



PUBLIC FORUM DEBATE

SEPTEMBER/OCTOBER 2024 ADVANCED EVIDENCE BRIEF



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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.

Topic Evolution

The September/October topic always evolves in an interesting way because of its position as the first topic of the season. This means that by the time it comes into play in September, the topic has developed throughout the summer, especially as camps worked on it, though it never spirals too far out of control because it needs to remain accessible to new debaters. When combined with the political relevance of this particular topic, it means that the next couple of months are sure to be rife with exciting debates.

On the negation, most teams are going down the path of deterrence policies failing and pushing migrants to take more dangerous routes. These arguments function well together and craft a narrative that affirming increases the risk of harm and death for migrants. There is a great deal of evidence that argues that hardline immigration policies generally, and increasing border surveillance specifically, increase migrant deaths. Much of this is specific to the US-Mexico border, but there is evidence of this from across the world, proving that it is a clear link to the technologies and the policies. This is, therefore, the easiest and most effective neg strategy, as well as probably the most morally commendable argument in the round. Any policy that is proven to increase deaths is not a policy that our government should enact.

On the aff, however, things get a little more complex. Trying to avoid some of the rhetoric typical of border debates, many teams have gotten more creative on the aff, while still managing to discuss important and relevant dimensions of the topic. Trafficking has become a major area for aff teams to research, whether it's the trafficking of humans, drugs, or weapons. The drug and weapons arguments function effectively together; Americans take weapons into Mexico for the cartels who then send them back across the border with drugs. Without any kind of change or restriction on this exchange, the government is standing by and allowing cartels to grow exponentially stronger, which creates even more of a problem for them overall.

There are plenty of different areas to explore with this topic, and as we enter the competitive season and introduce more people to this activity, we're likely to see argumentation grow even more. Best of luck to everyone!

Further Reading and Classroom Resources

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Pro Evidence

DHS has been expanding the types of surveillance technology they use at the border

Department of Homeland Security. "Fact Sheet: DHS Continues to Strengthen Border Security, Reduce Irregular Migration, and Mobilize International Partnerships." U.S. Department of Homeland Security. 4 Jun. 2024. www.dhs.gov/news/2024/06/04/fact-sheet-dhs-continues-strengthen-border-security-reduce-irregular-migration-and#:~:text=Strengthening%20and%20Expanding%20Enforcement%20of%20Consequences%3A&text=DHS%20has%20also%20bolstered%20the,detect%20narcotics%20and%20other%20contraband

Strengthening and Expanding Enforcement of Consequences: **DHS has taken unprecedented actions to strengthen enforcement of our immigration laws and deter irregular migration, including referring record numbers of individuals into expedited removal. Over the past year, we have removed or returned more than three quarters of a million people,** more than in any fiscal year since 2010: Throughout the last three years, this Administration has carried out a whole-of-government response to irregular migration, increasing the number of Agents and Officers on the southwest border to over 24,000, adding thousands of additional support personnel, surging thousands of law enforcement and other personnel from across the Department, and securing the first significant increase of Border Patrol agents in more than a decade. **DHS has also bolstered the technology along the border, including the deployment of autonomous surveillance towers and continuing to deploy new non-intrusive inspections systems at ports of entry (POEs) to better detect narcotics and other contraband.** **DHS has made significant infrastructure and process improvements aimed at enhancing our ability to deploy consequences for unlawful entries at the border.** These efforts include increasing border holding capacity by over a third since early 2021 through the construction of new facilities, modernizing processing systems, contracting support for transportation between sectors, and establishing processes to ensure that removals are accomplished fairly, efficiently, and quickly. As a result, we removed more people in the last year—more than 740,000—than any previous year since 2010.

Weapons trafficked from the US into Mexico worsen conditions on both sides of the border and increase overdose deaths

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/.

