

POLICY DEBATE: Synopsis of the Problem Areas for 2018-2019

From the National Federation of State High School Associations (NFHS)

Coaches and students, you're invited to discuss these topics in-depth before casting your vote online by October 15. See page 26 for details!

I

PROBLEM AREA I: PRESIDENTIAL AUTHORITY

Resolved: The United States federal government should substantially reduce the authority of the President of the United States in one or more of the following areas: weapons of mass destruction, immigration, indefinite detention.

The debate over separation of powers is essential to our democratic republic. This topic is aimed at fundamental questions such as: Is an imperfect decision made quickly better than a good decision made slowly? How much power should one individual have? Are there enough checks and balances on the most powerful office in the world? While President Trump intensifies such questions, these debates have been relevant to the United States for decades and will continue well after the current President leaves office.

On the affirmative, debaters will find a plethora of cases under the specified areas: weapons of mass destruction, immigration, and indefinite detention. Cases such as “no first use” (WMD), overturning controversial executive orders (from any President) changing the number of refugees the U.S. takes in each year (immigration), arresting Americans without trial, and the closing of controversial detention centers (indefinite detention) are just the beginning of affirmative choices.

On the negative, debaters will find a variety of valid positions defending the importance of presidential authority. Specific disadvantages are nuclear deterrence, proliferation, or terrorism. Structural disadvantages of presidential authority include presidential leadership and presidential powers. Counterplans will allow debaters to really focus

on separation of powers—allowing teams to insist courts are better equipped to restrict presidential authority, or alternatively that authority should remain with the President through an executive counterplan or defense of the status quo.

II

PROBLEM AREA II: POVERTY

Resolved: The United States federal government should substantially increase funding and/or eligibility for one or the more of the following: Temporary Assistance to Needy Families, Supplemental Nutrition Assistance Program, Medicaid enrollment, Housing Choice Vouchers Program.

Poverty in the United States is a seemingly intractable problem. The issues surrounding federal anti-poverty programs range from policy details, to outlines of how they operate, to whether the programs should exist at all. This topic addresses the federal government's programs to assist persons in poverty and asks how (or if) they can or should be improved. The combination of macro-level approaches, specific policies, and critical approaches provides for a wide variety of arguments. Students will gain a better understanding of poverty, specific anti-poverty and federal policies, and philosophical approaches to addressing poverty. The topic also intersects with other prominent policy areas including housing, healthcare, and hunger.

Affirmative cases can focus on increasing availability of affordable housing using the Housing Choice Vouchers, increasing access to healthcare for low

income populations, extending anti-poverty programs to persons currently excluded by immigration status, assisting domestic violence survivors, improving welfare-to-work programs, increasing nutrition programs to decrease hunger, ending time limits for receiving benefits, increasing funding for anti-poverty programs as economic stimulus, and various other limitations on eligibility for federal programs. Negative positions include: states counterplan, counterplans for other means of addressing poverty such as increasing minimum wage or guaranteed income, spending disadvantage, federalism disadvantage, welfare dependency, capitalism critique, biopower/ social control critique, antiblackness critique, counterplan to end welfare, private philanthropy counterplan, and block grant counterplan.

III

PROBLEM AREA III: IMMIGRATION

Resolved: The United States federal government should substantially reduce its restrictions on legal immigration to the United States.

According to the Pew Research Center, 70% of voters listed immigration as “very important” to their decision in the 2016 election—more than social security, education, and environment. With extensive news coverage on immigration, even novice students have a basic working knowledge of immigration, making the experience of learning Policy Debate more interesting. Advanced debaters can employ nuanced and specific critical and policy arguments. Immigration reform offers a rare example of federal policy where the key questions do not often involve spending money. Instead, the debate will focus on matters of social justice and fairness. Defenders of immigration reform argue America is a nation of immigrants, and a progressive immigration policy will strengthen the economy, as well as enrich our culture. Affirmative cases might focus on particular categories of visas—their criteria and numerical limits; they might focus on different populations, or areas of the world; they might examine types of skills under-represented in the United States. Opponents have voiced the concern

that immigrants take jobs from Americans and might pose a threat to public safety. Examples of possible affirmative cases are: comprehensive immigration reform, amnesty for immigrants already living in the United States, reversing restrictive state laws, changes to visa/quota requirements, the DREAM Act, and increasing work permits for immigrants with special skills in medicine or engineering, among others. Negative positions could focus on the economic and employment harms of increased immigration, increased risk of a terrorist attack, disruption of federalism, and the political implications of immigration reform.

