable of seeing into residents' backyards, which could potentially criminalize the more than 7 million people living on the border.⁴⁷ Some of the newer technologies are even being built in public parks and similar community spaces.⁴⁸ The rapid expansion of these kinds of advanced technologies on the border are the main reason that activists argue we should be scared of the government's technologies on the border.⁴⁹

⁴³ Human Rights Watch. "US: Border Deterrence Leads to Deaths, Disappearances." Human Rights Watch. 26 Jun. 2024. www.hrw.org/news/2024/06/26/us-border-deterrence-leads-deaths-disappearances.

⁴⁴ Hellerstein, Erica. "Between the US and Mexico, a Corridor of Surveillance Becomes Lethal." Coda Story. 14 Jul. 2021. www.codastory.com/authoritarian-tech/us-border-surveillance/.

⁴⁵ Janisse, Miranda. "Surveillance Creep and Its Sinister Impacts." Dunham Connect. 24 Jan. 2023. dunhamconnect.com/blog/the-danger-of-surveillance-creep#:~:text=%E2%80%9C9CSurveillance%20creep%E2%80%9D%20is%20the%20idea,collecting%20much%20more%20personal%20information.

⁴⁶ Tyler, Hannah. "The Increasing Use of Artificial Intelligence in Border Zones Prompts Privacy Questions." Migration Policy Institute. 2 Feb. 2022. www.migrationpolicy.org/article/artificial-intelligence-border-zones-privacy.

⁴⁷ Fry, Wendy. "'A Partner That Never Sleeps': Surveillance Towers Extend Border Patrol's California Reach." CalMatters. 30 Jan. 2024. calmatters.org/california-divide/2024/01/border-patrol-california/.

⁴⁸ Maass, Dave. "Coalition to Calexico: Think Twice about Reapproving Border Surveillance Tower next to a Public Park." Electronic Frontier Foundation. 14 May 2024. www.eff.org/deeplinks/2024/05/coalition-calexico-think-twice-about-reapproving-border-surveillance-tower-next.

⁴⁹ Guerrero, Jean. "Opinion: U.S. Border Surveillance Should Scare Residents." GovTech. 10 Feb. 2022. www.govtech.com/opinion/opinion-u-s-border-surveillance-should-scare-residents.