United States border agents are cracking down on gun trafficking across the southern border as part of a broader bilateral effort against Mexican drug cartels. **U.S. Customs and Border Protection reported intercepting 1,171 guns before they crossed into Mexico in 2023. That is nearly seven times as many as in 2019, when CBP intercepted 173 guns. While experts say the increase is promising, the number of weapons being captured by CBP still represents only a sliver of the hundreds of thousands of guns that researchers estimate are trafficked from the United States to Mexico every year.** "It's a symbolic gesture that the U.S. is taking this concern seriously," David Shirk, a political science professor at the University of San Diego who specializes in U.S.-Mexico relations, told The Trace. "I say 'symbolic' because a thousand guns isn't that many guns. It's a fragment of the guns that are making their way into Mexico." **These guns have bolstered the cartels that U.S. authorities blame for a surge in American overdose deaths. In 2023, the United States suffered more than 112,000 fatal drug overdoses for the first time ever. The majority of those deaths involved fentanyl and other synthetic opioids, much of which is synthesized in Mexico before being smuggled over the border.** A 2023 audit conducted by the U.S. Government Accountability Office on American security aid to Mexico concluded that **"U.S. firearms trafficked into Mexico, along with the U.S.'s high demand for illegal drugs, contribute to security and drug crises on both sides of the border."**

One Wisconsin town has provided thousands of dollars' worth of weapons to Mexico

Kinosian, 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/.

Racine, Wisconsin is best known for factories, farming, and an extravagant televised prom celebration. **But in 2018, Racine's** suburban sprawl on the edge of Lake Michigan **became a source of high caliber weapons for one of Mexico's top fentanyl trafficking gangs**, the Cartel Jalisco Nueva Generacion (CJNG), U.S. federal arms-trafficking investigators allege. **The cartel exploited permissive federal and state-level gun control rules to buy some of the most powerful weapons available to American civilians**, according to two former agents with the U.S. Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) and two other sources, all with knowledge of the investigation. **Members of a local family, working with a cousin in Mexico, enlisted friends and relatives who bought guns on their behalf in Racine and transported them to California and south across the border**, according to an indictment from Wisconsin's Eastern District Court unsealed in February. Their clients included a hit squad reporting to CJNG leader Nemesio Oseguera, better known as "El Mencho," according to Chris Demlein, one of the former ATF agents. The Racine case unlocked "the most prolific CJNG firearms trafficking network ever discovered," said Demlein, who until 2021 served as a senior special agent with ATF and oversaw a multi-agency arms trafficking project that coordinated dozens of investigations. **The traffickers in Racine and two connected cells in other locations bought more than \$600,000 of high-end military-style firearms in under a year**, internal ATF documents reviewed by Reuters allege. It seemed like an unprecedented shopping spree, said Tim Sloan, the other former ATF investigator. Sloan was the first to trace a CJNG gun to Racine.

Cartels employ Americans to help them get guns across the border and into Mexico

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/.

Mexican drug cartels have been smuggling a vast arsenal of even military-grade weapons out of the U.S. with the help of American citizens, a CBS Reports investigation has found.

Exclusively-obtained U.S. intelligence documents and interviews with half a dozen current and former officials reveal that the American government has known this for years but, sources said, it's done little to stop these weapons trafficking networks inside the United States, which move up to a million firearms across the border annually, including belt-fed miniguns and grenade launchers. **Dozens of cartel gunrunning networks, operating like terrorist cells, pay Americans to buy weapons from gun stores and online dealers all across the country, as far north as Wisconsin and even Alaska, according to U.S. intelligence sources. The firearms are then shipped across the southwest border through a chain of brokers and couriers.** When CBS News pressed the Justice Department about its findings, a senior official confirmed that "We absolutely recognize the problem here that ... the lion's share of firearms trafficked to Mexican cartels are coming from the United States." **For more than 50 years, the U.S. government has waged an unsuccessful war on drug traffickers, who are now fueling a deadly fentanyl epidemic. The free flow of American guns across the southern border empowers the cartels to protect their drug operations and outgun Mexican authorities,** U.S. officials said. "We have allowed the cartels to amass an army," said Chris Demlein, who served as a senior special agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives — the ATF — until 2021.