IV

PROBLEM AREA IV: FOOD SECURITY

Resolved: The United States federal government should substantially increase its regulation of one or more of the following in the United States: genetically modified foods, biofuels, pesticides, concentrated animal feeding operations, crop insurance.

Population growth and climate change are major stressors of world stability. Nowhere do these factors intersect more than in agricultural production. As the largest exporter of food, changes to U.S. policy have massive ripple effects across international markets. Current U.S. policy promotes controversial agricultural practices affecting food security of the entire world. Affirmative teams will choose from five unique areas affecting food quality and security. Genetically modifying foods increases yields, but may have massive ecological and health consequences, including the die-off of bees. The biofuel industry has been hailed as a solution to climate change and oil dependency, but each acre subsidized trades off with food production. Pesticides are becoming increasingly unregulated in order to increase yields, but likely cause disease. This amounts to systemic violence by continuous poisoning of those without economic means to move. Confined animal feed operations maximize meat production at the expense of animal rights. The confined nature of the factory farm creates

massive soil and air pollutants as well as conditions for zoological pathogens to evolve and spread. The federal crop insurance program protects our nation's food producers, but encourages risky farming practices that produce negative environmental consequences. With a cost of \$3.34 for every \$1 paid in claims, this program amounts to one of our worst annual welfare handouts. Negative teams will have access to a depth of offensive case debate, traditional core arguments, as well as unique arguments relating to international trade, competitiveness, and price spikes. Critical teams will be able to access environmental arguments (ecology, managerialism, and anthropocentrism) and our country's history with agriculture ensures strong links to actor K's (Wilderson, settler colonialism, neoliberalism) among others. Also, the state-specific nature of agriculture invites examination of state counterplans, in comparison to the federal government as the actor.

Because so few Americans understand how the Supreme Court operates, now is a perfect time for our students to debate the Supreme Court. Affirmatives allow students to explore the justification for overturning contemporary controversial precedents. Affirmatives will confront important topics like the Court's power to overturn agency regulations (Chevron); the rights of enemy combatants and limits on indefinite detention in the war on terror (Hamdi); the right of the government to seize land for commercial development (Kelo); campaign finance and corporate personhood (Citizens United); and/or the invalidation of the Voting Rights Act (Shelby County). These cases involve contemporary social issues about which people seem to be passionate despite not understanding the legal and Constitutional underpinnings. The legal literature offers thorough defenses of either maintaining or overturning these precedents, which makes for good debates with a robust division of ground.

Core negative strategies would allow teams to explore various alternatives to Supreme Court action like Congressional clarification, Constitutional Amendment, or lower courts counterplans. Topic-specific disadvantages would focus on threats to stare decisis by overturning precedent or the dangers of creating an overly activist or conservative court. Critical teams can question normative legal processes and/or the elitist nature of the court.

V

PROBLEM AREA V: SUPREME COURT

Resolved: The Supreme Court of the United States should overrule one of the following decisions:

- *Chevron U.S.A., Inc. v. Natural Resources Defense Council, Inc.*, 467 U.S. 837 (1984)
- *Hamdi v. Rumsfeld* 542 U.S. 507 (2004)
- *Kelo v. City of New London* 545 U.S. 469 (2005)
- *Citizens United v. Federal Election Commission* 558 U.S. 310 (2010)
- *Shelby County v. Holder* 570 U.S. 2 (2013).

From its first decision in 1793 to the most recent decision, the Supreme Court of the United States has had a profound impact on the Constitution. Supreme Court precedents are one of the most enduring and powerful forms of government action. Jonathan Bailey argues, "Those in the legal field treat Supreme Court decisions with a near-religious reverence. They are relatively rare decisions passed down from on high that change the rules for everyone all across the country. They can bring clarity, major changes, and new opportunities" (Bailey). At the same time, many activists question whether the judiciary represents a hollow hope.

Vote Online!

Students and one chapter advisor per school may vote online until **October 15 at 4:00 p.m. CT**. To access the link, visit www.speechanddebate.org/topics and follow the online ballot instructions. The two most preferred topic areas will be placed on a second online ballot in November.

NOTE: The National Federation of State High School Associations (NFHS) handles selection of the annual Policy Debate topic where each state organization, the National Speech & Debate Association, the National Catholic Forensic League, and the National Debate Coaches Association all have voting privileges.