Migrant households are more likely to use welfare programs

Camarota, Steven A., and Zeigler, Karen. "Welfare Use by Immigrants and the U.S.-Born." Center for Immigration Studies. 19 Dec. 2023. cis.org/Report/Welfare-Use-Immigrants-and-USBorn.

This report is based on newly released data from the 2022 Survey of Income and Program Participation (SIPP). Analysis of this data shows **both immigrants and the U.S.-born make extensive use of means-tested anti-poverty programs, with immigrant households significantly more likely to receive benefits. This is primarily because the American welfare system is designed in large part to help low-income families with children, which describes a large share of immigrants. The ability of immigrants, including illegal immigrants, to receive welfare benefits on behalf of U.S.-born citizen children is a key reason why restrictions on welfare use for new legal immigrants, and illegal immigrants, are relatively ineffective.**

Among the findings: The 2022 SIPP indicates that **54 percent of households headed by immigrants — naturalized citizens, legal residents, and illegal immigrants — used one or more major welfare program. This compares to 39 percent for U.S.-born households. The rate is 59 percent for non-citizen households** (e.g. green card holders and illegal immigrants). Compared to households headed by the U.S.-born, immigrant-headed households have especially high use of food programs (36 percent vs. 25 percent for the U.S.-born), Medicaid (37 percent vs. 25 percent for the U.S.-born), and the Earned Income Tax Credit (16 percent vs. 12 percent for the U.S.-born). Our best estimate is that **59 percent of households headed by illegal immigrants, also called the undocumented, use at least one major program.** We have no evidence this is due to fraud. Among legal immigrants we estimate the rate is 52 percent.

Fentanyl scanners sit unused and undeployed at the border because they have not been funded

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.

Customs and Border Protection has spent millions on the most up-to-date high-tech scanners to spot fentanyl crossing the southern U.S. border, but many scanners are sitting in warehouses unused because Congress hasn't appropriated funds to install them, acting CBP Commissioner Troy Miller told NBC News. Miller gave NBC News a tour of a port of entry in Nogales, Arizona, where half of all fentanyl seized at the border is stopped on its way into the U.S. from Mexico. Officers in Nogales have found fentanyl hidden inside crates of Coca-Cola, where bottles are painted black to look like liquid, sawed in half and filled with fentanyl pills; they've confiscated millions in fentanyl pills stuffed inside the water barrel of a commercial bus' bathroom; they've even found fentanyl in cars carrying young children in the back in car seats. **More than 95% of fentanyl seized at the border,** Miller said, **is actually brought into the U.S. in personal vehicles. The new technology, known as Non-Intrusive Inspection, or NII, lets CBP X-ray a percentage of cars and trucks as they pass through the massive U-shaped screeners, which look something like car washes. Drivers don't have to get out of their vehicles to be screened, which means traffic can keep flowing through border checkpoints with fewer interruptions. But some of the equipment that has been purchased hasn't yet been put into use, because Congress hasn't allocated the funding needed to install it. The money to install the screeners was in the supplemental funding request Republicans blocked. "We do have technology that's in the warehouse that has been tested. But we need approximately \$300 million [to] actually put the technology in the ground,"** Miller said. "It's extremely frustrating."

There is a clear link between the presence of drug cartels and an increase in drug trafficking in border states

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.

Fentanyl seizures at the Mexico – U.S. border increased 164% from 2020 to 2022. Seizures in 2023 of 21,846 pounds (about 9909 kg) (FYTD) have already surpassed last year's 14,104 pounds (about 6397 kg). **Most fentanyl seizures occur in the states of California and Arizona and both states have seen an increase in fentanyl seizures over the period of 2020 – 2023** (FYTD). Seizures in Texas and New Mexico, on the other hand, are a fraction of the previously mentioned states and seizures in these states collectively, decreased from 2021 to 2022. **The prevalence of fentanyl seizures in California and Arizona is linked directly to the dominance of the Sinaloa Cartel and the Jalisco New Generation Cartel in Baja California and Sonora, the two neighboring Mexican States.** New Mexico and Texas, on the other hand, border Mexican states where the previously mentioned cartels are not dominant. **Cartels hire both Mexican and U.S. citizens to smuggle the easily concealable drug through ports of entry on foot and by passenger and cargo vehicles. This practice results in close to 90% of illicit fentanyl seizures occurring at official border crossings,** according to CBP. **The DEA has named the two cartels as the major suppliers of fentanyl in the United States. The increase in fentanyl seizures at the Southwest border is not replicated in seizures of cocaine, heroin, or methamphetamine.**

Cocaine seizures decreased slightly in 2022 over 2021 while heroin seizures decreased far more dramatically over the past two years from 5,157 pounds (about 2339 kg) in 2020 to 1,498 pounds (about 679 kg) in 2022. Methamphetamine remains the most seized drug with seizures along the southern border in 2021 of 182,561 pounds (about 82808 kg) and 160,305 pounds (about 72713 kg) seized in 2022. Seizures in 2023 (FYTD) suggest that fentanyl may surpass cocaine as the second most seized illicit substance at the Southern border.

Con Evidence

Crossing the border is incredibly dangerous and the difficult terrain has cost hundreds of lives

Del Valle, Gaby. "Surveillance Has a Body Count: CBP Reports 895 Migrant Deaths in 2022." The Verge. 20 Mar. 2024. www.theverge.com/2024/3/20/24106098/cbp-migrant-deaths-border-surveillance.

Customs and Border Protection (CBP) just released updated data on migrant deaths at the US-Mexico border, and the results are staggering. **At least 895 people died at the border during the 2022 fiscal year — a 57 percent increase from the previous fiscal year. This grim statistic makes 2022 the deadliest year on record for migrants attempting to come to the US, and it's possible that the figure is an undercount.** For years, CBP has blamed the persistent rise in deaths on three factors: the summer heat, the ruggedness of the desert terrain, and the cruelty of smugglers who leave migrants to die there. Climate change has indeed made summers hotter and drier, which means migrants who spend days or weeks trekking through remote stretches of the desert are more likely to become dehydrated and, if out in the sun for long enough, to succumb to exposure. But rising temperatures don't explain why migrants are crossing through such perilous parts of the borderlands in the first place, often dying in the process. **The real culprit is the vast surveillance apparatus that funnels migrants — including people seeking asylum — into what CBP itself calls "hostile terrain."**

Policies that make it harder to cross the border don't actually stop migrants from crossing the border

Rodriguez 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.

Despite years of policies making it harder to cross the border, migration has not halted. "You can't deter people running for their lives," says Budd. "If they can no longer drive through, they will jump over, tunnel in, or backpack it across. It's a matter of life and death." "I think **we've overestimated how effective deterrence can be at managing migrant flows given the factors that push migrants in the first place,**" says Theresa Cardinal Brown, a former DHS official and the Bipartisan Policy Center's managing director of immigration and cross-border policy. The result, she says, is a "race to the bottom to make it so it's worse to migrate across the border than it is to stay where you are."

Hard-line immigration policies have increased, and migration has decreased, but migration deaths are higher than ever

Isacson, Adam. "Fewer Migrants, Greater Danger: The Impact of 2024'S Crackdowns." WOLA. 30 Aug. 2024, www.wola.org/analysis/fewer-migrants-greater-effect-2024s-migration-crackdowns/.

Migration to the U.S.-Mexico border has plummeted in 2024: this summer has seen some of the fewest migrant arrivals in four years. While this might suggest that migration is now "under control," a closer look at the data reveals a stark humanitarian cost as enforcement policies grow more aggressive in the United States, Mexico, and further south. The numbers show that more migrants and asylum seekers are being denied protection, often bottlenecked along the route and preyed upon by criminal groups, while deaths on U.S. soil increase. The numbers contradict the narratives of hard-liners, like the state government of Texas, who insist that harsh crackdowns on protection-seeking migrants are effective. And they offer no evidence that the present migration decline will be long-lasting. Instead, ten years of repeated crackdowns have failed to limit migration for more than a matter of months, and the current push is unlikely to yield a different outcome. There are a few reasons for this: **At a time of historically high global migration, the underfunded, overloaded, unreformed U.S. asylum system has become the only choice for many fleeing their countries, as antiquated U.S. immigration laws leave almost no legal migration pathways.** The causes of high migration levels—government repression, threats from organized crime, generalized criminal violence, poverty, the climate crisis, gender-based violence, discrimination, and failure to integrate migrants elsewhere in the region—remain robust. Factors that facilitate the journey, like corruption and states' abdication of territory to criminal groups that engage in smuggling, have barely changed.

CBP has a long history of racism, and current CBP agents uphold this racism

Huddleston, Kate. "Addressing Racialized Violence against Migrants Requires a Complete Overhaul of Customs and Border Protection." American Civil Liberties Union. 24 Sept. 2021.

www.aclu.org/news/immigrants-rights/addressing-racialized-violence-against-migrants-requires-a-complete-overhaul-of-customs-and-border-protection.

The latest violent imagery to emerge from Border Patrol's actions at the U.S.-Mexico border warrants not only outrage and immediate action, but also deep reforms to an entrenched culture of abuse at Customs and Border Protection (CBP), the federal law enforcement agency that includes the sub-agency Border Patrol. One video from Del Rio, Texas shows a Border Patrol officer telling a Haitian migrant, "This is why your country's shit, because you use your women for this!" This abhorrent comment is not an aberration: CBP has long had a pervasive culture of cruelty and dehumanization of migrants that includes this kind of — often anti-immigrant and racist — verbal abuse. The Biden administration must ensure CBP personnel treat people with dignity and humanity. Narrow investigations and hollow assurances are not an adequate response to Border Patrol's horrifying treatment and verbal abuse of Haitian migrants in Del Rio, Texas. President Biden must immediately prioritize a systemic overhaul of CBP, including fundamental reforms of its use of force policies, hiring and disciplinary practices, and complaint mechanism. In light of Border Patrol's long-standing failures, President Biden should oppose any move to reward the agency with increased funding. And Congress, for its part, should also be shrinking the agency's budget, not contemplating any increase. Every day, CBP carries out U.S. border policy and interacts with migrants through the filter of an agency culture steeped in cruelty, xenophobia and racism, violent inhumanity, and impunity. On rare occasions, the agency's abusive actions are caught on camera. But images of CBP tear gassing families, surveillance video of a child dying on the floor of a Border Patrol facility, or horse-mounted agents menacing migrants captured on camera tell only a small part of the long history of the agency's violent actions, and the lack of accountability with which they have been met.

The algorithms in surveillance technologies are often wrong and quick to make harmful generalizations

Greenfield, Carlyn. "As Governments Build Advanced Surveillance Systems to Push Borders Out, Will Travel and Migration Become Unequal for Some Groups?" Migration Policy. 10 Mar. 2020.

www.migrationpolicy.org/article/governments-build-advanced-surveillance-systems.

A person's data are put into databases and then categorized. Data points are used to evidence certain traits, such as a medical record to signify good (or bad) health and a university diploma to signify level of education. Poor financial records, for example, could be taken as evidence of irresponsibility or inability to keep a job. Depending on the amount of data accessible or requested, it could also include social media posts online and travel history. The data double is meant to create the most thorough profile of a traveler or migrant. This profile is processed through algorithms to assign risk levels and predetermine the aims of the traveler or migrant. However, since algorithms are created by people, they carry the biases of the original creator, rendering the process imperfect. The meanings assigned to specific data points, such as the significance of previous visa rejections, is decided by the creators. In addition, as the machine learns from itself, patterns related to categorization become more fixed, further stratifying travelers. For instance, according to U.S. officials, the addition of Nigeria to the list of countries facing heightened travel restrictions in January 2020 was said to be due to a heightened risk environment in Nigeria and the number of Nigerian visa overstays. The U.S. Department of Homeland Security (DHS) explicitly noted the use of an assessment model to rank countries' performance against their criteria on information sharing, identity-management systems, and public-safety risks. It is not publicly known whether this assessment model includes machine learning or algorithms, but it seems likely that they would be in use. In such a scenario, if several Nigerians committed a terrorist act in the United States, it likely would raise barriers for Nigerian would-be immigrants as the machine would input a higher level of risk for Nigerians. Moreover, others with similar profiles to the terrorists, such as men of a similar age, from a similar area, or with a similar background could also find themselves moved into higher-risk categories.

The surveillance technologies at the border contribute to a growing “spy network”

EFF. “EFF Zine on Surveillance Tech at the Southern Border Shines Light on Ever-Growing Spy Network.” Electronic Frontier Foundation. 6 May 2024. www.eff.org/press/releases/eff-zine-surveillance-tech-southern-border-shines-light-ever-growing-spy-network.

Sensor towers controlled by AI, drones launched from truck-bed catapults, vehicle-tracking devices disguised as traffic cones—all are part of an arsenal of technologies that comprise the expanding U.S surveillance strategy along the U.S.-Mexico border, revealed in a new EFF zine for advocates, journalists, academics, researchers, humanitarian aid workers, and borderland residents. Formally released today and available for download online in English and Spanish, “Surveillance Technology at the U.S.-Mexico Border” is a 36-page comprehensive guide to identifying **the growing system of surveillance towers, aerial systems, and roadside camera networks deployed by U.S.-law enforcement agencies along the Southern border, allowing for the real-time tracking of people and vehicles. The devices and towers—some hidden, camouflaged, or moveable—can be found in heavily populated urban areas, small towns, fields, farmland, highways, dirt roads, and deserts in California, Arizona, New Mexico, and Texas.** The zine grew out of work by EFF’s border surveillance team, which involved meetings with immigrant rights groups and journalists, research into government procurement documents, and trips to the border. The team located, studied, and documented spy tech deployed and monitored by the Department of Homeland Security (DHS), Customs and Border Protection (CBP), Immigration and Customs Enforcement (ICE), National Guard, and Drug Enforcement Administration (DEA), often working in collaboration with local law enforcement agencies.

There is precedence for border security/surveillance technology expanding into other areas of American life

EPIC. "Traveler Screening and Border Surveillance." Electronic Privacy Information Center. Last accessed 8 Sep 2024. epic.org/issues/surveillance-oversight/border-surveillance/.

Under current 4th Amendment law there are lower privacy protections at the border compared to the interior of the US. Travelers may be searched without warrants and forced into screening databases. The border extends far further than most people realize, Customs and Border Patrol is authorized to operate within 100 miles of the border, giving the agency effective jurisdiction over 2/3 of America's population. Most major surveillance technologies were first tested at the border. The Department of Homeland Security piloted its facial recognitions programs at Southern border crossings before expanding the technology to airports across the US. Drone surveillance has been used along the border for years, and is increasingly present in American cities. Both DHS and the National Guard flew drones over Black Lives Matter protests in 2020. Metal detectors and body scanners were first used in airports but are now a feature of many government buildings and events across the country. When a surveillance technology is used at the border, it's usually only a matter of time before that tech is deployed more widely. Border authorities subject travelers and especially immigrants to surveillance that would be considered unacceptable in any other context. Long wait times, invasive screening, and detention centers all serve to distinguish migrants from citizens, who are subjected to less intense border crossing procedures. Surveillance plays a key role in managing the immigration process. While all travelers are subjected to excessive surveillance, those with the lowest status experience the most invasive procedures.